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S. HRG. 111–362

NOMINATIONS BEFORE THE SENATE ARMED SERVICES COMMITTEE, FIRST SESSION, 111TH CONGRESS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

WILLIAM J. LYNN; ROBERT F. HALE; MICHÈLE FLOURNOY; JEH CHARLES JOHNSON; DR. ASHTON B. CARTER; DR. JAMES N. MILLER, JR.; AMBASSADOR ALEXANDER R. VERSHBOW; RAYMOND E. MABUS, JR.; ROBERT O. WORK; ELIZABETH L. KING; DONALD M. REMY; DR. MICHAEL NACHT; WALLACE C. GREGSON; JO-ELLEN DARCY; DR. INÈS R. TRIAY; ANDREW C. WEBER; DR. PAUL N. STOCKTON; THOMAS R. LAMONT; CHARLES A. BLANCHARD; ADM JAMES G. STAVRIDIS, USN; LT. GEN. DOUGLAS M. FRASER, USAF; LTG STANLEY A. McCHRYSTAL, USA; GORDON S. HEDDELL; DR. J. MICHAEL GILMORE; ZACHARY J. LEMNIOS; LT. GEN. DENNIS M. McCARTHY, USMC (RET.); DR. JAMES M. MORIN; DANIEL G. GINSBERG; GEN. JAMES E. CARTWRIGHT, USMC; ADM ROBERT F. WILLARD, USN; HON. JOHN M. McHUGH; DR. JOSEPH W. WESTPHAL; JUAN M. GARCIA III; ADM MICHAEL G. MULLEN, USN; CHRISTINE H. FOX; FRANK KENDALL III; GLADYS COMMONS; TERRY A. YONKERS; DR. CLIFFORD L. STANLEY; ERIN C. CONATON; LAWRENCE G. ROMO; DOUGLAS B. WILSON; DR. MALCOLM ROSS O'NEILL; MARY SALLY MATIELLA; PAUL LUIS OOSTBURG SANZ; JACKALYNE PFANNENSTIEL; AND DR. DONALD L. COOK

JANUARY 15; MARCH 26; APRIL 28; MAY 12; JUNE 2, 11; JULY 9, 30; SEPTEMBER 15; OCTOBER 22; NOVEMBER 19; DECEMBER 17, 2009

Printed for the use of the Committee on Armed Services

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THURSDAY, JANUARY 15, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:36 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Akaka, E. Benjamin Nelson, Webb, McCaskill, McCain, Inhofe, Chambliss, Graham, Thune, and Wicker.

Other Senators present: Senators Hagan, Begich, Menendez, and Udall.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Gabriella Eisen, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Michael J. Kuiken, professional staff member; Peter K. Levine, general counsel; William G.P. Monahan, counsel; John H. Quirk V, professional staff member; Arun A. Seraphin, professional staff member; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; William M. Caniano, professional staff member; Richard H. Fontaine, Jr., deputy Republican staff director; David M. Morriss, minority counsel; Lucian L. Niemeyer, professional staff member; Diana G. Tabler, professional staff member; Richard F. Walsh, minority counsel; and Dana W. White, professional staff member.

Staff assistants present: Kevin A. Cronin, Jessica L. Kingston, and Christine G. Lang.

Committee members' assistants present: Bethany Bassett and Jay Maroney, assistants to Senator Kennedy; James Tuite, assistant to Senator Byrd; Elizabeth King, assistant to Senator Reed; Bonnie Berge, assistant to Senator Akaka; Christopher Caple, assistant to Senator Bill Nelson; Christiana Gallagher, assistant to Senator Ben Nelson; Jon Davey, assistant to Senator Bayh; Jennifer Park and Gordon I. Peterson, assistants to Senator Webb; Stephen C. Hedger and Elizabeth McDermott, assistants to Senator McCaskill; Anthony J. Lazarski and Nathan Reese, assistants to Senator Inhofe; Clyde A. Taylor IV, assistant to Senator Chambliss; Adam G. Brake, assistant to Senator Graham; Jason Van Beek, assistant to Senator Thune; Brian W. Walsh, assistant to Senator Martinez; and Erskine W. Wells III, assistant to Senator Wicker.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

The committee meets today to consider the nominations of Bill Lynn to be Deputy Secretary of Defense; Robert Hale to be Under Secretary of Defense (Comptroller); Michèle Flournoy to be Under Secretary of Defense for Policy; and Jeh Charles Johnson to be General Counsel of the Department of Defense (DOD).

This is the first meeting of the 111th Congress, so I want to begin by welcoming back all of our members, starting with our ranking member—although he's not here at the moment, he can't be here until a little later in the hearing. We all know that Senator McCain had hoped to be serving in a somewhat different position, but we're delighted to have him back, and we welcome the huge contribution that he has made, and will continue to make, to this committee, to Congress, and to the Nation.

I also want to extend a special welcome to our new members: Senator Hagan, who is here, Senator Begich who is here—I did not see Senator Udall, he's not here yet. They—although technically not members yet of the committee—are going to be members both technically and in reality, in a few days. So we've invited them to join us at today's hearing and they'll be free to ask questions if they'd like, later on. We're delighted to have you both here.

The Senate Armed Services Committee has, I think, and our new members particularly will find out, a real determination to act on a bipartisan basis. We are a committee that historically has acted that way, it's been our hallmark. It's been something we've been very proud of, it's something we protect.

The commitment to national defense is not a partisan commitment on the part of any Member of Congress, and it is surely something which we feel very strongly about, this common commitment to the security of our Nation, and to the men and women in uniform who put themselves in harm's way for our good.

We look forward to working with you. I know every member of the committee feels that way, regardless of party affiliation. This year our committee is in a unique position because we have a new administration, but we do not have a new nominee for Secretary of Defense.

We asked Secretary Gates to return to the committee on January 27, to provide us with his views, and the views of the incoming ad-

ministration on challenges facing DOD. That hearing is going to give us the opportunity to ask many of the questions that we might have asked a new nominee.

Today we're going to hear from nominees for four of the most senior positions at DOD who serve directly under the Secretary. We welcome our nominees and their families to today's hearing. We will tell our nominees' families something that many of them already know from previous experience. That is that senior DOD officials put in long hours, and they make sacrifices for the Nation's good, and their families make sacrifices, as well, to make it possible for the officials to serve our country, and to take out the kind of time that is necessary from their lives, and that will also come from your lives.

So we thank the families for their service, as well as our nominees for their willingness to serve our Nation. We'll ask the nominees to introduce their families as we call upon them later, for their opening statements.

Each of our nominees has a distinguished career of public service, and a strong commitment to the Nation's defense. They are exceptionally well-qualified, and the committee looks forward to working with them, and hopefully a swift confirmation.

Mr. Lynn served in DOD from 1993 to 2001, first as Director of Program Analysis and Evaluation (PA&E) and then as DOD Comptroller.

Mr. Hale served in the Department as Air Force Comptroller from 1994 to 2001. Before that, he spent 12 years as the head of the Defense Unit of the Congressional Budget Office (CBO).

Ms. Flournoy served as Principal Deputy Assistant Secretary of Defense for Strategy in the 1990s, and helped prepare the 2001 Quadrennial Defense Review (QDR).

Mr. Johnson has served as General Counsel of the Air Force from 1998 to 2001.

Mr. Lynn also gained, we think, his most important experience before he went to the Pentagon, and that is when he spent 6 years working with this committee as Senator Kennedy's military legislative assistant. We look forward to having Senator Kennedy back with us, he is looking very good, and sounding good. We look forward to his coming back.

But in the meantime, Bill, we want to make reference to the fact that you cut some of your teeth here, with this committee, and that will serve you in good stead, we believe, in your new position.

If confirmed, our nominees will resume substantial responsibility for leading DOD at a critical time. Almost 200,000 U.S. soldiers, sailors, airmen, and marines are deployed far from home. As we meet here, they're in Iraq and Afghanistan and Kuwait and other theaters around the world.

After more than 7 years of war, our military—particularly our ground forces—are stressed. Many of our troops have been worn out, their families have been faced—as they have—with repeated deployments. Our equipment is being used up.

At the same time, DOD spends hundreds of billions of dollars every year on the acquisition of products and services. The Government Accountability Office (GAO) reported last year that cost overruns on the Department's 95 largest acquisition programs now

total almost $300 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs to reduce costs.

At a time when the Federal budget is under extraordinary strain, as a result of the economic crisis we face, we cannot afford this kind of continued inefficiency.

Our Nation faces a host of challenges at home and abroad. Our witnesses today are going to help the Department and this country face those challenges. I'm confident that our nominees—working with the President-elect, Secretary Gates, others in the incoming administration, and with this committee—will do everything in their power to ensure that our Nation meets the challenges that face us. We look forward to hearing their views.

As I indicated, Senator McCain has informed us that he will be here later in the morning, and we will then give him an opportunity to make an opening statement. But in his absence we will call upon Senator Inhofe to make whatever statement that he might wish to make before we call upon those that are going to be introducing our nominees.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

First of all, I am sitting in for Senator McCain until he arrives, and he has a statement I'd like to enter into the record at this point.

Chairman LEVIN. It will be made part of the record.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT BY SENATOR JOHN MCCAIN

Thank you, Senator Levin.

I join you in welcoming our nominees. I thank them for their willingness to serve in the new administration, and I look forward to working with Secretary Gates and the new members of his leadership team on the numerous challenges facing the Department of Defense (DOD).

Mr. Lynn, Ms. Flournoy, Mr. Hale, and Mr. Johnson have each previously served in important positions in the Department. I appreciate their previous contributions, and I particularly want to acknowledge the support provided by their spouses and family members, several of whom are in attendance today, and thank them as well.

If confirmed for your new positions, you will be responsible for the achievement of vital national security objectives. I'd like to underscore some of these objectives.

IRAQ

We must continue our success in Iraq. Supporting our military leaders as they implement the U.S.-Iraq Status of Forces Agreement needs to be among our highest priorities—even as we turn our attention increasingly to the war in Afghanistan. Ensuring the final defeat of al Qaeda in Iraq, continuing to improve security for the Iraqi people in cooperation with the Iraqi Army and police, and supporting conditions that will guarantee the success of Iraq's fragile democracy are essential.

As we draw down forces in Iraq, we must not create opportunities for al Qaeda and sectarian extremists to re-emerge. I was pleased to read reports yesterday of Senator Biden's pledge that the incoming administration will not withdraw troops in a manner that will threaten Iraqi security.

AFGHANISTAN

Afghanistan poses a central challenge to the United States and our allies. I believe we need a comprehensive civil-military plan, backed by the troops and resources necessary to implement it, in order to prevail in Afghanistan. Our strategy and tactics must be reviewed and modified to respond to the growing threat posed by the Taliban. A holding action in that troubled nation has not succeeded and will not succeed. I believe our allies in NATO can be persuaded to increase their con-

tributions, and I intend to do all I can to achieve this goal. I look forward to hearing the witnesses' plans in this regard.

GUANTANAMO BAY

The President-elect has clearly stated his intent to direct the closure of the detention camp at Guantanamo Bay. I agree wholeheartedly with this decision, but recognize that carrying it out will raise difficult questions about the transfer of the detainees and the procedures that will be used to determine their status and culpability. I look forward to working with the administration as they address these issues, and I would invite the nominees to comment on the way forward.

ACQUISITION REFORM

I continue to believe that acquisition reform at DOD is critical. Especially in these turbulent economic times, America cannot afford the costly weapons procurement failures and mismanagement of the past. We must have personnel, procedures, and systems in place which ensure decisionmaking that is responsive to our national security imperatives in a fiscally responsible manner. While we have made some progress in reforming the system over the last few years, we need to do much more. To this end, I call for a comprehensive audit of the DOD budget aimed at identifying the unnecessary, wasteful programs and procurements that should be terminated or suspended immediately; changes to the Nunn-McCurdy law designed to reinforce the process by which cost estimates are independently assessed and to strengthen congressional oversight over chronically poor performing weapons programs; and the establishment and adequate resourcing of an Office of Independent Assessment to provide the Department and Congress independent assessments of cost, technological maturity, and performance.

EARMARKS

Fully consistent with acquisition reform, we must continue to demand complete elimination of earmarks, and transparency into congressionally-directed changes. I am pleased at the comments of the President-elect in this regard.

READINESS AND PERSONNEL

Continued support for the men and women of the Armed Forces and their families remains my highest priority. Every effort must be made to recognize and respond to the sacrifices of the families of our deployed servicemembers, and we must continue to find ways to help our heroic wounded warriors recover and move on to new challenges in service and in life. The Army and Marine Corps need more Active-Duty personnel, and, despite budgetary pressures, I expect the new administration to support this critical requirement.

I am also concerned about the ability of our combat units to be trained and ready for the next fight. Army leadership testified last year about the deteriorating condition of our current unit readiness, which has affected the strategic depth of our combat units to be able to respond to threats against U.S. national security interests in areas other than Iraq and Afghanistan. The Navy and Air Force also have expressed concerns about reduced current unit readiness rates due to aging and worn out equipment and systems. Congress has provided over $25 billion in the past 3 years towards the reset of equipment and material for Active and Guard forces returning from deployments. Even with these resources, we still are faced with a serious strategic risk.

Again, I appreciate our nominees' service, and, Senator Levin, I thank you for your many courtesies over the years, and I look forward to working together with you and all the members of the committee as we begin the 111th Congress.

Senator INHOFE. Also, I've had a chance to get to know—not as well as I hope to later on—our new members, Kay Hagan and Mark Udall.

Mark, you have baggage. One of the things we always do when we have new members coming on the committee, you read about them, and I'm very pleased that you made the decision to get on this committee. All three of you are going to be great additions. I look forward to working with you.

I see my friend, Ike Skelton, here. I worked under his leadership for many years. We were on the House Armed Services Committee

and I'm glad you're here to lend your support as I am doing at this time.

Let me just make one comment, and that is that most of you—all of you, I guess—had experience back when things were really different, back in the 1990s. Sometimes I look back, somewhat wistfully, at the days of the Cold War. Things were predictable then. We had an enemy out there, we knew who the enemy was, we knew how the enemy thought.

Now everything is asymmetrical, we have threats that are totally different than the threats that existed in the 1990s. I know that you all have been keeping up with that.

I had a very good conversation between flights, a few days ago, with President-elect Obama. He called—I was actually in Memphis, between flights, and we had a chance to talk. I was complimentary of him on what he's done with the defense and other appointments and nominations, and the fact that Secretary Gates is going to be staying on. General Jim Jones, I just think that was a great idea to do that. Of course, Eric Shinseki—we've all served with him, and think so much of him.

You folks will be working with these people, and I'm looking forward to supporting you. I'm looking forward to working with you. As we get into the problems that are there, I think we'll have debate from time to time, disagreement, right up here around this table. But we all respect each other, we all want one ultimate goal, and that is to defend this country and everybody in it.

With that, I'll turn it back to you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator Inhofe. We're delighted today to have with us colleagues to introduce our nominees. The first colleague who I'll call on is a member of the committee, and an incredibly valuable member of the committee and the Senate.

Senator Reed, do you want to make your introduction first? Then I think we'll call upon Representative Skelton, and then Senator Menendez in terms of your schedule, if that's all right. We'll call upon you third in terms of the order of the witnesses will be appearing. But also to accommodate Representative Skelton who I know has to get back to the House.

Senator Reed.

STATEMENT OF HON. JACK REED, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator REED. Thank you very much, Mr. Chairman. It's an honor to be here today. I'm particularly pleased with the appointments that the President-elect has made, beginning with Secretary Gates. The gentlemen and the lady that are here today, are representative of the superb quality, patriotism, and commitment that has been evidenced by all of the appointments, to date, at DOD.

I want to join Chairman Skelton in recognizing Michèle Flournoy. We've had an opportunity over many years to work together, she is superbly prepared for this job, and someone that I admire immensely.

But my great task, and indeed a great honor, is to introduce Bill Lynn. As you've indicated, Mr. Chairman, Bill has a superb career, embracing service here, on Senator Kennedy's staff, as a military

legislative assistant. Service in the Pentagon, in the Program Analysis and Evaluation Office, as the Director, and as Comptroller. I don't think anyone knows more about the intricacies of the budget and the institutional culture of the Pentagon than Bill Lynn. He certainly knows a bit about Congress.

He also is someone who, over the last several years, has been a significant participant with Raytheon Company, and their major operations with respect to supporting DOD. Bill combines the three pillars, I think, of someone who has to be successful in this job as Deputy Secretary—knowledge of Congress, intricate knowledge of the Pentagon, and knowledge of the contractors who support the operations at the Pentagon.

He is, besides being experienced, a man of great character and integrity. Bill graduated from Dartmouth College, with a law degree from Cornell Law School, and a Masters in Public Affairs from the Woodrow Wilson School. He is a superb choice.

Today, he is joined by his wife, Mary Murphy. Their young daughter, Catherine, is at home—supposedly watching on TV. I—from practical experience—suggest it's probably not C–SPAN, it's Sprout. But, nevertheless, they have shouldered the challenge, not only of service to the Nation, but parenthood, and I commend them for both.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator Reed.

We will make part of the record a statement of Senator Kennedy, welcoming Bill Lynn here. We will put that statement in the record in the same place, right next to the introduction by Senator Reed.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT BY SENATOR EDWARD M. KENNEDY

It's an honor to join in welcoming Bill back to the Senate Armed Services Committee, and I look forward to his confirmation. The Department of Defense and the Nation will benefit from Bill's extraordinary level of experience, expertise, and integrity on matters of vital importance to our Armed Forces and our national security at this critical time in our history. The brave men and women of our Nation's armed services and their families will have a devoted servant and outstanding advocate in Bill.

I've known Bill for many years. He did an outstanding job as my legislative assistant on committee issues from 1987 to 1993. Since then, he has excelled in a number of challenging and demanding positions in both the public and private sectors and his knowledge, background and command of Defense Department policy, procedure, and budget are broad and deep.

From 1993 to 1997, Bill served as Director of Programs Analysis and Evaluation in the Office of the Secretary of Defense, steering and overseeing all aspects of the Department's strategic planning process and going on to become Comptroller of the Department in charge of the budget and fiscal planning. He then furthered his experience with comprehensive departmental budget and fiscal planning and assumed the position of Under Secretary of Defense (Comptroller).

In the private sector, Bill's leadership has contributed to the continued strength of America's vital defense and homeland security capabilities during an unprecedented period of challenge and crisis.

This compelling array of defense skills across government, industry, and the national security community and commitment, will greatly benefit the Obama administration, and I strongly support his nomination.

Chairman LEVIN. Ike Skelton, our dear friend, chairman of the House Armed Services Committee, it's one of the great pleasures of being chairman of this committee, is the opportunity to work with my counterpart over at the House.

Ike, welcome.

STATEMENT OF HON. IKE SKELTON, U.S. REPRESENTATIVE FROM THE STATE OF MISSOURI

Representative SKELTON. Thank you very much, Mr. Chairman, Senator Inhofe. It's good to be with you today, and it's a thrill to be here, especially to see my friend and colleague from Missouri, Claire McCaskill, who's distinguished herself so well back home, as well as here.

It's also interesting to note, Mr. Chairman, that there are four members from the House on the committee, if I'm correct, three former members of our committee—the House Armed Services Committee—and I know that speaks very well for their continued service for the national security.

Mr. Chairman, I couldn't be more delighted today than I am in support of the nomination of Michèle Flournoy to be the Under Secretary of Defense for Policy. She and I have spent many hours together. I could talk long about her professional qualifications and excellent personal qualities. But, in deference to your preference for brevity, I will not do so.

I've gotten in the habit, Mr. Chairman, of asking each of the Service Chiefs from time to time, whether their war colleges are producing graduates who are capable of engaging in high-level discussion of strategy with someone at the level of George C. Marshall. In truth, the question is a little bit unfair, because very few of its civilians are capable of such a discussion ourselves. We're entrusted as much—or really more so—with decisions about overall strategy.

However, the Senate has the opportunity to confirm just such an individual as Michèle Flournoy. She is nominated for exactly the job within DOD for which her remarkable skills are uniquely suited.

Michèle developed a sterling reputation during her highly decorated service in the Department during the 1990s, she served as both Deputy Assistant Secretary of Defense for Strategy, as well as the Principal Deputy Assistant Secretary of Defense for Strategy and Threat Reduction.

Among many other accomplishments, Michèle was a leading figure in the development and performance of the first two QDRs in 1997 and 2001. Her hallmark in these efforts was an insistence on rigorous analysis and reliance on hard data and modeling at a time when the use of these tools on issues of planning and strategy were poorly understood.

She continued her public service in recent years by serving on the Defense Policy Board and the Defense Science Board Task Force for Transformation. She also served as Professor at the National Defense University, where she led its QDR Working Group in 2001.

Not least among her contributions during this time was her work in educating Members of Congress—including me—and I know, also, Senator Reed, in the deep nuances of military readiness, and the best way to restore it.

In 2007, Michèle cofounded the Center for a New American Security, to provide analysis and advocacy for a strong, pragmatic, na-

tional security strategy for our country. This group has quickly become known as that rare animal—a think-tank focused on developing pragmatic solutions to difficult national security problems.

Her leadership on their Project Solarium which took the name from President Eisenhower's attempt to put together a strategy—is examining new approaches to our national security strategy has been extremely important. I know that I need not remind anyone on this committee about the pressing need we face for a pressing and balanced review of our global strategy, as well as those in Afghanistan and in Iraq.

The President-elect has chosen exactly the right person to assist him, as well as Secretary Gates, in this effort in ensuring that this Nation is focused on the challenges around the corner that we don't yet have a clear view of.

Finally, I would say that Michèle understands the significant personnel and readiness issues facing our military. She understands that the senior leaders at the Pentagon have to be more than just policy wonks, but also responsible stewards, serving the needs of the military families as well as the taxpayers of our country.

She's married to Scott Gould, a 26-year veteran of the United States Navy, thereby a military spouse herself, of many years' standing. Her ability to put policy decisions in this context will serve her, the Secretary, and our Nation, well.

Michèle's qualifications are exemplary. Her judgment, her knowledge, her character all are first-rate. Confirming her will bring credit to this committee, as well as to DOD, and Mr. Chairman, to our Nation.

I urge you to confirm as expeditiously as possible, this lady for this very high-level position. Thank you so much.

Chairman LEVIN. Thank you, Representative Skelton. We very much appreciate your coming by this morning, as I know Ms. Flournoy does.

Now, another good friend of ours, a good friend of the men and women in the military, Senator Menendez.

STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator MENENDEZ. Thank you. Thank you, Mr. Chairman—to you and all of the distinguished members of the committee. I'm honored to appear before you today to introduce Jeh Johnson on his nomination hearing to serve as the next General Counsel of DOD. I am confident that the committee—and the full Senate—will conclude that he is exceptionally well-qualified to serve in this important position with great distinction.

Jeh Johnson's distinguished legal career has included both public service as well as private practice; his private practice with a prominent New York-based law firm of Paul, Weiss, Rifkind, Wharton & Garrison, he is a graduate of Morehouse College and Columbia University Law School.

In 1989 and 1991, he was a Federal prosecutor in the Southern District of New York, where he was responsible for investigating and prosecuting cases involving public corruption. He then resumed a successful private practice in the litigation department of

Paul, Weiss, which included being elected a fellow in the prestigious American College of Trial Lawyers.

But he is not a stranger to the Defense Department. In 1998, he left private practice at Paul, Weiss to take the position of General Counsel at the Department of the Air Force. He served as Air Force General Counsel for over 2 years, and during that time, gained a solid understanding of the unique challenges and demands of being one of the top attorneys within our largest government agency. He is, without a doubt, ready now to serve as the senior legal authority at the Defense Department.

The lawyers at DOD will have to deal with some very complex and difficult issues in the months ahead. No doubt, there are other equally difficult issues than those that we see now, and those will lie over the horizon.

In remarks that he made to a conference of Air Force Judge Advocates General in 2007, Jeh Johnson said that, "In the absence of a Constitutional amendment, an act of Congress, or some new interpretation of the constitution of the laws by the courts, the rule of law does not change. It remains consistent throughout changing times." As legal advisor in DOD, your challenge is to provide consistent advice and guidance to policymakers and commanders about what the rule of law means.

I am confident that Jeh Johnson will provide just such advice and guidance to policymakers and commanders, as General Counsel to DOD, for them to be able to—not only pursue the rule of law—but meet their challenge in defending and protecting our Nation. He will do so with intellect and integrity that have been the hallmarks of his life, and I'm pleased to present such a distinguished individual from the State of New Jersey to this committee.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator Menendez.

Let me now call on our witnesses for their opening statements, and when I call on you, perhaps you would introduce those who accompany you here today.

First, Bill Lynn. Let me call on you for any opening statement you might wish to give us, and introduce your family.

STATEMENT OF WILLIAM J. LYNN III, NOMINEE TO BE DEPUTY SECRETARY OF DEFENSE

Mr. LYNN. Thank you very much, Mr. Chairman.

Chairman Levin, Senator Inhofe, and members of the committee, it's a privilege to appear before this committee. I'm particularly honored to return to the committee where I—as the chairman noted—spent so many years.

I'm also honored that President-elect Obama has nominated me for the position of Deputy Secretary of Defense. I appreciate the confidence that he and Secretary Gates have placed in me, and if confirmed, I look forward to the opportunity to serve again with the dedicated men and women of our Armed Forces, particularly those serving in combat operations, including more than 140,000 in Iraq, and more than 30,000 in Afghanistan.

Mr. Chairman, I'm particularly grateful to you, and to Senator McCain, for your exceptional efforts to act on our nominations so expeditiously. This is our first war-time transition in many years,

and reducing any gaps in civilian leadership at the Pentagon is critical.

I also want to thank Senator Reed for the kind introduction. The Senator's leadership on issues of national security is inspiring. I look forward to working with Senator Reed and all of the members of the committee on the great challenges facing us.

Let me express my gratitude to Senator Kennedy who—as the chairman noted—is unable to attend this hearing. Senator Kennedy has been a superb boss, a great mentor, and a loyal friend. His leadership and courage are unsurpassed, and I—with the chairman—look forward to seeing him, again, back here very soon.

Finally, I want to thank my wife, Mary, who's here in the audience, and my daughter, Catherine, who Senator Reed noted is not here, to avoid disruption for the committee. They're embarking on this journey with me. They don't know where it will take us, precisely, but they do know—as the chairman noted—there will be numerous sacrifices, and I greatly appreciate their support.

This committee is noted for its bipartisan commitment to national security, and for its attention to the needs of our men and women in uniform, particularly at a time we're engaged in two wars. I appreciate the decades of experience on defense matters that are resident on this committee, and I commit to continuing in supporting Secretary Gates' effort to engage Congress, and this committee in particular, in constructive and candid discussions.

I approach this confirmation hearing, and if confirmed, this position, with humility. Serving as the chief management officer of an organization as large and diverse as DOD is a task that no one is truly qualified to perform. If the Senate confirms me in this position, I have two co-equal responsibilities. On one hand, I'll work alongside the Secretary to advance our national security strategy. On the other hand, as the chief management officer, I will have primary responsibility for ensuring the smooth functioning of a vast, and sometimes unwieldy, bureaucracy.

There are serious challenges facing the Department today, and the next Deputy Secretary will have the responsibility to assist the Secretary in a myriad of critical tasks.

If confirmed for this important position, I would focus on three initial challenges. First, during a transition in a time of war, it is essential that the Department execute a smooth transition of leadership as quickly as possible. To that end, I would work with the Secretary and Congress to assemble a top-quality cadre of civilian leaders. As part of that effort, I would also place a high priority on strengthening the capabilities of the career staff who are essential to address the many near-term challenges, as well as the longer-term tasks of the Department.

A second challenge will be to conduct at least three sets of major program and budget reviews in the first few months of the new administration. These include a review of the 2009 supplemental appropriation, revisions to the draft fiscal year 2010 budget, and its timely submission to Congress, and finally, the expeditious completion of the QDR.

In the QDR, a key task will be to lay the foundation for an effective force for the 21st century that establishes the right balance among capabilities for addressing irregular and counterinsurgent

warfare, potential longer-term threats from a high-end, or a near-term competitor, and the proliferation of threats from rogue states, or terrorist organizations.

A third challenge will be to pursue an active reform agenda for the management of the Department as a whole. If confirmed, I would devote considerable time and energy to improving the Department's processes for strategic planning, program and budget development, and acquisition oversight.

At a time when we face a wide range of national security challenges and unprecedented budget pressures, acquisition reform is not an option, it is an imperative. It is time to improve all aspects of the Department's acquisition and budget processes, so that every dollar we spend at the Pentagon is used wisely and effectively to enhance our national security.

Mr. Chairman, members of the committee, thank you again for the honor of appearing before your committee, and for your efforts to schedule such a prompt hearing. I look forward to answering your questions, and if you see fit to confirm me for this position, I stand ready to serve to the best of my ability.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much. Our next nominee is Robert Hale, nominated to be Under Secretary of Defense and Chief Financial Officer.

Mr. Hale.

STATEMENT OF ROBERT F. HALE, NOMINEE TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER) AND CHIEF FINANCIAL OFFICER

Mr. HALE. Thank you Chairman Levin, Senator Inhofe, and all of the members of the committee. I want to thank the committee for having this hearing, and again, express my appreciation—joining Mr. Lynn—in thanking you for the expedited nature of it.

I'm very grateful to the confidence President-elect Obama has placed in me by indicating his intent to nominate me for this position, and then also the support of Secretary Gates. If confirmed, I'll be honored to serve as the Under Secretary of Defense (Comptroller), and the Chief Financial Officer of the Department of Defense.

I especially want to thank my family, as you said, Mr. Chairman. This is a journey that will take a considerable amount of their time, as well, or take me away from them. Particularly Susan Hale, my wife of 35 years, who's right back here.

I thank Sue in advance for putting up with all of the long hours that I know are coming. I have two grown sons, Scott and Michael, who live and work in California, and unfortunately were not able to be here at the hearing, but I certainly want to acknowledge them, they are very much important parts of my life.

Mr. Chairman, the responsibilities of the DOD Comptroller are many and varied. I served for 7 years as the Assistant Secretary of the Air Force for Financial Management and Comptroller, 12 years before that—as the chairman mentioned—as head of the National Security Division at CBO. I am well-aware of the challenges that the DOD Comptroller faces.

I also had the honor early in my career of spending a couple of years as an Active-Duty officer in the United States Navy, several more years in the drilling Reserve, so I have a sense, I think, of the culture of the brave men and women who serve in uniform.

With that as background, and if confirmed, my top priority will be to help DOD obtain the necessary resources, so that the men and women of the Department can meet our national security objectives.

As Mr. Lynn indicated, an early high priority will be an expedited review of the second portion of the fiscal year 2009 supplemental, and an expedited review of the fiscal year 2010 budget request.

I understand the importance of working with this committee, as with the appropriating committees in all of Congress, as we seek to accomplish these critical goals. At a time when we have tens of thousands of Americans serving overseas and in harm's way, we all need to work together to be sure they have the resources that they need.

The committee and Congress have also charged the DOD comptroller with the authority and responsibility for overseeing defense financial management, financial operations in the Department. We need to make continued improvements in how we pay our people, how we pay our vendors. We need to improve financial systems, and approve the way we account for funds in the Department. These latter two items are fundamental to the goal of continued progress toward auditable financial statements. This, overall, will be another high priority for me.

The Department also needs better financial information in order to spend the dollars that are appropriated to it efficiently and effectively, and I think wise spending of defense dollars is always important, but it's especially important right now, as the Nation weathers this really serious economic crisis.

I'm well aware of the daunting and longstanding challenges associated with improving financial operations and financial management in the Department, but if confirmed, I will certainly pledge my best efforts with this committee and many others, to accomplish these goals.

Another priority, Mr. Chairman, the Department must have a capable and well-trained workforce in order to accomplish defense financial management. We have the best systems in the world, we can have the best accounting practices, if we don't have the people out there that are well-trained, and in adequate numbers, it's not going to work.

I'm familiar with this workforce through my current job as the Executive Director of the American Society of Military Comptrollers, a nonprofit professional association. If confirmed, I plan to spend some time supporting DOD, the military departments, and the agencies as they seek to recruit, train, and retain the right defense financial management workforce so that we can do this job well into the 21st century.

In closing, Mr. Chairman, I'd again like to thank President-elect Obama and Secretary Gates for selecting me as the nominee for this position. If the Senate confirms me as the Under Secretary of

Defense (Comptroller), I will make every effort to live up to the confidence that you will have placed in me.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Mr. Hale.

We notice now another of our new Senators, Senator Udall, has joined us. We're delighted to have you as a Member of the Senate, and a member of this committee, welcome.

Senator UDALL. Thank you.

Chairman LEVIN. Our next nominee is Michèle Flournoy, to be Under Secretary of Defense for Policy.

Ms. Flournoy, welcome.

STATEMENT OF MICHÈLE FLOURNOY, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

Ms. FLOURNOY. Thank you, Mr. Chairman and Senator Inhofe, members of the committee, it is truly an honor to appear before you today as President-elect Obama's nominee for the Under Secretary of Defense for Policy. Serving our Nation in this capacity would be a great privilege, and I'm grateful both to President-elect Obama, and to Secretary Gates, for choosing me for this position.

I'm also very grateful to Representative Skelton for that kind introduction, and for being such a wonderful colleague and mentor to me over the years. I was very honored by his presence here today.

I also, particularly, want to thank my family for being here, my husband and partner in all things, Scott Gould, and my children, Alec, Victoria, and Aidan—they are my foundation and my joy, and I could not even contemplate public service without their steadfast love and support.

If confirmed, I look forward to working closely with this committee in shaping our Nation's defense policy. Over the years, the Senate Armed Services Committee has shown a strong, consistent—and as you said, Mr. Chairman—a bipartisan commitment to advancing our Nation's security, and to caring for the men and women in uniform. I appreciate Congress' critical role under our Constitution in providing for the common defense, and I also appreciate this committee's willingness to expedite the confirmation process, when more than 200,000 soldiers, sailors, airmen, and marines are deployed in harm's way, supporting operations in Iraq, Afghanistan, and elsewhere.

At this time of war we owe them—and we owe the American people—the smoothest transition possible between administrations.

At this moment in our history, the United States—as you all know—faces a daunting number of national security challenges, but also some very hopeful opportunities. We can, and we must, restore our Nation's global standing, and protect America, our interests, and our allies from attack.

We can, and must, craft whole of government, integrated strategies to deal more effectively to defeat threats like violent extremism, and the proliferation of weapons of mass destruction (WMD).

We can, and must, rebalance our efforts in Iraq and Afghanistan, and ultimately achieve successful outcomes in both.

We can, and must, work to reduce the strains on our forces, the brave men and women in uniform, and their families who have

rendered such extraordinary service—and tireless service—to this Nation.

We can, and must, restore the economic power that underwrites our military strength, and prepare for a very complex and uncertain future. This is a critical time for our country, the stakes are high, the resources are tight, and the need to make hard choices is pressing.

If I am confirmed by this committee, and by the Senate, as Under Secretary of Defense for Policy, I promise you that I will work diligently to help the President-elect and Secretary Gates responsibly conclude the war in Iraq, and continue the fight against al Qaeda and its associated movement. I will work closely with inter-agency partners, and international partners, to support the stabilization of Afghanistan.

Working with our colleagues at the State Department, I will engage with our allies and our partners, to advance common security interests, and help build their capacity to move forward. I will do my best to help the U.S. military adapt to the challenges of the 21st century. I will also do my best to ensure that our brave men and women in uniform have what they need to be successful in the field, and that they have the peace of mind, knowing that their families are receiving the support that they deserve.

Over the course of my career, I have been truly blessed, with remarkable opportunities to contribute to U.S. national security and defense policy, in government, and in the think-tank world.

If confirmed, I assure you that I will work very hard to ensure that DOD implements the President-elect's national security strategy in a way that is both principled and pragmatic. I pledge to listen to the best available civilian and military advice, and to offer my own best advice and counsel to the Secretary of Defense and the President-elect.

In closing, I just, again, want to thank President-elect Obama for nominating me for this position, Secretary Gates for supporting my nomination, and my family and my friends for their love and support. I am both honored and humbled to be before you today, and if the Senate chooses to confirm me in this position, I hope to fully justify your trust, and I look forward to working closely with all of you and your staff, going forward.

Thank you.

Chairman LEVIN. Thank you so much, Ms. Flournoy.

Now we have the nominee to be General Counsel of the Department of Defense, Jeh Charles Johnson.

Mr. Johnson.

STATEMENT OF JEH CHARLES JOHNSON, NOMINEE TO BE GENERAL COUNSEL, DEPARTMENT OF DEFENSE

Mr. JOHNSON. Thank you, Mr. Chairman, Senator Inhofe.

I want to thank the members of the committee and the staff for expediting the review of our nominations. I want to obviously acknowledge and thank the President-elect for designating me to be the nominee for General Counsel of DOD, and for the support of Secretary Gates. I've gotten to know him a little bit over the last several weeks, and I am as impressed as everyone else seems to be with Secretary Gates and his leadership of the Department.

Obviously, I want to thank my family. My wife, Susan, is here behind me—my wife of 15 years—my sister and brother-in-law from Alabama are here, my two children could not be here today. My son's obligations to his World Civ class overrode his desire to appear before this committee. [Laughter.]

I also want to note some friends of mine from the Air Force from when I was General Counsel of the Air Force. Retired Major General Bill Morman, former Judge Advocate General of the Air Force, is here today. I also want to note the presence of Judge Stucky from the Court of Appeals for the Armed Forces, former counsel to this committee.

I appeared here for confirmation 10 years ago, in front of Chairman Strom Thurmond. I first worked for the United States Senate in 1978 as an intern for Pat Moynihan, and so my respect for the United States Senate is enormous. If confirmed, I look forward to working with the Senate, with this committee, and I look forward to supporting the men and women in uniform who sacrifice so much.

Thank you.

Chairman LEVIN. Thank you so much, Mr. Johnson.

Now there are some standard questions which we ask of all of our nominees. I'll ask you all to answer together on these questions.

Have you adhered to applicable laws and regulations governing conflicts of interest? [All four witnesses answered in the affirmative.]

Have you assumed any duties, or undertaken any actions which would appear to presume the outcome of the confirmation process? [All four witnesses answered in the negative.]

Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings? [All four witnesses answered in the affirmative.]

Will you cooperate in providing witnesses, and brief written response to congressional requests? [All four witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings? [All four witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify, upon request, before this committee? [All four witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms and communication, in a timely manner, when requested by a duly-constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents? [All four witnesses answered in the affirmative.]

Thank you. I think we'll try an 8-minute first round. We have four witnesses, so there will likely be a second round, but in order to give everybody an opportunity to ask questions, we'll start with an 8-minute first round.

Mr. Lynn, you've made reference to the cost growth and other problems on DOD's major acquisition programs, and those problems have reached crisis proportions. Last spring, as I mentioned, GAO reported that the cost overruns on the Department's 95 larg-

est system acquisition programs now total roughly $300 billion over original program estimates, even though we have cut unit quantities and reduced performance expectations on many programs, in an effort to hold down costs.

In response to a pre-hearing question, you note that some of this cost growth is a result of "a reluctance" to balance performance demands, particularly in the early stages of programs, when decisions have a major impact on subsequent cost and schedule outcomes. The Department recently instituted an organization, which is called the "tri-chair" committee, bringing together senior officials that are responsible for acquisition, budget, and requirements, in an effort to better balance cost, schedule, and performance early in the acquisition cycle.

My question to you is, if confirmed, do you anticipate continuing that process, or a similar process, to ensure the tradeoffs between cost, schedule, and performance of a major weapons system are fully considered, before it's too late?

Mr. LYNN. Mr. Chairman, I certainly agree with the thrust of your comments, that the key to getting a handle on programs costs is to ensure that we are able to establish the requirements upfront, and adhere to those requirements, unless there is some overriding need, but not to regularly change those. It's critical to do that upfront.

I'm aware of the tri-chair process, I haven't had time to study it, but I think the direction that goes—the setting of requirements—is done at the highest level, and that any changes later in the program be also approved at the highest levels, is the right principle.

Chairman LEVIN. A year ago, Mr. Lynn, we established an Acquisition Workforce Development Fund, to ensure that the Department will have the workforce that it needs to ensure that the billions we spend on acquisition programs every year get the planning, management, and oversight they need.

Over the last 8 years, the Department's spending on acquisition programs has more than doubled, but the acquisition workforce has remained essentially unchanged in numbers and in skills. If confirmed, will you ensure that the Acquisition Workforce Development Fund is fully implemented, and used for the intended purpose of rebuilding the acquisition workforce?

Mr. LYNN. I agree with the Chairman that rebuilding the acquisition workforce is a critical tenant in improving our overall acquisition process. As you've noted, Mr. Chairman, we've had an increase in the program costs and not a corresponding increase in the acquisition workforce.

I'd add to that, there's also a bubble of retirement. Many of the current workforce is eligible for retirement, they're going to need to be replaced with expert personnel, and I think the mechanism that the committee has put in place for the Acquisition Workforce Development Fund is going to be an important part of improving and developing the future cadres of our acquisition workforce.

Chairman LEVIN. Mr. Hale, will you agree to keep that mechanism in place, or a similar mechanism?

Mr. HALE. Mr. Chairman, we will definitely work with the committee to make sure that we support from the Comptroller's shop,

the Acquisition Fund, and more generally, the improvement in acquisition planning.

Chairman LEVIN. Thank you.

Mr. Lynn, Ms. Flournoy, and Mr. Johnson, this question is for all three of you. I've spoken to each of you about my concerns regarding the use of contractors in Iraq and Afghanistan, to perform functions that have historically been performed by government personnel.

I think you're aware of recently enacted legislation with regard to private security contractors, and contract interrogators. Now, I have a few short questions for each of you. Would you agree that the Department needs to undertake a comprehensive review of whether, and to what extent, it is appropriate for contractors to perform functions like performing private security in high-threat environments, and interrogation of detainees, and that the congressional views expressed in two sections of the National Defense Authorization Act for Fiscal Year 2009 should be fully considered in the course of that review?

First, would you agree with the need to undertake that review, Mr. Lynn?

Mr. LYNN. I do agree, Mr. Chairman, that we do need a baseline to understand what the appropriate roles are for the military, for civilian personnel, and for contractors, and we ought to base our judgments on the size of each of those forces on those judgments.

Chairman LEVIN. Will you undertake that review?

Mr. LYNN. I will certainly work on that review. My understanding is Secretary Gates has asked Admiral Mullin to begin, at least, a piece of that, and we'll be working—together with Admiral Mullin, under the direction of Secretary Gates—on that matter.

Chairman LEVIN. Okay.

Ms. Flournoy, do you agree with the need for that review?

Ms. FLOURNOY. I do, sir. Yes.

Chairman LEVIN. Okay, thank you.

Mr. Johnson.

Mr. JOHNSON. Yes, Senator, I do. I know from our conversations with Secretary Gates that he is concerned about increased accountability of private contractors in the field.

Chairman LEVIN. Now, for each of you, would you agree that long-term policy decisions about the roles that may or may not be performed by contractors should guide our future force structure, rather than being driven by limitations on our existing forces?

Mr. Lynn?

Mr. LYNN. That was the thrust of my earlier comment, Mr. Chairman.

Chairman LEVIN. Ms. Flournoy.

Ms. FLOURNOY. Yes, sir, I agree with that.

Chairman LEVIN. Mr. Johnson.

Mr. JOHNSON. Yes, sir.

Chairman LEVIN. Would each of you agree that while policy decisions on these issues should be informed by the views of our uniformed military, that they must ultimately be made by Congress, the President, and the civilian leadership of DOD?

Mr. Lynn.

Mr. LYNN. I agree with that.

Chairman LEVIN. Ms. Flournoy.

Ms. FLOURNOY. I do, as well, sir.

Chairman LEVIN. Mr. Johnson.

Mr. JOHNSON. Yes.

Chairman LEVIN. This is for you, Ms. Flournoy.

President-elect Obama has called for additional combat troops for Afghanistan. The Defense Department has plans for sending up to four combat brigades and support units, or 30,000 additional U.S. soldiers to Afghanistan, potentially doubling the nearly 32,000 soldiers currently serving there.

Secretary Gates has said that most of these combat brigades will not be available for deployment to Afghanistan until late spring or early summer, in part due to continuing deployments in Iraq. It's now been reported that the Department is saying that the additional troops for Afghanistan will not be fully deployed by the end of the summer. Do you support a proposal, first of all, to nearly double the U.S. troop presence in Afghanistan?

Ms. FLOURNOY. Senator, I do believe that we need to substantially plus-up the size of our forces in Afghanistan to secure and stabilize the environment there, yes.

Chairman LEVIN. How aggressive should we be in our efforts to get the additional U.S. combat troops to Afghanistan faster?

Ms. FLOURNOY. I actually think the intent of both President-elect Obama and Secretary Gates is to move as quickly as possible. I have not yet been briefed on the details in terms of what would be required to do that, but I do believe that in principle, we should be moving as quickly as possible.

Chairman LEVIN. What would you think about drawing down U.S. forces in Iraq faster, in order to accelerate the deployment of additional forces in Afghanistan?

Ms. FLOURNOY. Again, Senator, I think the key principle is to shift the emphasis, but to do so in a very responsible manner. I, again, have not been briefed on the details of what's possible there, but I do look forward to looking into that, and getting back to discussing that with this committee.

Chairman LEVIN. Okay, thank you.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

First of all, as we were having opening remarks, I wrote down a couple of things that were said.

Mr. Hale, having the necessary resources—I was glad to hear that because—and I think Ms. Flournoy, you said essentially the same thing—restore economic power to the military. I think that's a recognition that there's no cheap way out of this thing. I know a lot of people used to talk about a percentage of gross domestic product that should go toward military, but it won't serve any useful purpose to talk about that.

I think there are some areas where we just have to recognize that we are faced—as I said in my opening statement—with, in my opinion, greater threats than we have been in the past, because of the asymmetrical nature of the enemy.

Each of us up here on this committee has programs that we have watched work in the field. Rather than just to hear testimony from various committees here in Washington, see how they work on the

ground. I have some that I think work very well, and I would like to ask Mr. Lynn and Ms. Flournoy your opinions of these.

First of all, the International Military Education and Training (IMET) program is an education program, I'm sure you're familiar with that. Ironically, back in the beginning of that program, we were doing the IMET program as if we were doing a favor to them—I'm talking about other countries—who would be sending their officer material to be trained in the United States.

The more I served—was in the field, and observed this program—the more I felt that this was something that really, we're doing for ourselves. There's no better relationship than one that comes from training. I've seen some of the officers go back to their countries—whether it's in Africa or elsewhere—and they have an allegiance that is there.

Second, if we don't do it, either China is going to do it, or somebody else is going to do it. That's one of the programs that I have strong feelings about.

Next are the train-and-equip programs—the section 1206, 1207, and 1208 programs. It's been my opinion, as we go around, that by doing this, we can avoid having our own troops have to do a lot of the things that they otherwise can be trained to do for us.

The third one is the Commander's Emergency Response Program (CERP). I think they've changed the name of that, they always do that to confuse us, I think. But nonetheless, this allows the commanders in the field to have a greater latitude of what they can do. Some of the experiences that I had, early on, in Baghdad when it appeared that if the commander were in a position to take care of some of the transmitting problems, of electricity into some of the neighborhoods—they could do it, and do it cheaper—a lot cheaper—than going through the lengthy process of acquisition to get these things done.

These are three of the programs that I feel personally very strongly about, and I'd like to know if you have any comments about your feelings toward IMET, train-and-equip, and CERPs.

Mr. LYNN. Let me respond, first, Senator Inhofe, and then turn to Ms. Flournoy.

I agree with you, Senator, overall, the military exchanges, the military training programs, should be seen in the light of a benefit to the United States, not as a favor to someone else. They develop relationships that we build on over decades, they provide an understanding for us of other country's militaries and how they operate, and equally importantly, they provide these other countries senior leadership when these individuals rise to the senior leaders, as many of them do. It provides them with an understanding of how we operate, and the strengths of this Nation.

Just one comment on CERP. I agree it's a very important program, Senator. I think we have to be conscious that we have to balance the importance of knowledge at the front end that those commanders on the ground understand, I think, best the needs that are right in front of them.

On the other hand, we have to have appropriate controls of taxpayer dollars. We have to ensure that we have a process that both gives the flexibility that's needed on the ground and assurance that the money is spent in an appropriate manner.

Ms. FLOURNOY. Senator, thank you for that.

I believe that all three of the programs—well, the two programs that you mentioned, IMET and the train-and-equip authorities—are very critical to our engagement with other militaries, and to building partner capacity—helping them to be able to do more alongside us, where we have common interests.

On CERP, in particular, I think the intention of that program was originally for force protection and also to assist affected populations in counterinsurgency and stability operations, and so forth. I think it's a very critical tool for our military in the field. I would also say that all of these, really, are most effective when they're part of an integrated, sort of whole of government approach to a particular country, or to a particular region. So, I would hope that we would view and use them in the future in that context.

Senator INHOFE. I think I would agree with your response to this. I would only ask that you get into this, look at some of the examples where, Mr. Lynn, we've actually saved a lot of money, on the example that I used on the transmission situation. It was about 10 percent of what it would have cost, having to go through the whole thing.

Second, another program that I have been very interested in. The African continent is so important. When we had that divided up into three commands, it wasn't working very well. Of course, we had the Pacific Command, the European Command, and the Central Command. They're doing a great job with that program right now. But it is really suffering in terms of getting the resources necessary for it.

It is my hope when we established the Africa Command (AFRICOM), that we would actually have the headquarters in Africa someplace, thinking, perhaps in Ethiopia or some of the other places where it would have worked better.

Unfortunately, even though it's my experience talking to the presidents, and I'm talking about including Yoweri Museveni (President of Uganda), Meles Zenawi (Prime Minister of Ethiopia), Paul Kagame (President of Rwanda), and all of the rest of them, that they think it would work better, but they can't sell the idea.

It's going to require, I think, more resources for AFRICOM than they have had before, and I'd just like to ask Mr. Lynn and Mr. Hale if you would be willing to get into that, and to see how well it's working, and perhaps they have transportation needs, and other needs to make that program work better.

Mr. LYNN. Thank you, Senator. We certainly will look at AFRICOM. I certainly agree that it's a far better situation to have a unified command, have responsibility for the continent, rather than divide it up under three different commands. This is an important initiative. We need, certainly, to look at the resources, and I'd undertake to do that.

Senator INHOFE. Yes, sir?

Mr. HALE. We'll certainly support him from the Comptroller's standpoint.

Senator INHOFE. All right. Finally, my time is about to expire, we have had discussions in this committee, and we've had a lot of discussions—some pretty lively—on the floor, about the Future Combat System (FCS). My goal has always been that we give our kids

that are out there the best resources that are available and all of these resources that are better than our prospective opponents.

Things like the non-line of sight cannon. It happened that we're still relying on the old Paladin, which is World War II technology. There are five countries, including South Africa, that have a better artillery piece than we do.

I would hope that you would look very carefully on all of the elements—some 12 to 15 elements of a FCS—that you could bring me into your discussion, your thinking process. Because some of us have a greater interest than others do in those programs. Any thoughts on the FCS that you'd like to share? Any of you?

Mr. LYNN. Senator, I think the fundamental premise that you stated is absolutely right, that the elements that are in the FCS are going to be essential to the modernization of the Army towards the next generation of equipment. We will want to do, I think, a complete review of that program, and the underlying technologies need to be part of the future force, and we'll certainly work with you and with the other Members of Congress, as we undertake that review.

Senator INHOFE. I appreciate it very much. My time is expired.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank you for allowing me to make just a few comments. I was over at the Senate Homeland Security and Governmental Affairs Committee introducing Governor Janet Napolitano to the committee. She's been nominated for Secretary of Homeland Security.

I would like to congratulate the nominees. We look forward to a rapid confirmation.

Mr. Lynn and Ms. Flournoy, we've had other encounters in the past, and welcome Mr. Hale and Mr. Johnson. We look forward to your rapid confirmation and movement to the floor of the Senate, so you can get to work.

I'd also like to say welcome to the new members of the committee, and we look forward to working with them.

Mr. Chairman, I've forgotten how many years now this makes that you and I have worked together, I look forward to a very productive year—or two—in very challenging times. Thank you for all of the cooperation that you have displayed, which is a long tradition of this committee of bipartisanship. I look forward to working with you.

Gentleman, and Ms. Flournoy, we have very great challenges over in DOD. Some very tough decisions are going to have to be made, whether it be the F–22, or whether it be the larger issue of our engagement—disengagement—in Iraq, or further engagement in Afghanistan, as well as all of the myriad of other challenges that we face.

I look forward to working with you. I congratulate you and your families, and I appreciate your willingness to serve.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator McCain. You and your staff, as always, are playing an instrumental role in the suc-

cess of this committee, and we are grateful for that, and all that you do.

It's the rule of the committee, here, the tradition that we call on members, we go back and forth between Democrats and Republicans, but for the new members, we do that on the basis of an "early bird" rule.

Senator Reed has just arrived in time to ace out Senator Webb. [Laughter.]

He didn't want any questions. I already had asked Senator McCain. Thank you so much.

Senator Reed.

Senator REED. This is the first and last time I'll ace out Senator Webb. Forgive me.

Senator WEBB. I doubt that. [Laughter.]

Senator REED. Again, I think the President-elect has chosen a superb team.

Let me address a general question to both Mr. Lynn and Ms. Flournoy. Secretary Gates has written his fundamental concern is that there's not commensurate institutional support, including in the Pentagon for the capabilities needed to win today's wars, and some of their likely successors, which raises a host of issues that the tradeoff for preparing for conventional warfare against near peer competitors, versus irregular asymmetrical warfare.

It also raises the issue of the integration of private contractors into the operations of DOD, and it raises the issue of the intergovernmental activities necessary—particularly to conduct irregular warfare, asymmetrical warfare. I'm sure my colleagues have touched on some of these issues.

But I wonder if—first Mr. Lynn, and then Ms. Flournoy—you could give us an idea of your views at the moment on these complex issues?

Mr. LYNN. Thank you, Senator.

I think Secretary Gates has it right, I think the fundamental challenge in doing the next QDR which will start, if confirmed, as soon as we get there, is to balance between the near-term needs of the force in the field, and the longer-term threats that are perhaps beyond the horizon, but still out there.

That's complicated by what you mentioned, Senator, that there's a tension between the potential for a high-end, near-peer threat, as well as a lower-end counterinsurgency, and the types of equipment, types of forces, types of training, types of doctrine that you would use for one, don't necessarily apply fully to the other. Establishing that balance, I think, is going to be critical in the next QDR.

Ms. FLOURNOY. Senator, I would agree. I think looking at the initial review that the Department will undertake, I think the first question is going to be how do we strike the right balance, set the right priorities, allocate risk in current operations between Iraq, Afghanistan, larger operations around the world to combat terrorism.

But then as we look forward, in the QDR, thinking about what kinds of warfare do we really need? As we want the force as a whole to be full-spectrum, we're going to have to make choices that essentially allocate risk along that spectrum.

I really am looking forward, if confirmed, to working with members of this committee to try to frame and form those judgments going forward, so that we have a force that is robust across the spectrum.

Senator REED. Let me raise another issue, Mr. Lynn, which touches on almost everything we do today. That is the issue of energy. First of all, internal to your responsibilities to run the Department efficiently, you have to have a much more energy-efficient approach not just in simply management, but also in terms of the strategic challenges that poses.

I saw, yesterday, where the Army took delivery of about several thousand vehicles, I believe, electric vehicles for use on various forts around the country. That might be an example of forward thinking. But, can you comment at all about the two issues, here. Internally—how to be more energy effective—is that going to be one of your priorities? Then, internationally, if any comments you would want to make.

Mr. LYNN. I think the President-elect has made a new energy policy one of his priorities, so it will certainly be one of mine. The Department is, I think, a critical component of the President-elect's direction in this area, not just that we can make progress in terms of energy efficiency, the threat of global warming, but as, I think, you were alluding to, the potential cost savings for the Department of moving away from an oil-based dependency are huge. Whether it's fuel cells or synthetic fuels or other mechanisms, the potential in a time of real budget stress for the Department to make that kind of savings makes it an essential initiative on that basis, as well.

Senator REED. Thank you.

Just let me ask Mr. Johnson, and then Mr. Hale a question.

Mr. Johnson, over the last several years, many of the uniformed lawyers in DOD—and some of their civilian counterparts—had serious misgivings about policies that were being pursued. As much as a comment, but also assurance that you will, one, listen to these uniformed officers, that you'll make sure that their opinions are respected, and at least passed along, and that you, yourself, will be actively engaged, and seeking out—particularly when there are tough questions—both sides of the argument. Is that something you can assure us?

Mr. JOHNSON. Senator, when I was General Counsel of the Air Force I think that we had, between the civilian and military lawyers in the Department, as good a working relationship as ever existed in the Department. I'd like to think that the Judge Advocates General (JAGs) would say the same thing.

My style of legal analysis, decisionmaking, putting together recommendations for the Secretary is collaboration. I want all points of view. I'd want to hear from the two-star, now three-star Judge Advocate, as well as the major who works the issue, who understands it better than anybody.

If I know that the military lawyers in the Department have a strong view about something, have an opinion about something, that the Secretary is considering, I had no problem with bringing the JAG in with me to the Secretary's Office, so that I would express my General Counsel's view, and he had an opportunity to ex-

press his view, and the Secretary would make up his own mind about what to do.

From a practical point of view, if you're wrestling with tough legal issues, you have every interest in wanting to get the input of the cross-section of lawyers across the Department. We have many excellent military lawyers who, frankly, have experiences and viewpoints that, as a civilian, I don't share. I want to know what they think.

Senator REED. Thank you, Mr. Johnson.

Finally, Mr. Hale, one of the realities of the last several years has been robust supplemental appropriations. I think that is not something that you're going to enjoy as Comptroller. Have you given any thought as to how you rebalance the budget system, given the fact that we have to get away from these big supplementals?

Mr. HALE. Senator, we need to move away from supplementals, I think the Secretary has said that, the Chairman of the Joint Chiefs has said that—I certainly agree. We're going to need a supplemental in fiscal year 2009 for the second portion, without question. I think after that, and if confirmed, I need to look at how quickly we can make that happen, obviously, working with Mr. Lynn if he's confirmed and others in the Department. But we do need to move away from supplementals.

Senator REED. Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Chambliss.

Senator CHAMBLISS. Thank you very much, Mr. Chairman.

Let me welcome each of you, and thank you for your willingness to serve. All of you are making a real commitment to America, and for that we appreciate it very much. We look forward to moving you into position in a hurry, so as Senator McCain said, you can get to work.

Particularly, I want to welcome Mr. Johnson. As has been stated, he is a graduate of Morehouse College, one of the premiere institutions in the country. I'm not prejudiced just because it's in Atlanta, but we certainly know that he is well-educated, and we look forward to working with you, Mr. Johnson.

To Mr. Lynn, Ms. Flournoy, Mr. Hale—one of the things that I think is a very smart decision of the Department over the last several years is to purchase major weapons systems on multi-year contracts. It's saved, literally, millions and millions of dollars for the Government and allowed us to buy more weapons systems then we would have been able to do otherwise within the budget constraints that we've had.

The F–22 has been a success in that standpoint, as well as the C–17 and the C–130. I'm not sure what else we could include down the road, but I would simply say to you, I hope as you go through the budget process—which is going to be extremely difficult, we all know that—that we give great consideration to trying to figure out, at least lots of weapons systems that we know we're going to have to buy. Let's look at moving into multi-year contracts on as many of these different lots of weapons systems as we can.

If any of you have any comment one way or the other, relative to multi-years, I would appreciate that.

Mr. LYNN. Senator, I think multi-year contracting does offer an opportunity to get savings. I think you have to look at it on a case-by-case basis and see if the economic order quantities, and the up-front justify the commitment over a multi-year period, but I think when we find cases that occurs, the savings to the Department are certainly well-needed, as you suggested.

Mr. HALE. I certainly share that view. I'm mindful that we have a tough challenge to make ends meet in DOD, so I encourage the components to look where it's appropriate, at things like multi-year contracting.

Senator CHAMBLISS. Mr. Lynn, you and I talked the other day about depot maintenance, and the issue of modifications being an issue that may be revisited by the Department, with respect to whether or not modifications are going to be included within the definition of depot maintenance, and how that's going to affect 50/50. I would simply ask you for the record, if this discussion does come up, and there is any consideration of changing current statutes relative to the definition of modifications within depot maintenance, that you commit that you're going to come back and discuss this with us before any kind of major shift in that is done.

Mr. LYNN. I do commit, Senator, that we'll discuss any major changes in depot policy with members of this committee, as well as other appropriate Members of Congress.

Senator CHAMBLISS. Ms. Flournoy, I—along with Senator Levin—serve on the Board of the Western Hemisphere Institute for Security Cooperation (WHINSEC), which has been a very effective entity in dealing with our neighbors to the south. We've obviously had some controversy with respect to WHINSEC, but with the changes that have been made, we now are providing a valuable service to our country because of the relationship that's been developed with Central and South American neighbors, particularly as it regards the emerging threats.

I think this has the potential to be—if not the next hot spot—certainly one of the hot spots relative to WMD, drug trafficking, weapons trafficking, as well as other issues. As this policy with respect to WHINSEC is reviewed, I would simply ask that you, number one, keep an open mind, listen to the commanders at Northern Command and Southern Command who are openly, very much in support of what we're doing at WHINSEC right now, and I don't know how familiar you are with it, but if you have any comments relative to that, I would appreciate it.

Ms. FLOURNOY. Sir, I have not had the opportunity yet to be briefed on details. I am generally familiar, but I would certainly pledge to keep an open mind, and hear all views going forward, and I do share your belief—fundamentally—that engagement with WHINSEC—not only because of the transnational threats, but because of all kinds of opportunities that exist for our country in relations with our neighbors. But that's a critical strategic issue and I will, if confirmed, give it strong attention.

Thank you.

Senator CHAMBLISS. Again, to all of you, thank you for your willingness to serve, we look forward to a very strong working relationship with the Department, as we've always had.

Thank you.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Mr. Chairman, I fully understand the time constraints on this process. I would say that it's also a bit difficult to prepare for nominations each of which has such responsibilities. Having gone through two confirmations in this committee, each time sitting there for several hours by myself while you, actually, and others had your way with me.

It's a pretty short time period to be able to do all of this. I would hope that all of you would pledge to us to remain available over the next several months, if we have follow-up questions to clarify some of these matters.

Chairman LEVIN. If I can interrupt you——

Senator WEBB. Yes.

Chairman LEVIN. That's a very important point. We are going to keep the record open for questions. In addition to your request, which I would expect that they would honor, that they always be available to us, but they be particularly available to us in the next few months because of the way in which we have compacted these hearings, it's an important point.

Senator WEBB. Thank you, Mr. Chairman.

A minor point, but Mr. Johnson, a counsel on my staff has some specific questions with respect to your replies to written questions. I think he wants some further clarification. You were very lawyerly and precise in your responses, he may want just a little more information on a couple of areas. If you could contact our office at some point today, I don't want to take up my time during the hearing on it. They're probably small points.

Mr. JOHNSON. I would be happy to do that, Senator.

Senator WEBB. Great, thank you.

Mr. JOHNSON. I apologize for being lawyerly.

Senator WEBB. We would expect that, and we will always follow up.

Mr. Lynn, we had, I think, a very fruitful meeting with you, yesterday. I appreciate your time, and listening to your comments today, the second and the third points that you made about your goals, I think, are very relevant to where we need to go. When you speak of the need to really get into proactive reform measures, I want to work with you on that. We had a long conversation about this whole notion of independent contractors.

There is, I think, a fallacy right now when people start talking about "the total force" as Active, Reserve, and independent contractors. Having spent a great deal of my life, early on, working on the total force, when something fell into long-term, semi-permanent independent contractors, that was essentially viewed as a flaw in the total force, not a part of it.

We have a situation now where we probably have more independent contractors in Iraq than we do military people, and I don't think that's healthy for the country.

Your second point about making a commitment to really scrub the budget—this year's, next year's—and to bring the type of tightness to this budget that we haven't seen in awhile, is very impor-

tant to me, and actually, Ms. Flournoy, you have written about this. There's an article here from the Washington Quarterly, where you went into your own views about the environment that we're now going to be in, and how important it is to really put a new sense of responsibility and accountability into this process.

In that regard, I'm going to ask you about this Mayport issue, both of you. This decision by the Navy to relocate a nuclear carrier to Mayport, FL, with the additional requirement that it has to refix the process down there in order to enable it to handle nuclear carrier facilities—they haven't done this in 47 years. Forty-seven years ago, we started having nuclear carriers here in Norfolk. There was never a decision—at the height of the Cold War—to do something like this.

The United States Navy, right now, has put forward a budget that is $4.6 billion in unfunded priorities—unfunded requirements. They have a shipbuilding program that is behind schedule. They have about 276, I think, ships. They had 568 when I was Secretary of the Navy. They're trying to get to 313.

They have, in my view, a lamentable record over the past several years in terms of their aircraft procurement programs, and they want to take $1 billion—which is what it's going to end up being, if you look at history—above these amounts in order to create a redundant facility in Mayport, FL.

I'm not asking for an answer from you today, but what I would like from you is a commitment to examine this at the Office of the Secretary of Defense (OSD) level.

You and I talked yesterday a good bit about the processes of the Defense Resources Board—which I sat on for 4 years—and I certainly think this is an item—whether I was representing Virginia or not, if I were in the Pentagon today, I would be saying the same thing. We have $4.6 billion in unfunded requirements? We're going to put this on top of it? How are we going to build the aircraft fleet back where it needs to be? We have empty squadrons out there—how are we going to get to 313 ships—which is a floor?

Ms. Flournoy, you've mentioned in a lot of the stuff you've written about, how important it is now for us to re-engage in terms of our maritime strategy around the world.

I'm asking for your commitment to take a look at this at the OSD level, in terms of strategy and budget priorities.

Mr. LYNN. Senator, we're going to have to look at the entire Navy program as well as the other Services. As you suggest, this is a major budget item. We'll commit to you that we will review it with you and Congress, about where we think we need to go on this program.

Senator WEBB. All right.

Ms. FLOURNOY. Senator, I would just add that from a policy or strategy perspective, I think we need to take a look at our global posture, including our home porting and basing structure is going to be, certainly, on the table in the QDR, going forward. I would hope that it would be.

Senator WEBB. We're entering a period where DOD, and I think the people at this table understand it—other people in DOD have to realize that these budgets are going to get a lot tighter, these programs are going to have to be justified. We haven't even seen

a clear strategic justification for this. All we've seen is a little bit of rhetoric. We have the briefings from the Navy—it's not there.

I appreciate your saying you will look at this, and we will continue to discuss it.

Ms. Flournoy, you suffer from the same problem that I do, in that you are a rather prolific writer, so you have a large paper trail behind you on a lot of these different issues. But I would like a few clarifications, and if my time runs out, I may stay for a second round.

You have written in the past, that you believe that there should be a residual force in Iraq of approximately 60,000 American military, do you still believe that?

Ms. FLOURNOY. Sir, I'm not willing to stand behind that number at this time, given that when I wrote that, we were in a somewhat different circumstance. There was no Status of Forces Agreement (SOFA) commitment, for example, the security environment was somewhat different.

What I do believe is that I think there's a very strong commitment to implementing the SOFA, to bringing U.S. forces out of the combat role.

I don't know what the long-term support for Iraqi forces in our long-term relationship is going to look like. I don't know if the Iraqi Government will want any U.S. forces in Iraq, once we reach the end of the SOFA. So, I think it's an open question.

I would not want to be digging my heels on any particular number or posture at that point in time. I think the key thing is to implement the SOFA, and to reduce our role and our numbers there. I think a little bit down the road, we will have a better sense of what a security cooperation relationship with Iraq, going forward, looks like.

Senator WEBB. My time is up in this round—but I want to make sure I fully understand what you're saying. Do you believe that the U.S. strategy for that region requires a long-term presence of the U.S. military in Iraq?

Ms. FLOURNOY. Not necessarily.

Senator WEBB. So, you don't believe it's a requirement?

Ms. FLOURNOY. I don't think we know, yet. I don't think we know where we'll be at the end of 2011. The honest answer is, I don't know. But what I can say is if I am in this position, I would welcome the opportunity to continue to look at this, to discuss it with you, and other members of the committee——

Senator WEBB. This needs to be clarified.

Ms. FLOURNOY. Yes.

Senator WEBB. You don't see—and I'm not trying to put words in your mouth—from what I'm hearing, you would not analogize the situation in Iraq to, for instance, the basing system that we have in Korea, in that——

Ms. FLOURNOY. No, sir, I would not.

Senator WEBB. American military presence in Iraq is a regional requirement——

Ms. FLOURNOY. I do not think Korea provides the right metaphor for what our relationship, long-term, with Iraq may, or should, be.

Senator WEBB. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

Continuing along Senator Webb's line of thought, do you believe our relationship, militarily, with Kuwait, has been beneficial?

Ms. FLOURNOY. Yes, I do, sir.

Senator GRAHAM. What about the United Arab Emirates?

Ms. FLOURNOY. Yes, sir.

Senator GRAHAM. The point is, whatever relationship we have with Iraq is yet to be determined, I think that's a fair answer. The SOFA has a 2011 date on it with the ability to renegotiate a long-term agreement. As I understand it, their navy and air force are almost nonexistent, so I encourage you to keep that line of thinking up. Let's evaluate each year where we are with Iraq, and make a good decision that when we leave that we have a stable partner behind, that like Kuwait and other partners in the region, has been very beneficial in terms of our long-term strategic interests.

I applaud you for that kind of thinking, and nobody here expects you to make a decision 3 years out until we look at the information.

Now, one of the things that we're going to be dealing with in this new administration is the closing of Guantanamo Bay. I can assure you in this regard, a fresh start at the Pentagon is welcome.

Where I stand, in terms of looking at detainee policy, Mr. Johnson, you come with great recommendation and high opinion by the military lawyers. The chairman hit on a very important point, along with Senator Reed, we need to make sure we do not make the mistakes of the past.

I look forward to working with you, as well as the uniformed lawyers, to make sure that as we go forward, and when we close Guantanamo Bay—which I think we will—that we make some very wise decisions as a Nation. To make sure we humanely treat detainees, regardless of who they are, and what their ideology may be. That we have a transparent justice system, and that we also protect the Nation against people who are committed to our destruction.

In that regard, Mr. Lynn, one thing I would ask from you—there's been a report in the media that 61 of the detainees who have been released have gone back to the fight in some form. I don't know if that's accurate or not, but if you play the role of Gordon England, it will be up to you, really, under the current system—and I think we want to maybe change that, quite frankly—as to who stays and who goes.

Two things—see if you can confirm how many people have gone back to the fight. Define what the fight is. Also, see if you can tell us, of the detainees that have been captures, how many of them were inappropriately detained? So that we can make a logical decision, going forward, about what kind of system to employ.

There's two things we want to be sensitive of. We don't want to put someone in custody, long-term, who's in the wrong place at the wrong time. We don't want to let people go who present a military threat in the future. We have to do that based on a system that's competent, that's transparent, and that has checks and balances.

Now, as we go forward, Mr. Lynn, what is your view of long-term detention policy when it comes to people that we have captured

that may not be subject to the normal criminal process? Have you thought about that much?

Mr. LYNN. Thank you, Senator. I'm aware of the role that, at least, the current Deputy Secretary plays, in terms of the detention release policy. I think the new administration will be looking at that, and I can't tell you right now whether I would be continuing that role or not. You're correct—I think that's going to be reevaluated.

In answer to your specific question, clearly where possible, we want to prosecute. There are going to be circumstances where that's not going to be possible, and we're going to have to evaluate those individually. There's clear authority to hold enemy combatants. There's discussion as to what actually constitutes an enemy combatant, but we have that authority, and——

Senator GRAHAM. Would you think a member of al Qaeda should be classified as an enemy combatant?

Mr. LYNN. I'd have to know more circumstances than simply that, Senator, really, to fully answer the question.

Senator GRAHAM. Okay, well, if I gave you a situation where the evidence was conclusive that this person was a part of an organization called al Qaeda that was actively involved with activity with al Qaeda, would they be a good candidate to be considered an enemy combatant?

Mr. LYNN. Without quite going down the line of your hypothetical, Senator, I think there are certainly cases that al Qaeda operatives would be considered enemy combatants.

Senator GRAHAM. Okay.

Mr. Johnson, when it comes to the criminal law—domestic criminal law and military law—do you see a difference between what the military justice system can do, and traditional domestic criminal law regarding detaining enemy combatants?

Mr. JOHNSON. Yes, Senator, I believe I do.

First, let me preface my remarks by saying, I'm pretty much a traditionalist when it comes to the essential mission of the military. I believe that implicit in the ability of the military to do its job is the inherent ability to detain an enemy combatant captured on the battlefield. I think that's implicit in the job. I believe that the Supreme Court would say the same thing, and, in fact, it did, in the *Hamdan* decision.

When Congress passed the authorization for the use of military force, the Supreme Court determined that, implicit in that was the authority to detain an enemy combatant——

Senator GRAHAM. If I could interrupt you right there. If a person is, in fact, detained as an enemy combatant, as I understand the law of armed conflict, once that decision has been properly made, there is no requirement to release them back to the fight if they still present a military threat.

Mr. JOHNSON. If, in fact, Senator, that person was properly captured, and the circumstances suggest in your hypothetical that you posed is, in fact, a member of al Qaeda——

Senator GRAHAM. Right.

Mr. JOHNSON. The al Qaeda that Congress had in mind in 2001.

Senator GRAHAM. Right.

Mr. JOHNSON. Then, I think the answer to your question is yes.

Senator GRAHAM. I look forward to working with you to clean up what is, quite frankly, a mess. The Military Commissions Act that was originally passed by our committee that enjoyed complete Democratic support, and three Republicans, may be a good document to look at in terms of how you would try somebody who is alleged of committing a war crime against the United States. This idea, how you detain someone that we believe to be an enemy combatant, indefinitely, is a thorny issue. But I think we can get there.

My goal would be to tell the world that the reason this person is in prison, under military control, is not because we say so, but because there's competent evidence to suggest they're part of an enemy force that's been reviewed by an independent court, outside of DOD, and that more than one person reached that conclusion.

If we could accomplish that goal, I think we'll improve our image and keep America safe. Just as sure as we're sitting here, we're going to pick somebody up in Afghanistan, and there are 900 people imprisoned in Afghanistan, that's going to have high intelligence value, may not be subject to trial in the United States, but presents a very serious threat to our national security and our troops in the field. Let's get ahead of that in a bipartisan manner, and I think this team can deliver. I think you're outstanding nominees, and I look forward to supporting you all.

Thank you.

Chairman LEVIN. Thank you, Senator Graham.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. I want to add my appreciation for your decision to serve, and certainly I am impressed with the comments that you've all made this morning, as well as your written statements.

We're fighting two wars, and we're preparing for threats that emerge in the future, and are emerging right now. So the challenges that you're going to face are, needless to say, daunting. But I believe that you have the capacity to help us all deal with those emerging, as well as continuing, threats that we face today. I have a question regarding—and as chairman of the Personnel Subcommittee in the past—I certainly have a question regarding dwell time, as it might relate not only to the current circumstances, but to the future circumstances with the reduction of forces in Iraq, and an increase in Afghanistan.

Mr. Lynn, we've already had challenges, meeting the goals for dwell time between deployments for troops with certain specialties. What do you consider a minimum for dwell time, under the circumstances we face today, and will that—in some respects—change as this transition goes forth?

Mr. LYNN. Senator, I don't have a specific minimum at this point, prior to review, but I agree with the thrust of your question—deploying forces on repeated tours with 3, 6, 9 months only, between those tours is a long-term detriment to the quality of the force. I think it's often been said that you recruit individuals and you retain families. I believe strongly that's the case.

I think we have to be true to our military families and increase the dwell time to a level that reduces the burden on those families.

Senator BEN NELSON. I know that Secretary Gates is committed to increasing it, and we all are. I guess the practicalities that we're

going to face in terms of that transition are certainly going to have to be dealt with. I'm assuming that both you and Ms. Flournoy will do everything within your power to get the dwell time as generous as possible, under all circumstances.

Mr. LYNN. Absolutely, Senator.

Senator BEN NELSON. Mr. Hale, you said something about working diligently to get to the point of an audit. Do you honestly think that it's possible to get an audit of DOD?

Mr. HALE. Senator, the Department has a plan. You're probably familiar with it, the Financial Improvement and Audit Readiness Plan, and I think the Department is working toward it. I'm mindful that the hardest things have been put to the end, and that there are enormous challenges remaining. I think at this point I'm not prepared to answer, definitively, your question, but I'd take your point, and if I'm confirmed, that's certainly something I want to look at.

We may need to look at some priorities. What do we do first that would be most helpful? The goal of the audit, in my view, is just not simply to have an unqualified opinion, but to verify that we have good financial information. There may be some priorities we can impose on the audit, that lead most quickly to getting verification that we have good data.

Senator BEN NELSON. In response to your answer, would it be possible to have, let's say, the equivalent of a partial audit in certain areas, that could be stairstepped? In other words, there are some high priority areas where probably the challenges are the greatest, in terms of getting an audit. There are going to be other areas where the necessity of an audit is stronger than, perhaps, some others. Are you going to look at trying to do this in some rational, stairstepping process?

Mr. HALE. I think the answer is yes. There are some limits on partial audits, and the degree to which they can be done, but consistent with those limits—or abiding by those limits—I think we do need to look at priorities.

Senator BEN NELSON. But your goal is to, essentially, at some point, get an unqualified audit?

Mr. HALE. That is the law, and we are trying to pursue it. So, yes, it remains a goal. If confirmed, I certainly want to look at this issue. I'm mindful of the challenges.

Senator BEN NELSON. It's Herculean.

To increase public support for crucial nuclear security programs, and to achieve effective allocation of resources, Mr. Hale, what is your opinion on the possible recommendation for the executive branch to submit—as part of the annual budget request—both an unclassified, and a classified accounting of all nuclear weapons-related spending?

Mr. HALE. Senator, that's a good question. I have to confess, I know about it only in general terms. I think that's one where borrowers learn more if I'm confirmed, and get back to you with a specific answer to the committee.

Senator BEN NELSON. Because generally what we get is fairly sketchy, if it's related to something that's classified. Perhaps it is sketchy, in total, as well. But I'm hopeful that you'll look at that

very carefully. I think it's a great recommendation, I hope we can see it followed.

Ms. Flournoy, as we've talked in the past, the shortages of mid-level officers is continuing to be a problem for our military. The mid-level, because many of those mid-career warfighters are opting out of the military, because of the high-demand, high-stress deployment tempo, which puts this in connection with the previous question about dwell time. Do you have any thoughts about whether we can continue to have incentives? Or have we reached the point where incentives are not going to be sufficient to help us retain those mid-level career officers?

Ms. FLOURNOY. Senator, I think you've put your finger on something that's very important to the long-term health of the All-Volunteer Force. I would hope that, going forward, the Department would take a close look at this issue.

I think when you think about incentives, we have to define that broadly, not just financial incentives, but educational opportunities, career development opportunities, flexibility, and so forth. I think we are asking so much of the people who serve, and particularly our officer corps—our field-grade officer corps today—that if we're going to retain these incredibly skilled, experienced people, we're going to have to look anew at their career paths, at their incentives, and so forth. I would hope, if confirmed, to have an opportunity to be part of that examination.

Senator BEN NELSON. I would assume that would apply, as well, to the professional ranks, with physicians, dentists, and other professional areas? The challenge there is both recruiting in the professional ranks, officers, but the retention is true in both cases—of our warfighters as well as those who provide the backup services.

Ms. FLOURNOY. Yes.

Senator BEN NELSON. I see that my time is expired. Thank you very much, all of you, and we look forward to working with you in the days ahead.

Thank you.

Chairman LEVIN. Thank you so much, Senator Nelson.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman. I want to thank our nominees for their willingness to serve their country, and many of you have had careers in public service, and it's a great calling. We appreciate your willingness to answer that call again.

Thank you for being here, thank you for the opportunity to meet with you individually, as well, and pull some of these questions.

I do want to expand upon some of these issues that perhaps, have been covered, at least at some level already. But I'd like to get Mr. Lynn's and Ms. Flournoy's response to some questions relating to energy issues. Like I said, I think some of that ground has perhaps been covered. But, as we all know, we spend an awful lot of money every single year, sending that money to unfriendly foreign nations to purchase oil, some of which ends up in terrorist hands, and perhaps then is used by those organizations to destroy us, and to attack Americans.

Our military is, of course, one of the biggest consumers of energy and of oil. The Air Force, alone, is the Federal Government's larg-

est energy buyer, and spent $5.6 billion for aviation fuel in fiscal year 2007.

As we all know, too, in 2007, 2008, oil prices reached record highs, which had a direct impact on the Air Force's readiness. Now we have oil prices that have come down, compared to what they were only a few months ago, and we tend to put those issues on the back burner, and get a little bit complacent, which I think is a big mistake.

I think it's important that we look at ways that we can prevent that sort of crisis in the future, when those fuel prices go up again—which we know they will. That's why I've been pleased that the Secretary of the Air Force, Mike Donley, has signed an Air Force Energy Program Policy Memorandum last month which, among other things, establishes the goals of certifying the entire Air Force fleet, to use synthetic fuel blends by early 2011, and to acquire 50 percent of the Air Force domestic aviation fuel requirement be an alternative fuel blend by 2016.

My question is, do you think that the Air Force's energy initiatives regarding synthetic and alternative fuels is worthy of Department-wide consideration?

Mr. LYNN. Thank you, Senator. Let me come back to your specific question, just make a couple of general points that—I agree with your emphasis on the energy area. The President-elect, as a general policy, extending well beyond the Department, is committed to reducing the oil dependency, given the foreign sources of supply, given the global warming implications, and so on. The Department will certainly be a critical part as the largest government consumer of energy.

As you suggest, there's a second reason, beyond those broad policy reasons. The financial implications to the Department of relying on oil are severe and have the potential to get much worse. There's an enormous savings out there if we can move away from that, as you indicated.

Finally, I'd add one thing to yours. There's an operational benefit if we can move away from oil-based products, in that a huge part of the logistics strain of the United States military is just providing fuel to the forward forces. To the extent that we can find other, more efficient ways of supplying energy, whether they're fuel cells or other means, I think it will allow the military to perform the mission in a more effective way.

For all of those reasons, I agree with the thrust of your comments. I'm not completely familiar with Secretary Donley's initiative, but your description is certainly compelling, and we'll take a close look at it—and what kind of broader application it might have, if confirmed.

Senator THUNE. Ms. Flournoy?

Ms. FLOURNOY. Senator, I would agree that, given the size of the enterprise, DOD has an opportunity to be a leader in areas of conservation and efficiencies, alternative fuels, and so forth. I have not had the opportunity to look at the specific proposal you put on the table, but I look forward to having that opportunity.

I would also just underscore the importance of thinking about energy security and climate change together, and as key elements of the future that DOD has to grapple with in its military planning.

I think this goes beyond current practices in how we use energy, but also to understanding how some of these energy trends are going to change the security environment that the U.S. military operates in 10, 15, 20 years out.

Senator THUNE. The RAND Corporation recently issued a study that estimates that synthetic fuel would reduce the U.S.'s reliance on foreign oil by as much a 15 percent, while possibly generating up to $60 billion in domestic revenue each year.

One of the things that I've been advocating, and we've worked with my colleagues on the committee the last couple of years in the defense authorization bill, is to try to and get some procurement authority, multi-year procurement authority for purchasing synthetic fuel. The question I have is, would the Defense Department be supportive of efforts by Congress to provide incentives to promote private sector investment in synthetic fuel production, such as expanding the military's multi-year procurement authority for purchasing domestically-produced synthetic and alternative fuels? I would direct the question, again, to Mr. Lynn and Ms. Flournoy.

Mr. LYNN. Senator, I would have to look at the question, and I pledge to you that I would do so, but I can't make a commitment prior to that kind of review.

Senator THUNE. Okay.

Ms. FLOURNOY. I'm afraid I'm going to say the same thing.

Senator THUNE. I expected that response. But I do look forward to working with you, and hope we can find a way to make that happen. I think it will incentivize a lot greater participation by the private sector in expanding synthetic fuel production, if we have that type of multi-year procurement authority.

As you probably know—and again, I would direct this to Mr. Lynn and Ms. Flournoy—the 2006 QDR stated the Department plans to develop a new land base penetrating long-range strike capability that would be fielded by 2018. Secretary Gates recently discussed that new national defense strategy in an article that was published in this month's edition of Foreign Affairs Journal, and it stated the U.S.'s ability to strike from over the horizon will be at a premium, and will require shifts from short-range to long-range systems, such as the next-generation bomber.

In your view, will the next-generation bomber be vital to our national defense strategy, and what steps would the Department take to ensure that the next-generation bomber is able to achieve initial operational capability by 2018, which is currently the goal?

Mr. LYNN. Senator, the review of the next-generation bomber program, and the underlying strategic premises that led to it, is going to be one of the central parts of the QDR that we'll undertake, if confirmed.

The general trend, I think you're right, as we've moved towards more of an expanded view to look at Pacific scenarios, as well as European scenarios, the range of aircraft has certainly become a more important variable. The proliferation and the sophistication of air defenses have made stand-off almost essential to survivability. Both those strategic trends, I think, continue, but we're going to have to evaluate each program within those trends in this QDR that's coming forward.

Senator THUNE. Yes.

Ms. Flournoy, anything to add to that?

Ms. FLOURNOY. I would agree with that. I think the need for a long-range precision strike that can penetrate the most sophisticated enemy air defenses is absolutely critical. Hopefully the Department will use the QDR to examine the range of possible capabilities that will actually get us to meeting that need. Certainly the long-range bomber will be part of that discussion, a central part of that discussion.

Senator THUNE. Mr. Chairman, I see my time is expired, so I want to thank our nominees for their service. We look forward to your speedy confirmation, thank you.

Chairman LEVIN. Thank you, Senator Thune.

After Senator McCaskill, I'm going to have to leave for a few minutes, and then Senator Webb is kindly going to take over for that period of time.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I'd like to begin with Mr. Johnson, if I could. Procurement fraud in DOD—in the 1990s, between 130 and 391 cases per year were referred for criminal prosecution. In 2007, that number was a whopping 11. Now, at the same time, you had the same drop-off in civil fraud cases. This defies common sense. We've had a massive explosion of procurement during the conflict in Iraq, and I would like to get a commitment from you today that this would be one of your highest priorities, as we strive to tell the taxpayers of this country that we get it, that they have been fleeced, in many instances, and our military has been shortchanged as a result of some of the procurement fraud that has gone on during the Iraq conflict, and that what is rumored to be a backlog of these cases that exist right now, would be immediately forwarded to the Department of Justice for appropriate prosecution.

Mr. JOHNSON. Senator, I agree, given the growth of procurement dollars, that a dramatic fall-off like that—I'm an optimist in life, but I tend to doubt that it's because there's so much less procurement fraud out there in 2007.

My recollection is, I actually prosecuted procurement fraud when I was a prosecutor, and this is obviously a very important area and I certainly would make that a priority. Yes.

Senator MCCASKILL. Thank you very much.

Mr. Hale, you and I had a chance to visit about the scandal at the Defense Contracting Audit Agency (DCAA). Obviously, the credibility of contracting is split apart at its core, if the very agency that's supposed to be looking over everyone's shoulder has the kind of problems that were documented by GAO, I mean, nothing's worse than an audit agency being found not to be compliance with auditing standards in government. It doesn't get any worse than that.

Part of the examination of that scandal disclosed the lawyer for the audit agency wrote a letter to the whistleblower. I want to make sure that I share it with both you and Mr. Johnson, because it is the most egregious example I have ever seen of an unethical and completely inappropriate memo, saying to this person, "Be quiet. You are not supposed to talk about this stuff to anyone, Con-

gress or anyone else." It is enough to make your blood boil, when you read this memo.

At the time, I asked what kind of action had been taken against the lawyer that wrote this memo? I got two excuses. One, the Special Counsel's investigation was still open, making any action inappropriate. Then, unfortunately for you Mr. Johnson, they passed the buck to you. That, in fact, the lawyer at the DCAA is in your chain of command, rather than the DCAA's chain of command.

I would like your comment, Mr. Hale, about what you intend to do about the lawyer—I'm sure that lawyer is still there—and I would like some comment about what will happen to this lawyer, who basically said to someone who was trying to right a wrong, "Be quiet or you're going to pay."

Mr. HALE. Senator, I am concerned about the issues at DCAA, as we talked about yesterday. It is also an ongoing investigation, I want to see that investigation completed, and if I'm confirmed, I will commit to you that I'll be sure to review it, to solicit help from the Department's lawyers, and figure out what the right strategy is. But at the moment, I can't say what that is, but you have my attention, the issue is important, and we, if I'm confirmed, will certainly seek a resolution.

Senator MCCASKILL. I certainly understand that employees within DOD have a standard of conduct. But I also understand, we can't do our job in oversight, if they are all stifled. I wanted to make sure that they understand that there are certain times, an obligation to come forward, and talk about what is happening internally.

Mr. Johnson, I didn't mean to cut you off. Did you have anything to add?

Mr. JOHNSON. I obviously am not familiar with the particular circumstances here. I agree with Mr. Hale, this is something important to look into.

Just as a practical matter, my experience in life is, if you tell somebody to be quiet and go sit in a corner, it's probably going to come back and bite you, at some point.

Senator MCCASKILL. It did.

Mr. JOHNSON. Right.

Senator MCCASKILL. Yes, in this instance, it did.

Finally, Mr. Lynn, first of all, all of you, I appreciate your service. All of you are not coming back for the glory or the money, you're coming back because you want to serve, and I thank all four of you for that. I don't mean, by directing this question to you, to any way impugn your integrity.

But the revolving door is an important issue for us to talk about, between the Pentagon, and the defense contracting community. You went directly from the Pentagon to a defense contractor. You are coming back directly from a defense contractor—one of the largest defense contractors—into DOD. In that role, you have a major responsibility over acquisition and procurement. This is troubling to a lot of people who are just looking at this situation.

We have gone a long way in Congress to try to begin to stop the revolving door. We haven't done as well as we'd like to, but there's a whole lot of attention in the public about the revolving door between working in Congress and lobbying in Congress. Frankly,

there isn't as much attention in the defense sector. It's an incestuous business, what's going on, in terms of the defense contractors, and the Pentagon, and the highest levels of our military.

I'd like to give you an opportunity to speak to it, since you're an example of it. [Laughter.]

Mr. LYNN. Senator, when I left the Department, I followed the strict ethics procedures, and didn't have any contact with the Department for the period that's set by law. On coming back into the Department, there are equally strict ethics procedures on what issues I can handle, and what issues I can't. I will be working with the General Counsel's Office to ensure I follow those ethics procedures completely.

Senator MCCASKILL. Do you feel like you could be somebody who could be a reformer, in this regard? Do you sense that there's something else that we need to do? Do you sense that there may not be a problem that there is, maybe, too much short-cutting of picking up the phone, and dialing into the Pentagon from a defense contract agency because of former friends that are there, and vice versa? I mean, do you have any sense that reform is needed here?

Mr. LYNN. Well, I——

Senator MCCASKILL. Do you hear the hopeful tone in my voice?

Mr. LYNN. I do hear the tone, Senator.

I'm not aware whether the DCAA case, you probably have more familiarity with the details as to whether that was people leaving DCAA and contacting back to DCAA, I hadn't heard that, but perhaps you know more. I think we need to keep——

Senator MCCASKILL. The best example I can give you is the Thunderbird scandal. That was somebody who had left the military and was working for a contractor, and reached back in the get a contract, a sweetheart contract, no bid, noncompetitive contract for some public relations work for the Air Force Thunderbirds—that's one example, I can give you some other examples.

Mr. LYNN. Senator, I certainly believe that we need to maintain the highest ethical standards. I pledge to you that I will do that personally.

In terms of your hopefulness that we can reform, I will work to not only ensure that we follow the highest ethical standards, but that we have the transparency that provides the public with the belief, the understanding that indeed those standards are being followed. It's not just the reality, it's the perception, and I understand that, and we plan to work on both.

Senator MCCASKILL. Okay. Thank you all very much. I look forward to working with you.

Senator WEBB [presiding]. Thank you, Senator McCaskill.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

In the absence of Chairman Levin and Ranking Member McCain, I am definitely honored to be on this committee, and I am excited about being here and working with all of you.

North Carolina has one of the largest military footprints of any State in the country, and we're very proud that in North Carolina, our long-term support of the military—and as a member of this Armed Services Committee—I truly hope to be able to provide the

support and advocacy that the many North Carolina men and women in our Armed Forces deserve.

To the nominees, I want to offer you my congratulations. None of you would be here before this committee, if not for your competence, and your records of service. Should you all be confirmed, I am confident that you will serve our Armed Forces with distinction. So, thank you on that regard.

As I mentioned, and I hope you know that the military is very important to North Carolina, and North Carolina is important to the military. It's my hope that, should you be confirmed, we can work closely together in the year to come.

The people of North Carolina are very pleased about the results of the Base Realignment and Closure (BRAC) Commission, and the Army and Marine Corps "Grow the Force" initiative. Both Fort Bragg and Camp LeJeune are slated to receive a large influx of personnel. The Fort Bragg and Pope Air Force Base BRAC Regional Task Force are ultimately expecting total gains of about 40,000 military and civilian personnel in and around the city of Fayetteville. I think that those changes are ultimately going to be a great thing for the military and the State of North Carolina.

But in the meantime, there is a lot to be done in the surrounding communities to get ready for that increase in personnel that we're going to be seeing in the next few years. Obviously, it's a welcome challenge.

We, in fact, are likely to see a large increase in funding for State and local construction projects, as a part of the economic recovery package that will be considered soon. I hope that in North Carolina some of that funding can be devoted to school construction for the added military personnel and people, and the infrastructure upgrades around the bases.

In the case of Fort Bragg, some of these projects will be essential to ensuring the security of the Nation's largest Army post. But it's very important that BRAC be implemented as smoothly and efficiently as possible.

Mr. Lynn, let me ask you a question. Do you foresee any significant barriers to an efficient and timely implementation of BRAC? I would ask that you would work with me and the committee to ensure as smooth and orderly a transition as possible.

Mr. LYNN. Thank you, Senator. I agree with the Senator that the BRAC process has been an incredibly important process for the Department as it right-sizes its infrastructure to the new size of the force over a couple of decades, and that's been something that's gone through, I think, five iterations now, and we wouldn't have been able to get anywhere close to the right-sized infrastructure without that.

I would pledge to you that we would want to protect the integrity of that process. I can't get into specific commitments on individual programs or projects, but it's certainly something we would want to work with you and ensure that the process remains as strong as it has been.

Senator HAGAN. Thank you.

Again, congratulations to all of you. I certainly do look forward to working very closely with you in the years to come.

Thank you, Mr. Chairman.

Senator WEBB. Thank you, Senator Hagan.

Senator Begich.

Senator BEGICH. Thank you, Mr. Chairman.

There's good and bad being last. The good is, everyone knows there's only about 8 minutes left.

Senator WEBB. Just for the record, Senator, there will be a second round.

Senator BEGICH. I know, I'm saying from this round.

Senator WEBB. Don't think it's going to be over in 8 minutes.

Senator BEGICH. This round, and the bad is, lots of the questions have been asked.

I'm going to give a couple, very parochial, but before I do that—Mr. Lynn, your earlier comment about your child, I clearly understand that. If my son were here, it would be totally disruptive, and I'm not sure how it would all go.

To you, your family, I'm watching your son, here—I'm going to get some lessons of how you do this for 2 hours—very good, I give you great credit, there.

I'm going to ask two very parochial questions, but then I'll ask a couple of general questions. I'll leave them to you, Mr. Lynn, and you can direct them to whoever would like to answer them.

Contrary to popular belief, we really don't see Russia from most of Alaska, just for the record. [Laughter.]

But Russian military jets often push the envelope and make fly-overs along the Alaska border, prompting intercepts to launch from Elmendorf Air Force Base and other Alaskan military installations.

Alaska also finds itself the closest American State to North Korea, and Alaskans often get nervous when China and Taiwan start arguing, because of our proximity to the Pacific Rim.

Anchorage, Alaska's port has been deemed one of the Nation's top 16 strategic ports because of its vital mission of launching the Stryker Brigade from Fort Richardson and Fort Wainwright in Fairbanks. In short, Alaska truly, in my belief, is on the front-line of the national defense. What is your assessment of the strategic importance of Alaska when it comes to America's interest on the Northern Pacific Rim?

Mr. LYNN. Clearly, as the Senator stated, Alaska plays a very important role in terms of the U.S. military posture in the Pacific Region, both in terms of the ballistic missile defense capabilities that are resident there, as well as the forces from all of the Services that are in Alaska. I don't want to say one State is more important than another, but clearly, Alaska's size and position makes it a critical element of our national security.

Senator BEGICH. Let me ask you another question, again, very specific to Alaska, but yet to the national defense. We're very proud, in this Nation, to be the first fully-deployed in operational defense against ballistic missile attack, at Fort Greeley, the Ground-Based Midcourse Defense (GMD) system.

First conceived under the Clinton administration, in a very strong, bipartisan approach here in Congress, including members of this committee, the GMD is an important element in homeland security, providing a deterrent, and if necessary, active defense against threats around the globe.

This past December, the program completed another successful intercept test by detecting, intercepting, and destroying a target warhead over the Pacific.

I remain, and continue to be, very supportive of this testing of the GMD system against a wide range of targets, and I strongly encourage the Pentagon to adequately fund the GMD, including testing, operations, maintenance at Fort Greeley and other Alaska sites, and expansion of the Fort Greeley interceptor inventory, especially if we do not immediately deploy interceptors in Europe.

For either one of you, or whoever would like to answer this—can you give me your opinion and thought of how you would support this type of system?

Mr. LYNN. Why don't I start and ask Ms. Flournoy to follow?

Senator BEGICH. Very good.

Mr. LYNN. Senator, I think missile defense programs should be treated like all defense programs, and that is that one, they should be based, fundamentally, on a judgment of the threat that we face. Then they need to do the best that we have to meet that threat, and diffuse it.

Second, they need to be cost-effective. We need to follow a program that's going to get the best return for the taxpayers, and then finally, we need to follow a strong testing regime to make sure that, in fact, they will work to do the mission that they've been intended to you.

I think the missile defense program, as you've said, the GMD program in Alaska is proceeding down those paths. Without making any specific commitments on that, that would be the approach that we would take to that program, as well as the other missile defense programs.

Senator BEGICH. Thank you.

Ms. FLOURNOY. Senator, I would agree with Mr. Lynn's remarks. I would only just add that I think there are some imminent vehicles for looking at a broad review of missile defense, not only for long-range systems, but medium- and shorter-range systems. I think that will be an important element of both the QDR and the upcoming budget and program reviews.

I would just underscore the need to look at these things holistically, and to look across the board to try to look at how best we can prioritize. So, I look forward to discussing the Alaska system in that context with you, going forward.

Senator BEGICH. Thank you very much.

Mr. Chairman, I don't know how the timing works, this is my first time. So, I'm going to keep rapping until someone tells me, or a hook comes, right? Okay. [Laughter.]

I didn't hear any discussion, as I'm a former mayor of Anchorage, AK, and we do a lot of work, we have—in the State population, 11 percent of our population are veterans, another 4 percent are Active military. A very large percent of our population is related—indirect and directly—to the military.

The program we worked a lot on was family support. I'd be interested—and you don't have to go into the detail here, but this is my opinion from a mayor's perspective, looking in, that there is good support, but not enough.

An example I would give you, in Anchorage, we have our Women, Infant, and Children program satellite office on the base, because of the needs. I have personal opinions about why that should not be that case. But, can you tell me, as you mentioned, about reform and some of the activities you're going to take, where are you going to include the support for families on base, off base, and those kind of necessary elements, that I truly believe from a mayor's perspective, as a former mayor, were there, but not as aggressive as they could have been?

I know, as a mayor, we did a lot with the military, great relationship, and actually started with the U.S. Conference of Mayors, a new committee to get other mayors to do the same thing, because we think mayors have a great role in supporting the military that connects to them. But how do you see support and resources to support those families?

Mr. LYNN. Senator, we're well aware that we've recruited, we've trained, we've equipped the best military force the world's ever seen. We're equally well aware that we're not going to retain that force, and we're not going to retain that capability, unless we treat our military families right. So, we will provide the resources that military families need to be able to sustain the kinds of activities, the wars that we're fighting and that we know that the families at home are at least as burdened by these deployments as the men and women who deploy themselves, so we need to find and support the programs that support those families.

Senator BEGICH. Will you have, in your process, some sort of strategic plan on how you'll do that?

Mr. LYNN. It will certainly be a critical element as we develop the budgets and programs, starting with the fiscal year 2010 program, and anything else, actually, that's needed in the fiscal year 2009 supplemental.

Senator BEGICH. Another question, kind of broader, as the Arctic continues to be a new frontier in a lot of ways, Alaska is going to be right up there. Have you, or do you have any commentary regarding how the military will engage in Arctic policy?

Mr. LYNN. I'm afraid I don't, but maybe Ms. Flourney?

Ms. FLOURNOY. I don't have a comment on current policy, but what I can tell you is that's a great example of what I was referring to when I talked about thinking about energy security and climate change in our military planning, in our scenario development, and so forth. As things change in the high north, then you're going to see implications for the U.S. military that we need to try to anticipate and plan for. I would hope that some of our longer-range planning and thinking would take that and other energy developments into account.

Senator BEGICH. Thank you very much.

I have my cue card, my time is up.

Chairman LEVIN [presiding]. Senator Webb will start our second round.

Senator WEBB. Thank you, Mr. Chairman.

First, I would like to express my appreciation that Senator Nelson raised this issue of dwell time. I would like to give you another group of thoughts on this. I hope you'll keep in mind, as someone

who wrote and introduced the dwell-time amendment in 2007, and someone who also wrote and introduced the GI bill.

We have a tendency inside the Pentagon—I spent 5 years in the Pentagon—of looking at these issues simply in terms of retention. Specifically, as the dialogue went back and forth, we talked about how important it is to retain field-grade officers. In the Pentagon, you're hanging around generals, admirals, and captains, and you get a lieutenant colonel in front of you, and you tend to think he's a lower-ranking officer. In a rifle company, a lieutenant colonel is God. We tend to forget, in this environment—and I say that as someone whose son and son-in-law both are enlisted in the Marines right now—we tend to forget that 70 percent of those who enlist in the Marine Corps, and 75 percent of those who enlist in the Army, leave the Service at or before the end of their first enlistment.

We have a stewardship to those people, that's quite a bit different than the way we address the career force. These multiple deployments, with very short time periods in between, have an emotional impact that stay with people to the end of their lives. I say that as someone whose first job in Government was working as a counsel on the House Veterans Committee, 32 years ago, dealing with the problems of people who served in Vietnam.

So, part of it's a retention issue, part of it is how we deploy the force, but the traditional dwell-time ratio has always been two to one, until we hit this period. Two years here for 1 year gone. One year here for 6 months gone. We got all the way down to below 1 to 1. The Commandant of the Marine Corps has been very specific about trying to get it back to 2 to 1, we tried to pass an amendment just saying it ought to be 1 to 1.

Whatever your political thoughts are about the wars we're fighting, or anything else, we need a safety net under these people for their long-term emotional health.

So, when you're getting the visits of all of these high rankers, and we're talking about retention, and we tend to do it constantly on this committee, please do not forget that the issue is much larger than retention. It is the long-term welfare of our citizen soldiers who step forward to serve.

Ms. Flournoy, I waited for a second round, because I think it's very important to hear from you on two other issues with respect to your views on where the Department should be going. I say this with a little bit of a sense of history of what happened in the last administration with the first occupant of the position that you're about to move into.

We'll need to understand clearly what your views are on these issues as we move forward. The first is Afghanistan. You mentioned that you support the notion of an immediate and fairly large-scale increase of the American military into Afghanistan. Can you please articulate your view of this strategy in military terms, and what the endpoint is, where we will see that our mission is complete?

Ms. FLOURNOY. That is the question, Senator. What I would say is that I think our objective in Afghanistan has to be to create a more stable and secure environment that allows longer-term sta-

bilization, and prevents Afghanistan from returning to being a safe haven for terrorism.

I think job number one, or one of the top jobs for this new administration, is going to be crafting the strategy that you're asking for. In doing so, not just for the military piece, and how many troops we're going to deploy, but for the U.S. Government as a whole, working with our North Atlantic Treaty Organization (NATO) allies, working with the Afghan Government, working with international donors. We need a comprehensive strategy that articulates the end-state we're trying to achieve, and then bring all of the elements of national power—not just the military—to bear on trying to achieve it.

I can't tell you what that strategy is, yet. But I do know that President-elect Obama and Secretary Gates have both been very clear that they're committed to developing that as an early priority going forward.

Senator WEBB. I would hope that in this process, we can end up with a clearly articulated end-point. I think that was the great failure in Iraq. If you cannot clearly articulate when the commitment will be ended, then we tend to move sort of in an ad hoc way, based on the situation of the moment, and all around the world, we tend to end up staying in different places, and not necessarily resolving problems in a way that fits our national interest.

My second question regards NATO expansion. I spent a good bit of time working in NATO, when I was Assistant Secretary of Defense. This is not the NATO that I was working with in the 1980s. In my view, NATO was kind of broken down into three pieces. This is my concern, anyway, and I would like to hear you views on this.

We have the United States having moved into position—even more so than in the 1980s—of being the military guarantor. We have the traditional countries of NATO moving into their historic relationships with Central and Eastern Europe—there's nothing wrong with that, it's to be expected, and it's healthy for Germany, particularly—and then we have, in my view, picked up a worrisome set of dependencies, for lack of a better term. Not allies, in the traditional sense of the word. What do you think about that? What do you think about the further expansion that's on the table?

Ms. FLOURNOY. Senator, I think this is one of those issues where the upcoming NATO summit's going to offer a great opportunity to sort of elevate the discussion between the United States and our allies, on what is the alliance and what is our purpose, here?

I think that NATO expansion originally started out as being very much about creating a Europe that's whole and free. I think that's still a worthwhile objective. But, I think going forward, there's a sense of, we need to have some clear criteria for membership, and also evaluate it on a case-by-case basis.

I'm not prepared to go country-by-country and give you that evaluation from where I sit now, given that I haven't been deeply involved in these issues for awhile. But I do think that the question you're raising of the purpose and nature of expansion going forward is important to inform case-by-case judgments going forward on which additional members would make sense, and which would not.

Senator WEBB. Obviously, stability is one issue. But being mandatorily committed to coming to the defense of a country that has been allowed into the NATO alliance, as in the situation last year with Georgia—is very troublesome. Europe has a very tangled history when it comes to this, if you go back and examine the period leading up to World War I. There's a lot of resonance in terms of the tangled commitments that were made. I would hope that we could proceed forward in a very careful way, in terms of making any more mandatory obligations as to where our military would be used.

I thank all of you for your time today, and I wish you the best, and I obviously am going to support your nominations, and I look forward to working with you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

I have a number of additional questions that I want to ask right now, but I want to join my voice with that of Senator Webb on the NATO expansion issue, the caution that is essential.

For the reason that he gives, which is the requirement that we come to the assistance of all members, but also because of the veto that every member has on any military activity—it's a very serious matter. There's no easy way to address it. We've gone into this in prior years, as to whether that ought to be modified in some way. But it's really important that any member meet all of the requirements of NATO, to reduce the likelihood that there will be such a veto, if all but one member of NATO wants to take action, and one member refuses—that's it.

But there's also, of course, the issue that Senator Webb raises, about the requirement of using military action to come to the support of any nation that feels it's been attacked. The complication and complexity of that kind of a decision, it seems to me, was highlighted by the recent activity of Russia and Georgia.

I want to add my voice to the caution that Senator Webb, I believe, expressed on that.

With the time remaining—we have votes in 10 minutes, and even if I'm alone here, I have more than 10 minutes of questions. But let me start off, first, on Iraq. You have addressed, Ms. Flournoy, one aspect of the Iraq issue, and the difficulty of knowing what the facts will look like down the line, in terms of what our future commitments, if any, ought to be to Iraq.

But one of the issues, of course, would be whether or not the Iraqi people ratify the SOFA. What happens if public opinion comes out in opposition to the referendum? I would just ask you whether you agree that would also be a fact, which complicating complexity, which would need to be thrown into the mix here?

Ms. FLOURNOY. Absolutely, Senator.

Chairman LEVIN. On Afghanistan, and I think all of us have a lot of questions relative to Afghanistan, and some have already been asked, but here are a few additional ones.

I have believed for a long time that the Afghan National Army ought to be placed in the position where it's most needed. Where it's most needed is where the greatest threat is, and the greatest threat is along the border. Yet, we don't see—as far as I can tell—the Afghan Army being located along that border.

On top of that, there was a commitment made to President Bush that the Afghan Border Police would be put under the jurisdiction of DOD. The Afghan Army is an army that is very highly motivated, highly professional. Their fierce dislike of the Taliban comes from a long history, and they have the willpower to take on that issue along the border. There's a contrast there with the Border Police, and I won't go into too many details, but the Border Police does not have that kind of professionalism, or willpower.

I'm just asking you and urging you to look into the question, Ms. Flournoy, of the location of the Afghan Army, whether we should ask the Afghans to locate more of their army along the border. That border is a threat, not only to Afghanistan, but the areas in Pakistan which harbor the terrorists, Taliban leaders, and extremists are a threat directly to this country.

I would ask you to take on, as one of your early policy issues, the question of not just the border, which is obviously high-up on your radar already, but the question, specifically, of the Afghan Army, where we should urge that it be located, whether the Border Police should be part of the Ministry of Defense, or the Ministry of Interior—and there's a huge different in Afghanistan, in terms of the professionalism of those ministries.

Whether, indeed, a commitment was made to President Bush, relative to that Border Police. Whether that commitment's been kept, because those cross-border incursions from Pakistan, again, not only represent a huge threat to Afghanistan, but the presence of that safe haven in Pakistan, I know, is now allegedly being addressed more by the Pakistanis, and that's great.

But I have my skepticism as to whether their heart is totally in it, and whether or not they're going to succeed, and that means that either if the Pakistan heart is not in it, whether there's any ambiguity there, or whether they're unsuccessful even with the willpower, puts a great onus on the Afghans to control their own border, and to stop that incursion.

I would ask you, and to the extent you're going to be interested and involved—I know you're interested, Mr. Lynn, but involved in this issue—I would ask both of you to put some real specific focus on those issues, would you do that?

Mr. LYNN. Absolutely, Mr. Chairman.

Ms. FLOURNOY. Absolutely.

Chairman LEVIN. Missile defense, I think Senator Begich asked one part of that question, but I come at it from a similar angle, I think to the one that was discussed by Mr. Lynn. Let me just ask this question of you, Mr. Lynn. Do you agree that the Missile Defense Agency, and the missile defense programs of the Department, should be subject to regular processes for budgetary, acquisition, testing, and policy oversight, rather than being managed outside of ordinary management channels?

Mr. LYNN. Mr. Chairman, I think that all of our military programs should be managed through those regular programs, that would include missile defense. I would think any exceptions should be rare, and fully justified.

Chairman LEVIN. Thank you.

Ms. Flournoy, on the European missile defense issue—do you believe it would be important to review the proposed European mis-

sile defense deployment in the broader security context of Europe, including our relations with Russia, the Middle East, and to consider that deployment, as part of a larger consideration of ways in which to enhance ours and European security?

Ms. FLOURNOY. Yes, I do, sir. I think it's an important candidate issue for the upcoming QDR.

Chairman LEVIN. Thank you.

Mr. Lynn, the Air Force and the Navy have been reducing their end strengths in recent years, but have announced that they are halting the reductions, short of previously stated goals. Can you give us your thoughts on the current size of the Active Force, both the Air Force and Navy size, but also the Army and Marine Corps who have been steadily increasing under the requirements established by this Congress, that have pushed very hard for increases in the size of the Army and Marines? But comment, if you will, specifically on the stated goals of the Air Force and the Navy, and whether they should be kept, or whether they ought to be modified?

Mr. LYNN. Mr. Chairman, I think that's going to be a central part of the review in the next QDR. I think any strategic review has to include within it a thorough review of the force structure, because it's the first element in terms of how we address the threat, is the force structure that we develop. Most of the budget implications, at least the initial budget implications, flow from those judgments. So, we need to start with those judgments. But, I couldn't pre-judge at this point, the results.

Chairman LEVIN. That's fine.

Over the past 2 years, we've spend a huge amount of time working with DOD and the Department of Veterans Affairs (VA) to improve the care and treatment of our wounded warriors. We've adopted Wounded Warrior legislation which was comprehensive, to try to address some of the problems which were very visible and dramatically disclosed by the Washington Post series of articles that related to Walter Reed Army Medical Center. But it was a much deeper problem that we addressed, in terms of the relationship between the Departments—DOD and the VA—to try to make sure there were seamless transition, that there were common standards and criteria for assessments, including disability ratings, and we made some major reforms in that area.

Mr. Lynn, if confirmed, will you ensure that the Department continues to work with the VA to make sure that the wounded servicemembers and their families receive the treatment that they need and deserve? Will you assure us that this issue is going to remain at a high visibility level in the Department throughout the period of transition, and beyond?

Mr. LYNN. Absolutely, Mr. Chairman.

Chairman LEVIN. Let me address this question to both of you, Mr. Lynn, Ms. Flournoy, about U.S.-Russia relations, and what steps you believe should be taken to improve the relationship in the near-term, mid-term, and long-term. What issues face the Department now, which can affect that U.S.-Russia relationship, and how important is it that we try to improve that relationship?

Why don't you start, Mr. Lynn, and then I'll go to Ms. Flournoy.

Mr. LYNN. Mr. Chairman, the Russians still have the largest nuclear arsenal, and in that context alone, we need to pay attention to that critical relationship. We need to develop that relationship as far as we can, we have a Strategic Arms Reduction Treaty renewal to evaluate, as to whether that's the right way forward. We have ongoing relationships in terms of the Nunn-Lugar program. That's an important way that we've been able to reduce the threat of the proliferation of those nuclear weapons.

At the end of the day, Mr. Chairman, this is one of the most critical relationships, both for defense and foreign policy reasons, that the Nation has.

Chairman LEVIN. Ms. Flournoy?

Ms. FLOURNOY. Some of our most vital interests—preventing further nuclear proliferation, preventing the use of nuclear weapons by terrorists—it's very difficult for the United States to safeguard those interests without very deep, and broad, international cooperation. When you look at the nature of some of the tasks, getting Russia to help police nuclear materials, ensure the safety of nuclear weapons arsenals, and so forth, they're a very critical partner in that regard.

I guess I would start from the premise that we do have some very important common interests, and although recent Russian behavior—particularly with regard to Georgia, with regard to energy supplies in Europe and so forth, have been great cause for concern.

I would hope that going forward, the new administration would reopen a strategic dialogue with Russia that would seek to identify areas—both of cooperation, and areas where we would like to see more constructive behavior, from Russia, going forward. But, I think it's an absolutely critical relationship that we need to be working actively, going forward.

Chairman LEVIN. Ms. Flournoy, the Chairman of the Joint Chiefs recently spoke about the need for a whole of government approach, and the limits of the use of military power as a tool of U.S. foreign policy. Admiral Mullin stated that our Armed Forces ought to be willing to say when it believes that the military is not the best choice to take the lead, in place of our civilian department, and agencies of government. He emphasized the need to provide our civilian departments—including State Department, U.S. Agency for International Development, Agriculture, and Justice, with the resource that they need to take the lead, even if that means less resources for DOD. I'm wondering whether you agree with that? I think Secretary Gates has spoken, even before Chairman Mullin, very eloquently about these issues. I'm wondering whether or not you basically agree with that?

Ms. FLOURNOY. I do agree, sir. Both in the need for much more integrated approaches using all of the elements of national power to achieve objectives, but also in the need to invest in building capacity of our non-military instruments, to be able to perform alongside our military.

Chairman LEVIN. All right, thank you.

Mr. Lynn and Ms. Flournoy, the recovery operations in North Korea for American prisoners of war who have been missing in action since the Korean War is an important humanitarian effort,

and it should not be caught up, or tied to the political and strategic issues surrounding North Korea.

Since the inception of the bilateral operations in 1996 in North Korea, until their untimely suspension by Secretary Rumsfeld in 2005, this program was seen by both parties as a humanitarian program. It's incredibly important to the families of those missing servicemembers that their remains be recovered.

Will you seek to resume those operations in cooperation with the North Koreans, Mr. Lynn?

Mr. LYNN. Mr. Chairman, I'm going to have to become more familiar with that program, but I'll endeavor to do that, as a high priority.

Chairman LEVIN. Thank you.

Ms. Flournoy, are you familiar with that program?

Ms. FLOURNOY. I'm aware that it was stopped, but I am not too familiar with the details, but I'd be happy to look into it, sir.

Chairman LEVIN. Thank you.

Mr. Johnson, the convening authority for military commissions for DOD was quoted yesterday as saying that she declined to refer a detainee case for prosecution, because "his treatment was torture." She said it was abuse of an uncalled for and clearly coercive nature, to use her words. Now, assuming that Ms. Crawford's statements are accurate, would you agree that these interrogation techniques are inconsistent with Common Article III of the Geneva Conventions, the requirements of the Army Field Manual, and should not be used by DOD?

Mr. JOHNSON. Yes, Mr. Chairman, I believe that and I also believe that such things are inconsistent with American values.

Chairman LEVIN. Mr. Lynn and Ms. Flournoy, would you agree with that?

Mr. LYNN. I certainly agree that our interrogation techniques need to follow the Geneva Conventions and the Army Field Manual.

Chairman LEVIN. Ms. Flournoy, would you agree?

Ms. FLOURNOY. I would agree with Mr. Lynn's statement.

Chairman LEVIN. With Mr. Johnson's statement?

Ms. FLOURNOY. Yes. I believe that torture should never be used by the United States, under any circumstances.

Chairman LEVIN. But, would you agree that the description which she gave met the legal definition of torture? Or are you not in a position to——

Ms. FLOURNOY. Sir, I am not in a position, I am not familiar with that particular case, I'm sorry.

Chairman LEVIN. All right.

Mr. Johnson, according to an article in yesterday's Washington Post, the evidence against detainees at Guantanamo Bay is "in a state of disarray." Apparently, so chaotic that it's impossible to prepare for a fair criminal trial. If confirmed, would you personally review the evidence against the Guantanamo detainees, for the purpose of determining—in consultation with other appropriate administration officials—how to proceed with those cases?

Mr. JOHNSON. If confirmed, Mr. Chairman, I anticipate being part of an inter-agency review with respect to the manner in which such cases are brought, and to take a good look at the evidence

against the detainees—both with respect to potential criminal prosecutions, and their continued detention, yes, sir.

Chairman LEVIN. Do you have a view as to whether or not it's preferable or appropriate to try detainees who are going to be charged with criminal offenses before military commissions, rather than Article III courts?

Mr. JOHNSON. Senator, first of all, I have predispositions. I don't, at this point, have an informed view. If confirmed, I'd want to get in there and learn a lot more about this subject, and learn about the nature of the evidence that we have on some of these detainees, so I think I know what I don't know.

But I do have some predispositions on this subject, which I think are similar to the President-elect's. I think that it is preferable that we proceed in Article III civilian courts. I do not rule out the possibility and the need for prosecutions in some form of Uniformed Code of Military Justice court-martial or a properly constituted military commission. Military commissions have existed since before World War II. I have some qualms and some issues with how they are currently constituted, and I think the new administration will take a serious look at that.

But I think that, if I could add this—we need to also be mindful of the future, not just the 250 or so detainees at Guantanamo. We are certainly going to have detainees in the future, so we need to build a system that has credibility and survives legal scrutiny for the future as well as the people that are currently there.

Chairman LEVIN. In that review, I would recommend that you take a look at the debates and decision of this committee and Congress, relative to those procedures. There was some reference to that by Senator Graham, and I would urge you to take a look at the decisions, the debates, the issues which we confronted, and ultimately divided on. But, for a time, we thought, at least a pretty good majority—bipartisan majority—to put in place.

If you would just take a look at that history, that, I think, will inform some of your thinking as to what direction we need to go in this area.

Mr. JOHNSON. Thank you.

Chairman LEVIN. Can you do that?

Mr. JOHNSON. Yes, sir.

Chairman LEVIN. On access to documents, Mr. Johnson, the Senate Armed Services Committee has conducted an extensive investigation into the treatment of detainees in U.S. custody. For a long period of time, at least, that investigation was impeded by objections from the Department of Defense, and particularly by the Office of the General Counsel, to providing requested documents and information to the committee.

There were a number of excuses that were provided to us, for why documents and information were withheld, including claims that the communications were "deliberative" or that advice was "pre-decisional," or other privileges. None of those privileges, and a number of others that were asserted, were recognized, or ever have been recognized, by Congress or the Courts as a basis for withholding documents from Congress.

The objections that the Department raised delayed our investigation and report. I would ask you this—whether you would agree

that a good working relationship between the Department and the committees of Congress is in the interest of everybody? It's important for the Department to cooperate to the maximum extent practical with requests for documents and information made in the performance of our oversight function.

Mr. JOHNSON. Mr. Chairman, I do and I will undertake this if any member of the committee or your committee staff believes that DOD has asserted an objection that does not have a basis in law, I want to know about that right away.

Chairman LEVIN. Okay.

Mr. JOHNSON. I'd appreciate a phone call directly to me.

Chairman LEVIN. That's great. After you're confirmed, we'll not only make certain that that happens in the future, and hopefully is not needed, but we're going to ask you to take a look at some of the documents that are denied us, the reasons for them, and to see whether or not you are able to make them available, based on prior requests.

Mr. JOHNSON. Yes.

Chairman LEVIN. Okay.

The President-elect has made a very strong commitment to openness and transparency in government and you're going to be right in the center of that when it comes to oversight, and your decisions will be important in that regard, and we welcome your commitment to that kind of openness and transparency.

Mr. Lynn, President-elect Obama said that it's possible for us to keep the American people safe, while adhering to our core values and ideals, and that's what he intends to carry forward in the new administration. Would you agree that restoring America's moral leadership globally is essential to our security?

Mr. LYNN. Yes, sir.

Chairman LEVIN. Will you agree that sending the clear signal that the United States does not engage in torture, or cruel, inhumane or degrading treatment, which are prohibited by our anti-torture laws, that that clear signal will enhance our standing globally, and enhance our security?

Mr. LYNN. I do.

Chairman LEVIN. Finally, I don't want to leave you too much off the hook, Mr. Hale, because you're——

Mr. HALE. That's quite all right, Mr. Chairman.

Chairman LEVIN. I know your family and you would be disappointed if that were true, so let me ask you this. Our current defense plans and programs are extremely expensive. You have a huge budget deficit. What we're going to need you to do is to work, obviously, with the leadership of the Department to work with us to find places where we can save money. We know where we have to spend money. We're going to spend money to support our men and women in uniform, to give them everything they need to prevail on their missions, and we're going to give our military families the support that they deserve. We're going to provide the equipment that's essential, and the healthcare that's essential.

What we cannot do is spend money either on systems we don't need, or excesses that we've seen too much of.

I think you're familiar, are you, with some of the Inspector General's reports on expenditures in Iraq?

Mr. HALE. Yes, in general terms.

Chairman LEVIN. We're talking tens of billions, maybe hundreds of billions of unaccounted for dollars. So we're going to need your energy to not just help us reform business systems, which we need to do, and we need all your help, I guess, in the area of reforming acquisition. I know a number one priority, or one of the top priorities I guess, not quite number one, but one of the top priorities of the new administration is acquisition reform.

But you're going to be in a key position, Mr. Hale, we're going to need your full energy and your passion in this area if we're going to succeed.

We have a vote on, now, in the Senate, and you've been here a long time.

Ms. Flournoy, I particularly want to compliment your children.

Ms. FLOURNOY. Thank you, aren't they wonderful?

Chairman LEVIN. They're great. I want to compliment all of you for your answers, and for your commitments in working with this committee.

But I really want to embarrass your children, Ms. Flournoy, because of all of the people here this morning, I think they've been the most outstanding. [Laughter.]

With that, again, we will move these nominations as quickly as we can. There are some things that have to be given to this committee which are not yet available to this committee. We expect they'll be fully routine, but nonetheless, they have to be provided. We're just going to bring your nominations as quickly to fruition as we can in terms of confirmation.

With that, we congratulate you, we thank you for your service, and again, thank your families. We thank all of the families and friends who have shown up here today in support of these nominees, and we will stand adjourned.

[Whereupon, at 12:24 p.m., the committee adjourned.]

[Prepared questions submitted to William J. Lynn III by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. As the executive director of the Defense Organization Project at the Center for Strategic and International Studies, I was involved in developing the analytical work that served as a foundation for the eventual Goldwater-Nichols Act. I believe that Act has yielded enormous benefits to the Department through strengthened joint operational commanders, better joint advice in the Pentagon, and improved acquisition management structures. At this time, I do not see the need for any specific changes. If confirmed, my subsequent experience in the Deputy Secretary of Defense position could potentially suggest needed changes and I would consult with Congress on any such issues.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I believe the Department's acquisition management processes and organizations should be a high priority for review by the new administration with the objective of improving the cost controls and responsiveness of that system. That review could potentially suggest changes to certain aspects of Goldwater-Nichols. I also believe it will be important to address recommendations for interagency reform.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Deputy Secretary of Defense and each of the following:

The Secretary of Defense.

Answer. I expect the Deputy to be able to perform any of the duties of the Secretary, but to be largely focused on the daily operations of the Department. The Secretary and the Deputy would work together to develop defense strategy and policy, but the Deputy would serve largely as the Department's Chief Operating Officer, responsible for the operation of DOD and implementation of national defense policy and strategy. This will include financial management, personnel policies, acquisition management and integrity, oversight of military departments' roles, base realignment and closure (BRAC), Quadrennial Defense Review (QDR) management, legislative affairs, public affairs and the like.

Question. The Under Secretaries of Defense.

Answer. If confirmed, my role as Chief Operating Officer would be to ensure collaboration across the various offices of the Under Secretaries of Defense. I would further provide that the Secretary's guidance and priorities are understood and implemented, and that matters requiring the Secretary's attention are raised to his level.

Question. The Deputy Chief Management Officer (DCMO) of DOD.

Answer. As a direct reporting relationship, the DCMO would provide feedback on the progress of the Department toward achieving its management goals. The DCMO would also work closely with me, if confirmed, to determine future changes to our strategic plan. The DCMO would routinely interact with the Military Department Chief Management Officers (CMOs) to ensure success.

Question. The Assistant Secretaries of Defense (ASD).

Answer. If confirmed, for direct reporting ASDs the relationship would be the same as with the Under Secretaries. For those reporting to an Under Secretary, I would rely primarily on that Under Secretary to manage each area.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is the principal advisor to the President and National Security Council. If confirmed, I will work closely to coordinate any issues with the Chairman and Vice Chairman.

Question. The Secretaries of the Military Departments.

Answer. If confirmed, I will work closely with the Secretaries of the Military Departments to ensure that the policies of the President and the Secretary of Defense are carried out in their respective military departments.

Question. The Chief Management Officers of the Military Departments.

Answer. If confirmed, one of my most important duties would be to ensure that the Department can carry out its strategic plan. Interactions with the military department CMOs would largely be through the DCMO. This would allow for monitoring and measuring of the Department's progress by establishing performance goals and measures for improvement.

Question. The Service Acquisition Executives.

Answer. If confirmed, I will be actively involved in setting acquisition policy. However, I would expect most policy coordination to occur through the USD(AT&L). My objective would be to ensure acquisition policy, procedures, and regulations are followed and appropriate improvements pursued.

Question. The Chiefs of Staff of the Services.

Answer. If confirmed, I will work to ensure the Service Chiefs are aware of the Secretary's guidance and their concerns are coordinated with the Secretary.

Question. The Director of National Intelligence (DNI).

Answer. If confirmed, I would, together with the Secretary of Defense, routinely interact with the DNI. More detailed coordination will occur between the DNI's staff and the USD(I).

Question. The Inspector General of DOD.

Answer. If confirmed, I would encourage the Inspector General to carry out his/her duties in accordance with the Inspector General Act while ensuring there are no barriers to independence or mission accomplishment.

Question. The General Counsel of DOD.

Answer. If confirmed, I will seek advice from the General Counsel on all relevant subjects.

Question. The Chief of the National Guard Bureau.

Answer. If confirmed, I will work closely with the Chief of the National Guard Bureau to understand all Guard-related issues and to ensure he understands the Secretary's guidance.

Question. The Judge Advocates General of the Services.

Answer. The Services' Judge Advocates General have important roles in their respective Services. However, the majority of Service Judge Advocate General issues would be coordinated through the Office of the General Counsel.

DUTIES OF THE DEPUTY SECRETARY OF DEFENSE

Question. Section 132 of title 10, U.S.C., provides that the duties of the Deputy Secretary of Defense are to be prescribed by the Secretary of Defense.

Assuming that you are confirmed, what duties do you expect the Secretary to prescribe for you?

Answer. If confirmed, I expect to function as a traditional deputy, serving as the alter ego to the Secretary of Defense in a variety of forums. However, I expect the Secretary would continue to focus primarily on external aspects of the Defense Department, while I would focus on the internal management functions of the Department, similar to that of a Chief Operating Officer. Those functions would most likely be particularly focused on the Department's planning, budgeting, acquisition, personnel, and management activities.

Question. What background and expertise do you possess that you believe qualify you to perform these duties?

Answer. My background includes service in two previous civilian positions in the Defense Department, more recent experience in defense industry, and previous work in support of Congress. I believe these three bodies of experience will provide a solid foundation for performing the duties of the Deputy Secretary of Defense, if confirmed. I served as the Under Secretary of Defense (Comptroller) from 1997 to 2001. In that position, I was the chief financial officer for DOD and the principal advisor to the Secretary of Defense for all budgetary and fiscal matters. From 1993 to 1997, I was the Director of Program Analysis and Evaluation (PA&E) in the Office of the Secretary of Defense, where I oversaw the Defense Department's strategic planning process. I currently serve as senior vice president of Government Operations and Strategy at Raytheon Company, leading the company's strategic planning. Before entering DOD in 1993, I served for 6 years on the staff of Senator Edward Kennedy as liaison to the Senate Armed Services Committee. Earlier in my career, I worked as a Senior Fellow at the National Defense University and on the professional staff at the Institute for Defense Analyses, and served as the executive director of the Defense Organization Project at the Center for Strategic and International Studies. Although I believe my background provides a solid foundation for the position, I also recognize that the job of Deputy Secretary of Defense encompasses a very diverse set of challenges and responsibilities, and I also know that the Defense Department and its programs have undergone significant changes in the 8 years since I left government service. So I have much to learn and my success in fulfilling the duties of the position will be dependent on the knowledge and advice of the civilian experts and military servicemembers in the Department.

Question. Do you believe there are actions you need to take to enhance your ability to perform the duties of the Deputy Secretary of Defense?

Answer. The Defense Department has experienced profound changes over the 8 years since I left government service in 2001. If confirmed, I will need to receive extensive information and advice from the civilian and military professionals in the Department on recent developments on operations, defense programs, and organizational and process changes. I believe it is important to establish strong working relationships with the senior leaders in the Joint Staff and the military departments and to establish an atmosphere of open communications so that I can assist the Secretary with the benefit of the best information and advice available for decision-making. I also look forward to the opportunity to spend time with Deputy Secretary England and previous incumbents of the office to receive the benefit of their experience and wisdom.

Question. What changes to section 132, if any, would you recommend?

Answer. Based on my previous experience in the Department, I believe the statutory authorities for the Office of the Secretary of Defense are appropriate for the effective performance of the assigned duties. So at this time, I have no changes to recommend, though, if confirmed, my view could change at a later date based on experience in the position.

Question. Section 132 was amended by section 904 of the National Defense Authorization Act for Fiscal Year 2008, to provide that the Deputy Secretary serves as the Chief Management Officer (CMO) of DOD. The Deputy Secretary is to be assisted in this capacity by a DCMO.

What is your understanding of the duties and responsibilities of the Deputy Secretary in his capacity as CMO of DOD?

Answer. If confirmed, my most important duty as DOD CMO will be to ensure that the Department can carry out its strategic plan. To do this, I will ensure the Department's core business missions are optimally aligned to support the Department's warfighting mission. I will develop and maintain a strategic management plan for business reform, and will monitor and measure the Department's progress by establishing performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness of the Department's business operations.

Question. What background and expertise do you possess that you believe qualify you to perform these duties and responsibilities?

Answer. My previous service as Under Secretary of Defense (Comptroller) included major responsibilities for the oversight and improvement of the Department's financial management processes and organizations, and I devoted considerable time and attention to those aspects of my responsibilities. Although the responsibilities of the Deputy Secretary are far broader, I believe my experience as Comptroller provides a strong foundation for the CMO duties. In addition, as Director of the Office of PA&E, I was responsible for the Department's strategic planning. My experience in that area has also been broadened over the past 6 years through my experience with industry strategic planning.

Question. Do you believe that the CMO and DCMO have the resources and authority needed to carry out the business transformation of the DOD?

Answer. My understanding is that an office has been established and funded, and a career senior executive civilian has been appointed as Assistant DCMO to provide continuity in overseeing business transformation initiatives. The DCMO has been added to the membership of all of the Department's senior decision boards, and the DCMO has been named as vice-chair of the Defense Business Systems Management Committee (DBSMC). The charter of the Business Transformation Agency (BTA) has been amended so that the Director of BTA reports directly to the DCMO. Finally, the military departments have established CMO organizations, which will oversee newly established Business Transformation Offices. This provides a framework for ensuring integrated information sharing and collaborative decisionmaking across the Department. These organizational changes occurred after I left government service, so, if confirmed, I will need to review their effectiveness and determine, in consultation with the DCMO, whether any additional authorities or resources are appropriate.

Question. What role do you believe the DCMO of DOD should play in the planning, development, and implementation of specific business systems by the military departments?

Answer. I expect the DCMO will provide integrating guidance and liaison with the Director of the BTA and the CMOs of the military departments. The DCMO will also work to resolve policy impediments to implementing cross-functional solutions across the Department.

Question. Do you believe that the DCMO should have clearly defined decisionmaking authorities, or should the DCMO serve exclusively as an advisor to the Deputy Secretary in his capacity as CMO?

Answer. The DCMO is a new position that did not exist during my tenure in the Department, and the position has not yet been filled and fully implemented. I believe some time will be needed to review the Department's experience with the operation of the new position in order to determine the precise authorities and relationship to the Deputy Secretary.

Question. What changes, if any, would you recommend to the statutory provisions establishing the positions of CMO and DCMO?

Answer. I would defer any recommendations regarding potential changes to statutory provisions pending experience with the new position and time to review its operation within the Department.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Deputy Secretary of Defense?

Answer. See below.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. There are an enormous number of challenges facing DOD today, and the next Deputy Secretary will have the responsibility to assist the Secretary of Defense in addressing a large number of critical tasks. If confirmed for this important position, I would focus on three initial challenges. First, during a transition in a time of war, it is essential that the Department executes a smooth transition of the leadership as quickly as possible. To that end, I would work with the Secretary and Congress to assemble a top-quality cadre of civilian leaders with the expertise and experience to effectively perform the duties of the key positions that must be filled. As part of that effort, I would also place a high priority on strengthening the capabilities of the career staff, which is essential to address the many near-term tasks facing the Department as well as the longer-term challenges. A second challenge will be to conduct at least three sets of major program and budget reviews in the first few months of the new administration. These include review of the second fiscal year 2009 supplemental appropriation submission, revisions to the draft fiscal year 2010 budget and its timely submission to Congress, and the expeditious completion of the QDR and the associated formulation of a defense strategy and the fiscal year 2011 defense program and budget. In the QDR, I believe a key task will be to lay the foundation for an effective force for the 21st century and to establish the right balance among capabilities for addressing irregular warfare and counterinsurgent operations, potential longer-term threats from a high-end or near-peer competitor, and proliferation threats from rogue states or terrorist organizations. A third major challenge will be to pursue an active reform agenda for the management of the Department. In particular, if confirmed, I would devote a considerable portion of my time and energies to efforts to improve the Department's processes for strategic planning, program and budget development, and acquisition oversight. Improving the Department's record on cost control, and the credibility of its budget and cost forecasts, would be a priority objective for those efforts.

PRIORITIES

Question. What broad priorities would you establish, if confirmed, with respect to issues which must be addressed by DOD?

Answer. My first priority, if confirmed, would be to work with Secretary Gates to provide the resources needed to support our forces currently engaged in operations in Iraq, Afghanistan, and other parts of the world. That includes meeting the military end strength goals needed to support those operations while easing the deployment burdens on our servicemembers and their families. It also includes ensuring the effectiveness of the programs needed to support the readiness and quality of life of those forces and the equipment they need to operate effectively with adequate protection. While I believe the needs of the current operations must be the highest priority, the Department's leaders must also address the longer-term recapitalization and modernization needs of the force. To that end, another key priority, if confirmed, would be to provide strong leadership and management of the QDR and the various program and budget formulation efforts that will be needed over the next few months. The priorities in those efforts would be to oversee the development of an integrated strategy, program, and budget for meeting the challenges of the 21st century. Meeting the recapitalization and modernization needs of the forces will also require acquisition programs and processes that deliver effective equipment in a timely manner and within cost targets so that the Department can sustain the confidence of Congress and the taxpayers that public funds are being used effectively.

FISCAL YEAR 2010 PRESIDENT'S BUDGET REQUEST

Question. What role do you expect to play, if confirmed, in the development of the President's budget request for DOD for fiscal year 2010?

Answer. If confirmed, I would expect to oversee the development of the fiscal year 2010 budget request, working with Secretary Gates to ensure that it reflects his strategic vision. I would work with the Office of Management and Budget (OMB) to shape the Department's fiscal year 2010 fiscal controls in a way that allows the Department to achieve the Nation's national security goals.

Question. What steps do you expect the incoming administration to take to formally review the Department's 2010 budget request and, as necessary, make those changes required to ensure that the budget request fully conforms with the policies of the incoming administration and the needs of DOD?

Answer. My understanding is that the Department has prepared a draft fiscal year 2010 budget baseline that is ready for review by the new administration. Although that budget will eventually be submitted by President Obama, there will be only a limited amount of time for DOD and OMB to make revisions prior to submission to Congress in the late-March to mid-April timeframe. This is a problem com-

mon to all new administrations. The review of the fiscal year 2010 budget request will, of necessity, have to be limited in scope, addressing the key initiatives of the new administration such as ground forces end strength, quality of life programs, and selected acquisition programs. A broader review would be conducted as part of the QDR and the associated formulation of the fiscal year 2011 defense program and budget.

Question. What steps do you believe need to be taken to ensure an appropriate level of investment in the future force in the face of pressing requirements for completing the mission in Iraq and Afghanistan, for resetting of the force, and for meeting ongoing operational commitments across the globe?

Answer. If confirmed, I will vigorously review the Department's resources requirements and work to ensure that any budget request provides sufficient resources to achieve the appropriate level of investment in the future force to meet the Nation's national security needs.

Question. In the John Warner National Defense Authorization Act for Fiscal Year 2007, section 1008, Congress required that the President's annual budget submitted to Congress after fiscal year 2007 include a request for the funds for ongoing operations in Iraq and Afghanistan and an estimate of all funds expected to be required in that fiscal year for such operations.

What problems, if any, do you anticipate the Department will encounter in complying with this budgeting requirement?

Answer. The fiscal year 2009 defense budget passed by Congress last year did not include funding for current war operations. In addition, the fiscal year 2009 supplemental appropriation enacted by Congress last year provided funds for war operations for roughly half of the fiscal year. As a result, as Secretary Gates recently indicated, substantial additional funds will be needed for the remainder of the fiscal year. The draft request prepared by the Department will need to be reviewed by the new administration, and it will also need to be updated to reflect expanded deployments to Afghanistan. For the fiscal year 2010 budget, as indicated above, there will be limited time available to review and revise the draft prepared by the current administration. A key issue for that review will be the formulation of new guidelines for what costs are appropriate for supplemental requests and identifying items that should be funded in the base budget. An objective should be for the Department to work with Congress to move away from dependence on supplementals for predictable items, and any supplemental requests should be carefully reviewed against strict and consistent criteria and should be provided to Congress early in the year with full explanatory information.

Question. If confirmed, what steps will you take to ensure that the Department complies with the requirements of this provision?

Answer. If confirmed, Secretary Gates and I will work with the White House and OMB to comply with the requirements of this provision.

MANAGEMENT ISSUES

Question. If confirmed, what key management performance goals would you want to accomplish, and what standards or metrics would you use to judge whether you have accomplished them?

Answer. The Department has a long history of using performance information to manage. When I last served in the Department, I oversaw initial efforts to produce a Department-wide set of performance plans and reports under Government Performance and Results Act (GPRA). Therefore, I know first-hand the challenges of identifying key management performance goals—and for establishing metrics supporting those goals that capture results accurately for an entity as varied, complex, and large as DOD. I know the Department has a suite of established performance goals, standards, and metrics. If confirmed, I would need to work with Secretary Gates to align the strategic outcomes of the Department to the defense missions assigned to us by the President before I would be in a position to select which of these I would retain, change, or revise. In general, it is important that the Department establish goals that focus on outcomes, not activities or programs. Any supporting measures should account for all aspects of performance, including but not limited to financial performance and savings.

Question. GPRA is intended to provide managers with a disciplined approach—developing a strategic plan, establishing annual goals, measuring performance, and reporting on the results—for improving the performance and internal management of an organization. The Government Accountability Office (GAO) has reported that DOD's initial Strategic Management Plan, issued in July 2008, fails to meet statutory requirements to address performance goals and key initiatives to meet such goals.

What steps would you take, if confirmed, to ensure that the Department meets statutory requirements for a Strategic Management Plan?

Answer. The Department is on record that it will provide performance goals and key initiatives in its July 2009 update to the Strategic Management Plan. If confirmed, a priority will be to work with Secretary Gates to review this plan for any revisions.

Question. Section 2222 of title 10, U.S.C., requires that the Secretary of Defense develop a comprehensive business enterprise architecture and transition plan to guide the development of its business systems and processes.

Do you believe that a comprehensive, integrated, enterprise-wide architecture and transition plan is essential to the successful transformation of DOD's business systems?

Answer. I believe that a federated enterprise-wide architecture and transition plan can contribute significantly to the development of business systems and processes.

Question. What steps would you take, if confirmed, to ensure that DOD's enterprise architecture and transition plan meet the requirements of section 2222?

Answer. It is a common challenge throughout government to bring new systems on line, while keeping legacy systems in place. Therefore, if confirmed, I will ensure that the Department adheres to the necessary goals and milestones. I also will work to ensure that architecture efforts are synchronized across all the military departments and defense agencies.

Question. What are your views on the importance and role of timely and accurate financial and business information in managing operations and holding managers accountable?

Answer. There is no question that financial and business information is a primary tool in managing operations well and establishing a fact trail that holds managers accountable for results. The Department is a complex enterprise that requires input from many diverse programs and activities to achieve its goals. Therefore, our financial and business information should be viewed within the context of overall mission performance across the Department.

Question. How would you address a situation in which you found that reliable, useful, and timely financial and business information was not routinely available for these purposes?

Answer. If confirmed, I would take steps to make sure that any such gaps were filled. However, the Department cannot afford to optimize for all information needs. If confirmed, it will be my responsibility to set priorities for identifying what kinds of information should be routinely available to decisionmakers, and to guide investments in new technology and business processes accordingly.

Question. What role do you envision playing, if confirmed, in managing or providing oversight over the improvement of the financial and business information available to DOD managers?

Answer. If confirmed, I will work to develop a refined Defense Strategy and Strategic Management Plan. Once our priorities are defined, I will ask the Department's senior military and civilian leaders to identify key performance goals and measures. This is an example of an area where I will rely on the DCMO leadership to guide the Department in aligning financial and business information systems and initiatives to achieve the goals of the defense strategy.

Question. The Department has chosen to implement the requirement for an enterprise architecture and transition plan through a "federated" approach in which the BTA has developed the top level architecture while leaving it to the military departments to fill in most of the detail. The Comptroller General has testified that "the latest version of the [business enterprise architecture] continues to represent the thin layer of DOD-wide corporate architectural policies, capabilities, rules, and standards" and "well-defined architectures [do] not yet exist for the military departments."

If confirmed, would you continue the federated approach to business enterprise architecture and transition plan?

Answer. Yes, this approach has value, as it shares the responsibility and accountability for architectural development and transition planning at the appropriate level of the Department. This is an example of an area where, if confirmed, I will rely on the DCMO and the Military Department CMOs to help continue and extend an important business transformation initiative to all components of the Department.

Question. What is your understanding of the extent to which the military departments have completed their share of the federated architecture and transition plan?

Answer. My understanding is that each military department is at a different place in the development of their component level architectures. Accordingly, this is an area that, if I am confirmed, will require my review, working through the DCMO.

Question. If confirmed, how would you work with the Secretaries and Chief Management Officers of the military departments to ensure that a federated architecture meets the requirements of section 2222 and the GAO framework?

Answer. If confirmed, I will ask the DCMO to work with the Military Department CMOs to ensure adherence to the DOD Federated Strategy guidance for architecture development and implementation.

FINANCIAL MANAGEMENT

Question. You were the Under Secretary of Defense (Comptroller) prior to 2001 and testified before the committee about financial management issues in that capacity.

What is your understanding of the efforts and progress that have been made in DOD since 1999 toward the goal of being able to produce a clean audit?

Answer. My understanding is the Department has made significant strides toward a clean audit but still has substantial work left to achieve the objective. If confirmed, I will ensure that appropriate actions are taken to continue progress toward meeting clean audit goals.

Question. Do you believe that the Department can achieve a clean audit opinion through better accounting and auditing, or is the systematic improvement of the Department's business systems and processes a prerequisite?

Answer. I do not believe the Department's clean opinion goals can be met without improvements to its business systems and processes.

Question. When do you believe the Department can achieve a clean audit?

Answer. I have not had the opportunity to review the Department's current plan for clean audit, including the goals for timing. If confirmed, I will review the plan and ensure that appropriate actions are taken to make progress toward meeting clean audit goals.

ACQUISITION OF BUSINESS SYSTEMS

Question. Most of the Department's business transformation programs are substantially over budget and behind schedule. In fact, the Department has run into unanticipated difficulties with virtually every new business system it has tried to field in the last 10 years.

Do you believe that unique problems in the acquisition of business systems require different acquisition strategies or approaches?

Answer. I understand there are a myriad of reasons for the failure to deliver these systems, some based on the way responsibilities are divided and many based on technical complexities. Based on my experience with financial management systems during my service as Under Secretary of Defense (Comptroller), many of the problems are based in culture and the failure to fix the underlying business process before buying the business system. Therefore, the approach to acquisition must be tailored to the unique challenges of each business area. In many instances, to achieve progress, it may be necessary to do more than simply upgrade the business systems, but instead change the underlying approach to the business processes.

Question. If confirmed, how would you work with the DCMO and the Under Secretaries of Defense to address these problems?

Answer. If confirmed, I would empower the DCMO to resolve the cross-functional issues that the Department faces in fielding business transformation programs. I believe cultural and business process alignment is required for any business transformation effort.

BUSINESS TRANSFORMATION AGENCY

Question. Four years ago, the Secretary of Defense established the BTA to ensure an organizational focus for business transformation efforts within the Department. The Director of BTA reports to the DCMO in his capacity as vice chairman of the DBSMC.

What role do you believe the BTA should play in improving the business operations and business systems of the DOD?

Answer. Working with the principal staff assistants, BTA is responsible for developing enterprise level business processes, standards, and data elements, and ensuring that they are accurately reflected in the Business Enterprise Architecture. BTA also has the responsibility of delivering certain Enterprise-wide business capabilities and working with the Combatant Commands to identify and satisfy operational business needs of the warfighter.

Question. What role do you expect to play, if confirmed, in the supervision and management of the activities of the BTA?

Answer. The Director of BTA will report to the DCMO. However, if confirmed, I will set key priorities for performance that business operations and business systems must achieve, and the DCMO will be accountable to me for ensuring that BTA demonstrates how those priorities are reflected in the Department's enterprise architecture and enterprise-wide system investments.

Question. Do you see the need for any changes in the BTA, or the statutes authorizing the BTA? If so, what changes would you recommend?

Answer. I have no changes to recommend at this time.

MAJOR WEAPON SYSTEM ACQUISITION

Question. What are your views regarding the defense acquisition process and the need for reform?

Answer. I believe the management of defense acquisition programs needs to be improved substantially to achieve better outcomes with regard to delivering effective equipment within reasonable cost and schedule objectives. A number of studies over the years have observed significant problems of cost growth, schedule slips, and insufficient responsiveness to urgent warfighter needs. These problems have reached the point where they have the potential to erode the credibility of the Department in this area and the confidence of Congress and the taxpayers that public funds are being used effectively. It is not clear that reform efforts over the past several years have achieved the desired objectives in terms of better outcomes in cost and schedule control as well as responsiveness. If confirmed, a high priority would be to review acquisition processes with the objective of improving stability, realism, accountability, and effective execution.

Question. If confirmed, how would you improve all three aspects of the acquisition process—requirements, acquisition, and budgeting?

Answer. I believe there are critical linkages among requirements, acquisition managing, and budgeting. To achieve effective outcomes, all three areas must be addressed in an integrated way, which requires active involvement by the Deputy Secretary of Defense, working closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) and other key officials in the Department. I believe effective acquisition programs require realism and stability, together with accountability for effective execution of program outcomes. To promote these principles, I believe the overall defense program needs to be realistic and balanced within the programming and budgeting process. Within the acquisition process, realism and stability can be fostered through greater emphasis on independent assessments of costs, technology readiness, and testing maturity, particularly during the early stages of programs. Successful programs also require a careful balancing among cost, schedule, and performance goals. From my observation, the current requirements and acquisition processes have a reluctance to balance performance demands, particularly in the early stages of programs when decisions have a major impact on subsequent cost and schedule outcomes. Early cost and technology maturity assessments of the impacts of various performance requirements have the potential to achieve a better balance among cost, schedule, and performance, thus leading to better outcomes in subsequent program execution.

Question. Do you believe that the current investment budget for major systems is affordable given increasing historic cost growth in major systems, costs of current operations, projected increases in end strength, and asset recapitalization?

Answer. I believe this is a major challenge facing the Defense Department and that addressing these trends should be a central theme of the QDR conducted later this year. If current trends continue, it will be very difficult to sustain a force large enough to meet the demands associated with both near-term operations and the long-term defense strategy. A key task for the QDR will be to formulate a strategy, force structure, and overall defense program that are in balance and are affordable within the national resources available for defense.

Question. What steps would you take, if confirmed, to address out-of-control cost growth on DOD's major defense acquisition programs?

Answer. If confirmed, I would assign this as a key priority for the new USD(AT&L). Central themes would be greater competition, stability, realism, and accountability. Close integration of the requirements, acquisition, and resource processes is key to achieving these objectives, as is better balancing of cost, schedule, and performance objectives. I also believe that improvements can be made through greater emphasis on, and attention to, independent assessments of costs, technology readiness levels, and testing maturity.

Question. What steps do you believe that the Department should consider taking in the case of major defense acquisition programs that exceed the critical cost growth thresholds established in the "Nunn-McCurdy" amendment?

Answer. Congress recently passed legislation revising the methodology for establishing cost baselines used for the purposes of establishing Nunn-McCurdy thresholds. I believe this type of approach has the potential to change institution incentives in a way that will promote greater realism and accountability in the management of acquisition programs. If confirmed as Deputy Secretary, I would assess the impact of this change on institutional behavior and examine other measures that would promote the objective of enhancing realism and accountability as a central theme in improving acquisition management.

CONTRACTING FOR SERVICES

Question. Over the past 8 years, DOD's spending on contract services has more than doubled with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result, the Department now spends more for the purchase of services than it does for products (including major weapon systems).

Do you believe that DOD should continue to support this rate of growth in its spending on contract services?

Answer. Service contractors provide a valuable function to DOD. But if confirmed, I would support efforts by the USD(AT&L) and other leaders to review the level of contracting services required in keeping with President-elect Obama's pledge to have the Department improve its strategy for determining when contracting makes sense.

Question. Do you believe that the current balance between government employees (military and civilian) and contractor employees is in the best interests of the DOD?

Answer. DOD requires some mix of Federal employees and contractors to carry out its mission effectively. If confirmed, I would support efforts to help ensure the appropriate balance in that mix.

Question. What steps would you take, if confirmed, to control the Department's spending on contract services?

Answer. Service contractors provide a valuable function to DOD, but there has been substantial growth in this area over the past decades. If confirmed, I intend to review the Department's policies and procedures and make any necessary adjustments.

CONTRACTOR PERFORMANCE OF CRITICAL GOVERNMENTAL FUNCTIONS

Question. Over the last decade, the Department has become progressively more reliant upon contractors to perform functions that were once performed exclusively by government employees. As a result, contractors now play an integral role in areas as diverse as the management and oversight of weapons programs, the development of personnel policies, and the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as DOD employees.

In your view, has DOD become too reliant on contractors to support the basic functions of the Department?

Answer. Over the last several years, the Defense Department has implemented very large reductions in the government workforce, and I believe a careful review is needed of whether, in the process, DOD has become too dependent on contractors to perform inherently governmental functions. Congress has recently codified a definition of inherently governmental functions and required a review by the Department. I believe this review provides a mechanism to address this important question.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of DOD?

Answer. I am not familiar with the degree to which DOD is using personal services contracts. I do know, however, that there are statutory restrictions that govern the use of personal services contracts. If confirmed, I will ensure that if personal services contracts are being used in a manner that is inappropriate, that practice is ended immediately.

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. According to widely published reports, the number of U.S. contractor employees in Iraq exceeds the number of U.S. military deployed in that country.

Do you believe that DOD has become too dependent on contractor support for military operations?

Answer. See below.

Question. What risks do you see in the Department's reliance on such contractor support? What steps do you believe the Department should take to mitigate such risk?

Answer. See below.

Question. Do you believe the Department is appropriately organized and staffed to effectively manage contractors on the battlefield?

Answer. See below.

Question. What steps, if any, do you believe the Department should take to improve its management of contractors on the battlefield?

Answer. It is my understanding that Secretary Gates has tasked Admiral Mullen to personally oversee a Department-wide review of contractor roles and missions. If confirmed, I will work with the Secretary and Chairman Mullen in this review and implement recommendations where appropriate, and if necessary, work with Congress to institutionalize reforms.

PRIVATE SECURITY CONTRACTORS

Question. Do you believe DOD and other Federal agencies should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. As a general matter, DOD should use all elements of the "total force" (military forces, DOD civilians, and contractors) to address the full spectrum of operational requirements. President-elect Obama has cited the need to improve transparency in how private security contractors are utilized and to establish clear standards regarding Rules of Engagement, personnel policies, and communications guidelines. If confirmed, I will work with the Department and interagency process, as well as with the committee, to address these issues.

Question. In your view, has the United States' reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I do not have a view on this matter. If confirmed, I will review this issue and keep Congress informed.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. I do not have any specific recommendations at this time. But, if confirmed, I will review the question of private security contractors and work with the committee on any needed changes.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new Status of Forces Agreement (SOFA) between the United States and Iraq?

Answer. It is my understanding that since January 1, U.S. Government private security contractors no longer have immunity from host nation law. Furthermore, they must comply with host nation registration and licensing and, therefore, they already have been impacted. Many contractors already have had other contractual relationships within Iraq and already have been subject, for those contracts, to Iraqi law and regulations. For all contractors, the SOFA has meant substantially more liaison and coordination with Iraqi authorities at all levels.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. Yes.

Question. What is your view of the appropriate application of the Uniform Code of Military Justice to employees of private security contractors operating in an area of combat operations?

Answer. If confirmed, I will review this issue in conjunction with the advice of the General Counsel.

CONTRACTOR PERFORMANCE OF INFORMATION OPERATIONS

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media.

What is your view on the effectiveness of information operations conducted by the United States through the Iraqi media?

Answer. I have not had an opportunity to become familiar with the details of these programs. If confirmed, I would be happy to look into these matters and discuss them with the committee.

Question. Do you believe that it is appropriate for the United States to pay for media campaigns to build up support for the government and the security forces of Iraq at a time when the Iraqi Government has a surplus of tens of billions of dollars?

Answer. See previous answer.

Question. Do you believe that the U.S. Government, or the Iraqi Government, should be responsible for developing a message to build up support for the government and security forces of Iraq, and for developing media campaigns for this purpose?

Answer. See previous answer.

Question. In your view, is DOD's use of private contractors to conduct information operations through the Iraqi media appropriate?

Answer. See previous answer.

Question. Do you see a risk that a DOD media campaign designed to build up support for the government and security forces of Iraq could result in the inappropriate dissemination of propaganda inside the United States through the internet and other media that cross international boundaries?

Answer. See previous answer.

Question. A spokesman for the Iraqi Government has been quoted as saying that any future DOD information operations in the Iraqi media should be a joint effort with the Iraqi government. According to a November 7, 2008 article in the Washington Post, the spokesman stated: "We don't have a hand in all the propaganda that is being done now. It could be done much better when Iraqis have a word and Iraqis can advise."

Do you believe that DOD information operations through the Iraqi media should be conducted jointly with the Iraqis?

Answer. I have not had an opportunity to become familiar with the details of these programs. If confirmed, I would be happy to look into these matters and discuss them with the committee.

Question. Under what circumstances do you believe that it is appropriate for the DOD to conduct information operations in a sovereign country without the knowledge and support of the host country?

Answer. See previous answer.

IRAQ

Question. What, in your view, are the greatest challenges facing the Department in implementing the U.S.-Iraq SOFA and what actions, if any, would you recommend to maximize the chances of success in meeting the requirements for the withdrawal of U.S. forces?

Answer. I have not had the opportunity to review any plans regarding the repositioning and redeployment of U.S. forces in Iraq. If confirmed, I would review such plans and make any necessary recommendations to the Secretary of Defense.

Question. What do you believe is the appropriate role for the United States in reconstruction activities in Iraq going forward?

Answer. I support the President-elect's views on bringing in Iraq's neighbors to help with reconstruction efforts. I also believe American policy should continue to be supportive in working by, with, and through our Iraqi partners and that the U.S. role in reconstruction should focus on capacity development and assisting our Iraqi partners in prioritizing, planning, and executing their reconstruction projects.

AFGHANISTAN

Question. What, in your view, are the main challenges facing United States and coalition forces in Afghanistan?

Answer. Our strategic objective is a stable and secure Afghanistan in which Al Qaeda and the network of insurgent groups, including the Taliban, are incapable of seriously threatening the Afghan state and resurrecting a safe haven for terrorism.

Question. What changes, if any, would you recommend to our current strategy in Afghanistan?

Answer. Achieving our strategic objectives in Afghanistan will require a more integrated and comprehensive approach to security, economic development, and governance. All of the instruments of national power and persuasion must be harnessed in order to be successful. It is imperative that we improve coordination and cooperation between Afghanistan and its neighbors and that there be better unity of effort

among our coalition partners, international institutions, and the Government of Afghanistan.

Question. Do you support an expansion of U.S. forces in Afghanistan? If so, would you support drawing down U.S. forces in Iraq faster in order to increase U.S. force levels in Afghanistan sooner?

Answer. President-elect Obama consistently stated throughout the campaign that he believed the deteriorating security conditions in Afghanistan required additional U.S. and international forces. If confirmed, I will work carefully with the Secretary and Congress in balancing the demands of our Iraq and Afghanistan deployments while ensuring the military is ready to meet other challenges.

Question. Do you believe that there is a need to develop a comprehensive civil-military plan for Afghanistan, akin to that used in Iraq?

Answer. Yes.

Question. How do you assess the contributions of North Atlantic Treaty Organization (NATO) allies to the effort in Afghanistan, and how do you believe that the United States can persuade them to increase their efforts as the United States does so?

Answer. Afghanistan would be less secure without the contributions and sacrifices of our NATO allies and other international security assistance force partners. President-elect Obama and Secretary Gates have both called for greater contributions with fewer caveats from our NATO allies. By providing better American leadership in Afghanistan, and by committing more of our own resources to the challenge, the United States will be better positioned to persuade our allies to do more.

Question. One of the main threats to U.S. and coalition forces in Afghanistan comes from cross-border attacks by the Taliban and extremist militants who find safe haven in Pakistan's border regions.

What in your view needs to be done to eliminate the threat posed by Taliban and extremist militants hiding out across the Afghan-Pakistan border?

Answer. Both President-elect Obama and Secretary Gates have cited the need to eliminate the terrorist sanctuary in the border regions of Pakistan, but there is no purely military solution. The United States must have an integrated strategy to promote development and combat terrorism across the Afghanistan-Pakistan border region.

Question. The cultivation of poppies and trafficking of opium has reached alarming proportions in Afghanistan. Some estimate that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade and that Afghanistan is at risk of failing as a nation state. Coalition strategies for countering the opium trade have not been effective to date.

What should be the role of the U.S. military forces in the counterdrug program in Afghanistan?

Answer. The international community must play a role in helping the Afghan government to strengthen Afghan institutions, including the judicial and law enforcement system, intelligence service, and Afghan National Security Forces, that will increasingly take the lead in combating narcotics in Afghanistan. While current NATO rules of engagement restrict NATO forces from direct operations against the narcotics industry, NATO can assist in training Afghan counternarcotics forces.

Question. What are the main challenges facing the United States and international community's reconstruction efforts in Afghanistan?

Answer. I have not had the opportunity to review the reconstruction effort in Afghanistan; however, if confirmed, will make this a high priority.

Question. What would be your priorities for addressing those challenges?

Answer. If confirmed, I look forward to working across the interagency and with international partners to create a truly comprehensive civil-military strategy to build the necessary foundation for a stable and secure Afghanistan.

PAKISTAN

Question. In your view, is the Pakistani Government doing enough to combat the threat posed by militant groups along the Afghan-Pakistan border and to fight terrorism in general? If not, what more should it be doing?

Answer. I have not reviewed this area but, if confirmed, will review it as a high priority.

Question. What changes, if any, would you recommend in the United States approach to Pakistan on these issues?

Answer. See above.

Question. Tensions between Pakistan and India have increased as a result of the horrific attacks in Mumbai, India.

In your view, what impact has this rise in tensions between Pakistan and India had on the stability of the South Asia region, generally, and on the prospects for security in Afghanistan?

Answer. India, Pakistan, and Afghanistan are linked by history, culture, language, and trade, and regional stability cannot be achieved without the cooperation of all three countries. It is in America's national interest to play a constructive role in helping defuse the recent rise in tensions and to help derive from the tragic attacks in Mumbai an opportunity for further cooperation between three of America's crucial allies.

IRAN

Question. Do you believe it would be in the United States' interest to engage Iran in a direct dialogue to promote regional stability and security, to dissuade Iran from pursuing a nuclear weapons program, or for other purposes?

Answer. I support the President-elect's view that the United States should be willing to engage with all nations, friend or foe, and be willing, with careful preparation, to pursue direct diplomacy. Furthermore, I fully support the President-elect's view that we should not take any options off the table, but that we should employ tough, direct diplomacy backed by real incentives and pressures, to prevent Iran from acquiring nuclear weapons and end their support of terrorist organizations such as Hezbollah.

Question. What more do you believe the United States and the international community could be doing to dissuade Iran from pursuing a nuclear weapons program?

Answer. I have no recommendations in this area. But if confirmed, I will review it as a high priority.

CHINA

Question. What do you believe are China's political-military objectives regarding Taiwan, the Asia-Pacific region, and globally?

Answer. Broadly, the overriding objectives of China's leaders appear to be to ensure the continued rule of the Chinese Communist Party, to continue China's economic development, to maintain the country's domestic political stability, to defend China's national sovereignty and territorial integrity, and to secure China's status as a great power. Within this context, preventing any moves by Taipei toward de jure independence is a key part of Beijing's strategy. Within each dimension there lies a mix of important challenges and opportunities for the United States that will continue to deserve priority attention.

Question. What is your view of the U.S. policy of selling military equipment to Taiwan, despite China's objections?

Answer. U.S. policy on arms sales to Taiwan is based on the 1979 Taiwan Relations Act, which provides that the United States will make available to Taiwan defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. That policy has contributed to peace and stability in the region for nearly 30 years and is consistent with the longstanding U.S. calls for peaceful resolution of the Taiwan issue in a manner acceptable to the people on both sides of the Taiwan Strait. If confirmed, I would work closely with Congress and the interagency to ensure the continued effective implementation of this longstanding policy.

Question. How do you believe the United States should respond to China's military modernization program?

Answer. The pace and scale of Chinese modernization, coupled with the lack of transparency surrounding both capabilities and intentions, are a source of concern for the United States as well as for its allies and the region more broadly. An appropriate U.S. response would include efforts to fully comprehend the future direction of China's programs, active engagement to reduce the potential for miscalculations and to manage unwanted competition, and, finally, defense preparedness to ensure we retain our edge in areas that are critical to achieving specific operational objectives. If confirmed, I would seek to ensure that DOD places a high priority on this issue and would consult closely with Committee members on appropriate U.S. responses.

Question. What is your assessment of the current state of U.S.-China military-to-military relations, and do you favor increased military-to-military contacts with China?

Answer. Much more can be done to improve the U.S.-China military-to-military relationship, both in terms of the quality and the quantity of exchanges between the Armed Forces of our countries. If confirmed, I would look closely at exchanges with the Chinese armed forces at all levels and across a range of issues, including the

recently opened dialogue on nuclear policy and strategy, which I understand is a priority for Secretary Gates. If confirmed, I look to engage in a wide range of areas where we can encourage China to act responsibly both regionally and globally.

NORTH KOREA

Question. What is your assessment of the threat posed to the United States, its forward deployed forces, and its allies by North Korea's ballistic missile and weapons of mass destruction (WMD) capabilities and the export of those capabilities?

Answer. North Korea poses a serious threat to the United States, the rest of Asia, and the world through its missile and WMD programs and proliferation of associated technologies, materials and systems. North Korea's continuing nuclear ambitions compound this situation. Strong alliances, regional partnerships and forward military presence remain key means to deal with these threats. U.S. national capabilities are also an essential element in deterring the threat and defending our interests. Additionally, in the event of a DPRK collapse, the United States would need to work closely with the Republic of Korea (ROK) to rapidly and safely secure loose nuclear weapons and materials.

Question. In your view, how should U.S. forces be sized, trained, and equipped to address this threat?

Answer. If confirmed, I would work closely with Chairman of the Joint Chiefs of Staff, senior military commanders and members of this committee to ensure that the U.S. military has the capabilities needed to deal with the range of threats North Korea poses and that our contingency planning is adaptive and responsive.

Question. In your view, what steps, if any, should be taken to maintain or strengthen deterrence on the Korean peninsula?

Answer. Maintaining a strong alliance between the United States and the ROK remains central to effective deterrence on the Peninsula. Our alliance with Japan is likewise a critical factor in security and stability in the wider Asia-Pacific region, including on the Peninsula. If confirmed, I would work hard to continue strengthening these alliances.

REPUBLIC OF SOUTH KOREA

Question. If confirmed, what measures, if any, would you recommend to improve the U.S.-ROK security relationship?

Answer. If confirmed, I would work with Congress to complete the realignment of U.S. forces on the Korean peninsula and return facilities our forces no longer require. I would also work to ensure that our command and control relationships with Korea and our contingency plans remain appropriate to the situations we face. Additionally, I believe it is important to ensure the U.S. and Korean publics continue to understand the enduring mutual benefits derived from this alliance.

Question. What is your view regarding the timing of the transfer of authority for wartime operational command to the ROK?

Answer. As Secretary Gates said following his meeting with the Korean Minister of Defense last October, the ROK military forces and U.S. forces are on track to complete the alliance agreement to transition wartime operational control in 2012. This effort will enable the ROK military to take the lead role in the defense of its nation. If confirmed, I will work with the Secretary and this Committee to ensure that the important transition in command relationships is carried out in a manner that strengthens deterrence and maintains a fully capable U.S.-ROK combined defense posture on the Korean Peninsula.

U.S. AFRICA COMMAND

Question. On October 1, 2008, U.S. Africa Command (AFRICOM) was authorized Unified Command status.

What do you see as the role of AFRICOM in U.S. African policy, in development assistance, and in humanitarian engagement?

Answer. The Department of State and U.S. Agency for International Development lead U.S. foreign policy and development engagements abroad, to include in Africa. President-elect Obama has argued that AFRICOM should promote a more united and coordinated engagement plan for Africa. If confirmed, I would take steps to implement that vision.

COMBATING TERRORISM

Question. How can the Department best structure itself to ensure that all forms of terrorism are effectively confronted?

Answer. I do not have enough information to recommend changes in the Department's structure for confronting terrorism at this time. If confirmed, I look forward to evaluating the Department's structure for counter-terror efforts.

Question. What changes, if any, would you recommend to the Defense Intelligence Community to ensure optimal support to combating terrorism and other homeland security efforts?

Answer. I have not had the opportunity to review this area. But, if confirmed, I will work with the USD (Intelligence) and the Intelligence Community to review this area for any improvements.

WAR ON DRUGS

Question. DOD serves as the single lead agency for the detection and monitoring of aerial and maritime foreign shipments of drugs flowing toward the United States.

What is your assessment of the ongoing efforts of the United States to significantly reduce the amount of drugs illegally entering into our Nation?

Answer. If confirmed, I will work with my interagency colleagues to assess the U.S. Government's efforts to date and craft a strategic way forward.

Question. In your view, what is the appropriate role of DOD in U.S. counterdrug efforts?

Answer. The Department's global focus, organization, expertise, and its ability to act as an honest broker complement law enforcement goals, and make it an effective actor in counterdrug efforts. DOD brings important tools and global capabilities to interagency efforts to counter both terrorist and international criminal networks.

ENGAGEMENT POLICY

Question. One of the central pillars of our recent national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian demining operations, and other engagement activities have been used to achieve this goal.

Do you believe that these activities contribute positively to U.S. national security?

Answer. Military-to-military contacts contribute to U.S. national security in a variety of important ways. Such activities can build capacity among partner nations to participate in coalition operations to counter terrorism and other transnational threats, potentially relieving stress on U.S. forces. They can help harmonize nations' views of common security challenges. Military-to-military activities can also help sustain investments made by other U.S. assistance programs. Finally, when performed effectively, military-to-military activities should show by example how military forces can act effectively while respecting human rights and civilian oversight.

Question. If confirmed, would you support continued engagement activities of the U.S. military?

Answer. If confirmed, I will support continued U.S. military-to-military engagement. I believe the current and emerging security environment will require robust engagement with the militaries of our partners and allies around the world.

Question. What improvements, if any, would you suggest to the interagency process for undertaking these activities?

Answer. None at this time.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train-and-equip authority (section 1206) and the security and stabilization assistance authority (section 1207).

In your view, what should be our strategic objectives in building the capacities of partner nations?

Answer. One of the greatest threats to international security is the violence that is sparked when human security needs are not met by governments. This creates space for terrorists, insurgents, and other spoilers to operate and, as the September 11 attacks demonstrated, to threaten the United States and its allies. The goal, therefore, is to close this space through efforts that strengthen bilateral relationships; increase access and influence; promote militaries that respect human rights, civilian control of the military and the rule of law; and build capacity for common military objectives. In addition to promoting regional and global security, enhanced partner capacity reduces the risk of future military interventions and reduces stress on U.S. Armed Forces.

Question. Secretary Gates has called for an expansion of the Government's resources devoted to instruments of nonmilitary "soft power"—civilian expertise in reconstruction, development, and governance.

Do you agree with Secretary Gates that there is a need to expand the Government's resources devoted to the ability of civilian departments and agencies to engage, assist, and communicate with partner nations?

Answer. Yes. The President-elect and Secretary Gates have both made clear their strong desire to see more robust non-military instruments of national power. If confirmed, I will certainly make it my priority to assist in this effort.

Question. In your view, what should be the role of DOD, vis-á-vis the civilian departments and agencies of the Government, in the exercise of instruments of soft power?

Answer. Generally, the Department's role should be to support, not lead, in the exercise of "soft power." Where DOD plays a vital role is in helping to promote—through the full gamut of planning, exchanges, exercises, operations, and bilateral defense relationships—the conditions that enable these instruments to be applied with maximum beneficial effect.

STABILITY OPERATIONS

Question. The U.S. experience in Iraq has underscored the importance of planning and training to prepare for the conduct and support of stability operations in post-conflict situations.

In your view, what are the appropriate roles and responsibilities between DOD and other departments and agencies of the Federal Government in the planning and conduct of stability operations?

Answer. In stabilizing post-conflict environments, success depends upon the integrated efforts of both civilian and military organizations in all phases of an operation, from planning through execution. Ideally, civilian agencies should lead in areas such as building accountable institutions of government, restoring public infrastructure and in reviving economic activity. Military forces, in turn, are best suited to help provide a safe and secure environment and to assist in building accountable Armed Forces.

Question. In developing the capabilities necessary for stability operations, what adjustments, if any, should be made to prepare U.S. Armed Forces to conduct stability operations without detracting from its ability to perform combat missions?

Answer. The most important lesson is that 21st century conflict is "full spectrum." That is, the military cannot be prepared only for combat. They must plan and train with their civilian counterparts and be prepared to operate effectively in all phases of conflict. That said, the military should also be prepared to undertake critical non-military tasks when the civilian agencies cannot operate effectively, either due to the security environment or, more likely, due to lack of capacity. Indeed, the need for greater capabilities and capacity in civilian agencies has been a recurring lesson for the entire government. Finally, we need to obtain better situational awareness of the underlying drivers—political, cultural, and economic—of stability and conflict so as to ensure that our actions will meet our objectives and not trigger unintended consequences.

SPECIAL OPERATION FORCES

Question. Do you believe that the force size, structure, and budget of the Special Operations Command is sufficient, given the current roles and missions of Special Operation Forces (SOF)? If not, why not, and what changes would you recommend, if confirmed?

Answer. DOD SOF have been significantly strengthened in recent years, which I believe is an entirely appropriate response to the demands of the current national security environment. I have not had a chance to review in detail any possible organizational issues associated with force structure or resources required for SOF. However, the next QDR will consider SOF capabilities.

RUSSIA

Question. What are the areas of engagement with Russia that are most beneficial from a DOD perspective? How would you recommend carrying out such engagement?

Answer. If confirmed, I will make it a priority to assess areas where greater military-to-military and other exchanges with Russia might be beneficial.

Question. Is it in the U.S. interest to extend the duration of the Strategic Arms Reduction Treaty (START), or, alternatively, to negotiate a new treaty that will offer similar benefits to both parties and further reduce their nuclear forces?

Answer. If confirmed, I will make it a priority to review to determine the best path forward with respect to START, the Moscow Treaty, and any successor agreements.

DOD'S COOPERATIVE THREAT REDUCTION PROGRAM

Question. In your view, what are the nonproliferation and threat reduction areas in which DOD's Cooperative Threat Reduction (CTR) program should focus in the next 4 years?

Answer. I anticipate that the President-elect will require the State Department, Department of Energy, and DOD to much more closely coordinate nuclear risk reduction efforts. The congressional initiative to expand the geographic reach of the Nunn-Lugar CTR program beyond the former Soviet Union is an important step toward reducing WMD threats and building global partnerships. If confirmed, I will work closely with Congress, other U.S. government agencies, and global partners to strengthen our efforts to prevent WMD proliferation and terrorism.

TACTICAL FIGHTER PROGRAMS

Question. Perhaps the largest modernization effort that we will face over the next several years is the set of programs to modernize our tactical aviation forces with fifth generation tactical aircraft equipped with stealth technology, to include the F–22 and the Joint Strike Fighter (JSF).

Based on current and projected threats, what are your views on the requirements for and timing of these programs?

Answer. The F–22 is the most advanced tactical fighter in the world and, when combined with the F–35 JSF, will provide the Nation with the most capable and lethal mix of fifth generation aircraft available for the foreseeable future. The tremendous capability of the F–22 is a critical element in the Department's overall tactical aircraft force structure requirements, as it replaces our legacy F–15 fleet. The F–35 will provide the foundation for the Department's tactical air force structure. It will replace the legacy F–16 aircraft for the Air Force and the F/A–18 and AV–8 aircraft for the Navy and Marine Corps, as well as numerous legacy aircraft for the international partners participating in the F–35 program. A critical question is the appropriate mix between the F–22 and the F–35. If confirmed, I would expect this to be a key issue for the early strategy and program-budget reviews that the Department will conduct over the next few months.

Question. Even if all of the current aircraft modernization programs execute as planned, the average age of the tactical, strategic, and tanker fleet will increase. Aging aircraft require ever-increasing maintenance, but even with these increasing maintenance costs, readiness levels continue to decline.

Can both the maintenance of the legacy force and the modernization efforts be affordable at anywhere near the current budget levels?

Answer. Clearly, the operational tempo and the increased employment of the Nation's aircraft to execute the global war on terrorism are extracting a toll on the existing equipment and the personnel who maintain that equipment. If confirmed, I would expect the QDR and the associated processes to formulate the fiscal year 2011 defense program and budget to examine the question of how best to balance the force structure and modernization programs needed to meet the demands of the strategy within available resources.

Question. Some critics believe that there is still too much service parochial duplication in procuring new systems.

Do you agree with these critics? If so, what would you recommend to ensure more jointness in procurement?

Answer. There are individual cases that can be identified to support both sides of the debate. The Department's largest acquisition program, the JSF, is certainly an example of how the Services have been able to work together to procure common systems when the mission needs, operating environments, and operational tactics are sufficiently similar to allow common solutions. However, our Nation has evolved to a defense structure with separate services because of the broad nature of our defense posture, which operates across the globe in the air, land, maritime, and space domains. In an organization as large and complex as the U.S. DOD, there is a need for specialization among organizational sub-elements, which in our system are structured around the traditional military departments. This has been an effective structure, but it does inevitably create "seams" among the sub-elements. In turn, there are inevitably issues that cut across those seams. These are not necessarily a result of parochialism, but they do require an overarching corporate process to address those seam issues. In my experience, this is one of the critical functions of the Office of the Secretary of the Defense and the Joint Staff. If confirmed as Dep-

uty Secretary, I would regard promoting joint solutions, where appropriate, to be one of my key functions, working in close cooperation with the Vice Chairman of the Joint Chiefs of Staff.

UNMANNED SYSTEMS

Question. Congress has established a goal that by 2015, one-third of the aircraft in the operational deep strike force aircraft fleet and one-third of operational ground combat vehicles will be unmanned.

Do you support this goal?

Answer. I support the goal of increasing operational capability through the expanded use of unmanned systems. I believe that substantial progress has been made in this area in recent years and that more will be needed in the coming years. If confirmed, I expect this would be a focus area for the program and budget reviews that will be conducted this year, as well as the QDR. At this time, I do not have a view on the exact portion of capability that should be obtained through unmanned systems, though I expect more insight on this question would be obtained during those reviews.

Question. What is your assessment of DOD's ability to achieve this goal?

Answer. If confirmed, I will review DOD's progress towards achieving this goal during the QDR and other program and budget reviews that must be conducted later this year.

Question. What steps do you believe the Department should take to achieve this goal?

Answer. I believe this issue should be an area of focus during the QDR and the other program and budget reviews that must be conducted later this year.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT OFFICE

Question. The Deputy Secretary of Defense issued a directive granting full authority and responsibility to the Joint Improvised Explosive Device Defeat Office to lead the Department's efforts in fighting the improvised explosive device (IED) threat.

What are your views regarding the Department's process for addressing the combatant commander's requirements for the fielding of IED countermeasures?

Answer. I agree with Secretary Gates—this is a vitally important mission that requires a level of effort beyond the business-as-usual approach. I understand IEDs have been the most frequent cause of casualties to our Armed Forces in Iraq that consequently has demanded a cross-functional organization with a strong mandate from the senior leadership to streamline acquisition, budgetary, testing, and other processes.

Question. What else can and should be done to get this critical capability to the warfighters?

Answer. The current approach appears to be sound, but if confirmed, I will continually evaluate its effectiveness, seek the advice of senior operational commanders, and remain open to options that would improve our responsiveness and effectiveness in this crucial area.

READINESS IMPACT OF CONTINGENCY OPERATIONS

Question. Over the past several years, military units have been increasingly deployed to contingency operations around the world. Participation in these operations disrupt operating budgets, cause lost training opportunities, and accelerate wear and tear on equipment. Additionally, increased tempo of operations impacts quality of life and could jeopardize retention of high-quality people.

What ideas do you have with regard to how to reduce the impact of these operations on both near- and long-term readiness and modernization programs?

Answer. I agree with both Secretary Gates and President-elect Obama that restoring a semblance of balance to the operational tempo of our military forces, particularly the Army and Marine Corps, is very important to ensure the future health of the All-Volunteer Force. If confirmed, I look forward to balancing the necessity of contingency deployments with readiness concerns, and working closely with the committee on this important subject.

INFORMATION ASSURANCE

Question. Protection of military networks, information, and communications is critical to DOD operations. The Department's Inspector General has noted that the Department does not yet have a comprehensive enterprise-wide inventory of information systems which makes reliable evaluation of the security of information systems impossible.

What is your assessment of the security of the Department's information systems?

Answer. See below.

Question. What Department-wide policies or guidance do you believe are necessary to address information and cyber security challenges for current and future systems?

Answer. I recognize that cyber infrastructure is a critical asset to the Department. If confirmed, I will familiarize myself with ongoing efforts to secure DOD's information systems and address cyber challenges in the development of new capabilities.

TEST AND EVALUATION

Question. What is your assessment of the appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate testing?

Answer. I support rigorous independent testing and evaluation to provide accurate and objective information on the capabilities and limitations of defense systems to both acquisition executives and the warfighters. When systems are urgently needed in the field, the imperative for accurate and objective test and evaluation (T&E) assessments is just as important but should be addressed through efforts to expedite the T&E process, as has been accomplished successfully for such urgent efforts as the MRAP vehicle program.

Question. Under what circumstances, if any, do you believe we should procure weapon systems and equipment that has not been demonstrated through T&E to be operationally effective, suitable, and survivable?

Answer. In extremely rare circumstances, it might be necessary to field a system prior to operational testing in order to address an urgent gap in a critical capability. But even in such cases, operational evaluation should still be conducted at the earliest opportunity to assess the system's capabilities and limitations and identify any deficiencies that might need to be corrected.

Question. Congress established the position of Director of Operational Test and Evaluation to serve as an independent voice on matters relating to operational testing of weapons systems. As established, the Director has a unique and direct relationship with Congress which allows him to preserve his independence.

Do you support the Director of Operational Test and Evaluation's ability to speak freely and independently with Congress?

Answer. Yes.

FUNDING FOR SCIENCE AND TECHNOLOGY INVESTMENTS

Question. In the past, the QDR and the Department's leaders have endorsed the statutory goal of investing 3 percent of the Department's budget into science and technology programs.

Do you support that investment goal?

Answer. If confirmed, I plan to place a high priority on maintaining a robust science and technology program for the Department. Basic science and technology research ensures the Department remains on the cutting edge of combat capability and is responsive to the warfighter.

Question. How will you assess whether the science and technology investment portfolio is adequate to meet the current and future needs of the Department?

Answer. Determining the suitability of the Department's science and technology program is a complex challenge. The Department should take a holistic approach, assessing the opportunities and threats across all the Services, to determine where to best focus investment and energy.

TECHNOLOGY STRATEGY

Question. You were a member of the National Academy's panel that produced the report "Rising Above the Gathering Storm" recommending doubling investments in defense basic research over 7 years.

What is your assessment of the Department's ability to develop a responsive research strategy capable of quick reaction but which is also designed to include sustained investments in the development of a set of capabilities based on threat predictions and identification of related technology gaps?

Answer. See below.

Question. How should the Department proceed to implement the National Academy's recommendations regarding basic research investments?

Answer. While not a participant in "Rising Above a Gathering Storm," I support its foundational principles of developing knowledge-based resources through education and research to maintain our country's competitive edge.

BALLISTIC MISSILE DEFENSE

Question. Do you agree that any ballistic missile defense systems that we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. The effectiveness of missile defense systems must be viewed not as a stand alone capability, but as part of an overarching strategy to counter the proliferation and deter the use of ballistic missiles. The criteria to demonstrate the operational effectiveness, suitability, and survivability should be collaboratively determined early in the development of missile defense systems by the operational test community and Missile Defense Agency, and independently evaluated by the Director of for Operational Test and Evaluation. Based on independently validated cost estimates, DOD must compare the cost and effectiveness of missile defense systems. We then must determine the priority of funding and timeframe to develop missile defense systems.

Question. Do you agree that U.S. missile defense efforts should be prioritized on providing effective defenses against existing ballistic missile threats, especially the many hundreds of short- and medium-range ballistic missiles that are currently within range of our forward-based forces, allies, and other friendly nations?

Answer. Our development and deployment of missile defenses is only one component of a strategy to counter the proliferation and deter use of ballistic missiles of all ranges. This development and deployment should be proportional to the types and ranges of ballistic missiles threats existing today, but should also deter today's pursuit by many countries to acquire greater inventories, ranges, and accuracies of ballistic missiles.

Question. Do you agree that ballistic missile defense testing needs to be operationally realistic, and should include Operational Test and Evaluation, in order to assess operational capabilities and limitations of ballistic missile defense systems, prior to making decisions to deploy such systems?

Answer. The criteria to demonstrate the operational effectiveness, suitability, and survivability should be collaboratively determined early in the development of missile defense systems by the operational test community and Missile Defense Agency, and independently validated by the Director of for Operational Test and Evaluation. DOD must clearly understand and consider the capabilities and limitations of ballistic missile defense systems prior to any deployment decisions.

Question. If the United States and Russia could agree on a cooperative approach on missile defense issues, do you believe it would be in the security interest of the United States to pursue such an effort?

Answer. A critical step to counter the proliferation of ballistic missile technologies and inventories is to demonstrate the ability of the international community to observe all ballistic missile testing and exercises around the world. Cooperative efforts to combine today's considerable U.S. and Russian ballistic missile surveillance assets, and link them to international organizations such as NATO, would demonstrate the U.S. and Russia's resolve to stop proliferation. Additionally, it would be an important confidence building step for further cooperative development of missile defense capabilities in the interest of the security of both the United States and Russia.

CHEMICAL WEAPONS ELIMINATION AND THE CHEMICAL WEAPONS CONVENTION

Question. Do you agree that the United States should make every effort to meet its treaty obligations, including its obligations under the Chemical Weapons Convention (CWC)?

Answer. See below.

Question. Would you take steps, if confirmed, to raise the priority of the Department's efforts to eliminate the U.S. chemical weapons stockpile as close to the CWC deadline as possible?

Answer. The United States has a long history and tradition of meeting and strictly complying with international treaties. I understand that we will have destroyed 90 percent of our stockpile by the treaty mandated date of 2012, and will even have started to eliminate the facilities that performed the actual destruction. Because of a decision to use an alternative destruction technology rather than the incineration method currently in use at each facility today, two new destruction facilities must be built to destroy that last 10 percent of the stockpile. If confirmed, I will review the progress of facility construction and eventual chemical weapons elimination at those two remaining facilities to ensure that we complete destruction of our total stockpile as rapidly and safely as possible.

NUCLEAR WEAPONS AND STOCKPILE STEWARDSHIP

Question. As the stockpile continues to age, what do you view as the greatest challenges with respect to assuring the safety, reliability, and security of the stockpile?

Answer. The safety, reliability, and security of our nuclear weapons needs to be a top priority of DOD. The greatest challenge is not technical, but rather the restoration of a proactive, zero-defect culture in the stewardship of nuclear weapons in the operational force. Secretary Gates has focused a great deal of attention on this issue, and, if confirmed, I would intend to support his efforts to address the problems.

Question. Would you support substantial reductions in the U.S. nuclear stockpile?

Answer. The President-elect has indicated that he believes the United States should lead an international effort to deemphasize the role of nuclear weapons. Toward that end, he intends to open discussions with Russia and with other nuclear powers with an aim toward reducing global nuclear weapons stockpiles. Such negotiations would require close coordination with other Departments and, if confirmed, I would intend to perform whatever role the Secretary designates for me in that effort.

ACTIVE-DUTY END STRENGTH

Question. What is your view of the adequacy of the existing Active-Duty Army and Marine Corps end strength to support current missions including combat operations in Iraq and Afghanistan?

Answer. If confirmed, I know that this is a question that will require my immediate attention. It must, among other things, consider both the potential contributions of our Guard and Reserve Forces, and the adequacy of a "rotation base" sufficient to assure that we meet the needs of our volunteers and their families.

Question. Do you believe the planned increases in end strength for the Army and the Marine Corps are affordable and necessary?

Answer. The President-elect supports the expansion of our ground forces, and I understand that the Department has made significant progress toward those goals. If confirmed, I will review these plans, as well as the associated housing, training, and equipment programs to support our ground forces.

TREATMENT OF WOUNDED WARRIORS

Question. In November 2008, the acting Comptroller General identified care for service members as one of the most urgent issues facing Congress and the new administration.

If confirmed, what will you do to ensure that injured service members receive the quality health care that they need for as long as they need it, including diagnosis and treatment of traumatic brain injury, post-traumatic stress disorder, and other mental health conditions?

Answer. Providing needed care and support for servicemembers, veterans, and their families is a continuing and urgent priority for Congress and the Department. If confirmed, I will make research on prevention and treatment of traumatic brain injury, post-traumatic stress disorder, and other mental health conditions a priority.

Question. The Wounded, Ill, and Injured Senior Oversight Committee (SOC), co-chaired by the Deputy Secretary of Defense and the Deputy Secretary of Veterans Affairs, has improved the cooperation between the Departments of Defense and Veterans Affairs, the two Federal agencies charged with the care of our military personnel and veterans, and their families. Because of reports that the SOC would discontinue operations and to ensure that senior leadership of the new administration would remain focused on this issue, Congress required the Secretaries of Defense and Veterans Affairs to continue the operation of the SOC through December 31, 2009.

What is your view of the value of the SOC?

Answer. As I understand it, the SOC has engaged the senior leadership of both departments in finding joint solutions to support the wounded warrior. This is a unique and valuable forum for addressing the major issues confronting us.

Question. If confirmed, will you continue the operation of the SOC, and what role do you expect to play?

Answer. If confirmed, I will review the work of the committee and our current and future challenges in coordination with the Department of Veterans Affairs. As envisioned by Congress, the SOC will continue to address those challenges through this year, and I anticipate that I would continue to co-chair it with the Deputy Secretary of VA.

DISABILITY SEVERANCE PAY

Question. Section 1646 of the Wounded Warrior Act, included in the National Defense Authorization Act for Fiscal Year 2008, enhanced severance pay and removed a requirement that severance pay be deducted from VA disability compensation for service members discharged for disabilities rated less than 30 percent incurred in line of duty in a combat zone or incurred during the performance of duty in combat-related operation as designated by the Secretary of Defense. In adopting this provision, Congress relied on an existing definition of a combat-related disability (see 10 U.S.C. 1413a(e)). Rather than using the definition intended by Congress, the DOD adopted a more limited definition of combat related operations, requiring that the disability be incurred during participation in armed conflict.

If confirmed, will you reconsider the Department's definition of combat-related operations for purposes of awarding enhanced severance pay and deduction of severance pay from VA disability compensation?

Answer. If confirmed, I will review the rationale behind this decision to ensure that all wounded warriors are treated fairly.

FAMILY SUPPORT

Question. Throughout the global war on terrorism, military members and their families in both the Active and Reserve components have made tremendous sacrifices in support of operational deployments. Senior military leaders, however, have warned of growing concerns among military families as a result of the stress of frequent deployments and the long separations that go with them.

What do you consider to be the most important family readiness issue for servicemembers and their families, and, if confirmed, what role would you play to ensure that family readiness needs are addressed and adequately resourced?

Answer. I will have to look into this if confirmed, but I believe it may come down to building resiliency so that families are better prepared to meet the challenges of frequent moves and deployments—including psychological, social, financial, and educational.

Question. If confirmed, what would your priorities be for improving and sustaining quality of life for military members and their families?

Answer. Maintaining robust quality of life programs for our military servicemembers is one of the highest priorities of the President-elect. If confirmed, I would make this one of the focus areas for the expedited review of the fiscal year 2010 budget request, as well as the QDR and the formulation of the fiscal year 2011 defense program. Areas of emphasis would be medical care and child care facilities and other programs that assist our servicemembers in sustaining the burden of deployments.

Question. If confirmed, how would you ensure support for Reserve component families and Active Duty families who do not reside near a military installation?

Answer. I am familiar with a general pattern of much-needed improvement here recently, through the implementation of partnerships with State and community based services. But I know we have much to do, and look forward to being involved in this, if confirmed.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

Question. In your view, what elements of the military health care system require reform and what steps would you take, if confirmed, to accomplish reform?

Answer. Health care costs continue to grow nationally and DOD is not exempt. If confirmed, I will work closely with our health care leadership in DOD to examine every opportunity to ensure military beneficiaries are provided the highest quality care possible in the most cost effective manner.

Question. In light of the continuing growth of health care costs both in the military and civilian sectors, if confirmed, how would you address the issue of cost control?

Answer. I am told that governmental estimates indicate these costs could rise to nearly 12 percent of the DOD budget in just a few years, and that the congressionally-directed task force on the future of military health care provided useful insights. If confirmed, I will look at all these alternatives to ensure that DOD provides quality care in an affordable manner.

Question. What is your understanding of the requirements of 10 U.S.C. section 1102(d) concerning the disclosure of medical quality assurance information?

Answer. Section 1102 protects information about a specific provider or patient. However, I am told that these data can be released in an aggregate statistical man-

ner to inform both military and non-military medical providers in advancing the resolution of systemic health care problems.

Question. If confirmed, do you agree to provide information requested by the committee in order to exercise its legislative and oversight responsibilities concerning medical quality assurance?

Answer. Yes.

NATIONAL CAPITAL REGION MEDICAL ISSUES

Question. The BRAC 220 decision to consolidate the Walter Reed Army Medical Center and the National Naval Medical Center at Bethesda is one of the most significant realignments in the history of military medicine. The outgoing Deputy Secretary of Defense established a joint task force (JTF) charged with review of design, transition, staffing and operation of the new, consolidated medical center, integration of clinical services and medical education programs, and enhanced support for wounded warriors and their families.

If confirmed, what steps would you take to ensure that the highest quality care is maintained for military beneficiaries and wounded warriors before, during, and after the transition to the new medical facility?

Answer. Care for our wounded warriors is Secretary Gates' top concern, next to the war. I understand that DOD has set up a JTF to make sure high quality service is not terminated at one facility until a successor facility is fully ready. If confirmed, I look forward to evaluating measures to achieving that end.

Question. How would you ensure that the new facilities and medical capabilities are achieved in the most effective and timely manner possible?

Answer. Care for our wounded warriors is the Secretary's number one concern next to the war itself. Wounded warriors deserve the most current capabilities and facilities we can provide. I note that there is a robust effort now in place to improve and expand medical care in the NCR overseen by the JTF National Capital Region Medical (CAPMED). If confirmed, I will oversee and support the JTF CAPMED's efforts to ensure this effort achieves success.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by the DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees.

What is your view of the NSPS, as currently constituted?

Answer. I am generally familiar with the purpose and goals of NSPS, as well as the concerns expressed by Members of Congress and employee representatives. However, I have not reviewed the details of the system. If confirmed, I will conduct a thorough review of the program, in coordination with leadership from the Office of Personnel Management and other stakeholders, so I may gain a full understanding of the system.

Question. If confirmed, how will you evaluate its success or failure to meet its goals?

Answer. If confirmed, I will work with and seek the views of the appropriate stakeholders both within and outside the Department to gain a full understanding of NSPS and the extent to which it is meeting program goals and congressional intent. I am well aware of the important role civilian employees play in supporting the Department's critical mission, and I understand NSPS will be a priority issue for the Department.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. I have not had a chance to thoroughly examine the details of the NSPS pay-for-performance. If confirmed, I will review the entire system, including this component. I am mindful of the importance of good performance management in achieving organizational results, as well as the need for fairness and transparency in any civilian personnel system.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. Although I have not yet fully examined NSPS streamlined hiring and promotion authorities, I am mindful of the challenges faced by the Department and the Federal Government to attract and retain a high quality civilian workforce, particularly in light of the fact that a large portion of the Federal workforce is eligible to retire or nearing retirement eligibility. Given the important role of the DOD civil-

ian workforce in supporting national security, our ability to compete for talent will become increasingly important. If confirmed, this will receive my early attention.

Question. In your view, is it viable in the long run for the DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. If confirmed, I will conduct a full review of NSPS, including the status of the Department's implementation plan. The issue of maintaining two systems will certainly be a part of that review.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. I am not aware of any immediate need for legislative changes at this time. However, if confirmed, I will fully examine the program and confer with congressional stakeholders in assessing the need for any statutory changes.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. I understand the regulations jointly issued by the Department and the Office of Personnel Management provide much of the detail concerning NSPS. However, I have not had a chance to fully review those regulations or the NSPS program. If confirmed, I will make that an early priority.

HUMAN CAPITAL PLANNING

Question. Section 1122 of the National Defense Authorization Act for Fiscal Year 2006, as amended by section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 and section 851 of the National Defense Authorization Act for Fiscal Year 2008, requires the Secretary of Defense to develop and annually update a strategic human capital plan that specifically identifies gaps in the Department's civilian workforce and strategies for addressing those gaps. DOD has not yet produced a strategic human capital plan that meets the requirements of these provisions.

Would you agree that a strategic human capital plan that identifies gaps in the workforce and strategies for addressing those gaps is a key step toward ensuring that the Department has the skills and capabilities needed to meet future challenges?

Answer. See below.

Question. Do you see the need for any changes in the requirements of sections 1122, 1102, and 851, regarding the requirement for a strategic human capital plan?

Answer. I have not had the opportunity to become familiar with this area. If confirmed, I will solicit views of others, including Secretaries of the Military Departments, and Under Secretary of Defense for Personnel and Readiness (USD(P&R)). I will ensure that we keep the committee abreast of our progress.

Question. If confirmed, will you ensure that DOD fully complies with these requirements?

Answer. If confirmed, I will work to support any objectives in this area.

ALL-VOLUNTEER FORCE

Question. The All-Volunteer Force came into existence over 35 years ago and, since its inception, volunteer soldiers, sailors, airmen, and marines have helped to win the Cold War, defeat aggression during the Persian Gulf War, keep peace in the former Yugoslavia, combat terrorism in Iraq and Afghanistan, and defend freedom around the world.

Are you committed to the All-Volunteer Force?

Answer. Yes.

Question. Under what conditions, if any, would you support reinitiation of the draft?

Answer. The Nation should certainly preserve that option, but whether and when to use it would be a momentous decision.

Question. What factors do you consider most significant to the success of the All-Volunteer Force?

Answer. The focus should be on supporting military servicemembers and their families. In addition to maintaining strong compensation programs, efforts such as assuring quality education for children and a meaningful career for the military spouse are high on the agenda of today's generation of military servicemembers.

Question. What changes in pay, compensation, and benefits, if any, are needed in your view to sustain recruiting and retention?

Answer. I will have to look into this more, if confirmed, but to achieve success we must treat people fairly in terms of compensation, benefits, and quality of life.

RECRUITING STANDARDS

Question. Recruiting highly qualified individuals for military service and retaining highly trained and motivated personnel for careers present unique challenges, particularly while the Nation is at war. Criticism has been aimed at the Department for allowing relaxed enlistment standards in the Army with respect to factors such as age, intelligence, weight, and physical fitness standards, citizenship status, tattoos, and past criminal misconduct.

What is your assessment of the adequacy of current standards regarding qualifications for enlistment in the Armed Forces?

Answer. See below.

Question. In your view, does the Army have adequate procedures in place to ensure recruitment of only fully qualified individuals?

Answer. I am not fully familiar with the details of the current service standards and procedures, but if confirmed, I would work closely with the USD(P&R) to review recruiting standards for all the Services.

Question. What is your understanding of the status, cost (to date), and feasibility of implementation of the Defense Integrated Military Human Resources System (DIMHRS)?

Answer. See below.

Question. Do you believe that it is preferable to have a consolidated approach to human capital management systems for all four military Services, or to allow each of the Services to develop its own systems?

Answer. I am not fully familiar with the details of DIMHRS and efforts to consolidate the Services' human capital management systems but, if confirmed, I plan to examine them closely.

DETAINEE TREATMENT POLICY

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. In my view, this prohibition is in the best interest of the United States. I also believe that the Department's leadership should always be mindful of multiple considerations when developing standards for detainee treatment, including the risk that the manner in which we treat our own detainees may have a direct impact on the manner in which U.S. soldiers, sailors, airmen, or marines are treated, should they be captured in future conflicts.

Question. If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. Do you believe that the United States has the legal authority to continue holding alleged members and supporters of al Qaeda and the Taliban as enemy combatants?

Answer. Yes. As a general matter, the United States is authorized to detain those individuals determined to be enemy combatants. I cannot comment on the circumstances of the detention of specific individuals, which, in many cases, is the subject of pending litigation.

Question. Do you believe that the Combatant Status Review Tribunals convened by DOD to provide Guantanamo Bay, Cuba (GTMO), detainees an opportunity to contest designation as enemy combatants provide detainees with appropriate legal standards and processes?

Answer. If I am confirmed, I expect that I and others will examine this issue carefully.

Question. What role would you expect to play, if confirmed, in reviewing the status of GTMO detainees and determining whether the United States should continue to hold such detainees?

Answer. At present the Deputy Secretary of Defense is delegated the responsibility to determine whether a GTMO detainee should be released or transferred,

upon the recommendation of an Administrative Review Board. I anticipate that the new administration will review the current process and may make changes to it.

Question. Do you support closing the detention facility for enemy combatants at GTMO?

Answer. Yes. As both President-elect Obama and Secretary Gates have stated, the detention facility at GTMO has become a liability for the United States.

Question. In order to mitigate the risk associated with the release of GTMO detainees, do you believe DOD should establish some form of rehabilitation training for enemy combatants held at GTMO?

Answer. I understand that the efforts in Iraq to rehabilitate and reconcile detainees have been fairly successful. If confirmed, I would help explore whether such a program could be tailored appropriately and successfully implemented for the population at GTMO.

Question. What other ways could the United States use to encourage or entice our allies or other nations to accept detainees from GTMO? Would monetary support or sharing of technology for monitoring detainees be helpful inducements?

Answer. If confirmed, I would work closely with the State Department to seek new ways to encourage our allies and friends to assist us in transferring those detainees from GTMO who can be safely returned to their home countries or resettled in a third country when that is not possible.

Question. The Military Commissions Act of 2006 authorized the trial of "alien unlawful enemy combatants" by military commission and established the procedures for such trials.

In your view, does the Military Commissions Act provide appropriate legal standards and processes for the trial of alien unlawful enemy combatants?

Answer. If confirmed, I intend to carefully confer with the Secretary and the OGC as to whether the Military Commissions Act strikes the right balance between protecting U.S. national security interests and providing appropriate legal standards and processes for a fair and adequate hearing.

Question. Under what circumstances, if any, do you believe that it would be appropriate to use coerced testimony in the criminal trial of a detainee?

Answer. If confirmed, I anticipate looking carefully with the OGC at whether use of coerced testimony is ever appropriate in the criminal trial of a detainee.

Question. What role would you expect to play, if confirmed, in determining whether GTMO detainees should be tried for war crimes, and if so, in what forum?

Answer. As I understand the current structure under the Military Commissions Act, the Convening Authority makes the decision on which cases are referred to a military commission. If confirmed, I anticipate reviewing with the OGC the current process to determine whether to recommend any changes to it.

Question. What role would you expect to play, if confirmed, in reviewing the Military Commissions Act and developing administration recommendations for any changes that may be needed to that Act?

Answer. If confirmed, I anticipate reviewing the Military Commissions Act with the OGC to determine whether to recommend any legislative proposals to change it.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. As we begin to transition detention operations and facilities to full Iraqi control, it is vital that we do our best to ensure that the increased quality of our facilities and our approach to detainee operations is maintained, as this line of operation is a critical component of successful counterinsurgency doctrine and practice.

Question. What should be done to incorporate those lessons learned into DOD doctrine, procedures, and training for personnel involved in detention and interrogation operations?

Answer. I believe that a lot of these lessons are being captured today, and are reflected in new doctrine and directives.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of Defense?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

DEFENSE LABORATORIES

1. Senator REED. Mr. Lynn, in your view, how does the quality of the Department of Defense (DOD) laboratories compare to the quality of the national laboratories and to industry and academic laboratories?

Mr. LYNN. I view a healthy science and technology (S&T) program, which includes high-performing DOD laboratories, as important to the overall national security. We should view DOD laboratories as providing a dedicated set of capabilities for the Armed Forces; but the Department should work with other agency and university laboratories where it is the Nation's and Department's best interest. This includes the Department of Energy national laboratories, National Aeronautics and Space Administration research centers, the National Institute of Standards and Technology, as well as universities and industry. The mix of the strengths of all laboratories is important to DOD.

2. Senator REED. Mr. Lynn, what steps do you plan to take in terms of infrastructure improvement, management practices, and personnel authorities to empower laboratory directors to revitalize their institutions and perform their designated technology development missions?

Mr. LYNN. The ability of the DOD laboratories to support the Department's missions through research and technology development is important for our national security. The Department must attract and retain a workforce that is competitive, with hiring mechanisms that provide flexibility to recruit the best, and a workforce environment that will retain and reward them. To this end, if confirmed, I will be evaluating the effectiveness of the existing personnel demonstration programs conducted at many of DOD's laboratories, the S&T Reinvention Laboratories, to identify which authorities have proven to be effective in addressing workforce recruitment, retention, technical qualifications and imbalances; improving laboratory quality and effectiveness; and assessing whether there are authorities or management approaches that DOD may choose to implement across its entire S&T workforce. If confirmed, I will also review other relevant authorities available to the Department to assess their effectiveness and identify new opportunities that may be available for the Department to pursue.

SMALL BUSINESS RESEARCH

3. Senator REED. Mr. Lynn, do you feel the Department does an adequate job of accessing the innovation potential of our Nation's small advanced technology businesses?

Mr. LYNN. I believe that the Department is doing a good job of accessing the innovation potential of small advanced technology businesses. I am told that DOD invests a significant part of its annual Research and Development (R&D) budget to access the innovation potential of our Nation's small advanced technology businesses, both as prime and subcontractors.

Small businesses make a significant contribution towards our Nation's economic strength. The statistics on American small business show that they represent 99.7 percent of all employer firms, employ about half of all private sector employees,

have generated 60–80 percent of all new jobs over the last decade, and produce more than half of the nonfarm private Gross Domestic Product. In the technology sector, small businesses produce 13 times more patents per employee than large firms and hire 40 percent of all high tech (scientists, engineers, computer scientist) workers. (Source: Small Business Administration Frequently Asked Questions Sept. 2008.)

Small businesses are important to our Nation's military strength. Small businesses offer such attributes as flexibility, agility, responsiveness, and lower operating costs. Small businesses are also one of the best sources of technological innovation, which the Department uses to develop solutions to meet the needs of the warfighter.

I understand that the Small Business Innovation Research (SBIR) program is the Department's premier program focused on accessing small business innovation for the benefit of the warfighter. This program sets aside 2.5 percent of the Department's extramural R&D budgets in excess of $100 million for the program. In fiscal year 2007, the SBIR program awarded 2,849 contracts with a budget of $1.2 billion. Over 60 percent of SBIR projects historically continue to receive funding from other sources as the innovative products migrate into defense and commercial applications. These statistics, as well as other tools for small businesses including sample proposals are available on the SBIR/Small Business Technology Transfer Web site.

4. Senator REED. Mr. Lynn, what steps should the Department take to better involve small business in DOD research and acquisition efforts?

Mr. LYNN. The Department has a good record of working with small businesses. In addition to contracting directly with small businesses, the Department encourages its prime contractors to offer small, innovative firms maximum possible opportunity to compete for government contracts.

I understand that the Department is proactive in its efforts to involve small businesses in research and acquisition. Each military department and defense agency has an Office of Small Business Programs that advocates on behalf of small businesses and undertakes to ensure all statutory and regulatory requirements relating to small business contracting are met. These offices work with the acquisition community and industry to provide maximum practicable opportunities to small businesses. The Department's small business workforce sponsors and participates in numerous outreach and training activities to make small businesses aware of DOD research and acquisition contracting opportunities.

If confirmed, it will be necessary for me to make an assessment of the current situation before making any recommendations for improving small business participation in the Department's research and acquisition efforts. This assessment would need to consider such matters as the long term, strategic goals to be achieved, through better involvement of small businesses, for both the warfighter and the taxpayer.

MANUFACTURING AND INDUSTRIAL BASE ISSUES

5. Senator REED. Mr. Lynn, how would you assess the health of our Nation's defense and technology industrial bases in terms of their ability to meet DOD near- and far-term needs?

Mr. LYNN. Generally, my viewpoint is that our Nation's defense and technology industrial bases, while perhaps not as robust as they were before the world-wide wave of industrial consolidation that began in the mid-1990s, remain today and for the foreseeable future the most innovative, reliable, and cost-effective in the world. I believe this primarily because our defense and technology industrial bases continue to consistently develop, produce, and support militarily-superior defense systems that are the envy of the world. If confirmed, I would work to better sustain and leverage those bases by ensuring that DOD decisions and funding support the cost-effective creation and preservation of industrial and technological capabilities essential to defense; and increasing the Department's use of the highly-competitive commercial marketplace by encouraging use of dual-use technologies, processes, and materiel. Finally, I think that industrial globalization is a reality that the Department must address. Given the interconnectivity of supply chains, the Department's challenge is to leverage the benefits of the global commercial industrial base, while also recognizing and minimizing the risks in doing so.

6. Senator REED. Mr. Lynn, what steps should the Department take to strengthen the Nation's capacity to design, test, and manufacture weapons systems and other defense technologies?

Mr. LYNN. In my opinion, the Department must better leverage its buying power via an acquisition system that effectively balances realistic requirements, stable/sufficient funding, and sufficient time to strengthen the Nation's capacity to design, test, and manufacture the world's most capable weapon systems and defense technologies. If confirmed, I would support the Department's current strategy to rely on market forces to the maximum extent possible to create, shape, and sustain the industrial and technological capabilities needed to provide for the Nation's defense. However, I think it is also important to recognize that the Department (through its budget, acquisition, and logistics processes) can create market forces capable of harnessing the innovation potential in the industrial/technological base. In addition, when it becomes necessary to intervene in the marketplace, the Department has tools available—for instance, the Defense Production Act Title III Program and the Manufacturing Technology Program—which help to focus industry attention on critical technology development, accelerate technology insertion into manufacturing processes, create or expand critical production facilities, and direct production capacity towards meeting the most urgent warfighter needs. Finally, I believe that the acquisition initiatives recently posed by Secretary Gates hold great promise in strengthening our Nation's defense industrial capabilities—i.e., freezing requirements earlier for proposed systems, improving production contracts, employing prototypes to learn more about competing proposals, planning better, and balancing rapid and lengthy acquisition timelines.

IMPORTANCE OF INFORMATION SHARING TO NATIONAL SECURITY

7. Senator REED. Mr. Lynn, the September 11 attacks illustrated a fundamental failure by our Government to share information effectively in order to detect and prevent the attack by "connecting the dots." The 9/11 Commission identified 10 lost "operational opportunities" to derail the attacks. Each involved a failure to share information between agencies. In the aftermath of the September 11 attacks, major efforts have been made to improve information-sharing. Through legislation and Executive orders these efforts were designed to effect a "virtual reorganization of Government" with communities of interest working on common problems across agency boundaries and between Federal, State, and local governments, and the private sector. While we have established the necessary legal structures, I am concerned that implementation is lacking. What is your view on the importance of information-sharing to our national security and what steps will you take to improve the Government's ability to share information in a trusted environment?

Mr. LYNN. Information-sharing is an important part of a whole-of-government approach to combating terrorism and providing for national security. The right information must be shared at the right time not only with Federal, State, and local governments but also with international friends and allies. I will work to ensure the Department is committed to the trusted sharing of information with these key partners.

8. Senator REED. Mr. Lynn, in the wake of September 11, Congress and President Bush put enhanced information-sharing forward as a major goal by passing the Intelligence Reform and Terrorism Prevention Act of 2004 and the 9/11 Commission Recommendations Implementation Act of 2007. The information-sharing environment established by this legislation is designed to enable our Government to use information in new and more powerful ways. While improved information-sharing enhances our national security, it also presents the risk that the Government will use these powerful new authorities to acquire vast amounts of data. This has the potential to infringe on privacy and civil liberties. As the 9/11 Commission said, this increase in governmental power "calls for an enhanced system of checks and balances." What steps will you take to ensure that, as information-sharing is enhanced, new and more powerful protections are developed to safeguard privacy and civil liberties and how will you help make sure that the American public trusts that the Government will respect their privacy?

Mr. LYNN. The Nation's security should not require the abandonment of our values, privacy, or civil liberties. As Deputy Secretary of Defense, I will work to ensure that all matters within the full range of my authority are consistent with the Constitution and the law.

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

CHINA'S MILITARY TRANSFORMATION

9. Senator AKAKA. Mr. Lynn, our military has experienced strains after nearly 7 years of warfare. It is imperative that we support our forward-deployed forces engaged in current operations but we must not overlook other important developments in the international system. For example, China's continued investment in their military transformation has the potential to alter the balance of power in the Asia-Pacific region. In March 2007, Beijing announced a 19.47 percent increase in its military budget from 2006 to approximately $45.99 billion. In light of China's continued military modernization efforts, do you believe that U.S. forces in the Pacific Command are fully prepared to address any possible threats related to China's modernization, particularly with regards to Pacific Command's forward basing requirements?

Mr. LYNN. Forward basing of U.S. forces and alliance capabilities are important during peacetime and crisis. As such DOD has undertaken a series of force realignments in Korea, Japan, and Guam, including the forward-basing of the *George Washington* to Japan. These posture realignments will position our forces in the Pacific to be more fully prepared to address any military contingency in the Asia-Pacific region, including those that may involve China. Basing, posture, and future capabilities are important issues that DOD should address further in the Quadrennial Defense Review (QDR).

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

SURVIVOR BENEFIT PLAN/DEPENDENCY AND INDEMNITY COMPENSATION OFFSET

10. Senator BILL NELSON. Mr. Lynn, for 8 years I have worked to eliminate the unjust offset between the DOD Survivor Benefit Plan (SBP) and the Department of Veterans Affairs Dependency and Indemnity Compensation (DIC). Under current law, if the surviving spouse of a servicemember is eligible for SBP, that annuity is offset by the amount of DIC received. I would like to work with DOD to devise a plan to eliminate the offset over time; it is the least we can do for the widows, widowers, and orphans of our servicemembers. What is the proper balance of discretionary and mandatory spending that will not only ensure our national defense, but will also take care of our servicemembers, veterans, and their families?

Mr. LYNN. While I have not yet had an opportunity to be briefed on this subject, it's important to be fair to our veterans' and their surviving family members. If confirmed, I will look into this area to ensure our veterans and their families are treated fairly.

11. Senator BILL NELSON. Mr. Lynn, what would a plan look like that would eliminate the SBP–DIC offset over 4 years and over 10 years?

Mr. LYNN. As noted in the answer to the prior question, I will need to explore this subject more fully with the goal of ensuring our veterans and their families are treated fairly.

BASE REALIGNMENT AND CLOSURE COMMISSION

12. Senator BILL NELSON. Mr. Lynn, in November 2005, the Base Realignment and Closure Commission (BRAC) of 2005 went into effect. Full funding of BRAC 2005 is imperative because the Services must build infrastructure to support the mandated force movements. Two BRAC 2005 conclusions that affect Florida are the establishment of Initial Aircraft Training for the F–35 Lightening II Joint Strike Fighter and the beddown of the 7th Special Forces Group at Eglin Air Force Base. The BRAC 2005 law expires in 2011. Explain how DOD will support the Services' funding requests necessary to implement the BRAC 2005 law before expiration of the BRAC 2005 mandate.

Mr. LYNN. While I am not yet familiar with the budget details of the Services, it is my understanding the Department has tasked the applicable components to fully fund all BRAC 2005 actions to meet the September 15, 2011 deadline.

NAVY DECISION TO ESTABLISH A SECOND AIRCRAFT CARRIER HOMEPORT

13. Senator BILL NELSON. Mr. Lynn, in 2006, the Navy began an environmental impact statement to determine the environmental impact of homeporting additional

surface ships at Naval Station Mayport, FL. Since 2005, congressional and military leadership have reaffirmed the importance of dispersing the Atlantic Fleet in two ports. In February 2005, then Chief of Naval Operations, Admiral Clark, stated that it was his view that, "over-centralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable homeports on each coast." He went on to say, ". . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

Deputy Secretary of Defense Gordon England, as the former Secretary of the Navy, testified to the Senate Armed Services Committee that the Navy needed to disperse its Atlantic coast carriers: "My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [U.S.S. *John F.*] *Kennedy* to get some dispersion."

The current Chief of Naval Operations, Admiral Roughead, recommended to Secretary of the Navy Winter that Naval Station Mayport should be made capable of homeporting a nuclear aircraft carrier homeport to reduce the risk to our Atlantic Fleet carriers should Norfolk become incapacitated. The current Chairman of the Joint Chiefs of Staff, Admiral Mullen, agrees with Admiral Roughead's recommendation.

On January 14, the Navy made its decision to make Naval Station Mayport a carrier homeport and plans to request the necessary funding for its implementation in its fiscal year 2010 budget request. Understanding the fiscal challenges facing our country and the constrained defense budget, how will you approach this funding priority among the many priorities facing the military?

Mr. LYNN. I have not yet had the opportunity to explore the details of this move. However, if confirmed, I will examine this decision and its impact on the fiscal year 2010 POM to ensure the Department's strategy and funding match.

14. Senator BILL NELSON. Mr. Lynn, the principle of strategic dispersal is decades old. What is your understanding of the principle of strategic dispersal and what are your thoughts of Secretary of the Navy Donald Winter's implementation of this principle with respect to Naval Station Mayport?

Mr. LYNN. Strategic dispersal is a protective measure that allows forces to be less vulnerable to a single critical attack. However, in many cases dispersal also increases costs by reducing economies of scale. If confirmed, I will seek to strike a balance of developing an effective basing strategy that the Department can afford.

SEXUAL ASSAULTS IN IRAQ AND AFGHANISTAN

15. Senator BILL NELSON. Mr. Lynn, untold numbers of sexual assaults have been committed in Iraq and Afghanistan by executive branch contractors and employees. In 2007, I sent letters regarding sexual assault to the Secretaries of Defense and State and the Attorney General. On December 13, 2007, I wrote to Secretary of Defense Gates, requesting that he launch an investigation by the Defense Department's Inspector General (DOD/IG) into rape and sexual assault cases in Iraq and Afghanistan. Following my letters, the DOD/IG stated that the Army Criminal Investigation Command (CID) investigated 41 sexual assaults in Iraq in 2005, 45 sexual assaults in 2006, and 38 sexual assaults in 2007. These numbers are limited to only 3 years worth of investigations by the Army in Iraq. They do not include investigations for both theaters of operations nor all the Services operating in Iraq and Afghanistan. Consequently, there could be many additional investigations and assaults that have not been investigated. Also, because the DOD/IG would not provide information on the status of its investigations, it remains unclear how many of these cases have been prosecuted and/or processed within the military or criminal justice systems. If confirmed, how will you work with your counterparts at the Departments of State, Justice, and other executive branch departments with regard to contractor crimes in Iraq and Afghanistan?

Mr. LYNN. Sexual assault is a crime and an affront to our values. The Department recognizes even one sexual assault is too many and in 2004 established the DOD Sexual Assault and Prevention Office to provide policy and procedures to address the issues encountered by victims of sexual assault worldwide. If confirmed, I will continue to support the Office of the General Counsel in their efforts to coordinate with other Federal agencies to ensure the criminals perpetrating these acts are prosecuted.

QUESTIONS SUBMITTED BY SENATOR EVAN BAYH

TROOP LEVELS IN AFGHANISTAN

16. Senator BAYH. Mr. Lynn, as the U.S. military continues to draw down our forces in Iraq, how does the new administration propose to balance the needs of maintaining security in Iraq with its pledge to increase our troop levels in Afghanistan by as many 30,000 servicemembers?

Mr. LYNN. The Department must continue to listen to the assessments of our military commanders in the field, United States Central Command, and the Joint Chiefs of Staff to develop and provide the President the right options. Getting troop levels in Iraq and Afghanistan right is a critically important issue that, if confirmed, I will follow closely.

17. Senator BAYH. Mr. Lynn, how do these requirements square with the readiness levels and operational tempo we have demanded of our troops?

Mr. LYNN. Our force's current operational tempo and associated readiness levels present a continuing challenge for the Department. Rotation timelines, increased allied contributions, and a strong interagency plan must all be considered to properly meet current and future taskings. Current plans to increase the Army and Marine Corps would also help reduce these pressures.

RESOURCES FOR IRAQ AND AFGHANISTAN

18. Senator BAYH. Mr. Lynn, according to the recently signed Status of Forces Agreement with Iraq, American combat troops will begin leaving Iraq very soon. How do you plan to address the significant need for equipment recapitalization and reset while also weaning the Department off of supplemental budget requests?

Mr. LYNN. As the Department addresses the fiscal year 2010 budget, recapitalization and reset are part of a wide span of important requirements that must be balanced. This process will present many tough choices for DOD leadership as they respond to the economic environment.

19. Senator BAYH. Mr. Lynn, what risks does DOD face by continuing to rely so heavily on the supplemental process?

Mr. LYNN. Supplemental appropriations are an important tool for the government to respond to contingency requirements. But the core defense budget needs should proceed through the normal authorization and appropriations process to ensure proper balance and appropriate oversight.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

TROOP LEVELS IN AFGHANISTAN

20. Senator MCCAIN. Mr. Lynn, General McKiernan has spoken of increasing U.S. troops in Afghanistan by something on the order of four combat brigades. Do you support this request?

Mr. LYNN. Secretary Gates has highlighted the current troop shortfalls in basic security and training in the face of an increasingly active Taliban. At current levels, our forces are challenged to provide a foundation of security while at the same time supporting our broader efforts to train Afghan security forces. The Department needs to examine General McKiernan's request in that context.

21. Senator MCCAIN. Mr. Lynn, would increasing the number of troops in Afghanistan require us to draw down in Iraq faster than we otherwise might?

Mr. LYNN. If confirmed, I will assist Secretary Gates in his review of possible options to provide to the President.

22. Senator MCCAIN. Mr. Lynn, how large do you believe the Afghan National Army (ANA) and the Afghan National Police (ANP) should ultimately be?

Mr. LYNN. Both the Government of Afghanistan and the international community have agreed an increase in Afghan security forces is required for the Afghans to assume primary responsibility for their own security. This planned expansion would bring the ANA to 134,000 and the ANP to 82,000. It is not yet clear whether these levels will be sufficient over the long run. The ultimate number will require continued assessment and evaluation to determine.

NATO SUPPORT IN AFGHANISTAN

23. Senator McCAIN. Mr. Lynn, the Afghanistan mission is an important test of the North Atlantic Treaty Organization's (NATO) out-of-area capability. Yet, NATO commanders continue to have difficulty persuading allies to contribute forces to International Security Assistant Force or to provide NATO forces the appropriate equipment for their tasks. Secretary Gates testified last year that he is worried about the alliance evolving into a two-tiered alliance, in which you have some allies willing to fight and die to protect people's security, and others who are not. How do you assess the contributions of NATO allies to the war in Afghanistan?

Mr. LYNN. NATO and other non-NATO partner nation contributions, both military and civilian, are an important component of the international mission in Afghanistan. While NATO contributions have increased over time, their growing involvement will continue to play a pivotal role in the stabilization and security of Afghanistan.

24. Senator McCAIN. Mr. Lynn, what steps would you recommend to persuade NATO nations to increase their efforts in concert with our own?

Mr. LYNN. NATO and other international contributions are an important component of the international mission in Afghanistan. If confirmed, I will examine future strategy options in part for their proposed steps to increase partner contributions.

GUANTANAMO BAY

25. Senator McCAIN. Mr. Lynn, President-elect Obama has said he wants to close the military detention facility at Guantanamo Bay (GTMO). If confirmed, how would you go about executing the President-elect's policy? How would you approach this challenge?

Mr. LYNN. As both President Obama and Secretary Gates have stated, the detention facility at GTMO has become a liability for the United States. If confirmed, I would work closely with the State Department to seek new ways to encourage our allies and friends to assist us in transferring those detainees from GTMO who can be safely returned to their home countries or resettled in a third country when that is not possible.

ACTIVE-DUTY END STRENGTH

26. Senator McCAIN. Mr. Lynn, the President-elect and the Secretary of Defense have endorsed significant increases in the Active-Duty strengths of the Army and Marine Corps and these Services have been working hard to accelerate this growth. Please discuss your concerns about the rising cost of personnel and how you anticipate this will affect the ability of the Services to recapitalize its equipment.

Mr. LYNN. All of our servicemembers, Active and Reserve, continue to perform extraordinarily in light of the demands we have placed upon them. However, as the President has stated, we do believe increases in our ground forces are necessary. Moreover, we cannot fail to have the right numbers and kinds of uniformed personnel to win our wars, and to deter potential adversaries. While our force, Active and Reserve, must be large enough to satisfy deployment needs, there must be a base that recognizes the personal needs of our volunteers and their families. At the same time, our volunteers must have the weapons, equipment and support that will enable mission success. Striking the right balance between personnel, recapitalization, and operational and support costs is a challenging imperative that will be central to the fiscal year 2010 budget and the QDR. We look forward to working with Congress.

CHIEF OF THE NATIONAL GUARD BUREAU AND THE JOINT CHIEFS OF STAFF

27. Senator McCAIN. Mr. Lynn, do you think the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff? Why or why not?

Mr. LYNN. In recognition of its increased role in recent years, the Chief of the National Guard Bureau was raised to a four-star position in December 2008. If confirmed, I will evaluate this very recent adjustment over time before recommending further changes in the Joint Chiefs of Staff structure.

RETIREES AND THE COST OF DOD HEALTH CARE

28. Senator MCCAIN. Mr. Lynn, for the last 3 years, the administration has tried—without success—to gain approval for increases in the annual premiums for DOD-provided health care paid for by military retirees under the age of 65. What are your views about the need for change in this regard?

Mr. LYNN. The amount of funding budgeted for healthcare must be in balance with all of the other essential requirements that must be funded in the DOD budget. DOD established the Task Force on the Future of Military Healthcare in accordance with the provisions of the NDAA for Fiscal Year 2007. The Task Force reviewed several aspects of military healthcare including "the beneficiary and government cost sharing structure" and provided recommendations to promote the provision of quality, cost-effective healthcare for DOD beneficiaries. I will utilize the Task Force's recommendations as a reference when evaluating the benefit and government cost-sharing options for implementation to ensure that DOD continues to provide quality care in a manner that also provides the best value for our servicemembers and our Nation.

FUNDING FOR WOUNDED WARRIOR CARE

29. Senator MCCAIN. Mr. Lynn, in your answers to pre-hearing policy questions you indicated that you will supervise the development of the Department's 2010 budget submission. I urge you to pay particular attention to funding of wounded warrior care and research. Congress has provided significant increases in funding for traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) research and treatment, as well as programs critical to supporting family needs, through supplemental appropriations. These conditions are enduring requirements in support of warfare, and far too important to rely on supplemental appropriations. Will we see the Department's full funding requirements for TBI and PTSD in the budget which you develop and submit to Congress in March or April of this year?

Mr. LYNN. I certainly agree that funding for wounded warrior care and research, such as that which was provided through prior supplemental appropriations, is an important priority for DOD. If confirmed, I will personally review the fiscal year 2010 budget to ensure that wounded warrior care is funded appropriately.

"SOFT POWER"

30. Senator MCCAIN. Mr. Lynn, Secretary Gates has called on Congress to provide more funding for the State Department's Foreign Service and the U.S. Agency for International Development. Just a few days ago, Admiral Mullen expressed the same views commenting that our national security and foreign policy requires "a whole-of-government approach to solving modern problems" and "we need to reallocate roles and resources in a way that places our military as an equal among many in government—as an enabler, a true partner." Admiral Mullen went on to say that "as an equal partner in government, I want to be able to transfer resources to my other partners when they need them." What thoughts do you have on these remarks calling for more resources for civilian agencies responsible for "soft power," including the Departments of State, Justice, Commerce, and Agriculture?

Mr. LYNN. A successful whole-of-government approach requires greater investment in our non-military instruments of power. Our civilian institutions need to have the will and capacity to support more integrated approaches for national strategies to be effective.

31. Senator MCCAIN. Mr. Lynn, should Congress provide greater flexibility for the military to transfer funding during a crisis?

Mr. LYNN. More flexible spending authorities would allow the Department to be more responsive and adaptable during a crisis.

CYBER SECURITY AND CYBER THREATS

32. Senator MCCAIN. Mr. Lynn, the United States heavily depends on our cyber-infrastructure—possibly more than any other nation. What do you think the greatest threat to the United States is in terms of cyber security and cyber threats?

Mr. LYNN. Our ability to conduct business, communicate, and operate through cyberspace is one of our Nation's greatest strengths. Indeed, the United States does depend upon cyberspace and its associated information technology infrastructure. DOD relies upon global data and telecommunication networks, much of which is

owned and operated by the commercial sector, to conduct full spectrum land, sea, air, and space operations. Adversaries could potentially acquire a capability to deny or disrupt the Department's access to those networks, or impact operations by diminishing our confidence in the reliability of those networks. Bad actors in cyberspace can range from insider threats to malicious hackers, criminal organizations to nation-states. Although nation-states can invest greater resources and acquire more sophisticated capabilities than non-state actors, all are a cause for concern. As Estonia experienced in 2007, it only takes a small but committed group of malicious hackers to bring a technologically sophisticated government to a standstill. Threats to cyber-infrastructure are not solely through cyberspace, we must maintain awareness of physical vulnerabilities to key communications nodes, electrical power sources, satellite or ground relay links, and underground or undersea cables. The range of potential adversaries is such that there is no "greatest" threat, only the enduring need to remain vigilant, and continually improve security, reliability, and resiliency of our critical information networks.

33. Senator McCAIN. Mr. Lynn, how is DOD organized to address cyber threats?

Mr. LYNN. Commander, U.S. Strategic Command (CDRUSSTRATCOM) has the DOD lead for cyberspace operations per the 2008 Unified Command Plan. CDRUSSTRATCOM has designated Commander, Joint Functional Component Command—Network Warfare (JFCC–NW), as the lead for the planning, integration, and, as directed, execution of the full spectrum of military cyberspace operations. The Director of the National Security Agency is dual-hatted as Commander, JFCC–NW. Joint Task Force—Global Network Operations (JTF–GNO) is under the operational control of JFCC–NW. The Director of the Defense Information Systems Agency is dual-hatted as Commander, JTF–GNO. CDRUSSTRATCOM has designated JTF–GNO as the lead for directing the operation and defense of the Department's Global Information Grid. In addition, the Department is a major partner, as well as a key enabler of the Comprehensive National Cybersecurity Initiative, working closely with interagency partners to provide support to efforts aimed at securing U.S. Government networks and the national cyber infrastructure.

34. Senator McCAIN. Mr. Lynn, is the current structure adequate to address this threat?

Mr. LYNN. I consider your question to be of utmost importance to DOD and to the Nation. As a nominee for the Deputy Secretary of Defense, I will refrain from answering this question because I do not have the proper insights into this complex question. I can tell you however, that if confirmed, I will address this critical issue to determine if DOD is optimally structured and organized to conduct a wide range of cyber missions now and into the future.

DEFENSE BUSINESS BOARD VIEW

35. Senator McCAIN. Mr. Lynn, the Defense Business Board (DBB), an internal management oversight board established by Secretary Gates, recently warned that the Defense Department's budget is "unsustainable" and that the Department can only meet its priorities if it makes hard budget decisions on its largest and costliest acquisition programs. "Business as usual [in terms of the Department's budget decisions] is no longer an option," warned the Board. Do you agree with the DBB's warning?

Mr. LYNN. Yes, business as usual is no longer an option. President Obama and Secretary Gates have underscored that change is needed and vowed to make acquisition reform a top priority.

36. Senator McCAIN. Mr. Lynn, what principles will guide your thinking on possible cuts to large acquisition programs?

Mr. LYNN. Acquisition programs must be able to deliver the required capability on schedule and at or under cost. The capabilities they provide must not be duplicative of other acquisitions, and these capabilities must be integral components of the overall portfolio of capabilities that the Department needs to accomplish its mission. We will review programs to ensure that they have the required technological and production maturity to enable successful delivery of the required capability to the warfighter according to schedule, and at cost. Programs lacking this maturity may be candidates for termination or restructure, depending on their potential contributions to our mission accomplishment. Cuts to large acquisition programs will also be evaluated against the capabilities they provide to ensure accomplishment of the Department's mission to defend our Nation, its interests, and our allies. We will re-

view acquisitions to determine which best address requirements of near-term engagements and current known threats, and fund the highest priority acquisition programs that address these areas. At the same time, we will also ensure that we do not neglect the need for increased capabilities to meet increased or new threats in the future. As standard practice, we will align our acquisitions to stay within our funding topline and always strive to get the best value for our resources.

F–22A DECISIONS

37. Senator MCCAIN. Mr. Lynn, early this year, this administration will be required to make what amounts to a go/no-go decision on the F–22A Raptor program, an increasingly expensive program that has made no contribution to the global war on terror and that may impinge on the timing and cost of when the F–35 Joint Strike Fighter may first be operationally capable. Do you have any preliminary thoughts on whether the F–22A program should be continued or should be wound down as originally planned?

Mr. LYNN. The F–22A Raptor is the most advanced tactical fighter in the world and, when combined with the F–35 Joint Strike Fighter, will provide the Nation with the most capable and lethal mix of 5th generation aircraft available for the foreseeable future. The tremendous capability of the F–22A is a critical element in the Department's overall tactical aircraft force structure requirements. The Department is reviewing whether to procure more F–22A aircraft beyond its current Program of Record quantity of 183 and will make a recommendation to the administration in time to meet the requirements stipulated in section 134 of the National Defense Authorization Act for Fiscal Year 2009.

38. Senator MCCAIN. Mr. Lynn, what principles will guide the Department's thinking on that matter?

Mr. LYNN. The Department is currently reviewing whether to procure more F–22A aircraft beyond its current Program of Record quantity of 183. Some of the factors that will go into the Department's recommendation to the administration are: compliance in meeting the requirements of the current National Military Strategy; affordability of additional F–22A aircraft within the Department's resource constrained environment; and whether continued production or termination is in the national interest of the United States.

REFORMS FOR PROCUREMENT OF WEAPONS SYSTEMS

39. Senator MCCAIN. Mr. Lynn, over the last few years, this committee has developed several legislative initiatives intended to reform the process by which the Department buys its largest and most expensive weapons systems. The preponderance of those initiatives have addressed acquisition policy and the requirements system. Are there any aspects of acquisition policy, the requirements-determination system, or the resource allocation process that you believe require additional reform?

Mr. LYNN. One issue the Department faces in regard to buying weapon systems is creating program stability. There are critical linkages among the requirements generation, acquisition management, and programming and budgeting systems. To achieve effective outcomes, all three systems must be aligned so that once a corporate commitment is made to developing a material solution that achieves a needed capability the development process is not destabilized by changes in requirements, immature technology, or budget adjustments. To stabilize programs, DOD must perform the necessary analysis, technology development, and cost estimating so sufficient knowledge is available to allow informed decisions to move into development. Over the years, DOD has implemented several reforms to improve program stability. For example, DOD has created Configuration Steering Boards to manage requirements changes and directed competitive prototyping to mature technology. The Department will continue to emphasize the need to perform adequate upfront planning prior to development. More work needs to be done on funding stability. Congress has helped by emphasizing certifications that focus on assessing need, priority, and funding. Now, DOD must find a way to eliminate perturbations in high priority programs that are well-managed.

40. Senator MCCAIN. Mr. Lynn, the Department recently instituted several reforms to the Defense Department Instructions on how the Defense Acquisition System (DAS) operates. Those initiatives seek to start major acquisition programs off responsibly by increasing emphasis on systems engineering and greater upfront planning and management of risk, as well as utilization of competitive prototyping

in a newly-named Technology Development Phase (before Milestone B). Are there any aspects of those newly instituted instructions (or the newly structured DAS) with which you have difficulty or intend to modify or repeal?

Mr. LYNN. I believe the general direction of the new policies is sound. The Department should stay committed to achieving improved acquisition outcomes by reducing risk, and improving process discipline. If confirmed, I plan to closely monitor the execution of these policies and review whether any modifications are appropriate.

41. Senator MCCAIN. Mr. Lynn, among the reforms that this committee and the Department have instituted include those that enable the Department to remove more effectively non-essential requirements; have the Department move towards employing fixed-type contracts while better incentivizing contractor performance; and require the Department to exercise better oversight of service contracts. Are there any aspects of those initiatives in particular with which you have difficulty or intend to modify or repeal?

Mr. LYNN. I believe these can be effective initiatives. If confirmed, I will monitor these policies to ensure the Department is providing the right level of oversight to maximize our acquisition outcomes.

42. Senator MCCAIN. Mr. Lynn, the current estimate for the costs to relocate the marines from Okinawa to Guam is at least $10 billion, with the Government of Japan directly contributing $2.8 billion. The remainder will be funded by DOD through military construction or loans paid back through future housing allowances. With all the other modernization, recapitalization, and reset requirements facing the Department in the next 4 years, in your opinion, can we afford this move?

Mr. LYNN. Secretary Gates has spoken to the strategic importance of this relocation initiative in terms of our regional deterrent posture and our key alliance relationship with Japan. These are long-term investments in our enduring regional interests. The Department will ensure fiscal discipline is exercised throughout the duration of the effort, both with respect to U.S. appropriated funds and with respect to the $6.09 billion of funding our Japanese ally is providing.

43. Senator MCCAIN. Mr. Lynn, there has also been discussion about the significant investment necessary to upgrade port, road, and utility infrastructure on Guam to support the stationing of marines and their families. Do you believe DOD should assume this financial obligation as well?

Mr. LYNN. The Department recognizes the necessary investment associated with port, roads, and utility infrastructure on Guam resulting from the Marine relocation. It is critical to thoroughly evaluate the broad Federal impact of this significant investment and partner with other Federal entities, such as the Guam Federal Interagency Task Force, to determine the financial obligation that the United States should assume for infrastructure on Guam. The Department is addressing Guam's needs that are directly related to maintaining an enduring presence in support of the military mission.

Guam's infrastructure, namely the commercial port and the island's road network, require upgrades that will directly assist our ability to carry out the program and also benefit Guam. The Department, through the Defense Access Road program, is preparing to address qualifying improvements to roadways, intersections, and bridges that are critical to executing the construction program for DOD.

The Maritime Administration (MARAD) was designated the lead Federal agency for the Port of Guam Improvement Enterprise Program in Public Law 110–417, section 3512. As the lead Federal agency, the MARAD will manage the expenditure of Federal, non-Federal, and private funds made available for the project and provides oversight and project management through a prime contractor. The DOD is working closely with MARAD to help facilitate their initiative to correct the issues at the port.

DOD is also working to facilitate the necessary utilities solutions that will: meet the DOD mission; provide the widest benefit to the people of Guam; be technically and financially supportable by all participating parties; and be acceptable to the environmental regulators. DOD is working in collaboration with GovGuam officials to understand their needs and to determine the feasibility of utilities solutions that are mutually beneficial to DOD, the civilian community and the regulatory agencies. Additionally, we are working with the Government of Japan to ensure that their equities are met in conjunction with the DOD's needs and the equities of the Government of Guam and the Consolidated Commission on Utilities. Concurrently, we are working with the environmental regulators to ensure that the solution set meets the requirements set by the regulatory standards.

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

NUCLEAR WEAPONS SURETY AND THE NEW TRIAD

44. Senator MARTINEZ. Mr. Lynn, on August 30, 2007, a B–52 bomber mistakenly loaded with six nuclear warheads flew from Minot Air Force Base, ND, to Barksdale Air Force Base, LA. Following the Defense Science Board's Permanent Task Force on Nuclear Weapons Surety and the two part Secretary of Defense's Task Force on DOD Nuclear Weapons Management, there are numerous recommendations and issues which need to be addressed over the next administration. How will you implement the panels' recommendations and how else will you provide our deterrence with the oversight and leadership it deserves?

Mr. LYNN. I take this issue very seriously. Senior leader oversight and governance is vital to the success of our nuclear weapons enterprise and strategic deterrence. If confirmed, I will work with Secretary Gates to continue his efforts to strengthen deterrence and to sustain our high standards for safeguarding and storing nuclear weapons. I am committed to working with the Secretary to assess panel recommendations and to prepare an action plan for those recommendations.

45. Senator MARTINEZ. Mr. Lynn, the 2008 National Defense Strategy references the 2002 Nuclear Posture Review's New Triad in saying "the New Triad remains a cornerstone of strategic deterrence"; however, there is no central plan for the "New Triad". With increasing military requirements, draw-downs in nuclear warhead numbers, and limited follow-on programs to replace an aging deterrent, how do you see the future of our Strategic Triad?

Mr. LYNN. Congress has directed DOD to conduct a Nuclear Posture Review in 2009. This effort will provide an opportunity to review these critical questions and develop a consensus on the way forward. I expect senior officials in OSD Policy will guide these efforts, in coordination with other senior officials in DOD, as well as those in the Departments of Energy and State. If confirmed, I would expect to take an active role in this review, and to consult with members of this committee on its results and implications once completed.

PREEMPTION

46. Senator MARTINEZ. Mr. Lynn, both the 2008 National Defense Strategy and the 2006 National Security Strategy reference the act of preemption. Where do you see the line drawn between preemption and aggression? How will you ensure the legislature is correctly informed of military action with enough time for substantive thought and debate?

Mr. LYNN. It is impossible to foresee the nature of all the future threats against the United States and its allies. While the United States does not seek conflict with others, the Nation has a responsibility to its people to provide for their defense. In each case, the elements in the decision to use force will likely be unique. Close consultation with Congress will be important any time the United States is faced with an imminent threat.

STRATEGIC DISPERSAL OF THE NUCLEAR CARRIER FLEET

47. Senator MARTINEZ. Mr. Lynn, carriers have been homeported in two east coast bases since the arrival of the U.S.S. *Tarawa* (CVS–40) in Ribault Bay in 1952. Admiral Mullen as Chief of Naval Operations on the record before the Senate Armed Services Committee stated that he was "very supportive of strategic dispersal of our carriers" as well as his predecessor Admiral Vern Clark stated in February 2005 that "It is [his] belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port." Gordon England as Secretary of the Navy stated before the committee that his "judgment is that dispersion is still the situation. A nuclear carrier should be in Florida to replace the U.S.S. *John F. Kennedy* to get some dispersion." Even more recently Secretary Donald Winter with the concurrence of the current Chief of Naval Operations, Admiral Gary Roughead, signed the Record of Decision to upgrade Mayport to being nuclear ready, continuing the Navy's 47 year history of east coast strategic dispersal. Please state for the record, that, if confirmed as Deputy Secretary of Defense, your intentions will be to continue to strategically disperse the Nation's nuclear aircraft carriers along the east coast. If you disagree with the previous three Chiefs of Naval Operations, specifically outline why you would go against the uniformed members' recommendations.

Mr. LYNN. Although I am aware of this issue, I have not yet been briefed on it. I expect to examine this issue and consult with the Navy, the Joint Staff, and members of this committee.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

SHIPBUILDING

48. Senator COLLINS. Mr. Lynn, in your answers to the advance policy questions, you stated that you want to work with the Under Secretary of Defense for Acquisition, Technology, and Logistics, as well as the Service Assistant Secretaries for Acquisition, in developing a better acquisition process, that balances the need to meet requirements in a timely manner and delivering major weapons systems as cost effectively as is possible. In one of your answers you stated that one of your themes would be greater stability. A stable industrial base and predictable levels of funding are critical to achieving cost projections. As has been evident in the shipbuilding industry, the lack of a stable, fully-funded shipbuilding plan has put a tremendous burden on our Nation's shipbuilders. While I applaud Secretary Winter and Admiral Roughead for continuing to state that the Navy's goal is a 313-ship fleet, I was very concerned with their decision last summer to change, without any consultation with Congress, the Navy's shipbuilding plan. Our shipyards make strategic decisions based upon long-term plans and, such sudden changes have significant impacts, one of which is cost. If confirmed, what will you do to help stabilize our country's industrial base for shipbuilding and other major weapons acquisition programs?

Mr. LYNN. Since I have not been briefed on the specifics on the major acquisition programs, I will not be able to speak about the details of a specific program; however, let me explain what will be my principles that will allow a stable, cost-effective acquisition process if I am confirmed as the Deputy Secretary of Defense. First, I think there is agreement from both our industrial partners and the leaders in the Navy, DOD, and government in general that the shipbuilding industry needs a stable, reliable shipbuilding plan from which to make sound business decisions. Given the long lead times for both skilled manpower and material, shipbuilding is not a business that responds well to multiple, quick changes in policy. For several years now, the Navy has had a long-term shipbuilding plan on the table, and now, it must be executed. To accomplish that, the Navy must buy only exactly what it needs—the capabilities put into each ship must provide the absolute best return on investment. We can't afford all the newest technologies on every platform, so the early decisions on requirements and design of a new system are crucial to maintaining an affordable shipbuilding or major weapon acquisition program. Design and requirement changes, once the design has begun maturing, cost an enormous amount in both time and money—these changes should be minimized to only cases where the system will not function without the change. I understand the Secretary of the Navy announced last summer several changes in the acquisition process to ensure that more senior leadership oversight is injected early into a program's life cycle. This increased senior level involvement in the first stages of a program should prove crucial to improving the definition of requirements and ensuring they remain stable throughout the design and production phases of the program. Much of the cost growth of acquisition programs can be tied to unrealistic build times and cost estimates based on overly optimistic projections or immature technologies. We must use realistic figures for our estimates of both cost and build times to ensure our initial plans project the most realistic cost possible. Finally, having a plan is the first step; fully funding that plan is the second. If the plan is only paper and doesn't translate into real contracts, our shipbuilding partners will not be able to do the long-term strategic planning that will give the Navy the cost savings that can be realized from successful long-term planning.

ARMED FORCES END STRENGTH

49. Senator COLLINS. Mr. Lynn, it has now been over 7 years since the initial call-up and mobilization of National Guard and Reserve Forces in support of the global war on terrorism. In the Afghan Study Report of 2007, it stated that "Afghanistan stands at a crossroads," and that the progress achieved over the previous 6 years was threatened by resurgent Taliban violence. The report recommended that the "light footprint" in Afghanistan be replaced by the "right footprint" of U.S. and Allied force levels. Given the strain on the Active-Duty Forces and the over usage of the National Guard and Reserves, do you think the current end strength numbers for the Armed Forces, especially the Army and Marine Corps, are sufficient to meet

today's current needs and threats while reducing the strain on our Active, Reserve, and National Guard troops?

Mr. LYNN. All of our servicemembers (Active and Reserve) continue to perform extraordinarily in light of the demands we have placed upon them. I believe the increases in our ground forces (Army and Marines) are necessary, and will strengthen the ability of the Department to continue to support the global war on terror. We cannot fail to have the right numbers and kinds of uniformed personnel to win our wars, and to deter potential adversaries. Additionally, our force, Active and Reserve, must be large enough to not only satisfy deployed demands, but also have a rotation base that recognizes the personal needs of our volunteers and their families. At the same time, our volunteers must have the weapons, equipment, and support that will enable mission success. Striking the right balance between personnel, recapitalization, and operational and support costs will be a challenging imperative and I look forward to working with Congress.

QUESTIONS SUBMITTED BY HONORABLE CHUCK GRASSLEY, U.S. SENATOR FROM THE STATE OF IOWA

FINANCIAL MANAGEMENT

50. Senator GRASSLEY. Mr. Lynn, as the Under Secretary of Defense (Comptroller), you were the Department's Chief Financial Officer (CFO). That position was established by the CFO Act of 1990. Section 902 of the CFO Act states: "The CFO shall develop and maintain an integrated agency accounting and financial management system, including financial reporting and internal controls." This requirement existed for at least 5 years before you became the DOD CFO. While you were CFO, did DOD operate a fully integrated accounting and financial management system that produced accurate and complete information? If not, why?

Mr. LYNN. The DOD financial and business management systems were designed and created before the CFO Act of 1990 to meet the prior requirements to track obligation and expenditure of congressional appropriations accurately. The CFO Act required the Department to shift from its long-time focus on an obligation-based system designed to support budgetary actions to a broader, more commercial style, accrual-based system. To accomplish this transformation, several things needed to be done. First, the Department created the Defense Finance and Accounting Service (DFAS) to consolidate financial operations, which was accomplished in 1991 before my tenure as Under Secretary. Second, the Department had too numerous and incompatible finance and accounting systems. From a peak of over 600 finance and accounting systems, I led an effort to reduce that number by over two-thirds. This consolidation effort also strove to eliminate outdated financial management systems and replace them with systems that provided more accurate, more timely, and more meaningful data to decisionmakers. The third and most difficult step in developing an integrated accounting and financial management system has been to integrate data from outside the financial systems. More than 80 percent of the data on the Defense Department's financial statement comes from outside the financial systems themselves. It comes from the logistics systems, the personnel systems, the acquisition systems, the medical systems, and so on. On this effort, we made progress while I was Under Secretary but much more needs to be done. If confirmed, I will take this task on as a high priority.

51. Senator GRASSLEY. Mr. Lynn, under section 3515 of the CFO Act, all agencies, including DOD, are supposed to prepare and submit financial statements that are then subjected to audit by the Inspectors General. While you were the CFO, did DOD ever prepare a financial statement in which all DOD components earned a clean audit opinion from the DOD IG? If not, why?

Mr. LYNN. In the 1997, the DOD had 23 reporting entities, only 1 of which, the Military Retirement Fund, had achieved a clean audit. Over the next 4 years, the Department under my leadership as Under Secretary earned a clean opinion on three other entities: most importantly, the DFAS in 2000, followed by the Defense Commissary Agency, and the Defense Contract Audit Agency in 2001. We were unable to obtain clean opinions on the other reporting entities. The primary reason for not earning clean opinions on the remaining entities was the difficulty of capturing data from nonfinancial systems and integrating that data into the financial systems in an auditable manner. It is my understanding that the Department still faces the challenge of integrating financial and nonfinancial systems to support the auditability of the DOD financial statements.

52. Senator GRASSLEY. Mr. Lynn, as CFO, what specific steps did you take to correct this problem?

Mr. LYNN. Under my leadership, the DOD instituted several important efforts to achieve a clean audit opinion. The primary effort was described in the Biennial Financial Management Improvement Plan (FMIP) which was submitted to Congress in 1998. That plan merged previous initiatives with new ones into a single comprehensive effort to achieve both financial management improvement and auditability. To directly address auditability, the FMIP included an effort in collaboration with the Office of Management and Budget, the General Accounting Office, and the Office of the Inspector General to address 10 major issues identified by the audit community: 1) internal controls and accounting systems related to general property plant and equipment; 2) inventory; 3) environmental liabilities; 4) military retirement health benefits liability; 5) material lines within the Statement of Budgetary Resources; 6) unsupported adjustments to financial data; 7) financial management systems not integrated; 8) systems not maintaining adequate audit trails; 9) systems not valuing and depreciating properly, plant and equipment; and 10) systems not using the Standard General Ledger at the transaction level. Due to this effort, substantial progress was made on most of these issues and several were resolved, including valuation of the military retirement health benefits liability, the reduction of unsupported adjustments to financial data, and the identification of environmental liabilities.

53. Senator GRASSLEY. Mr. Lynn, 18 years after the CFO Act was signed into law, DOD is still unable to produce a comprehensive financial statement that has been certified as a clean audit. It may be years before that goal is met. If DOD's books cannot be audited, then the defense finance and accounting system is disjointed and broken. Financial transactions are not recorded in the books of account in a timely manner and sometimes not at all. Without accurate and complete financial information, which is fed into a central management system, DOD managers do not know how the money is being spent or what anything costs. That also leaves DOD financial resources vulnerable to fraud, waste, and abuse, and even outright theft. The last time I looked at this problem billions—and maybe hundreds of billions—of tax dollars could not be properly linked to supporting documentation. As Deputy Secretary of Defense, what will you do to address this problem? Please give me a realistic timeline for fixing this problem.

Mr. LYNN. The Department needs stronger management information systems. I can assure you that, if confirmed, I will be committed to improving financial information and business intelligence needed for sound decisionmaking. I have not yet completed my review of all the information needed to provide a specific timeline; however, I will continue to examine this issue, including consideration of this and other committees' views as well as the resources needed for the audit, before forming my assessment of how close DOD is to a clean audit.

POTENTIAL CONFLICT OF INTEREST

54. Senator GRASSLEY. Mr. Lynn, as a Senior Vice President of Government Operations at the Raytheon Company, you were a registered lobbyist until July 2008. Correct? How long were you a registered lobbyist?

Mr. LYNN. Yes. From July 2002 to March 2008.

55. Senator GRASSLEY. Mr. Lynn, in his "Blueprint for Change," President-elect Obama promises to "Shine Light on Washington Lobbying." He promises to "Enforce Executive Branch Ethics" and "Close the Revolving Door." He promises: "no political appointees in an Obama-Biden administration will be permitted to work on regulation or contracts directly and substantially related to their prior employer for 2 years." Raytheon is one of the big defense contractors. As Deputy Secretary, Raytheon issues will surely come across your desk. If you have to recuse yourself from important decisions, you would limit your effectiveness as Deputy Secretary of Defense. How will you avoid this problem for 2 years?

Mr. LYNN. I have received a waiver of the "Entering Government" restrictions under the procedures of the Executive order implementing the ethics pledge requirements. The waiver, however, does not affect my obligations under current ethics laws and regulations. Until I have divested my Raytheon stock, which will be within 90 days of appointment, I will take no action on any particular matter that has a direct and predictable effect on the financial interests of Raytheon. Thereafter, for a period of 1 year after my resignation from Raytheon, I also will not participate personally and substantially in any particular matter involving Raytheon, unless I

am first authorized to do so under 5 C.F.R. §2635.502(d). If confirmed, I pledge to abide by the foregoing provisions. I would add that I have not been exempted from the other Executive order pledge requirements, including the ones that restrict appointees leaving government from communicating with their former executive agency for 2 years and bar them from lobbying covered executive branch officials for the remainder of the administration.

[The nomination reference of William J. Lynn III follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
Janaury 20, 2009.

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

William J. Lynn III, of the District of Columbia, to be Deputy Secretary of Defense, vice Gordon England, resigned.

[The biographical sketch of William J. Lynn III, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF WILLIAM J. LYNN III

William Lynn served as the Under Secretary of Defense (Comptroller) from 1997 to 2001. In that position, he was the chief financial officer for the Department of Defense and the principal advisor to the Secretary of Defense for all budgetary and fiscal matters. From 1993 to 1997, Mr. Lynn was the Director of Program Analysis and Evaluation in the Office of the Secretary of Defense, where he oversaw the Defense Department's strategic planning process.

During his tenure at the Defense Department, Mr. Lynn was awarded three Department of Defense medals for Distinguished Public Service, the Joint Distinguished Civilian Service Award from the Chairman of the Joint Chiefs of Staff and awards from the Army, Navy and Air Force. He also received the 2000 Distinguished Federal Leadership Award from the Association of Government Accountants for his efforts to improve defense accounting practices.

Mr. Lynn currently serves as senior vice president of Government Operations and Strategy at Raytheon Company. In that position, he leads the company's strategic planning and oversees the government relations activity. Before entering the Department of Defense in 1993, he served for 6 years on the staff of Senator Edward Kennedy as liaison to the Senate Armed Services Committee. He has also been a Senior Fellow at the National Defense University, on the professional staff at the Institute for Defense Analyses and served as the executive director of the Defense Organization Project at the Center for Strategic and International Studies.

A graduate of Dartmouth College, Mr. Lynn has a law degree from Cornell Law School and a Master's in Public Affairs from the Woodrow Wilson School at Princeton University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by William J. Lynn III in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
William J. Lynn III.

2. **Position to which nominated:**
Deputy Secretary of Defense.

3. **Date of nomination:**
Intention to nominate issued January 8, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 1, 1954; Key West, FL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary A. Murphy.

7. **Names and ages of children:**
Catherine J. Lynn, 2.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
1972–1976 - Dartmouth College, Hanover, NH - B.A. - 06/1976.
1977–1980 - Cornell Law School, Ithaca, NY - Juris Doctor - 06/1980.
1980–1982 - Princeton University, Woodrow Wilson School - Princeton, NJ - Masters Degree, Public Affairs - 06/1982.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
08/2002–Present - Raytheon Company, Senior Vice President, Government Operations & Strategy, Arlington, VA.
01/2001–07/2002 - DFI International, Executive Vice President, Washington, DC.
11/1997–01/2001 - Department of Defense, Under Secretary of Defense, Washington, DC.
06/1993–11/1997 - Department of Defense, Director PA&E, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Office of Senator Edward M. Kennedy, Legislative Counsel, Washington, DC - 1983–1987.
Office of the Defense Adviser, Graduate Student Intern, Belgium, Brussels - 06/1981–12/1981.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Raytheon Company, Corporate Officer.
Center for New American Security, Board of Directors.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Bar Association - District of Columbia.
Wychemere Harbor Beach Club - Harwich Port, MA.
TPC Avenel - Potomac, MD.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
2008 - Obama for America - $2,300.
2008 - Jeff Merkley for Oregon (general election) - $2,300.
2008 - Reed Committee - $500.
2008 - John Kerry for Senate - $1,000.
2007 - Jeff Merkley for Oregon (primary) - $2,300.
2007 - Hillary Clinton for President (general election) - $2,300 (returned in 2008).
2007 - Hillary Clinton for President (primary) - $2,300.
2006 - Friends of Jane Harman - $500.
2006 - Forward Together PAC - $1,000.
2005 - Bill Nelson for U.S. Senate - $500.
2004 - The Markey Committee - $500.
2004–2008 - Annual contributions of $5,000 to Raytheon Company PAC.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.
Joint Distinguished Civilian Service Award - Joint Chiefs of Staff.
Department of Navy Distinguished Service Award.
Department of Air Force Distinguished Service Award.
Department of Army Distinguished Service Award.
2000 Distinguished Federal Leadership Award - Assoc. of Government Accountants.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
"Guns That Die of Embarrassment," book review in The New York Times Book Review (December 21, 1986).
"U.S. Defense Policy." Yale Law & Policy Review (Fall/Winter 1986).
"The Case for JCS Reform," International Security (Winter 1985–1986).
Toward a More Effective Defense, Ballinger (1985).
"Reform Needed so JCS Can Act as One," Atlanta Journal and Constitution (March 24, 1985).
"The Wars Within: The Joint Military Structure and Its Critics," Reorganizing America's Defenses: Leadership in War and Peace, edited by Art, Davis, and Huntington Pergamon Press (1985).
"U.S.-Soviet Crisis Management and Confidence-Building Measures," in Preventing Nuclear War, edited by Barry Blechman, Indiana University Press (1985).
"Service Rivalries Block True Security," The Los Angeles Times (April 13, 1983).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.
None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth

in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

WILLIAM J. LYNN III.

This 13th day of January, 2009.

[The nomination of William J. Lynn III was reported to the Senate by Chairman Levin on February 5, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 11, 2009.]

[Prepared questions submitted to Robert F. Hale by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I believe the Goldwater-Nichols Act is one of the most important and effective defense reforms enacted by Congress. I do not see any need for modifications. However, if confirmed, I will keep an open mind regarding changes.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. As noted, I do not see any need for modifications.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Under Secretary of Defense (Comptroller) and each of the following?

The Secretary of Defense.

Answer. The Under Secretary of Defense (Comptroller) is the principal assistant and advisor to the Secretary and Deputy Secretary of Defense on fiscal and budgetary matters. The Under Secretary (Comptroller) also performs such other duties as the Secretary or Deputy Secretary may prescribe.

Question. The Deputy Secretary of Defense.

Answer. Please see the answer above.

Question. The other Under Secretaries of Defense.

Answer. My relationship with all other senior officials of the Department will, for the most part, be based on the role described above. If confirmed, I will work closely with the other Under Secretaries to carry out the policies and guidance of the Secretary and Deputy Secretary.

Question. The Assistant Secretaries of Defense.

Answer. My relationship with the Assistant Secretaries of Defense and other senior officials of the Office of the Secretary of Defense would be similar to that described above in relation to the other Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. If confirmed, I intend to work closely with the Chairman and Joint Staff on resource and financial management issues.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the military departments carry out the policies of the President and the Secretary of Defense in their respective military departments and formulate recommendations to the Secretary and to Congress relating to their military departments and DOD. If confirmed, I intend to work closely with the Secretaries of the military departments, and specifically, their Assistant Secretaries for Financial Management who I intend to meet with regularly. I will ensure that they are aware of the President's and the Secretary of Defense's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs.

Question. The heads of the defense agencies.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, work closely with the heads of the defense agencies, and specifically, with our financial management counterparts in those agencies. I will ensure that they are aware of the President's and the Secretary of Defense's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs.

Question. The Assistant Secretaries for Financial Management of the Services.

Answer. In the role of Comptroller and Chief Financial Officer for the Department, I will, if confirmed, work closely with the Assistant Secretaries of the Military Departments for Financial Management in the development and execution of the budgetary and fiscal policies and initiatives of the President and the Secretary of Defense.

Question. The General Counsel of DOD.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, rely on the General Counsel, who is the Chief Legal Officer of DOD, on all legal matters, and will consult and coordinate with the General Counsel on all matters relating to programs, projects, and activities of DOD, as well as matters relating to financial management, accounting policy and systems, management control systems, and contract audit administration, that may have legal implications.

Question. The Inspector General.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, consider it my responsibility to support the DOD Inspector General in carrying out his or her duties as set forth in the Inspector General Act.

Question. The Director, Office of Program Analysis and Evaluation.

Answer. If confirmed, I will ensure a high level of coordination with the Director of the Office of Program Analysis and Evaluation in fulfilling his or her role of providing independent assessments for acquisition systems. I will also work with the Director of PA&E to ensure the success of the combined program/budget review.

Question. The Deputy Chief Management Officer (CMO).

Answer. I would, if confirmed, establish an appropriate relationship based on the responsibilities assigned to that official and do everything possible to improve management of the Department's complex operations and organization.

Question. The Director, Office of Management and Budget (OMB).

Answer. If I am confirmed, my relationship would include periodic interaction with the OMB leadership on the sound preparation and execution of DOD budgets and the advancement of both OMB and DOD management improvements.

Question. The Comptroller General.

Answer. If I am confirmed, my relationship would be to analyze and address recommendations of the Comptroller General and the Government Accountability Office (GAO) regarding DOD matters, and to solicit recommendations in areas I think could use additional perspectives.

DUTIES OF THE COMPTROLLER

Question. The duties of the Comptroller of the DOD are set forth in section 135 of title 10, U.S.C., and in DOD Directive 5118.3. Among the duties prescribed in statute are advising and assisting the Secretary of Defense in supervising and directing the preparation of budget estimates of DOD, establishing and supervising DOD accounting policies, and supervising the expenditure of DOD funds.

Assuming you are confirmed, what duties do you expect that Secretary Gates will prescribe for you?

Answer. Provide high quality, timely advice to the Secretary of Defense and Deputy Secretary on issues related to financial management in the Department.

Ensure that the men and women in the military Services have the resources they need to meet national security objectives.

Ensure that funds are spent in accordance with laws and regulations and that the American taxpayers get the best possible value for their tax dollars.

Account in an accurate manner for the funds spent by the Department.

Question. What background and experience do you possess that you believe qualifies you to perform the duties of the Comptroller?

Answer. I have more than 30 years of experience with defense and its financial management tasks including:

- Seven years as Air Force Comptroller overseeing many of the types of tasks I would, if confirmed, oversee for the Department as a whole.
- Twelve years at the Congressional Budget Office heading the group dealing with national security issues.
- Work in support of professional development initiatives to improve the training of defense financial managers.
- Service as a member of the United States Navy, both on Active Duty and in the Reserves.
- Completion of the Certified Defense Financial Manager program, a test-based certification program set up to provide objective verification of knowledge of the rules and processes governing defense financial management.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. I believe I can continue to increase my expertise by learning more about current, specific issues regarding the DOD budget through study of source documents and discussions with subject matter experts.

Question. Do you expect Secretary Gates to make any changes in the duties of the Comptroller as set out in DOD Directive 5118.3?

Answer. I have not yet discussed this question with Secretary Gates.

CHIEF FINANCIAL OFFICER

Question. DOD Directive 5118.3 designates the Comptroller as the Chief Financial Officer of DOD. Does Secretary Gates intend to continue to designate you, if confirmed as the Comptroller, as the Chief Financial Officer of DOD?

Answer. I have seen no indications that he would do otherwise, but will address this issue expeditiously if I am confirmed.

Question. If so, what would be your major responsibilities as Chief Financial Officer?

Answer. Oversee all financial management activities relating to the programs and operations of DOD; develop and maintain integrated agency accounting and financial management systems; direct, manage, and provide policy guidance and oversight of DOD's financial management personnel, activities, and operations; prepare audited financial statements; and monitor the financial execution of budgets.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense (Comptroller)/Chief Financial Officer?

Answer. If confirmed, the foremost challenge is to prepare and manage defense budgets so that the Department obtains the resources necessary to accomplish national security objectives—especially the resources needed to meet wartime requirements and for our military forces to successfully conduct their operations. This includes:

- Ensuring that the pay, benefits, health care, and quality of life support is commensurate with the sacrifices we are asking our troops and their families to make.
- Making sure the troops have the training and equipment needed to meet the challenges they will face.

If confirmed, I must also improve the financial information available to DOD managers including achieving, where appropriate, auditable financial statements and improving financial systems. Better information will also help control defense spending in ways that assist in reducing long-term deficits.

If confirmed, I need to support the components in their critical efforts to recruit, train, and retain a workforce that can meet defense financial management needs into the 21st century.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with other senior principals in DOD and the Comptroller staff, military departments, defense agencies, OMB, and Congress to develop policies to meet these challenges.

I will also provide aggressive leadership and support for my staff in executing these policies.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S.C., is necessary before funds for operation and maintenance, procurement, research and development, and military construction may be made available for obligation by DOD?

Answer. I understand that it has been the Department's practice to work with all the oversight committees to resolve these matters. If confirmed, I will respect the prerogatives of the Department's oversight committees and will work closely with the committees to achieve a consensus necessary to meet our defense needs.

SUPPLEMENTAL FUNDING FOR MILITARY OPERATIONS

Question. Section 1008 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) requires the President's budget to include funding for ongoing military operations in Afghanistan and Iraq in the Department's annual budget requests, along with a detailed justification for that funding. It also requires the President's budget to include an estimate of the total funding to be required in that fiscal year for such operations. The Department fully complied with these requirements in the fiscal year 2008 budget, but more than a year elapsed before Congress approved the bulk of the requested funding. The administration then failed to comply with these requirements in the fiscal year 2009 budget request.

To what degree do you believe it is possible, in the near term, to include the full cost of these ongoing operations in the base budget request?

Answer. If confirmed, I would hope to work with Congress and OMB to try to move away from supplementals. The feasibility of moving away from supplementals depends on the budget year.

- For fiscal year 2009, DOD needs a supplemental, because the base budget has been enacted.
- For fiscal year 2010, with limited time available for submission of a base budget request, and with continuing uncertainty about changing war requirements, the President may decide he will need to have a supplemental.
- In later budgets, we should be better able to minimize dependence on supplementals.

Regardless of the year, we should avoid including predictable costs in supplemental requests.

Question. Do you believe the costs of ongoing military operations can be fully incorporated into a unified budget request such that the use of supplementals could be discontinued? If so, what criteria would need to be met to achieve that objective?

Answer. Full elimination of supplementals would require substantial reduction in the uncertainties associated with wartime operations. However, the negative aspects of supplementals can be minimized by ensuring DOD scrutiny of supplemental requests similar to that afforded the base budget (a policy endorsed by the President-elect) and by providing Congress with early information regarding supplemental requests.

Question. In recent years the Department has had to prepare a base budget and two separate supplemental funding requests each year.

Do you believe the Comptroller organization has the personnel and other resources needed to adequately manage this increased workload?

Answer. I am concerned about the adequacy of resources in the Comptroller organization to manage the increased workload associated with wartime operations.

If confirmed, I will carefully review the staffing and organization and recommend any changes that I believe are required.

PROGRAM AND BUDGET REVIEW

Question. The Department has operated under a planning, programming, and budget system for decades. The programming and budgeting functions have sometimes been combined in a single reporting chain and at other times, as is currently the case, been run by distinct offices (Program Analysis and Evaluation and the Comptroller, respectively) that report separately to the Secretary of Defense. The program and budget review processes have also been revised in recent years and have been made more concurrent than was previously the case.

What are your views on the proper relationship between the program and budget processes and the offices responsible for those functions?

Answer. I believe there must be regular and effective coordination between the Comptroller and Program Analysis and Evaluation organizations. If confirmed, I will keep an open mind about possible changes regarding the proper relationship be-

tween the program and budget processes and the offices responsible for those functions. I will also, if confirmed, consider whether to recommend changes in the concurrency of the program and budget processes.

MANAGEMENT OF DEFENSE SPENDING

Question. GAO recently released its list of "urgent issues" for the next administration and Congress. Among those issues was defense spending. According to the GAO: "The Department's current approach to planning and budgeting is based on overly optimistic planning assumptions and lacks a strategic, risk-based framework for determining priorities and making investment decisions. As a result, it continues to experience a mismatch between programs and budgets, and it does not fully consider long-term resource implications and the opportunity cost of selecting one alternative over another."

What are your views on the concerns raised by GAO?

Answer. The Department's Planning, Programming, Budgeting, and Execution (PPBE) process provides DOD with a sound process with which to develop a strategic plan and build a 6-year program and budget to achieve that plan. Within the PPBE process there is ample opportunity to debate and determine priorities and make resource decisions that take into account relative risks. The key is how that process is managed. If confirmed, my goal will be to assist in ensuring that the PPBE process does in fact achieve its designed purpose and to recommend changes where they are appropriate.

Question. If confirmed, what actions would you take, as the Under Secretary of Defense (Comptroller), with respect to those aspects of the management of the Department that are within the purview of the Comptroller that may be relevant to the concerns raised by GAO?

Answer. As I noted above, I will review the current implementation of the PPBE process and recommend improvements where appropriate.

EARMARKS

Question. On January 29, 2008, President Bush signed Executive Order 13457, which states that agency decisions to commit, obligate, or expend funds may not be "based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of Congress, statement of managers concerning a bill in Congress, or any other non-statutory statement or indication of views of Congress, or a House, committee, Member, officer, or staff thereof." Congress responded to this Executive order by including a provision in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 that incorporated by reference the funding tables in the conference report on the bill. Similar provisions were included in several other bills.

Do you see the need for any changes to Executive Order 13457? If so, what changes would you recommend?

Answer. I would expect that all Executive orders from prior administrations will be reviewed by the new administration. I would want to see the results of that review before making any specific recommendations regarding changes.

However, I believe that there should be a careful review of the effectiveness of defense spending including all spending, not just earmarks. Such a review would be consistent with policies likely to be promulgated by President Obama after his inauguration.

Question. If confirmed, what would your duties be with respect to implementing this Executive order with respect to funding for DOD?

Answer. I expect that the White House will provide direction on earmarks and, if confirmed, I will ensure that direction is followed.

Question. If confirmed, what steps would you expect to take to ensure that DOD abides by congressional funding decisions and that funds available to the Department are expended only for the purposes for which they have been appropriated?

Answer. If confirmed, I would work with DOD components to ensure that the funds are spent for the purposes for which Congress appropriated the funds.

Question. The committee has considered the possibility of including the funding tables in bill language, instead of report language, in future bills. Concern has been expressed that this approach could limit the flexibility of DOD to transfer funds to meet emerging high-priority needs.

What is your view on the advisability of incorporating funding tables into the text of bills authorizing and appropriating funds for DOD?

Answer. I am concerned that DOD must have enough flexibility to meet national security requirements by, among other things, accomplishing needed reprogramming. As for this specific question, I am not familiar enough with the legal implica-

tions of incorporating the tables into the bill. If confirmed, I would examine this issue, discuss it with the Department's lawyers, and then work closely with the committees and others before implementing a solution.

CONTRACTING FOR SERVICES

Question. In recent years, DOD has become increasingly reliant on services provided by contractors. Over the past 8 years, for example, DOD's spending on contract services has more than doubled with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result, the Department now spends more for the purchase of services than it does for products (including major weapon systems).

Do you believe that the Department can or should continue to support this level of spending on contract services?

Answer. It is my understanding that service contractors provide a valuable function to DOD.

If confirmed, I would support efforts by the Under Secretary of Defense (Acquisition, Technology, and Logistics) and other leaders to review the level of contracting services required in keeping with President-elect Obama's pledge to have the Department improve its strategy for determining when contracting makes sense.

Question. Do you believe that the current balance between Federal employees and contractor employees is in the best interests of DOD?

Answer. DOD requires some mix of Federal employees and contractors to carry out its mission effectively.

If confirmed, I would support efforts to help ensure the appropriate balance in that mix.

Question. If confirmed, will you take a close look at the Department's expenditures for services and determine whether it would be appropriate to cap or limit growth in such expenditures for a period of time?

Answer. Yes.

ACQUISITION WORKFORCE

Question. Over the last 15 years, DOD has dramatically reduced the size of its acquisition workforce, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet current and future needs. Since September 11, 2001, moreover, the demands placed on that workforce have substantially increased. Do you believe that the DOD acquisition workforce is large enough and has the skills needed to perform the tasks assigned to it?

Answer. If confirmed, I will support the Under Secretary of Defense (Acquisition, Technology, and Logistics) organization on this issue.

Question. Would you agree that the Department is losing more money through waste and inefficiency in its acquisition programs than it is likely to save through constraints on the size and qualifications of its acquisition workforce, and, if so, what recommendations do you have to address the problem?

Answer. I understand the committee's concerns with this issue. However, I do not have sufficient recent information to answer this question effectively. Eliminating waste and inefficiency in acquisition needs to be a top priority for DOD leaders, and if confirmed, I would make that part of my agenda.

Question. Section 852 of the National Defense Authorization Act for Fiscal Year 2008 established an Acquisition Workforce Development Fund to help the DOD address shortcomings in its acquisition workforce. The fund would provide a minimum of $3 billion over 6 years for this purpose.

Do you support the use of the DOD Acquisition Workforce Development Fund to ensure that DOD has the right number of employees with the right skills to run its acquisition programs in the most cost effective manner for the taxpayers?

Answer. If confirmed, I certainly would support efforts to have the right number of professionals with the right skills for our acquisition work.

I believe it is too early to know how effectively the fund is being used. But, if confirmed, I certainly will comply with the law regarding the fund and do everything I can to advance the cost-effective management of acquisition programs.

Question. If confirmed, what steps would you take to ensure that the Acquisition Workforce Development Fund remains fully funded throughout the period of the Future Years Defense Program?

Answer. I do not have in mind any specific steps, but if confirmed, I will examine this issue and, after consulting with this committee and others, make an appropriate recommendation.

CHIEF MANAGEMENT OFFICER

Question. The positions of CMO of DOD and Deputy CMO of DOD were established by section 904 of the National Defense Authorization Act for Fiscal Year 2008. In accordance with section 904, the purpose of these new positions is to improve the overall efficiency and effectiveness of the business operations of DOD and to achieve an integrated management system for business support areas within DOD. Do you believe that a comprehensive, integrated, enterprise-wide architecture and transition plan is essential to the successful transformation of DOD's business systems?

Answer. Yes. I believe an effective architecture is a necessary but not a sufficient condition for successful overhaul of DOD business systems.

Question. Do you believe that the Department needs senior leadership from a CMO and a Deputy CMO to cut across stovepipes and ensure the implementation of a comprehensive, integrated, enterprise-wide architecture for its business systems?

Answer. Yes. Creation of an architecture and, more importantly the implementation of system changes, are major tasks that require substantial time and management expertise. I believe that a CMO and Deputy CMO can help provide the required time and expertise.

Question. If confirmed, what role do you expect to play in working with the CMO and the Deputy CMO to improve the business operations of DOD?

Answer. If confirmed, I will work with the CMO and Deputy CMO in ensuring unified, standardized, and integrated business processes and systems.

Question. What responsibilities, if any, that may have formerly been performed by the Comptroller do you believe have been, will be, or should be reassigned to the CMO or the Deputy CMO of DOD?

Answer. I believe that I need more knowledge of the specific options, and the resources and expertise available from the CMO and Deputy CMO, before deciding what, if any, changes in responsibilities are appropriate. If confirmed, I will consider appropriate changes.

GOVERNMENT PERFORMANCE AND RESULTS ACT

Question. If confirmed as Comptroller, what would your responsibilities be with respect to DOD implementation of the requirements of the Government Performance and Results Act (GPRA) to set specific performance goals and measure progress toward meeting them?

Answer. I would collaborate with the other principals to ensure that the budget justification material includes realistic annual performance goals and corresponding performance measures and indicators.

These executive-level goals and metrics should represent the leading performance trends that the Secretary must monitor to manage risk across the Department, and to maintain progress toward accomplishing the long-term outcomes of the defense strategy.

Question. What additional steps can the Department take to fulfill the goal of the GPRA to link budget inputs to measurable performance outputs?

Answer. If confirmed, I will review the existing GPRA metrics and work with the other principals to improve them where warranted.

COLLECTION OF CONTRACTOR TAXES

Question. The Comptroller General has reported that approximately 27,100 DOD contractors owe more than $3.0 billion in back taxes, and that DOD has not fulfilled its duty under the Debt Collection Improvement Act of 1996 to help recoup these back taxes.

What steps will you take, if confirmed, to improve the Department's performance in this area?

Answer. If confirmed, I would do what is necessary to help DOD fulfill its duty under the Debt Collection Improvement Act of 1996—to include the collection of all monies owed to the Federal Government from any contractor with whom we are doing business. I look forward to working with other government agencies to improve the tax collection process.

Question. Do you believe that the Department needs additional statutory authority to be effective in identifying and recovering back taxes from contractors?

Answer. If confirmed, I will explore this issue with other agencies, specifically the Internal Revenue Service and the Treasury, after which I can better address the need for additional legislation.

LEASING MAJOR WEAPON SYSTEMS

Question. The Air Force's proposal, which was ultimately not implemented, to lease rather than purchase new tanker aircraft, highlighted serious concerns about the cost-effectiveness of leasing major capital assets as opposed to purchasing them and led the Department to create a "Leasing Review Panel," co-chaired by the Comptroller, to review all major leasing agreements.

What are your views on the merits of leasing versus buying major capital equipment?

Answer. I do not have any predetermined views on leasing versus buying major capital equipment. I believe that each proposal would need to be evaluated on its own merit.

Question. Under what circumstances do you believe that the lease of major capital equipment should be considered an annual operating expense for budget purposes?

Answer. If confirmed, I will ensure that the Department adheres to OMB guidance and pursues leasing only when it clearly benefits the taxpayer.

INCREMENTAL FUNDING VS. FULL FUNDING

Question. Do you believe DOD should continue to adhere to the longstanding practice of fully funding the purchases of major capital assets, including ships and aircraft, in the year the decision to purchase the asset is made, or do you believe incremental funding of such purchases is justified in some cases?

Answer. As I understand it, it is OMB's policy that requires that programs be fully funded when they are procured.

I fully support this requirement and, if confirmed, will work to ensure full funding because it ensures that all of the funding is there to support a usable end item.

However, there may be limited instances where incremental funding is warranted and is in the best interest of the Department and the taxpayer. For example, I can understand why we may want to consider incremental funding of some major end items such as aircraft carriers and large building construction projects because they take so long to complete and are very expensive.

Question. If you believe a change in policy is warranted, please explain how you believe such changes would benefit the Department and the taxpayer.

Answer. If confirmed, I will assess whether such a policy change is warranted.

BASE CLOSURE SAVINGS

Question. The costs of the 2005 Base Realignment and Closure round have exceeded the initial estimates put forward by DOD and the independent commission by about 50 percent, an increase of approximately $10 billion. Those initial estimates were derived from the Cost of Base Realignment Actions (COBRA) model, which is not designed to produce "budget quality" data.

Do you believe the Department should continue to use the COBRA model, in its current form, for any future base closure rounds that may be authorized, or do you believe the accuracy of the estimated cost of such actions should be improved?

Answer. If confirmed, and before significant additional use is made of the COBRA model, I will discuss this issue further with the committee and make a recommendation.

Question. Do you think the office of the Comptroller should play a greater role in developing these cost estimates?

Answer. If confirmed, I will assess how great a role is appropriate as part of a review of the COBRA model.

FINANCIAL MANAGEMENT

Question. What is your understanding of the efforts and progress that have been made in DOD since 1999 toward the goal of being able to produce a clean audit?

Answer. I believe DOD is making substantial progress toward a clean audit. There is, however, a substantial amount of work still to do, including efforts to address some of the most difficult problems. If confirmed, I will pursue appropriate actions to ensure continued progress toward meeting clean audit goals.

Question. Do you believe the Department's Financial Improvement and Audit Readiness (FIAR) plan will lead to achieving a clean audit opinion for DOD, or are changes in that plan necessary in order to achieve that goal?

Answer. I do not have detailed knowledge of the FIAR plan, but if confirmed, I will study this issue further after consulting with the FIAR committee and others.

Question. Do you believe that the Department can achieve a clean audit opinion through better accounting and auditing, or is the systematic improvement of the Department's business systems and processes a perquisite?

Answer. Both business systems and improved processes are required.

Question. When do you believe the Department can achieve a clean audit?

Answer. I have not had the opportunity to review all the information needed to provide a specific timeline. However, if confirmed, I will examine this issue more fully, including consideration of this committee's views as well as the resources needed for the audit, and provide an answer.

Question. If confirmed, what role do you expect to play, and how do you expect to work with the CMO and Deputy CMO, in the effort to achieve a clean audit opinion?

Answer. Better business practices and fully integrated business systems are a must to achieve and sustain a clean audit opinion.

If confirmed, I will work with the CMO and Deputy CMO and make use of their skills to ensure better business practices and fully integrated business systems are in place to support the Department's audit opinion goals.

COST OVERRRUNS ON MAJOR ACQUISITION PROGRAMS

Question. Last year, the GAO reported that DOD's Major Defense Acquisition Programs had experienced an estimated total (lifecycle) acquisition cost growth of $295 billion in constant fiscal year 2008 dollars.

Do you believe the Department can build and manage an affordable program with cost increases of this magnitude?

Answer. I believe DOD must do everything possible to minimize acquisition cost growth, which can help ensure that we are able to provide our fighting forces the technology and capabilities needed to ensure their combat dominance.

Question. If you believe these cost increases are a concern, what role, if any, do you see for the Comptroller in improving the accuracy of the cost estimates for major weapons programs?

Answer. If confirmed, I would work with Program Analysis and Evaluation leaders, my staff, and others to scrutinize cost estimates—because they are essential components of our budget and management responsibilities.

Question. The poor performance of major defense acquisition programs has been attributed in part to instability in funding and requirements.

What steps would you plan to take, if confirmed, to increase the funding and requirements stability of major defense acquisition programs?

Answer. If confirmed, I would make stability a pivotal priority during DOD deliberations on funding and requirements. We must look at all programs and especially those that are early in their program lives, and try to ensure that enough funds are available to avoid slowdowns due to lack of funding.

Question. Would you agree that early communication between the acquisition, requirements, and budget communities is critical to establishing acquisition programs on a sound footing?

Answer. Yes, early and detailed communication is critical.

Question. What steps would you plan to take, if confirmed, to improve such communication?

Answer. If confirmed, I would work to ensure such communications are an integral part of DOD processes on acquisition, requirements, and especially on budgets.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense (Comptroller)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

SUPPLEMENTAL BUDGET REQUESTS

1. Senator AKAKA. Mr. Hale, section 1008 of the National Defense Authorization Act for Fiscal Year 2007 required the President's budget to include funding for ongoing military operations that are traditionally included in supplementals. In your response to the advance policy questions, you stated: "the negative aspects of supplementals can be minimized by ensuring Department of Defense (DOD) scrutiny of supplemental requests similar to that afforded the base budget (a policy endorsed by the President-elect) and by providing Congress with early information regarding supplemental requests." If confirmed, what steps are you going to take to include traditional supplemental requirements in the DOD planning, programming, budgeting, and execution process for the fiscal year 2011 budget?

Mr. HALE. DOD needs to move away from supplementals, using them only for truly unexpected costs. Working with others in DOD and with the Office of Management and Budget, I expect to work to achieve this goal. I hope to make progress in the fiscal year 2010 budget and achieve the goal by the fiscal year 2011 budget.

CHIEF MANAGEMENT OFFICER

2. Senator AKAKA. Mr. Hale, in May 2007, the Secretary of Defense designated the Deputy Secretary of Defense as the Chief Management Officer (CMO) of DOD. The CMO position was developed to address management challenges that have plagued DOD for years. The CMO was charged with establishing performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness, and to monitor and measure the progress of the Department. What is your understanding of the relationship between the Under Secretary of Defense (Comptroller) and the CMO?

Mr. HALE. My relationship with the Deputy Secretary of Defense in his capacity as CMO will be to do my utmost to ensure that the Department's business systems and processes are unified, standardized, and integrated. I will also take an active role in supporting the CMO in defining, establishing, and reporting business operations performance metrics that provide leading indicators of effective DOD operations.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

SURVIVOR BENEFIT PLAN/DEPENDENCY AND INDEMNITY COMPENSATION OFFSET

3. Senator BILL NELSON. Mr. Hale, for 8 years I have worked to eliminate the unjust offset between the DOD Survivor Benefit Plan (SBP) and the Department of Veterans Affairs Dependency and Indemnity Compensation (DIC). Under current law, if the surviving spouse of a servicemember is eligible for SBP, that annuity is offset by the amount of DIC received. I would like to work with DOD to devise a plan to eliminate the offset over time; it is the least we can do for the widows, widowers, and orphans of our servicemembers. What is the proper balance of discretionary and mandatory spending that will not only ensure our national defense, but will also take care of our servicemembers, veterans, and their families?

Mr. HALE. The offset to SBP for simultaneous DIC entitlement is fair, reasonable, and equitable. Allowing one to receive both annuities, without offset, would create an inequity by giving dual lifetime annuities to certain survivors while survivors of other deceased former military members would continue to receive only one or the other.

If current levels of the annuity for survivors of members who die from service-connected causes are deemed insufficient, the level of DIC should simply be recalibrated, ensuring there are no winners and losers—simply that all similarly situated families benefit from an appropriate annuity level defined by Congress.

4. Senator BILL NELSON. Mr. Hale, what would a plan look like that would eliminate the SBP–DIC offset over 4 years and over 10 years?

Mr. HALE. As noted in the answer to the prior question, I do not favor eliminating the SBP–DIC offset and suggest that if current annuity levels for survivors of

former military members who die of service-connected causes are deemed inadequate, the level of DIC should be reevaluated.

BASE REALIGNMENT AND CLOSURE COMMISSION

5. Senator BILL NELSON. Mr. Hale, in November 2005, the Base Realignment and Closure Commission (BRAC) of 2005 went into effect. Full funding of BRAC 2005 is imperative because the Services must build infrastructure to support the mandated force movements. Two BRAC 2005 conclusions that affect Florida are the establishment of Initial Aircraft Training for the F–35 Lightening II Joint Strike Fighter and the beddown of the 7th Special Forces Group at Eglin Air Force Base. The BRAC 2005 law expires in 2011. Explain how DOD will support the Services' funding requests necessary to implement the BRAC 2005 law before expiration of the BRAC 2005 mandate.

Mr. HALE. It is my understanding that the Department has directed the DOD components with BRAC realignments and/or closures to fully fund those actions to ensure implementation of each BRAC recommendation by the statutory deadline of September 15, 2011. As such, it is my understanding that all costs to implement BRAC are included in departmental budget requests (including supplemental requests) and in the Future Year Defense Program.

NAVY DECISION TO ESTABLISH A SECOND AIRCRAFT CARRIER HOMEPORT

6. Senator BILL NELSON. Mr. Hale, in 2006, the Navy began an environmental impact statement to determine the environmental impact of homeporting additional surface ships at Naval Station Mayport, FL. Since 2005, congressional and military leadership have reaffirmed the importance of dispersing the Atlantic Fleet in two ports. In February 2005, then Chief of Naval Operations, Admiral Clark, stated that it was his view that, "over-centralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable homeports on each coast." He went on to say, ". . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

Deputy Secretary of Defense Gordon England, as the former Secretary of the Navy, testified to the Senate Armed Services Committee that the Navy needed to disperse its Atlantic coast carriers: "My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [U.S.S. *John F.*] *Kennedy* to get some dispersion."

The current Chief of Naval Operations, Admiral Roughead, recommended to Secretary of the Navy Winter that Naval Station Mayport should be made capable of homeporting a nuclear aircraft carrier homeport to reduce the risk to our Atlantic Fleet carriers should Norfolk become incapacitated. The current Chairman of the Joint Chiefs of Staff, Admiral Mullen, agrees with Admiral Roughead's recommendation.

On January 14, the Navy made its decision to make Naval Station Mayport a carrier homeport and plans to request the necessary funding for its implementation in its fiscal year 2010 budget request. Understanding the fiscal challenges facing our country and the constrained defense budget, how will you approach this funding priority among the many priorities facing the military?

Mr. HALE. If confirmed, I will review the implications of this decision with the Navy, and the impact, if any, on the fiscal year 2010 and future budget requests. At such time, I would be willing to provide Congress an update on specifics once the review is completed.

7. Senator BILL NELSON. Mr. Hale, the principle of strategic dispersal is decades old. What is your understanding of the principle of strategic dispersal and what are your thoughts of Secretary of the Navy Donald Winter's implementation of this principle with respect to Naval Station Mayport?

Mr. HALE. You raise a good question that would require more study on my part, if confirmed. I am not yet familiar with all the details and potential impacts with Secretary Winter's decision to implement strategic dispersal on the east coast, but I am committed to review the matter thoroughly and respond to your question in the near future.

QUESTIONS SUBMITTED BY SENATOR EVAN BAYH

CLEAN AUDIT

8. Senator BAYH. Mr. Hale, the DOD budget continues to grow by billions annually. How close to a clean audit do you believe DOD is today?

Mr. HALE. I have not yet completed my review of all the information needed to provide a specific timeline. However, there are many difficult tasks still to be completed before DOD receives a clean or unqualified opinion. I expect that DOD will not achieve that goal any sooner than the date specified in the latest Financial Improvement and Audit Readiness report—which stated that major statements would be audit ready by 2017.

9. Senator BAYH. Mr. Hale, what steps do you believe will be necessary to take in order to perform a clean audit?

Mr. HALE. DOD is making progress towards an unqualified audit opinion. However, there are many difficult steps yet to be achieved. These include but are not limited to implementing integrated business systems, achieving an auditable funds balance with Treasury, and resolving valuation issues such as those associated with military equipment. The Department must also continue to improve its financial controls.

10. Senator BAYH. Mr. Hale, what benefits or savings do you believe could be realized by such an audit?

Mr. HALE. An unqualified audit opinion provides evidence that the financial systems of an entity provide reliable, accurate, and timely information for management decisionmaking. Informed decisionmaking leads to cost saving and/or cost avoidance. There is also a benefit to citizens and taxpayers in that an unqualified audit opinion validates their confidence in their government to manage, protect, and use their resources well by proving the Department's books are reliable and accurate.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

ACTIVE-DUTY END STRENGTH

11. Senator MCCAIN. Mr. Hale, the President-elect and the Secretary of Defense have endorsed significant increases in the Active-Duty strengths of the Army and Marine Corps and these Services have been working hard to accelerate this growth. Please discuss your concerns about the rising cost of personnel and how you anticipate this will affect the ability of the Services to recapitalize its equipment.

Mr. HALE. I am concerned about the rising cost of personnel in our DOD budget. Of course, we must continue to compensate our military people adequately, and we must take good care of military families. At the same time, we must also address rising costs in order to have the resources to upgrade military equipment, systems, and facilities. For example, we must do more to control the escalating cost of health care for our military. These difficult trade-offs will need to be made—both by the executive branch and Congress—during program and budget reviews.

RETIREES AND THE COST OF DOD HEALTH CARE

12. Senator MCCAIN. Mr. Hale, for the last 3 years, the administration has tried—without success—to gain approval for increases in the annual premiums for DOD-provided health care paid for by military retirees under the age of 65. What are your views about the need for change in this regard?

Mr. HALE. The proposed increases in TRICARE premiums included with the fiscal year 2009 DOD budget was based on recommendations of the Task Force on the Future of Military Healthcare, which DOD established as directed by the National Defense Authorization Act for Fiscal Year 2007. I expect that—during upcoming program and budget reviews—the new administration will analyze options regarding the large and growing cost of TRICARE, and I look forward to helping with that analysis.

DEFENSE BUSINESS BOARD VIEW

13. Senator MCCAIN. Mr. Hale, the Defense Business Board (DBB), an internal management oversight board established by Secretary Gates, recently warned that the DOD's budget is "unsustainable" and that the Department can only meet its pri-

orities if it makes hard budget decisions on its largest and costliest acquisition programs. "Business as usual [in terms of the Department's budget decisions] is no longer an option," warned the Board. Do you agree with the DBB's warning?

Mr. HALE. Yes, business as usual is no longer an option. President Obama and Secretary Gates have underscored that change is needed and vowed to make acquisition reform a top priority.

14. Senator MCCAIN. Mr. Hale, what principles will guide your thinking on possible cuts to large acquisition programs?

Mr. HALE. Acquisition programs must be able to deliver the required capability on schedule and at or under cost. The capabilities they provide must not be duplicative of other acquisitions, and these capabilities must be integral components of the overall portfolio of capabilities that the Department needs to accomplish its mission. We will review programs to ensure that they have the required technological and production maturity to enable successful delivery of the required capability to the warfighter according to schedule, and at cost. Programs lacking this maturity may be candidates for termination or restructure, depending on their potential contributions to our mission accomplishment. Cuts to large acquisition programs will also be evaluated against the capabilities they provide to ensure accomplishment of the Department's mission to defend our Nation, its interests, and our allies. We will review acquisitions to determine which best address requirements of near-term engagements and current known threats, and fund the highest priority acquisition programs that address these areas. At the same time, we will also ensure that we do not neglect the need for increased capabilities to meet increased or new threats in the future. As standard practice, we will align our acquisitions to stay within our funding topline and always strive to get the best value for our resources.

REFORMS FOR PROCUREMENT OF WEAPONS SYSTEMS

15. Senator MCCAIN. Mr. Hale, over the last few years, this committee has developed several legislative initiatives intended to reform the process by which the Department buys its largest and most expensive weapons systems. The preponderance of those initiatives have addressed acquisition policy and the requirements system. Are there any aspects of acquisition policy, the requirements-determination system, or the resource allocation process that you believe require additional reform?

Mr. HALE. Yes, we need reforms in the areas I listed in my answer to question 14 above.

16. Senator MCCAIN. Mr. Hale, the Department recently instituted several reforms to the DOD Instructions on how the Defense Acquisition System (DAS) operates. Those initiatives seek to start major acquisition programs off responsibly by increasing emphasis on systems engineering and greater upfront planning and management of risk, as well as utilization of competitive prototyping in a newly-named Technology Development Phase (before Milestone B). Are there any aspects of those newly instituted instructions (or the newly structured DAS) with which you have difficulty or intend to modify or repeal?

Mr. HALE. I think the recent changes to defense acquisition policy reflect the Department's commitment to achieving improved acquisition outcomes by reducing risk, and improving process discipline. I believe the new policies are sound and I support them. If confirmed, I plan to closely monitor the execution of these policies and contribute to the success of these important initiatives.

17. Senator MCCAIN. Mr. Hale, among the reforms that this committee and the Department have instituted include those that enable the Department to remove more effectively nonessential requirements; have the Department move towards employing fixed-type contracts while better incentivizing contractor performance; and require the Department to exercise better oversight of service contracts. Are there any aspects of those initiatives in particular with which you have difficulty or intend to modify or repeal?

Mr. HALE. No, I believe these are effective initiatives and I will support them. Each of the policies mentioned is designed to improve the operation of our acquisition system and enhance oversight of our substantive investments in our major defense acquisition programs and contract services. If confirmed, I plan to monitor the effectiveness of these policies to ensure that the desired outcomes are being achieved.

RELOCATION OF U.S. MARINES FROM OKINAWA

18. Senator MCCAIN. Mr. Hale, the current estimate for the costs to relocate the marines from Okinawa to Guam is at least $10 billion, with the Government of Japan directly contributing $2.8 billion. The remainder will be funded by DOD through military construction or loans paid back through future housing allowances. With all the other modernization, recapitalization, and reset requirements facing the Department in the next 4 years, in your opinion, can we afford this move?

Mr. HALE. The Department is committed to this relocation initiative, and I support it. This investment provides assurance of the U.S. commitment to security and strengthens deterrent capabilities in the Asia-Pacific region. The Japanese Government may commit up to $6 billion in total funding for this initiative. During upcoming program and budget reviews, the Department will balance the fiscal commitment required to move forward with this initiative against other high-priority initiatives.

19. Senator MCCAIN. Mr. Hale, there has also been discussion about the significant investment necessary to upgrade port, road, and utility infrastructure on Guam to support the stationing of marines and their families. Do you believe DOD should assume this financial obligation as well?

Mr. HALE. The Department recognizes the necessary investment associated with port, roads, and utility infrastructure on Guam resulting from the Marine Corps relocation. It is critical to thoroughly evaluate the broad Federal impact of this significant investment and partner with other Federal entities, such as the Guam Federal Interagency Task Force, to determine the financial obligation that the United States should assume for infrastructure on Guam. The Department is addressing Guam's needs that are directly related to maintaining an enduring presence in support of the military mission.

Guam's infrastructure, namely the commercial port and the island's road network, require upgrades that will directly assist our ability to carry out the program and also benefit Guam. The Department, through the Defense Access Road (DAR) program, is preparing to address qualifying improvements to roadways, intersections, and bridges that are critical to executing the construction program for DOD.

The Maritime Administration (MARAD) was designated the lead Federal agency for the Port of Guam Improvement Enterprise Program in Public Law 110–417, section 3512. As the lead Federal agency, the MARAD will manage the expenditure of Federal, non-Federal, and private funds made available for the project and provide oversight and project management through a prime contractor. DOD is working closely with MARAD to help facilitate their initiative to correct the issues at the port.

DOD is also working to facilitate the necessary utilities solutions that will: meet the DOD mission; provide the widest benefit to the people of Guam; be technically and financially supportable by all participating parties; and be acceptable to the environmental regulators. DOD is working in collaboration with the Government of Guam officials to understand their needs and to determine the feasibility of utilities solutions that are mutually beneficial to DOD, the civilian community, and the regulatory agencies. Additionally, we are working with the Government of Japan to ensure that their equities are met in conjunction with the DOD's needs and the equities of the Government of Guam and the Consolidated Commission on Utilities. Concurrently, we are working with the environmental regulators to ensure that the solution set meets the requirements set by the regulatory standards.

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

ACQUISITION STRATEGY

20. Senator MARTINEZ. Mr. Hale, as you have read, the Secretary of Defense wrote recently in Foreign Affairs, "When it comes to procurement, for the better part of 5 decades, the trend has gone toward lower numbers as technology gains have made each system more capable. In recent years, these platforms have grown ever more baroque, have become ever more costly, are taking longer to build, and are being fielded in ever-dwindling quantities. Given that resources are not unlimited, the dynamic of exchanging numbers for capability is perhaps reaching a point of diminishing returns. A given ship or aircraft, no matter how capable or well-equipped, can be in only one place at one time." How do you intend to ensure that simple, effective and cost efficient systems are not replaced by cutting edge, yet highly expensive platforms our Nation is not willing to procure en mass?

Mr. HALE. I believe that DOD must make trade-offs between performance and cost, especially early in the life of new programs, in order to ensure reasonably priced yet adequately capable weapon systems. Stability during the acquisition process is another key to ensuring reasonable prices. Working along with other offices in charge of acquisition, I expect to be an advocate for these and other process improvements necessary to improve DOD's acquisition system.

21. Senator MARTINEZ. Mr. Hale, how will you bring sensibility to the procurement process so we maintain the capacity to address the Nation's needs?

Mr. HALE. As I said in my answer above, I intend to lead my staff, and work with other DOD offices, to help carry out the acquisition goals enunciated by Secretary Gates.

22. Senator MARTINEZ. Mr. Hale, what additional acquisition process improvements will you bring to the Pentagon?

Mr. HALE. Discipline is the key to creating affordable weapons programs, especially discipline in the early stages of a weapon system's life cycle. The Under Secretary of Defense (Acquisition, Technology, and Logistics) is responsible for DOD acquisition process. Once the new Under Secretary takes office I plan to be helpful in identifying improvements.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

UPGRADING AGING SYSTEMS

23. Senator COLLINS. Mr. Hale, in your answers to the advance policy questions, you listed what you believe to be some of the major challenges confronting the next Under Secretary of Defense (Comptroller) and Chief Financial Officer. One of the biggest challenges for all the Services is the need to replace aging major equipment and weapons systems with newer and more technologically advanced systems in a cost effective manner. For example, DOD has spent countless hours and millions of dollars trying to develop the next generation aerial refueling tanker, and the Navy has a strong need to replace many of its aging warships. What is your fiscal plan to purchase these systems that DOD so desperately needs?

Mr. HALE. Fiscal discipline will be a key to meeting the many budgetary challenges facing DOD. We must maintain an adequate force structure, but we also need to identify ways to hold down personnel costs (including health care costs) in order to free up resources needed to replace aging systems. We must buy a reasonable number of replacement systems, but we also need to make the hard trade-offs (including performance trade-offs) necessary to hold down the unit costs of the replacement systems. During upcoming program and budget reviews, I expect to be an advocate for the necessary fiscal discipline.

[The nomination reference of Robert F. Hale follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 20, 2009.

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

Robert F. Hale, of Virginia, to be Under Secretary of Defense (Comptroller), vice Tina Westby Jonas, resigned.

[The biographical sketch of Robert F. Hale, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ROBERT F. HALE

Robert F. Hale currently serves as the Executive Director of the American Society of Military Comptrollers (ASMC). In that capacity he runs an 18,000 member association that provides a wide range of professional development activities for defense financial managers.

From 1994 to 2001 Mr. Hale was appointed by the President and confirmed by the Senate as the Assistant Secretary of the Air Force (Financial Management and Comptroller). He was responsible for the Air Force budget and all aspects of Air Force financial management. During this period Mr. Hale oversaw submission of budgets that met Air Force needs in peace and war. He made numerous improvements in Air Force financial management and brought about substantial streamlining of processes. He also spearheaded creation of the first-ever certification program for defense financial managers.

Mr. Hale served for 12 years as head of the defense unit of the Congressional Budget Office. His group provided defense analyses to Congress, and he frequently testified before congressional committees. He was a sought-after expert on the Federal budget, especially the defense budget, and spoke widely on budget topics.

Before coming to ASMC, Mr. Hale directed a program group at LMI Government Consulting and, early in his career, he served on active duty as a Navy officer and worked for the Center for Naval Analyses.

Robert Hale holds a BS with honors from Stanford University, as well as an MS from Stanford, and an MBA from George Washington University. He is also a Fellow in the National Academy of Public Administration and has served on the organization's task forces. Mr. Hale has served on the Defense Business Board and on the Congressionally-Mandated Task Force on the Future of Military Health Care. He is a former National President of the American Society of Military Comptrollers and is a Certified Defense Financial Manager with acquisition specialty.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Robert F. Hale in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Robert F. Hale.

2. **Position to which nominated:**
Under Secretary of Defense (Comptroller).

3. **Date of nomination:**
Intention to nominate issued January 8, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

January 21, 1947; Sacramento, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Susan Kohn.

7. **Names and ages of children:**
Scott D. Hale, 30; Michael J. Hale, 28.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
George Washington University, MBA, 1976 (attended 1972–1976).
Stanford University, MS, 1969 (attended 1969).
Stanford University, BS, 1968 (attended 1964–1968).
Armijo High School, 1964 (attended 1960–1964).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Executive Director, American Society of Military Comptrollers, July 2005–present; 415 North Alfred Street, Alexandria, VA.

Currently managing all aspects of a professional association with 18,000 members. Created an "easy-access" program of professional development, using internet and audio approaches to meet new training needs. Significantly improved content of Society's quarterly journal and its annual conference (a premier training event for defense financial managers). Successfully implemented major automation improvements at Society headquarters. Improved organization's profitability without raising member dues.

Program Director and Consultant, LMI Government Consulting, May 2001–July 2005; 2000 Corporate Ridge Road, McLean, VA.

Served as program director for a group of about 20 professionals providing consulting services to Federal agencies on acquisition topics. Inherited a group that was not productive or profitable. Instituted major changes in business processes that brought in new, high-quality business and rendered the group profitable within a year. Also consulted for Federal agencies on financial issues.

Assistant Secretary (Financial Management and Comptroller), United States Air Force, March 1994–January 2001; 1130 Air Force Pentagon, Washington, DC.

Nominated by the President and confirmed by the Senate, managed all aspects of Air Force financial management. Oversaw creation and defense of seven budgets and associated supplementals that successfully met critical Air Force resource needs, both in peacetime and during the Bosnian war. Worked successfully to involve all key personnel in the budget process, especially those in the Secretariat. Streamlined Air Force financial business processes by overseeing implementation of three new automated systems and shepherding implementation of four major multi-service systems. Sharply reduced antideficiency act cases and credit card delinquencies by devoting personal attention to these problem areas. Accomplished first full audit of an Air Force financial statement. Created a new office to improve base-level financial services. Also spearheaded creation of a new certification program for defense financial managers, which has now become an important part of their training. Longest serving Assistant Secretary in the history of the office.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Member, Defense Business Board, 2002–2007.
Member, DOD Task Force on the Future of DOD Health Care, 2006–2007.
Member, Task Force on Fiscal Futures, National Academy of Public Administration, 2008–present.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
RFH Consulting, single-person consulting firm doing limited work for private companies and DOD, 2001–present.
Member, National Executive Committee, American Society of Military Comptrollers (nonprofit society devoted to professional development).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, National Academy of Public Administration.

Executive Director, American Society of Military Comptrollers.

Member, Association of Government Accountants.

Member, National Contract Management Association.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

10/23/08, Obama for America - $1,000.

9/21/08, Obama for America - $1,000.

9/22/08, Connolly for Congress - $250.

7/28/08, Obama for America - $500.

5/6/06, Democratic Senate Committtee - $500.

9/17/06, Democratic Congressional Campaign - $500.

9/29/06, Fairfield-Suisan CA, Save the Farms, $250.

4/3/04, Kerry for President - $500.

6/27/04, Kerry for President - $1,000.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

DOD Exceptional Public Service Award.

Air Force Distinguished Service Award.

National Defense Medal.

Fellow, National Academy of Public Administration.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Defense and Deficits," Armed Forces Comptroller Journal, Spring 2004.

"The Graying of Federal Financial Management," Journal of Government Financial Management, Spring 2003.

"Promoting Efficiency in the Department of Defense: Keep Trying, But Be Realistic," Center for Strategic and Budgetary Assessments, January 2002.

Authored numerous reports on defense financial management during service as a Federal employee with the Congressional Budget Office (1975–1994).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

No formal, written speeches.

Many informal speeches, mainly to chapters of the American Society of Military Comptrollers.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ROBERT F. HALE.

This 13th day of January, 2009.

[The nomination of Robert F. Hale was reported to the Senate by Chairman Levin on February 5, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2009.]

[Prepared questions submitted to Michèle Flournoy by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. We now have a generation of military leaders for whom operating in a coordinated and joint, multi-service environment is the norm. Given these successes, I do not see the immediate need to change the provisions of this legislation.

I have co-authored a number of studies that have advocated using the Goldwater-Nichols Act as a point of departure for enhancing interagency unity of effort and the capabilities of America's non-military instruments of statecraft. If confirmed, I would hope to be in a position to help strengthen the U.S. Government's ability to craft effective whole of government approaches to the national security challenges we face.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my previous answer.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Under Secretary of Defense for Policy (USD(P)) and each of the following:

Question. The Secretary of Defense.

Answer. The USD(P) serves as the principal staff assistant and advisor to the Secretary of Defense for all matters concerning the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives. The USD(P) provides policy support to the Secretary in interagency fora (such as National Security Council and Homeland Security Council deliberations), engagement with international interlocutors, and in the Planning, Programming, Budgeting, and Execution (PPBE) processes inside the Department, including the Quadrennial Defense Review (QDR), the Nuclear Posture Review (NPR), and annual program and budget reviews.

Question. The Deputy Secretary of Defense.

Answer. The Under Secretary for Policy provides similar support to the Deputy Secretary as described above.

Question. The other Under Secretaries of Defense, including the Under Secretary of Defense for Intelligence.

Answer. The Under Secretary for Policy works closely with the other Under Secretaries of Defense to achieve the Secretary's objectives. This includes providing policy input, as appropriate, to each of them in their respective areas of responsibility. In addition, the USD(P) works closely with the Under Secretary of Intelligence and other intelligence officials to ensure that policy formulation and execution are well-informed and supported by intelligence.

Question. The Assistant Secretaries of Defense.

Answer. The USD(P) exercises authority, direction, and control over the Principal Deputy USD(P), and the Assistant Secretaries of Defense for International Security Affairs, Asian and Pacific Affairs, Global Security Affairs, Special Operations and Low-Intensity Conflict and Interdependent Capabilities, and Homeland Defense and Americas' Security. This team works together to provide the Secretary with advice

and recommendations on the full range of policy issues under consideration in the Department and provides policy oversight to ensure that the Secretary's guidance and decisions are implemented properly.

Question. The Secretaries of the Military Departments.

Answer. The USD(P) works closely with the secretaries of the military departments on a broad range of issues, including strategy development, force planning, and other areas in which the military departments are critical stakeholders.

Question. The General Counsel of the Department of Defense (DOD).

Answer. The USD(P) works closely with the General Counsel on all policy issues that involve a legal dimension. In practice, this means significant and regular coordination on a broad range of issues.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff.

Answer. As the principal military advisor to the Secretary of Defense, the President, and the National Security Council, the Chairman has a unique and critical military role. The USD(P) works closely with the Chairman and Vice Chairman to support the efforts of the Secretary and Deputy Security, and to ensure that their military advice is taken into account in an appropriate manner.

Question. The Commanders of the Regional Combatant Commanders.

Answer. The USD(P) also works closely with the regional combatant commanders to support the efforts of the Secretary and Deputy Security, particularly in the areas of regional strategy and policy, contingency planning, and policy oversight of operations.

DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR POLICY

Question. Section 134 of title 10, U.S.C., provides that the USD(P) shall assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans, and in reviewing such plans. Additionally, subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of DOD relating to export controls. Further, subject to the authority, direction, and control of the Secretary of Defense, the USD(P) is responsible for overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the DOD for combating terrorism.

DOD Directive 5111.1 reiterates these duties and specifically notes that the USD(P) is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives.

What is your understanding of the duties and functions of the USD(P) under current regulations and practices?

Answer. If confirmed, I will perform the duties set forth in title 10 and the DOD Directive. The USD(P) serves as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters concerning the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives. Specifically the USD(P) directly supports the Secretary of Defense in the interagency process, in dealings with foreign counterparts, in developing strategy and planning guidance for the rest of the PPBE process, in providing policy oversight of current operations, and in guiding the development and review of contingency plans. He or she is the Secretary's principal policy adviser on the use of the U.S. military instrument and its adaptation for future missions.

Question. What is your understanding of the responsibilities of the USD(P) in combating terrorism, in particular as differentiated from those of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SOLIC))?

Answer. The ASD(SOLIC) and Integrated Capabilities (IC) functions under the authority, direction, and control of the USD(P) in combating terrorism. In practice, ASD(SOLIC)/IC is often asked to provide direct support to the Secretary on sensitive operational material.

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

Answer. I look forward to speaking with him further about how I could best support his efforts beyond those set forth in section 134(b) of title 10.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I have had the privilege of spending more than 20 years working on a broad range of national security and defense issues, both in and out of government. From my time in university and graduate school wrestling with issues surrounding the Cold War and the Soviet nuclear arsenal, to my 5½ years spent in the Pentagon taking a lead role in formulating defense strategy in the immediate post-Cold War context for three different Secretaries of Defense, to my more recent roles in the think-tank community exploring U.S. policies to address the complex challenges of the post-September 11 era, I believe I have the policy background and management experience that would serve the country well if confirmed as the next USD(P).

CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase military and civilian attention on the formulation of strategy and contingency planning. The USD(P) is specifically directed to assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans and in reviewing such plans.

What is your view of the civilian role, as compared to the military role, in the formulation of strategy and contingency planning?

Answer. I believe that civilian leadership is critical in the formulation of strategy and planning. Civilian defense leadership is particularly vital in translating broad national security policies and principles into the strategic ends that ultimately drive military planning.

More specifically, the USD(P) supports the development of the President's National Security Strategy, leads the development of the defense strategy, establishes realistic objectives and guidance to form the basis for contingency planning, and reviews DOD plans and programs to ensure they support strategic objectives. The Chairman of the Joint Chiefs of Staff is a critical partner in the development of guidance for contingency planning and provides independent military advice to the Secretary of Defense and the President. In addition to the provision of written guidance, an important civilian role is to review contingency plans submitted for approval by the combatant commanders. The USD(P) is also responsible for facilitating interagency coordination on contingency planning efforts, as necessary.

Question. In your opinion, does the civilian leadership currently have an appropriate level of oversight of strategy formulation and contingency planning?

Answer. I believe that the United States is at a critical time in history—with multiple wars, enduring threats, and imminent challenges. From the need to redeploy forces in Iraq, strengthen commitments in Afghanistan, to the importance of combating terrorism and preparing for a future in which energy security and the rise of states like China and India will fundamentally alter the international environment, I believe that a strong civilian and military partnership on these issues is vital. If confirmed, I will examine this issue closely and seek to ensure that civilian leadership has the appropriate level of oversight on the full range of strategy, planning, and use-of-force issues.

Question. What steps do you believe are necessary to ensure effective civilian control and oversight of strategy formulation and contingency planning?

Answer. Given that we are at this critical point in history, I do feel that the strategy and planning capacity in the Office of the Secretary of Defense should be strengthened. From my time inside and outside of government, I have come to believe that the U.S. Government needs to fortify its capacity for strategic thinking and strategic planning to ensure that it not only deals with the challenges of today but is also well-prepared for those of tomorrow.

If confirmed, I would strive to provide the best advice possible to the Secretary of Defense in fulfilling his responsibility to provide written policy guidance and to review contingency plans. I would also work closely with the Joint Staff to develop further opportunities to collaborate on planning guidance and reviews.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the USD(P)?

Answer. If confirmed, my office will likely play an important role within the Department and the interagency process in developing policy for a number of key issues, including among others: responsibly ending the war in Iraq; ensuring that the United States develops and employs a more effective strategy in Afghanistan and the surrounding region; working to prevent nuclear and weapons of mass destruction (WMD) proliferation; combating terrorism; adapting the U.S. military for 21st century challenges; and strengthening America's alliances with key partners and allies. Beyond ensuring that the Secretary of Defense receives the best possible

policy input on these vital questions, another major challenge will be to strengthen the organizational capacity to support these efforts.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would participate in a number of policy reviews, including the upcoming QDR, which provides an opportunity to assess these challenges and develop policy, plans, and investments to address them.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the USD(P)?

Answer. If confirmed, I would give priority to the major challenges identified above and to strengthening the organizational capacity of the Office of the Secretary of Defense Policy to address them. I would also give priority to ensuring effective working relationships with both military and civilian counterparts through the Department and the interagency.

IRAQ

Question. The U.S.-Iraqi Status of Forces Agreement (SOFA) requires that U.S. combat forces withdraw from cities and towns by June 2009 and that all U.S. forces withdraw from Iraq by the end of December 2011. Additionally, if Iraqi voters reject the SOFA in a referendum scheduled for July 2009, U.S. troops would be required to withdraw by July 2010.

What, in your view, are the greatest challenges facing the Department in meeting these deadlines and what actions, if any, would you recommend to maximize the chances of meeting these requirements?

Answer. The challenge in Iraq will be to continue the phased redeployment of U.S. forces while maintaining a secure environment to support elections, political reconciliation, and economic development. If confirmed, I would review DOD plans and work with colleagues across the Department to make any necessary recommendations to the Secretary of Defense.

Question. What is your understanding and assessment of U.S. plans to support implementation of the SOFA requirements for repositioning and redeployment of U.S. forces, including contingency planning relating to the Iraqi referendum?

Answer. I have not had the opportunity to review detailed plans regarding the repositioning and redeployment of U.S. forces in Iraq. If confirmed, I would review such plans and make any necessary recommendations to the Secretary of Defense.

Question. To date, U.S. taxpayers have paid approximately $48 billion for stabilization and reconstruction activities in Iraq while the Iraqi Government has accrued a budget surplus of tens of billions of dollars. On April 8, 2008, Ambassador Crocker told the committee "the era of U.S.-funded major infrastructure is over" and said the United States is no longer "involved in the physical reconstruction business."

What do you believe is the appropriate role for the United States in reconstruction activities in Iraq going forward?

Answer. I support the President-elect's views on bringing in Iraq's neighbors to help with reconstruction efforts. I also believe American policy should continue to be supportive in working with and through our Iraqi partners and that the U.S. role in reconstruction should focus on capacity development and assisting our Iraqi partners in prioritizing, planning, and executing their reconstruction projects.

Question. What are your views on the responsibility of the Iraqi Government to assume the cost of training, equipping, and operations for its security forces?

Answer. I believe that a critical part of our strategy depends on ensuring that the Iraqi Government assumes control of the entire range of tasks necessary to organize, train, and equip its security forces. From DOD's perspective, this includes helping our Iraqi partners to formulate a defense strategy and acquisition policy that is prudent and practical given finite resources.

Question. What are your views on the responsibility of the Iraqi Government to share the cost of combined operations with Multi-National Forces-Iraq (MNF–I) forces and stability programs throughout Iraq?

Answer. I understand that the U.S. Government has not requested the Iraqis contribute to the costs of MNF–I operations. A key objective is for Iraq to develop and fully support its forces in order to assume responsibility for its own security and stability.

Question. What are your views on the responsibility of the Iraqi Government to share the increased operating and facilities costs associated with repositioning or withdrawal of U.S. forces in accordance with the U.S.-Iraqi SOFA?

Answer. My understanding is that under the U.S.-Iraqi Security Agreement, there is no Iraqi responsibility to pay costs associated with repositioning or withdrawal of U.S. forces. I believe the U.S. Government should encourage Iraq to focus on the development and support of its security forces.

AFGHANISTAN

Question. What is your understanding and assessment of our strategic objectives in Afghanistan?

Answer. Our strategic objective is a stable and secure Afghanistan in which al Qaeda and the network of insurgent groups, including the Taliban, are incapable of seriously threatening the Afghan state and resurrecting a safe haven for terrorism. We are a long way from achieving this objective. If confirmed, I look forward to working with the committee on this enormous challenge, which requires urgent and sustained attention.

Question. What changes, if any, would you recommend to our current strategy in Afghanistan?

Answer. Achieving our strategic objectives in Afghanistan will require a more integrated and comprehensive approach to security, economic development, and governance. All of the instruments of national power and persuasion must be harnessed in order to be successful. It is imperative that we improve coordination and cooperation between Afghanistan and its neighbors and that we achieve greater unity of effort among our coalition partners, international institutions, and the Government of Afghanistan.

Question. Do you believe that there is a need to develop a comprehensive civil-military plan for Afghanistan, akin to that used in Iraq?

Answer. Yes.

Question. How do you assess the contributions of North Atlantic Treaty Organization (NATO) allies to the effort in Afghanistan, and how do you believe that the United States can persuade these allies to increase their efforts as the United States does so?

Answer. Afghanistan would be less secure without the contributions and sacrifices of our NATO allies and other International Security Assistance Force (ISAF) partners. President-elect Obama and Secretary Gates have both called for greater contributions with fewer caveats from our NATO allies. By committing more of our own resources to the challenge, the United States will be better positioned to persuade our allies to do more.

Question. General David McKiernan, USA, Commander of the NATO ISAF and Commander, U.S. Forces-Afghanistan, has identified a need for four additional combat brigades and support units in Afghanistan.

Do you support General McKiernan's request for additional forces? If so, would you support drawing down U.S. forces in Iraq faster in order to meet General McKiernan's request?

Answer. President-elect Obama and Secretary Gates have both consistently stated that they believe the deteriorating security conditions in Afghanistan required additional U.S. and international forces. If confirmed, I look forward to talking with them and the Chairman of the Joint Chiefs of Staff and others to determine how DOD can best support that request. Balancing the demand for forces between Iraq and Afghanistan while ensuring that the military is ready for other contingencies will be one of the Department's key challenges and, if confirmed, I look forward to working with those in the Department responsible for this as well as with this committee.

Question. What is your understanding and assessment of the Department's plans for the continued rotational flow of combat brigades and other units necessary to support operations in Iraq through 2009 and the availability of the additional combat brigades as requested by General McKiernan?

Answer. Though I have not been briefed in detail, I understand that the Department is preparing plans for the requirements for Iraq and Afghanistan as currently understood. If confirmed, I will consult with the Chairman of the Joint Chiefs of Staff and senior commanders to examine the plans in detail as the law requires my office to do.

Question. How would the Department support combat brigade increases in Afghanistan without extending combat brigades or redeploying combat brigades without replacement in Iraq?

Answer. Managing the build-up of forces in Afghanistan must be balanced with the demands in Iraq and the necessity to restore full spectrum readiness. We have asked a great deal of our service men and women, and I am acutely aware of the costs to them and to their families of extended and repeated deployments.

Question. The goal for increasing the size of the Afghan National Army (ANA) has been revised from 68,000 to approximately 134,000 soldiers.

Would you support a surge of trainers from the United States and coalition partners into Afghanistan to accelerate the expansion of the ANA?

Answer. Building an effective, broadly representative, and respected ANA will require additional resources. If confirmed, I will work with the Services, senior commanders, and our international partners to make sure that we have the right number of trainers, mentors, and advisors with sufficient resources to accomplish their mission.

Question. What recommendations, if any, would you have for encouraging or enabling our coalition partners to provide more training team personnel to embed with ANA units?

Answer. Developing the ability of the Afghan National Security Forces to assume the front-line responsibility of security inside Afghanistan should be the greatest incentive for coalition partners to provide training team personnel. We must stress to our allies the long-term commitment of the United States to Afghanistan and the shared responsibility NATO has to develop Afghan forces so that they can eventually take the lead for security in Afghanistan.

Question. One of the main threats to U.S. and coalition forces in Afghanistan comes from cross-border attacks by the Taliban and extremist militants who find safe haven in Pakistan's border regions.

What steps in your view need to be taken to eliminate the threat posed by Taliban and extremist militants hiding out across the Afghanistan-Pakistan border?

Answer. Both President-elect Obama and Secretary Gates have cited the need to eliminate the terrorist sanctuary in the border regions of Pakistan, but there is no purely military solution. The United States must have an integrated strategy to promote development and prevent terrorism across the Afghanistan-Pakistan border region. If confirmed, I intend to work closely with my DOD and interagency colleagues to examine several potential components of such a strategy:

- Work with the Pakistani Government to strengthen the capacity of the Pakistani military and police to conduct counterterrorism and counterinsurgency missions;
- Encourage Pakistani political reforms in the Federally Administered Tribal Areas to better link the border regions to the central government with more democratic representation;
- Increase non-military economic assistance and support for education and health care; and
- Improve the partnership between Afghanistan, Pakistan, and the coalition to secure the border, eliminate terrorist camps, and reduce cross-border insurgent movement.

Question. The ANA has shown itself to be effective, well-motivated, and respected by the Afghan people.

Would you support giving the ANA the lead in stopping cross-border incursions, either by transferring the mission of patrolling the border to the ANA or by bringing the Afghan Border Patrol (ABP) under the ANA?

Answer. Securing the border from cross-border incursions and illegal smuggling is an important component of a strategy for success in Afghanistan, but the specific command relationship between the ABP and ANA is an area that, if confirmed, I would need to examine in closer detail.

Question. The cultivation of poppies and trafficking of opium has reached alarming proportions in Afghanistan. Some estimate that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade and that Afghanistan is at risk of failing as a nation state. Coalition strategies for countering the opium trade have not been effective to date.

In your view, what strategy would be most effective in reducing opium production and trafficking in Afghanistan?

Answer. Opium traffic distorts the Afghan economy, corrodes the judicial system, and increases the incentives for corruption and criminal violence. Countering the opium trade must include a multi-pronged coalition and Afghan strategy, including judicial reform, better law enforcement and intelligence sharing, and rural economic development.

Question. What should the role of the U.S. military forces be in the counterdrug program in Afghanistan?

What is the appropriate role for coalition nations and the larger international community in effectively addressing the counterdrug challenge in Afghanistan and the surrounding region?

Answer. The international community must play a greater role in helping the Afghan Government to strengthen Afghan institutions, including the judicial and law enforcement system, intelligence service, and Afghan National Security Forces, so that it can better take the lead in combating narcotics in Afghanistan.

Question. What are the main challenges facing the U.S. and international community's reconstruction efforts in Afghanistan?

Answer. The deterioration of the security situation is the most immediate challenge, but reconstruction and development in Afghanistan also face more fundamental challenges. As one of the poorest countries in the world that has suffered through more than a generation of war, Afghanistan's development challenges are daunting. Four out of five Afghans make their living from farming, yet widespread drought and a crumbling agricultural infrastructure have created an opening for illicit opium production to supplant the legal agricultural economy. While Afghanistan has made significant strides since 2001 in health care delivery, life expectancy is still below 45 years and more than half of Afghan children are growth-stunted from poor nutrition and disease. While progress has been made towards primary education in Afghanistan, fewer than half of adult males and only one in eight females can read, impeding the professionalization of the Afghan Government and security forces and limiting economic growth.

Question. What would be your priorities for addressing those challenges?

Answer. If confirmed, I look forward to working with the interagency and international partners to help create a truly comprehensive civil-military strategy to build the necessary foundation for a stable and secure Afghanistan.

Question. What changes, if any, would you recommend for the strategy, organizational structure, or resourcing of Provincial Reconstruction Teams in Afghanistan?

Answer. Provincial Reconstruction Teams have been critical to the development work undertaken in Afghanistan over the past 6 years. If confirmed, I look forward to discussing the committee's concerns and ideas on the use of PRTs.

PAKISTAN

Question. What is your understanding and assessment of the efforts by the Pakistani Government to counter militant groups along the Afghanistan-Pakistan border and to fight terrorism in general?

Answer. The Pakistani Government will, of course, be central to defeating the terrorist and cross-border insurgent groups that threaten Afghanistan, Pakistan, and the international community. Although the Pakistani Government has conducted a series of military operations against militants in the border region, the area remains a sanctuary for al Qaeda and Taliban-affiliated groups. If confirmed, I plan to focus significant time and energy to better understand the requirements to solve this particular challenge.

Question. In your view, is the Pakistani Government doing enough to combat these threats? If not, what more should it be doing? What, in your view, should be the United States' approach vis-á-vis Pakistan?

Answer. I have not had the opportunity to review Pakistan's most recent efforts in detail. If confirmed, I look forward to reporting back to the committee on my assessment of ways in which the United States and Pakistan can work better together to combat these shared threats.

INDIA

Question. The recent attacks in Mumbai raise questions about what more might be done to help India guard against and react to terrorist incidents and underscore the fragile nature of the relationship between India and neighboring Pakistan.

What is your view of the current state of U.S.-India military-to-military contacts?

Answer. I understand that the U.S.-India military-to-military relationship is quite positive and getting stronger. If confirmed, these are areas that I hope we can work on together.

Question. What do you believe the United States should do to assist the Indian Government in the prevention of and response to terrorist events?

Answer. As the world's largest democracy, India is a critical strategic partner of the United States. Both India and the United States share an interest in preventing terrorism. If confirmed, I will work with the State Department to carefully consider all requests for counterterrorism assistance from India.

Question. In your view, what impact has this rise in tensions between Pakistan and India had on the stability of the South Asia region, generally, and on the prospects for security in Afghanistan?

Answer. India, Pakistan, and Afghanistan are linked by history, culture, language, and trade, and regional stability cannot be achieved without the cooperation

of all three. It is in America's national interest to play a constructive role in helping defuse the recent rise in tensions and to help derive from the tragic attacks in Mumbai an opportunity for further cooperation between three of America's crucial allies.

FUTURE OF NATO

Question. What are the greatest challenges and opportunities that you foresee for NATO over the next 5 years?

Answer. The United States has enormous stakes in a strong, mutually supportive NATO alliance, and both the President-elect and the Secretary of Defense have stressed their strong desire to rebuild and adapt transatlantic security relationships to meet 21st century security challenges. Over the next 5 years, top-tier NATO-related challenges include, first and foremost, achieving durable progress on Afghanistan, while also developing a common approach toward managing relations with Russia, improving the prospects for unity-of-action between NATO and the European Union (EU), and finding common ground across the alliance on emerging threats and opportunities.

Question. Do you envision further enlargement of NATO, beyond Albania and Croatia, within the next 5 years?

Answer. The President-elect has stated that NATO enlargement should continue so long as new candidates are democratic, peaceful, and willing to contribute to common security. Precisely which countries and within what applicable timeframe NATO would undertake further enlargement are important questions which the new administration will need to address in close consultation with Congress and our allies. It is important that each NATO aspirant should be judged on its individual merits and progress in implementing political, economic, and military reforms.

Question. What more can the United States do to encourage NATO members to develop the capabilities and provide the resources necessary to carry out NATO missions in Afghanistan and elsewhere?

Answer. While the President-elect and Secretary Gates have both stressed the need for the United States to invest more in its non-military instruments of national power, many of our NATO allies are underperforming in terms of their own investments in defense capabilities, especially when it comes to deployable expeditionary forces. Forging a shared strategic view of the emerging threat environment and updating NATO's strategic concept will be critical to encouraging NATO allies to develop the military capabilities needed now and in the future.

NATO—EU RELATIONS

Question. A challenge facing the United States and NATO in the months and years ahead is the EU's implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where "NATO as a whole is not engaged." At the same time, NATO and EU are working alongside each other in addressing a number of common security challenges, including police training in Afghanistan and crisis management in Kosovo.

Are you concerned that the EU could assume a competing role, rather than a complementary role, to the NATO alliance?

Answer. Ideally, the NATO–EU relationship should be complementary. In the defense realm, NATO is going to be the preferred vehicle for negotiation whenever our European allies view the U.S. role as indispensable in responding to a shared security challenge. At the same time, the EU's great strength lies is its ability to project economic power and political influence in a way that helps to attenuate conflict. The Obama administration will need to look carefully at the relationship to ensure that competition is kept to a minimum. Moreover, because both NATO and the EU draw largely from a single pool of national capabilities, cooperation will be extremely important.

Question. What steps do you believe that the United States and NATO must take to ensure that ESDP is implemented in a way that strengthens the alliance?

Answer. Over the past several years, ESDP-related activities have grown in number and diversity, to include the EU's recently launched anti-piracy operations off the coast of Somalia. Given these trends, high priority should be given to promoting good communications and a common operating picture between the United States, its allies and partners, and EU-sponsored operations.

Question. What is your view of the future of NATO–EU relations in areas relating to security, defense, and crisis management?

Answer. Both NATO and the EU have important roles to play in meeting future security, defense, and crisis management challenges. As noted above, from an alli-

ance perspective, it will be important for DOD and U.S. interagency partners to take a clear-eyed view of the entire range of current EU-activities—from civilian policing, to military, border control or other missions—to identify both areas of duplication and where closer coordination may be required.

ENGAGEMENT POLICY

Question. One of the central pillars of our national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian de-mining operations, and similar activities are used to achieve this goal.

If confirmed, would you support continued engagement activities of the U.S. military? If yes, would you advocate for expanding U.S. military-to-military engagement? If not, why not?

Answer. If confirmed, I will support continued U.S. military-to-military engagement. I believe the current and emerging security environment will require robust engagement with the militaries of our partners and allies around the world, and building productive relationships with many states in which our past military-to-military engagements have been limited or absent entirely.

Question. Do you believe that these activities contribute to U.S. national security?

Answer. Yes. I believe military-to-military contacts contribute to U.S. national security in a variety of important ways. Such activities can build capacity among partner nations to participate in coalition operations to counterterrorism and other transnational threats, potentially relieving stress on U.S. forces. They can help harmonize nations' views of common security challenges. Military-to-military activities can also help sustain investments made by other U.S. assistance programs. Finally, when performed effectively, military-to-military activities should show by example how military forces can act effectively while respecting human rights and civilian control. If confirmed, I intend to help ensure that our engagement activities remain at the forefront of our planning and strategy development processes.

STABILITY OPERATIONS

Question. Experience in Iraq has underscored the importance of planning and training to prepare for the conduct and support of stability operations in post-conflict situations.

In your view, what is the appropriate relationship between DOD and other departments of government in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. In stabilizing post-conflict environments, success depends upon the integrated efforts of both civilian and military organizations in all phases of an operation, from planning through execution. Ideally, civilian agencies should lead in areas such as fostering political reconciliation, building accountable institutions of government, restoring public infrastructure, and reviving economic activity. Military forces, in turn, are best suited to help provide a safe and secure environment and to assist in building accountable armed forces. The U.S. military has learned many hard lessons in this area over the past several years, and if confirmed, I will work closely with Secretary Gates, military leaders, and other U.S. Government agencies to ensure we have the capabilities we need to execute these challenging missions.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq?

Answer. One of the most important lessons is that 21st century conflict will occur along the entire spectrum of conflict. That is, the military cannot be prepared only for combat. They must plan and train with their civilian counterparts and be prepared to operate effectively in all phases of conflict. That said, the military should also be prepared to undertake critical non-military tasks when civilian agencies cannot operate effectively, either due to the security environment or due to lack of capacity. Indeed, the need for greater capabilities and capacity in civilian agencies has been a recurring lesson for the entire government. Finally, we need to obtain better situational awareness of the underlying drivers—political, cultural, and economic—instability and conflict so as to ensure that our actions will meet our objectives and not trigger unintended consequences.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train-and-equip authority (section 1206) and the security and stabilization assistance authority (section 1207).

In your view, what are our strategic objectives in building the capacities of partner nations?

Answer. One of the greatest threats to international security is the violence that is sparked when human security needs are not met by governments. This creates space for terrorists, insurgents, and other spoilers to operate and, as the September 11 attacks demonstrated, to threaten the United States and its allies. The goal, therefore, is to close this space through efforts that strengthen bilateral relationships; increase U.S. access and influence; promote militaries that respect human rights; civilian control of the military and the rule of law; and build capacity for common security objectives. In addition to promoting regional and global security, enhanced partner capacity reduces the risk of future military interventions and reduces stress on U.S. Armed Forces.

Question. What is your understanding of the purpose of the section 1206 global train-and-equip authority? What is your assessment of the implementation of the global train-and-equip program?

Answer. My understanding is that section 1206 is intended to provide a quicker, more targeted ability to build partner capacity in critical regions than the more traditional routes of security assistance. Under law, it has two discrete purposes: to build a partner's national military or maritime security forces' capacity either to (1) conduct counterterrorism operations or (2) conduct or support stability operations where U.S. forces are participating. I have not been involved in section 1206 implementation, but I understand that the program has enthusiastic support from embassies and combatant commands and reflects a close collaboration between State and DOD who work together in a "dual key" process to approve funding allocations. If confirmed, I will assist the Secretary in fully assessing how well this authority is working and whether it meets congressional intent.

Question. What is the relationship of the global train-and-equip authority to other security assistance authorities, such as counternarcotics assistance and foreign military financing? What should be done to ensure that the global train-and-equip authority does not duplicate the efforts of these other assistance programs?

Answer. The Departments of State and Defense need to work together very closely to avoid duplication of effort among these important activities. The Global Train-and-Equip authority fills two specific legal requirements (to build capacity for counterterrorism and for stability operations where U.S. forces are a participant). Foreign Military Financing serves a broader set of diplomatic and foreign policy objectives such as improving bilateral relations, encouraging behavior in the U.S. interest, increasing access and influence, and building capacity particularly where host-nation and U.S. interests align.

Counternarcotics authorities are focused on providing DOD the ability to support U.S. or other government efforts to counter the flow of narcotics globally. If confirmed, I will support any interagency assessment of potential overlaps and work to ensure DOD programs are focused on supporting U.S. and other agency efforts to counter the flow of narcotics.

Question. What is your understanding of the purpose of the security and stabilization assistance authority (section 1207)? What is your assessment of how this authority has been utilized?

Answer. Section 1207 was, as I understand it, designed to help the State Department's Coordinator for Reconstruction and Stabilization to become operational. It facilitates security, stabilization, and reconstruction missions—bringing civilian expertise to bear alongside or in lieu of U.S. military forces. If confirmed, I will monitor this effort closely.

Question. Secretary Gates has called for an expansion of the Government's resources devoted to instruments of non-military soft power—civilian expertise in reconstruction, development, and governance.

Do you agree with Secretary Gates that there is a need to expand the Government's resources devoted to the ability of civilian departments and agencies to engage, assist, and communicate with partner nations?

Answer. Absolutely. The President-elect and Secretary Gates have both made clear their strong desire to see more robust non-military instruments of national power. Congress has the authority to expand significantly the Government's soft-power resources and U.S. civilian agency capacity. If confirmed, I will certainly make it my priority to assist in this effort.

Question. In your view, what should be the role of the DOD, vis-á-vis other civilian departments and agencies of the Government, in the exercise of instruments of soft power?

Answer. Generally, the Department's role should be to support, not lead, in the exercise of soft power. But DOD plays a vital role in helping to promote—through the full gamut of planning effort, exchanges, exercises, operations, and bilateral de-

fense relationships—the conditions that enable these instruments to be applied with maximum beneficial effect.

Question. Which department should have the lead in setting U.S. Government security assistance policy, the Department of State or DOD?

Answer. The State Department should retain the overall lead in setting our foreign policy and foreign assistance priorities broadly, including security assistance. Still, DOD has critical roles to play in informing, developing, and implementing agreed programs in an effective and timely manner. Strong and close working relationships between DOD, the State Department, and other U.S. agencies are critical.

RUSSIA

Question. What is your assessment of the current U.S.-Russian security relationship?

Answer. Russia's more aggressive external behavior—combined with its retreat from democracy and openness at home—is a source of deep concern. Of greatest concern, clearly, is a growing pattern of Russian pressures on, and, in some cases, aggressive action against the sovereign states located on its immediate borders, most notably Georgia. Russia's standing in the international community has declined as a result of its threatening behavior, and the U.S.-Russia security relationship has become much more difficult to manage as a result. That said, as Secretary Gates has noted, Russia's military capacity remains a shadow of its Soviet predecessor, and a combination of adverse economic and demographic trends are not likely to change that picture dramatically in the foreseeable future.

Question. What do you believe are appropriate objectives for U.S.-Russian security relations, and what do you believe are the areas of common interest between the United States and Russia in the security sphere?

Answer. As the President-elect has stressed, it is in no one's interest to see our relations return to a Cold War posture. Our interests clearly overlap in areas such as non-proliferation, counterterrorism, Afghanistan, and counternarcotics. Ultimately, I believe we should work to create the conditions that make clear that stable, democratic neighbors on Russia's borders are in Russia's own interest. We need to look at ways of enhancing cooperation in areas such as preventing WMD terrorism, where coordinated action is critical.

Question. In your view, what policy steps should DOD take to improve relations with Russia? For instance, would you support increased military-to-military relations and exchanges with Russia?

Answer. Yes, when it is in our interest to do so, and in close coordination with the State Department. If confirmed, I will make it a priority to assess areas where greater military-to-military and other exchanges with Russia might be beneficial. It is certainly important for U.S. security interests that we work to keep our lines of communication open.

Question. Would you support any joint development or other programs with Russia?

Answer. I am not prepared at this stage to offer any specific recommendations on this issue. If confirmed, I will study the issue closely and consult with interested members of this committee.

IRAN

Question. Do you believe it would be in the United States' interest to engage Iran in a direct dialogue to promote regional stability and security?

Answer. I support the President-elect's view that the United States should be willing to engage with all nations, friend or foe, and with careful preparation, to pursue direct diplomacy. Furthermore, I fully support the President-elect's view that we should not take any options off the table, but that we should employ tough diplomacy, backed by real incentives and pressures, to prevent Iran from acquiring nuclear weapons and end their support of terrorist organizations such as Hezbollah.

Question. Do you believe it would be in the United States' interest to engage Iran in a direct dialogue regarding the narcotics problem in Afghanistan?

Answer. This issue should be examined as part of a broader interagency policy review on Iran.

Question. What more do you believe the United States and the international community could be doing to dissuade Iran from pursuing a nuclear weapons program? Specifically, what actions do you believe that DOD should undertake to support diplomatic efforts to dissuade Iran from pursuing a nuclear weapon?

Answer. The United States has not yet brought to bear all the elements of statecraft to deal with this issue. The use of tough, direct, and principled diplomacy, working with our other international partners and allies, can increase the chances

of making useful inroads. Setting the conditions in the region is critical. DOD should therefore continue developing the ongoing multilateral cooperation with the Gulf Cooperation Council countries and other allies in the region, in support of the State Department's diplomatic initiatives.

SYRIA

Question. Do you believe it would be in the United States' interest to engage Syria in a direct dialogue regarding regional security and stability?

Answer. The Department of State should take the lead on any diplomatic initiatives with Syria. I agree with the President-elect's view that Syria is best engaged in the context of an aggressive regional diplomatic approach on the question of Iraq. Syria has a great and growing interest in ensuring that the large population of Iraqi refugees within its borders eventually returns home. I would hope that this topic would be examined when the new administration comes into office.

SAUDI ARABIA

Question. What is your assessment of the current state of U.S.-Saudi bilateral relations and defense cooperation activities? What changes, if any, would you recommend in this relationship?

Answer. Saudi Arabia is an important ally of the United States. The United States and Saudi Arabia have a close defense relationship and extensive security assistance programs. If confirmed, I look forward to assessing ongoing cooperation activities and identifying ways to sustain this important relationship.

Question. What is the future of U.S.-Saudi security cooperation, including training programs such as the Saudi Arabian National Guard Modernization program? What other types of military or security cooperation do you envision advocating?

Answer. I have not been briefed on the details of current or prospective security cooperation programs with the Kingdom. If confirmed, I will consider and evaluate the full range of possible initiatives to support this relationship.

CHINA

Question. China is viewed by some in the United States as a potential threat and by others as a potential constructive international partner that should be welcomed and integrated into the international economic and political community.

To what extent do you believe the policies and actions of the United States and other major regional and international actors will affect the direction in which China develops, and the extent to which it becomes a cooperative partner or a competitor of the United States?

Answer. China's sustained rise over the past decade is due in no small measure to its progressive integration into the global economy. For this reason, I believe that the United States and other countries can have positive influence on the direction of China's development. Indeed, no country has done more to assist, facilitate, and encourage China's development and international integration than the United States. However, U.S. policy and actions, or those of any country or group of countries, cannot alone determine China's future. Ultimately, it is the Chinese who will determine China's future.

Furthermore, as Secretary Gates noted in a recent speech, "China is a competitor but not necessarily an adversary, and there is no reason for China to become an adversary." If confirmed, I would seek to encourage China to play a responsible and constructive role in the international community and to encourage Beijing to view this role as the best choice for their own strategic interests, as well as ours.

Question. What do you see as the impact of the current global economic crisis on stability and security in China specifically, and in the region generally?

Answer. It is too early to gauge the full impact of the global economic crisis upon China and stability in the Asia-Pacific region more broadly. But those who manage defense and security issues must be attentive to the security-economic interconnections and be prepared to work together with colleagues in economic and diplomatic fields, both to guard against negative outcomes and also to seek positive ways forward where they may exist.

Question. What do you believe are China's political-military objectives regarding Taiwan, the Asia-Pacific region, and globally?

Answer. Broadly, the overriding objectives of China's leaders appear to be to ensure the continued rule of the Chinese Communist Party, continue China's economic development, maintain the country's domestic political stability, defend China's national sovereignty and territorial integrity, and secure China's status as a great power. Within this context, preventing any moves by Taipei toward de jure independence is a key part of Beijing's strategy. Within each dimension there lies a mix

of important challenges and opportunities for the United States that will continue to deserve priority attention.

Question. What is your view of the U.S. policy of selling military equipment to Taiwan, despite China's objections?

Answer. U.S. policy on arms sales to Taiwan is based on the 1979 Taiwan Relations Act, which provides that the United States will make available to Taiwan defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. That policy has contributed to peace and stability in the region for nearly 30 years and is consistent with the longstanding U.S. calls for peaceful resolution of the Taiwan issue in a manner acceptable to the people on both sides of the Taiwan Strait. If confirmed, I would work closely with Congress and our interagency partners to ensure the continued effective implementation of this longstanding policy.

Question. How do you believe the United States should respond to China's military modernization program?

Answer. The pace and scale of Chinese modernization, coupled with the lack of transparency surrounding both capabilities and intentions, are a source of concern for the United States as well as for its allies and the region more broadly. An appropriate U.S. response would include efforts to fully comprehend the future direction of China's programs, active engagement to reduce the potential for miscalculations and to manage unwanted competition, and, finally, defense preparedness to ensure we retain our edge in areas that are critical to achieving specific operational objectives. If confirmed, I would seek to ensure that DOD places a high priority on this issue and would consult closely with committee members on appropriate U.S. responses.

Question. In its 2008 Report to Congress, the U.S.-China Economic and Security Review Commission concluded that China is asserting various excessive claims of sovereignty relating to maritime, air, and space, and also concluded that these claims have negative implications for the United States. Further, the Commission concluded that more must be done to ensure that China's rapid expansion of nuclear power does not result in the decline in safety or an increase in proliferation of nuclear weapons technology or expertise.

How should the United States respond to excessive claims of sovereignty by China?

Answer. I appreciate that China's claims of sovereignty are controversial and detract from regional stability. The United States has a longstanding policy on Freedom of Navigation and does not acquiesce to excessive maritime claims that restrict navigation and over-flight rights under customary international law, as reflected in the U.N. Convention on the Law of the Sea. If confirmed, I would work closely with the Department of State, and as appropriate with other countries that have a stake in this issue, on developing a common understanding of and collaborative approaches to these issues.

Question. What is the role of DOD in helping to ensure that China does not contribute to the proliferation of nuclear weapons or weapons technology in the region?

Answer. DOD should continue to support interagency efforts to prevent the proliferation of WMD and delivery systems, along with related technologies and materials, including with respect to China.

Question. Our current military-to-military relations with the Chinese have been described by defense officials as "modest."

Do you believe that we should make any changes in the quality or quantity of our military relations with China? If so, what changes and why?

Answer. More can be done to improve the U.S.-China military-to-military relationship, both in terms of the quality and the quantity of exchanges between the Armed Forces of our countries. If confirmed, I would look closely at exchanges with the Chinese armed forces at all levels and across a range of issues, including the recently opened dialogue on nuclear policy and strategy, which I understand is a priority for Secretary Gates. If confirmed, I look to engage in a wide range of areas where we can encourage China to act responsibly both regionally and globally.

Question. Is legislation needed to effect these changes?

Answer. I do not know. If confirmed, I would carefully monitor developments in the U.S.-China military-to-military relationship and consult with Congress on these issues.

NORTH KOREA

Question. What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to date to persuade North Korea to verifiably dismantle its nuclear weapons program?

Answer. North Korea's conventional military, WMD and proliferation activities pose a significant threat to regional peace and security. Working with our allies and other key parties in the region on diplomatic solutions is an essential element in addressing the totality of the security problem on the Korean peninsula. Likewise, it is essential to maintain the capabilities to deter North Korea's military threat and proliferation activities. Our strong alliances with South Korea and Japan remain instrumental in this regard. These alliances help maintain the peace and stability that has allowed the wider East Asia region and U.S. interests there to prosper over the past several decades. If confirmed, I would work with my military and interagency colleagues to strengthen these alliance relationships and U.S. efforts to address the problems posed by North Korea. The United States must continue to provide strong leadership to ensure the full implementation of the recent agreement in North Korea. North Korea must dismantle its nuclear weapons program and confirm the full extent of its past plutonium production and uranium enrichment activities.

Question. What is your assessment of the threat posed to the United States and its allies by North Korea's ballistic missile and WMD capabilities and the export of those capabilities? In your view, how should DOD forces be sized, trained, and equipped to deal with this threat?

Answer. North Korea missile and WMD programs pose a serious threat to the United States, the rest of Asia, and the world. Strong alliances, regional partnerships and forward military presence remain key means to deal with these threats. U.S. national capabilities are also an essential element in deterring the threat and defending our interests. Additionally, in the event of a DPRK collapse, the U.S. would need the capabilities to work closely with the Republic of Korea (ROK) to rapidly and safely secure nuclear weapons and materials. If confirmed, I would work closely with the Chairman of the Joint Chiefs of Staff, senior military commanders and members of this committee to ensure that the U.S. military has the capabilities needed to deal with the range of threats North Korea poses and that our contingency planning is adaptive and responsive.

Question. In your view, what should be done to maintain or strengthen deterrence on the Korean peninsula?

Answer. Maintaining a strong alliance between the United States and the ROK remains central to effective deterrence on the Peninsula. Our alliance with Japan is likewise a critical factor in security and stability in the wider Asia-Pacific region, including on the Peninsula. If confirmed, I would work hard to continue strengthening these alliances.

Question. With recent speculation regarding the possible poor health of North Korean leader Kim Jong-il, what do you believe the United States should be doing now to prepare for the possibility of a change in leadership in North Korea?

Answer. The unexpected, with its attendant opportunities and challenges, can take different forms, including a sudden health crisis or change in leadership in North Korea. If confirmed, I look forward to consulting with this committee about the range of potential challenges we face and ensuring that we are capable of addressing these contingencies. I believe our focus should be ensuring we are ready to maintain stability in the region, defend the ROK, and prevent the proliferation of WMD or other dangerous technologies from the DPRK.

Question. If confirmed, would you undertake a review of the status of the efforts to obtain from North Korea remains of U.S. service men missing from the Korean War and specifically address under what circumstances such efforts could resume?

Answer. Yes.

REPUBLIC OF KOREA

Question. Since the end of World War II, the alliance between the United States and the ROK has been a key pillar of security in the Asia Pacific region. This relationship has gone through periods of inevitable change.

What is your understanding and assessment of the current U.S. security relationship with the ROK?

Answer. Over a half-century old, the alliance remains strong and reflects the common values and aspirations of the Korean and American people. The alliance continues to ensure peace and stability on the Korean Peninsula and in Northeast Asia. As the regional security environment has evolved over time, the U.S. and the ROK have made great strides in transforming their collective deterrent and defense posture. In particular, the ROK has made major strides in developing its defense capabilities, commensurate with its economic development. Consequently, the Alliance remains relevant and capable both for deterring aggression on the peninsula and for addressing regional and global security issues. If confirmed, I would work to con-

tinue the positive development of this key U.S. security relationship and would hope to work with the committee to that end.

Question. If confirmed, what measures, if any, would you take to improve the U.S.-ROK security relationship?

Answer. If confirmed, I would work with Congress, the Joint Staff, and others to complete the realignment of U.S. forces on the Korean peninsula and return facilities our forces no longer require. I would also work to ensure that our command and control relationships with Korea and our contingency plans remain appropriate to the situations we face. Additionally, I believe it is important to ensure the U.S. and Korean publics continue to understand the enduring mutual benefits derived from this alliance.

Question. What is your view regarding the planned timing of the transfer of wartime operational command to the ROK?

Answer. As Secretary Gates said following his meeting with the Korean Minister of Defense last October, the ROK military forces and U.S. forces are on track to complete the alliance agreement to transition wartime operational control in 2012. This effort will enable the ROK military to take the lead role in the defense of Korea. If confirmed, I will work with the Secretary, this committee, and others to ensure that the important transition in command relationships is carried out in a manner that strengthens deterrence and maintains a fully capable U.S.-ROK combined defense posture on the Korean Peninsula.

U.S. AFRICA COMMAND

Question. On October 1, 2008, U.S. Africa Command (AFRICOM) was authorized Unified Command status. The creation of AFRICOM has raised questions about the role of DOD in U.S. development efforts.

What do you see as the role of AFRICOM in U.S. African policy and in economic development and humanitarian engagement?

Answer. The Department of State and USAID lead U.S. foreign policy and development engagements abroad, to include Africa. President-elect Obama has argued that AFRICOM should promote a more united and coordinated engagement plan for Africa. Ideally, AFRICOM's supporting role should be to promote national security objectives by working with African states, regional organizations, and the African Union to enhance stability and security in the region. In particular, AFRICOM should work to forge closer U.S. military-to-military relations with states on the African continent. If confirmed, my intent would be to work closely with State, USAID, other agencies and Congress to ensure that AFRICOM's roles and missions support U.S. foreign policy and national security objectives and are transparent.

Question. AFRICOM's leadership has promoted the concept of "active security," with an increased emphasis on theater security cooperation, as a guiding principle of the command.

Are DOD's current security assistance authorities and funding levels adequate to fulfill AFRICOM's mission? If yes, please explain. If not, why not?

Answer. I am not in a position to render a definitive judgment on this important question. I will, if confirmed, study the matter and, if changes are needed, provide views to Secretary Gates and the members of this committee.

Question. The Combined Joint Task Force-Horn of Africa (CJTF–HOA) mission appears to have shifted from counterterrorism to civil and humanitarian affairs since its inception in 2002.

What do you see as CJTF–HOA's primary mission?

Answer. It is my understanding that the CJTF–HOA is designed to support the State Department's and DOD's security strategy in Africa to counterterrorism, in part through building partner capacity and promoting regional stability.

Question. Do you believe it should continue as an enduring presence? If yes, what recommendations might you make regarding manpower, resources, and activities?

Answer. If confirmed, I will work closely with the Joint Staff and AFRICOM to assess the question of CJTF–HOA's duration and to ensure that U.S. security interests in the region are supported by an appropriate, right-sized and properly resourced posture to promote long-term stability in the region.

DARFUR

Question. More than 4 years after then-Secretary of State Powell's declaration that genocide was taking place in Darfur, the death toll has climbed still higher, the camps for displaced persons have grown more crowded, and humanitarian access to help people in need has diminished in many areas. The United Nations has pledged to send 26,000 peacekeepers to Darfur, but has sent less than half that

number and has not provided them with the helicopters, vehicles, and other tools to fulfill their mission.

What do you believe is the appropriate role of the United States and, in particular, DOD, in assisting with the deployment and mobility of this peacekeeping mission, given that its creation was largely a U.S. initiative and today is largely funded by a variety of U.S. assistance programs?

Answer. I agree with the President-elect's statements about the need to bring pressure to bear on Sudanese authorities in Khartoum to halt the genocide in Darfur. The U.N. has two major peacekeeping missions in Sudan that seek to create a secure environment conducive to a political settlement of the cultural, ethnic, and religious differences that divide Sudan's periphery from the center. I understand that the Departments of State and Defense have supported the deployment of African contingents to the U.N. Darfur mission by providing personnel, training, equipment, logistical expertise, deployment assistance, and, when required, airlift. If confirmed, I will look closely at what additional support DOD could reasonably provide in this area if so directed by the President-elect.

UNITED NATIONS PEACEKEEPING

Question. DOD has provided logistics, communications, and headquarters staff to a variety of U.N. peacekeeping missions over the past several years.

In your view, what support, if any, should DOD provide to U.N. peacekeeping missions?

Answer. From Haiti to Liberia, Lebanon and other venues, the United States has important stakes in the success of U.N. peacekeeping operations. In addition to logistics, communications, and headquarters staff-related assistance, the issue of DOD help for U.N. field missions should be studied closely and in close consultation with other U.N. member states.

Question. The United States sponsored along with its partners in the G–8 an initiative to train 75,000 peacekeepers by 2010. This program, known as the Global Peace Operations Initiative (GPOI), is run by the Department of State. DOD has provided varying degrees of support since the program's inception.

In your view, what is the appropriate role of DOD in this program and, more generally, in the training of peacekeepers?

Answer. DOD plays an important role in bringing its expertise to bear in the training and equipping of peacekeeping units. DOD collaboration with State is important to successfully identifying and vetting viable partners, analyzing indigenous capacities, developing sustainable train-the-trainer programs, and promoting self-sufficiency in this critical area so that more nations can more effectively contribute to the increasing demand for skilled peacekeepers around the world.

Question. As the GPOI program approaches its scheduled end date (i.e. 2010), would you support or oppose an extension of the program and its mandate? Please explain.

Answer. President-elect Obama has stated his support for continued funding for GPOI. In general, I believe the United States has a strong interest in effective training that expands the pool of available peacekeepers worldwide, including those with whom we may need to operate jointly. If confirmed, my intent would be to work closely with State Department colleagues as well as Members of Congress to ensure GPOI supports the President-elect's objectives in this area.

SOMALIA

Question. In your view, what should be the U.S. policy towards Somalia and what do you believe to be the appropriate role of DOD in support of that policy?

Answer. Somalia's political turmoil and violence pose the continued specter of humanitarian suffering as well as offering a sanctuary to violent extremists and, more recently, a haven for pirates. Instability in Somalia is a threat to the region and potentially to the United States and our allies. If confirmed, I will work with the interagency to develop a coordinated U.S. national security policy toward Africa that addresses the U.S. strategic interests in the Horn of Africa, and to determine how DOD can and should best support this policy.

COMBATING TERRORISM

Question. What is your understanding and assessment of the Department's comprehensive strategy for combating terrorism, both at home and abroad?

Answer. As I understand it, the Department's strategy for combating terrorism has three primary elements: protecting the homeland, disrupting and attacking terrorist networks, and countering ideological support for terrorism. The strategy includes indirect approaches aimed at building the capacity of partner governments

and their security forces as well as direct approaches to defeat terrorist networks. Consistent with existing law, the Department's role within the United States is limited to providing support to civil authorities.

I believe the United States needs a more comprehensive strategy for combating terrorism—an integrated whole-of-government effort that brings all elements of national power to bear effectively against this threat and fully engages allies and international organizations. If confirmed, I will work with the Chairman and the Joint Chiefs of Staff, the combatant commanders, and my interagency colleagues to undertake a review and assessment of our strategy to ensure it meets the goals of the President-elect and the Secretary of Defense.

Question. How can the Department best structure itself to ensure that all forms of terrorism are effectively confronted?

Answer. I am not in a position to recommend changes in structure for this specific problem-set at this time. If confirmed, I look forward to evaluating the Department's structure vis-á-vis a whole-of-government strategy as discussed above and will do my utmost to ensure that we are organized properly to combat all forms of terrorism.

Question. What changes, if any, would you recommend to the Defense Intelligence Community to ensure optimal support to combating terrorism and other homeland security efforts?

Answer. Timely and accurate intelligence is a vital part of U.S. efforts against terrorism. If confirmed, I will continue the close relationship Policy has with the Under Secretary of Defense for Intelligence and the Intelligence Community to ensure intelligence and operations are mutually supportive.

Question. Are there steps the Department should take to better coordinate its efforts to combat terrorism with those of other Federal agencies?

Answer. Yes. If confirmed, I look forward to collaborating with members of the National Security Council, National Counterterrorism Center, and others in a whole-of-government approach to combating terrorism.

Question. The Department and Intelligence Community have determined that some terrorist organizations are beginning to rely more heavily on producing and trafficking narcotics to fund their operations.

Do you believe DOD should have the lead for the U.S. Government's efforts to combat the nexus between narcotics and terrorism? If not, who should have the lead?

Answer. The nexus between narcotics and terrorism is a serious challenge. This requires an integrated interagency approach, of which DOD is an integral part. DOD brings important tools and global capabilities to interagency efforts to counter networks that support both terrorist and international criminal organizations. If confirmed, I will review the DOD role in combating this nexus and coordinate with the other elements of the U.S. Government to determine the best way ahead.

WAR ON DRUGS

Question. DOD serves as the single lead agency for the detection and monitoring of aerial and maritime foreign shipments of drugs flowing toward the United States.

What is your assessment of the ongoing efforts of the United States to significantly reduce the amount of drugs illegally entering into our Nation?

Answer. Drug trafficking—and the increasing link to terrorism in many places—is a formidable threat that challenges our Nation as well as our friends such as Mexico and Afghanistan. Drug traffickers can acquire the latest technology and corrupt governments around the world facilitate the trade. Although we have made significant progress in coordinating efforts across multiple agencies to counter this threat, there is more to be done. If confirmed, I will work with my interagency colleagues to assess the U.S. Government's efforts to date and craft a strategic way forward.

Question. In your view, what is the appropriate role of DOD in U.S. counterdrug efforts?

Answer. The Department's global focus, organization, capabilities, and its ability to act as an honest broker complement law enforcement goals and make it an effective actor in counterdrug efforts. DOD brings important tools and global capabilities to interagency efforts to counter both terrorist and international criminal networks.

Question. The international community has detected a new narcotics trafficking route from Columbia to Europe via West Africa.

In your view, what should be the role of the United States in countering the flow of narcotics to nations other than the United States?

Answer. Clearly the transnational flow of narcotics is a global issue and cannot be addressed separately by individual nations around the world. The United States

should work with allies and international organizations to counter the trans-national flow of narcotics through coordinated and strategic civil-military efforts.

COLOMBIA

Question. Success in suppressing violence in Colombia has been credited to U.S. assistance to support Plan Colombia and to the growth of the Colombian economy, which spread wealth to a larger portion of the population. Over the past 2 years, there has been a debate about the most effective balance of U.S. assistance to continue to build on this success. Much of the U.S. assistance to Colombia over the past 5 years would be characterized as hard-side security assistance (such as weapons, aircraft, and necessary training), but some argue hard-side assistance should now be decreased significantly and a more robust development plan should be implemented.

In your view, what is the most appropriate strategy for U.S. engagement (including "soft" support) vis-á-vis Colombia?

Answer. In principle, where a threat has been diminished, external support should be able to transition from a heavily military posture to a greater focus on promoting enduring stability through soft-power engagement. Congress has already begun a phased reduction of assistance reflecting their assessment that Colombian security forces are capable of pressing rebels and paramilitary groups to demobilize. If confirmed, I will work with my interagency colleagues—and the Colombians—to assess the progress of Plan Colombia and support a comprehensive civilian-military strategy for enduring stability.

SPACE POSTURE REVIEW

Question. If confirmed, what role will you play in the Space Posture Review?

Answer. The Space Posture Review is a joint review to be conducted by the Secretary of Defense and the Director of National Intelligence intended to clarify the national security space policy and strategy of the United States. In this regard, if I am confirmed, I will play a leading role in working with the Office of the Director of National Intelligence and others to conduct the review and respond to the congressional tasking.

NUCLEAR POSTURE REVIEW

Question. If confirmed, what role will you play in the NPR?

Answer. If confirmed as USD(P), I would oversee the NPR. I consider this basket of issues one of the most important long-term challenges we face—how to support the President-elect's ultimate goal of eliminating nuclear weapons worldwide while ensuring that America retains a robust nuclear deterrent that is sufficient to the threats we face. I would expect to engage other senior officials in DOD, as well as officials in the Departments of Energy and State, in this review and to consult fully with members of this committee.

NUCLEAR WEAPONS COUNCIL

Question. The USD(P) is a member of the Nuclear Weapons Council (NWC). What are the significant issues that the NWC should/will take up in the coming years?

Answer. In my view, the most important immediate issue before the NWC is ensuring a credible U.S. nuclear deterrent that is safe, secure, and reliable. In the near term, this includes sustaining a viable nuclear stockpile and a weapons complex capable of supporting the stockpile, both of which are appropriately sized for the 21st century.

Question. Do you believe that the NWC should have a role in addressing lapses in attention to nuclear matters, which have resulted in a number of serious problems, particularly in the Air Force?

Answer. The NWC has oversight for a variety of matters, including nuclear safety, security, and control issues. I believe we must demand the highest standards of stewardship for nuclear weapons. If confirmed, I will give these important responsibilities the attention they deserve through my participation on the NWC as well as other related fora.

Question. If confirmed, would you commit to active personal participation in NWC matters?

Answer. Yes.

COOPERATIVE THREAT REDUCTION PROGRAM

Question. Do you think the CTR program is well-coordinated among the U.S. Government agencies that engage in threat reduction efforts in Russia, e.g., DOD, the State Department, and the Department of Energy?

Answer. The President-elect has expressed his concern about the need to break bureaucratic logjams that have slowed the progress of CTR and other threat reduction programs, and if confirmed, I will give this matter the urgent attention it deserves.

Question. The CTR program was recently expanded to geographic areas outside the former Soviet Union.

What, in your view, are the key proliferation concerns that CTR should address outside the former Soviet Union? Please explain.

Answer. The congressional initiative to expand the geographic reach of the Nunn-Lugar CTR program beyond the former Soviet Union strikes me as an important step toward reducing WMD threats and building global partnerships. I am aware that recent bipartisan reports, including the report from the Commission on the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism, have stressed the importance of reducing nuclear threats wherever possible and highlight bioterrorism as a key proliferation concern demanding greater attention. If confirmed, I will work closely with Congress, other U.S. Government agencies, and global partners to strengthen our efforts to prevent WMD proliferation and terrorism.

Question. CTR has completed or will soon complete the bulk of the scheduled work with Russia.

What, in your view, is the next step in the U.S.-Russia CTR program?

Answer. I anticipate that our CTR programs in Russia will remain a high priority for the new administration. The Nunn-Lugar CTR program represents an important and very successful relationship between our two countries which has endured even as difficulties have grown in other aspects of our relations. If confirmed, I will explore expanding this relationship and the capabilities built through CTR for mutually beneficial purposes to reduce the risks of WMD proliferation and terrorism outside of Russia.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. Like the President-elect and the current Secretary of Defense, I strongly support U.S. accession to the Law of the Sea Convention. The United States should be at the forefront of promoting the rule of law, including in the world's oceans; by becoming a party to the Convention we send a clear signal to all nations that we are committed to advancing the rule of law at sea. Additionally under the Convention, we provide the firmest possible legal foundation for the navigational rights and freedoms needed to project power, reassure friends and deter adversaries, respond to crises, sustain combat forces in the field, and secure sea and air lines of communication that underpin international trade and our own economic prosperity.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. Joining the Convention will give the United States a seat at the table when rights vital to our national interests are debated and interpreted, including the maritime mobility of our Armed Forces worldwide. The navigation and overflight rights and high seas freedoms codified in the Convention are essential for the global mobility of our Armed Forces and the sustainment of our combat forces overseas. America has more to gain from legal certainty and public order in the world's oceans than any other country. More than 150 nations are parties to the Convention. By becoming a party, the United States will be better positioned to work with foreign air forces, navies, and coast guards to cooperatively address the full spectrum of 21st century security challenges.

Question. In your view, is customary international law alone sufficient to safeguard U.S. navigational and overflight rights and freedoms worldwide?

Answer. I am not a legal expert, but from what I have learned from those who are, customary international law alone is not sufficient to safeguard U.S. navigational and overflight rights and freedoms. U.S. assertions of rights under customary international law carry less weight with other states than do binding treaty obligations. By its very nature, customary international law is less certain than treaties, as it is subject to the influence of changing state practice. If the United States remains outside the Convention, it will not be best positioned to interpret, apply, and protect the rights and freedoms contained in the Convention.

BILATERAL DEFENSE TRADE COOPERATION AGREEMENTS

Question. Defense trade cooperation agreements between the United States and the United Kingdom and between the United States and Australia are currently pending before the Senate Foreign Relations Committee.

What are your views on the U.S.-UK and U.S.-Australia defense trade cooperation agreements?

Answer. I have not had the opportunity to review these agreements in detail. I understand that several Senators raised a number of concerns and questions about the Treaties during the last Congress. If confirmed, I look forward to working with the Senate on any issues related to ratification.

Question. In your view, are these agreements in the national security interest of the United States?

Answer. I have not had the opportunity to review these agreements in detail. If confirmed, I will review them and be available to consult with Congress.

Question. What do you consider to be the main advantages and disadvantages of these defense trade cooperation arrangements?

Answer. See above.

ARMS CONTROL

Question. What role do you see for arms control as a means of improving U.S. national security?

Answer. Arms control has been an important element of U.S. national security policy since the Cold War, and it remains important today. Engaging other nations in a process that builds confidence, increases transparency, reduces arsenals, and enhances cooperation has been, and remains, important to our interests. Arms control negotiations can also further progress towards the long-term goal of eliminating nuclear weapons.

Question. What are your views on the next bilateral steps to address nuclear weapons issues between the United States and Russia?

Answer. High level engagement will be critical in addressing the wide variety of issues between the United States and the Russian Federation, including nuclear weapons issues. One key issue that both nations will need to address early in the new administration is the impending expiration of the Strategic Arms Reduction Treaty (START).

Question. What elements of START, if any, do you believe should be retained in any future agreement?

Answer. The most important element to retain in any future agreement is the extension of essential monitoring and verification provisions contained in the current START.

Question. In the absence of a START extension or successor treaty, what steps would you take to extend, expand, and to verify the Moscow Treaty?

Answer. If confirmed, I would initiate a prompt and detailed review to determine the best path forward with respect to START, the Moscow Treaty, and any successor agreements.

Question. What is your view of the role of the Nuclear Nonproliferation Treaty (NPT) in U.S. national security, and how should it be strengthened or improved?

Answer. The NPT is an important tool for constraining further nuclear proliferation. We should work to strengthen the Treaty by encouraging states to adhere to the NPT and to agree to IAEA safeguards inspections. I support the President-elect's view that we need to work with our allies, partners, and other nations to achieve a successful outcome in the 2010 NPT review conference. One way to strengthen the NPT regime would be to ensure that any violation automatically triggers sanctions. Others should be examined as well. I would also like to see the United States abide by our promises to reduce our nuclear stockpiles over time and to further increase the safety and security of our arsenal.

Question. Do you support a Comprehensive Test Ban Treaty (CTBT)?

Answer. Yes, I support the President-elect's view that passing the CTBT is in America's national security interest.

BALLISTIC MISSILE DEFENSE

Question. Do you agree that any ballistic missile defense systems that we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. Yes. If confirmed, I will seek to ensure that missile defense programs are prioritized in a manner that ensures that further development and deployment is pragmatic, cost-effective, and appropriate to the threats of tomorrow. I understand

that the United States currently has operationally deployed a range of sea-based and ground-based ballistic missile defense systems to protect our forward-based forces, allies, and other friendly nations against short- and medium-range missile threats and to defend the U.S. homeland against longer-range threats.

Question. Do you agree that U.S. missile defense efforts should be prioritized on providing effective defenses against existing ballistic missile threats, especially the many hundreds of short- and medium-range ballistic missiles that are currently within range of our forward-based forces, allies, and other friendly nations?

Answer. I am aware of the threats posed by short- and medium-range ballistic missiles. If confirmed, I will review our BMD programs and consult with Congress to ensure we have an appropriate mix of short-, medium-, and long-range ballistic missile defense capabilities that are responsive to existing and emerging threats to our homeland, deployed forces, allies, and other friendly nations.

Question. Do you agree that ballistic missile defense testing needs to be operationally realistic, and should include operational test and evaluation, in order to assess operational capabilities and limitations of ballistic missile defense systems, prior to making decisions to deploy such systems?

Answer. Yes. While missile defense testing is not a Policy responsibility, I agree that missile defense testing should be operationally realistic and should involve the Operational Test and Evaluation office as well as our warfighters.

Question. If the United States and Russia could agree on a cooperative approach on missile defense issues, do you believe it would be in the security interest of the United States to pursue such an effort?

Answer. Yes, although the final contours of such an approach would require close consultations between the administration and Congress. I believe that working with Russia in areas where we have common security concerns is in the interests of both of our countries. Efforts to cooperate with Russia on missile defense to address the risk of ballistic missile and WMD proliferation go back to the 1990s during the Clinton administration. I understand that in recent years, the United States has continued to explore missile defense cooperation with Russia. If confirmed, I will review the recent efforts, consult with colleagues and the State Department, and help recommend an appropriate course of action.

CHEMICAL WEAPONS ELIMINATION AND THE CHEMICAL WEAPONS CONVENTIONS

Question. Do you agree that the United States should make every effort to meet its treaty obligations, including its obligations under the Chemical Weapons Convention (CWC)?

Answer. Yes. As a signatory to the CWC, the United States is obligated to destroy its chemical weapons stockpile by April 29, 2012. The United States also has a congressional mandate to destroy its stockpile by April 29, 2012, but not later than December 31, 2017.

Question. Do you agree that the Department should plan and budget for the most expeditious elimination of United States chemical weapons stockpile, consistent with safety and security requirements, in order to complete the destruction of the U.S. chemical weapons stockpile as close to the CWC deadline as possible?

Answer. Yes, but there are competing priorities to balance. Although I have not yet examined this issue in detail, I understand that in 2006, the United States informed the Organization for the Prohibition of Chemical Weapons (OPCW) that it would not meet this deadline, but would accelerate the destruction effort as much as practical. To date, the Department is on track to destroy 90 percent of the U.S. stockpile by the CWC deadline.

Question. If confirmed, will you focus your personal attention on this matter?

Answer. If confirmed, I will look for alternative ways to accelerate the destruction of the remaining 10 percent of the stockpile.

SPACE MANAGEMENT AND ORGANIZATION

Question. What role, if any, do you believe the USD(P) should play in the establishment of a national security space policy?

Answer. I understand that the recent congressionally-directed Review and Assessment of the Organization and Management of Space in DOD has recommended the development of a National Space Strategy. If this initiative is adopted and I am confirmed, I will consult with Secretary Gates on the proper role that the USD(P) should play in the development and coordination of any such policy or strategy.

NATIONAL GUARD AND RESERVE ROLE IN HOMELAND DEFENSE

Question. There is current debate about the role the National Guard and Reserve should play in defending the homeland.

What role do you believe the National Guard and Reserve should have in defending the homeland?

Answer. Homeland defense is a total force responsibility. However, experience has shown the Nation needs to focus on better using the extensive competencies and capabilities of the National Guard and the Reserves in support of their priority missions. If confirmed, I will update my understanding of the roles, missions, and capabilities of the National Guard and the Reserves and will work to ensure that they have the equipment, training, and personnel to accomplish their missions, both at home and abroad, during this time of war.

Question. What role do you believe the Active-Duty Forces should have in defending the homeland?

Answer. As part of the Total Force, Active-Duty Forces also have important roles to play in supporting civilian authorities in homeland defense, particularly in large-scale crises when local and State responders may lack response capabilities adequate to the task. If confirmed, I will look into the roles and missions performed by each element of the Total Force to ensure that we take best advantage of their competencies to fulfill this critical obligation to protect the American people.

HOMELAND DEFENSE

Question. The Department of Homeland Security (DHS) is now responsible for homeland security, but DOD retains responsibility for homeland defense.

Answer. What do you believe are the principal roles and missions of DOD for homeland defense, and how do they relate to the roles, missions, and responsibilities of DHS?

Question. DOD and DHS have complementary and mutually supporting roles, missions, and responsibilities. DOD is responsible for defending the United States from attack upon its territory at home and securing its interests abroad. DOD executes military missions to deter, defend against, and defeat those who threaten the United States. DHS is responsible for leading the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters; to secure the Nation's borders, ports, and airports; and to ensure that the Federal Government works with States, localities, and the private sector as a true partner in prevention, mitigation, and response. As necessary, and consistent with the law, DOD provides support to DHS in the execution of its missions.

REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY

Question. If confirmed, what changes, if any, would you propose to the current organization of the Office of the USD(P)?

Answer. If confirmed, I would anticipate the need to shift some portfolios to better align the organization with President-elect Obama's and Secretary Gates' policy objectives. For example, we may want to consider elevating and realigning strategic portfolios such as nuclear weapons, countering WMD, space, missile defense, and cyber. We may also want to consider how best to enhance the policy role in the PPBE process, for example by elevating the strategy, planning, and force development functions. Finally, there may be an opportunity to enhance policy coordination on the issue of Afghanistan and Pakistan, which currently spans multiple ASDs. If confirmed, I would consult with the committee in detail on these ideas.

Question. Do you anticipate that any proposed changes would require changes to existing law?

Answer. No. At this point, none of these potential portfolio adjustments should require changes to existing law.

PRIVATE SECURITY CONTRACTORS

Question. Do you believe DOD and other Federal agencies should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. I understand the concerns of Congress on this issue and believe that a comprehensive review of the role of military contractors on the battlefield is needed in order to set the terms for how they might be utilized in the future. I also agree with President-elect Obama's views on the need to improve oversight and transparency in how private security contractors are utilized and to establish clear standards regarding accountability, command and control, Rules of Engagement, and personnel policies. If confirmed, I will work with civilian and military officials of the Department and others who have primary responsibility for policy development and employment of private security contractors.

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I do believe that several high-profile incidents in Iraq involving private security contractors have harmed U.S. policy objectives in Iraq. In December 2007, DOD and the Department of State agreed on consistent procedures for use of private security contractors in Iraq; moreover, both Departments have been transitioning to greater use of local nationals wherever practical. If confirmed, I expect to work on this issue and will keep Congress informed.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. The use of security contractors in any area of combat operations must be fully coordinated among all agencies that employ them. There must be unified procedures and strong oversight for all such contractors, regardless of which U.S. agency hires them. Commanders on the ground should have the authority to restrict or redirect their operations as appropriate. I believe there must be assured legal accountability for the actions of all security contractors, not just those employed by the Defense Department.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new SOFA between the United States and Iraq?

Answer. It is my understanding that since January 1, U.S. Government private security contractors no longer have immunity from host nation law. Furthermore, they must comply with host nation registration and licensing requirements. For all contractors, the SOFA has meant substantially more liaison and coordination with Iraqi authorities at all levels.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. Yes.

CONTRACTOR PERFORMANCE OF INFORMATION OPERATIONS

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media. The purposes of this contract include building up Iraqi public support for the Government of Iraq and the security forces of Iraq, and undermining Iranian influence in Iraq.

What is your view of the appropriate roles of DOD and the Department of State in media campaigns to build up Iraqi public support for the government and security forces of Iraq and undermining Iranian influence in Iraq?

Answer. I have not had an opportunity to become familiar with the details of these programs, but believe they deserve careful scrutiny. If confirmed, I would expect to look into these matters and discuss them with members of the committee.

Question. What is your view on the effectiveness of information operations conducted by the United States through the Iraqi media?

Answer. See previous answer.

Question. Do you believe that it is appropriate for the United States to pay for media campaigns to build up support for the government and the security forces of Iraq at a time when the Iraqi Government has a surplus of tens of billions of dollars?

Answer. See previous answer.

Question. Do you see a risk that a DOD media campaign designed to build up support for the government and security forces of Iraq could result in the inappropriate dissemination of propaganda inside the United States through the internet and other media that cross international boundaries?

Answer. See previous answer.

Question. A spokesman for the Iraqi Government has been quoted as saying that any future DOD information operations in the Iraqi media should be a joint effort with the Iraqi Government. According to a November 7, 2008 article in the Washington Post, the spokesman stated: "We don't have a hand in all the propaganda that is being done now. It could be done much better when Iraqis have a word and Iraqis can advise."

Do you believe that DOD information operations through the Iraqi media should be conducted jointly with the Iraqis?

Answer. See previous answer.

Question. Under what circumstances do you believe that it is appropriate for the DOD to conduct information operations in a sovereign country without the participation and approval of the host country?

Answer. See previous answer.

DETAINEE TREATMENT POLICY

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. I believe the prohibition on cruel, inhuman, or degrading treatment or punishment is clearly in America's best strategic interest and consistent with our values. During the long history of the Cold War, when America's way of life was challenged by a powerful competing ideology, we were ultimately successful, in part, because we held true to the best ideals and principles that sustained America as a shining beacon to millions under totalitarian rule. Power in the 21st century will stem as much from the strength and appeal of our ideas and moral principles as from our military might. If we are to defeat violent extremism, we must hold true to those ideas that make this country great, and continue to inspire the growth of freedom and tolerance around the world.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. I have not received enough information to have an informed opinion on this question. If confirmed, I expect to work with the DOD General Counsel on this issue.

Question. If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, I will.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of Common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. Yes. If confirmed, I expect to work with the DOD General Counsel on this issue.

Question. Do you believe that the United States has the legal authority to continue holding alleged members and supporters of al Qaeda and the Taliban as enemy combatants?

Answer. Yes, I do as a general matter, but I am not in a position to comment on specific cases.

Question. Do you believe that the Combatant Status Review Tribunals convened by the DOD to provide Guantanamo Bay, Cuba (GTMO) detainees an opportunity to contest designation as enemy combatants provide detainees with appropriate legal standards and processes?

Answer. I have not been briefed on this specific issue. If confirmed, I expect to work with the DOD General Counsel on this issue.

Question. Do you believe that the Federal courts have the procedures and capabilities needed to fairly and appropriately review the detention of enemy combatants, pursuant to habeas corpus petitions?

Answer. It is my understanding that U.S. Supreme Court recognized that some adjustment to normal habeas proceedings may be necessary in these cases and that the exact procedures to apply in these cases are still being considered by the courts.

Question. What role would you expect to play, if confirmed, in reviewing the status of GTMO detainees and determining whether the United States should continue to hold such detainees?

Answer. If confirmed as USD(P), I would provide policy advice to the Secretary of Defense regarding the closure of GTMO and the disposition of the remaining detainee population.

Question. Do you support closing the detention facility for enemy combatants at GTMO?

Answer. Yes. As both President-elect Obama and Secretary Gates have stated, the detention facility at GTMO has become a liability for the United States.

Question. In order to mitigate the risk associated with the release of GTMO detainees, do you believe DOD should establish some form of rehabilitation training for enemy combatants held at GTMO?

Answer. I understand that the efforts in Iraq to rehabilitate and reconcile detainees have been fairly successful. If confirmed as USD(P), I expect to learn more about whether such a program could be tailored appropriately and successfully implemented for the population at GTMO.

Question. What other ways could the United States use to encourage or entice our allies or other nations to accept detainees from GTMO? Would monetary support or sharing of technology for monitoring detainees be helpful inducements?

Answer. If confirmed as USD(P), I would work closely with the Office of Detainee Affairs and the State Department to seek new ways to encourage our allies and friends to assist us in transferring those detainees from GTMO who can be safely returned to their home countries or resettled in a third country when that is not possible. In some cases, financial incentives may be appropriate, and increased capacity-building may be mutually beneficial for this purpose and for broader collaborative efforts to combat terrorism.

Question. The Military Commissions Act (MCA) of 2006 authorized the trial of "alien unlawful enemy combatants" by military commission and established the procedures for such trials.

In your view, does the MCA provide appropriate legal standards and processes for the trial of alien unlawful enemy combatants?

Answer. If confirmed, I expect to review any recommendation from the DOD General Counsel and the Department of Justice about whether the MCA strikes the right balance in protecting U.S. national security interests while providing appropriate legal standards and processes for a fair and adequate hearing.

Question. Under what circumstances, if any, do you believe that it would be appropriate to use coerced testimony in the criminal trial of a detainee?

Answer. If confirmed, I would expect to review this matter with the DOD General Counsel and the Department of Justice.

Question. What role would you expect to play, if confirmed, in determining whether GTMO detainees should be tried for war crimes, and if so, in what forum?

Answer. If confirmed, it is my understanding that I would play no role in determining which specific detainees should be tried for war crimes. However, should there be a review of our options for war crimes trials, I would expect to play a role in advising the Secretary of Defense on policy matters.

Question. What role would you expect to play, if confirmed, in reviewing the MCA and developing administration recommendations for any changes that may be needed to that Act?

Answer. If confirmed, I would expect to play a role in advising the Secretary of Defense on policy options.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. I visited Iraq in February and October of 2008 and was impressed by the "COIN Inside the Wire" approach taken by U.S. forces there. Particularly as we begin to transition detention operations and facilities to full Iraqi control, it is vital that we do our best to ensure that the quality of our facilities and our approach to detainee operations is maintained, as this line of operation is a critical component of successful counterinsurgency doctrine and practice. If confirmed as USD(P), I would be interested in seeing whether these counterinsurgency based programs can be tailored and applied more broadly to our detention operations elsewhere.

Question. What should be done to incorporate those lessons learned into DOD doctrine, procedures, and training for personnel involved in detention and interrogation operations?

Answer. I believe that a lot of these lessons are being captured today, and are reflected in new doctrine and directives, FM 3–24 Counterinsurgency in particular. I firmly believe that these lessons should continue to be gleaned as we continue op-

erations in Iraq and Afghanistan. To a degree perhaps unappreciated in the past, the way we treat detainees inside operational theaters is an important component of our overall strategy. If confirmed as the USD(P), I would work to ensure that these efforts continue in DOD schoolhouses, manuals, publications, and training, and that these lessons are applied as robustly as possible in all of our detention operations.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the USD(P)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

SOCIAL SCIENCE RESEARCH

1. Senator REED. Ms. Flournoy, the office you have been nominated for has been involved in a project called "Minerva," which seeks to invest in social science and cultural research in support of military missions and capabilities. What is your assessment of the value of social science research (cultural anthropology, sociology, et cetera) to support defense missions?

Ms. FLOURNOY. Social science research is increasingly valuable to support defense missions. To meet the varied and complex threats we face, we need to tap the breadth of cross-disciplinary expertise that is found within the social sciences.

Secretary Gates has repeatedly spoken on the consequences of failing to understand the dangers posed by insurgencies and failing states. In his recent article in Foreign Affairs, for example, he wrote that: "No one should ever neglect the psychological, cultural, political, and human dimensions of warfare."

2. Senator REED. Ms. Flournoy, how will you work to strengthen the Department of Defense's (DOD) in-house capabilities to perform this kind of research at our network of DOD laboratories and schools?

Ms. FLOURNOY. I have not had an opportunity to review in detail the DOD's in-house capabilities for social science research. As such, I would envision first examining what in-house capabilities exist today and then seek to ensure that DOD professional military education institutions and research laboratories have the appropriate curriculum and relevant programs to perform this kind of research.

IMPORTANCE OF INFORMATION SHARING TO NATIONAL SECURITY

3. Senator REED. Ms. Flournoy, the September 11 attacks illustrated a fundamental failure by our Government to share information effectively in order to detect and prevent the attack by "connecting the dots." The 9/11 Commission identified 10 lost "operational opportunities" to derail the attacks. Each involved a failure to share information between agencies. In the aftermath of the September 11 attacks, major efforts have been made to improve information sharing. Through legislation and executive orders these efforts were designed to effect a "virtual reorganization of Government" with communities of interest working on common problems across

agency boundaries and between Federal, State, and local governments, and the private sector. While we have established the necessary legal structures, I am concerned that implementation is lacking. What is your view on the importance of information sharing to our national security and what steps will you take to improve the Government's ability to share information in a trusted environment?

Ms. FLOURNOY. I believe sharing accurate, relevant, and timely information horizontally among Federal agencies, vertically among Federal, State, and local governments and the private sector, and with our international allies and friends is critical to combating terrorism and ensuring national security, and that current and emergent threats require a coordinated whole-of-government effort able to bring to bear all elements of national power. I will strive to ensure that DOD, consistent with the Intelligence Reform and Terrorism Prevention Act of 2004 and the Implementing Recommendations of the 9/11 Commission Act of 2007, is committed to the trusted sharing of information to enable all levels of government to do their part in assuring our Nation's security.

4. Senator REED. Ms. Flournoy, in the wake of September 11, Congress and President Bush put enhanced information sharing forward as a major goal by passing the Intelligence Reform and Terrorism Prevention Act of 2004 and the 9/11 Commission Recommendations Implementation Act of 2007. The information-sharing environment established by this legislation is designed to enable our Government to use information in new and more powerful ways. While improved information sharing enhances our national security, it also presents the risk that the Government will use these powerful new authorities to acquire vast amounts of data. This has the potential to infringe on privacy and civil liberties. As the 9/11 Commission said, this increase in governmental power "calls for an enhanced system of checks and balances." What steps will you take to ensure that, as information sharing is enhanced, new and more powerful protections are developed to safeguard privacy and civil liberties and how will you help make sure that the American public trusts that the Government will respect their privacy?

Ms. FLOURNOY. I believe that the protection of privacy and American civil liberties is a legal imperative and that we need not compromise our civil liberties in the pursuit of security. As Under Secretary of Defense for Policy, I will provide careful oversight and policy guidance on all matters under my purview to ensure that they are consistent with the U.S. Constitution and the law.

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

IRAQ STABILIZATION

5. Senator AKAKA. Ms. Flournoy, the Strategic Framework and Status of Forces Agreement symbolized a major step toward Iraq assuming full responsibility for its security. Iraq has witnessed a nationwide reduction in civilian deaths. According to a DOD report to Congress released in December 2008, Measuring Stability and Security in Iraq, the civilian death rate is lower than any time since 2004. Although these developments are promising, security gains in Iraq remain fragile. What do you believe are critical activities the military must accomplish to ensure the stabilization efforts are not undermined after our military exit Iraq?

Ms. FLOURNOY. As we plan for a responsible military drawdown in Iraq, I believe a critical portion of the U.S. military's stabilizing efforts must continue to be focused on ensuring that the Iraqi Government assumes control of the entire range of tasks necessary to organize, train, and equip its security forces. This includes, but is not limited to, helping our Iraqi partners develop a comprehensive defense strategy as well as a plan for the modernization and development of their forces.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

NUCLEAR POSTURE REVIEW

6. Senator BILL NELSON. Ms. Flournoy, the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181) requires the Obama administration to conduct a Nuclear Posture Review (NPR). What role will you have in the NPR?

Ms. FLOURNOY. As Under Secretary of Defense for Policy, I will oversee the NPR. I would expect to engage other senior officials in DOD, as well officials in the Departments of Energy and State, in this review and to consult fully with members of this committee.

7. Senator BILL NELSON. Ms. Flournoy, how do you propose to reorganize the DOD Policy office to address nuclear and deterrence policy issues?

Ms. FLOURNOY. I would anticipate the need to elevate the way in which these issues are addressed by the DOD Policy office. I intend to make recommendations to Secretary Gates on how best to ensure that the critical issue of nuclear and deterrence policy is handled, and will certainly speak with committee staff and members on this issue in the near future.

POLICY OVERSIGHT OF MISSILE DEFENSE AGENCY AND BALLISTIC MISSILE DEFENSE

8. Senator BILL NELSON. Ms. Flournoy, since it was created in 2002, the Missile Defense Agency and its programs have not had much policy oversight from DOD. If you are confirmed to be the Under Secretary for Policy, will you ensure that the Missile Defense Agency and the ballistic missile defense programs of the Department are subject to thorough policy oversight?

Ms. FLOURNOY. Yes. If I am confirmed, I will review the Department's missile defense policy oversight processes to ensure they are appropriate and effective.

QUESTIONS SUBMITTED BY SENATOR EVAN BAYH

TROOP LEVELS IN AFGHANISTAN

9. Senator BAYH. Ms. Flournoy, as the U.S. military continues to draw down our forces in Iraq, how does the new administration propose to balance the needs of maintaining security in Iraq with its pledge to increase our troop levels in Afghanistan by as many 30,000 servicemembers?

Ms. FLOURNOY. As Secretary Gates recently testified, the Department is preparing a range of options for the President to achieve that balance, based on the assessments of the commanders on the ground, United States Central Command, and the Joint Chiefs of Staff. I look forward to engaging in the review of these options and in further discussions with the committee on this critical issue.

10. Senator BAYH. Ms. Flournoy, how do these requirements square with the readiness levels and operational tempo we have demanded of our troops?

Ms. FLOURNOY. The readiness levels and operational tempo of our troops require the Department's constant attention. Examining rotation timelines, as well as clearly defining our objectives and strategy in Afghanistan and Iraq, will be a priority for me. Working with our allies to increase their contributions to provide a safe and secure environment in Afghanistan and Iraq will be important. I also believe a strong interagency plan for Afghanistan can help adjust the demand on U.S. forces. Finally, Secretary Gates' intent to complete the planned growth of Army and Marine Corps end strength will also help alleviate some of the tension between readiness and OPTEMPO.

RESOURCES FOR IRAQ AND AFGHANISTAN

11. Senator BAYH. Ms. Flournoy, according to the recently signed Status of Forces Agreement with Iraq, American combat troops will begin leaving Iraq very soon. How do you plan to address the significant need for equipment recapitalization and reset while also weaning the Department off of supplemental budget requests?

Ms. FLOURNOY. Equipment recapitalization and reset decisions are part of the overall balance of choices between succeeding in today's wars while preventing tomorrow's conflicts. The Department will need to make these decisions with careful attention to the economic environment. As the Secretary has stated, the fiscal year 2010 budget must make hard choices, including what equipment to recapitalize. As Under Secretary, I will play an active role in helping the Secretary make such choices.

12. Senator BAYH. Ms. Flournoy, what risks does DOD face by continuing to rely so heavily on the supplemental process?

Ms. FLOURNOY. The Department should reinvigorate its ability to balance risk within defense planning. The supplemental process often makes integration with our overall defense planning efforts more difficult. Although supplemental funding may be necessary to meet surge requirements, the Department should seek to reduce its reliance on supplementals over time. Failure to do so could increase the risk that DOD will not be properly balanced for a complex future.

13. Senator BAYH. Ms. Flournoy, given your expertise in counterinsurgency strategy, how do you plan to advise Secretary Gates, his deputy, and President-elect Obama on properly resourcing forces deployed to Iraq and Afghanistan? Specifically, how do you intend to advise they balance the need for counterinsurgency capabilities of today with the conventional deterrence capabilities that may be needed for tomorrow?

Ms. FLOURNOY. I believe that the United States must be prepared to respond to a full spectrum of challenges, and maintain balanced capabilities for irregular warfare, conventional warfare, asymmetric challenges, and strategic deterrence. My advice will be informed by discussions with commanders in the field, Combatant Commander and Service Chief priorities, and a comprehensive review of existing studies and assessments on these matters.

14. Senator BAYH. Ms. Flournoy, if you were rebaselining the defense budget by taking into account lessons learned from Iraq, Afghanistan, and war on terror needs, what weapons systems and training competencies would be your highest procurement priorities?

Ms. FLOURNOY. As I have not been formally briefed on the full range of these issues, it is difficult to speak to specific weapon systems or training programs. As Under Secretary, I will work with the Under Secretary of Defense for Acquisition, Technology, and Logistics, and with the Military Services to ensure that the lessons drawn from Afghanistan and Iraq are used to develop weapons systems and training programs that meet our needs in current conflicts as well as our long-term requirements. In general, however, I agree with Secretary Gates that DOD clearly needs to pay particular attention to developing systems and training programs that ensure the U.S. military is postured for success in counterinsurgency operations, stability operations, and building the capacity of America's partners and allies.

15. Senator BAYH. Ms. Flournoy, I, along with other members of the Senate Armed Services Committee, have worked to make sure that Iraq does not continue to sit on its burgeoning budget surplus while Americans are forced to go into further debt in order to help rebuild that country. How well do you believe Iraq is doing paying for its own reconstruction projects?

Ms. FLOURNOY. I understand that the Government of Iraq is improving budget execution and has assumed the bulk of reconstruction costs. The Government of Iraq spent a total of $36 billion on reconstruction activities through the end of October 2008, $15 billion more than the same period of time in 2007. Despite budget revisions resulting from falling oil prices, the Government of Iraq remains committed to funding its own reconstruction activities. I will continue to make the transfer of financial responsibilities to Iraq a priority.

16. Senator BAYH. Ms. Flournoy, do you believe it is necessary for the U.S. Government to request that Iraq assist in funding joint operations?

Ms. FLOURNOY. I do believe Iraq should continue to pay for an increasing amount of the effort. However, rather than asking the Iraqis to contribute to the costs of joint operations, I believe there is a greater benefit in the Government of Iraq funding and developing its forces in order to assume greater responsibility for its own security and stability.

BALLISTIC MISSILE CAPABILITY

17. Senator BAYH. Ms. Flournoy, what is your assessment of the need for (and feasibility of) a missile defense system designed to counter Iran's growing ballistic missile capability?

Ms. FLOURNOY. Iran continues to upgrade its existing ballistic missile systems and develop new ballistic missiles with increasing range, accuracy, and lethality. These developments give Iran the potential to threaten our deployed forces, our friends and allies in the region and in Eastern Europe, and perhaps at some point the U.S. homeland, as well as to limit our freedom of action in the region. To reassure our allies and friends, deter potential aggression, and, if necessary, defeat a ballistic missile attack, it is prudent to develop and deploy effective missile defense systems to counter Iran's growing ballistic missile capabilities.

In doing so, however, we also need to ensure that such systems are developed in a way that is pragmatic, operationally effective, cost-effective, and in collaboration with our allies. Missile defense systems are one tool in our national arsenal, along with diplomacy and continued multilateral cooperation with our partners and allies, to counter Iranian ballistic missile capability.

18. Senator BAYH. Ms. Flournoy, do you plan to continue the development of ballistic missile defense?

Ms. FLOURNOY. Although the Under Secretary of Defense for Policy is not responsible for making acquisition programs decisions, if confirmed, I will review our ballistic missile defense programs along with other Department officials to ensure we have an appropriate mix of ballistic missile defense capabilities that are responsive to existing and emerging threats to our homeland, deployed forces, allies, and other friendly nations. However, we must ensure that these capabilities follow a strong testing regime, are effective, and are affordable.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

TROOP LEVELS IN AFGHANISTAN

19. Senator MCCAIN. Ms. Flournoy, General McKiernan has spoken of increasing U.S. troops in Afghanistan by something on the order of four combat brigades. Do you support this request?

Ms. FLOURNOY. I support General McKiernan's request for additional U.S. troops in Afghanistan to improve security and serve as trainers. As Secretary Gates recently stated, we lack the troops necessary to provide a baseline level of security in some of Afghanistan's most volatile areas. The Taliban has increasingly filled this security vacuum. Additional military presence, along with further development of the Afghan security forces, will go a long way to help secure the Afghan people from insurgents and help stabilize the country.

20. Senator MCCAIN. Ms. Flournoy, would increasing the number of troops in Afghanistan require us to draw down in Iraq faster than we otherwise might?

Ms. FLOURNOY. As Secretary Gates recently testified, military commanders are preparing a range of options for the President's review to balance drawing down combat forces in Iraq and increasing combat forces in Afghanistan.

21. Senator MCCAIN. Ms. Flournoy, how large do you believe the Afghan National Army (ANA) and the Afghan National Police (ANP) should ultimately be?

Ms. FLOURNOY. In September 2008 the international community and Government of Afghanistan agreed to increase the size of the ANA to 134,000. The ultimate goal is for the Afghans to assume primary security responsibility of their country, and we plan to accelerate the expansion of the ANA. As we move towards this goal, we will continually reevaluate the ANA end strength in light of the current security situation to ensure it is appropriate.

For the ANP, the current end strength agreed to between the Government of Afghanistan and the international community is 82,000. The current focus is to improve the quality of the current ANP to allow them to better secure the people of Afghanistan. The ultimate end strength of the ANP will also be subject to review and reevaluation over time.

NATO SUPPORT IN AFGHANISTAN

22. Senator MCCAIN. Ms. Flournoy, the Afghanistan mission is an important test of the North Atlantic Treaty Organization's (NATO) out-of-area capability. Yet, NATO commanders continue to have difficulty persuading allies to contribute forces to International Security Assistance Force (ISAF) or to provide NATO forces the appropriate equipment for their tasks. Secretary Gates testified last year that he is worried about the alliance evolving into a two-tiered alliance, in which you have some allies willing to fight and die to protect people's security, and others who are not. How do you assess the contributions of NATO allies to the war in Afghanistan?

Ms. FLOURNOY. Afghanistan would be less secure without the contributions and sacrifices of our NATO allies and other ISAF partners. Our allies and non-NATO partners contribute to the ISAF mission in significant ways, with both military and civilian contributions, and have increased their contributions each year. Despite this, increasing NATO contributions remains a key part of our approach to Afghanistan. We must continue to stress to our allies the U.S. commitment to Afghanistan and the shared responsibility NATO has to secure and stabilize Afghanistan.

23. Senator MCCAIN. Ms. Flournoy, what steps would you recommend to persuade NATO nations to increase their efforts in concert with our own?

Ms. FLOURNOY. Again, the contributions of our NATO allies are imperative to success in Afghanistan. President Obama and Secretary Gates have both called for

greater contributions from our NATO allies. By committing more of our own resources to the challenge, the United States will be better positioned to persuade our allies to do more. The new administration's review of Afghanistan/Pakistan strategy should recommend concrete steps to increase allied contributions.

NARCO-TRAFFICKING IN AFGHANISTAN

24. Senator McCAIN. Ms. Flournoy, we have heard estimates that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade. Coalition strategies for countering the opium trade have not been effective to date. In your view, what strategy would be most effective in reducing opium production and trafficking in Afghanistan?

Ms. FLOURNOY. While I have not been briefed in detail on our counternarcotics efforts in Afghanistan, it is my impression that our counterdrug strategy needs to be better integrated into the broader effort. Opium traffic in Afghanistan distorts the economy, corrodes the judicial system, and increases funding for insurgents and incentives for corruption and criminal violence. An effective approach to counternarcotics is a key component of a realistic Afghanistan strategy. I intend to focus on ensuring that this and other elements are properly addressed.

25. Senator McCAIN. Ms. Flournoy, what should the role of the U.S. military forces be in the counterdrug program in Afghanistan?

Ms. FLOURNOY. Any counternarcotics policy in Afghanistan should maintain an Afghan lead on counternarcotics operations with U.S. military forces supporting Afghan security forces. The U.S. military should continue to build Afghanistan's counternarcotics capacity in coordination with the U.S. Drug Enforcement Administration and the Departments of State and Justice in order to help Afghans to become self sufficient and reliable partners in the fight against illegal drugs.

26. Senator McCAIN. Ms. Flournoy, do you believe that DOD should provide support for counternarcotics operations carried out by other agencies, such as the Drug Enforcement Agency?

Ms. FLOURNOY. Breaking the narcotics-insurgency nexus is critical to overall success in Afghanistan. U.S. military forces should provide support to other agencies in counternarcotics operations. DOD international counterdrug policy and Rules of Engagement were recently revised to enable U.S. commanders to support other agencies in Afghanistan properly.

27. Senator McCAIN. Ms. Flournoy, what is the appropriate role for coalition nations and the larger international community in effectively addressing the counterdrug challenge in Afghanistan and the surrounding region?

Ms. FLOURNOY. I support the increased participation of NATO in addressing the counterdrug challenge in Afghanistan. DOD should continue to support NATO's role in the coordination and synchronization of deliberate counternarcotics interdiction operations. I understand that NATO defense ministers provided new guidance to the ISAF commander that allows for additional flexibility when conducting counternarcotics related military operations.

AFGHAN NATIONAL ARMY

28. Senator McCAIN. Ms. Flournoy, the goal for increasing the size of the ANA has been revised from 68,000 to approximately 134,000 soldiers. Do you believe that a force structure of 134,000 is sufficient to address Afghanistan's growing insurgency?

Ms. FLOURNOY. In September 2008 the international community and Government of Afghanistan agreed to increase the size of the ANA to 134,000, with the intent of having an ANA that will be sufficient to meet Afghanistan's security needs. The ultimate goal is for the Afghans to assume primary security responsibility of their country, and accelerating the expansion of the ANA supports this goal.

29. Senator McCAIN. Ms. Flournoy, would you support a surge of trainers from the United States and coalition partners into Afghanistan to accelerate the expansion of the ANA?

Ms. FLOURNOY. The expanded ANA will require additional trainers and mentors to meet the needs of a 134,000-strong force. I support a substantial increase in mentors and trainers as they are critical to the ANA's development and accelerated expansion.

CROSS-BORDER ATTACKS FROM PAKISTAN

30. Senator MCCAIN. Ms. Flournoy, one of the main threats to U.S. and coalition forces in Afghanistan comes from cross-border attacks by the Taliban and extremist militants who find safe haven in Pakistan's border regions. What steps in your view need to be taken to eliminate the threat posed by Taliban and extremist militants hiding out across the Afghan-Pakistan border?

Ms. FLOURNOY. Controlling the movement of extremists across the Afghanistan-Pakistan border requires a unified effort by governments on both sides of the border and the support of U.S. and NATO forces in Afghanistan. As Under Secretary of Defense for Policy, I will work to improve intelligence-sharing and cross-border coordination and encourage continued action by Pakistani forces to eliminate the militant threat within Pakistan.

U.S.-PAKISTAN RELATIONS

31. Senator MCCAIN. Ms. Flournoy, the stability of Pakistan has ramifications for broad U.S. regional interests as well as being an important underpinning to our success in our war against global extremists. Which DOD policies regarding Pakistan would you recommend we sustain; which need to be strengthened; and which would you recommend for elimination?

Ms. FLOURNOY. I have not been fully briefed on the entire range of DOD policies in Pakistan, and am not prepared to make specific policy recommendations at this time. I do, however, look forward to participating in an interagency review of Afghanistan/Pakistan strategy that should address this important question.

32. Senator MCCAIN. Ms. Flournoy, what is your assessment of the efforts by the Pakistani Government to counter militant groups along the border with Afghanistan and to combat terrorism in general?

Ms. FLOURNOY. Although I have not been briefed formally on these issues, I believe that the democratic Government of Pakistan should be strongly supported and held accountable for enhancing stability within its own borders, eliminating safe havens for extremists, and preventing cross-border attacks. I will support increased measures to enhance Pakistan's capability to secure its territory and combat terrorism.

CHIEF OF THE NATIONAL GUARD BUREAU AND THE JOINT CHIEFS OF STAFF

33. Senator MCCAIN. Ms. Flournoy, do you think the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff? Why or why not?

Ms. FLOURNOY. The National Guard has become an integral part of the military operational force in recent years. As such, ensuring the National Guard is well integrated into the Defense Department's plans and policies is imperative. I agree with President Obama and Secretary Gates that ensuring that the concerns of our citizen soldiers are heard at the highest levels is particularly important. The Chief of the National Guard Bureau has only been a four-star position since December 2008. I imagine that the issue of making him a member of the Joint Chiefs of Staff will be debated in the months to come, and I hope to participate fully in that debate, make recommendations to the Secretary, and consult with members of this committee.

"SOFT POWER"

34. Senator MCCAIN. Ms. Flournoy, Secretary Gates has called on Congress to provide more funding for the State Department's Foreign Service and the U.S. Agency for International Development. Just a few days ago, Admiral Mullen expressed the same views commenting that our national security and foreign policy requires "a whole-of-government approach to solving modern problems" and "we need to reallocate roles and resources in a way that places our military as an equal among many in government—as an enabler, a true partner." Admiral Mullen went on to say that "as an equal partner in government, I want to be able to transfer resources to my other partners when they need them." What thoughts do you have on these remarks calling for more resources for civilian agencies responsible for "soft power," including the Departments of State, Justice, Commerce, and Agriculture?

Ms. FLOURNOY. I stand with the President, Secretary Gates, and Admiral Mullen in stressing the need for the United States to invest more heavily in its non-military instruments of national power. The need for a more integrated approach to achiev-

ing our national security objectives using all elements of national power can only be realized if we invest in building the capacity of our civilian agencies. As Under Secretary, I intend to support my interagency counterparts in their efforts to significantly expand the Government's "soft-power" resources and the capacity of civilian agencies to contribute to U.S. humanitarian, counterinsurgency, and post-conflict efforts.

35. Senator MCCAIN. Ms. Flournoy, should Congress provide greater flexibility for the military to transfer funding during a crisis?

Ms. FLOURNOY. Yes. I believe that greater flexibility during, and before, crises allows DOD and the interagency to better support U.S. objectives.

AL QAEDA

36. Senator MCCAIN. Ms. Flournoy, General Hayden, the Director of the Central Intelligence Agency, has said that "al Qaeda operating out of Pakistan is the greatest danger to the United States" and that "if there is a major strike in this country, it will bear al Qaeda's fingerprints." What do you believe is the greatest danger to the United States?

Ms. FLOURNOY. Combating terrorism is one of the most pressing security challenges facing the United States. I agree with General Hayden that the al Qaeda network—whose leadership is concentrated within the border areas between Pakistan and Afghanistan but whose propaganda and violent extremist ideology inspire action by associated movements and potentially "homegrown" cells across the globe—remains an immediate threat to the United States and many of its allies. I am particularly concerned about terrorists gaining access to weapons of mass destruction (WMD).

Both President Obama and Secretary Gates have cited the need to eliminate the terrorist sanctuary in the border regions of Pakistan, but there is no purely military solution. The Governments of Pakistan and Afghanistan will be central to defeating the terrorist and cross-border insurgent groups that threaten the border region and the international community. To support their efforts, the United States must have an integrated strategy to promote security, development, and governance, and to prevent terrorism across the Afghanistan-Pakistan border. We must also bolster our efforts to keep WMD out of the hands of terrorists. I intend to work closely with my DOD and interagency colleagues to examine how best to strengthen U.S. efforts in these critical areas.

37. Senator MCCAIN. Ms. Flournoy, how would you describe the current intent, composition, and capabilities of al Qaeda?

Ms. FLOURNOY. I understand that al Qaeda remains committed to attacking the United States and its interests both at home and abroad. Its capabilities, while seriously degraded since September 11, 2001, remain significant. Surviving al Qaeda leadership have adopted an increasingly decentralized command and control structure that relies on the exploitation of modern communications systems to inspire like-minded regional affiliates and independent cells. Regional affiliates, such as al Qaeda in Iraq and al Qaeda in the Islamic Maghreb, as well as other al Qaeda efforts in the Horn of Africa and the Arabian Peninsula, broaden al Qaeda's capability to strike U.S. interests.

38. Senator MCCAIN. Ms. Flournoy, do you believe DOD is adequately organized to meet this threat?

Ms. FLOURNOY. DOD has taken many steps to improve its organization and capabilities to counter the terrorist threat. For example, Special Operations Command was designated the supported commander for planning and synchronizing combatant command operations against terrorist networks. Since the last Quadrennial Defense Review (QDR), the Department has made a significant investment in Special Operations Force capabilities and personnel growth. The general purpose forces are also taking on increased missions to train and advise the security forces of our partners and allies to counter terrorist and insurgent threats.

Many terrorist threats come from countries with which the United States is not at war, and manifest themselves in ways that cannot be overcome solely by military means. The responses they demand extend well beyond the traditional domain of any single government agency or department. Therefore, DOD works extensively with other departments and agencies, as well as the National Counterterrorism Center, in the development of U.S. Government counterterrorism plans and in the coordination of all elements of national power. These whole-of-government efforts

range from activities to disrupt terrorist organizations to promoting international partners' capacity to foster stability, the rule of law, and good governance.

As Under Secretary, I plan to work with the Chairman and the Joint Chiefs of Staff, the combatant commanders, and my colleagues across the interagency to review, assess, and refine the Department's organization to ensure that it meets the President's comprehensive strategy for combating terrorism.

39. Senator MCCAIN. Ms. Flournoy, do you believe our European allies are adequately concerned and focused on the threat posed by al Qaeda?

Ms. FLOURNOY. The United States and our European allies have a shared interest in countering transnational terrorism. The major terrorist attacks in both London and Madrid are just two examples that highlight the danger of this threat in Europe. Afghanistan would be a less secure environment without the contributions and sacrifices of our NATO allies and other international ISAF partners. However, as President Obama and Secretary Gates have both noted, efforts in Afghanistan would benefit from greater contributions from our European allies. In particular, European allies have unique capabilities—such as law enforcement competencies—that they can bring to bear in Afghanistan and elsewhere to build the capabilities and capacity of international partners.

As Under Secretary I will seek to improve U.S. partnerships with European allies to increase our common ground on emerging threats and opportunities.

QUADRENNIAL DEFENSE REVIEW

40. Senator MCCAIN. Ms. Flournoy, in your 2006 article titled "Did the Pentagon Get the Quadrennial Defense Review Right?", which appeared in the Washington Quarterly, you wrote that the 2006 QDR "did not include a regular consultation process with the chairmen and ranking members of the key defense committees in the Senate and the House of Representatives." Do you continue to believe that political engagement on the QDR is important and, if confirmed, would you advocate for the consultation that you described? Why?

Ms. FLOURNOY. I continue to believe regular engagement with all stakeholders in the Nation's defense enterprise is an important part of QDRs. The Department should regularly consult with Congress, interagency partners, defense industry, and key international partners with whom the United States works to understand and meet the challenges of today's security environment.

The Department's engagement with Congress throughout the QDR process is especially important to ensure a smooth transition between QDR decisionmaking and any related legislation, to include appropriations. I expect hard choices will have to be made in this QDR and the support of Congress will be necessary to be successful.

41. Senator MCCAIN. Ms. Flournoy, in that same article you wrote that "DOD needs a new and more rigorous approach to defense planning, one that provides the analytical basis for setting strategic priorities, allocating risk, and managing portfolio of capabilities." Can you expand on your statement with respect to how the Department can recapitalize or improve efforts on the QDR?

Ms. FLOURNOY. To be effective, the next QDR must articulate a comprehensive, long-term vision of U.S. military capabilities and identify where trade-offs, shifts in investment, or divestment should be made. I have long believed that DOD needs to enhance its ability to identify and manage risk across the spectrum of current operations and likely future requirements. I understand that the Department has made progress on refining its analytic and capability portfolio management tools and processes. I am particularly pleased that the 2008 National Defense Strategy stated that implementing the strategy "requires balancing risks, and understanding the choices those risks imply. We cannot do everything, or function equally well across the spectrum of conflict. Ultimately, we must make choices." I intend to work hard to further strengthen the Department's defense planning in the QDR and beyond.

RELOCATION OF U.S. MARINES FROM OKINAWA

42. Senator MCCAIN. Ms. Flournoy, the U.S. Government has an agreement with Japan regarding the realignment of U.S. Marines currently stationed in Okinawa. Current planning includes the relocation of about 8,000 marines and their families to the Territory of Guam. This committee may see in the fiscal year 2010 budget a substantial request for investment in new facilities to support movement of the marines to Guam. How do you view the agreement from a theater-wide strategic perspective?

Ms. FLOURNOY. The agreement is rooted in a shared regional strategic perspective between the United States and Japan. As the westernmost U.S. territory for basing in the Pacific, Guam provides the strategic flexibility and freedom of action necessary to support peacetime engagement and crisis response. The agreement with Japan builds on other posture changes that will support forward-basing of submarines and transient aircraft carriers, projection of intelligence, surveillance, and reconnaissance and strike assets, and increased logistical sustainment capabilities. The relocation to Guam is a key element in transforming the U.S.-Japan alliance in ways that will strengthen the political support in Japan for our reduced and consolidated presence on Okinawa. Overall, these efforts will strengthen the deterrent effect of U.S. forces and assure our regional allies of an enduring U.S. forward presence.

QUESTION SUBMITTED BY SENATOR MEL MARTINEZ

PREEMPTION

43. Senator MARTINEZ. Ms. Flournoy, both the 2008 National Defense Strategy and the 2006 National Security Strategy reference the act of preemption. Where do you see the line drawn between preemption and aggression? How will you ensure the legislature is correctly informed of military action with enough time for substantive thought and debate?

Ms. FLOURNOY. The United States has the responsibility to protect and defend our citizens and allies. Although we do not seek conflict with other nations, neither should we ignore imminent threats to the United States. It is critical to consult with Congress and our allies in situations where the United States faces imminent threats. Precisely how the legislature is informed and in which situations the United States would use force are important questions that will need to be addressed in close consultation with Congress and our partners and allies. I intend to work closely with counterparts in Congress and other partners to ensure that U.S. national security objectives and decisionmaking processes are as transparent as possible.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

AFGHANISTAN

44. Senator COLLINS. Ms. Flournoy, in your answers to the advance policy questions, you identified the need for the United States to develop and employ a more effective strategy in Afghanistan and the surrounding region. Can you provide more detail on your vision for a new direction for Afghanistan?

Ms. FLOURNOY. President Obama has made it clear that the Afghanistan theater should be our top military priority. Secretary Gates has stated that more troops are needed "to provide a baseline level of security in some of the more dangerous areas." To that end, the United States is planning to increase its military presence in Afghanistan, in conjunction with a large increase in the Afghan security forces. We should also improve coordination between Afghan and coalition forces in the field and enable the Afghans to assume the lead for more operations.

At the same time, as in any counterinsurgency effort, success requires a commensurate increase in U.S. support to governance, rule of law, and economic programs. I will work with my counterparts at State, United States Agency for International Development, and other U.S. Government agencies to develop a comprehensive, holistic approach in Afghanistan and the broader region, particularly Pakistan. We should also support the United Nations in its mission to coordinate among the more than 40 nations and hundreds of nongovernmental organizations to help develop a comprehensive approach to reconstruction efforts in Afghanistan. Unity of effort and the effective application of both national and international resources will go a long way toward establishing the kind of sustainable security that is needed to ensure a successful outcome that is commensurate with U.S. interests.

[The nomination reference of Michèle A. Flournoy follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 20, 2009.

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

Michèle A. Flournoy of Maryland, to be Under Secretary of Defense for Policy, vice Eric S. Edelman, resigned.

[The biographical sketch of Michèle A. Flournoy, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MICHÈLE A. FLOURNOY

Michèle Flournoy was appointed President of the Center for a New American Security (CNAS) in January 2007. Prior to co-founding CNAS, she was a Senior Adviser at the Center for Strategic and International Studies, where she worked on a broad range of defense policy and international security issues. Previously, she was a distinguished research professor at the Institute for National Strategic Studies at the National Defense University (NDU), where she founded and led the university's Quadrennial Defense Review (QDR) working group, which was chartered by the Chairman of the Joint Chiefs of Staff to develop intellectual capital in preparation for the Department of Defense's 2001 QDR. Prior to joining NDU, she was dual-hatted as Principal Deputy Assistant Secretary of Defense for Strategy and Threat Reduction and Deputy Assistant Secretary of Defense for Strategy. In that capacity, she oversaw three policy offices in the Office of the Secretary of Defense: Strategy; Requirements, Plans, and Counterproliferation; and Russia, Ukraine, and Eurasian Affairs. Ms. Flournoy was awarded the Secretary of Defense Medal for Outstanding Public Service in 1996, the Department of Defense Medal for Distinguished Public Service in 1998, and the Chairman of the Joint Chiefs of Staffs Joint Distinguished Civilian Service Award in 2000. She is a member of the Aspen Strategy Group, the Council on Foreign Relations, the International Institute of Strategic Studies, the Executive Board of Women in International Security, and the Board of the Institute for Defense Analysis. She is a former member of the Defense Policy Board and the Defense Science Board Task Force on Transformation. In addition to several edited volumes and reports, she has authored dozens of articles on international security issues. Ms. Flournoy holds a B.A. in social studies from Harvard University and an M.Litt. in international relations from Balliol College, Oxford University, where she was a Newton-Tatum scholar.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Michèle Flournoy in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michèle Angelique Flournoy.

2. **Position to which nominated:**
Under Secretary of Defense (Policy).

3. **Date of nomination:**
Intention to nominate issued January 8, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 14, 1960; Los Angeles, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to William Scott Gould.

7. **Names and ages of children:**
William Alexander (Alec), 11.
Victoria Morgan, 9.
Aidan Campbell, 6.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Balliol College, Oxford University, M.Litt. International Relations, 1986 (09/1983–06/1986).
Harvard University, B.A. Social Studies, 1983 (09/1979–06/1983).
Beverly Hills High School, High School Diploma, 1979 (09/1975–06/1979).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Center for a New American Security, President and Co-Founder, 01/2007–Present.
Center for Strategic and International Studies, Senior Adviser-International Security Program, 12/2000–12/2006.
Institute for National Strategic Studies-National Defense University, Distinguished Research Professor, 09/1998–12/2000.
Office of the Secretary of Defense-Department of Defense, Principal Deputy Assistant Secretary for Strategy and Threat Reduction and Deputy Assistant Secretary for Strategy, 05/1993–09/1998.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Office of the Secretary of Defense-Department of Defense, Principal Deputy Assistant Secretary for Strategy and Threat Reduction and Deputy Assistant Secretary for Strategy, 05/1993–09/1998.
Defense Policy Board, 1998–2001.

U.S. STRATCOM Strategic Advisory Group, 2004–2007.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Center for a New American Security, President and Co-Founder.

W. Scott Gould and Michèle Angelique Flournoy Revocable Trust Co-Trustee.

Institute for Defense Analyses, Member-Board of Directors.

Women in International Security, Member-Executive Board.

Ava partners, Managing Director (clients below):

MPRI, Speaker
BAE Systems, Inc., Consultant
Booz Allen Hamilton, Consultant
Hicks & Associates, Consultant

Lockheed Martin, Consultant.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Institute for Defense Analses, Trustee, 2007–present.

Women in International Security, member of the Executive Board, 1999–present.

Council on Foreign Relations, member, 1998–present.

International Institute for Strategic Studies, former member.

Aspen Strategy Group, member, 2002–present.

Christ Church, Georgetown, parishioner and member of the Vestry, 2006–present.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Provided policy advice to Kerry, Clinton, and Obama campaigns.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

06/16/08, Obama for America, $1,000
09/29/07, Reed Committee, $1,000
06/30/07, Hillary Clinton for President, $500
06/22/06, Reed Committee, $1,000
08/18/04, Democratic National Committee, $200
07/09/04, Kerry Victory 2004, $500

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Joint Distinguished Civilian Service Award by the Chairman of the Joint Chiefs of Staff, 2000.

Department of Defense Medal for Distinguished Public Service, 1998.

Secretary of Defense Medal for Outstanding Public Service, 1996.

Newton-Tatum Scholar to Balliol College Oxford, 1983–1985.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Reports

Finding Our Way: Debating American Grand Strategy editor with Shawn Brimley and Vikram Singh, Center for a New American Security, June 2008

Making America Grand Again: Toward a New Grand Strategy with Shawn Brimley and Vikram Singh, Center for a New American Security, June 2008

Shaping the Iraq Inheritance with Colin Kahl and Shawn Brimley, Center for a New American Security June 2008

Reducing Nuclear Threats and Preventing Nuclear Terrorism, with multiple authors, Belfer Center, Harvard University, October 2007

The Inheritance and the Way Forward with Kurt Campbell, Center for a New American Security, June 2007

Shaping U.S. Ground Forces for the Future: Getting Expansion Right with Tammy Schultz, Center for a New American Security, June 2007

Assessing the G8 Global Partnership: From Kananaskis to St. Petersburg, with Robert J. Einhorn, Center for Strategic and International Studies, July 2006

Beyond Goldwater-Nichols Phase 3 Report: The Future of the National Guard and Reserves with Patrick T. Henry and Clark A. Murdock, Center for Strategic and International Studies, July 1 2006

The U.S. Military: Under Strain and at Risk, the National Security Advisory Group, January 2006 (multiple commission co-authors)

European Defense Integration: Bridging the Gap Between Strategy and Capabilities with Julianne Smith, Center for Strategic and International Studies, October 2005

Worst Weapons in Worst Hands: U.S. Inaction on the Nuclear Terror Threat Since 9/11, and a Path of Action, the National Security Advisory Group, July 2005 (multiple commission co-authors)

American Security Policy: Challenge, Opportunity, Commitment. National Security Advisory Group, July 2005 (multiple commission co-authors)

Beyond Goldwater-Nichols Phase 2 Report: U.S. Government and Defense Reform for a New Strategic Era with Clark A. Murdock, Center for Strategic and International Studies, July 2005

Black Dawn, Final Report, Center for Strategic and International Studies, May 3, 2004.

Beyond Goldwater-Nichols Phase 1 Report: Defense Reform for a New Strategic Era, with Clark A. Murdock, Christopher A. Williams and Kurt M. Campbell, Center for Strategic and International Studies, March 1 2004

Protecting Against the Spread of Nuclear, Biological, and Chemical Weapons: An Action Agenda for the Global Partnership, Volume 1: Agenda for Action, Volume 2: The Challenges, Volume 3: International Responses, and *"Volume 4: Russian Perspectives and Priorities.* Project Co-Director with Robert J. Einhorn, Center for Strategic and International Studies, January 2003

Play to Win: Final Report of the Bipartisan Commission on Post-Conflict Reconstruction, Center for Strategic and International Studies, January 2003

Revitalizing the U.S. Nuclear Deterrent, with Clark A. Murdock, Center for Strategic and International Studies, July 2002

Report of the National Defense University, Quadrennial Defense Review 2001 Working Group, Institute for National Strategic Studies, National Defense University, November 2000

Books and Book Chapters

"Navigating Treacherous Shoals: Establishing a Robust Interagency Process for National Security Strategy, Planning, and Budgeting," in Richmond M. Lloyd, ed., November 2007

To Prevail: An American Strategy for the Campaign against Terrorism, with Kurt M. Campbell, Center for Strategic and International Relations Press: Washington DC, 2006

"Creating a More Integrated and Effective National Security Apparatus" with Clark A. Murdock, in Kent Hughes Butts and Jeffrey C. Reynolds, eds. *The Struggle Against Extremist Ideology: Addressing the Conditions that Foster Terrorism*, Center for Strategic Leadership U.S. Army War College, November 2005

"2005 Quadrennial Defense Review: Taking Stock and a Way Ahead," in Richmond M. Lloyd, ed. William B. Ruger Chair of National Security Economics Papers, Number 1, *A Nation at War: Reconciling Ends and Means*, Proceedings Naval War College Intersessional Conference, 7-8 March 2005

"Lessons for the United States from Afghanistan and Iraq," in Kurt M. Campbell, ed. *In Search of an American Grand Strategy for the Middle East: A Report of the Aspen Strategy Group*, Aspen Institute: Washington DC, March 2004

"Introduction: Twelve Strategy Decisions," "Defense Strategy Alternatives: Choosing Where to Place Emphasis and Where to Accept Risk" with Sam J. Tangredi, "Sizing Conventional Forces: Criteria and Methodology" with Kenneth F. McKenzie, Jr., "Identifying Force Structure Issues: Sifting the Screen" with Kenneth F. McKenzie, Jr. and John J. Spinelli, "Choosing Among Strategy-Driven Integrated Paths:

Setting the DOD Course," and "Elements of Success for the QDR" in Michèle A. Flournoy, ed. *QDR 2001: Strategy-Driven Choices for America's Security*, National Defense University Press: Washington DC, 2001

"Implications for U.S. Military Strategy." Chap. 6 in *New Nuclear Nations: Consequences for U.S. Policy*, pages 135-161, New York: Council on Foreign Relations Press, 1993

"Introduction," "Nuclear Weapons and the Changing Security Environment," and "The Future of U.S. Strategic Offensive Forces," in Michèle A. Flournoy, ed. *Nuclear Weapons after the Cold War: Guidelines for U.S. Policy,* New York: HarperCollins 1993

Journal Articles and Op-Eds

"The Defense Inheritance: Challenges and Choices for the Next Pentagon Team" with Shawn Brimley, *The Washington Quarterly*, Autumn 2008

"No Time for Nobody Home," with Richard Armitage, *The Washington Post*, June 9, 2008

"Stabilizing Iraq," *The Washington Times*, March 20, 2008

"State of the Ground Forces," with Jack Reed, *The Washington Times*, November 18, 2007

"Strategic Planning for U.S. National Security: A Project Solarium for the 21st Century" with Shawn W. Brimley, *Joint Forces Quarterly*, Issue 41, 2nd Quarter, 2006

"Irregular Transformation: Carefully Weigh Changes to Spec Ops" with Shawn Brimley, *DefenseNews*, July 10 2006

"Did the Pentagon Get the Quadrennial Defense Review Right?" *The Washington Quarterly*, Washington, DC, Spring 2006

"Dealing with Demons: Enhancing Justice and Reconciliation" with Michael Pan, "Interagency Strategy and Planning for Post-Conflict Reconstruction," and "Training and Education for Post-Conflict Reconstruction," in Robert C. Orr, ed., *Winning the Peace: An American Strategy for Post-Conflict Reconstruction,* Center for Strategic and International Studies Significant Issues Series, Volume 26, Number 7, Washington DC: 2004

"What Do We Mean by 'Transformation'?" Proceedings of the Current Strategy Forum 12-13 June 2001, *Naval War College Review*, Winter 2002 Volume LV, Number 1

"Dealing with Demons: Justice and Reconciliation" with Michael Pan, *The Washington Quarterly*, Autumn 2002

"START Cutting Soviet Strategic Forces," *Arms Control Today*, June/July 1989

"IAEA Defers South Africa's Suspension Another Year," *Arms Control Today*, November 1988

"START Thinking about a New U.S. Force Structure," *Arms Control Today*, July/August 1988

"Superpowers agree to INF Treaty, Summit," *Arms Control Today*, October 1987

Online Publications

"Ready or Not? U.S. Military Readiness Now and for the Future," with Alice E. Hunt, Center for American Progress, November 2008, web publication:
http://www.americanprogressaction.org/issues/2008/changeforamerica/pdf/readiness.pdf

Fact Sheets, Memos, Notes

"The State of the U.S. Ground Forces" with Alice E. Hunt, Center for a New American Security, August 2008

"Strategic Questions for Generals Petraeus and Odierno" with Shawn Brimley and Vikram Singh, Center for a New American Security, May 2008

"Enduring Interests in Iraq: The Three No's," with Shawn Brimley, Center for a New American Security, March 20, 2007

Congressional Testimony

"Ground Force Readiness Shortfalls." Statement before the House Armed Services Subcommittee on Readiness, Air and Land Forces, April 16, 2008

"Life After the Surge: Prospects for Iraq and for the U.S. Military." Statement before the Senate Armed Services Committee, April 2, 2008

"Strengthening the Readiness of the U.S. Military." Statement before the House Armed Services Committee, February 14, 2008

"Achieving Unity of Effort in Interagency Operations." Statement before the House Armed Services Subcommittee on Oversight and Investigations, Hearing on Prospects for Effective Interagency Collaboration on National Security, January 29, 2008

"The Quadrennial Defense Review: A Model for the Quadrennial Homeland Security Review." Statement before the House Committee on Homeland Security, March 20, 2007

"The Next Katrina: Achievable Goals and Objectives to Help Prepare America for the Next Domestic Emergency." Remarks to Senate Democratic Homeland Security Summit, 25 May 2006

"Implemeneting the GWOT Strategy: Overcoming Interagency Problems." Statement before the House Armed Services Subcommittee on Terrorism, Unconventional Threats and Capabilities, March 15, 2006

"QDR 2005: Goals and Principles." Statement before the House Committee on Armed Services, September 14, 2005

"The G-8 Global Partnership: Successes and Shortcomings." Statement before the House Subcommittee on International Terrorism and Nonproliferation, June 30 2005

"Financial Management and Program Evaluation in the Department of Homeland Security." Statement before the House Select Committee on Homeland Security, October 8 2003

"Re-evaluating the 2 Major Theater War Strategy." Statement before the House Committee on Armed Services, June 20 2001

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Speeches and Presentations

Remarks to Senate Democrats Retreat, April 11, 2009, Richmond, Virginia

"The National Security Inheritance," Tokyo, September 2008

"The National Security Inheritance and U.S. Strategy" to Army Strategic Leader Development Program, August 26, 2008

"The National Security Inheritance: Challenges and Opportunities in the Decade Ahead," Presentation to Lockheed Martin executives, June 2008.

Remarks to NDU Joint Operations Symposium Panel 4: Projecting Future Battlespace Scenarios, June 4, 2008

Remarks on "NATO and Afghanistan," Center on Law and Security Conference, Florence, Italy, May 23, 2008.

Presentation to J5 WOT Division, April 10, 2008

Presentation to U.S. Army Strategists, US Army War College, April 7, 2008

Remarks to Army G35 Division, January 24, 2008

"The National Security Inheritance and U.S. Strategy." Remarks to Army Strategic Leadership Development Program, January 11, 2008

Dinner Remarks to Army Strategic Leadership Development Program, 16 March 2007

"Too much COIN? Balancing Needs and Capabilities." Remarks to Brookings Conference, October 22, 2007

"The Post-9/11 World: Reframing U.S. Strategy." Talking Points for the World Affairs Council, San Francisco, May 4, 2007

"The Changing Nature of Power and the Roles of U.S. Military Forces." Remarks to the Naval War College Current Strategy Forum June 14, 2006

"The Use of Force." Remarks to SPI conference, June 6, 2006

"The U.S. Military: Strategy, Operations and Challenges," Presentation to the White House Project Security "Boot Camp," April 29, 2006

"Dealing with Global Terrorism: Toward a New Strategy," presentation to Bank of America conference, San Francisco, January 25, 2006

Presentation to CAP conference on QDR, January 24, 2006

"US National Security Strategy since 9/11: Taking Stock of 'GWOT.'" Remarks at Brookings, Nov 16, 2005, and to the Army Strategic Leadership Development Program, Dec 2005

"Improving the U.S. Government's Capacity to Execute Counterinsurgency Operations." A Presentation of the Beyond Goldwater-Nichols Project, November 8, 2005

"Transforming Interagency Capabilities for the Global War on Terror,'" Presentation to the NYU Conference on "Securing America in the 21st Century," September 9, 2005

"The Future of the U.S. Military." Remarks to CAP Conference, July 13, 2005

Remarks to Heritage Foundation Conference on Reserve Component, 11 May 2005

Remarks to AEI Conference on The Future of the Army, Panel II: Force Size, Force Structure, and Force Posture, April 11, 2005

Opening Remarks for CAP Session on "Saving the All Volunteer Army." Dec 14, 2004

"Lessons Learned from the Recent Past." Remarks to Security Transformation Conference sponsored by the Army War College, NDU, and the JFK School of Government, November 18, 2004

"Transforming the National Security Bureaucracy." Remarks to the NDU 2004 Joint Symposium, November 17, 2004

"Transforming the Reserve Component for Battlefields Home and Abroad." Remarks to the CAP/AUSA/CPASS Conference on "Transforming the RC for the 21st Century" 21 September 2004, Georgetown University

"U.S. Strategy and Force Structure Challenges and Options."Remarks to the 2004 Current Strategy Forum, U.S. Naval War College, June 16, 2004

"Strengthening the U.S. Military for 21st Century Missions."Remarks to the American Enterprise, June 11, 2004

"Strengthening the U.S. Military for 21st Century Missions." Remarks to the DNC Platform Drafting Committee, Baton Rouge, Louisiana, June 5, 2004

"Strategic Challenges for the Reserve Components: Leading from the Future." Remarks sponsored by the Reserve Forces Policy Board at National Defense University, May 18, 2004

"Historical Lessons, Learned and Unlearned." Johns Hopkins SAIS "Nation Building: Beyond Afghanistan and Iraq" Conference, April 13, 2004

"Challenges Facing the Rising Leadership of the Army." Remarks to Army Strategic Leadership Development Program, Dec 16, 2003

"Is the US Overstretched?" Remarks to the 4th Annual Conference of the CFE, December 12, 2003 in Paris

"New American Strategies for Security and Peace." Remarks to CAP Conference, Oct 29, 2003

"Integrating Nuclear and Conventional Forces: Guidelines and Tradeoffs." Presentation to Los Alamos National Laboratory, April 30, 2003

"Shaping U.S. Military Power for the Future." Remarks at Industrial College of the Armed Forces, January 27, 2003

"U.S. Foreign and Security Policies: Implications for Canada."Speech to Canadian Forces Strategic Symposium, January 15, 2003

"National Security Challenges for the 108th Congress." Remarks to the House Democratic Caucus, January 9, 2003

"What Does the U.S. Military Need To Do To Be Effective in Stability Operations?"

WIIS/AWC Conference on Stabilization and Post-Conflict Operations: The Role of the Military, Nov 17, 2004

"Making and Implementing National Security Strategy," Presentations to the Next Generation of African Leaders Forum, Africa Center, National Defense University, February 2004, May 2005, January 2006, January 2008.

"Formulating National Security and Defense Strategies," presentations to CSIS seminar for Taiwan Generals, September 2004, 2005 and 2006.

"Beyond Goldwater Nichols: USG Reform in a New Era," presentation given to multiple audiences from July 2005 to the present.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHÈLE FLOURNOY.

This 13th day of January, 2009.

[The nomination of Michèle Flournoy was reported to the Senate by Chairman Levin on February 5, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2009.]

[Prepared questions submitted to Jeh Charles Johnson by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience in DOD?

Answer. At this time I have no proposals to amend any provision of the Goldwater-Nichols Act. If I am confirmed and if I identify possible changes that I think would be beneficial, I will propose those changes through the established process.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my prior answer.

RELATIONSHIPS

Question. What is your understanding of both the formal and informal relationship between the General Counsel of DOD and the following offices?

The Secretary of Defense.

Answer. The General Counsel is the Secretary's principal advisor on the wide variety of legal issues facing by DOD. I hope and expect to consult with the Secretary and his personal staff on these issues on a regular basis.

Question. The Under Secretaries of Defense.

Answer. The General Counsel should work closely with the Under Secretaries, both personally and through the General Counsel's staff, to provide them and their respective offices with timely and quality legal advice.

Question. The Assistant Secretaries of Defense.

Answer. Likewise, the General Counsel should work closely with the Assistant Secretaries, both personally and through the General Counsel's staff, to provide them and their respective offices with timely and quality legal advice.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. I am aware that the Chairman of the Joint Chiefs has his own dedicated Legal Counsel, and that a provision in the National Defense Authorization Act (NDAA) for Fiscal Year 2008 codified the existence of this position through a new section 156 in title 10, U.S.C., and that this provision in law also provided that the Legal Counsel be a one-star officer. See "NDAA for Fiscal Year 2008," Pub. L. No. 110–181, § 543, 122 Stat. 3, 115 (2008). While the Chairman relies primarily upon his Legal Counsel for legal advice, the Legal Counsel and the DOD General Counsel should work together on the broad range of matters that affect DOD.

Question. The Judge Advocates General.

Answer. As General Counsel of the Air Force from October 1998 to January 2001, I believe I worked in a collegial and collaborative fashion with The Judge Advocate General of the Air Force and his staff to deliver effective legal service and advice to Air Force leaders. If confirmed as General Counsel of DOD, I hope and expect to resume that positive working relationship with all Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps.

I am aware that The Judge Advocates General are responsible for the administration of military justice within their respective Services, and that senior leaders within the DOD should be mindful of the principles and restraints of unlawful command influence. Finally, I am aware that in 2004, title 10 was amended to direct that "no officer or employee of DOD interfere with the ability of the Judge Advocate[s] General to give independent legal advice to" the leadership of their respective military departments. See 10 U.S.C. §§ 3037, 5148, 8037 (2003), as amended by the Ronald Reagan NDAA for Fiscal Year 2005, Pub. L. No. 108–375, § 574, 118 Stat. 1811, 1921 (2004).

Question. The Legal Advisor to the Chairman of the Joint Chiefs of Staff.

Answer. See my answer above concerning the Chairman of the Joint Chiefs. In addition, I am aware that in 2008, title 10 was amended to direct that "no officer or employee of DOD may interfere with the ability of the Legal Counsel to give inde-

pendent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff." See Duncan Hunter NDAA for Fiscal Year 2009, Pub. L. No. 110–417, § 591, 122 Stat. 4356, 4474 (2008). I understand that current practice is for the DOD General Counsel and the Chairman's Legal Counsel to meet frequently to discuss issues of mutual concern and to exchange information. If confirmed, I hope and expect to continue that practice.

Question. The Staff Judge Advocates to the Commanders of Combatant Commands.

Answer. It is my understanding that the DOD General Counsel's relationship to the staff judge advocates of the combatant commands is, for the most part, through the Chairman's Legal Counsel.

Question. The General Counsels of the Military Departments.

Answer. As a former General Counsel of the Department of the Air Force, I am familiar with this relationship. The General Counsels of the Army, Navy, and Air Force serve as the chief legal officers of their respective departments, and each report to the Secretary of their respective departments. There is no direct reporting relationship to the DOD General Counsel, but the DOD General Counsel is the chief legal officer of DOD. The DOD General Counsel should meet regularly and work closely with the Army, Navy, and Air Force General Counsels. If confirmed, I will ensure that we work together closely.

Question. The Counsels for the Defense Agencies.

Answer. As I understand it, the DOD General Counsel is the Director of the Defense Legal Services Agency (DLSA), and the General Counsels of the defense agencies and DOD field activities are part of DLSA, and thus, report to the DOD General Counsel in his or her capacity as DLSA Director.

Question. The Counsel to the Inspector General (IG).

Answer. I am aware that a provision in the NDAA for Fiscal Year 2009 amended the IG Act of 1978 to establish a "General Counsel to the IG of DOD." See Duncan Hunter NDAA for Fiscal Year 2009, Pub. L. No. 110–417, § 907, 122 Stat. 4356, 4569 (2008). This new law, in substance, changed the relationship between the DOD General Counsel and the DOD IG's legal advisor, who reports directly to the DOD IG and performs duties assigned by the DOD IG. If confirmed, I hope and expect to work closely with the IG's General Counsel to provide timely and quality legal advice to our respective clients.

Question. The Joint Service Committee on Military Justice.

Answer. The DOD General Counsel designates a non-voting representative to the Joint Service Committee on Military Justice.

Question. The Comptroller General.

Answer. As I understand it, an agency head may request an opinion from the Comptroller General on the obligation and disbursement of public funds, and the DOD General Counsel may submit such questions to the Comptroller General on behalf of the Secretary of Defense. I understand that, on an informal basis, DOD General Counsel's office enjoys a very good relationship with the Comptroller General's office, which includes informal consultation. If confirmed, I intend to continue that relationship.

Question. The United States Court of Appeals for the Armed Forces.

Answer. The law states that the Court of Appeals for the Armed Forces "is located for administrative purposes only in the DOD," which emphasizes the Court's judicial independence from DOD. See 10 U.S.C. § 941. I understand that, traditionally, the DOD General Counsel serves as an informal DOD liaison with the Court, and may be asked by the President to recommend candidates for appointment to the Court.

Question. The Code Committee established under Article 146 of the Uniform Code of Military Justice (UCMJ).

Answer. As I understand it, the Code Committee consists of the Judges of the United States Court of Appeals for the Armed Forces, The Judge Advocates General of the Military Departments, the Judge Advocate General and Chief Counsel of the Coast Guard, the Staff Judge Advocate to the Commandant of the Marine Corps, and two recognized authorities on military justice appointed by the Secretary of Defense from public life. The DOD General Counsel has no formal relationship to the Code Committee. However, I am told that the General Counsel may provide informal support as the Code Committee desires, and informs the Code Committee with respect to the activities and recommendations of the Joint Service Committee on Military Justice.

Question. The Attorney General.

Answer. The Attorney General is the chief legal officer and law enforcement authority of the United States. The DOD General Counsel must work closely with the Attorney General and his staff to fulfill their respective duties.

Question. The Office of Legal Counsel (OLC) at the Department of Justice.

Answer. The OLC issues formal legal opinions that can and do affect the operations and policies of the various agencies of the executive branch. The DOD General Counsel must, therefore, work closely with the OLC to ensure the best possible legal advice is provided to officials of DOD.

Question. The Office of Legal Adviser at the Department of State.

Answer. The Departments of State and Defense must work together on many matters in furtherance of the national security of the United States. Therefore, it is necessary for the DOD General Counsel and the Legal Advisor at the Department of State, and their staffs, to consult with each other on legal issues of mutual interest.

QUALIFICATIONS

Question. Section 140 of title 10, U.S.C., provides that the General Counsel is the chief legal officer of DOD and that the General Counsel shall perform such functions as the Secretary of Defense may prescribe.

What background and expertise do you possess that you believe qualifies you to perform these duties?

Answer. I am a lawyer in good standing at the Bar of the State of New York and the District of Columbia. I am admitted to practice in a variety of Federal courts around the country, including the U.S. Supreme Court. I am a trial lawyer and litigator at Paul, Weiss, Rifkind, Wharton & Garrison, LLP in New York City. I am a Fellow in the American College of Trial Lawyers.

I have served in public office twice. From January 1989 to December 1991, I was an Assistant United States Attorney in the Southern District of New York, where I prosecuted public corruption cases. From October 1998 to January 2001, I served as General Counsel of the Department of the Air Force, following nomination by the President and confirmation by the Senate. In that position, I worked in a professional and collaborative fashion with the more than 1,000 Judge Advocates General and civilian lawyers in the Air Force to accomplish many things for our common client. This also included working closely with the DOD General Counsel and attorneys within that office. In 2007, I was nominated by the New York State Commission on Judicial Nomination to be Chief Judge of the State of New York. The incumbent, Judith Kaye, was reappointed by the Governor.

While in private law practice, I am active in civic and professional affairs. I was a member of the Ethics Committee and chair of the Judiciary Committee of the New York City Bar Association. I am also a member of the Council on Foreign Relations.

Question. Assuming you are confirmed, what duties do you expect that the Secretary of Defense will prescribe for you?

Answer. If I am confirmed, I hope and expect that Secretary Gates and his senior staff will call upon me for legal advice and guidance on the wide variety of matters that cross his desk.

LEGAL OPINIONS

Question. If you are confirmed, would the legal opinions of your office be binding on all lawyers within DOD?

Answer. The DOD General Counsel is the chief legal officer of DOD. Consequently, the legal opinions of the Office of the DOD General Counsel are the controlling legal opinions of DOD, with the exception of lawyers in the Office of the DOD IG General Counsel, who are explicitly exempted from the scope of 10 U.S.C. § 140, by virtue of section 907 of the NDAA for Fiscal Year 2009. As stated before, I am also mindful of the recent changes in law that prohibit any officer or employee of DOD from interfering with the ability of the Judge Advocates General to give independent legal advice to the leadership of their respective military departments.

Question. How will you ensure that such legal opinions are available to lawyers in the various components of DOD?

Answer. Opinions of the Office of the DOD General Counsel are disseminated throughout DOD in the ordinary course of business, both electronically and in hardcopy format using normal departmental distribution processes. If confirmed, I expect to continue this practice.

Question. If confirmed, are there specific categories of General Counsel legal opinions that you expect to reconsider and possibly revise? If so, what categories?

Answer. If confirmed, one of my objectives is to assess whether the DOD General Counsel's legal opinions currently in effect need to be reconsidered or revised.

Question. What role do you expect to play, if confirmed, in the development and consideration (or reconsideration) of legal opinions by the OLC of the Department of Justice that directly affect DOD?

Answer. If confirmed, I expect to work with the OLC in the development, consideration, and reconsideration of OLC legal opinions, while recognizing that the ulti-

mate responsibility for the development of those opinions resides with the Department of Justice.

Question. What actions would you take in response to an opinion issued by OLC with which you disagreed as a matter of proper interpretation of the law?

Answer. If OLC issued an opinion with which I materially disagreed, I would not hesitate to inform OLC of the extent and nature of my disagreement, mindful, again, that the Attorney General is the chief legal officer of the United States and that his or her legal opinions are controlling throughout the executive branch.

INDEPENDENT LEGAL ADVICE

Question. In response to attempts within DOD to subordinate legal functions and authorities of the Judge Advocates General to the General Counsels of DOD and the military Services, Congress enacted legislation prohibiting any officer or employee of DOD from interfering with the ability of the Judge Advocates General of the Military Services and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Chairman, Service Secretaries, and Service Chiefs. Congress also required a study and review by outside experts of the relationships between the legal elements of each of the military departments of each of the military departments.

What is your view of the need for the Judge Advocates General of the Services, the Staff Judge Advocate to the Commandant of the Marine Corps, and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to Service Secretaries, Chairman of the Joint Chiefs, Chiefs of Staff of the Army and Air Force, and the Chief of Naval Operations?

Answer. This is my view: I respect and admire the role our Nation's military lawyers play for DOD. I appreciate that military lawyers, given their training and experience, may have a perspective that civilian lawyers do not have, particularly in matters of military operations, military personnel, and military justice. Further, as General Counsel of the Air Force from 1998 to 2001, I believe I worked in a collegial and collaborative fashion with the Judge Advocate General of the Air Force and his staff, and greatly respected his role and the advice he had to offer to the leadership of the Air Force.

I believe that the Judge Advocates General of the military departments, the Staff Judge Advocate to the Commandant of the Marine Corps, and the Legal Counsel to the Chairman of the Joint Chiefs of Staff should provide their best independent legal advice to the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the Service Chiefs, as appropriate. That advice should be informed by the views of the Department of Justice, the DOD General Counsel, and the Military Department General Counsel concerned.

Question. What is your view of the responsibility of judge advocates within the Services and joint commands to provide independent legal advice to military commanders?

Answer. It is the responsibility of judge advocates within the Services and joint commands to provide legal advice to military commanders that is independent of improper external influence. Also, as a practical matter, judge advocates must be depended upon to provide timely and effective day-to-day legal advice to military commanders in the field, without seeking the approval and input of the DOD General Counsel for that advice. However, the DOD General Counsel is the senior legal officer of the Department. Therefore, judge advocates' advice should be informed by the views of the Department of Justice, the DOD General Counsel, the General Counsel of the military department concerned, and the Judge Advocate General concerned.

Question. If confirmed, would you propose any changes to the current relationships between the uniformed judge advocates and General Counsels?

Answer. I am not aware at this time of any changes that I would propose to the current relationships between the uniformed Judge Advocates and General Counsels.

DETAINEE ISSUES

Question. Section 1403 of the NDAA for Fiscal Year 2006, provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. In my view, this prohibition is in the best interest of the United States, the national security interests of the United States, and is consistent with fundamental American values.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. I am not fully informed to provide an adequate response to this question. If I am confirmed, this is something I expect to review carefully.

Question. What role do you believe the General Counsel of DOD should play in the interpretation of this standard?

Answer. I believe the General Counsel should play a primary role in advising on the standards governing the treatment of persons detained by the U.S. military, including in any interpretation, if necessary, of the standard quoted above.

Question. What role do you believe the Judge Advocates General of the military Services should play in the interpretation of this standard?

Answer. The Judge Advocates General of the military departments should play a prominent role in the interpretation of this standard and other matters related to the treatment of detainees. I believe The Judge Advocates General and the military lawyers they lead bring an important and essential perspective to these and many other matters, and they play a vital role in supporting the operating forces worldwide. As I stated before, judge advocates must be depended upon to provide timely and effective day-to-day legal advice to military commanders in the field. If confirmed, and if called upon to offer any guidance on this standard, I hope and expect to consult the Judge Advocates General and the Chairman's Legal Counsel for this guidance.

Question. If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of Common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. Yes. If I am confirmed, I expect to review this issue closely.

Question. Do you believe that the United States has the legal authority to continue holding alleged members and supporters of al Qaeda and the Taliban as enemy combatants?

Answer. Yes. As a general matter, the United States is authorized to detain those individuals determined to be enemy combatants. See, e.g., *Hamdi* v. *Rumsfeld,* 542 U.S. 507 (2004) and the Authorization for Use of Military Force, 115 Stat. 224. I cannot comment, legally or factually, on the circumstances of the detention of specific individuals, which, in many cases, is the subject of pending litigation.

Question. Do you believe that the Combatant Status Review Tribunals convened by DOD to provide Guantanamo detainees an opportunity to contest designation as enemy combatants provide detainees with appropriate legal standards and processes?

Answer. If I am confirmed, I expect to examine this issue carefully.

Question. Do you believe that the Federal courts have the procedures and capabilities needed to fairly and appropriately review the detention of enemy combatants, pursuant to habeas corpus petitions?

Answer. I am familiar with the Supreme Court's decision in *Boumediene* v. *Bush,* 128 S.Ct. 2229 (2008). It is also my understanding that the exact procedures that will apply in the habeas cases that follow the *Boumediene* decision are still being considered by the District Court for the District of Columbia. I do not now have a personal belief about this issue. If confirmed, I will work closely with the Department of Justice to propose enhancements to current procedures and capabilities that may be necessary.

Question. What role would you expect to play, if confirmed, in reviewing the status of Guantanamo detainees and determining whether the United States should continue to hold such detainees?

Answer. If confirmed, I expect to provide legal advice to the Secretary of Defense on the status of the Guantanamo detainees and determinations whether the United States should continue to hold such detainees.

Question. The Military Commissions Act of 2006, authorized the trial of "alien unlawful enemy combatants" by military commission and established the procedures for such trials.

In your view, does the Military Commissions Act provide appropriate legal standards and processes for the trial of alien unlawful enemy combatants?

Answer. If confirmed, I intend to carefully review whether the Military Commissions Act strikes the right balance between protecting U.S. national security interests and providing appropriate legal standards and processes for a fair and adequate hearing.

Question. Under what circumstances, if any, do you believe that it would be appropriate to use coerced testimony in the criminal trial of a detainee?

Answer. If confirmed, I anticipate looking carefully at whether use of coerced testimony is ever appropriate in the criminal trial of a detainee.

Question. What role would you expect to play, if confirmed, in determining whether Guantanamo detainees should be tried for war crimes, and if so, in what forum?

Answer. Under the current structure, the General Counsel has no role in determining whether any particular Guantanamo detainee should be tried for war crimes. Rather, the Convening Authority makes the decision on which cases are referred to a military commission. If confirmed, I anticipate reviewing the current process to determine whether to recommend any changes to it.

Question. What role would you expect to play, if confirmed, in reviewing the Military Commissions Act and developing administration recommendations for any changes that may be needed to that Act?

Answer. If confirmed, I anticipate reviewing the Military Commissions Act to determine whether to recommend any legislative proposals to change it.

Question. What is your understanding of the relationship between the General Counsel of DOD and the legal advisor to the convening authority, the chief prosecutor, and the chief defense counsel for the military commissions?

Answer. It is my understanding that, for reporting purposes, these individuals are all under the cognizance of the Office of the General Counsel. The legal advisor to the convening authority reports to the Deputy General Counsel (Legal Counsel). Consistent with the Regulation for Trial by Military Commissions, the chief prosecutor reports to the legal advisor. The chief defense counsel reports to the Deputy General Counsel (Personnel and Health Policy).

CONTRACTORS ON THE BATTLEFIELD

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. The extensive involvement of contractor employees in a broad array of activities—including security functions—has raised questions about the legal accountability of contractor employees for their actions.

Do you believe that current DOD regulations appropriately define and limit the scope of security functions that may be performed by contractors in an area of combat operations?

Answer. I know that both President-elect Obama and Secretary Gates are concerned about the oversight and accountability of private contractors in areas of combat operations. I am not now familiar with the specific provisions of the Department's regulations in this area, but I recognize that this is an important issue. If confirmed, I will make review of the regulations one of my priorities.

Question. What changes, if any, would you recommend to such regulations?

Answer. If confirmed, I will review these regulations and, if appropriate, make recommendations for changes.

Question. Do you believe that current DOD regulations appropriately define and limit the scope of contractor participation in the interrogation of detainees?

Answer. As stated above, I am not now familiar with the specific provisions of the Department's regulations in this area, but I recognize that this is an important issue. If confirmed, I will make review of these regulations one of my priorities.

Question. What changes, if any, would you recommend to such regulations?

Answer. If confirmed, I will review these regulations that would pertain to this matter and, if appropriate, make recommendations for changes.

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media.

In your view, is DOD's use of private contractors to conduct information operations through the Iraqi media appropriate?

Answer. I am not fully familiar with the Department's use of private contractors to conduct information operations. If confirmed, I will review this issue. I recognize that this issue requires close scrutiny.

Question. Under what circumstances do you believe that it is appropriate for DOD to conduct information operations in a sovereign country without the knowledge and support of the host country?

Answer. I do not have enough information about information operations at this point to comment on when it would be appropriate for DOD to conduct such operations in a sovereign country without the knowledge and support of that country. If confirmed, I will study these matters carefully and ensure that DOD directives and policy on information operations are compliant with U.S. law. Again, I recognize that this is an issue that requires close scrutiny. I note also that in dealing with the media, DOD Public Affairs has an obligation to disseminate truthful and accurate information about military activities, consistent with security guidelines, to both domestic and international audiences.

Question. Office of Management and Budget (OMB) Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons".

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. From my prior experience as General Counsel of the Air Force, I am generally familiar with OMB Circular A–76. I am also familiar with section 832 of the NDAA for Fiscal Year 2009 which provides the sense of Congress, regarding performance by private security contractors of certain functions in areas of combat operations. This is a sensitive and controversial area, which, if confirmed, I will study carefully.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. I am not now in a position to provide an informed view on this subject. I am generally familiar with OMB Budget Circular A–76 and am familiar with section 1057 of NDAA for Fiscal Year 2009, which reflects the sense of Congress regarding the interrogation of detainees by contractor personnel. Again, if confirmed, I will study this issue carefully.

Question. What role do you expect to play, if confirmed, in addressing the issue of what functions may appropriately be performed by contractors on the battlefield?

Answer. If confirmed, I intend to study this issue carefully and provide the appropriate legal advice and guidance.

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of the U.S. courts to persons employed by or accompanying the Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I am generally aware of the provisions of the MEJA of 2000, Pub. L. No. 106–523, 114 Stat. 2488 (2000), as amended. See 18 U.S.C. §§ 3261–67. I am also aware that there have been legislative initiatives, including a bill introduced by then-Senator Barack Obama in February 2007, to explicitly cover MEJA's jurisdiction over contractors for Federal agencies other than DOD. I expect this legislative proposal will become a position of the new administration. I understand and appreciate the importance of appropriate accountability over all persons in support of our Armed Forces wherever located. If confirmed, I will give high priority to achieve that objective.

Question. What changes, if any, would you recommend to MEJA?

Answer. I am not now in a position to offer specific legislative changes to MEJA. If confirmed, I will give high priority to the Department's role in supporting this important law and provide advice when and where improvements are needed.

Question. What role would you expect to play, if confirmed, in developing administration recommendations for changes to MEJA?

Answer. If confirmed, to the extent that DOD develops recommendations for changes to MEJA to improve upon this law and its implementing procedures, I hope and expect to provide that necessary support. It is my understanding that the Office of the DOD General Counsel has been, since the enactment of MEJA, an integral player in implementing the act itself, and the processing of cases to the Department of Justice for consideration.

Question. Section 552 of the NDAA for Fiscal Year 2007 extended criminal jurisdiction of the military courts under the UCMJ to persons serving with or accom-

panying an Armed Force in the field during time of declared war or a contingency operation, such as our current operations in Iraq and Afghanistan.

In your view, does the UCMJ provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I strongly support the position that civilians serving with or accompanying our Armed Forces overseas who commit crimes should be appropriately held accountable. I do not now have an informed view about whether the UCMJ currently provides the appropriate jurisdictional reach.

Question. What is your view of the procedures agreed upon by the DOD and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I am aware generally that there are procedures to reconcile these responsibilities reflected in a Secretary of Defense memorandum of March 10, 2008. If confirmed, I intend to examine whether this memorandum strikes the appropriate balance in the exercise of criminal jurisdiction.

Question. What changes, if any, would you recommend to the UCMJ to ensure appropriate jurisdiction for alleged criminal actions of contractor employees?

Answer. I am not now prepared to offer specific suggestions or recommendations. If confirmed, I will examine this issue.

MILITARY JUSTICE MATTERS

Question. Article 6 of the UCMJ gives primary jurisdiction over military justice to the Judge Advocates General.

What is your understanding of the General Counsel's functions with regard to military justice and the Judge Advocates General?

Answer. In general, the DOD General Counsel has no direct role to play in specific military justice cases, or cases that may have military justice implications. Decisions in military justice cases are made by the commander of the accused, the convening authority, the military judge, and court members. The Service Courts of Criminal Appeals and the U.S. Court of Appeals for the Armed Forces provide appellate review of cases arising under the UCMJ, as does the U.S. Supreme Court through writs of certiorari. The Secretary of Defense becomes involved only in military justice in limited circumstances, and the General Counsel provides legal advice to the Secretary in those circumstances. The General Counsel, like the Secretary of Defense and other senior civilian and military officials in the Department, must avoid any action that may constitute unlawful command influence. I share the courts' oft-stated view that unlawful command influence is the "mortal enemy" of military justice.

See also my answers above concerning the Joint Service Committee on Military Justice and the Code Committee.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. See my answers above to the preceding question concerning the role of the General Counsel.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. As required by section 577 of the Ronald W. Reagan NDAA for Fiscal Year 2005, DOD issued a new policy for the prevention of and response to sexual assaults involving members of the Armed Forces.

What is your assessment of the DOD policy as it pertains to the legal issues surrounding the investigation and prosecution of sexual assault cases?

Answer. I believe this is a very important issue and I intend to review it carefully if I am confirmed as General Counsel. I am aware of a Victim Witness Assistance Program to help victims of sexual assault navigate the military justice process.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. I dealt with this issue to some extent as General Counsel of the Air Force. Unrestricted reporting means law enforcement involvement and investigation that will ensue upon a report of sexual assault; restricted reporting allows a victim to disclose the details of the assault to specific individuals and receive medical treatment and counseling without involving law enforcement or triggering an automatic investigation. As I understand it, the goal of restricted reporting is to give the victim the support and confidence eventually to come forward with an unrestricted report so the offender can be held accountable. In all, there must be a balance between the need for the prosecution of sexual offenders on the one hand and the pri-

vacy and physical and mental well-being of the victim on the other. Finding the right balance is a delicate task. I do not now have a view about whether DOD has found that right balance.

Question. What is your understanding of the adequacy of DOD oversight of military service implementation of DOD and Service policies for the prevention of and response to sexual assaults?

Answer. I am currently unfamiliar with the adequacy of DOD oversight.

RELIGIOUS ACTIVITY IN THE ARMED FORCES

Question. What is your understanding of current policies and programs of the DOD and the Military Services regarding religious practices in the military?

Answer. My understanding is that the Secretary of Defense and his staff provide overall policy guidance, and the Secretaries of the Army, Navy, and Air Force provide supplemental guidance.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I have not been in DOD for 8 years and, at this time, am not in a position to evaluate whether the current policies accommodate these important interests imbedded in our Constitution. I appreciate the importance of this issue. If confirmed, I hope and expect to review this issue in detail.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. See my answer to the prior question.

LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on accession by the United States to UNCLOS?

Answer. Like the President-elect and the current administration, I support U.S. accession to the UNCLOS. My understanding is that there are important national security interests that are to be furthered by U.S. accession. If confirmed, I look forward to working within the new administration and with the Senate towards favorable action on the Convention during the 111th Congress.

Question. From a national security standpoint, what do you see as the legal advantages and disadvantages of the United States being a party to UNCLOS?

Answer. As I understand it, the Convention secures important freedom of navigation rights upon which our maritime forces must be able to rely without question. By not being a party to the Convention, the United States has had to rely on customary international law, which is not universally accepted and can change over time in ways that may not be in the best interests of the country. Being a party to the Convention places these important navigational rights on the strongest legal footing as treaty rights, and gives the United States a seat at the table in treaty-based institutions.

I do not see national security disadvantages of being a party to the Convention. Some suggest that being a party could subject our maritime forces to the jurisdiction of international tribunals. The Convention, however, expressly permits a party to exclude from international dispute settlement those matters that concern "military activities," and the United States could assert the exclusive right to determine what constitutes a military activity.

Question. In your view, is customary international law alone sufficient to safeguard U.S. navigational and overflight rights and freedoms worldwide?

Answer. No. See my prior answer.

PROCESSING THE ANNUAL DOD LEGISLATIVE REQUEST

Question. One of the current responsibilities of the General Counsel of DOD is to coordinate the Department's legislative program and to provide the Department's views on legislative proposals initiated from outside the Department

If confirmed, what actions will you take to ensure that the Department's legislative proposals are submitted in a timely manner to ensure ample opportunity for consideration by Congress before mark-up of the NDAA?

Answer. I understand that over the past 3 years, the Office of General Counsel has restructured the Department's Legislative Program specifically to ensure that the Department transmits the annual National Defense Authorization Bill to Con-

gress immediately after the President transmits his budget to Congress. If confirmed as DOD General Counsel, I will personally monitor this progress, and assess whether improvements in the process can be made.

Question. What actions would you take, if confirmed, to ensure Congress receives the Department's views on other proposed legislation in a timely manner?

Answer. When I was General Counsel of the Air Force, I was appalled at the slow turnaround time in responding to many letters from Congress. I recall one that took almost a year.

I am told that, over the past 2 years, the Office of General Counsel has worked closely with the Office of the Assistant Secretary of Defense for Legislative Affairs and OMB to improve the Department's responses to requests for views on congressional bills. If confirmed, I will work to ensure that the Department provides Congress with timely views on proposed legislation.

JUDICIAL REVIEW

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. The role of Article III courts in review of military activities has been addressed repeatedly by the Supreme Court and lower Federal courts. Historically, the courts have afforded great deference to the military in the conduct of its affairs. See, e.g., *Loving* v. *United States,* 517 U.S. 748, 767 (1996); *Gilligan* v. *Morgan,* 413 U.S. 1, 4, 10 (1973); *Orloff* v. *Willoughby,* 345 U.S. 83, 93–94 (1953). However, that deference is not without limits, and since September 11, 2001, the Supreme Court has found it necessary to assert itself in matters of national security and the conduct of military affairs. For example, in *Hamdi* v. *Rumsfeld,* 542 U.S. 507, 535–36 (2004), Justice O'Connor stated "whatever power the United States Constitution envisions for the executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake."

CLIENT

Question. In your opinion, who is the client of the General Counsel of the DOD?

Answer. DOD is the client.

LEGAL ETHICS

Question. What is your understanding of the action a DOD attorney should take if the attorney becomes aware of improper activities by a DOD official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. Every DOD attorney is under an obligation to faithfully comply with all applicable laws and regulations. One such regulation, DOD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the DOD," requires referral to the DOD IG of senior official misconduct, including allegations of a violation of criminal law or conflict of interest law. If a DOD attorney learns of improper activities by an official who has sought his or her legal advice but is unwilling to follow it, the attorney should immediately notify his or her legal supervisor (or the senior lawyer in the next higher level of his or her organization) for review and appropriate action by that higher level attorney. This is the appropriate avenue to escalate concerns to ensure that corrective action is promptly taken.

Question. Do you believe that the present limits on pro bono activities of government attorneys are generally correct as a matter of policy or does the policy need to be reviewed?

Answer. To my knowledge, the present limits on pro bono activities are appropriate. That said, I am aware that there are a number of opportunities for DOD attorneys to be involved in many types of pro bono activities. If confirmed, for example, I intend to encourage DOD attorneys to participate in bar association activity. I believe that involvement by DOD attorneys in professional legal associations contributes to professional development.

Question. In your view, do the laws, regulations, and guidelines that establish the rules of professional responsibility for attorneys in DOD provide adequate guidance?

Answer. With respect to professional responsibility rules in DOD, I am aware that all DOD attorneys are required to be licensed to practice in a State, the District of Columbia, or a United States commonwealth or territory. DOD attorneys must also adhere to the highest standards of professional conduct, including compliance with the rules of professional conduct of their State bar(s) and any supplemental requirements imposed by their DOD component. If confirmed, I will examine the adequacy of the professional responsibility rules for lawyers in the Office of the DOD General

Counsel and the DLSA, and make appropriate modifications or issue supplemental guidance if warranted.

ROLE IN THE OFFICER PROMOTION PROCESS

Question. In your view, what is the role of the General Counsel of DOD in ensuring the integrity and proper functioning of the officer promotion process?

Answer. It is essential that the integrity and independence of the promotion selection process be maintained. Based on my prior experience as General Counsel of the Air Force, I know that the Secretary of each Service, in consultation with his or her own general counsel and Judge Advocate General, has the initial responsibility to ensure that the promotion selection process for both regular and Reserve officers is in compliance with law and DOD policy. I am also aware that all reports of promotion selection boards are reviewed by the Office of the DOD General Counsel prior to final action on the report by the Secretary or Deputy Secretary of Defense. If the DOD General Counsel determines that a promotion selection board fails to conform to law or policy, it would be the duty of the General Counsel to inform the Secretary or Deputy Secretary of Defense of the irregularities and to recommend appropriate corrective action. Further, in providing advice to the Office of the Under Secretary of Defense for Personnel and Readiness, the General Counsel should ensure that officer promotion policies promulgated in DOD regulations fairly and accurately reflect provisions of law set out in title 10.

Question. What is the role of the General Counsel of DOD, if any, in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. It is my understanding that the Office of the DOD General Counsel reviews all nomination packages pertaining to general and flag officers with attributed adverse information before the package is forwarded to the Secretary or Deputy Secretary of Defense for approval. The General Counsel ensures that any adverse information attributed to such officers is supported by evidence in the associated reports of investigation. I am informed that the DOD General Counsel frequently provides specific advice to the Under Secretary of Defense for Personnel and Readiness, the Deputy Secretary of Defense, and the Secretary of Defense concerning difficult or unusual cases. The General Counsel also shares responsibility for ensuring that adverse information communicated to the Armed Services Committee is provided in an accurate, comprehensive, and timely manner. Further, I am advised that the DOD Office of General Counsel is actively involved in ensuring that the Armed Services Committee is notified in a timely manner about recently initiated investigations involving officers pending confirmation.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. In your opinion, what is the relationship between DOD and the Department of Justice with respect to litigation involving DOD?

Answer. The Department of Justice has statutory responsibility to represent the United States, its agencies, and its officers, including DOD, in all litigation matters. See 28 U.S.C. § 516. However, DOD attorneys work directly with counsel at the Department of Justice in cases in which DOD, or one or more of its components or officials, is a party or has an interest. DOD attorneys review pleadings before they are filed with the courts, conduct and direct discovery, participate in making major litigation decisions, and in some cases serve as members of trial teams.

Question. In your view, does the Department need more independence and resources to conduct its own litigation or to improve upon its current supporting role?

Answer. If confirmed, I am sure I will review this issue.

COURT OF APPEALS DECISION

Question. On January 4, 2000, the United States Court of Appeals for the District of Columbia Circuit decided the case of *National Center for Manufacturing Sciences* v. *Department of Defense,* 199 F. 3d 507 (D.C. Cir. 2000). The court concluded that "Because of the existence of 10 U.S.C. section 114, it is clear that any monies appropriated for National Center for Manufacturing Sciences by Congress for research must be authorized before they can be appropriated and distributed"; and "Because 10 U.S.C. section 114(a)(2) requires authorization of these funds before they become available, appropriation alone is insufficient."

What is your view of the court's decision in this case and its implications regarding the obligation of funds that are appropriated, but not authorized?

Answer. I am generally aware of this case. It was decided while I was General Counsel of the Air Force. In addition, I am aware that there is doubt about whether funds can be utilized that are appropriated but not authorized. In my experience,

situations where funds have been appropriated but not authorized are often complex and may involve unique statutory language. As a result, if confirmed, I hope and expect that the Department, and the DOD General Counsel, will continue its practice of working closely with our oversight committees whenever this situation appears to be presented.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the Service boards for the correction of military records?

Answer. The potential range of issues that might require legal advice from the DOD General Counsel's office is very broad. The Office of General Counsel provides legal advice with respect to policy issues pertaining to military personnel, working closely with the Office of the Under Secretary of Defense for Personnel and Readiness, which has overall responsibility for departmental guidance for the correction boards.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next General Counsel of DOD?

Answer. Regardless of the substantive issues facing the Department, the military and civilian attorneys in the Department must work collaboratively to provide the highest quality, timely service to the Department and its leadership.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan to work closely with both the senior civilian and military attorneys across the Department to build the critical relationships necessary to successfully serve our clients in the highest traditional of public service.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of DOD?

Answer. There is always room for improvement, but I believe the DOD General Counsel's office is one of the finest law offices I have encountered, with many talented, dedicated, and extraordinary career professionals. Since I last worked in the Pentagon, the challenges facing DOD General Counsel have become far more complex in the post-September 11 world. It will be the highest honor of my professional career to lead this fine group of men and women in meeting those challenges.

Question. What management actions and timelines would you establish to address these problems?

Answer. If confirmed, I will encourage the Department's senior civilian and military attorneys to work collaboratively to provide timely legal advice of the highest quality to our clients.

Question. What do you see as the greatest legal problems facing the Department in the coming year?

Answer. The world has changed since I last worked in the Pentagon in January 2001, and my single greatest reason for wanting to return to public service is to help combat international terrorism. I was a personal witness to the events of September 11, 2001. We must imagine, prepare for, and try to prevent the next attack, not the last one, and the greatest challenge of the DOD General Counsel going forward will be to find legal solutions and the best legal advice to promote our national security while safeguarding our individual liberties and American values.

Question. Does the Office of the General Counsel have the resources to deal with these problems and do its everyday work?

Answer. If confirmed, I will assess whether the resources available to the DOD General Counsel are sufficient to perform the tasks described above.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate

and necessary security protection, with respect to your responsibilities as the General Counsel of the DOD?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

GUANTANAMO BAY REVIEWS

1. Senator AKAKA. Mr. Johnson, DOD conducts Administrative Review Boards at Guantanamo Bay (GTMO) to determine if a detainee will be released, transferred, or retained. According to a Pentagon spokesman on the GTMO issue, "Since 2002, 61 former detainees have committed or are suspected to have committed attacks after being released from the detention camp." This number has increased since a March 2008 Pentagon report cited 37 former detainees had been suspected of terrorist activities. In your view, to what extent has the Administrative Review Boards been able to establish effectively mitigation of risk that a released/transferred detainee will return to the fight?

Mr. JOHNSON. I am aware of Administrative Review Boards and the role they play. However, I do not have enough information about Administrative Review Boards at this point to comment on their effectiveness, including whether Administrative Review Boards effectively consider the risk that a detainee will "return to the fight." If confirmed, I expect to examine this issue carefully as part of the detainee review ordered by the President.

QUESTION SUBMITTED BY SENATOR BILL NELSON

SEXUAL ASSAULTS IN IRAQ AND AFGHANISTAN

2. Senator BILL NELSON. Mr. Johnson, untold numbers of sexual assaults have been committed in Iraq and Afghanistan by executive branch contractors and employees. In 2007, I sent letters regarding sexual assault to the Secretaries of Defense and State and the Attorney General. On December 13, 2007, I wrote to Secretary of Defense Gates, requesting that he launch an investigation by the Defense Department's Inspector General (DOD/IG) into rape and sexual assault cases in Iraq and Afghanistan. Following my letters, the DOD/IG stated that the Army Criminal Investigation Command (CID) investigated 41 sexual assaults in Iraq in 2005, 45 sexual assaults in 2006, and 38 sexual assaults in 2007. These numbers are limited to only 3 years' worth of investigations by the Army in Iraq. They do not include investigations for both theaters of operations nor all the Services operating in Iraq and Afghanistan. Consequently, there could be many additional investigations and assaults that have not been investigated. Also, because the DOD/IG would not provide information on the status of its investigations, it remains unclear how many of these cases have been prosecuted and/or processed within the military or criminal justice systems. If confirmed, how will you work with your counterparts at the Departments of State, Justice, and other executive branch departments with regard to contractor crimes in Iraq and Afghanistan?

Mr. JOHNSON. Regrettably, as you state, there have been reported cases of sexual assaults committed in Iraq and Afghanistan. By any measure, these numbers are unacceptable. Even one case of sexual assault is one too many. In 2004, DOD created the Sexual Assault and Prevention Office to establish policy and procedures to address the various issues and difficulties encountered by victims of sexual assault worldwide. I understand also that attorneys of the Office of the General Counsel have been instrumental in providing legal advice and guidance in the development and implementation of those various policies. I am told that attorneys in the Office of the General Counsel work closely with Department of Justice officials on all reported cases of crimes committed in Iraq and Afghanistan where there is the possi-

bility of prosecution under the Military Extraterritorial Jurisdiction Act or other Federal criminal jurisdiction, and cases involving civilians during contingency operations for which the recently-expanded jurisdiction of the Uniform Code of Military Justice is available. If I am confirmed, I will see to it that the Office of the General Counsel will continue to be in the forefront of these efforts to hold accountable those who commit crimes while serving with or accompanying the Armed Forces outside the United States, as well as civilian contractors or employees of other Federal agencies whose employment relates to supporting the DOD mission overseas.

QUESTION SUBMITTED BY SENATOR MARK PRYOR

BREAKDOWN OF COMMUNICATION

3. Senator PRYOR. Mr. Johnson, the Senate Armed Services Committee report of its Inquiry into the Treatment of Detainees in U.S. Custody discovered a fundamental breakdown in communication between the respective Services' Counsels and that of DOD General Counsel. Such a breakdown could even be interpreted as General Counsel's blatant disregard for the opinion and counsel from the uniformed services. I believe the committee's report is quite clear about this correlation. As General Counsel to the Secretary of Defense, how will you establish a better working relationship with the Services to keep such a breakdown in communication from ever happening again?

Mr. JOHNSON. I was General Counsel of the Air Force from October 1998 to January 2001. As such, I appreciate the role the Service General Counsels play and their importance within the overall DOD legal community. Further, while Air Force General Counsel, I had extensive experience working in a collegial and collaborative fashion with The Judge Advocate General of the Air Force and his staff to deliver effective legal service and advice to the Air Force's leadership. If confirmed as General Counsel of DOD, I intend to continue that kind of positive working relationship with all Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps.

As I stated during my testimony on January 15, my approach to legal analysis includes hearing from other senior counsel, such as The Judge Advocates General, as well as junior military and civilian lawyers working on the issue. Moreover, if I know that the Department's military lawyers have a strong view on a matter, I have in the past, and expect in the future, if confirmed, to include The Judge Advocates General collaboratively in discussions and deliberations on such issues. I believe that having the input of a cross-section of the Department's lawyers is important to being able to provide the best legal advice to the senior civilian and military leadership.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

DETAINEES

4. Senator MCCAIN. Mr. Johnson, the Detainee Treatment Act of 2005 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment. Do you agree that this standard applies to all detainees in U.S. custody, including those detained by the military but who may be subject to interrogation by other U.S. Government agencies?

Mr. JOHNSON. Yes.

5. Senator MCCAIN. Mr. Johnson, if confirmed, how do you intend to ensure the standard is followed by U.S. forces worldwide?

Mr. JOHNSON. If confirmed, as part of the detainee review ordered by the President, I intend to examine thoroughly all detainee-related regulations and directives to ensure that this standard is clearly and effectively communicated throughout the Department and to U.S. forces worldwide.

GUANTANAMO BAY

6. Senator MCCAIN. Mr. Johnson, President-elect Obama has said he wants to close the military detention facility at GTMO. If confirmed, how would you go about executing the President-elect's policy? How would you approach this challenge?

Mr. JOHNSON. The President has directed the closure of the detention facilities at GTMO, in an Executive order signed on January 22, 2009. If confirmed, I expect

to provide legal advice to the Department as it works closely with other departments and agencies to implement all aspects of this important Executive order.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

GUANTANAMO BAY

7. Senator COLLINS. Mr. Johnson, President-elect Obama has indicated his desire to close the detention facility at Naval Station Guantanamo Bay. What would be your recommendation to Secretary Gates as to what to do with the detainees once GTMO is closed?

Mr. JOHNSON. The President has directed the closure of the detention facilities at GTMO, in an Executive order signed on January 22, 2009. If confirmed, I expect to provide legal advice to the Department as it works closely with other departments and agencies to implement all aspects of this important Executive order. At this point, I do not have specific recommendations for Secretary Gates about what to do with any remaining detainees once GTMO is closed. In my view, decisions concerning the detainees should be guided by several principles: adherence to the laws and American values; public safety; bringing to justice those detainees who can and should be prosecuted; and the risk of recidivism, i.e., the risk that a detainee released or transferred could return to the fight.

[The nomination reference of Jeh Charles Johnson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 20, 2009.

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

Jeh Charles Johnson, of New York, to be General Counsel of the Department of Defense, vice William J. Haynes II, resigned.

[The biographical sketch of Jeh Charles Johnson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JEH C. JOHNSON

Jeh Charles Johnson is a partner in the New York City-based law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP.

Mr. Johnson's career has been a mixture of successful private law practice (as an experienced trial lawyer) and distinguished public service (as a Federal prosecutor and presidential appointee). In private practice, Mr. Johnson has personally tried some of the highest stakes commercial cases of recent years. At age 47, he was elected a Fellow in the prestigious American College of Trial Lawyers. His experience as a trial lawyer began in 1989–1991, as an Assistant United States Attorney in the Southern District of New York, where he prosecuted public corruption cases.

In 1998, Mr. Johnson left Paul, Weiss for 27 months when President Clinton appointed him General Counsel of the Department of the Air Force. In 2004, Mr. Johnson served as Special Counsel to John Kerry's presidential campaign. He was also actively involved in Barack Obama's presidential campaign as an advisor on national security and international law issues. In January 2007, Mr. Johnson was nominated by the bipartisan New York State Commission on Judicial Nomination to be Chief Judge of New York. The incumbent Judith Kaye was reappointed by Governor Spitzer. Mr. Johnson was rated "well-qualified" for the position by the New York State Bar Association—the highest rating it can give.

While in private practice, Mr. Johnson is active in professional and community activities. From 2001–2004, he was Chair of the Judiciary Committee of the New York City Bar Association, which rates and approves all the Federal, state and local judges in New York City. He now serves on the Executive Committee of the City Bar.

Mr. Johnson is a member of the Council on Foreign Relations and the American Law Institute. He currently serves on the Board of Governors of the Franklin and

Eleanor Roosevelt Institute and the Board of Advisors of the National Institute of Military Justice. Mr. Johnson is a past or present director or trustee of Adelphi University, the Federal Bar Council, the Fund for Modem Courts, the New York Community Trust, the Legal Aid Society, the Delta Sigma Theta Research and Education Fund, the Vera Institute, the Lawyers' Committee for Civil Rights Under Law, the New York Hall of Science, the Film Society of Lincoln Center and the New York City Bar Fund, Inc. in 1995–1997.

Mr. Johnson graduated from Morehouse College in 1979 and Columbia Law School in 1982.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Jeh Charles Johnson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jeh Charles Johnson.

2. **Position to which nominated:**
General Counsel of the Department of Defense.

3. **Date of nomination:**
Intention to nominate issued January 8, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 11, 1957; New York, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Dr. Susan M. DiMarco.

7. **Names and ages of children:**
Jeh Charles Johnson, Jr. (born September 19, 1994).
Natalie Marguerite Johnson (born December 6, 1995).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Morehouse College, August 1975–May 1979, B.A. 1979.
Columbia University School of Law, August 1979–May 1982, J.D. 1982.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Associate; Sullivan & Cromwell; 125 Broad Street; New York, NY; September 1982–October 1984.

Associate; Paul, Weiss, Rifkind, Wharton & Garrison LLP; 1285 Avenue of the Americas; New York, NY; November 1994–December 1988.

Assistant United States Attorney; One Saint Andrews Plaza; New York, NY; January 1989–December 1991.

Associate, then partner; Paul, Weiss, Rifkind, Wharton & Garrison LLP; 1285 Avenue of the Americas; New York, NY; January 1992–October 1998.

Adjunct lecturer of law (in trial practice) (volunteer, part-time); Columbia University School of Law; 435 West 116th Street; New York, NY; January 1995–April 1997.

General Counsel of the Department of the Air Force; Room 4E856; 1740 Air Force Pentagon; Washington, DC; October 1998–January 2001.

Partner; Paul, Weiss, Rifkind, Wharton & Garrison LLP; 1285 Avenue of the Americas; New York, NY; January 2001–present.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Transition Team for President-elect Barack Obama, November 2008–December 2008.

Transition Team for NYS Attorney General Andrew Cuomo, November 2006–December 2006.

Congressional Intern, The Honorable Hamilton Fish, Jr.; Poughkeepsie, NY; May 1980–August 1980.

Senate Intern; The Honorable Daniel P. Moynihan; Washington, DC; May 1978–August 1978.

Congressional Intern; The Honorable Hamilton Fish, Jr.; Washington, DC; July 1977.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Partner; Paul, Weiss, Rifkind, Wharton & Garrison, LLP (law firm).

Board of Governors, Franklin and Eleanor Roosevelt Institute.

Director, Federal Bar Foundation.

Member and Executive Committee member, New York City Bar Association.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See the response to question 11 above.

Member, American Bar Association.

Fellow, American College of Trial Lawyers.

Member, Counsel on Foreign Relations.

Member, Rockefeller Center Club (lunch club).

Member, Nisi Prius (lunch club).

Member, Bradford Swim & Tennis Club (local club for family in New Jersey).

Member, American Law Institute.

Member, Sigma Pi Phi fraternity.

Member, National Institute of Military Justice.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Member, Dutchess County (New York) Republican Committee (1980–1981).

Member, New York County Democratic Committee (1993–1994).

Delegate, Democratic National Convention (2008).

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

National Finance Committee, Obama for America (2007–2008).

New York State Counsel to Obama for America (2008).

Special Counsel, John Kerry for President, Inc. (2008).

See also the response 13(c) below.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

10/18/2008, Nebraskans for Kleeb $500.

10/05/2008, Jill Morgenthaler for Congress, $250.
09/30/2008, Linda Stender for Congress, $500.
09/26/2008, New Jersey Democratic State Committee, $5,000.
09/23/2008, Bill Richardson for President Inc., $1,000.
09/16/2008, Democratic National Committee, $28,460.
07/31/2008, Hillary Clinton for President, $2,300.
07/29/2008, Friends of Kevin Parker, $1,000.
07/24/2008, Obama Victory Fund, $2,300.
07/09/2008, Committee to Re-Elect Eric Adams, $1,000.
05/29/2008, Friends of Mark Warner, $2,300.
05/07/2008, Lautenberg for Senate, $1,000.
04/23/2008, People for Chris Gregoire, $500.
04/22/2008, Andre Carson for Congress, $2,000.
04/20/2008, Senate 2008, $2,000.
04/01/2008, Patrick Murphy for Congress, $2,300.
03/29/2008, Paul Hodes for Congress, $1,300.
03/31/2008, Gillibrand for Congress, $500.
03/21/2008, Waltner for Congress, $500.
03/11/2008, Al Franken for Senate, $1,000.
03/07/2008, Karim Camara, $1,500.
02/13/2008, Cyrus Vance, Jr. for District Attorney, $1,000.
12/31/2007, Paul Hodes for Congress, $1,000.
12/01/2007, John Hall for Congress, $500.
09/30/2007, Friends of Dick Durbin Committee, $500.
09/25/2007, Democratic Governors Association, $500.
09/25/2007, Linda Stender for Congress, $1,000.
09/18/2007, Our Common Values PAC, $500.
08/21/2007, Citizens for Harkin, $2,000.
07/09/2007, Conyers for Congress, $2,000.
06/13/2007, Friends for Gregory Meeks, $500.
05/31/2007, Patrick Murphy for Congress, $2,300.
03/27/2007, Friends of Jim Clyburn, $1,500.
03/01/2007, Kerry-Edwards 2004, Inc. General Election Legal and Accounting Compliance Fund, −$2,000.
02/09/2007, Linda Stender for Congress, $300.
01/23/2007, Obama for America, $2,300.
12/11/2006, Hopefund Inc., $4,000.
11/04/2006, Harold Ford Jr. for Tennessee, $1,500.
09/21/2006, Harold Ford Jr. for Tennessee, $2,000.
09/07/2006, Linda Stender for Congress, $1,600.
08/18/2006, Richardson for Governor, $1,000.
08/04/2006, James Webb for U.S. Senate, $2,100.
06/25/2006, Patterson for Attorney General, $200.
06/17/2006, Linda Stender for Congress, $500.
06/15/2006, Hopefund Inc., $1,000.
06/12/2005, Democratic National Committee, $2,000.
06/07/2006, Spitzer 2006, $2,000.
06/06/2006, Menendez for Senate, $2,100.
06/06/2006, Menendez for Senate, $2,100.
05/26/2006, Friends of Hillary, $1,000.
05/20/2006, Lee Harris for Memphis, $250.
04/13/2006, Democratic National Committee, $1,000.
03/28/2006, Bill Nelson for Senate, $1,000.
03/20/2006, David Yassky for Congress, $250.
02/06/2006, Harold Ford Jr. for Tennessee, $1,000.
12/06/2005, Friends of Rahm Emanuel, $2,000.
11/07/2005, Cam Kerry Committee, $500.
11/02/2005, Spitzer 2006, $1,000.
05/15/2005, Spitzer 2006, $1,000.
04/25/2005, Carol March for Mayor, $250.
04/13/2005, Deval Patrick, $500.
01/08/2005, Mark Green for Attorney General, $1,000.
11/23/2004, Jun Choi for Assembly, $100.
09/12/2004, Kerry-Edwards Victory 2004, $1,000.
07/08/2004, Obama for Illinois Inc., $250.
06/08/2004, Obama for Illinois Inc., $250.
06/06/2004, Garodnick for New York, $1,000.
05/19/2004, Spitzer 2006, $1,000.

05/07/2004, Max Sandlin for Congress, $100.
04/23/2004, Texas Fund, $500.
04/05/2004, Rahm Emanuel for Congress, $1,000.
03/01/2004, Rangel for Congress, $100.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Recipient, DOD Decoration for Exceptional Civilian Service, 2001.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Mock Juries, Why Use Them?" Litigation Magazine (article on use of mock juries, written in July 2008, to be published).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JEH CHARLES JOHNSON.

This 12th day of January, 2009.

[The nomination of Jeh Charles Johnson was reported to the Senate by Chairman Levin on February 5, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2009.]

NOMINATIONS OF DR. ASHTON B. CARTER TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS; DR. JAMES N. MILLER, JR., TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY; AND AMBASSADOR ALEXANDER R. VERSHBOW TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

THURSDAY, MARCH 26, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, McCaskill, Hagan, Begich, Burris, McCain, Inhofe, Sessions, Chambliss, Thune, Burr, and Vitter.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Richard W. Fieldhouse, professional staff member; Mark R. Jacobson, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; William G.P. Monahan, counsel; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Pablo E. Carrillo, minority investigative counsel; Richard H. Fontaine, Jr., deputy Republican staff director; Paul C. Hutton IV, professional staff member; Daniel A. Lerner, professional staff member; David M. Morriss, minority counsel; Lucian L. Niemeyer, professional staff member; Christopher J. Paul, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Kevin A. Cronin, Jessica L. Kingston, and Christine G. Lang.

Committee members' assistants present: Jay Maroney, assistant to Senator Kennedy; Christopher Griffin and Vance Serchuk, assistants to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Christopher Caple, assistant to Senator Bill Nelson; Jon Davey, assistant to Senator Bayh; Gordon I. Peterson, assistant to

Senator Webb; Michael Harney, assistant to Senator Hagan; Brady King, assistant to Senator Burris; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; Dan Fisk and Brian W. Walsh, assistants to Senator Martinez; Chris Joyner and Kevin Kane, assistants to Senator Burr; Michael T. Wong, assistant to Senator Vitter; and Chip Kennett, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee today considers the nominations of Ashton Carter to be Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L); James Miller to be Deputy Under Secretary of Defense for Policy; and Alexander Vershbow to be Assistant Secretary of Defense for International Security Affairs.

Each of our nominees has a long track record of public service. Dr. Carter served as Assistant Secretary of Defense for International Security Policy from 1993 to 1996. Since that time he's continued to serve as a member of the Defense Science Board and the Defense Policy Board, co-chair of the Review Panel on Future Directions for the Defense Threat Reduction Agency, member of the National Missile Defense White Team, and a member of the National Academy of Sciences Committee on International Security and Arms Control.

Dr. Miller served as Deputy Assistant Secretary of Defense for Requirements, Plans, and Counterproliferation Policy from 1997 to 2000 and as a professional staff member for the House Armed Services Committee from 1988 to 1992.

Mr. Vershbow is a career foreign service officer who has served as Ambassador to the Republic of Korea from 2005 to 2008, as Ambassador to Russia from 2001 to 2005, and as Ambassador to the North Atlantic Treaty Organization (NATO) from 1998 to 2001.

We welcome our witnesses and we welcome their families to today's hearing. Senior Department of Defense (DOD) officials put in long hours every day. We appreciate the sacrifices that our nominees and their families—and we emphasize that—are willing to make to serve their country.

Dr. Carter, if confirmed, will assume leadership of DOD's acquisition organization at a particularly difficult time. According to recent estimates, the Department's 95 Major Defense Acquisition Programs (MDAPs) have exceeded their research and development budgets by an average of 40 percent, seen their acquisition costs grow by an average of over 25 percent, and experienced an average schedule delay of almost 2 years.

Last summer, the Government Accountability Office (GAO) reported that cost overruns on these major acquisition programs now total $295 billion over the original estimates, even though we have cut unit quantities and reduced performance expectations on many programs in an effort to hold down costs. These problems are the consequence of the Department's continuing failure to develop reasonable cost and schedule estimates at the beginning of program, failure to establish realistic performance expectations, failure to

use mature technologies, and failure to avoid costly changes to program requirements, production quantities, and funding levels in the middle of ongoing programs.

Over the last few years, these problems have been compounded by an alarming lack of acquisition planning across the Department, the excessive use of time and materials contracts, undefinitized contracts and other open-ended commitments with DOD funds, and a pervasive failure to perform contract oversight and management functions necessary to protect the taxpayers' interest.

Dr. Miller will join DOD when almost 200,000 U.S. soldiers, sailors, airmen, and marines are deployed in harm's way in Iraq and Afghanistan alone. Dr. Miller will play a key role in facing the challenge of managing the transition between two ongoing wars, drawing down in Iraq as we build up in Afghanistan. He will help shape our policies in other key areas around the world, from countering the potential threat of a nuclear Iran to developing a common approach with our international partners for addressing North Korea. He will also help lead the 2010 Quadrennial Defense Review (QDR), which should get underway in the near future.

Ambassador Vershbow when he becomes Assistant Secretary of Defense for International Security Affairs will have the responsibility for helping to develop the Department's policies relating to Iraq, the Middle East, Europe, Africa, and Eurasia. In this capacity he will oversee our relations with our NATO partners who are contributing to coalition operations in Afghanistan, Kosovo, and elsewhere. He is also likely to play a key role as we seek to improve our relations with Russia, a country where he served with distinction as Ambassador for 5 years.

I look forward to the testimony of our nominees on these issues.

Senator McCain is on his way, and in a way it's a break that he's a little bit late because that gives us an opportunity to call on Senator Lieberman, who has another responsibility as chairman of the Senate Homeland Security and Governmental Affairs Committee in just a few minutes. So we're going to call on you, Senator Lieberman, for your introduction. We're delighted you're here.

STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator LIEBERMAN. Thank you very much, Mr. Chairman. I appreciate your courtesy. I'm sorry that I can't stay for the hearing because we have one in Homeland Security and some nominees.

I must say, this gives me a different perspective on the committee and the staff, being at this lower altitude.

Chairman LEVIN. We hope you'll remember that. [Laughter.]

Senator LIEBERMAN. Exactly. I was going to say, I will show you more than the normal respect than I do from this altitude.

Thank you. I'm here to introduce and to support the nomination of Dr. Ash Carter, but I must say that these are three remarkable individuals. We are very fortunate that they are prepared to serve our country, and I think it shows President Obama's good judgment and really high standards in making these picks.

I must say as a U. Conn. [University of Connecticut] Huskies fan that my confidence in the President's judgment has been shaken

somewhat by his failure to put the Huskies in the Final Four for the NCAA [National Collegiate Athletic Association] brackets.

Chairman LEVIN. He has a lot on his plate, so I think it's understandable.

Senator LIEBERMAN. I understand. My confidence has been shored up by these three nominees.

I am here to introduce Ash Carter. I suppose that my constituency claim to Ash is that he spent 4 great years of his life in New Haven, CT, at college. But we've come to know each other very well over the ensuing years. I'm proud to consider him a friend. I've greatly benefited from his thinking on matters of national security. He has an extraordinary CV, which is before you: a double major, interestingly, in medieval history and physics at Yale; then a Rhodes scholarship and a doctorate at Oxford in theoretical physics.

Of course, he comes to us now from his position on the faculty at the Kennedy Center at Harvard. He served on the Defense Science Board from 1991 to 1993, and then as Assistant Secretary of Defense for International Security Policy. He was in that position for 4 years, during his tenure led the multi-billion dollar Cooperative Threat Reduction, the Nunn-Lugar Program supporting the removal of nuclear, biological, and chemical weapons from the former Soviet Union; and worked very closely with former Defense Secretary William Perry.

He really brings a remarkable array of talents to this position of Under Secretary of Defense for AT&L. He combines both program execution experience with remarkable capability to both formulate and see through policy transformations. Ash Carter understands that the acquisition part of this position is of intense interest to members of this committee, to Congress, to the country, because of the persistent overruns in the cost of systems that we are acquiring. He understands our concern about the number and quality of acquisition personnel. I think he really will bring a tough, fresh, pro-taxpayer, pro-national security view to this work.

As I say, he has remarkable policy judgment and policy experience, which I think will benefit the Department overall on some of the major questions about, particularly in a resource-constrained environment, which systems should we acquire. For instance, how can we through the acquisition process implement the high hopes of the Goldwater-Nichols joint warfighting vision, which has been realized in many ways and still not fully in acquisition.

I can go on a long time about Ash Carter. I will just say that I think we're very fortunate in him and his wonderful family that's with him, and that he's agreed to come back to Washington to serve our Nation. We will all be better and safer as a result of it, and of course I hope that our committee will recommend him favorably to the Senate.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman. Your introduction's not only significant to Dr. Carter, it's very significant, of course, to us. Thank you for working this into your schedule. Senator Kennedy also has an introduction for Dr. Carter and we'll put a copy of that statement into the record here.

PREPARED STATEMENT BY SENATOR EDWARD M. KENNEDY

It's a privilege to welcome Ash to the Senate Armed Services Committee and I look forward to his confirmation as Under Secretary of Defense for Acquisition, Technology, and Logistics. I know that Ash has impressive plans for the Department of Defense and I look forward to working with him on a range of issues.

Ash brings a wealth of experience to this position both from the private sector and his role as Assistant Secretary of Defense for International Security Policy under President Clinton. Most recently, he's been Ford Foundation Professor of Science and International Affairs at the Kennedy School at Harvard, where he led the faculty as Chair of the Department of International Relations, Security and Science. He is also a trustee at the Mitre Corporation and an adviser at MIT's Lincoln Laboratory and Draper Laboratory.

Ash has been a respected leader in national security for many years. Now more than ever, the Nation needs his skills and commitment. I strongly support his nomination, and I look forward very much to his confirmation by the Senate.

Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman.

Thanks, Senator Lieberman, for introducing our nominees today. Dr. Carter and Dr. Miller each have previously served in the Office of the Secretary of Defense (OSD), and Ambassador Vershbow, you have a distinguished career of service in the Foreign Service. I thank you all for your willingness to serve in these extraordinary positions of importance in DOD.

Dr. Miller and Ambassador Vershbow, I expect that they're awaiting your arrival. Your responses to the committee's advance policy questions (APQs) reflect, I believe correctly, the high priority that must be placed on achieving success in Iraq and Afghanistan. I look forward to working with you.

Dr. Carter, the need for comprehensive acquisition reform at DOD is an imperative. The American people can't afford the costly weapons procurement failures and mismanagement we've seen in the past. If confirmed as Under Secretary of Defense for AT&L, obviously you must ensure that acquisition decisionmaking is fiscally sound and responsive to our national security imperatives.

Perhaps no two programs reflect the problems in DOD procurement more than the F–35 Joint Strike Fighter (JSF) program and the Army's Future Combat Systems (FCS) program. The cost of the JSF program has increased 47 percent since 2001, from $65 million to $105 million per aircraft. What's even more troubling is that we don't know how much higher the cost of the program will go because the program is scheduled to buy 360 aircraft under a cost reimbursable contract, with only 2 percent of its development flight testing completed and critical technologies essential for the program remaining immature.

Similarly, the FCS program, according to GAO, is "unlikely to be executed within the Department's $159 billion cost estimate." In fact, consensus is emerging that the cost of that program is likely to balloon to over $200 billion. Yet, having already invested billions in that program, the Army is in many respects closer to the beginning of development than it is to the end.

Adding to the existing litany of failed or failing major defense programs, the status of the JSF and FCS programs lead to the unavoidable conclusion that the current acquisition process is broken. I won't go into the presidential helicopter issue.

Unless difficult decisions are made and serious reform measures undertaken, our ability to provide for our national security will be over time fundamentally compromised. The endless cycle of runaway costs, prolonged delivery schedules, and poor performance in the acquisition of major weapons has in my view mired us in a form of unilateral disarmament.

Dr. Carter, your cumulative experience and expertise in a wide range of defense-related matters is notable. However, I do have concerns about your lack of in-depth experience in acquisition-related matters. I'll look forward to your telling us about that. By the same token, I understand that experience alone is no guarantee of success in the arena you're about to enter.

I sincerely hope that you will bring needed clarity of vision and skill in management to this position. I look forward to your testimony.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Now, we do expect Senator Reed to be here at any moment to make his introduction of Dr. Miller, but we are going to proceed and if he is able to get here he will make that introduction at that time.

I would suggest, Ambassador Vershbow, that you now move over one seat to your right and shift your name plate for us.

I will ask you first for your opening statements. Dr. Carter, let me call on you first, and then I'll ask you the standard questions when you're all done with your statements. Dr. Carter.

STATEMENT OF ASHTON B. CARTER, PH.D., NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS

Dr. CARTER. Thank you, Mr. Chairman, members. Thank you for giving me the opportunity to appear before you as the nominee for the position of Under Secretary of Defense for AT&L. I thank Senator Lieberman for introducing me, and my wonderful wife Stephanie and my daughter Ava and my son Will for their support.

I'm humbled, but challenged, by the magnitude of President Obama's, Secretary Gates', and this committee's needs for this job in these times, times in which the world is perilous, but moreover when the perils are changing rapidly, times of severe budget pressures against a background of economic crisis, and times of poor performance in how we conceive and buy the defense systems we need, poor performance that is widely acknowledged.

What is not changing is that the world looks to the United States to use its power for good, and that power depends in the first measure on the impressive quality of the soldiers, sailors, airmen, and marines who make up our military, but importantly also on the equipment and technology they have.

I seek the consent of this committee and the Senate for this job. The constitutional phrase is "advice and consent." I certainly require your consent. But in view of the challenges to the Department, I'm going to need your advice, too. Some of that advice is contained in your legislation, the Weapons Acquisition Reform Act of 2009. I've read it carefully and I endorse its aims. If confirmed, I pledge to you, Mr. Chairman, to you, Senator McCain, and the

other members of this committee to benefit from your long experience and dedication in this field.

The job of Under Secretary of Defense for AT&L has several dimensions and I'd like to address each one briefly in turn. First and foremost is to get under control the many troubled programs that are supposed to be supporting our troops, present and future. As this committee well knows, too many of these programs are failing their cost, schedule, and performance expectations, and some are failing even more fundamentally the test of whether they are needed for the future military challenges we are most likely to face.

The state of these programs is not acceptable to the warfighter or to the taxpayer, and job one for the person who occupies the position for which I appear before you as the nominee is to get them under control.

I've had 25 years of experience working with and for DOD and its supporting defense industry and laboratories. I began my work in DOD with Secretary Caspar Weinberger on technical aspects of space, nuclear, command and control, and strategic defense programs in the 1980s. In the 1990s I was privileged to serve as Assistant Secretary of Defense.

In between government service, I have been a faculty member at Harvard's Kennedy School, director of its largest research center, and chair of the International and Global Affairs Faculty, a senior partner of Global Technology Partners, and a consultant and adviser to defense companies, to DOD laboratories and Federally Funded Research and Development Centers (FFRDCs), a member of the Defense Science Board and of DOD's Threat Reduction Advisory Council.

I believe I know the security challenges this Nation faces, the needs and workings of DOD, the nature of the defense industry and the demands upon it, and the views and policies laid down by this committee. I believe I know how to work with all parties over time to find the right path out of the woods for these many troubled programs, and if confirmed, I will try to do just that.

A second challenge for the incumbent of this job is to reform the acquisition system itself so we don't get ourselves into this situation again. One problem among many that Secretary Gates has stressed and that is just unacceptable in time of war is the apparent inability of the acquisition system to provide systems in months rather than years or even decades.

I concur with Secretary Gates that there is no silver bullet that will fix defense acquisition, and indeed the many troubled programs in DOD today—and Senator McCain has named two of them—have each its own history and reasons for getting into trouble, and no changes to the acquisition system itself can substitute for good sense, good discipline, alignment of what we buy with what our strategy requires, and above all good people performing the acquisition function. But it's also true, to paraphrase Eisenhower, that the right system might not guarantee success, but the wrong system guarantees failure.

I participated in many panels and studies that have assessed the defense acquisition system going back to the 1980s. I've even written a few books about it. I've also served for nearly 2 decades as a board member and consultant to the MITRE Corporation, which

is DOD's systems engineering and acquisition support FFRDC. I've a strong familiarity with the acquisition practices and key programs of DOD and the Intelligence Community and also a strong commitment to reform.

A third critical responsibility of this job is to oversee the science and technology (S&T) efforts of the Department. As a physicist, I have a deep appreciation for the fact that S&T is the key source of this Nation's comparative advantage in military affairs. But this advantage is not a birthright and needs constant attention, especially in a world where the science and engineering base outside of defense and outside of this country is growing rapidly.

I keep closely abreast of the development in defense technology, among other ways, through my affiliations with the Massachusetts Institute of Technology's Lincoln Laboratory and the Draper Laboratory and through membership in various panels of the National Academy of Sciences. If confirmed, I will be committed to preserving DOD's technological edge.

Fourth and finally, the Under Secretary of Defense for AT&L plays a key role in our nuclear deterrent and in other strategic issues—missile defense, space, and cyber. I've been deeply involved in technical aspects of nuclear weapons and missile defense since the 1980s, when I worked on technical aspects of MX missile basing in the Strategic Defense Initiative. I conducted the 1994 Nuclear Posture Review (NPR) for President Clinton and, through the Nunn-Lugar program for which I had responsibility, worked to denuclearize Ukraine, Kazakhstan, and Belarus. More recently, I have served as expert working group chair for the Commission on the Future Strategic Posture of the United States, the so-called Perry-Schlesinger Commission.

As far as missile defense is concerned, that was the first area of defense technology I ever worked in, assessing the possibility that lasers or neutral particle beams could intercept ascending ballistic missiles from space. I've written and edited two technical manuals on missile defense and for the last 10 years I've been a member of the Missile Defense Agency's (MDA) White Team.

If confirmed, I will use this background to inform and implement the Nation's policies on these important programs in consultation with this committee.

In sum, Mr. Chairman and members, I believe I have experience and demonstrated commitment relevant to each of the several dimensions of the important job for which you are considering me. But even more, I have a strong desire to help President Obama, Secretary Gates, and Congress put DOD on a solid strategic, programmatic, and budgetary path, where our troops and the taxpayer expect it.

I look forward to your questions.

Chairman LEVIN. Thank you, Dr. Carter.

Now, Senator Reed, we'll call on you to introduce Dr. Miller.

STATEMENT OF HON. JACK REED, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator REED. Thank you very much, Mr. Chairman, Senator McCain, and my colleagues. I'm delighted to be able to introduce Dr. James Miller, the President's nominee for Deputy Under Sec-

retary of Defense for Policy. Dr. Miller has a distinguished academic career, a B.A. at Stanford and a master's and doctorate in public policy from the Kennedy School of Government at Harvard University. He has served on the Hill as a staff member for the Armed Services Committee in the House of Representatives from 1988 to 1992. He served in the Pentagon as Deputy Assistant Secretary of Defense for Requirements, Plans, and Counterproliferation Policy. He has advised the Defense Science Board. He's been recognized for his service.

He brings to this task both great academic preparation and great practical experience, both in DOD and here on Capitol Hill. He has been working for the last several years, not only with the Center for Strategic and International Studies, but also for the Center for New American Security. He's been thoughtfully pursuing the whole range of policy issues which will confront both himself and Secretary Flournoy. He has the experience, the qualifications, and the character to do a remarkable job.

I also want to recognize the fact that he is supported by an extraordinarily strong and decent family. His wife Adele is here. He has four of his five children here: Zoe, Colin, Lucas, and Adrienne. The fifth daughter, Allison, is at Pomona College, I guess watching this on some type of webcast, I'm told. His mother is here, Doris Miller; his sister Amy Lockhart; his nephew James Leipshur; and a special family friend, Brooks Hoffman. So I think if it were a simple show of hands, he'd be confirmed.

I am delighted to be here and I want to thank you, Mr. Chairman and Senator McCain, for graciously allowing me to introduce the nominee. Thank you.

Chairman LEVIN. I know how much Dr. Miller appreciates your introduction, and we do too. I'm sure we'll now call on him to live up to that introduction. Dr. Miller.

STATEMENT OF JAMES N. MILLER, JR., PH.D., NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

Dr. MILLER. Thank you, Mr. Chairman, Senator McCain, and members of the committee. I'm very grateful to Senator Reed for his kind introduction and for his strong leadership on national security over the years. I do want to also thank members of my family whom he introduced for being here and for their love and support.

It is a great honor to be here before you today as President Obama's nominee for Deputy Under Secretary of Defense for Policy. I want to thank President Obama for nominating me and I want to thank Secretary Gates, Deputy Secretary Lynn, and Under Secretary Flournoy for their support.

As the chairman noted, with over 200,000 soldiers, sailors, airmen, and marines deployed in harm's way in Afghanistan and Iraq and more around the world, it is a critical time for the country. Even as our military strives to succeed in current operations, it must also prepare for a wide spectrum of possible conflicts overseas, while coping with challenges in cyber space and outer space, and at the same time preparing to support the defense of our homeland.

Secretary Gates has often talked about the need for a strategy that balances between the many competing demands on our military. If confirmed, I look forward to assisting in developing and refining such a strategy and in applying it in support of sound policy decisions that strengthen our military and that protect our Nation. If confirmed, I expect to spend much of my first year on the QDR and on congressionally-mandated reviews on nuclear posture, missile defense, and space policy, among others.

I believe that my background in government, the private sector, academia, and as director of studies at a think tank, as Senator Reed referred to, as well as time I have spent advising the Department in other capacities, has prepared me well for these major reviews and for the myriad other issues that would arise during my tenure.

If confirmed, an important part of my job would also be assisting the Under Secretary in managing and leading the policy organization as a whole and helping to improve its effectiveness and its capacity to cope with the very complex strategic environment. I believe that my experience over the past 2 decades plus in the Pentagon and in both the private and nonprofit sectors provides a solid foundation for leading and managing in OSD Policy.

I started my professional career over 20 years ago working for Les Aspin as a staffer on the House Armed Services Committee and had the great honor to serve during the Clinton administration as the Deputy Assistant Secretary of Defense. If confirmed, I will be humbled by the privilege to serve my country again, this time during a time of war.

Thank you, Mr. Chairman, Senator McCain, and members of the committee. I look forward to any questions.

Chairman LEVIN. Thank you, Dr. Miller.

Now Ambassador Vershbow.

STATEMENT OF HON. ALEXANDER D. VERSHBOW, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Ambassador VERSHBOW. Thank you, Mr. Chairman, Senator McCain, and members of the committee. It's an honor for me to appear before this committee as President Obama's nominee for the position of Assistant Secretary of Defense for International Security Affairs. I'm very grateful to the President, Secretary of Defense Robert Gates, and Under Secretary of Defense for Policy Michéle Flournoy for supporting my candidacy for this important position.

I'm very pleased that my wife Lisa, who's been my partner during our 32-year journey in the foreign service, is here today. Unfortunately, our two grown sons, Benjamin and Gregory, weren't able to travel from New York and Boston to attend this hearing, but some close friends are here with their kids to represent ours.

If confirmed for this position, I look forward to working with this committee and with other Members of Congress to shape a bipartisan policy toward the many national security challenges that confront our Nation, our allies, and our friends, and to seize the many opportunities that exist to resolve conflicts and establish a more peaceful world.

The portfolio of the Assistant Secretary for International Security Affairs is a daunting one as it encompasses defense relations with the countries and international organizations of Europe, including NATO, the Middle East, and Africa. If I'm confirmed, among the many issues on which I'll advise the Secretary and Under Secretary, I see a number of especially urgent priorities:

Implementing the President's strategy to end the war in Iraq, draw down our forces, and develop a normal long-term security relationship with a sovereign, democratic Iraq;

Combatting terrorism, preventing weapons of mass destruction (WMD) proliferation, and strengthening security and stability across the Middle East;

Transforming NATO to meet the challenges of the 21st century, while ensuring the success of the alliance's current International Security Assistance Force (ISAF) mission in Afghanistan;

Promoting a more cooperative security relationship with Russia in areas of common interest, while also strengthening the security and independence of other European partners; and

Developing the role of our new Africa Command (AFRICOM) in helping build the capacity of African nations and organizations to address security challenges on the continent.

I believe that my 32 years of experience in the foreign service equip me to deal with these and the many other security issues that are among the responsibilities of the Assistant Secretary of Defense for International Security Affairs. Throughout my State Department career I have worked very closely with DOD in shaping and implementing U.S. policy for the former Soviet Union and NATO, in contributing to U.S. efforts on nonproliferation and counterterrorism, and in managing a wide range of international conflicts and crises.

Over the years I've had the privilege of working closely with the U.S. military in U.S.-Soviet arms negotiations, in two tours of duty at NATO when the alliance acted to end the conflicts in former Yugoslavia, and most recently in keeping the peace on the Korean Peninsula. I've come to respect the courage, vision, and dedication of our Armed Forces and I've become a true believer in the importance of close civil-military coordination in meeting today's threats. Indeed, I think our success in Iraq and Afghanistan depends critically on our ability to craft a comprehensive strategy that integrates all the tools of national power, military and civilian, in support of our objectives.

If confirmed, I will strive to embody the spirit of Defense-State cooperation that the President and Secretary Gates have called for.

Once again, Mr. Chairman and distinguished members of this committee, I am honored to appear before you today. I look forward to hearing your views and ideas, both today and in the future, and I would be pleased to answer your questions. Thank you.

Chairman LEVIN. Thank you very much, Ambassador.

Let me now ask you all the standard questions. Have you adhered to applicable laws and regulations governing conflicts of interest?

Dr. CARTER. Yes.

Dr. MILLER. Yes.

Ambassador VERSHBOW. Yes.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. MILLER. No.

Dr. CARTER. No.

Ambassador VERSHBOW. No.

Chairman LEVIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Ambassador VERSHBOW. Yes.

Dr. CARTER. Yes.

Dr. MILLER. Yes.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Dr. MILLER. Yes.

Ambassador VERSHBOW. Yes.

Dr. CARTER. Yes.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Ambassador VERSHBOW. Yes.

Dr. CARTER. Yes.

Dr. MILLER. Yes.

Chairman LEVIN. Do you agree, if confirmed, to appear and testify upon request before this committee?

Dr. CARTER. Yes.

Dr. MILLER. Yes.

Ambassador VERSHBOW. Yes.

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Ambassador VERSHBOW. Yes.

Dr. MILLER. Yes.

Dr. CARTER. Yes.

Chairman LEVIN. Thank you.

We'll have an 8-minute round.

First for you, Dr. Carter. This year John Young, who's the current Under Secretary of Defense for AT&L, wrote a memo in which he stated that many of the problems we've encountered in the acquisition of major weapons systems are attributable to programs that have a poor foundation at milestone B, which is the starting point for major development and manufacturing design.

He said that: "Fundamentally, these programs move past that milestone with inadequate foundations built upon artificially low cost estimates, optimistic schedules and assumptions, immature design or technology, fluid requirements, and other issues."

Now, as you've mentioned in your opening comments and as you're aware of, Senator McCain and I have introduced a bill, S. 454, that's designed to help put MDAPs on a sound footing from the outset by addressing program shortcomings in the early phases, particularly of the acquisition process. Dr. Carter, you've already commented on this, but generally would you agree with John Young's assessment that many of our acquisition problems arise out of programs that are built on unreasonable cost and schedule estimates, unrealistic performance expectations, and immature technologies?

Dr. CARTER. I do, Mr. Chairman.

Chairman LEVIN. If you are confirmed, will you work with us to enact legislation which addresses those problems?

Dr. CARTER. Absolutely.

Chairman LEVIN. By the way, we are going to have a markup on that bill next Thursday morning.

You've worked long and hard in the missile defense area, and one of the issues which has arisen is whether or not we should have exempted or should continue to exempt missile defense programs from many of the most basic requirements of the DOD acquisition system. Until now, missile defense programs are not considered to be acquisition programs and therefore they're not required to have requirements validated by the Joint Requirements Oversight Council. They're not required to undergo analyses of alternatives and business case analyses; they're not required to obtain independent certification of technological maturity; they're not required to receive milestone approval from AT&L; they're not required to have formal baselines for system cost, schedule, and performance; and they're not required to track and report on deviations in planned acquisition costs and program schedules. They're also not required to develop comprehensive test plans leading up to operational test and evaluation.

Do you believe, Dr. Carter, that the MDA programs should be subject to cost and schedule baselines against which performance can be measured?

Dr. CARTER. I do.

Chairman LEVIN. Do you believe that the principle of fly-before-you-buy should apply to missile defense programs as it is to other defense acquisition programs? In other words, should missile defense programs be subject to operationally realistic testing before they're fielded?

Dr. CARTER. I think missile defense, like other programs, should be subject to such testing, yes.

Chairman LEVIN. Will you, if confirmed, review the current Director of Operational Test and Evaluation reports on missile defense testing, including classified portions, and inform the committee of your views of any concerns and your assessment, including any corrective steps that you feel are necessary to ensure that our ground-based missile defense program is operationally effective, suitable, and survivable?

Dr. CARTER. Absolutely, I will.

Chairman LEVIN. This question will go to any or all of you. Throughout the Iraq war we've used private security contractors to perform a wide variety of security functions that require the use

of deadly force in a hostile environment. To some extent this was done out of necessity because we didn't have sufficient troops to provide needed security. However, the extensive use of private security contractors in Iraq resulted in some abuses, including the September 2000 shooting incident in Baghdad.

Would you agree that DOD needs to undertake a comprehensive review of whether, and to what extent, it is appropriate for contractors to engage in functions that require them to make discretionary decisions about the use of deadly force outside of the military chain of command and on a routine basis? So first, do we need to undertake that comprehensive review? Let me call first on Dr. Miller, let me ask you.

Dr. MILLER. Yes, Mr. Chairman, I believe we do.

Chairman LEVIN. Okay. Dr. Carter?

Dr. CARTER. I would agree with that, absolutely.

Chairman LEVIN. Ambassador?

Ambassador VERSHBOW. Yes, I agree as well, Senator.

Chairman LEVIN. This is for you, Dr. Carter, going back to the acquisition bill that we've introduced. One of the provisions in that bill is the provision that relates to putting some teeth in the Nunn-McCurdy statute, which already exists. We would establish a presumption that a program that exceeds its critical cost threshold would be terminated unless it can be justified from the ground up.

In your response to one of our APQs, you stated that you believe that the current statutory provision provides the authorities that are needed and that you do not see the need for any changes at this time. Now, on this question, this is what GAO had to say earlier this month about this issue. DOD's tendency to initiate programs with unrealistic cost estimates based on a lack of knowledge and overly optimistic assumptions. This is GAO speaking—"reinforced by an acquisition environment in which there are few ramifications for cost growth and delays. Only in very rare instances have programs been terminated for poor performance. When the Department consistently allows unsound, unexecutable programs to begin with few negative ramifications from poor outcomes, accountability suffers."

According to GAO, tougher requirements for programs that exceed Nunn-McCurdy thresholds could force programs "to be more candid and upfront about potential costs, risks, and funding needs, increasing the likelihood of successful program outcomes."

Would you agree with the GAO assessment?

Dr. CARTER. I would, and I'd add a little bit to that and say that staring a Nunn-McCurdy breach in the face is and ought to be a disciplining factor, for any program manager.

What I meant in the APQ was that as I understand it the Department now has the authority to terminate a program if it makes a Nunn-McCurdy breach. Also it's true, as I understand it, that programs can breach the thresholds for reasons other than poor management. That's not to say that in many cases poor management isn't the reason, but sometimes it's for other reasons that they breach the threshold. So some flexibility in how the Department responds to the fact of a breach is appropriate.

But, that said, the terror factor, I can tell from program managers I know, about facing a Nunn-McCurdy breach is there and is real and is a healthy factor.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Ambassador Vershbow, you have extensive experience in Korea and relations with North Korea. What do you think the implications are and what it means that the North Koreans have announced that they're going to have another "missile test"?

Ambassador VERSHBOW. Senator, although I'm not going to be dealing with Korea if confirmed for my proposed position, I have been working that very——

Senator MCCAIN. I would think that North Korean activity may pose a threat to our security in the Pacific and in the region.

Ambassador VERSHBOW. Indeed, and it's something that we need to ensure that our allies, even far away from Korea, recognize. The proliferation of ballistic missile technology and nuclear weapon technology from North Korea is a global threat.

I think that their announced intentions to launch a ballistic missile, ostensibly to launch a satellite, which we can't yet confirm, is an effort to escalate the pressure on the United States and the international community to legitimize North Korea's possession of these kinds of technologies and their nuclear weapons programs. At the same time, it is clearly going to be inconsistent with the two United Nations Security Council resolutions that were adopted in 2006. So it's clearly going to be a serious provocation and, as I think Secretary of State Hillary Clinton said just yesterday, "there will be consequences." I'm not yet in my position, so I can't say what those consequences will be, but it will be a very serious act.

Senator MCCAIN. Thank you.

Dr. Carter, your experience in weapons acquisition is?

Dr. CARTER. Senator, I've been working for 25 years in and with DOD, the defense industry, and defense laboratories on defense programs. That's where I began my career. That's the background I come from in physics. I know that we have interacted some over the years on policy questions as well, but most of my career in this field has been devoted to and involved in programs and defense technology.

Senator MCCAIN. Dr. Carter, the Defense Business Board has warned that DOD's procurement plan is "unsustainable," and with respect to the Department's budget decisions that "business as usual is no longer an option." The board found that DOD can only meet its priorities if it makes hard budget decisions on its largest and costliest acquisition programs.

Do you agree with that viewpoint as expressed by the Defense Business Board?

Dr. CARTER. I do.

Senator MCCAIN. Can you give the committee some insight into how you intend to address unfunded acquisition commitments that are currently in the DOD's procurement plan?

Dr. CARTER. Thank you for that question, because I rather suspect those unfunded commitments are large, and when I assume this job, if I assume this job, one of the first things I'm going to

want to do is look program by program through the pipeline of programs that we have and try to get in front of the process that we've experienced over the last few years of discovering, oops, all of a sudden midway through a program, how much trouble it's in.

Senator Levin quoted what we know now about MDAPs and the cost overruns in the MDAPs. I'm not sure that's the end of the story, and one of the things I would do, if confirmed, is see whether there isn't more to that iceberg.

Senator MCCAIN. Do you believe we should have a policy of no cost-plus contracts?

Dr. CARTER. Ideally, one would like to get into a situation where by the time one gets to the procurement phase of a program the program's parameters, technical and production, manufacturing, engineering, and so forth, are well enough known that one can have a competition of that kind. Earlier in a program, or in a program that is inherently riskier technologically, it may just not be possible to anticipate exactly what it's going to cost until one gets into it.

So I would say in answer to your question that in earlier phases of a program that kind of contracting might not work. In later phases it should be our aspiration to do that kind of contracting.

Senator MCCAIN. You would agree there's been a dramatic consolidation of major defense contractors and corporations since your early days in the Pentagon?

Dr. CARTER. Absolutely. In fact, I was at the so-called "last supper," the famous last supper that Les Aspin and Secretary Bill Perry, John Deutch, and I attended along with the defense industry leaders of that time. There were, I suppose, 16 of them around the table. It's Norm Augustine who's called it the "last supper," because he famously turned to two industry leaders to his left and his right at that time and said: "Next year one of the two of you won't be here." We went down from 16 to 5.

Senator MCCAIN. The point is, with this consolidation it's hard to have true competition.

Dr. CARTER. Exactly right.

Senator MCCAIN. So the conundrum is that you have basically an uncompetitive or very dramatically changed competitive environment than we had some years ago. The result has been, at least evidence might suggest, that with the lack of competition, combined with a cost-plus contract environment, the initial cost proposals made are usually far less than even those who are competing for the contract believe. Is there any validity to that suspicion?

Dr. CARTER. I think there is validity to the suspicion that lowballing goes on in programs. It's also true that there are fewer primes now. I do think that competition is the great discipliner, and it's still possible to have competition even in the defense industry that we have. The bill that the chairman and you have introduced makes note of that and suggests some ways that can be done.

For example, even if competition at the production phase is not possible, competition at earlier phases in the programs might still be possible. You can have competition below the prime levels, at the levels of the subcontractors who are building the subsystems.

So I think there are various ways that we can keep competition alive even in the defense system and it's necessary to do that.

Senator MCCAIN. You really believe that?

Dr. CARTER. I think it's not something that can be done across the board, but I think it's something that can be done very substantially, and it certainly would be my aspiration, if confirmed, to get as much competition as we possibly can.

Senator MCCAIN. I appreciate your support for the legislation that Chairman Levin introduced. Updating of the Nunn-McCurdy law is one of the real intents of this. But I'm not positive we're really getting at the magnitude of the problem. Do you share that concern? Including a change in attitude inside the Pentagon?

Dr. CARTER. I think the bill's provisions get at the heart of the matter as regards programs in their early phases, which as I understand it, is its intent. Now, if I'm confirmed, that's not going to be my only problem. There are all these programs that are well past that stage. The mistakes were made, whatever they were, back in the past and you can't start all over again.

So you have the problem that we are where we are, with lots of problems, programs, that had your provisions been in place when they were born wouldn't be where they are now. But they are where they are now. So that's a separate problem, which I understand the bill wasn't intended to address.

But as regards programs in their early phases, it seems to me it touched on all of the things that we now know are problems in early phases of programs and if addressed would lead to results later in phases of the program that would be very different from the ones we're facing today.

Senator MCCAIN. I'm very pleased to join Chairman Levin on this effort. But I also think that unfortunately, as you say, there are some, as I mentioned in my opening comments, such as FCS, JSF, and others that are already huge, big ticket items. I just don't see the funding being there to continue these programs that have already been initiated.

I'm sure you share that view and I look forward to working with you on it. I thank you, Chairman Levin.

Chairman LEVIN. Thank you so much, Senator McCain.

Let me first thank Senator Reed for taking the gavel for an hour or so, and call on Senator Begich.

Senator BEGICH. Thank you very much, Mr. Chairman.

I have a few questions. Dr. Carter, I'm going to follow up on Senator McCain's comments. The issue of acquisition is one of those complex problems, especially when you're developing new technology. I come from a little different perspective, I think, on this, and that is in the first phase—and I think you said this—in the technology development, because we're really testing technology which is unknown in a lot of cases. So the costing of it is going to be always very difficult.

If you asked Bill Gates in the early days of Microsoft what he thought it would cost to develop, or you go to Google or you go to any of the technology companies, they would tell you one thing and what really happened was much different, because you're dealing with the unknown.

I think then as you move down the path, how do you then, once the technology is developed, ensure that the competitiveness, as you describe, continues to stay in play? But do you subscribe to that thought, that the technology part is going to be always very difficult? Maybe I'm missing something, but every time I talk to private sector companies in a variety of technology developments it's always very difficult.

Am I missing the boat there?

Dr. CARTER. No, Senator, I wouldn't say you're missing the boat at all. It gets back to something that Chairman Levin raised earlier. I'm sorry, Senator McCain did. In an early stage of a program, if it's an ambitious program—and we want to have technologically ambitious programs—it's fair to not exactly know where you're going and what you're getting into. That's the nature of the beast.

So fair enough, and that's the point about cost-plus contracts and those phases. But the ambition of the program ought to be to get itself to a point where before it goes into production it's resolved all those technology issues. So you need to get yourself to a point where you do understand the technology you're dealing with, what it's going to cost, how it'll perform, and what schedule you can produce it.

That's the point at which a different kind of contract instrument might become appropriate. I should also note that in the legislation that was referred to earlier, one of its provisions is to strengthen the Department's discipline in making sure that before it passes into those later phases it really has done the job of understanding the technology.

But you're absolutely right. I'm a scientist and if you knew where you were going that wouldn't be science.

Senator BEGICH. It wouldn't be science. You'd know the answer.

Again I just wanted to follow up, and then I have a couple more questions. But I'm a former mayor. I'm a mayor that happens to be a Senator. As a mayor, you always have to think 7, 10 steps down the road. We continually use technology to develop those early stages, but once we've figured out what we're going to do and how we're going to do it, even with the sole contractor, you could be very competitive by putting in systems that reward price control. I would hope that, in your new position, there would be an opportunity, that there's a reward opportunity for price control, because sometimes in a noncompetitive environment that the almighty dollar becomes very competitive to achieve as much as they can.

So let me ask you—I'm going to read a comment in your 1984 book. It seems like every week we talk about missile defense and as a Senator from Alaska, I have a great interest in this issue. In your book titled, "Ballistic Missile Defense" (BMD), you stated: "Ideally, an actual BMD deployment in the United States would be preceded by three stages of analysis: a study of the underlying technology; an assessment of the technology effectiveness when embodied in a specific system, assigned a specific defense goal; and a judgment of the desirability or need of the defense."

Twenty-five years later after you've written that book, do you think we have done that with the missile defense system, those three stages?

Dr. CARTER. Missile defense has come a long way since then. But I would say that those three steps applied to missile defense today are as appropriate as they were then. In fact, they really apply to any program, and missile defense, as was mentioned earlier, needs to be looked at in the way that other programs are.

The only thing I'll say is at that time the mission was so different. The mission was to defend the whole country, as President Reagan's aspiration was to defend the whole country against 3,000 equivalent megatons of Soviet throw weight. So that was a pretty daunting mission. Today we're looking at a mission that is much more modest than that, defending ourselves against North Korean or Iranian missile threats which are far less formidable than was the Soviet Union's, and therefore the job's easier, in addition to us having behind us 25 years of technology development.

Senator BEGICH. I think you answered—my second question was going to be that, in regards to other major systems, that those three stages should also be utilized?

Dr. CARTER. Absolutely.

Senator BEGICH. Just to reiterate that.

Dr. CARTER. Yes, Senator.

Senator BEGICH. Another quick question, if I can. I guess it again goes to the issue—and I think you hit it and maybe we can elaborate a little bit on missile defense and how you see it as a shield and how it fits into our overall defense policy for homeland as well as deployed forces and others, as you mentioned, North Korea and Iran. Can you elaborate a little bit more on that, how you see it in the big picture?

Dr. CARTER. I can. I presume that is going to be addressed by the Department in a systematic way in its QDR that Dr. Miller will be conducting. But just to anticipate some aspects of it, today, unlike in the time when we were facing the Soviet missile threat, we are in the protection against nuclear attack sense as concerned about non-state actors and rogue state actors as we are concerned about established nuclear powers, as was the case with the former Soviet Union.

There are a lot of ways that they might introduce nuclear weapons into our country, of which a ballistic missile is only one. In fact, terrorists are unlikely to use that method. So I would say that we have to have walls as well as a roof to our defense. I've been involved in many programs aimed at building those walls as well. I think there's a balance question.

Senator BEGICH. So it's a piece of the equation, what level is the question.

Dr. CARTER. Certainly missile defense fits into that portfolio, and then we have to balance that mission area, which is defending ourselves against nuclear attack, against all the other mission areas we have, like Iraq and Afghanistan and so forth. I understand that's a complicated cocktail or portfolio, and Dr. Miller's going to sort it all out if he's confirmed.

Senator BEGICH. You've led to my question for Dr. Miller, since he's been so quiet there, I didn't want to leave him alone here. But you gave him the lead-in to a question you must have read here that I have.

Dr. Miller, you're going to be doing the QDR and the NPR. What are your thoughts on the value of the QDR and the NPR for defense? But also, add a little missile defense to that on top of it. You can thank Dr. Carter for setting that up for me. Thank you, Dr. Carter.

Dr. MILLER. Thank you, Senator. Thank you, Dr. Carter. [Laughter.]

Dr. MILLER. Senator, the QDR has been mandated as a key part of the Department's planning and preparation. Several have been conducted, going back to the early 2000s and a little bit before, in fact into the 1990s. The NPR has been similarly conducted several times. The Missile Defense Review and the Space Policy Review will be new this time around and will need to be integrated into that, into that broader set of issues.

Sir, my view is that it makes terrific sense for, at least every 4 years, to take a fresh look from starting principles, from strategy to broad policies, and then looking at the full range of programs and other activities in the Department, the organization of the Department as well, which is a key function of the QDR, and applying that across the board to the nuclear area, to missile defense, and so forth.

Senator BEGICH. Very good. My time is up. Mr. Ambassador, I did have questions. We'll submit those in writing to you, and I thank you all very much for being here. I have to go to another committee. But thank you for those answers.

Senator REED [presiding]. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. I'm in the same situation that Senator Begich is, that we have two simultaneous hearings, fortunately in the same building here.

There are two oversights in the introduction of both Dr. Miller and Dr. Carter that I'd like to correct for the record now. One is that, in the case of Dr. Carter, that Bill Perry was the best man at his wedding. The other was, Dr. Miller, that during your tenure as professor at Duke University, two of my kids were your students. You didn't know that, did you?

Let me ask a question of each one of you, if you don't mind responding. It's a three-part question. About a year ago there was a communique from NATO leaders that stated: "We therefore recognize the substantial contribution to the protection of allies from long-range ballistic missiles to be provided by the planned deployment of the European-based United States missile defense assets."

Of course, we've been busy putting that together. However, there is uncertainty now, and I've seen several things that have come from Poland. Right now they're in a holding pattern, not sure what to do. However, Foreign Minister Sikorski said: "We hope we don't regret our trust in the United States."

Now, the three-part question to each one of you. First, what in your opinion is the importance of the European site to the United States and NATO? Second, what impact would it have if we discontinue this program? Third, what impact would there be if there is a delay in this program? You can answer in any order.

Dr. CARTER. I'll take a shot first, Jim. First I'll try to answer the question from the perspective of the job for which you're consid-

ering me, which is the acquisition perspective, if I may, and then Dr. Miller can answer it from the policy perspective.

From the acquisition perspective, the importance of the site is that it is intended principally to protect the continental United States from a ballistic missile attack of long range from Iran. It would also have some capability in the current configuration to defend parts of Western Europe against intermediate range. So the importance of the site is that it is between Iran and us, and that's why it was selected.

The second and third parts had to do with the impact of delay, and Jim can address the geopolitical questions of the impact of delay. From a purely technical point of view, when one is considering deployment of a missile defense, there's always a tradeoff. You look at the threat and you don't want to deploy too late after the threat develops. On the other hand, the longer you wait the better the system is that you can deploy.

Now, we find ourselves with respect to Iran in a situation where they're not there yet in terms of an intercontinental ballistic missile threat. From that point of view, just purely speaking technically, one wouldn't have to have a defense in the field until the threat was in the field. With every passing year we'll get a little better. So the longer we wait, the better the system. But if you wait too long, you don't have the system in the field by the time the threat develops.

I would say that's the tradeoff purely from a program point of view in terms of the timing. So the need is Iran and the question of timing becomes a tradeoff——

Senator INHOFE. Are you saying then that you don't think we should proceed with that development and give a communication to the Governments of Poland and the Czech Republic?

Dr. CARTER. No, I'm not saying that. I'm just speaking from the acquisition point of view we have to be ready while the threat isn't there yet. We have to be there before the threat is. That argues for early deployment. The longer we wait, the better the system we could have, which would argue for being able to wait if you chose to wait.

I realize there are many factors other than these only that go into the question of whether you deploy now or don't deploy. But purely from a technical point of view, that would be the tradeoff.

Senator INHOFE. Dr. Miller?

Dr. MILLER. Senator, the question of the use of the system, I'd just say that I concur with Dr. Carter's assessment of the purpose with respect to defending the United States and a significant portion of Europe.

The impact of the delay, let me say two things. The first is that President Obama has reportedly suggested that if the Iranians were to delay or in fact verifiably stop their efforts at pursuing nuclear weapons then that would change the calculation, and then that is something that should be considered as a possible opportunity to improve the technology of the system and to consider its future.

The second thing I say about delay is that one of the issues associated with the system, as you suggested, is its impact on our relations with the Czech Republic, Poland in particular, and with the

rest of NATO, and the perceptions of Russia of that and the degree to which the United States continues to stand by its allies. Clearly that is an essential element of what the United States should consider in going forward and in the timing of the system.

Senator INHOFE. I don't want to go any further with this. I'm using up all my time and I didn't want to do that. But I can cite a lot of examples where the National Intelligence Estimate has been wrong. I agree, Dr. Carter, most people believe that capability is not there, but the consequences of being wrong are just unbelievable, and I think we need to be thinking in those terms. I'd like to be able to carry this on.

I have two other areas real quickly. I've been concerned about all of our aging everything. I'm talking about our Navy fleet, our KC–135s, our tanker capability. Everything that we have out there is aging. I'd have to say—and this is probably for you, Dr. Carter—it doesn't make sense to continue to spend money in maintaining these systems. There are several studies, business plan studies, that are on record right now, that I'm sure you've looked at, and I'd ask you to look a little bit deeper, as to the cost of maintaining what we have as opposed to getting in new systems. I think of the KC–X as one example, and others.

Do you have any thoughts about our aging fleets and how you want to approach them? That would include ground equipment, air, everything else that we have.

Dr. CARTER. Thank you. My only thought is that I share your concern. With every passing year, everything gets a year older. If confirmed, I know that that's one of the first things that I have to do, look at these——

Senator INHOFE. Let's do that. Then for the record, I would like to get from you some of these studies that have been made, because one of the problems, of course, is our accounting system that we have here. You can't do things that you would do if you were in the private sector in terms of taking care of these problems, because that's not the way the system works.

Dr. CARTER. Yes, sir.

[The information referred to follows:]

First, the Department of Defense considers business cases to exist in several documents, usually including the Analysis of Alternatives (AoA), Acquisition Strategy, Independent Cost Estimates, funding profiles, and Technology Readiness Assessments. Second, the Department of Defense uses such "business cases" to support certifications required by title 10, section 2366b. I have included three examples of business cases for the Joint High Speed Vessel (TAB A), Joint Precision Approach and Landing System (JPALS), and Global Combat Support System-Army (GCSS–A).

Joint High Speed Vessel

Business Case Analysis: The business case for the Joint High Speed Vessel (JHSV) is made in the following documents, which when viewed together support the four provisions in section 2366b that are required to be certified based on a business case analysis. The documents are:

- JHSV AoA dated April 2006 (copy of executive summary attached at TAB A).
- JHSV Capability Development Document (CDD) dated January 27, 2007.
- JHSV Acquisition Strategy dated July 19, 2007, with Revision 1 dated July 8, 2008.
- JHSV Program Office Cost Estimate dated July 18, 2008.
- JHSV Independent Cost Estimate (ICE) completed in November 2008.
- The Program Objective Memorandum 2010 Budget Estimate Submission.

Joint Precision Approach and Landing System

Business Case Analysis: The business case for the JPALS program is based on the following documents, which when viewed together support the four provisions required to be certified based on the business case analysis in section 2366a. The documents are:

- Initial AoA for JPALS by the Air Force, August 1997; Updated AoA validated by the Air Force Requirements for Operational Capability Council on November 17, 2005 (copy of executive summary attached at TAB B).
- Evaluation of JPALS AoA (Sufficiency Review), Office of the Secretary of Defense (OSD), Program Analysis and Evaluation, December 19, 2007.
- Prior to the Joint Capabilities Integration and Development System Process, JPALS requirements documented in the Joint Requirements Oversight Council (JROC) approved Precision Approach and Landing Capability (PALC) Mission Need Statement, JROCM Ser# 108–95, August 29, 1995.
- PALC Initial Capabilities Document Ser# 717–88–07, JROCM Ser# 208–05, September 19, 2005.
- JPALS CDD validated by the JROC, JROCM Ser# 056–07, March 16, 2007.
- Service Cost Position (SCP), by Naval Air Systems Command 4.2, delivered to the OSD Cost Analysis Improvement Group (CAIG), February 15, 2008 (updated April 7, June 3, and June 19).
- OSD CAIG ICE, CAIG brief on April 1, 2008 (updated June 17); report dated June 25, 2008.
- Fiscal Year 2009 President's Budget (PB09)—JPALS Program funding.
- JPALS Acquisition Strategy (AS), June 2008.
- Technology Readiness Assessment (TRA), by Director, Defense Research and Engineering (DDR&E), March 13, 2008.
- Program Support Review, by Deputy Under Secretary of Defense (Acquisition, Technology and Logistics (Acquisition and Technology)/System & Software Engineering, January 10–11, 2008; Briefing report dated April 7, 2008.

Global Combat Support System-Army

Business Case Analysis: The business case for the GCSS–A program is made in the following documents, which when viewed together support the four provisions required to be certified based on the business case analysis in section 2366a. The documents are:

- GCSS–A AoA validated October 24, 2005; revalidated May 25, 2007 (copy of executive summary attached at TAB C).
- GCSS–A CDD, dated June 13, 2006.
- PB09, February 4, 2008.
- GCSS–A AS Army Acquisition Executive signature dated April 2, 2008, pending final signature by the Missile Defense Agency.
- GCSS–A Economic Analysis and SCP from the Assistant Secretary of the Army (Acquisition, Logistics & Technology) dated April 28, 2008.
- GCSS–A CAIG ICE dated May 17, 2008.

[Tabs A, B, and C are for official use only and are retained in the committee files.]

Senator INHOFE. The last thing I'd like to ask you, Dr. Carter, is on the question of the shelf life of some of our nuclear weapons. You and I talked about that in my office. Do you think that we can continue to have something that we believe will work without conducting underground testing? I think also about the credibility that we have in our other countries, as to whether they look at us and some of the stuff that we have there in our nuclear weaponry, and can we keep that credibility without underground testing? Real quickly, can I have your thoughts on that?

Dr. CARTER. A safe and reliable stockpile is critical. I understand that's partly the responsibility of the person in this job. The national laboratory directors, who understand the physics of these weapons, are required every year to give an answer to your question about whether the existing stockpile is safe and reliable in the absence of underground testing.

There is a program, the Stockpile Stewardship Program, that's been going on for quite a long time. My understanding—I'll learn more if and when I get in this job—is that their judgment is that the Stockpile Stewardship Program has allowed them so far to give an answer yes to that question. They can't see forever into the future, but for now their answer would be yes.

Senator INHOFE. You would follow their guidance, then?

Dr. CARTER. Yes. In fact, I believe it's required under the law that we follow their guidance.

Senator INHOFE. Thank you very much.

Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Inhofe.

Based on the order of arrival, I will now ask my questions.

I had the privilege of introducing Dr. Miller and his family and I want to welcome Ambassador Vershbow, but I want to say a particular word about Dr. Carter. I've had the privilege of knowing Ash for many years. He has an extraordinary intellectual range, from theoretical physics to medieval history, but is also terribly pragmatic, practical, and has the common sense that is necessary.

I think one of the things that, Ash, commends you to the job is not only do you have great technical knowledge, but you also understand the institutional and cultural politics and policies that will make your job—make your tenure, I think, very successful, so welcome.

Dr. Miller, one of the challenges that we have and you have particularly is dealing with the current situation, but looking ahead, and looking down the road to those places where problems will occur in the future. One of the issues that seems to be universal is the lack of capacity in many places in the world for effective governance, for effective control. It's seldom the marquis issue. It's not as pressing as a crisis in Iran or Afghanistan, et cetera. But in the longer run it might be one of the most significant challenges we have.

Could you give us your thoughts on how you and Secretary Flournoy are going to deal with this issue of capacity-building, particularly in places that now seem obscure. But Somalia was obscure, Afghanistan was obscure, et cetera.

Dr. MILLER. Senator, thank you. Secretary Gates has noted in the National Defense Strategy that the prospect of challenges arising from states that are troubled is probably at least as significant a challenge for the security environment as the challenges that may arise from strong states.

This has been a growing focus of DOD, first within Iraq and Afghanistan, and then more broadly a look at building partner capacity at least since the last QDR. Congress has certainly played an important role if you look at the authorities for the so-called sections 1206, 1207, 1208, that give the authority to provide resources through DOD in operations where there's counterterrorism and where the United States is involved in stability operations for section 1206, in moving money to the State Department's Office of the Coordinator for Reconstruction and Stabilization for section 1207, and then for the Special Operating Forces for section 1208.

All those authorities are relatively new and all worth looking at closely in terms of how they can be tailored most effectively. In ad-

dition then, there is the Commander's Emergency Response Program funds and others. It is an area that as the United States draws down its forces in Iraq over the coming years, it's an area where I would expect the Department, and I would hope the Nation, to provide significant attention, and where building the capacity of the State Department and U.S. Agency for International Development and other agencies is a critical step in that, as is working with our partners, our allies, in helping these countries that are struggling, sir.

Senator REED. Thank you.

Ambassador Vershbow, if I could get your response to this, because I think part of your duties will touch upon this, particularly engaging our allies in this same capacity-building effort?

Ambassador VERSHBOW. Thank you, Senator. Yes, I agree with what Dr. Miller just said. It is just as important in looking at some of these post-conflict situations or at unstable parts of the world, to help on the civilian side with the capacity-building for more effective governance. It ranges across the spectrum from helping with economic development, developing effective judicial institutions, police, rule of law.

I think all of these things require a comprehensive effort by different parts of our government, and I think that the legislation that Dr. Miller referred to, section 1206, section 1207 in particular, were designed well to require close State-Defense coordination, even a dual-key approach to the implementation of these programs, because we're really all in this together.

I think that some of the problems we had early on in Iraq reflected, I think, insufficient attention to these issues of governance. I think we've begun to work more closely with the Iraqis to get it right in that regard, and I think that's one of the reasons why the trends are more favorable in Iraq, and I think we now are turning our attention to Afghanistan, where there are similar problems of weak governance.

So yes, Senator, you've identified a very critical problem, and I think my background, having been at the State Department and now moving over to DOD, I hope, if confirmed, will help me in creating this kind of integrated approach.

Senator REED. Let me follow up with a question about Afghanistan, which is the necessity of more decisive and robust engagement by NATO. A corollary to that would be the recent announcement that France is rejoining NATO. Can you comment on both those issues?

Ambassador VERSHBOW. Yes, Senator. I think that it's been very helpful that NATO has stepped up to the challenge in Afghanistan and contributed to the ISAF coalition. We haven't always gotten quite as many troops as we had hoped, but I think one shouldn't underestimate the importance of the contributions that they made and the sacrifices that our allies have made. On a per capita basis, for example, Canada has taken more casualties than the United States. So I think the spirit of we're all in this together, shared risk, has been on display in Afghanistan.

Looking ahead, it's not clear how many more troops we will be able to get from our allies, but I think that as we look to trying to do better in Afghanistan, we will be looking to our allies, if they

can't contribute more on the military side, to contribute more on the civilian side, where the list of tasks is almost infinite as to what kind of contributions they could make.

As for French reintegration, I think this is a very important and positive step. The French have been good allies even when they weren't fully integrated in the military command structure, contributing sizable forces in Bosnia and Kosovo, and they have sizable forces on the ground in Afghanistan.

So I think bringing them fully into the military structure and the planning structure, which would mean that they would have more forces committed to NATO, assigned to NATO, will hopefully enhance NATO's effectiveness in the future.

Senator REED. Thank you.

Dr. Carter, you have an extraordinarily difficult challenge, as both Senator Levin and Senator McCain outlined. Senator McCain particularly talked about the concentration of the industry, the sense that you might be outgunned. I want to bring that down to a very practical, operational level. Let me ask you the question: Are there sufficient system engineers, acquisition professionals, people capable to go one-on-one with industry, that has the capacity through their incentive structures and their ability to recruit to mount a significant number of people, experts in an area?

Maybe the pathway to a better acquisition system is having on our side of the table more depth, more professional, better supported individuals.

Dr. CARTER. First of all, thank you for your kind words.

Senator REED. I was going to say that at Yale we deal with history and theoretical physics with the same course, but——

Dr. CARTER. Two separate things, but maybe this job is the perfect union.

Senator REED. It's the perfect—yes, alchemy, too.

Dr. CARTER. But I appreciate all you've taught me and I thank you for your kind words.

Your question really goes to the heart of things. Actually, this committee has received some testimony in the last couple of weeks that I thought was excellent on this very subject of systems engineering and, more generally, the competence and size of the government workforce to manage this much money and programs that are this complicated.

I do have that concern. I know that this committee has taken some action in that regard, and it's a subject that, if I am confirmed, I intend to take very seriously because, as I said earlier, you can have all the great paper acquisition system you want and if you don't have the right people to do it—systems engineering is a particularly important thing. A lot of people don't relate to systems engineering very well, but it's the ability to look at the whole task from early on, concept development and technology development, right through sustainment, and look at all of its aspects.

There are organizations in the Services and OSD that do that, and I've been associated with some of them. For a long time our ballistic missile programs were managed by the Ballistic Missile Office out at San Bernardino, CA, which is a perfect example of a systems engineering organization that dealt with all offensive ballistic missiles end to end. It's a very important skill set.

Dr. Kaminski testified on this subject a couple of weeks ago on the basis of a study he did for the National Academy of Sciences, and if I'm confirmed, you bet it's a serious concern, because one person isn't going to be able to do it, however hard I work.

Senator REED. Thank you very much.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Gentlemen, thank you as well as your families for your willingness to continue or come back, as the case may be, into public service. We appreciate that very much.

I want to pick up, Dr. Carter, on what Senator Reed was talking about and what Senator McCain was talking about earlier. That is this issue of competition that you and I had a chance to visit about. As we have downsized, we do note that there are not only limited chances for competition, but also increased chances of conflict of interest. In the Levin-McCain bill there is a provision that would require the contract for the performance of systems engineering and technical assistance functions contain a provision prohibiting the contractor or any affiliate from having a direct financial interest in the development or construction of the weapon system or its components.

At face value this provision would seem to prohibit a company from performing any systems engineering and technical assistance (SETA)-related work that you just talked about on a contract for which they are prime or subcontractor. Given that over the last several years the larger defense contractors have bought up many of those smaller contracts for systems engineering that traditionally supplied the support, this provision may have the effect of prohibiting much of the systems engineering expertise from being available at DOD.

Now, the current provisions in the Federal Acquisition Regulation allow for avoidance, neutralization, or mitigation of significant potential conflicts of interest. At face value, the bill would simply require avoidance. Do you believe that strict avoidance is all that's necessary, or do mitigation and neutralization of conflicts of interest—could they be appropriate in some instances?

Dr. CARTER. I'm not sure I can give you a fully complete answer to that. That's something I'd like to get in and take a look at if I am confirmed. But I understand the question entirely. These large firms are now both making stuff and involving themselves in the process by which we decide as a government what we're going to buy and what it's going to look like, and that is the very clear possibility for the fact and at a minimum the appearance of a conflict of interest.

It's another form of organizational conflict of interest, the other one being the "make versus buy" question in a large and integrated firm. I see quite clearly the potential for conflict there. I am also aware within companies of their attempts to build firewalls between the organization that's doing the SETA work and the organization that will do the other work. I think from the outside looking in, those firewalls are always questionable.

But the only reason I can't give you a clear answer is that there is a countervailing factor, which is we do need that SETA work done. If, as Senator Reed said, we can't do it within the walls of

government, then how are you going to get it done? If excellent SETA work can be done by those companies, one doesn't want to lose access to that competence.

So somehow we have to get access to it without the conflict of interest, and you're asking me how to do that and I'm saying I don't know. I can't give you a good answer as I sit here today, but I know that you want and deserve a good answer, and that would be something I would try to give you in time if I were in the job.

Senator CHAMBLISS. As Senator Levin said, we're going to take up this bill it looks like next Thursday. I don't know the answer either. That's why I'm asking you, because we need to solve this, obviously, to make your job easier and make sure that we have the ability to inject that competition that is so sorely needed to do what Senator McCain suggested earlier, and that is try to get these costs under control.

This train wreck that was coming 10 years ago is here with respect to certain systems, and we have other train wrecks down the road that are going to make it very difficult for you to operate within the budget if we don't make sure we have that competition there.

If you have any thoughts on it between now and next week, I wish you'd let me know.

Dr. CARTER. May I add just one thing?

Senator CHAMBLISS. Sure.

Dr. CARTER. So as not to have nothing at all to help you, what the provision is, as I understand it, as drafted, is it requires more transparency. That certainly is necessary and clearly required. In addition to that, I can't say more. But to the extent that that's what is provided for in this draft legislation, I think it's absolutely appropriate.

Senator CHAMBLISS. Again, you and I discussed the issue of multi-year contracts. I'm a big fan of multi-years. I wish we could do more of them. What are your thoughts on multi-year contracts?

Dr. CARTER. I think there are, as we discussed, Senator, instances when multi-year contracting is appropriate and cost effective, and in those instances I would, if I were in this job, recommend that multi-year procurement be followed. I understand that there are other considerations in multi-year contracting, but where it is cost effective—and I think there are examples where it can be cost effective—my job would be to say what was cost effective.

Senator CHAMBLISS. We have two depots in my State. I have an opportunity to visit those depots regularly, at Warner Robbins and at Albany. Our folks do great work there, both on the military side and the civilian side. You're familiar with the 50–50 rule. You're also familiar with the fact that there's some discussion that's ongoing relative to changing the way modification work is incorporated in the 50–50.

Assuming that this discussion does continue, I want a commitment from you that you will dialogue with the committee and particularly me about any changes that might be forthcoming to the 50–50 relative to that modification within our depots, before any changes are made.

Dr. CARTER. Absolutely, I give you that commitment.

Senator CHAMBLISS. Dr. Miller and Ambassador Vershbow, earlier this week, General Craddock testified before this committee and in his written testimony he recommended maintaining two heavy brigade combat teams (BCTs) in Europe. I would like the thoughts of both of you on troop levels and composition for European Command, and how do you think we need to posture ourselves in Europe in response to Russia as well as our commitments to allies, threats of WMD proliferation, and transnational terroristic threats?

Dr. MILLER. Senator, the plan change to take those additional two heavy BCTs out of Europe is the product of a global posture review conducted by the previous administration, something like 6 years ago now. I think that what's happened in the mean time is that the world has changed. We're obviously now at war in Iraq and Afghanistan in significant ways. As we begin the transition from Iraq over the coming years and as we rebalance in Afghanistan as well, my view is that it merits taking a fresh look, not just at the question of these two heavy BCTs, but a fresh look at the global posture across the board.

I would anticipate, if confirmed, it would be something I would hope to engage in as part of the QDR.

Senator CHAMBLISS. Ambassador?

Ambassador VERSHBOW. Senator, I fully agree with what Dr. Miller just said about the importance of taking a fresh look at the overall global force posture. In the case of the recommendation by our Supreme Allied Commander, General Craddock, I think it is important to take a look at that. It's under review, as I understand, right now. Clearly there have been some significant developments even in the last year, including the Russia-Georgia war, which has cast new light on the critical importance of Article 5 of the NATO Treaty, especially for our new members in Central and Eastern Europe.

So I think it is appropriate to look at this question in the context of our global force posture review.

Regarding potential cooperation with Russia in dealing with trans-national terrorist threats—that was your second question, Senator?

Senator CHAMBLISS. Yes.

Ambassador VERSHBOW. I think we've had reasonably good cooperation with Russia over the years, even as some other aspects of our relationship have become more difficult. I think that the Russians certainly recognize that some of the most serious threats to their own security are the same as the ones that we worry about: instability to their south, Islamic fundamentalism, and of course the conflict in Afghanistan is very close to their own borders.

We've had a good counterterrorism working group with the Russians that has identified potential areas of cooperation. But I think there's more that we could do. I think there are some areas where we see the Russians taking a stance that could be more constructive. Iran is one example. I hope that as we try to expand those areas of cooperation we can do more with the Russians than we have in the past.

Senator CHAMBLISS. Thank you.

Senator REED. Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman, and thank each and every one of you for your interest and commitment to service in our government.

Dr. Miller, I too had a son who graduated from Duke, although he was there much later, after you left. Sorry he didn't get to take your classes.

In North Carolina we have a large number of resettled refugees from the Democratic Republic of the Congo, and they talk to me frequently about the extreme violence in the eastern region of their home country. Last week, General William Ward, the Commander of AFRICOM, provided our committee with an update on the dire security situation in the east. He spoke about the ongoing military operations against the various rebel groups in that region, which according to reports his command helped to plan.

I was wondering, Ambassador Vershbow and Dr. Miller, if you could provide the committee with your views on the situation in the Democratic Republic of the Congo and any update on the assistance that AFRICOM recently provided in supporting the multilateral military operation; and also if you can keep me and my staff updated on any decisions that are being made involved in decisions related to the Congo.

Ambassador VERSHBOW. Thank you, Senator. I think that you've identified an important issue that highlights the fact that security problems on the African continent are going to become an increasing focus for the United States in the coming years. I think that the fact that we decided to consolidate our resources focused on Africa in the form of the new AFRICOM was a very important initiative. The design of that has, I think rightly, tried to take a more integrated approach between civilian and military instruments of power.

Since I'm not yet confirmed, I don't have a very up-to-date insight into exactly how deeply involved we were in the recent operations. I do understand that there was some planning assistance involved.

I think that the trends in the Democratic Republic of the Congo have been positive as they've begun to recover from a decade of conflict and civil war. But I think that our provision of security assistance in targeted ways can help them get over the remaining hurdles. Thus far I think we've been focused on helping them reform their own defense sector and provide capacity-building assistance. But I need to get more deeply into the subject, if confirmed for this position, and I look forward to keeping in touch with you and your staff on this issue.

Senator HAGAN. Thank you.

Dr. MILLER. Senator, I would just add that, to pile onto what Ambassador Vershbow had to say, that the work of AFRICOM, working with other agencies of the Government—including State and the U.S. Agency for International Development, in situations where it's not quite so dire and where those personnel are able to get in is, I believe, a critical part of U.S. capabilities for making improvements on the African continent.

The use of targeted aid and the support of AFRICOM in terms of planning operations I think is also a very important instrument.

I, like Ambassador Vershbow, don't have insights into exactly what happened, but I also will commit, if confirmed, to work with you and your staff to keep you updated.

Senator HAGAN. Thank you.

I have another question, about the oil bunkering. Your responses to the committee's APQs—and this is to Ambassador Vershbow and Dr. Miller again—you discussed your intent to work with the State Department to develop strategies to counter the serious problem of oil bunkering in the Niger Delta. In particular, you emphasized maritime security and military capacity-building.

Given our growing dependence on West African countries for our energy requirements, I was pleased to see your interest in working on this issue. Ambassador Vershbow and Dr. Miller, can you expand on your answer to the committee? I'm particularly interested in knowing whether you believe we can overcome the issue of systemic corruption in Nigeria and successfully building the Nigerian military's capacity to respond to this threat, and whether you think any near-term progress can be made on this issue?

Ambassador VERSHBOW. Senator, I will confess that this is a subject on which I need to learn a lot more about.

Senator HAGAN. Okay.

Ambassador VERSHBOW. But from what I've been briefed thus far, I'm told that the assistance programs that we've carried out with the Nigerian military are going well, that the level of professionalization is improving. So I think with persistent effort over several years, we should be able to help them deal with the corruption issue.

But this is again an area where I may need to delve more deeply into the subject.

Senator HAGAN. Okay.

Dr. MILLER. Senator, the problem of oil bunkering and lawlessness in the Niger Delta is longstanding and serious. The assistance that the United States can provide I think is important, but I think it's essential to understand that this the problem has deep roots in the history and regionally in this area of the Delta and with the Nigerian military facing other challenges as well, security challenges in the north. We should expect to make progress and we should work to make progress, but we should expect that it will be challenging. The question of corruption is certainly longstanding and one where the United States will have to pay attention as it works with the government.

Senator HAGAN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN [presiding.] Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Thank you to all of you for your willingness to serve the country. I appreciate your appearing before the committee this morning and responding to the questions that we have.

As I conveyed to Dr. Carter in a meeting in my office, I have an interest in long-range strike capability and I would like to pose a question to Dr. Carter as well as Dr. Miller, regarding that subject, and refer to an article that was published in the January-February edition of the Foreign Affairs Journal, in which Secretary Gates wrote that "The United States' ability to strike from over the hori-

zon will be at a premium" and will "require shifts from short-range to long-range systems, such as the Next Generation Bomber (NGB)."

Dr. Carter, I also wanted to note that you had written a piece titled "Defense Management Challenges for the Next American President" for Orbis, which is a journal published by the Foreign Policy Research Institute. Your piece was in the winter 2009 edition of that publication, and in that piece you write about what you quote as "prudently hedging" against the down side scenario of competitive or aggressive behavior by China.

You write that: "A more specific focus of prudent hedging is to frustrate Chinese efforts in counter-air, counter-carrier, counter-space, and counter-information capabilities." When you speak of frustrating Chinese efforts in counter-air capabilities as part of what you term the "China hedge," do you think those efforts should include development of the NGB, which is expected to be able to penetrate air space that is protected by highly advanced air defense systems?

Dr. CARTER. Thank you, Senator. I appreciate the reference to both Secretary Gates's statement and to that article.

There are several dimensions to frustrating Chinese anti-air capabilities which are relevant in a number of situations, the Taiwan Strait contingency being one. That article also refers to the possibility, which I certainly don't hope for and I personally consider unlikely, but still one to be taken seriously, that China's evolution takes it in a direction that brings it to a position of antagonism with the United States. That needs to be a little piece of our planning and our technology and program work that hedges against that eventuality. That was the thrust of the article.

The NGB would certainly be in that portfolio of things. I'm sorry I'm not in a position to speak specifically to the NGB program now. I have not had access to that program in the course of the pre-confirmation process. So that's something I'll be able to look into if and when confirmed.

I noted from our conversation the importance of that program in your mind as well as mine. When I get access to it, if you'll allow me, I'd like to come back and tell you what I found.

Senator THUNE. Good. I appreciate that. I understand you're somewhat limited at this point in time in what you can say about it.

Dr. Miller, in your view, how does the NGB and long-range strike capability fit into our national security strategy and the new QDR?

Dr. MILLER. Sir, I certainly agree with the quote that you provided from Secretary Gates with respect to the importance of long-range capabilities. More broadly, I'd say that over time it's worth considering a shift in balance, shorter range to longer range, and also not across the board from any systems, manned to unmanned as well, because unmanned provides longer duration, persistence, and some other advantages.

Like Dr. Carter, I have not had an opportunity to look into the details of the program and its capabilities, but we certainly expect that it would be an important issue in the QDR.

The question of shorter-range and long-range aviation overall takes up a tremendous amount of the overall procurement, re-

search and development procurement budget of the Department. So it's certain to be an area of attention in the QDR, pretty much without question, sir.

Senator THUNE. As you perhaps know, the 2006 QDR did call for fielding the NGB by 2018. I guess I would be interested as you have an opportunity to begin to review some of those time lines, your thoughts about whether or not that's something we can continue to keep on schedule.

We are somewhat concerned about the age of the bomber fleet today, the B–52s, B–1s, B–2s, and some of the limitations that are imposed on those as assets that can be used in different operations and theaters, and the need for long-range strike and the need for range and payload that bombers can deliver. So my view is that the NGB is an important piece of our national security strategy, and I hope that you will come to that conclusion when you have an opportunity to review it more completely.

One other question, with regard to the missile defense systems. I know some of that ground's been covered already and so I'll try not to be redundant. But I think the question has to do with capability and reliability. I think I mentioned, Dr. Carter, in our discussion as well that the system has demonstrated considerable success during test flights and, according to the MDA, across all missile defense systems programs. Thirty-seven of 47 hit-to-kill intercepts have been successful since 2001.

Now, in the past 2 years, 13 of 15 intercepts have been successful, and we've had a couple combatant commanders in front of the committee, Admiral Keating and General Renuart, who testified earlier that they're confident the ground-based missile defense system would work if North Korea ever fired a missile at us. In fact, Admiral Keating went so far as to say that we have a high probability of knocking down a North Korean missile fired at us.

The President, however, has said that missile defense should be deployed only after "the technology is proved to be workable." If confirmed, the three of you are going to have considerable influence on the future of this system, and I'd like to get your thoughts on that.

Dr. Carter, are you confident about that capability at this point?

Dr. CARTER. Senator, I'm not confident of that as I sit here today. Clearly it's something, given the quote you made from the President, that if I am confirmed, I need to get in and get a look at.

I do have some familiarity, however, with that as a consequence of my beat on the National Missile Defense White Team, and the technical effectiveness of the system has grown steadily over time, that's to be expected with the evolution of technology. There are really two questions to ask about the effectiveness of the ground-based system against a North Korean threat.

The first is whether, if the North Koreans, which is likely, at first do not have any special so-called "penetration aids" or gimmicks on board their missile, but they're just trying to get it over here, what is the chance of an intercept in that case? We've done a lot of testing that bears upon that question. I think that General Renuart and General Chilton—I don't want to put words in their mouth, but I think that they anticipate, particularly if one has the

option of shooting several times at an incoming primitive missile, of having a good chance, as you said, of being successful.

The question of the next generation—or a ballistic missile accompanied with penetration aids gets a lot more difficult. In fact, it's inherently difficult for a passive infrared sensing missile defense system to deal with that circumstance. Now, that wouldn't be what the North Koreans started with first. That becomes another question.

I think both the first issue, dealing with North Korea in the near-term, and the second issue, dealing with them in the far-term, are in the intent of the President's statement, and if I'm confirmed, I'll get in there and get to the bottom of it and discuss it with you as we go.

Senator THUNE. If I might, Mr. Chairman, just to the other members of the panel. Dr. Miller and Ambassador Vershbow, what would you plan to do about the European missile defense site, the so-called third site, that has been something that has been of great focus here in the last few years, and more recently in the last few weeks as discussions have gotten to more of an elevated level about that particular site.

Dr. MILLER. Senator, let me first provide a very brief answer to the earlier question and agree with Dr. Carter, but also note how much has changed over the last couple decades from when I worked on the Hill previously. The defense of the country clearly needs to be top priority of all departments, including DOD. There is no such thing as a perfect defense against all threats.

We have to expect adversaries to adapt, including North Korea, as Dr. Carter suggested. In looking at the system's capabilities for our National Missile Defense Security and how those should be adapted over time is a fundamental issue.

I say that because, when you talk about the European site, so-called "third site," that is an issue as well. It will be addressed, I would expect, as part of another review of the congressionally-mandated review of the Missile Defense Review, but also in the context of discussions with Poland and the Czech Republic. The United States had previously made an offer to Russia to have some involvement, some cooperation with the system. I expect that it would make sense to me to have continued engagement with Russia on that question; then also to have a look at what Iran does and whether it's willing to verifiably stop its nuclear activities, and what that does for the threat and how that comes into the mix.

I expect that there'll be extensive consultations with our allies on this question and with Russia on this question over the coming weeks and months.

Senator THUNE. Ambassador, anything to add?

Ambassador VERSHBOW. Senator, I endorse what my colleagues have said. If confirmed for my job, I will be approaching this issue, obviously, from the political perspective. I will leave the issue of technical evaluation of the effectiveness of the systems to my colleagues.

I think it is important that the NATO alliance has endorsed missile defense. I think we've come a long way in reaching consensus that there is an emerging threat that affects not only the United States, but our allies in Europe; and I think that our newer allies

in Poland and the Czech Republic have taken important risks in agreeing in principle to the third site.

As I understand it, our overall policy on missile defense is now under review, so I can't really speak authoritatively as to precisely what we may do. But I would underscore what Dr. Miller said, that when it comes to the third site in Europe the driving factor is the emerging threat posed by Iran, both its pursuit of a nuclear weapons capability and its ability to marry that capability to long-range ballistic missiles.

Now, of course if we were, as others have said, able to eliminate that threat in a verifiable way, we'd have to look at the situation in a different light. But we're far away from achieving that goal, and so I think it's going to be a very important issue, on which we will need to continue to consult with our allies and of course with Congress.

The Russians have made a lot of complaints about the proposed third site. I believe that if one looks carefully at the geography and the technical capabilities that are being considered, this system poses no threat to Russia. It's directed at Iran. But I think the way forward—and this is something that Chairman Levin has spoken about just recently—could be to try once again to pursue cooperation in missile defense with Russia, which faces similar threats, may have some technological contributions to make to some kind of combined architecture. I think this could be a way of reinvigorating NATO-Russia cooperation, which has not fulfilled its early promise.

So there's a lot of different dimensions to this issue. The policy is under review. I think we'll want to continue to take on board the views of this committee and other Members of Congress.

Senator THUNE. Thank you, and I appreciate your observations. I agree when you have NATO endorsing it, the Czechs and Poles have invested and risked a lot on this, and I would hope that it's something that we don't walk away from.

Thank you.

Chairman LEVIN. Senator Vitter.

Senator VITTER. Thank you, Mr. Chairman.

I'm going to have to be real brief because I have to run to the floor. So I have two questions for Dr. Carter. Doctor, several acquisition programs have experienced cost overruns, including Nunn-McCurdy breaches and schedule delays and the like, and we all want to turn this negative trend around. What would you consider to be the essential principles of acquisition reform that could help do this, and specifically what are your thoughts about how competition can contribute to that?

Dr. CARTER. Thank you, Senator. I think I'd start, with respect to the reform part of your question, with the observation of Secretary Gates, and he said a few weeks ago with respect to acquisition reform: There is no silver bullet. What he meant by that—and I completely agree—is that as we look at the programs that are in trouble, as you noted—I think you said several; I wish it were only several; it's many severals that are in trouble—and you go back through their lifetime and do the diagnosis, how did we get to where we are, what went wrong, there are a number of different things that you can point to.

So there isn't one common denominator, but there are some things that keep popping up. One is the size and quality of the acquisition workforce, the people who do this job, from contracting to systems engineering and so forth, on the government side. That seems to be a frequent offender.

Another one—and I'm committed to try to fix that problem and this committee has already taken some action in that regard in years past, long before I came along for nomination, to deal with that. Other causes, I won't go through them all, but they're almost all covered in the draft legislation that is coming out of this committee, the Weapons Acquisition Reform Act of 2009. They have to do with, in addition to systems engineering, better cost estimation, including paying attention to cost estimates once you get a cost estimate, technology development, technology maturity, technology readiness at the early stage of a program, and your second point, which is competitiveness.

I believe that competitiveness is the single most powerful tool the government has to get good value. We have a system in which we don't make our weapons inside the government. We contract with the private sector for them, and competition is the great discipliner. It's not always possible to have competition in programs because there aren't always many manufacturers of the things that we need in defense. There's been some consolidation of the industry over the last couple decades. But even in those cases, it's usually possible to have competition far enough into the program to discipline it, that is through the development phase. It's also possible, even if you can't have competition at the level of the prime contractor throughout the lifetime of the program, to maintain a competition at lower tiers of the program that supply subsystems.

So in all these ways we need to keep looking for ways to keep competition alive, because that's the great discipliner that gives value to the warfighter and to the taxpayer. I'm committed to looking for those vehicles to keep competitiveness alive and, as I said, some of them have already been suggested by this committee.

Senator VITTER. I'm concerned about several examples of that, and one near the top of my list is JSF and the issue of engines. Congress has repeatedly pushed for competition in that area and has inserted that into the budget, and DOD has repeatedly resisted and never itself put that into the budget.

Would you support having that in the budget and continuing that competition because of the discipline, particularly long-term, it would provide?

Dr. CARTER. I understand exactly why some have favored an alternative engine for JSF, and I also understand the other argument. Let me just spell the two out. But the net of it is that I don't have access to the information now that allows me to make this tradeoff. But if you have two engines, you have the value of competition. On the other hand, you're paying for two programs.

So where does that come out? That's a quantitative question essentially and I don't have access to the information to allow me to make that assessment.

Senator VITTER. I'd urge you to focus on that as soon as possible. I'm going to propound some more detailed questions about that as your nomination is pending. I believe that the Pentagon's decision,

based on what I know, is based on a very short-term calculus of those pros and cons you're talking about, not a project life calculus, and I'm concerned about that, and I think competition there would really bring some rigor to that program, and I think a lot of folks, not just those directly involved, but the prime and other folks involved, support that.

I'll be propounding some more detailed questions, but I'd love for you to look at that.

Dr. CARTER. I absolutely will look into it and try to answer the questions.

Senator VITTER. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Vitter.

Senator McCaskill, are you ready?

Senator MCCASKILL. I am. I just have one brief area I want to cover, Mr. Chairman.

I want to thank Dr. Carter for spending some time with me in my office yesterday. I want to just for the record of this hearing talk about some of the things we talked about yesterday, most specifically contracting as it relates to operations in a contingency and the problems that have occurred in Iraq and before that in Bosnia, the same problems; and make sure that we have on the record your commitment to realize that that's a very important part of your responsibility at DOD.

Specifically, I would like you to speak briefly about what you would envision your plans as it relates to the drawing down of the contract force in Iraq. It is a huge undertaking to draw down that contract force and to do it in a way that is cost effective for the American taxpayer and that we get value out of the stuff that we've paid for that these contractors have is a big concern of mine. I have not yet heard anyone really address this issue that shows that there's a lot of planning going into it and a lot of forethought about how we can do it in a way that works for the American taxpayer, because frankly not much about contracting has worked either for the American military in terms of getting stuff we need at the best value, or the American taxpayer.

Dr. CARTER. Thank you, Senator, and I appreciated your giving me the time yesterday. I do absolutely share your concern. This is a big subject, contractors, the use of contractors in contingency operations, when that's appropriate and how to manage them.

My own view is, as I shared with you yesterday, it's unavoidable. We can't do it all ourselves. But there's a question of what activities are appropriate to contract out and then contracting competently so that there is no waste, fraud, and abuse and there's effective and efficient contracting. I think that there's reason for concern in recent years in dealing with Iraq and also Afghanistan about all those questions, you're absolutely right.

Also, another point you made which I agree with: Once you have all of these folks working for you and the need goes away or the need changes, are you able to move them from one place to another or move them off the government payroll when the contingency's over?

The last thing I'll say, I'll say for everyone, but I said yesterday, is I'm highly aware that the title of the job for which you're considering me is "AT&L," and that's not an afterthought in a time of

war. Secretary Gates has expressed his determination to supply the troops in the field the way they deserve. We have a big job to move equipment out of Iraq and into Afghanistan, and I realize I will be involved in that and that's a huge task, and to deal with this question of contingency contracting and contractors on the battlefield. As I said to you yesterday, that's something I know I need to get on top of if I get in this job, and I'm committed to working with you and learning from you and telling you what I learn as I do that.

Senator MCCASKILL. I think it is a big job, and I think that one of the ways that we will fix this long-term is for there to be an atmosphere of accountability. I'm not aware of anyone ever losing any kind of rank, getting any kind of demotion, just for their failure to oversee contracts in a way that makes sense. Until we instill that in the culture, I worry that our military commanders, for all the right reasons, want to focus on the mission, and they don't see how much stuff costs on contracts, whether it's in the mess or whether it's who's cleaning the latrines or who's doing the laundry—they don't really see that as part of the mission, and fixing that culture is probably the hardest part, and I wish you all the luck.

Dr. CARTER. Thank you.

Senator MCCASKILL. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCaskill.

Dr. Carter, DOD now actually spends more for the acquisition of services than it does for the acquisition of products, including major weapons systems. Yet the Inspector General and GAO have reported that the Department routinely fails to conduct required acquisition planning and contract oversight functions for its services contracts.

We enacted a provision a couple years ago that required the DOD to develop a comprehensive inventory of activities that are performed by service contractors, to serve as the basis for an analysis of whether we've gone too far in contracting out. The first inventory was supposed to be submitted last July. The Department now says it'll be unable to meet this requirement until 2011 at the earliest.

Now, that really shows the problem. We have contracted out so much of the services that are needed that we can't even inventory those services for years.

This is a real issue around here, this contracting out and whether or not we're getting our money's worth. There are some policy issues, but there's also some financial issues here. There's some real policy issues which I referred to in terms of contracting out security functions, but there's also some significant dollars here that are at issue. Will you ensure that the Department conducts the inventory of activities performed by service contractors in a timely manner?

Dr. CARTER. I will, Senator.

Chairman LEVIN. Will you tell us what the earliest date is we can expect that? Once you're confirmed and check this out, will you get back to the committee?

Dr. CARTER. You bet, Senator.

Chairman LEVIN. Dr. Miller, you wrote last September about the need for game-changing diplomacy with Iran, to emphasize more the need to put in place a comprehensive verification regime on Iran's activities and to talk directly with Iran on a broad range of issues. President Obama last Friday issued a video message to the people and Government of Iran in which he said that Iran had a choice, to assume its rightful place in the community of nations, but that Iran could not achieve this through terror and arms.

Do you believe that there is an opportunity to engage Iran on issues of mutual concern, or at least that the attempt should be made?

Dr. MILLER. Mr. Chairman, yes, I believe certainly an attempt should be made. Whether there's an opportunity or not we will find out as we see the reaction of the Iranians.

Chairman LEVIN. One of the issues, of course, that we're most concerned about with Iran is a potential missile threat, particularly if they ever achieve and obtain a nuclear weapon, given the make-up and the rhetoric of their current leadership. One of the arguments that I've been making is that if we can improve our relations with Russia, particularly if we can work with Russia on a joint missile defense that would be a defense against Iranian missiles, that this could be a true game-changer in a lot of ways, not just in providing a missile defense, but in terms of making a very strong statement to Iran about the determination of the world community, including Russia working with us, to deal with an Iranian threat.

First, Dr. Miller, if the United States and Russia could agree on a cooperative approach to missile defense, do you think that would be an important statement in terms of a determination to deal with Iran, but also could help to improve U.S. security in other ways?

Dr. MILLER. Yes, Mr. Chairman, I do.

Chairman LEVIN. Ambassador Vershbow, do you have a comment on that? Would you agree with that?

Ambassador VERSHBOW. Mr. Chairman, yes, I would agree very much that if we could achieve cooperation with Russia on missile defense it would be a very important step in our relationship with Russia in dealing with a common threat, and it would send a very important message to Iran as well, which could underpin the diplomatic engagement that we are going to attempt to see whether we're able to get them to change their course on nuclear weapons development.

Chairman LEVIN. Secretary Gates told us about a month ago or so that NATO would welcome cooperation or discussions about the possible cooperation between the United States and Russia relative to a cooperative approach to missile defense. You, of course, are an expert on NATO. Would you agree with Secretary Gates that NATO would welcome those efforts?

Ambassador VERSHBOW. I agree 100 percent with Secretary Gates on this, and my experience is that this attitude of our NATO allies goes back many years. As NATO itself has come to see the importance of missile defense, they have also emphasized their interest in cooperating with Russia. Whether it's in the NATO-Russia context or a U.S.-Russia context, they're very much for it.

Chairman LEVIN. Dr. Miller, the Law of the Sea Convention is pending in the Senate. In your response to prehearing policy questions, you stated that you support U.S. accession to the convention. Can you tell us what advantages you see in our joining that convention?

Dr. MILLER. Mr. Chairman, in my view there are numerous advantages to accession. Let me just list a couple for starters. The first is that the United States has a strong stake in freedom of navigation across the globe and that the convention would bring the United States additional tools to enforce that and to bring it in compliance also with international guidelines on that with the other countries that are involved across the globe.

Second, stepping out of the defense area, as the Arctic opens up and we've seen an opening that allows passages that haven't been the case for as long as we've recorded the situation up there, there is a growing competition over minerals and over energy resources of other kinds, including oil, in that area, and accession to the Law of the Sea would give the United States a firm foundation for competing for those resources.

Chairman LEVIN. Thank you.

Dr. Miller, Ambassador Vershbow, let me turn to Afghanistan for a minute. One of the reasons that the expansion of the Afghan Security Forces is slower than we'd like is the lack of trainers. That's the long pole in the tent, we've been told by a number of our military leaders.

The second longest pole would be the shortfall in equipment for the Afghan Security Forces. At Tuesday's hearing, General Craddock said that NATO members are failing to provide funds for the NATO Afghan Army Trust Fund, which would help pick up costs both of training and equipping the Afghan army.

Let me ask you, Ambassador, would you look into the NATO trust fund issue, press NATO members to meet the agreed target for that fund? Will you—and I guess this would also apply to Dr. Miller—try to see what you can do to speed up the availability of equipment to the Afghan army and the Afghan police?

Ambassador VERSHBOW. Mr. Chairman, if confirmed, I definitely will make all of those things a high priority. I think that these are issues that we would also be looking for some progress on at the upcoming NATO summit, and particularly the trust fund that you mentioned. These are all keys to success in Afghanistan and I think our allies have not done as well as we had hoped, but we will continue to press.

Chairman LEVIN. Thank you.

Senator Sessions.

Senator SESSIONS. Thank you, Chairman Levin, for your courtesy and your good leadership of this committee.

I congratulate President Obama on your nominations. From what I have seen in my opportunity to meet with each of you, I believe you bring to the government the kind of experience and good judgment that we need. You'll be under a lot of challenges. There's an article today about liberal groups demanding the President cut the defense budget even more. Our preliminary analysis of the budget that the President has submitted would indicate that he will be taking the defense expenditure from over 4 percent, almost 4.5 per-

cent of gross domestic product, to 3 percent of gross domestic product. That's a dramatic cut if it's carried out and it's going to put some real pressure on each one of you in conducting your affairs in a fair and legitimate way.

What has happened in the past is that procurement, Dr. Carter, is the thing that gets whacked, because you have to pay the salaries for our men and women in uniform and their health care, the electric bills, the housing, the transportation and upkeep on the equipment, and the fuel that goes in it. That is just a dangerous thing and I hope that you will recognize, as you and I talked earlier, that each President does have a responsibility during his watch to not only pay the salaries of our personnel, but also to provide for the future the weapons systems that they may need, but take years to develop.

Would you agree that that's a responsibility a President has?

Dr. CARTER. I would, absolutely.

Senator SESSIONS. Dr. Carter, in your advance questions I was pleased with a number of your answers. One of them, you were asked about international participation in the American defense base and you stated: "It also helps the Department to achieve the advantages of competition in contracting, which includes the ability to obtain world-class best value products for our warfighters."

Do you stand by that statement?

Dr. CARTER. I do.

Senator SESSIONS. I think that's fundamentally correct. Let me ask you this first, "best value" is a term that has some meaning within defense circles. Could you briefly summarize what that means to you?

Dr. CARTER. Yes. "Best value," I think, means in acquisition more or less what it means in everyday life, which is looking at a purchase, in this case of a system, by taking into account all of the attributes that one wishes to have. So it means the same thing as it means when I think the person, any of us, goes in to best value to buy a radio or something.

Senator SESSIONS. So price is a factor, quality is a factor, capabilities are a factor, all things, and you try to make a judgment for the warfighter based on the overall assembly of qualities that provide the best value for the military?

Dr. CARTER. That's correct. One attaches weights to the various factors and makes a decision accordingly.

Senator SESSIONS. Let me just be frank with you. We're talking about an Air Force refueling tanker bid process that's been stopped. Secretary Gates said that as soon as you're on board it'll be your project. Congratulations. I said he punted and he caught his own punt and now he's going to hand it off to you. [Laughter.]

But I believe strongly that best value is a fundamental principle of any good acquisition system. So I'm a little worried because I've heard some comment that, not official, but, well, we might just decide this purely on price. I would note that in the last bid round that the aircraft that would be built in my State was a good bit cheaper. At any rate, I think it was a more capable aircraft also.

But I think best value is the right principle. Do you intend to apply the best value principle to your supervision of the bid process

for the number one Air Force priority, the replacement of the aging tanker fleet?

Dr. CARTER. I recognize this is going to be a big responsibility. I think best value is a good principle in acquisition, as it is in everyday life. What I committed to you when we chatted earlier, and I do again, is my job as I understand it, if I'm confirmed, with respect to the tanker deal, is to serve up the best acquisition strategy as honestly as I possibly can.

I realize that this acquisition program's been through its ups and downs and so forth. I'm going to take a fresh eye to it and call it to the Secretary of Defense as straight as I possibly can.

Senator SESSIONS. But do you intend to use the principle of best value for the warfighter? Because we required this contract to be bid, Congress did, after a flap over the contract—and some people went to jail. We required it to be bid, and there were only two bidders in the whole world that could supply this aircraft. Both of them would build their aircraft in the United States.

I guess my question to you is, when you're going to analyze this why would you not use the traditional process of best value?

Dr. CARTER. I would use exactly the traditional process of best value in this case and attach the weights to the various parameters that go into best value, of which price is one, and call it like I see it. The Secretary of Defense and the President will have a voice in that as well. But my commitment to you is I will call it absolutely straight.

Senator SESSIONS. I thank you for that. We had a lot of political talk and out of all this storm DOD will have to maintain its reputation for integrity and making decisions on the merits and not politics. I feel like you've been there, you understand the pressures you're likely to be subjected to, but you'll do the right thing. That's what my present belief is, and I hope that the Secretary or others wouldn't alter the traditional process of choosing the best aircraft.

Chairman LEVIN. Thank you, Senator Sessions.

There are no more questions, so we will bring the hearing to a close. I want to before I close just say two things. First, we're going to bring these nominations to a vote of the committee as quickly as we possibly can and hopefully get these to the floor before recess.

Second, I just want to not only thank you for your commitment to public service; I want to thank again your families. If you don't mind, Dr. Miller, I want to single out particularly your younger kids. They have looked interested way beyond what could reasonably be expected of kids their age. I have grandkids about their age, so I won't say any more than that. But anyway, I know how important it is that all of you have your families here, but particularly when you have young kids that would much rather be out there in the rain.

Dr. MILLER. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you all. We will stand adjourned.

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

[Prepared questions submitted to Ashton Carter by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I worked in the Pentagon both before and after the passage of the Goldwater-Nichols Act, and I have seen its benefits in terms of jointness, provision of military advice to the President, and streamlined acquisition management. Some of the act's principles are also being applied to interagency coordination. At this time I see no specific changes in the act that I would recommend. If confirmed, I would have the opportunity to assess whether changes were needed, and if so consult with this committee.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Acquisition reform must be a central priority, and if confirmed I will be assessing proposals for reform, including ones that might touch on aspects of Goldwater-Nichols. I will consult with this committee if such a proposal arises and appears to have merit.

DUTIES

Question. Twenty years ago, Congress established the position of Under Secretary of Defense for Acquisition in response to the recommendations of the Packard Commission. The Packard Commission report stated: "This new Under Secretary . . . should be the Defense Acquisition Executive. As such, he should supervise the performance of the entire acquisition system and set overall policy for R&D, procurement, logistics, and testing. He should have the responsibility to determine that new programs are thoroughly researched, that military requirements are verified, and that realistic cost estimates are made before the start of full-scale development. (In general, we believe, cost estimates should include the cost of operating and maintaining a system through its life.) He should assure that an appropriate type of procurement is employed, and that adequate operational testing is done before the start of high-rate production. He also should be responsible for determining the continuing adequacy of the defense industrial base."

Do you believe that the position of Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(ATL)) has the duties and authorities necessary to carry out the recommendations of the Packard Commission?

Answer. Yes.

Question. Do you see the need for modifications in the duties and authorities of the USD(ATL)?

Answer. No.

Question. Do you believe that DOD has effectively implemented a streamlined chain of command for acquisition programs, as envisioned by the Packard Commission?

Answer. I believe that the Department has implemented acquisition chains of command that provide a good management structure to meet current acquisition requirements and outcomes. If confirmed, I will continue to examine these acquisition structures and oversight chains.

Question. Do you see the need for modifications in that chain of command, or in the duties and authorities of any of the officials in that chain of command?

Answer. Not at this time. I believe the statutory reporting chain which provides USD(AT&L) directive authority for Service acquisition programs via the Service Secretaries is a critical authority which must be maintained. If confirmed, I will evaluate the current chains of command and recommend adjustments, if needed.

Question. Section 133 of title 10, U.S.C., describes the duties and responsibilities of the USD(ATL).

Assuming you are confirmed, what additional duties do you expect that the Secretary of Defense will prescribe for you?

Answer. If confirmed, I expect the Secretary to assign me duties and functions commensurate with the USD(AT&L) position, and any others he may deem appropriate.

Question. Do you recommend any changes to the provisions of section 133 of title 10, U.S.C., with respect to the duties of the USD(ATL)?

Answer. No, I do not.

QUALIFICATIONS

Question. If confirmed, you will be responsible for managing an acquisition system pursuant to which DOD spends almost $400 billion each year. Section 133 of title 10, U.S.C., provides for the Under Secretary to be appointed from among persons who have an extensive management background in the public or private sector.

What background and experience do you have that you believe qualifies you for this position?

Answer. I have had 25 years of experience working with and for DOD and its supporting defense industry and laboratories on major weapons systems and command and control systems. I first worked in DOD for Secretary Caspar Weinberger on space programs, nuclear weapons systems, command and control systems, and strategic defense in the 1980s. In the 1990s I was privileged to serve as Assistant Secretary of Defense. In between government service I have been a consultant and advisor to defense companies, to defense laboratories and federally-funded research and development centers (FFRDCs), and a member and consultant to the Defense Science Board and to DOD's Threat Reduction Advisory Council. I have participated in many panels and studies that have assessed the defense acquisition system going back to the 1980s and have written three books that address the subject. As a physicist, I am very familiar with developments in defense technology and therefore with the role the USD(AT&L) plays in overseeing the science and technology (S&T) efforts of the Department. The USD(AT&L) also plays a key role in our nuclear deterrent and in other strategic issues. I have been deeply involved in technical aspects of nuclear weapons and missile defense since the 1980s.

Question. What background or experience, if any, do you have in the acquisition of major weapon systems?

Answer. Acquiring weapons systems in a manner that that warfighter and taxpayer deserve has several dimensions, and I have background and experience in each. Secretary Gates and Deputy Secretary Lynn have stressed the need to ensure that the Department's acquisition program meets the needs of the 21st century, and I believe they expect the USD(AT&L) to contribute, with other senior managers, to that end. I have previously participated in many governmental and nongovernmental reviews and analyses of U.S. military strategy, trends in the types of threats the United States will face in the future, and the spectrum of military and nonmilitary responses to these threats. Once a need is identified and a materiel approach selected, it is important to know whether the technology is mature enough to permit an acquisition program to commence and then to proceed at every key milestone. I am a physicist with long involvement in the technical aspects of defense programs, and I therefore believe that if confirmed, I will be able to discharge the USD(AT&L)'s responsibility to assess technology readiness levels at each step of the acquisition process. Development, procurement, and sustainment of major weapons systems require experience with DOD and the defense industry, systems engineering at every stage, and iron discipline. I have had 25 years of experience working with and for the Defense Department and its supporting industry, laboratories, and FFRDCs. Finally, the acquisition system itself is widely regarded as having failed both the warfighter and the taxpayer, and reform of the system is an imperative. I have participated in numerous reform efforts dating to the 1980s and have written three books that deal with the subject. I believe that, if confirmed, I can use this experience to help identify reforms that will avoid in the future some of the problems we are having with major defense programs today.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the USD(ATL)?

Answer. A first major challenge is to ensure that AT&L is supporting the war effort through rapid acquisition of systems our soldiers, sailors, airmen, and marines need in Iraq, Afghanistan, and in the war on terror; ensuring that the logistics supply lines into and out of Iraq, and into Afghanistan, can support the forces and the required deployment timetables; and making sure the role of contractors on the battlefield is appropriate. A second major challenge is to get under control the many troubled acquisition programs that are supposed to be supporting our forces—both today and tomorrow. Too many of these programs are failing to meet their cost, schedule, and performance expectations, and some are failing even more fundamentally the test of whether they are needed for the future military challenges we are

most likely to face. In addition to disciplining these programs, reform of the acquisition system is needed to ensure that we do not get ourselves in this position again in the future. A third challenge is to ensure that the Department has the strongest S&T base supporting national security. A fourth challenge is to ensure, consistent with overall national policy, a safe and secure nuclear deterrent and technically effective missile defense programs.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would use the experience and knowledge I have of defense programs, technology, and DOD to focus on these priorities, working with the acquisition team, other senior managers in the Department, Congress, and industry leaders to produce real progress for the warfighter and taxpayer.

ACQUISITION ORGANIZATION

Question. Do you believe that the office of the USD(ATL) is appropriately structured to execute its management and oversight responsibilities?

Answer. I have not had the opportunity to familiarize myself with the AT&L office organization, so at this time, I am not aware of significant structural impediments to accomplishing its function.

Question. Do you believe that any change is needed in the duties and responsibilities of the Deputy Under Secretaries of Defense serving under the USD(ATL)?

Answer. See previous answer.

Question. Do you see the need for any changes in the relationship between the USD(ATL) and senior acquisition officials in the military departments?

Answer. Not at this time. If confirmed, I will be actively involved in setting acquisition policy. My expectation would be to ensure the senior acquisition officials in the military departments and defense agencies implement and follow those policies, and demonstrate effective execution.

Question. Do you see the need for any additional processes or mechanisms to ensure coordination between the budget, acquisition, and requirements systems of the DOD and ensure that appropriate trade-offs are made between cost, schedule, and performance requirements early in the acquisition process?

Answer. I am not aware of a need for additional processes or mechanisms at this time. If confirmed, I will examine these issues and recommend appropriate changes. I do believe, however, that coordination among these functions is absolutely necessary to best serve the warfighter and taxpayer.

Question. What do you believe should be the appropriate role of the Service Chiefs in the requirements, acquisition, and resource-allocation process?

Answer. The Service Chiefs have a key role to play in the development of capability needs and in the planning and allocation of resources consistent with those needs. Service Chiefs do not play a formal role in the acquisition chain of command, but I would respect and encourage their advice on matters within their purview.

Question. What do you believe should be the appropriate role of the combatant commanders in the requirements, acquisition, and resource-allocation processes?

Answer. Combatant commanders have an important role in the development of capability needs and advising on priorities and allocation of resources consistent with those needs. I believe the acquisition system should be especially responsive to their urgent needs. If confirmed, I would respect and encourage their advice on matters within their purview.

Question. Do you see the need for any changes in the structure or operations of the Joint Requirements Oversight Council (JROC)?

Answer. JROC membership may be appropriate for the USD(AT&L). The USD(AT&L) must continue to at least participate in a full advisory role. Close coordination between requirements and acquisition is essential.

MAJOR WEAPON SYSTEM ACQUISITION

Question. The investment budget for weapon systems has grown substantially over the past few years to more than $150 billion per year. An increasing share of this investment is being allocated to a few very large systems such as the Joint Strike Fighter, Future Combat Systems, and Missile Defense.

Do you believe that the current investment budget for major systems is affordable given increasing historic cost growth in major systems, costs of current operations, projected increases in end strength, and asset recapitalization?

Answer. I am concerned that it may not be. Moreover, I believe the investment budget will be under increasing pressure in the future. If confirmed, this is an area I will manage vigorously to ensure we have an affordable long-term investment strategy.

Question. If confirmed, how do you plan to address this issue?

Answer. If confirmed, I expect to acquaint myself as quickly as possible with the facts of this situation and assist the Secretary and Deputy Secretary in addressing it.

Question. What would be the impact of a decision by the Department to reduce purchases of major systems because of affordability issues?

Answer. If confirmed, I will carefully assess the impact of any proposal to reduce purchases of major systems because of affordability, including the impact on national security risk, industrial capability, as well as international implications.

Question. Nearly half of DOD's 95 largest acquisition programs have exceeded the so-called Nunn-McCurdy cost growth standards established in section 2433 of title 10, U.S.C, to identify seriously troubled programs. The cost overruns on these major defense acquisition programs (MDAPs) now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down.

What steps, if any, would you take, if confirmed, to address the out-of-control cost growth on DOD's MDAPs?

Answer. We cannot change history. But it is important to assess whether programs that have already experienced cost growth are still out of control and whether they can still be afforded. Looking forward I intend to ensure programs start out right with an appropriate degree of practical realism in terms of technical, performance and cost expectations. If confirmed, I intend to emphasize realistic overall cost estimates and time phased funding profiles. If confirmed, I will also work to devise and enforce current and possible new policies to discipline the system so that program requirements are well understood when programs start, and are stabilized as much as possible over the long term to guard against unreasonable future growth in costs.

Question. What steps if any do you believe that the Department should consider taking in the case of MDAPs that exceed the critical cost growth thresholds established in the Nunn-McCurdy provision?

Answer. I believe the current statutory provision provides the authority to take appropriate measures, including major restructuring or termination.

Question. Do you believe that the Under Secretary of Defense for Acquisition, Technology, and Logistics, as currently structured, has the organization and resources necessary to effectively oversee the management of these MDAPs? If not, how would you address this problem?

Answer. If confirmed, this is an area I would examine carefully and make appropriate recommendations.

Question. Do you believe that DOD has the systems engineering and developmental testing organizations, resources, and capabilities needed to ensure that there is a sound basis for key requirements, acquisition, and budget decisions on MDAPs? If not, how would you address this problem?

Answer. I believe sound systems engineering and developmental testing is a fundamental basis for acquisition decisions, and I am concerned about the adequacy of the organizational and human capital dimensions of systems engineering in the Department. If confirmed, I will review and assess the organizations and capabilities in this area and make appropriate recommendations.

Question. Do you see the need for any changes to the Nunn-McCurdy provision?

Answer. Not at this time, but this is an issue I would intend to review if confirmed

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. The certification criteria in the statute provide a set of principles, namely, whether a program is still a high priority to national defense, has sound management, the costs are well understood moving forward, and that there are no other more cost effective alternatives.

Question. In the budget blueprint that supports the fiscal year 2010 presidential budget request, the administration committed to "setting realistic requirements, sticking to them and incorporating 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage."

If confirmed, how would you help ensure that the Department makes good on this commitment?

Answer. If confirmed, I intend to enforce policies that discipline the system so that program requirements are well understood when programs start, and are stabilized as much as possible over the long term to guard against unreasonable future growth in costs for whatever reason.

TECHNOLOGICAL MATURITY

Question. Over the last several years, the Government Accountability Office (GAO) has prepared a series of reports for this committee comparing DOD approach to the acquisition of major systems with the approach taken by best performers in the private sector. GAO concluded that private sector programs are more successful because they consistently require a high level of maturity for new technologies before such technologies are incorporated into product development programs. The Department has responded to these findings by adopting technological maturity goals in its acquisition policies.

How important is it, in your view, for the Department to mature its technologies with research and development (R&D) funds before these technologies are incorporated into product development programs?

Answer. Launching into a product development program with immature technology presents a high risk with respect to cost, schedule, and performance. Ideally, technology maturation is accomplished through private sector investments, and the Department is able to harvest the results of commercial investments in its acquisition programs. However, when certain critical technologies are required for achieving mission success, and private sector investment is unlikely to be forthcoming or adequate, the Department should invest R&D funds to mature those technologies.

Question. What steps if any would you take, if confirmed, to ensure that the key components and technologies to be incorporated into major acquisition programs meet the Department's technological maturity goals?

Answer. Since 2006, the Department has required that all critical technologies for major acquisition programs must be rated as Technology Readiness Level (TRL) 6 or better at Milestone B, and TRL 7 or better at Milestone C. I believe this policy is extremely beneficial, and has resulted in numerous cases where acquisition programs have devoted much more attention to ensuring technology readiness at key milestones. I am in favor of developing policy and approaches that will shine a spotlight on technology readiness even earlier in the acquisition cycle to ensure that maturation occurs in a timely way.

Question. Do you believe that the Department should make greater use of prototypes, including competitive prototypes, to ensure that acquisition programs reach an appropriate level of technological maturity, design maturity, and manufacturing readiness before receiving Milestone approval?

Answer. Yes. When judiciously applied, competitive prototyping can substantially reduce development risk in acquisition programs. I say judiciously because it is not practical to force every program to prototype full systems in every case. If confirmed, I will include competitive prototyping in acquisition strategy decisions informed by technology readiness, systems engineering and integration evaluations, and other management factors.

Question. Section 2366a of title 10, U.S.C., requires the Milestone Decision Authority (MDA) for a Major Defense Acquisition Program (MDAP) to certify that critical technologies have reached an appropriate level of maturity before Milestone B approval.

What steps if any will you take, if confirmed, to make sure that the DOD complies with the requirements of section 2366a?

Answer. If confirmed, as chair of the Defense Acquisition Board and MDA for Acquisition Authority-1 programs, I will use technology readiness assessments submitted to ensure compliance with section 2366a.

Question. What steps if any will you take to ensure that the Director of Defense Research and Engineering is adequately staffed and resourced to support decision-makers in complying with the requirements of section 2366a?

Answer. If confirmed, I expect to work with Director, Defense Research and Engineering (DDR&E) and DUSD(S&T) and other members of the Office of the Secretary of Defense (OSD) staff to evaluate the adequacy of resources available to meet the challenges of complying with the requirements of section 2366a.

Question. Are you satisfied that technology readiness assessments adequately address systems integration and engineering issues which are the cause of many cost overruns and schedule delays in acquisition programs?

Answer. On the basis of the information currently available to me, I am not. If confirmed, I will direct the appropriate USD(AT&L) offices to ensure that systems integration, systems engineering, and technology maturity issues are properly addressed and coordinated

Question. Do you plan to follow the recommendation of the Defense Science Board Task Force on the Manufacturing Technology Program and require program managers to make use of the Manufacturing Readiness Level tool on all programs?

Answer. I believe strongly in the importance of manufacturing technology as a type of technology deserving DOD fostering just as DOD fosters the technologies embedded in the manufactured weapons themselves. I also agree that manufacturing readiness should be assessed more rigorously before programs pass into production. If confirmed, I intend to review the specific recommendations of the DSB report and to take actions that reflect the importance of this subject.

Question. Beyond addressing technological maturity issues in acquisition programs, what other steps should the Department take to increase accountability and discipline in the acquisition process?

Answer. There are a great number of factors that contribute to the pervasive failure of programs to meet their schedule, cost, and performance goals. As Secretary Gates has said, there is no "silver bullet" that will address all of the factors. They involve all steps of the process, from unrealistic requirements and technology immaturity at the front end of the process to instability and inefficient production runs at the back end, to insufficient systems engineering throughout the process, to many other factors. If confirmed, I will be committed to addressing all these factors and, where necessary, reforming the system to minimize the frequency of these pervasive problems.

FIXED PRICE-TYPE CONTRACTS

Question. Recent congressional and DOD initiatives attempt to reduce technical and performance risks associated with developing and producing major defense acquisition programs so as to minimize the use of cost-reimbursable contracts.

Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. I do think that the Department should whenever possible consider moving towards the more frequent use of fixed price type contracts in developing or procuring major defense acquisition programs. Whether a program should have a fixed price or cost type contract depends upon several key factors: 1) the stability of the requirement; 2) the maturity of the technology employed; 3) the ability to estimate accurately the cost of the system to be procured; and 4) stable funding. If these key factors are met, then it is appropriate to utilize a fixed price type contract for developing and producing major defense systems.

TECHNOLOGY TRANSITION

Question. The Department continues to struggle with the transition of new technologies into existing programs of record and major weapons systems and platforms. Further, the Department also has struggled with moving technologies from DOD programs or other sources rapidly into the hands of operational users.

What impediments to technology transition do you see within the Department?

Answer. There are several impediments to technology transition. One is the gap between the results of R&D sponsored in DOD laboratories and the engineering and production processes in industry. Another is having a rapid enough acquisition system that the technologies it embeds in the systems it produces are not out of date by the time they are fielded. Another is the gap that sometimes develops between the commercial (and largely globalized) technology base and the defense technology base.

Question. What steps if any will you take, if confirmed, to enhance the effectiveness of technology transition efforts?

Answer. As a technologist myself, overcoming these impediments will be a priority for me and for the DDR&E. If confirmed, I intend, with that individual's help, to devise and implement further measures to overcome these impediments.

Question. What can be done from a budget, policy, and organizational standpoint to facilitate the transition of technologies from S&T programs and other sources, including small businesses, venture capital funded companies, and other nontraditional defense contractors, into acquisition programs?

Answer. It is very important that defense tap into these sources, which are some of the most innovative in the world, for technology that can be applied to weapons systems. R&D and acquisition processes must make it easier for such entities to contribute to defense.

Question. Do you believe that the Department's S&T organizations have the ability and the resources to carry technologies to higher levels of maturity before handing them off to acquisition programs?

Answer. The S&T organizations can take technologies to levels appropriate to their mission, but going beyond that (e.g., to demonstrations in operational environments) would require resources not generally resident in S&T organizations.

Question. What steps if any do you believe the Department should take to ensure that research programs are sufficiently funded to reduce technical risk in programs so that technological maturity can be demonstrated at the appropriate time?

Answer. To enable research programs to reduce technical risk in acquisition programs more effectively, they must have current, detailed understanding of the technical approaches in those programs. Visibility into acquisition program technical approaches by the research enterprise may need to be improved.

Question. What role do you believe technology readiness levels (TRLs) and manufacturing readiness levels (MRLs) should play in the Department's efforts to enhance effective technology transition and reduce cost and risk in acquisition programs?

Answer. Together with others, TRLs and MRLs can serve as management tools to gauge the maturity of technologies that might be adopted by acquisition programs and to estimate the effort required to achieve acceptable production capabilities.

Question. Section 2359a(c) of title 10, U.S.C., requires the USD(ATL) to designate a senior official of the Department to support the development of policies to facilitate the rapid transition of technologies from S&T programs into acquisition programs of DOD.

If confirmed, would you expect to appoint a single technology transition advocate who would be responsible for promoting technology transition throughout the Department?

Answer. If confirmed, I would expect the DDR&E to be responsible for promoting technology transition.

Question. If appointed, where should this official be positioned within the Office of the USD(ATL) to most effectively and seamlessly transition technologies to acquisition programs from S&T programs and other sources and best reflect the needs of both the user and technology development communities?

Answer. See above.

UNREALISTIC COST, SCHEDULE, AND PERFORMANCE EXPECTATIONS

Question. Many acquisition experts attribute the failure of DOD acquisition programs to a cultural bias that routinely produces overly optimistic cost and schedule estimates and unrealistic performance expectations. As Senator Levin explained at a June 2008 hearing, "contractors and program offices have every reason to produce optimistic cost estimates and unrealistic performance expectations, because programs that promise revolutionary change and project lower costs are more likely to be approved and funded by senior administration officials and by Congress."

Do you agree with the assessment that overly optimistic cost and schedule estimates and unrealistic performance expectations contribute to the failure of major defense acquisition programs?

Answer. Yes. I believe there are real cultural issues at play in this regard. For example, each program is so difficult to start and "sell" within the enterprise and Congress that multiple stakeholders are needed, and the tendency is to settle on satisfying everyone's wishes. Since few of the parties at this stage face any real penalty for making the program do "a little bit more", this drives to overly ambitious programs with exquisite capabilities. Ultimately this results in overpromising and underdelivering.

Question. What steps if any would you take, if confirmed, to ensure that the Department's cost, schedule, and performance estimates are realistic?

Answer. There is no one step that will ensure that cost, schedule, and performance estimates are realistic. But, if confirmed, I will insist on technology maturity and the solicitation and heeding of independent cost estimates.

Question. Do you believe that early communication between the acquisition, budget, and requirements communities in DOD can help ensure more realistic cost, schedule, and performance expectations?

Answer. Yes, and if confirmed, I will work hard to break down any barriers between these three processes.

Question. If so, what steps if any would you take, if confirmed, to ensure such communication?

Answer. The key is leadership that is committed in all three processes working together. I believe that Secretary Gates and Deputy Secretary Lynn expect those who lead the requirements, acquisition, and budgeting functions to work as a team. If confirmed, that is my intention.

Question. What is your view of the need for an independent office of cost estimating within DOD?

Answer. The function of independent cost estimation is critical. My first Pentagon job in the 1980s was in PA&E, and I am well familiar with the capabilities of the

CAIG. If confirmed, I will take a careful look at the cost estimation capabilities, and more importantly whether their results figure in decisionmaking.

Question. DOD has increasingly turned to incremental acquisition and spiral development approaches in an effort to make cost, schedule, and performance expectations more realistic and achievable.

Do you believe that incremental acquisition and spiral development can help improve the performance of the Department's major acquisition programs?

Answer. Yes I do, in selected instances. Like other useful acquisition concepts, spiral development is not a silver bullet but should be in the acquisition system's toolkit.

Question. In your view, has the Department's approach to incremental acquisition and spiral development been successful? Why or why not?

Answer. I think the answer is mixed. My impression is that some of the more successful implementations of evolutionary approaches have come recently as a result of rapid fielding necessitated by operations in Iraq and Afghanistan. But if not used wisely, the result can be added complexity to systems.

Question. What steps if any do you believe are needed to ensure that the requirements process, budget process, and testing regime can accommodate incremental acquisition and spiral development approaches?

Answer. Each of these requirements, budget, and testing processes must be flexible enough to accommodate the possibility, where appropriate, of applying these acquisition concepts. If confirmed, I will seek to ensure this flexibility.

Question. How should the Department ensure that the incremental acquisition and spiral development programs have appropriate baselines against which to measure performance?

Answer. I see this as no different than any other program. If confirmed, I would insist that each increment or evolution of capability have a baseline for assessing execution performance.

FUNDING AND REQUIREMENTS STABILITY

Question. The poor performance of major defense acquisition programs has also been attributed to instability in funding and requirements. In the past, DOD has attempted to provide greater funding stability through the use of multi-year contracts. More recently, the Department has sought greater requirements stability by instituting Configuration Steering Boards to exercise control over any changes to requirements that would increase program costs.

Do you support the use of Configuration Steering Boards to increase requirements stability on major defense acquisition programs?

Answer. Yes, I support activities such as Configuration Steering Boards that prevent unnecessary changes to program requirements or system configuration that could have an adverse impact on program cost and/or schedule. In addition, I am aware that Configuration Steering Boards are required by section 814 of the National Defense Authorization Act for Fiscal Year 2009 and are included within the recent update to DOD Instruction 5000.02. If confirmed, I will review the Department's implementation of Configuration Steering Boards to ensure they are contributing to requirements stability as intended.

Question. What are your views on multi-year procurements? Under what circumstances do you believe they should be used?

Answer. In general, I favor multi-year procurement strategies if they provide savings. Frequently, multi-year procurements can offer substantial savings through improved economies in production processes, better use of industrial facilities, and a reduction in the administrative burden in the placement and administration of contracts. There are a number of criteria to be considered in deciding whether a program should be considered for multi-year procurement. Among them are: savings when compared to the annual contracting methods; validity and stability of the mission need; stability of the funding; stability of the configuration; associated technical risks; degree of confidence in estimates of both contract costs and anticipated savings; and promotion of national security.

Question. What is your opinion on the level of cost savings that constitute "substantial savings" for purposes of the defense multi-year procurement statute, title 10 U.S.C. § 2306b?

Answer. There has been much debate over the threshold on the level of cost savings that constitutes "substantial savings." It has been suggested that the Department needs to raise the bar with regard to the amount of savings that are achieved through the use of multi-year contracts. I agree that we need to ensure that the savings achieved are substantial not only in terms of dollars but also substantial in

terms of the relative difference in price that we would otherwise pay for an annual procurement.

But I also understand that placing an absolute minimum threshold on "substantial savings" could unnecessarily limit the contracting options available and should be evaluated based upon the circumstances of each particular proposed program being proffered for multi-year procurement.

Question. Under what circumstances, if any, do you believe that a multi-year contract should be used for procuring weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes but which might otherwise comply with the requirements of the defense multi-year procurement statute, title 10 U.S.C. § 2306b?

Answer. Additional analysis and careful review of all information should be completed when a multi-year contract is being considered for use in procuring weapon systems that have unsatisfactory program histories but which otherwise comply with the statutory requirements. The Department would need to examine very carefully all risk factors to determine if a multi-year procurement would be appropriate.

Question. How would you analyze and evaluate proposals for multi-year procurement for such programs?

Answer. The Department would need to examine all risk factors in conjunction with the potential for cost savings to determine if multi-year procurement would be appropriate for a program with an unsatisfactory history. If confirmed, I will analyze and evaluate proposals for multi-year procurements in accordance with all statutory and regulatory requirements and I will ensure that we fully understand the benefit to the warfighter and taxpayer to proceed with a multi-year procurement for a program with a checkered history.

Question. If confirmed, what criteria would you apply in determining whether procuring such a system under a multi-year contract is appropriate and should be proposed to Congress?

Answer. If confirmed, I will ensure that all of the regulatory and statutory requirements are met before proceeding with any multi-year procurement.

Question. Under what circumstances, if any, should DOD ever break a multi-year procurement?

Answer. If the Department has done its job properly, the cancellation of a multi-year contract should be a rare event. However, there are circumstances under when it could occur. One such event would be the failure to fund a program year. Another would be the failure of the contractor to perform, which ultimately would lead to a decision to terminate for default.

Question. What other steps if any would you recommend taking to increase the funding and requirements stability of major defense acquisition programs?

Answer. I understand the Department has implemented numerous initiatives focused on improving funding and requirements stability. These include: (1) greater upfront planning implicit in the new Material Development Decision; (2) the use of Configuration Steering Boards; (3) Program Management Agreements to limit requirements changes; and (4) competitive prototyping to inform the Department on the realism of requirements. I believe these and other Department initiatives are sound and I support them. It will take time to show the impact of these policies, but lasting change starts with good common-sense policies that are measurable, enforceable, and widely accepted as good policy. If confirmed, I plan to closely monitor the execution of these policies and look for other opportunities to improve funding and requirements stability.

MULTI-YEAR CONTRACTS

Question. The statement of managers accompanying Section 811 of the National Defense Authorization Act for Fiscal Year 2008 addresses the requirements for buying major defense systems under multi-year contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multi-year contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a GAO finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multi-year procurement contract."

If confirmed, under what circumstances, if any, do you anticipate that you would support a multi-year contract with expected savings of less than 10 percent?

Answer. Multi-year contracting can provide cost savings, and therefore it should be considered as an option to serve the warfighter and taxpayer. There has been much debate over the threshold on the level of cost savings that constitutes "substantial savings." That cost saving can be measured in dollar terms and in price the Department would otherwise pay for an annual procurement. If confirmed, I would value the flexibility to consider both metrics of cost savings.

Question. If confirmed, under what circumstances, if any, would you support a multi-year contract for a major system at the end of its production line?

Answer. It may be appropriate to consider a program for multi-year procurement when it is nearing the end of production. It depends upon the circumstances of the particular procurement. Analysis and careful review of all information as well as should be completed when a multi-year contract is being considered.

CONTINUING COMPETITION AND ORGANIZATIONAL CONFLICTS OF INTEREST

Question. The Defense Science Board Task Force on Defense Industrial Structure for Transformation recommended last summer that "DOD must increase its use of creative competitive acquisition strategies, within limited budgets, in order to ensure long-term innovation and cost savings, at both prime and critical sub-tier elements. Competition would not be required beyond the competitive prototype phase, as long as the current producer continuously improves performance and lowers cost—but other contractors should always represent a credible option if costs rise or performance is unacceptable."

Do you agree with this recommendation? Do you believe that continuing competition is a viable option on MDAPs?

Answer. Yes, I believe that DOD must increase its use of creative competitive acquisition strategies to ensure long-term innovation and cost savings. Harnessing the power of competition in some form should be a goal on all MDAPs.

Question. Do you support the use of competitive prototypes for MDAPs?

Answer. Yes, I support competitive prototyping in our MDAPs.

Question. In your view, has the consolidation of the defense industrial base gone too far and undermined competition for defense contracts?

Answer. I understand it is the Department's policy to oppose transactions that reduce or eliminate competition and I would implement that policy where necessary. Yes, I am concerned about the loss of competition caused by consolidation over the last few decades.

Question. If so, what steps if any can and should DOD take to address this issue?

Answer. The Department continues to discourage mergers and acquisitions among defense materiel suppliers that are anti-competitive or injurious to national security. If confirmed, I will work to adjust DOD transaction evaluation procedures/criteria as appropriate.

Question. What steps if any do you believe DOD should take to address organizational conflicts of interest in MDAPs?

Answer. Even the perception of an Organizational Conflict of Interest (OCI) may taint the integrity of the competitive procurement process. I support the requirement in the Federal Acquisition Regulation to avoid, neutralize, or mitigate significant potential conflicts before contract award.

Question. What are your views on the lead system integrator approach to managing the acquisition of major weapon systems?

Answer. I do not support the use of lead systems integrators unless adequate steps have been taken to ensure that there is no potential for conflict of interest. In general, the Department should select development contractors to perform substantive development work, rather than to perform acquisition functions closely associated with inherently governmental functions.

Question. What are your views on the use of system engineering and technical assistance contractors that are affiliated with major defense contractors to provide "independent" advice to the Department on the acquisition of major weapon systems?

Answer. Systems Engineering and Technical Assistance (SETA) support contractors are currently a critical component of the Department's acquisition workforce. They provide engineering and analysis services in a consulting capacity. However, they must be properly utilized and not used to perform any inherently governmental functions. If confirmed, I will continue the efforts to increase government and FFRDC staff support to reduce the reliance on SETA contractors.

Question. What lines do you believe the Department should draw between those acquisition responsibilities that are inherently governmental and those that may be performed by contractors?

Answer. For acquisition responsibilities, I believe a clear line must be drawn such that only government personnel may make value judgments that obligate funds and commit the government contractually. However, I recognize a number of other important functions within the Defense acquisition community must be retained for government-only performance. Given the current workforce mix and the level of contracted support to acquisition functions, I believe a careful review is needed to assess whether the Department has become too dependent on contractors in this area. I understand Congress has recently codified a definition of inherently governmental functions and required a review by the Department. I believe this review provides a mechanism to address this important question.

Question. If confirmed, what steps if any would you take to ensure that defense contractors do not misuse their access to sensitive and proprietary information of DOD and other defense contractors?

Answer. It is my understanding that USD(AT&L) has issued guidance to information assurance and acquisition personnel to ensure strong measures are in place at the individual contract level. Because this issue is potentially so serious, I intend to review it, if confirmed.

Question. If confirmed, what steps if any would you take to ensure that defense contractors do not unnecessarily limit competition for subcontracts in a manner that would disadvantage the government or potential competitors in the private sector?

Answer. This is an unacceptable practice, and if confirmed, I will review the Department's safeguards against it.

DEFENSE ACQUISITION TRANSFORMATION REPORT

Question. In February 2007, the Secretary of Defense submitted a report to Congress titled: "Defense Acquisition Transformation Report to Congress".

If confirmed, to what extent would you support and continue implementation of the defense acquisition reform initiatives set forth in that report?

Answer. Acquisition reform will be a priority for me, if I am confirmed. In general, I support the majority of the acquisition reform initiatives identified in the Report. If confirmed, I will support the implementation activities which are already underway and evaluate additional ways and means to improve the effectiveness and efficiency of the system.

Question. In particular, please discuss your views regarding the following aspects of transformation:

Portfolio Management.

Answer. In general, I support the Capability Portfolio Management (CPM) Initiative which was is intended to provide an enterprise-level, horizontal (cross-component) view of the Department to better balance and harmonize joint warfighter capability needs with capability development efforts. If confirmed, I will review the CPM construct to ensure it enables better-integrated and balanced advice across the full spectrum of capability needs to DOD senior leadership.

Question. Tri-Chair Concept Decision

Answer. In general, I strongly support efforts that harmonize the major Department processes for requirements, resources, and acquisition and, if confirmed, will pursue management mechanisms that ensure harmonization.

Question. Time-Defined Acquisitions

Answer. Time should be a critical element in DOD acquisition decisionmaking since in many programs "time is money," and emphasizing time forces consideration of material alternatives and technologies that can be fielded consistent with user need.

Question. Investment Balance Reviews

Answer. The Department should take a holistic approach, assessing the opportunities and threats across all the Services, to determine where to best focus investment and energy. Investment Balance Reviews (IBRs) provide the Defense Acquisition Executive with the opportunity to make course corrections during the life cycle of the portfolio of capabilities, systems, and programs. If confirmed, I will review this initiative for any additional support or direction needed.

Question. Risk-Based Source Selection

Answer. The Risk-Based Source Selection concept is intended to identify and quantify risk, inform requirements development and cost estimation, and improve available information to assess contractor proposals. Risk-Based Source Selection techniques enhance the quality of requests for proposal by improving technical criteria and making DOD a "smarter" buyer. It is my understanding that the Department has implemented of a series of policy initiatives including: (1) the issuance of policy describing the proper use of award fees; (2) the establishment of competitive prototyping as the underlying strategy for demonstrating the technical maturity of

key technologies; (3) the requirement to do Preliminary Design Reviews before MSB when consistent with the Technology Development Strategy; (4) the requirement to conduct peer reviews of source selections to ensure requirements traceability and effective source selections; (5) the requirement for offerors to substantiate claims of technology maturity as part of their proposals for Engineering and Manufacturing Development contracts; and (6) a new MDA decision point titled the Post Critical Design Review Assessment to assess design maturity. If confirmed, I will review these efforts to ascertain whether they can be further strengthened.

Question. Acquisition of Services Policy

Answer. It is my understanding that the Department has recently issued new policy guidance regarding the Acquisition of Services. It is my understanding that this new policy imposes significant changes in the way the Department manages and reviews the performance of service contracts. If confirmed, I intend to assess such initiatives and related policy and make any adjustments necessary to implement the President's direction to carry out robust and thorough management and oversight of contracts.

Question. Systems Engineering Excellence

Answer. Systems engineering is a practice that is critical throughout the lifetime of a program and especially in its early stages, as recent testimony before this committee has attested. If confirmed, I will continue to strengthen early and informed systems engineering in both new and current acquisition programs as a clearly demonstrated best practice, augmented with a revitalized systems engineering workforce to strengthen program management organizations.

Question. Award Fee and Incentive Policy

Answer. I support the efforts currently underway to link award fee and incentive payments to acquisition outcomes such as cost, schedule, and technical performance. If confirmed, I intend to assess such initiatives and related policy and make any adjustments necessary to ensure that their intended purposes are being met.

Question. Open, transparent, and common shared data resources with Defense Acquisition Management Information Retrieval (DAMIR)

Answer. DAMIR currently provides enterprise visibility to acquisition program information. If confirmed, I intend to evaluate current initiatives focusing on implementation of open, transparent, and common shared data resources.

Question. Restructured Defense Acquisition Executive Summary Reviews

Answer. The Defense Acquisition Executive Summary reviews provide a forum for OSD to work with the Services and agencies to evaluate progress in program execution. In general, I support this initiative which is designed to improve decision-making, communication, and trust between OSD, the Joint Staff, and the Services. If confirmed, I will review this initiative for any additional support or direction.

Question. Policy on Excessive Pass-Through Charges

Answer. I support the full implementation of section 852 to ensure that pass-through charges on contracts or subcontracts that are entered into for or on behalf of DOD are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor.

Question. Are there other initiatives or tools discussed in the Defense Acquisition Transformation Report that you view as particularly likely, or unlikely, to be productive in achieving acquisition reform?

Answer. I am aware that the final Defense Acquisition Transformation Report was recently submitted. The report has identified numerous initiatives. If confirmed, I will study all of the report's acquisition reform initiatives to determine additional ways and means to improve the effectiveness and efficiency of the system.

OPERATION OF THE DEFENSE ACQUISITION SYSTEM

Question. On December 2, 2008, the Department promulgated a new version of DOD Instruction 5000.02, the key guidance on the Department's acquisition of major weapon systems. The revised instruction restructured the management framework for translating capability needs and technology opportunities into stable, affordable, and well-managed defense acquisition programs.

What is your assessment of the new version of this instruction and the extent of its implementation to date?

Answer. The new instruction is a constructive step, and if confirmed, I will ensure that it is effectively implemented and seek to improve upon it.

Question. If confirmed, what steps would you take to continue implementation of the new version of DOD Instruction 5000.2 and improve upon it?

Answer. If confirmed, I intend to monitor the implementation and effectiveness of the new policies. If necessary, I will alter these or introduce additional policies to ensure that our programs achieve cost, schedule, and performance objectives.

CONTRACTING FOR SERVICES

Question. Over the past 8 years, DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result, the Department now spends more for the purchase of services than it does for products (including major weapon systems).

Do you believe that DOD can continue to support this rate of growth in its spending on contract services?

Answer. I am very concerned about this trend. If confirmed, I intend to work with Secretary Gates and the Department's senior leadership to address the underlying question about whether the Defense Department is adequately staffed, quantitatively and qualitatively, to carry out its responsibilities. If the Department continues to utilize contracted service providers to such a large extent, it is absolutely essential we have a sufficient amount of qualified government, civilian, or military personnel dedicated to perform meaningful oversight of contractor activities.

Question. Do you believe that the current balance between government employees (military and civilian) and contractor employees is in the best interests of DOD?

Answer. DOD requires some mix of Federal employees and contractors to carry out its mission effectively, but that mix might be out of balance. If confirmed, I would support efforts to help ensure the appropriate balance.

Question. What steps if any would you take, if confirmed, to control the Department's spending on contract services?

Answer. If confirmed, I intend to work with Secretary Gates and the Department's senior leadership to assess the amount of spending on contracted services, consistent with President Obama's March 4, 2009, memorandum on Government Contracting which emphasizes the need to ensure best value for the taxpayers.

Question. At the request of the committee, GAO has compared DOD's practices for the management of services contracts to the practices of best performers in the private sector. GAO concluded that leading companies have achieved significant savings by insisting upon greater visibility and management over their services contracts and by conducting so-called "spend" analyses to find more efficient ways to manage their service contractors. Section 801 of the National Defense Authorization Act for Fiscal Year 2002 required DOD to move in this direction. Sections 807 and 808 of the National Defense Authorization Act for Fiscal Year 2008 built on this provision by requiring inventories and management reviews of contracts for services.

Do you believe the Department is providing appropriate stewardship over service contracts?

Answer. I am concerned that in some instances it might not be. I understand the Department has recently instituted policy and processes, such as peer reviews of significant service acquisitions, to ensure taxpayer funds are spent wisely when acquiring contracted services. If confirmed, I intend to assess these policies and procedures and make any necessary adjustments.

Question. Do you believe that the Department has appropriate management structures in place to oversee the expenditure of more than $150 billion a year for contract services?

Answer. I have not had an opportunity to assess the current management structures that are in place, but if confirmed, I will make the necessary adjustments to implement President Obama's direction to carry out robust and thorough management and oversight of contracts.

Question. Do you believe that the Department should conduct a comprehensive analysis of its spending on contract services, as recommended by GAO?

Answer. Although I am not familiar with the specific GAO recommendations regarding a comprehensive spend analysis, I agree with its intent. It is also my understanding that the office of the Director of Defense Procurement and Strategic Sourcing has completed an extensive spend analysis of the Department's spending on services. If confirmed, I intend to review this analysis to ensure that the Department is effectively implementing cost saving strategies in the procurement of services.

Question. Do you support the use of management reviews, or peer reviews, of major service contracts to identify "best practices" and develop lessons learned?

Answer. I fully support the use of management reviews and peer reviews of major service contracts to identify "best practices" and develop lessons learned. If confirmed, I will work with the Department's senior leadership to further institutionalize this practice and make any necessary adjustments.

Question. If confirmed, will you fully comply with the requirement of section 807 of the National Defense Authorization Act for Fiscal Year 2008, to develop an inven-

tory of services performed by contractors comparable to the inventories of services performed by Federal employees that are already prepared pursuant to the Federal Acquisition Inventory Reform (FAIR) Act?

Answer. If confirmed, I will be committed to actively pursuing the continued implementation of section 807 as this legislation establishes a solid post-award review process and increased transparency of services contracts to Congress, the public, and internally within the Department.

Question. What additional steps if any would you take, if confirmed, to improve the Department's management of its contracts for services?

Answer. If confirmed, I will take steps to ensure leaders at all levels of the Department understand and appreciate the vital role they must play in diligently managing service contracts in a way that maximizes the benefit to the warfighter and the taxpayer.

CONTRACTOR PERFORMANCE OF CRITICAL GOVERNMENTAL FUNCTIONS

Question. Over the last decade, the Department has become progressively more reliant upon contractors to perform functions that were once performed exclusively by government employees. As a result, contractors now play an integral role in areas as diverse as the management and oversight of weapons programs, the development of personnel policies, and the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as DOD employees.

In your view, has DOD become too reliant on contractors to support the basic functions of the Department?

Answer. I am concerned that it may be.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of DOD?

Answer. While I am not specifically aware of the use of personal services contracts within the Department, I do know that there are statutory restrictions that govern the use of personal services contracts. If confirmed, I will ensure that if personal services contracts are being used in a manner that is inappropriate, that practice is ended immediately.

Question. What is your view of the appropriate applicability of personal conflict of interest standards and other ethics requirements to contractor employees who perform functions similar to those performed by government employees?

Answer. I believe that contractor employees who directly support government employees, and may have access to similar business sensitive or source selection sensitive information, should be subject to similar ethical standards as the government employees they support, and should not be allowed to profit personally from the information that may be available to them because of their performance under a DOD contract.

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. According to widely published reports, the number of U.S. contractor employees in Iraq exceeds the number of U.S. military deployed in that country.

Do you believe that DOD has become too dependent on contractor support for military operations?

Answer. Secretary Gates has tasked the Chairman of the Joint Chiefs of Staff to oversee a Department-wide review of contractor roles and missions. If confirmed, I will work with the Secretary and Chairman Mullen in this review and implement recommendations where appropriate and, if necessary, work with Congress to institutionalize reforms.

Question. What risks do you see in the Department's reliance on such contractor support?

Answer. I see two risks: (1) Fraud, waste, or abuse if there is insufficient oversight; and (2) the possibility that contractors could choose to leave the mission because it became dangerous or for some other reason.

Question. What steps do you believe the Department should take to mitigate such risk?

Answer. The first step is to have a thorough understanding of any risks we have with the current workforce mix of military, civilian, and contractors. As mentioned earlier, the study being led by the Joint Staff will provide insight into this important issue. Next would be the development of a robust capability to provide oversight and management of contractor performance and restrictions.

Question. Do you believe the Department is appropriately organized and staffed to effectively manage contractors on the battlefield?

Answer. It is my understanding that there have been shortcomings in recent years, and if confirmed, I intend to learn more about them.

Question. What steps if any do you believe the Department should take to improve its management of contractors on the battlefield?

Answer. If confirmed, I intend to review this subject and recommend stops to ensure that shortcomings are not repeated.

PRIVATE SECURITY CONTRACTORS

Question. The Special Inspector General for Iraq Reconstruction (SIGIR) recently reported that Federal agencies including DOD have spent more than $5 billion for private security contractors (PSCs) in Iraq since 2003. Over this period, there have been numerous reports of abuses by PSCs, including allegations of contractors shooting recklessly at civilians as they have driven down the streets of Baghdad and other Iraqi cities. In September 2007, employees of Blackwater allegedly opened fire on Iraqis at Nisour Square in downtown Baghdad, killing more than a dozen Iraqis and wounding many more.

Do you believe DOD and other Federal agencies should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. I cannot directly comment on the Blackwater incident as I have not had access to information about this case, and in any event I understand that it is a State Department issue, presently in the Federal courts. But I believe that the use of PSCs, and more generally the use of contractors in wartime, deserves careful review.

As a practical matter, DOD must use the total force (military forces, Department civilians, and contractors) to resource the full spectrum of requirements. DOD's recent ongoing efforts to perform more detailed contractor support planning for all operational plans can ensure that the use of PSCs is based upon careful planning and assessment and not simply on general assumptions and, if confirmed, I will review these plans. If contractor personnel cannot be used appropriately, there will be force structure implications which will require consideration by Congress.

Question. In your view, has the U.S. reliance upon PSCs to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I have not had an opportunity to acquaint myself with the facts of this situation, nor to discuss it with DOD leadership, military commanders or diplomatic observers. But it is clear that appropriate conduct of Americans in the theater, including contractors, is important to overall progress in achieving our aims.

Question. What steps if any would you take, if confirmed, to ensure that any PSCs who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. We have learned two important lessons from the current operations: First, the use of PSCs in any area of combat operations must be fully coordinated. There must be unified and consistent procedures for all such contractors, regardless of which U.S. agency hires them. Our commanders on the ground must have authority to restrict or redirect their operations as the situation requires. Second, there must be assured legal accountability for the actions of PSCs. If confirmed, I will review further steps that can be taken.

Question. How do you believe the ongoing operations of PSCs in Iraq are likely to be affected by the new Status of Forces Agreement between the United States and Iraq?

Answer. I have not had the opportunity to acquaint myself with all the facts bearing on this situation, but if confirmed, I would intend to do so. I do understand that since January 1 of this year, U.S. Government contractors no longer have immunity from host nation law.

If confirmed, I would seek to ensure that the loss of contractor immunity in Iraq does not diminish the effectiveness of operations.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to PSCs of all Federal agencies?

Answer. I have not had the opportunity to acquaint myself with the practical and legal dimensions of the issue. It is my understanding that DOD has consistently supported unambiguous application of the Military Extraterritorial Jurisdiction Act to all U.S. Government PSCs operating in contingency areas.

Question. What is your view of the appropriate application of the Uniform Code of Military Justice to employees of PSCs operating in an area of combat operations?

Answer. I have not had the opportunity to acquaint myself with all the practical and legal dimensions of this issue. There must be assured legal accountability for

the actions of all contractors deployed to an area of combat operations. The application of the Uniform Code of Military Justice is one tool to do this.

Question. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons."

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. My understanding is that DOD's decision to use PSCs (including subcontractors) is in compliance with current U.S. Government policy and regulations. It clearly raises issues of appropriateness, and if confirmed, I would intend to participate in shaping policies regarding the appropriate use of contractors.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. The role of DOD contractors raises issues of appropriateness, and if confirmed, I would intend to participate in shaping policies regarding the appropriate use of contractors.

Question. Do you see a need for a comprehensive reevaluation of these issues now?

Answer. I do, and I understand that the Chairman of the Joint Chiefs of Staff, as directed by the Secretary of Defense, is already conducting a thorough examination of the use of DOD contractors in support of current military operations as well as a review of the range and depth of contractor capabilities necessary to support the Joint Force of the future.

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media.

In your view, is DOD's use of private contractors to conduct information operations through the Iraqi media appropriate?

Answer. I have not had the opportunity to have access to information regarding this matter.

GOVERNMENT CONTRACTING REFORM

Question. In a memorandum to the heads of all Federal agencies, the President on March 4, 2009, directed a government-wide review of contracting procedures and stated that "executive agencies shall not engage in noncompetitive contracts, except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer."

If confirmed, how would you determine whether the use of noncompetitive contracts could be fully justified?

Answer. If confirmed, I will continue to emphasize the importance of competition and review the Department's competition practices. At present, it is my understanding that DOD Competition Advocates participate in acquisition strategy sessions and are engaged in the review of noncompetitive contracts. All noncompetitive contracts must be supported by a justification and determination and approved by the procuring activity Competition Advocate if over $550,000; the head of the procuring activity if over $11.5 million; and the senior procurement executive of the agency if over $78.5 million. The DOD Competition Advocate submits an annual report on the Department's competition achievements to the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics. If confirmed, I intend to review these practices to ascertain if adjustments are needed pursuant to the President's guidance.

Question. In your opinion, how would the direction in this memo affect the use of single-award and multiple-award Indefinite Delivery/Indefinite Quantity (IDIQ) contracts?

Answer. I support the direction in the memo emphasizing competition and appropriate use of various contract types. An IDIQ contract is appropriate for use when the government cannot predetermine the precise quantities of supplies or services it will require and it is inadvisable to commit the government beyond the more than a minimum quantity. The Federal Acquisition Regulation establishes the preference for multiple awards when an IDIQ contract is awarded and requires approval of the agency head for a single-award IDIQ contract estimated to exceed $100 million. It is my understanding that the Department does not support the use of single-award IDIQ contracts unless they are absolutely necessary. If confirmed, I intend to review these practices pursuant to the President's guidance.

CONTRACTING METHODS

Question. The Office of Federal Procurement Policy and DOD have long agreed that Federal agencies could achieve significant savings and improved performance by moving to performance-based services contracting (PBSC). Most recently, the Army Environmental Program informed the committee that it has achieved average savings of 27 percent over a period of several years as a result of moving to fixed-price, performance-based contracts for environmental remediation. Section 802 of the National Defense Authorization Act for Fiscal Year 2002, as amended, established performance goals for increasing the use of PBSC in DOD service contracts.

What is the status of the Department's efforts to increase the use of PBSC in its service contracts?

Answer. It is my understanding that the preferred approach to services contracting within the Department is already to utilize fixed price performance based contracts whenever it has well-defined statements of work that have clear performance objectives which can be measured objectively. The Department continues to emphasize the use of this type of contract whenever possible.

Question. What additional steps if any do you believe the Department needs to take to increase the use of PBSC and meet the goals established in section 802?

Answer. If confirmed, I will ensure that a fundamental element of our strategic sourcing approach to services contracts will be the increased use of performance based fixed price contracts.

Question. In recent years, DOD has relied heavily on time-and-materials (T&M) contracts for the acquisition of services. Under such a contract, the Department pays a set rate per hour for contractor services, rather than paying for specific tasks to be performed. In some cases, contractors have substituted less expensive labor under T&M contracts, while continuing to charge Federal agencies the same hourly rates, resulting in effective contractor profits of 25 percent or more.

What is your view of the appropriate use of T&M contracts by DOD?

Answer. T&M contracts, regardless of dollar value, are the least preferred contract type and should only be used if no other contract type is appropriate. They are a very costly and ineffective method of contracting for services. If confirmed, I will ensure appropriate determinations are made to only use T&M contracts when no other contract will satisfy the requirement.

Question. What steps if any do you believe the Department should take to minimize the abuse of T&M contracts?

Answer. I understand the Department has taken several steps to minimize the abuse of T&M contracts. The Panel on Contracting Integrity is reviewing the appropriate approval levels for determinations made by contracting officers for use of a T&M contract. Additionally, the OUSD(AT&L) requested the military departments and other defense agencies review their use of T&M contracts for services and identify contracting activities that have executed more than 10 percent of their obligations using T&M. DPAP continues to monitor the inappropriate use of T&M contract types for services. If confirmed, I will review the various initiatives for any additional support or direction needed.

Question. Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 requires DOD to promulgate regulations prohibiting excessive "pass-through" charges on DOD contracts. Pass-through charges are charges added by a contractor for overhead and profit on work performed by one of its subcontractors, to which the contractor provided no added value. In some cases, pass-through charges have more than doubled the cost of services provided to DOD.

What is your view of the regulations promulgated by DOD to implement the requirements of section 852?

Answer. It is my understanding that the Department issued an interim rule amending the Defense Federal Acquisition Regulation Supplement to implement Section 852 to ensure that pass-through charges on contracts or subcontracts that are entered into for or on behalf of DOD are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The rule provides a list of functions that are considered to be value-added. If the contractor does not perform the demonstrated functions or does not add value, the rule makes the excessive pass-through charges unallowable and provides for recoupment of the excessive pass-through charges consistent with the legislation. While I have not had the opportunity to analyze this matter sufficiently in order to form an opinion, if confirmed, I will be receptive to suggested refinements as the case makes its way through the Federal rulemaking process.

Question. What additional steps if any do you believe the Department should take to address the problem of excessive pass-through charges?

Answer. Beyond finalization of the DFARS rule and associated updates that should be made to Defense Acquisition University training curriculum, I understand the Department has incorporated this issue as an element to be addressed in Peer Reviews in accordance with Section 808 of the National Defense Authorization Act for Fiscal Year 2008.

INTERAGENCY CONTRACTING

Question. GAO recently placed interagency contracting—the use by one agency of contracts awarded by other agencies—on its list of high-risk programs and operations. While interagency contracts provide a much-needed simplified method for procuring commonly used goods and services, GAO has found that the dramatic growth of interagency contracts, the failure to clearly allocate responsibility between agencies, and the incentives created by fee-for-services arrangements, have combined to expose DOD and other Federal agencies to the risk of significant abuse and mismanagement. The DOD Inspector General and the GSA Inspector General have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance. DOD, in conjunction with the General Services Administration and the Office of Management and Budget, is taking a number of actions to improve training and guidance on the use of this contract approach.

If confirmed, what steps if any will you take to monitor and evaluate the effectiveness of the actions currently underway or planned regarding DOD's use of other agencies' contracts?

Answer. Interagency contracting is a necessity at times to achieve "whole of government" efforts to address complex contemporary security challenges, but it must be done in a way that gives best value to the taxpayer. If confirmed, I will review the efforts outlined in the January 2005 policy on the "Proper Use of Non-DOD Contracts" and subsequent policy updates. In addition, I understand that as part of the Department's strategic spending analysis, DOD is collecting adequate data to know what non-DOD agencies are acquiring on behalf of DOD and which organizations they are supporting.

Question. Do you believe additional authority or measures are needed to hold DOD or other agency personnel accountable for their use of inter-agency contracts?

Answer. If confirmed, I will review and evaluate these authorities.

Question. Do you believe contractors have any responsibility for assuring that the work requested by DOD personnel is within the scope of their contract?

Answer. The primary responsibility for ensuring work is within the scope of the contract rests with the contracting officer. I believe that if a contractor is uncertain whether or not supplies or services ordered are within scope of their contract they should consult with the contracting officer.

Question. Do you believe that DOD's continued heavy reliance on outside agencies to award and manage contracts on its behalf is a sign that the Department has failed to adequately staff its own acquisition system?

Answer. If confirmed, I will examine whether or not the Department is adequately staffed to manage and execute these efforts. However, the Department should continue to utilize the expertise of non-DOD agencies operating under congressional authority to acquire supplies and services in the most efficient and effective way possible.

ACQUISITION OF INFORMATION TECHNOLOGY

Question. Most of the Department's Major Automated Information System (MAIS) acquisitions are substantially over budget and behind schedule. In particular, the Department has run into unanticipated difficulties with virtually every new business system it has tried to field in the last 10 years.

Do you believe that unique problems in the acquisition of business systems require different acquisition strategies or approaches?

Answer. Yes. The problems suggest the need to move away from large business information technology development projects to smaller, more incremental business systems developments, utilizing commercial applications whenever possible. Existing DOD hardware development processes do not always translate effectively in the software development world. Finally, DOD frequently needs to do business process re-engineering prior to software development so that new development is not imposed on legacy systems and processes.

Question. What steps if any do you believe DOD should take to address these problems?

Answer. If confirmed, I would work with the Chief Information Officer and Chief Management Officer to create a set of processes that are used in industry to develop, test, and deploy software within DOD's regulatory and statutory framework. For example, I would use incremental development and limited deployments to get capability out to users as well as feedback from users to guide future increments of capability.

Question. If confirmed, how would you work with the Chief Information Officer of DOD to take these steps?

Answer. I would partner with the Chief Information Officer and Chief Management Officer to develop best practices for DOD.

Question. Problems with computer software have caused significant delays and cost overruns in a number of major defense programs. Section 804 of the National Defense Authorization Act for Fiscal Year 2003 required DOD to establish a program to improve the software acquisition process.

What steps if any would you take, if confirmed, to address delays and cost overruns associated with problems in the development of software for major weapon systems?

Answer. If confirmed, I would consider three steps. First, I would consider directing that weapon systems use incremental software development to minimize risk. Second, I would ensure that software embedded in weapon systems be mature before being integrated in platforms. Third, I would seek to use independent assessment teams of software experts to guide and advise weapon system program managers.

Question. What role, if any, do you believe that the Chief Information Officer of DOD should play with regard to the acquisition of information technology that is embedded in weapon systems?

Answer. The Chief Information Officer would be a key advisor to me and the Department in assessing program risk and acquisition strategies for development and procurement of embedded information technology.

ACQUISITION WORKFORCE

Question. Over the last 15 years, DOD has reduced the size of its acquisition workforce by almost half, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet DOD's current and future needs. Since September 11, 2001, moreover, the demands placed on that workforce have substantially increased. While DOD has started the process of planning its long-term workforce needs, the Department does not yet have a comprehensive strategic workforce plan needed to guide its efforts.

Do you believe that DOD's workforce is large enough and has the skills needed to perform the tasks assigned to it?

Answer. I don't believe it is. A number of studies and analyses, including by this committee, have pointed in the direction of increasing the size of the DOD acquisition workforce and have identified certain skill sets that need to be built up.

Question. In your view, what are the critical skills, capabilities, and tools that DOD's workforce needs for the future?

Answer. Program management, risk management, and leadership are critical skills, as are systems engineering and financial management. Contracting officers need business acumen and understanding of how to formulate, negotiate, and oversee contracts.

Question. What steps will you take, if confirmed, to ensure that the workforce will, in fact, possess them?

Answer. We need to attract talented people to government service, specifically into the acquisition workforce, give them challenging work to do, retain the best of them, and be sure all of them are fully trained and qualified for the jobs we give them. If confirmed, I will want to ensure that the Department has the right infrastructure and resources in place to do all that and to improve where we should.

Question. Do you agree that the Department needs a comprehensive human capital plan, including a gap analysis and specific recruiting, retention, and training goals, to guide the development of its acquisition workforce?

Answer. Yes.

Question. What steps if any do you think are necessary to ensure that the Department has the ability it needs to attract and retain qualified employees to the acquisition workforce?

Answer. Personally, I can think of nothing more inherently rewarding than serving one's country as the men and women of our Armed Forces and our civilian employees do. These are dynamic times and the approach we take now may be different from what we did in the past or may need to do in the future. I'm told that

the largest numbers of people in the acquisition workforce are engineering, scientific, and technical professionals, followed by business-oriented people, such as contracting officers. Also, they are largely civilians. They will have to be change oriented, because as national strategy evolves, what we buy and how we buy will change. To attract and retain them we need to provide challenging and rewarding work and a competitive rate of compensation. If confirmed, I will do all I can to ensure we have a properly sized, highly qualified, professional acquisition workforce.

Question. What are your views regarding assertions that the acquisition workforce is losing its technical and management expertise and is beginning to rely too much on support contractors, FFRDCs, and, in some cases, prime contractors for this expertise?

Answer. A number of reports have pointed to this conclusion, and it is a disturbing trend. As a policy matter, it is vital that inherently governmental functions be performed by government, that is, in this instance, by civilian and military members of the DOD acquisition workforce. As a practical matter, program formulation, management, and contract oversight cannot be done effectively in the interests of both the warfighter and the taxpayer unless competent, trained, and dedicated government professionals do it. If we have let some of this slip away, say in areas like systems engineering and contracting, then it is time to reverse the trend, not to the point of eliminating all support contractors, but to achieve the proper balance. The first step is to understand how many support contractors we have, what they are doing, and at what cost. FFRDCs are in a different category since they are specifically chartered to assist government professionals and in many cases have done so effectively for many years.

Question. What is the appropriate tenure for program managers and program executive officers to ensure continuity in major programs?

Answer. Program managers and program executive officers need to be in their jobs long enough to be accountable for their decisions. These jobs are not training grounds or stepping stones to higher levels. Those who take them on must be fully qualified experts. I am aware that there are statutory tenure minima prescribed for these and other key leadership positions, which I support. I believe this may be more an issue of compliance than new policy, but it is something I would look at, if confirmed.

Question. Section 852 of the National Defense Authorization Act for Fiscal Year 2008 established an Acquisition Workforce Development Fund to help DOD address shortcomings in its acquisition workforce. The fund would provide a minimum of $3 billion over 6 years for this purpose.

Do you believe that the Acquisition Workforce Development Fund is needed to ensure that DOD has the right number of employees with the right skills to run its acquisition programs in the most cost effective manner for the taxpayers?

Answer. Yes, it provides necessary resources to recruit, train, and retain the people we need in the acquisition workforce and the resources to increase the size of that workforce as appropriate.

Question. If confirmed, what steps if any will you ensure that the money made available through the Acquisition Workforce Fund is spent in a manner that best meets the needs of DOD and its acquisition workforce?

Answer. First, I would review the processes in place to allocate that money to the highest needs and I would review the execution of funding that has been allocated so far. I cannot say at this point what, if any, systemic changes may be needed, but an initiative of this magnitude would certainly have my personal attention, and I would welcome a continuing dialog with this committee on the matter, if I am confirmed.

PROCUREMENT FRAUD, INTEGRITY AND CONTRACTOR RESPONSIBILITY ISSUES

Question. Recent Air Force acquisition scandals have raised concerns about the adequacy of existing mechanisms to uphold procurement integrity and prevent contract fraud.

What is your view of the adequacy of the tools and authorities available to DOD to ensure that its contractors are responsible and have a satisfactory record of integrity and business ethics?

Answer. I believe that integrity in contracting is an absolute obligation to the taxpayer, and confidence in the integrity of DOD contracting must be re-established. If confirmed, I intend to assess the adequacy of the existing tools and authorities and make any necessary adjustments.

Question. In your view, are current "revolving door" statutes effective?

Answer. I understand an interim rule was published in the Federal Register in January of this year to strengthen regulatory language regarding DOD personnel

who accept positions with Defense contractors. It is important that the taxpayer have confidence in these practices. If confirmed, I will assess the effectiveness of the applicable statutes.

Question. What tools other than law enforcement measures could we use to help prevent procurement fraud and ethical misconduct?

Answer. I understand the Office of the Inspector General and the Defense Acquisition University continue to offer additional training and awareness presentations on procurement fraud indicators. If confirmed, I would seek to identify further tools.

Question. Are there sufficient enforcement mechanisms to ensure compliance with laws and regulations?

Answer. Under existing laws and regulations, a contractor may be suspended or debarred for failure to timely disclose a known violation of Federal criminal law in connection with the award or performance of any government contract performed by the contractor or a subcontract. If confirmed, I will assess the existing enforcement mechanisms to determine areas for improvement.

"BUY AMERICA"

Question. "Buy America" issues have been the source of considerable controversy in recent years. As a result, there have been a number of legislative efforts to place restrictions on the purchase of defense products from foreign sources.

What benefits do you believe the Department obtains from international participation in the defense industrial base?

Answer. I believe international participation in the defense industrial base serves to promote the interoperability, standardization, and rationalization of the conventional defense equipment used by the Armed Forces of the United States and its allies and other friendly governments. It also helps to avoid or reduce duplication in research and development initiatives. These attributes can lead to savings in terms of the time and money needed to develop, produce, support, and sustain the materiel needed and used by our warfighters. It also helps the Department to achieve the advantages of competition in contracting, which includes the ability to obtain world class, best value products for our warfighters. Further, international participation in the defense industrial base encourages development of mutually beneficial industrial linkages that enhance U.S. industry's access to global markets and exposes U.S. industry to international competition, helping to ensure that U.S. firms remain innovative and efficient.

Question. Under what conditions, if any, would you support the imposition of domestic source restrictions for a particular product?

Answer. In certain instances involving national security or the preservation of a key defense technology or production capability, domestic source restrictions may be necessary. The Department has (and, I understand, has exercised) the authority to "self-impose" such domestic source restrictions.

Question. Section 831 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 requires the Secretary of Defense to ensure that the United States firms and United States employment in the defense sector are not disadvantaged by unilateral procurement practices by foreign governments, such as the imposition of offset agreements in a manner that undermines the United States industrial base.

What steps if any do you believe the Department should take to implement this requirement?

Answer. Section 831 requires the Secretary of Defense to make every effort to ensure that the policies and practices of the Department reflect the goal of establishing an equitable trading relationship between the United States and its foreign defense trade partners. I understand an interagency team composed of the Departments of Defense, Labor, Commerce, and State and the U.S. Trade Representative was established to consult with other nations about limiting the adverse effects of offsets. If confirmed, I would decide on the need for any steps to be taken by the Department based on information the team provides.

Question. The Defense Science Board Task Force on "Defense Industrial Structure for Transformation" found in July 2008 that U.S. policy regarding "Buy America" and the "Berry Amendment" inhibits the Nation from gaining the security and economic benefits that could be realized from the global marketplace.

What is your opinion of "Buy America" legislation and the "Berry Amendment"?

Answer. Such restrictions may impede the Department's ability to procure world class products and capabilities on a "best value" basis for our warfighters, and they may impair effective defense cooperation with our allies and other friendly governments. For example, such restrictions can be inconsistent with supply chain management practices of commercial enterprises. This would impede efforts to promote

civil-military integration and to achieve greater reliance on commercial solutions to the Department's requirements. It would be a preferable alternative to allow the Department to rely on its ability, under existing law, to impose source restrictions when necessary. I understand that the Department also has authority to restrict procurements to domestic sources when it determines that a particular domestic industrial capability must be protected. This means the Department has the ability to sustain endangered industrial capabilities when necessary to protect national security interests and to remove the restrictions when no longer needed, thus returning to the benefits of competition.

THE DEFENSE INDUSTRIAL BASE

Question. What is your view of the current state of the U.S. defense industry?

Answer. The defense industry is a vital partner to defense, since most defense products and services are provided by the private sector. Generally, my viewpoint is that our Nation's defense and technology industrial base remains the most innovative, reliable, and cost-effective in the world.

Question. Do you support further consolidation of the U.S. defense industry?

Answer. I support the Department's overall policy to review each proposed merger, acquisition, and teaming arrangement on its particular merits in the context of the individual market and the changing dynamics of that market. I have some concern about the loss of competition caused by significant industry consolidation over the last decade. If confirmed, I would work with Department leadership to evaluate options to address continued consolidation and the flux of the competitive environment.

Question. What is your position on foreign investment in the U.S. defense sector?

Answer. Generally, I support foreign investment in the defense sector. Foreign firms enhance competition which can lower costs of specific defense systems as well as provide for them leading edge technologies which were developed abroad. In addition, such investment in the long-run will increase interoperability between the United States and its allies. To be sure, we must ensure that foreign investment in the defense sector does not create risks to national security.

Question. What steps if any do you believe DOD should take to ensure the continued health of the U.S. defense industry?

Answer. If confirmed, I would support the Department's strategy to rely on market forces to the maximum extent possible to create, shape, and sustain the industrial and technological capabilities needed to provide for the Nation's defense. However, I think it is also important to recognize that the Department (through its budget, acquisition, and logistics processes) can create market forces capable of harnessing the innovation potential in the industrial/technological base. In addition, when it becomes necessary to intervene in the marketplace, the Department has tools available which help to focus industry attention on critical technology development, accelerate technology insertion into manufacturing processes, create or expand critical production facilities, and direct production capacity towards meeting the most urgent warfighter needs.

MANUFACTURING ISSUES

Question. The recent Defense Science Board (DSB) study on the Manufacturing Technology Program made a number of findings and recommendations related to the role of manufacturing research and capabilities in the development and acquisition of defense systems.

Have you reviewed the findings of the DSB Task Force on the Manufacturing Technology Program?

Answer. Yes.

Question. What recommendations from the Task Force do you plan to implement?

Answer. The overarching recommendation of the DSB report was to give "leadership emphasis" to manufacturing technology. I believe strongly in the importance of manufacturing technology as a type of technology deserving DOD fostering just as DOD fosters the technologies embedded in the manufactured weapons themselves. I also agree that manufacturing readiness should be assessed more rigorously before programs pass into production.

Question. What incentives do you plan to use to enhance industry's incorporation and utilization of advanced manufacturing processes developed under the manufacturing technology program?

Answer. The Department's competitive solicitation process must adequately identify and reward proposers who plan to employ advanced manufacturing processes in response to DOD requests for proposals and where manufacturing processes are mature and do not present excessive risk.

SCIENCE AND TECHNOLOGY

Question. What, in your view, is the role and value of S&T programs in meeting the Department's transformation goals and in confronting irregular, catastrophic, traditional, and disruptive threats?

Answer. I believe S&T plays a large role in shaping the future direction of DOD as the Department takes on the challenge of accomplishing an expanded range of missions. The content of a S&T program needed to address these future challenges is likely different than in the past. The threats to our national security have expanded to cyberspace as well as physical space. Just as S&T gave us the world's most capable military at the end of the Cold War, we need S&T to provide answers for tomorrow's fight.

Question. If confirmed, what direction will you provide regarding funding targets and priorities for the Department's long-term research efforts?

Answer. I am aware that Secretary Gates has made, in particular, basic research a priority—increasing funding by about $300 million in fiscal year 2009. If confirmed, I will carefully review all funding portfolios; then assess the relative merits and targets.

Question. What specific metrics would you use, if confirmed, to assess whether the Department is making adequate investments in its basic research programs?

Answer. There are a number of metrics to assess whether the Department is making an adequate investment in basic research. None of these provide a binary yes or no answer. By definition, basic research is long-term, and not measureable credibly with short-term metrics. The Department needs to assess a number of factors, to include growth or decline in real dollars of the basic research program; change in number of projects; proportion of DOD-funded researchers in key science disciplines; and number of students supported by the basic research program investments. While these metrics offer insight, if confirmed, I will need to work closely with the Director, Defense Research and Engineering before defining specific metrics.

Question. Do you feel that there is sufficient coordination between and among the S&T programs of the Military Services and defense agencies?

Answer. I am aware that there are coordination mechanisms in place for the Department's S&T program. If confirmed, I would look at this issue more closely to determine if current coordination is adequate.

Question. What is the Department's role and responsibility in addressing national issues related to science, technology, engineering, and mathematics (STEM) education and workforce development?

Answer. The Department must take a pro-active role in ensuring that the Nation has an adequate STEM workforce. In addition to encouraging STEM workforce development through its research investments and education outreach efforts, I believe DOD needs to work closely with the Office of Science and Technology Policy, the National Science Foundation, and other Federal components involved in national security, to generate a "whole of government" approach to workforce development.

Question. What steps if any would you take to support efforts to ensure that the Nation has the scientific and technical workforce needed for its national security technological and industrial base?

Answer. I am aware of several activities within DOD, such as the National Defense Education Program and the National Security Science and Engineering Fellows program, that aim to expand the pool of scientists and engineers able to contribute to the national security technological and industrial base. If confirmed, one of the first steps I would take would be to direct the DDR&E to determine how well these programs and others like them meet the Department's S&T workforce needs.

Question. How would you use S&T programs to better reduce technical risk and therefore potentially reduce costs and schedule problems that accrue in large acquisition programs?

Answer. S&T programs, particularly in Budget Activities 2 (Applied Research) and 3 (Advanced Development) can have substantial impact on improving technology readiness, and thereby reduce technical risk. I believe there is an opportunity to expand the ties from BA2 and BA3 programs to large acquisition programs, particularly between Milestones A and B.

Question. Do you feel that the S&T programs of DOD are too near-term focus and have over emphasized technology transition efforts over investing in revolutionary and innovative research programs?

Answer. If confirmed, I will look at the balance of near- and far-term innovative research. The DOD S&T program should be balanced so there are opportunities for both capabilities pull, responding to the warfighter's needs, and technology push, re-

sponding to the promise of new technology. The Under Secretary for AT&L has the responsibility of helping to shape and focus the portfolio, and if confirmed, I will rely on the DDR&E to advise me on how to discharge this responsibility.

Question. Are you satisfied that the Department has a well articulated and actionable S&T strategic plan?

Answer. I know the Department has a recent Research and Engineering Strategic Plan, published in 2007, and that each of the military Services and agencies that conduct research publish strategic plans that are harmonized with the DDR&E plan. If confirmed, I will ensure the plans have clear and actionable guidance.

Question. Do you see a need for changes in areas such as hiring authority, personnel systems, financial disclosure and ethics requirements, to ensure that the Department can recruit and retain the highest quality scientific and technical workforce possible?

Answer. I believe any modern enterprise needs effective tools, to shape the workforce and attract the most capable people. This principle holds true for the Department. Various recent studies indicate that the Department has difficulty competing with the private sector for technically capable staff. I will take all possible steps to ensure the Department is competitive.

Question. The DDR&E has been designated as the Chief Technology Officer of DOD.

In your view, what is the appropriate role of the Chief Technology Officer of DOD?

Answer. The role of the Chief Technology Officer of the Department is defined in the DDR&E charter. The charter defines the role of the DDR&E as the Principal Staff Assistant to the Under Secretary (AT&L) and the Secretary on all technical matters. The DDR&E should provide guidance to shape the DOD S&T program and develop technology options for the Department. The CTO should also contribute significantly to ensuring that major acquisition programs are conducted with acceptable technological risk

Question. What authority should the DDR&E have over the Defense Advanced Research Projects Agency (DARPA)?

Answer. As the Department's primary corporate research activity, DARPA reports to DDR&E. The DDR&E should have all authorities necessary to ensure DARPA is effective in meeting its mission, including budgetary authority and authority over selection of agency leadership.

Question. What authority should the DDR&E have over other Service and agency S&T efforts?

Answer. The DDR&E should provide oversight responsibilities of the Service and agency programs, consistent with the DDR&E charter.

Question. Do you see the need for any changes in organizational structure, workforce, or availability of resources to improve the effectiveness of the Office of the Director of Defense Research and Engineering?

Answer. I believe S&T is critical to maintaining military superiority across a broad range of crises and military operations. Ensuring the technological superiority of our Armed Forces will require a strong DDR&E. If confirmed, I will take any steps I determine necessary for a strong DDR&E.

DEFENSE LABORATORIES

Question. What is your view on the quality of the DOD laboratories as compared to the DOE national laboratories, Federal laboratories, academic laboratories, and other peer institutions?

Answer. The DOD laboratories employ a talented and mission-oriented workforce, and constitute an important departmental resource for the Nation's national security. That said, I am certain they can be improved. If confirmed, I will place priority in examining the capabilities and long-term requirements of the DOD laboratories, and develop, with the Services, a plan to address the role of the DOD laboratories.

Question. What metrics will you use, if confirmed, to evaluate the effectiveness, competitiveness, and scientific vitality of the DOD laboratories?

Answer. The effectiveness, competitiveness, and scientific vitality of the DOD laboratories are gauged by a combination of factors, including external review of their research programs and the Service parent organizations' assessment of their effectiveness in meeting Service requirements and other needs. These in turn are influenced by the ability to attract and retain a talented workforce, and the adequacy and robustness of their physical infrastructure. I believe collaboration with universities, industry, and other laboratories also constitute an important contributor and measure of our laboratories' effectiveness in fostering and recognizing world class research and development.

Question. What steps if any will you take, if confirmed, to increase the mission effectiveness and productivity of the DOD laboratories?

Answer. If confirmed, I will work with the DDR&E to ensure that DOD labs operate at maximum effectiveness and productivity.

Question. Do you see value in enhancing the level of technical collaboration between the DOD laboratories and academic, other Federal and industrial scientific organizations?

Answer. Yes. The effectiveness and competitiveness of our laboratories can only be helped by enhanced technical collaboration with other research and development organizations.

Question. Do you feel that past investments in research equipment; sustainment, repair and modernization; and facility construction at the DOD laboratories have been sufficient to maintain their mission effectiveness and their standing as world class science and engineering institutions?

Answer. I believe that in some S&T areas that are key to defense, DOD laboratories are at the cutting edge. If confirmed, I will assess what they need to retain this standing.

DARPA

Question. What is the relationship between the DARPA and the DDR&E?

Answer. DDR&E is the Department's Chief Technology Officer responsible for ensuring the technological strength that undergirds our defense and overseeing all of the Department's technical activities. DARPA is the Department's primary corporate research agency, fulfilling a crucial role complementary with the Military Services' and agencies' research efforts. The DARPA director reports to the DDR&E.

Question. Has DARPA struck an appropriate balance between investments in near-term technology programs that are tied to current battlefield needs and investments in longer term, higher risk, and revolutionary capability development?

Answer. Since its inception in the late 1950s, DARPA has led the Department and this Nation in long-term, high-risk/high-payoff research, resulting in numerous revolutionary force-multiplier advantages for our warfighters. I am strongly committed to ensuring that DARPA maintains and enhances the leadership role it has established over decades, and that it strikes the right balance between near-term and far-term efforts.

Question. Do you feel that DARPA has adequately invested in the academic research community?

Answer. Many, if not most, of the revolutionary S&T advances of the future will likely arise from academic research conducted in America's outstanding universities, and from the spin-off companies that universities often foster. It is important for DOD's entire S&T enterprise, including DARPA, to nurture and encourage academic research.

Question. What are the major issues related to DARPA investments, management, and research outcomes that you will seek to address?

Answer. I believe that it is important for DARPA to pursue a portfolio of research investments that offer promise of future revolutionary warfighting advantage. DARPA must hire the most technologically advanced, creative, and innovative staff that our Nation can offer. DARPA must empower its workforce to think "out-of-the-box," to engage energetically with the brightest minds in the United States and abroad, regardless of nationality.

TEST AND EVALUATION

Question. The Department has, on occasion, been criticized for failing to adequately test its major weapon systems before these systems are put into production.

What are your views about the degree of independence needed by the Director of Operational Test and Evaluation in ensuring the success of the Department's acquisition programs?

Answer. In general, I believe an independent Director of Operational Test and Evaluation provides a valuable perspective on whether the Department's weapon systems are operationally effective and suitable. The Operational Evaluation, a validation of the developed system's ability to improve the warfighter's capability, is an essential input to any decisions on investing in the full production of new systems. It is however often too late in the acquisition cycle to influence design and development. That's the role of the systems engineers and developmental testers. Developmental testing is the verification half of systems engineering. If confirmed, I also intend to examine the independence and resourcing of developmental testing.

Question. Are you concerned with the level of test and evaluation conducted by the contractors who are developing the systems to be tested?

Answer. In general, I believe contractors are an important and integral part of the test and evaluation process during system development. In the past era of acquisition reform the Department may have delegated too much of the early developmental test and evaluations to the contractors without adequate government participation or oversight. If confirmed, my emphasis will be on integrating contractor and government test efforts.

Question. What is the impact of rapid fielding requirements on the standard testing process?

Answer. Rapid fielding requirements require rapid performance from the entire acquisition team, including the test and evaluation community. With a rapid fielding requirement, it is necessary to adjust the scope and amount of testing to address the key issues and risks that affect the system's use in combat and gain early insights into the capabilities and limitations of the system being acquired. In rapid fielding, particularly of commercial items, the focus needs to be on understanding what we're buying, not whether the system meets a set of rigid requirements. If confirmed, I will work with all stakeholders to ensure testing processes support rapid fielding without delaying our response to these urgent requirements.

Question. If confirmed, how will you work to ensure that all equipment and technology that is deployed to warfighters is subject to appropriate operational testing?

Answer. All equipment and technology acquired by the Department should be subject to robust Systems Engineering, comprehensive Developmental Test and Evaluation, and realistic Operational Test and Evaluation. If confirmed, I would enforce existing acquisition policies regarding these processes and where necessary amend them.

Question. Do you believe that the developmental testing organizations in DOD and the Military Services are adequate to ensure an appropriate level of developmental testing, and testing oversight, on major defense acquisition programs?

Answer. I believe the Department needs to improve the adequacy of the developmental testing organizations in DOD and the Services. If confirmed, I will look at the entire acquisition organization, including Developmental Test and Evaluation and make changes as necessary to best accomplish the mission.

Question. The National Defense Authorization Act (NDAA) for Fiscal Year 2003 included several provisions to improve the management of DOD test and evaluation facilities.

Are you satisfied with the manner in which these provisions have been implemented?

Answer. Yes. The language in the NDAA for Fiscal Year 2003 led to the establishment of the Defense Test Resource Management Center (TRMC). The TRMC's mission is to plan for and assess the adequacy of the Major Range and Test Facility Base (MRTFB). Two key provisions of that legislation included the TRMC's requirement to develop the Department's Strategic Plan for T&E Resources and to certify the adequacy of Service and Agency Test and Evaluation budgets. If confirmed, I will review the adequacy of the Department's responses to these mandates.

Question. Do you believe that the Department should take any additional steps to improve the management of its test and evaluation facilities?

Answer. If confirmed, I will review this matter and make changes where necessary and in consultation with Congress.

Question. As systems grow more sophisticated, networked, and software-intensive, DOD's ability to test and evaluate them becomes more difficult. Some systems-of-systems cannot be tested as a whole until they are already bought and fielded.

Are you concerned with DOD's ability to test these new types of systems?

Answer. Absolutely, testing and developing software-intensive programs in a net-centric, systems-of-systems (SoS) environment is indeed a challenge.

BALLISTIC MISSILE DEFENSE

Question. When it was created in 2002, the Missile Defense Agency (MDA) was exempted from normal acquisition rules and processes in order to field an initial set of missile defense capabilities on an expedited basis. That fielding has now taken place, although numerous upgrades and corrections are being implemented. Each of the elements of the Ballistic Missile Defense System (BMDS) would normally meet the criteria for an MDAP, but none of them has been managed as an MDAP. Furthermore, for most of MDA's existence, all its programs were funded with Research, Development, Test, and Evaluation (RDT&E) funds, even for non-RDT&E activities.

What management and acquisition changes or improvements if any do you believe are warranted for the ballistic missile defense programs?

Answer. I expect missile defense to be addressed as part of the upcoming Quadrennial Defense Review as well as the congressionally-mandated Ballistic Missile

Defense Policy and Strategy review. In concert with those policy reviews and if confirmed, I will review existing DOD acquisition policies and procedures related to developing and fielding ballistic missile defense capabilities to ensure appropriate acquisition processes are in place.

Question. Do you believe that the Under Secretary of Defense for Acquisition, Technology, and Logistics should have the same responsibilities relative to the ballistic missile defense acquisition programs as for all other MDAPs?

Answer. I believe that the Under Secretary of Defense for Acquisition, Technology, and Logistics, as the Department's senior acquisition executive, should have the same responsibilities, within the current departmental guidance, for all MDAPs, regardless of the capability being acquired.

Question. If confirmed, what steps if any would you plan to take to ensure that the ballistic missile defense programs of DOD follow sound acquisition and management practices and processes?

Answer. I understand that the Missile Defense Executive Board (MDEB) has been the forum for the last 2 years for senior departmental review of MDA activity. If confirmed, I would review within the MDEB, efforts to maintain regular oversight of the MDA acquisition and management practices.

Question. For many years, DOD and Congress have agreed on the principle that major weapon systems should be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat.

Do you agree that any ballistic missile defense systems that we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. Yes.

Question. If confirmed, what steps if any would you take to ensure that the BMDS and each of its elements meet these criteria?

Answer. Rigorous and realistic testing of missile defenses is imperative. I understand that the MDA presently is executing a plan which includes the use of a Development/Operational Testing approach that allows the U.S. Strategic Command warfighter community (which includes all combatant commanders) and all the Service Operational Test Agencies to be integral parts of the test program. If confirmed, I would need to review these plans and the proposed test activities to determine whether additional steps or other emphases are necessary or appropriate.

Question. Today, there are many hundreds of short- and medium-range ballistic missiles that can reach forward-deployed U.S. military forces, allies, and other friendly nations. A Joint Staff study, the Joint Capabilities Mix study, has repeatedly concluded that the United States needs about twice as many Standard Missile 3 (SM–3) and Terminal High Altitude Area Defense (THAAD) interceptors just to achieve the minimum inventory needs of regional combatant commanders to defend against such threats.

Do you agree that U.S. missile defense efforts should be prioritized on providing effective defenses against existing ballistic missile threats, especially the many hundreds of short- and medium-range ballistic missiles that are currently within range of our forward-based forces, allies, and other friendly nations?

Answer. If confirmed, I will review the balance among the elements of the ballistic missile defense program.

Question. What do you believe should be the appropriate role of the combatant commanders and the military in determining requirements, force structure, and inventory levels for ballistic missile defense forces?

Answer. Combatant commanders are the ultimate employers of the capabilities that the acquisition community delivers. As such, they should have a voice in determining their priorities for requirements, force structure, and necessary inventory levels. Title 10 provides for the military departments to have responsibility to organize, train, and equip the forces employed by the COCOMs. MDA serves as the materiel developer for ballistic missile defenses and as such has a role in determining what capabilities are achievable and what inventory quantities are feasible at what cost. These three roles are interdependent. If confirmed, I will review existing policies and procedures to ensure they are transparent and provide the capabilities required at the best value to the taxpayer.

Question. For many years, Congress and DOD have agreed on the principle of "fly before you buy," namely demonstrating that a weapon system will work in an operationally effective, suitable, and survivable manner before deciding to acquire and deploy such systems. This demonstration requires rigorous, operationally realistic testing, including independent Operational Test and Evaluation (OT&E), to provide an accurate assessment of how weapon systems will perform in combat conditions. The Director of Operational Test and Evaluation (DOT&E) has expressed concerns

that the testing of the Ground-based Midcourse Defense (GMD) system has not been sufficient to provide confidence in its operational capability.

Do you agree that ballistic missile defense testing needs to be operationally realistic, and should include OT&E, in order to assess operational capabilities and limitations of ballistic missile defense systems, prior to making decisions to deploy such systems?

Answer. I agree that operationally realistic testing is imperative, and if confirmed, I will review MDA's test plans and practices to ensure that they satisfy this imperative.

Question. If confirmed, what steps if any would you take to ensure that the BMDS, and each of its elements, undergoes independent OT&E?

Answer. If confirmed, I will work with the MDA and the DOT&E to see what testing is planned and eliminate any shortcomings.

Question. The MDA has developed ballistic missile defense systems and capabilities and procured the initial inventories of missile defense element weapon systems. However, the military departments are notionally intended to procure, operate, and sustain these missile defense systems.

What do you believe is the appropriate role for the military departments in the procurement, operation, and sustainment of ballistic missile defense systems, and at what point do you believe these systems should be transitioned and transferred to the military departments?

Answer. I understand the MDA and the military departments are in the process of preparing overarching and element-specific Memorandum of Agreements to define responsibilities and relationships in preparation for Ballistic Missile Defense System (BMDS) operations and deployment. If confirmed, I will work with the MDA and the military departments to ensure processes and policies are in place to accomplish the transition and transfer in a timely manner and within budget.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed as USD(ATL), you will chair the Nuclear Weapons Council (NWC).

In your view, what are, or should be, the highest priorities of the NWC?

Answer. If confirmed, I will carry out all of the NWC responsibilities listed under section 179, title 10, U.S.C. In my view, the highest priority of the NWC is to ensure the safety, security, and reliability of our nuclear weapons stockpile.

Question. What improvements, if any, do you believe should be made to the operations of the NWC?

Answer. If confirmed, I will work with the Secretary of Defense, the Deputy Secretary of Defense, as well as members of the NWC, to identify improvements, if any, that would further the goals of the NWC. These may include recommendations from the recent Schlesinger Commission report.

Question. What role do you expect to play, if confirmed, in the development of the Nuclear Posture Review?

Answer. If confirmed, I will be closely involved, along with the appropriate agencies and departments, in both the development and the review of the NPR.

LOGISTICS AND READINESS

Question. If confirmed as USD(ATL), what steps if any would you take to ensure that life cycle maintenance requirements and sustainment support are considered in the acquisition process for new DOD systems?

Answer. Reliability, availability, and maintainability must be designed in early-on in the acquisition process for our weapon systems to provide the best value to the warfighter and taxpayer. DOD is pursuing several acquisition reforms to ensure the acquisition process maintains a life cycle management perspective, maximizes materiel availability for the warfighter, and controls operations and support costs. If confirmed, I will review and if necessary adjust these reform measures.

Question. Section 332 of the National Defense Authorization Act for Fiscal Year 2009 requires DOD to conduct life-cycle cost analysis for new capabilities including the fully burdened cost of fuel (FBCF) during the analysis and evaluation of alternatives in the acquisition program design trades.

Do you believe that the FBCF is an appropriate factor for the Department to consider in the evaluation of acquisition alternatives?

Answer. Absolutely yes. The FBCF serves as a means to address future systems energy demand within the Department's key business processes (force planning, requirements development, and acquisition). By properly valuing the "burden" of fuel delivery in systems development, the FBCF allows a more realistic examination of

departmental costs in terms of operational effectiveness, force structure, and operating budget.

Question. What steps if any will you take, if confirmed, to ensure that the DOD complies with the requirements of section 332?

Answer. My understanding is that work associated with institutionalizing the FBCF factor is underway within the Department. If confirmed, I will review this work and institute appropriate improvements.

Question. With persistent combat operations in Iraq, Afghanistan, and around the globe, combat service support units are constantly at risk when transporting supplies.

What role do you believe the USD(ATL) should play in developing strategies to reduce the logistical footprint of deployed units operating in hostile environments?

Answer. Logistics footprint is a multifaceted issue which is based on the mission, the force structure, the environment, the weapons systems deployed, and the capacity and security of our lines of communication. If confirmed, my office, in conjunction with U.S. Transportation Command, the Defense Logistics Agency, the Joint Staff, and the military Services should continue to focus on managing the logistics footprint required to sustain the force in any theater of operation. In the long-term, we must ensure the best possible sustainability, maintainability, reliability, and fuel efficiency of our weapon systems in the acquisition process as a way of lowering the footprint needed to maintain those systems.

Question. Sections 333 and 334 of the National Defense Authorization Act for Fiscal Year 2009 direct DOD to conduct studies on renewable energy sources such as wind and solar power and on the reduction of life-cycle emissions of alternative and synthetic fuels.

What is your view of the role that the USD(ATL) should play in developing and pursuing alternative energy sources for DOD?

Answer. Since sections 333 and 334 of the National Defense Authorization Act of Fiscal Year 2009 direct DOD to conduct studies on renewable energy sources and the reduction of life cycle emissions on alternative and synthetic fuels, I believe it prudent to determine the status of those studies before formulating a specific approach. I do believe the goals and intents of energy efficiency and renewable sources of energy may be consistent with operational effectiveness. If so, and if confirmed, I will ensure we establish the right research, prototyping, acquisition, and sustainment for a stable energy program.

Question. What steps if any will you take, if confirmed, to makes sure that DOD complies with the requirements of sections 333 and 334?

Answer. If confirmed, I expect the Office of the USD(AT&L) to comply with statutory requirements. I will investigate the process we have in place to track progress against all statutory requirements, to include sections 333 and 334.

Question. Do you foresee a significant role for the use of solar and wind energy systems with deployed units operating in remote environments?

Answer. I think it is too early to determine if renewable energy systems will play a significant role in meeting deployed unit requirements. What I am comfortable in committing to is within the roles and responsibilities of the office for which I am nominated, to reduce the risk to deployed American forces and systems. If solar and wind energy can help meet that goal, we will do what can to accelerate their fielding.

BASE REALIGNMENTS AND CLOSURES

Question. GAO released a report in January 2009 regarding DOD's implementation of the decisions contained in the 2005 Defense Base Realignment and Closure (BRAC) round. In the report, GAO described several significant challenges which may impact the Department's ability to complete BRAC implementation by the statutory deadline of September 15, 2011.

If confirmed, will you be committed to meet the statutory goal for BRAC implementation?

Answer. Yes.

Question. In your opinion, what measures will you need to undertake to assist the Services to complete their BRAC actions on time?

Answer. The Department will need detailed business plans with cost and savings estimates to govern BRAC implementation and will need to apply the necessary resources to meet the statutory BRAC implementation deadline. If confirmed, I will do so to ensure that the statutory deadline can be met.

Question. Regarding policies related to the disposal of property at closed installations, currently, the Department is encouraged to obtain fair market value for excess property not required by the Federal Government. Funds obtained for this

property are used to augment appropriated funds for the environmental clean-up of other DOD property to be disposed. DOD is also authorized to convey property to local redevelopment agencies for little or no consideration in order to facilitate economic recovery and development.

In light of current economic conditions, do you see a need for the Department to reassess its policy on the need to seek fair market value in all cases? If so, what changes would you propose to this policy?

Answer. I understand that the Department has a broad range of authorities under which it may convey surplus property at closed installations, and I believe this flexibility is important. These authorities give the Department the flexibility to address the wide range of circumstances encountered at communities that have hosted closing installations. If confirmed, I will ensure the Department properly considers all relevant factors when selecting the appropriate property disposal method.

Question. In your opinion, does the current BRAC law authorize the Department to carry out property disposals for no consideration or consideration at less than fair market value? If not, what changes would you propose to the BRAC law?

Answer. Current BRAC law authorizes the Department to dispose of property using a variety of conveyance methods. Some of those conveyance methods involve payment of consideration, and some may be at no-cost. These conveyance authorities provide flexibility to address the wide range of circumstances encountered at communities that have hosted closing installations. If confirmed, I will ensure the Department properly considers all relevant factors when selecting the appropriate property disposal method.

Question. Many communities around the country affected by significant increases in populations at military bases have asked for financial assistance from the Federal Government to fund improvements or construction of local schools, transportation, utilities, ports, and other infrastructure.

What is your opinion about using funds appropriated to the DOD to pay for these types of projects in local communities?

Answer. Law and executive order direct the domestic Federal agencies to work with DOD and support a program of economic adjustment assistance for affected communities, workers, and businesses. If confirmed, I will review what can be done to ensure our cognizant Federal partners [U.S. Departments of Commerce (Economic Development Administration), Labor (Employment and Training Administration), Education, Transportation, and Agriculture (Rural Development Administration)] are supporting these efforts as intended. At the same time, I will review the status of these efforts, including the possible use of DOD appropriated funds beyond the State and local organizing and planning activities these funds have supported to date.

Question. If confirmed, how would you propose working with local communities to address their concerns about adequate support for military members and their families?

Answer. Across the Department, numerous components have responsibilities for working with and assisting these areas, including the Office of Economic Adjustment (OEA). If confirmed, I would review these interfaces to ensure we are appropriately structured for assisting these needs and optimizing our resources. This effort would take OEA's efforts to date with these affected States, communities, installations, and servicemembers into account. Additionally, I would work within the administration to effectively implement the statutory and executive order direction for the cognizant Federal agencies to afford priority consideration to requests from Defense-affected communities for Federal technical assistance and financial resources.

ENVIRONMENTAL SECURITY

Question. If confirmed, you will be responsible for environmental security for DOD.

What do you see as the most significant challenges facing the Department in the area of environmental security?

Answer. Environmental issues are an area of great importance to the Department. One of the Department's challenges is environmental sustainability, evident in the energy, environment, safety, and occupational health issues in its operations. The Department must also address these issues in a fiscally responsible manner.

Question. Assuming you are confirmed, what plans if any do you have for addressing these challenges?

Answer. To address these challenges, if confirmed, I will ensure collaboration among DOD, State and local governments, non-governmental organizations, other Federal agencies, industry, and academia to provide better tools and policies for life-

cycle cost and sustainability analyses. I will promote decisions that are based on the best science available at the time, while recognizing that the Department must adapt to changing events, technology, and emerging requirements.

Question. The Department of Justice recently concluded that the DOD must comply with clean-up orders from the Environmental Protection Agency (EPA).

What steps if any do you plan to take, if confirmed, in response to this determination?

Answer. It is my understanding that the Department has responded that it will comply with these orders and EPA and DOD have agreed to finalize interagency agreements required under the main cleanup law, the Comprehensive Environmental Response Compensation and Liability Act, to replace these orders. If confirmed, I will ensure that DOD continues to keep its primary focus on the Department's responsibility to ensure cleanup actions are promptly and cost effectively taken to protect human health and the environment.

Question. Unexploded ordnance (UXO) remains a problem at many current and former DOD sites. Sections 311 and 313 of the National Defense Authorization Act for Fiscal Year 2002 and section 313 of the John Warner National Defense Authorization Act for Fiscal Year 2007 required DOD to develop and implement plans for the remediation of UXO at such sites. However, the Department has yet to develop comprehensive plans and request adequate funding to comply with these requirements.

If confirmed, what steps if any would you take to address the UXO issue?

Answer. The Department has made significant efforts with all stakeholders to update the inventory of the Munitions Response Sites (MRSs), prioritize all the MRSs in the inventory with stakeholder input and measure progress though established performance goals and metrics. I will look into it further, if I am confirmed.

Question. What steps if any do you believe are needed to ensure that the UXO program receives adequate funding and makes meaningful progress in the detection and clearance of UXO?

Answer. The first step is to refine estimates for remediation of MRSs, including estimation of future costs and activities. This will be the key for both planning and execution for MRS remediation and will enable the Department to implement the predictable funding levels required for effective program execution in a fiscally responsible manner.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the USD(ATL)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

DARFUR

1. Senator REED. Dr. Carter, in 2007 Congress passed the Sudan Accountability and Divestment Act. An important provision of this act prohibits companies engaged in restricted business operations in Sudan from contracting with the U.S. Government. Recently, it has been learned that certain prohibited companies have been

contracting with the Government, particularly with the Department of Defense (DOD). What steps will you take to ensure that DOD is not negotiating contracts with these prohibited companies?

Dr. CARTER. I understand the Government implemented the Sudan Accountability and Divestment Act as an interim rule in the Federal Acquisition Regulation on June 12, 2008. Effective that date, this rule requires each solicitation for the acquisition of products or services (other than commercial items) must include a provision that requires each offeror to certify that it does not conduct any restricted business operations in Sudan. Upon the determination of a false certification, the contracting officer may terminate the contract; the suspending official may suspend the contractor; and the debarring official may debar the contractor for a period not to exceed 3 years. The President may waive the requirement on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so. I am unaware of any violations of this law and its implementing regulations, but if confirmed, I would be pleased to review any alleged violations brought to my attention and ensure that appropriate remedial action is taken and any weaknesses in practices by the Department are resolved.

SHIPBUILDING

2. Senator REED. Dr. Carter, the Navy is at a critical juncture regarding its shipbuilding strategy and execution. During the last budget cycle, Congress was asked to consider a major change in the plan for building destroyers. Moreover, the Littoral Combat Ship (LCS) program costs continue to escalate, and the Navy's plan for the future cruiser pushed further into the future. These issues, both in planning and execution, cause Congress to call into question the quality of the Navy's analysis and decision processes. Given the purview of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), how do you plan to get some control over this process, exert the necessary acquisition oversight, and leverage the nearly $20 billion invested in new combatant technologies and capabilities?

Dr. CARTER. I agree that the Navy shipbuilding effort is at a critical juncture. The Defense Acquisition System provides the mechanisms for the USD(AT&L) to control the process and exert the necessary acquisition oversight. I believe additional emphasis is needed to ensure programs are well-matured before proceeding to the next phase of acquisition. If confirmed, I will work with the Navy to ensure that its future acquisition planning efforts are well integrated and that the significant investments made in the past are considered as Department and national priorities change over time.

ACQUISITION STRATEGIES

3. Senator REED. Dr. Carter, many studies have shown that the implementation of Open Architecture enables competition and that despite defense industry consolidation, that competition is essential to innovation and cost containment. Can you please comment on how the implementation of these recommendations would positively impact programs such as the Aegis Weapons System, that have been sole-sourced for decades, and how the Services can rapidly implement these changes to achieve maximum benefits?

Dr. CARTER. I agree that Open Architecture is an important step forward across the broad acquisition portfolio. While I do not have complete acquaintance with the specifics of the Navy's plans for Open Architecture for the Aegis Weapons System, I believe it would be important for the Navy to define its objective combat systems architecture and to then conduct the developmental work and systems engineering necessary to evolve it into a standards-based modular architecture. I believe this would enhance innovation and allow qualified vendors to compete for and contribute to the overall Navy combat systems product line for the future. The quicker this could be done, the sooner the benefits could be achieved.

4. Senator REED. Dr. Carter, the Navy's future surface combatant plan unveiled in 2001 stated that the massive investment in DDG–1000 technologies, including automation, would be used on the "family of ships," which included LCS, DDG–1000, and CG(X). The Navy has proposed deviating from this plan and now proposes to truncate DDG–1000, restart DDG 51 production, push out CG(X) for nearly a decade, and insert something called Future Surface Combatant in the interim. Please explain how you would direct the Navy to leverage the investments already made.

Dr. CARTER. The Navy has learned a great deal from DDG–1000 research and development and I agree that it makes sense to insert proven technologies in future ship designs wherever possible. I understand there are 10 critical technology advancements associated with DDG–1000 and that 8 of the 10 critical technologies could have application to CG(X). One critical technology, the Advanced Gun System, is currently not planned for any platform other than DDG–1000. The Navy should continue to evaluate the utility of the DDG–1000 hull form in future applications. The Dual Band Radar is already planned for installation in the CVN 78 aircraft carrier. In addition, technologies such as Autonomic Fire Suppression System and the Total Ship Computing Environment would have utility for incorporation in future surface ship and carrier designs.

QUESTIONS SUBMITTED BY SENATOR EVAN BAYH

ELECTRONICS IN DEFENSE SYSTEMS

5. Senator BAYH. Dr. Carter, what are your plans for ensuring that DOD procures safe and trusted electronics and printed circuit boards for use in defense systems?

Dr. CARTER. Section 254 of the National Defense Authorization Act for Fiscal Year 2009 requires the Department of Defense to conduct assessments of acquisition programs to identify vulnerabilities in the supply chain associated with electronics and information technology systems. I understand that the Department is developing recommended practices for managing supply chain risk that are effective and can be implemented considering cost and schedule impact; and collaborating with industry to identify standards and best practices that recognize security challenges in commercial global sourcing. If confirmed, my intention is to review the results of these assessments, evaluate the effectiveness of existing directives and instructions related to the acquisition of critical electronic hardware and software, and adjust procurement policy and strategy as needed.

6. Senator BAYH. Dr. Carter, will these plans include changing how DOD imports these products?

Dr. CARTER. DOD must be able to both trust its electronic systems and preserve access to leading edge industrial capabilities from the global marketplace. Where trust is a paramount concern, such as to protect critical information, sensitive communications, and mission critical weapon system capabilities, the Department has programs in place like the DOD Trusted Foundry and Supplier Program for acquiring military unique or customized devices. If confirmed, I will continue working to ensure that procurement policies and processes are put in place to raise awareness of supply chain risks, and empower acquirers with the tools necessary to mitigate risk for these critical applications in our defense systems. For the vast majority of hardware and software it acquires, I think the Department's focus should be to work with industry to encourage use of standards, verification methods, and procurement practices that will preserve product trust, prevent tampering, malicious code insertion, and counterfeit substitution.

DEFENSE LABORATORIES

7. Senator BAYH. Dr. Carter, I am concerned that DOD laboratories are losing technical stature with respect to Department of Energy (DOE) labs, industry labs, and other peers. Do you have plans on improving this situation?

Dr. CARTER. If confirmed, I will work with Director, Defense Research & Engineering (DDR&E) to review the contribution of the DOD labs with an eye to ensuring that they operate at maximum effectiveness and productivity. I am certain the labs can be improved, and I will place priority in examining the capabilities and long-term requirements of the DOD laboratories, and develop, with the Services, a plan to address the role of the labs.

QUESTIONS SUBMITTED BY SENATOR MARK UDALL

SERVICE LEVEL AGREEMENTS

8. Senator UDALL. Dr. Carter, as the top acquisition official within DOD at a time when we are facing many different budget pressures, you will be faced with many difficult decisions. In this fiscally constrained environment, I believe you will need to look for new and innovative ways to acquire capability for our Armed Forces. A good example of an innovative and flexible acquisition model is NextView Service

Level Agreements (SLAs) that exist between commercial satellite imagery providers and the National Geospatial-Intelligence Agency (NGA). It is my understanding that this relationship has yielded substantial improvements to supporting NGA's geospatial and military mission, while delivering cost-cutting solutions to the taxpayer. It has recently come to my attention that one of the SLAs is set to expire at the end of July, but there are plans to extend this through the end of the year. While I am pleased to hear this, I am especially interested in your future plans for ensuring continued and assured access to innovative and cost-effective commercial services such as those provided by the commercial satellite imagery industry. Are you aware of this commercial government relationship and the imagery products the commercial satellite industry is currently providing to the warfighter and Intelligence Community?

Dr. CARTER. I am aware in general terms but, as a nominee, I have not had access to detailed information. From what I understand, the NGA recognizes that mid-resolution, geospatially accurate, commercial imagery and imagery derived products are valuable sources of geospatial-intelligence (GEOINT) and a key element in support of multiple U.S. Government initiatives. As such, they entered into a cost sharing arrangement for the development of imagery satellites. This has proven especially useful in support of emergencies, disasters, and humanitarian efforts both domestic and international. I will, if confirmed, continue to look for innovative and cost-effective ways of acquiring commercially available imagery that support a multitude of needs.

9. Senator UDALL. Dr. Carter, what steps will you take in your role as Under Secretary to see that NGA is able to leverage private sector investments to increase access to available services at a greater value?

Dr. CARTER. If confirmed, I will ensure that we fully enable the Director of NGA, in his role as the GEOINT functional manager, to leverage private sector investments to increase access to available geospatial services at the best value for the U.S. Government. As commercial remote sensing capabilities evolve, we should continue to ascertain when private sector investments for GEOINT applications and services are a cost effective way of supporting the needs of the U.S. Government.

SMALL BUSINESS CONTRACTING

10. Senator UDALL. Dr. Carter, in 2006, the Small Business Administration gave DOD a red rating for not meeting mandated small business goals. DOD has historically been significantly below the statutory small business contracting requirement of 23 percent. For example, the Air Force only issued 15–17 percent of their contract dollars to small businesses, and their small business contract dollar percentages have actually been declining in recent years rather than increasing. In your role as DOD's top acquisition official, what do you intend to do to improve the small business contracting record across all of the Services to meet these statutory small business contracting requirements?

Dr. CARTER. If confirmed, I will work with the DOD Office of Small Business Programs (OSBP) to analyze the existing data in order to determine what DOD is spending its contract dollars on and from what types of businesses. This will allow for identifying opportunities to maximize small business participation in DOD contracting. Additionally, I will work with the OSBP to ensure that organization has the tools necessary, and uses those tools, to improve the small business contracting record.

DIRECTOR FOR OPERATIONAL ENERGY

11. Senator UDALL. Dr. Carter, section 902 of the National Defense Authorization Act for Fiscal Year 2009 establishes a new position within DOD for a Director for Operational Energy. I understand that the Department is undertaking an analysis of options for implementing the provision, including resourcing and the office's placement within Office of the Secretary of Defense (OSD). Section 902 specifies that the Director is the principal advisor to the Secretary of Defense and Deputy Secretary of Defense and may communicate views "directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within DOD." Are any of the options being considered for the Director's placement within OSD subordinate to any official in DOD other than the Secretary or Deputy Secretary? If so, under whom, and how does the Department reconcile that placement as consistent with the cross-cutting responsibil-

ities assigned to the Director and the direct line of communication with the Secretary and Deputy Secretary specified by section 902?

Dr. CARTER. I strongly believe that energy security is an important part of national security. DOD, through its activities, programs, and technology, can play a positive role in strengthening energy security. It appears to me that the establishment of the Director of Operational Energy in DOD can help the Secretary and Deputy Secretary to realize this potential. As a nominee, I have no insight or input into organizational matters, so I do not know the Department's intentions in this regard.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

ACQUISITION CHALLENGES

12. Senator COLLINS. Dr. Carter, what do you believe are the biggest challenges facing the DOD acquisition workforce?

Dr. CARTER. I would cite capacity and capability as two of the biggest challenges facing the DOD acquisition workforce at this time. In the 1990s the workforce in acquisition organizations was cut substantially, and since 2001 workload has increased dramatically, but the size of the workforce has not kept pace. I believe we must reset DOD's multi-sector acquisition workforce with the right size and skill mix required to successfully provide proper oversight and management of contracts. DOD is also dealing with the dynamics of impending losses of an experienced and aging workforce. We must integrate and develop our younger generations into an experienced and successful future acquisition workforce. These challenges have increased the risk of successfully achieving desired acquisition outcomes.

13. Senator COLLINS. Dr. Carter, what do you believe should be done to address these challenges?

Dr. CARTER. I fully support the Secretary of Defense's new strategic direction to restore the acquisition workforce. It is essential to effectively achieving the objective of the President's March 4, 2009 memo to have the capacity and ability to develop, manage, and oversee acquisitions appropriately. The Secretary announced the DOD fiscal year 2010 budget objective to significantly grow the acquisition workforce by 15 percent—20,000 by 2015. It involves converting 11,000 contractors to full-time government employees, and hiring 9,000 more government acquisition professionals. The growth strategy will increase the contracting and oversight workforce, to include the Defense Contract Management Agency and the Defense Contract Audit Agency. It will enable DOD to have a strong capability in systems engineering, cost estimating, and other acquisition functions critical to successful acquisition outcomes. This is a very significant step to strengthen the acquisition workforce and I look forward, if confirmed, to supporting the President, the Secretary, and Congress in this urgent endeavor.

14. Senator COLLINS. Dr. Carter, Secretary Gates has made recent comments about several future major acquisition projects, including the Boeing F–22 Air Force fighter jet, the Lockheed Martin multiservice F–35 attack plane, the Boeing Future Combat System ground vehicle under development for the Army, and the *Virginia*-class attack submarine built by General Dynamics and Northrup Grumman. Can you please comment on your plans for evaluating each of these projects?

Dr. CARTER. On April 6, Secretary Gates announced his key decisions with respect to the fiscal year 2010 budget. As a nominee, I was not a party to the evaluations or discussions that went into the recommendations he has made to the President and cannot comment on the specific programs you mention. The recommendations appear to me to be fully consistent with Secretary Gates' statement that his recommendations are the product of a holistic assessment of capabilities, requirements, risks and needs for the purpose of shifting the Department in a different strategic direction.

Changes to top-level strategies, as Secretary Gates announced, or resource constraints may drive changes to the specific programs the Department pursues. Accordingly, each of the Department's acquisition programs must be evaluated in the context of how changes to strategy impact the need for the program and, conversely, how resource constraints affect strategy as well as individual programs the Nation pursues. If confirmed, I will evaluate acquisition programs consistent with these considerations.

U.S. SHIPBUILDING

15. Senator COLLINS. Dr. Carter, Chairman Skelton of the House Armed Services Committee recently expressed his concern about the United States' maritime posture, noting that since the Cold War ended, the United States ". . . forgot that we are a maritime nation. We forgot that lesson of history that only the nations with powerful navies are able to exert power and influence, and when a navy disappears so does that nation's power." I agree with Chairman Skelton's sentiments and believe that we need a strong Navy to meet the dynamic challenges of current and emerging threats. As a maritime nation, we must maintain our superior maritime edge in the world in order to meet our security, energy, and transportation needs. Not only is shipbuilding crucial to our national defense, but it preserves thousands of engineering and production jobs for the country and is a large contributor to the U.S. economy. If you are confirmed, what steps will you take to ensure that the United States maintains its worldwide naval dominance?

Dr. CARTER. As Secretary Gates outlined in his recent budget statement, the United States maintains a distinct maritime advantage in most areas. While I am committed to ensuring the United States maintains its worldwide naval dominance, I am open to considering the appropriate numbers and types of ships that deliver naval capabilities.

16. Senator COLLINS. Dr. Carter, what changes do you think can be made in order to create a more stable shipbuilding industrial base?

Dr. CARTER. Stability in the shipbuilding industrial base is clearly a function of stability in the Navy's shipbuilding plan. But beyond that there are a few initiatives that could be worked with the shipbuilding industry to mitigate workload fluctuations within the shipyards to maintain a stable and skilled workforce. These include:

- Level loading of ship procurements would help to sustain minimum employment levels and skill retention.
- Reducing the types and models of ships, maximizing the reuse of ship designs and components, and implementing open architectures for software and hardware systems.
- Mitigating workload peaks and valleys through work share opportunities and regional outsourcing to level load production facilities.
- Moving towards sustaining procurement rates would contribute to reducing the magnitude of annual funding variations and provide a more stable demand signal to the shipbuilding industry as a whole.

If confirmed, I look forward to working on this important issue.

[The nomination reference of Dr. Ashton B. Carter follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 18, 2009.

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

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, vice John J. Young, Jr.

[The biographical sketch of Dr. Ashton B. Carter, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. ASHTON B. CARTER

Professor Ashton Carter is chair of the International and Global Affairs faculty at Harvard's Kennedy School of Government. He is also Co-Director (with former Secretary of Defense William J. Perry) of the Preventive Defense Project, a research collaboration of Harvard and Stanford Universities.

Dr. Carter served as Assistant Secretary of Defense for International Security Policy during President Clinton's first term. His Pentagon responsibilities encompassed: countering weapons of mass destruction worldwide, oversight of the U.S. nuclear arsenal and missile defense programs, policy regarding the collapse of the

former Soviet Union (including its nuclear weapons and other weapons of mass destruction), control over sensitive U.S. exports, and chairmanship of NATO's High Level Group. He oversaw military planning during the 1994 crisis over North Korea's nuclear weapons program; was instrumental in removing all nuclear weapons from the territories of Ukraine, Kazakstan, and Belarus; oversaw the establishment of defense and intelligence relationships with the countries of the former Soviet Union when the Cold War ended; and participated in the negotiations that led to the deployment of Russian troops as part of the Bosnia Peace Plan Implementation Force. Dr. Carter managed the multi-billion dollar Cooperative Threat Reduction (Nunn-Lugar) program to support elimination of nuclear, chemical, and biological weapons of the former Soviet Union, including the secret removal of 600 kilograms of highly enriched uranium from Kazakstan in the operation code-named Project Sapphire. Dr. Carter also directed the Nuclear Posture Review and oversaw the Department of Defense's (DOD) Counterproliferation Initiative. He directed the reform of DOD's national security export controls. His arms control responsibilities included the agreement freezing North Korea's nuclear weapons program, the extension of the Nuclear Nonproliferation Treaty, the negotiation of the Comprehensive Test Ban Treaty, and matters involving the START II, ABM, CFE, and other arms control treaties.

Dr. Carter was twice awarded the Department of Defense Distinguished Service Medal, the highest award given by the Department For his contributions to intelligence, he was awarded the Defense Intelligence Medal. In 1987 Carter was named 1 of 10 Outstanding Young Americans by the United States Jaycees. He received the American Physical Society's Forum Award for his contributions to physics and public policy.

Dr. Carter continues to advise the U.S. Government as Co-Chair of the Review Panel on Future Directions for Defense Threat Reduction Agency (DTRA) Missions and Capabilities to Combat Weapons of Mass Destruction and Chair of the National Security Strategy and Policies Expert Working Group, Congressional Commission on the Strategic Posture of the United States, a consultant to the Defense Science Board, a member of the National Missile Defense White Team, and a member of the National Academy of Sciences Committee on International Security and Arms Control.

Carter served as a longtime member of the Defense Science Board (DSB) and the Defense Policy Board (DPB), the principal advisory bodies to the Secretary of Defense. He served on DSB from 1991 to 1993, and he served on both DSB and DPB from 1997 to 2001. In 1997 Dr. Carter co-chaired the Catastrophic Terrorism Study Group with former CIA Director John M. Deutch, which urged greater attention to terrorism. From 1998 to 2000, he was deputy to William J. Perry in the North Korea Policy Review and traveled with him to Pyongyang. In 2001–2002, he served on the National Academy of Sciences Committee on Science and Technology for Countering Terrorism and advised on the creation of the Department of Homeland Security. In 2006 to 2008 Dr. Carter served as a member of Secretary of State Condoleeza Rice's International Security Advisory Board. He has testified frequently before the armed services, foreign relations, and homeland security committees of both houses of Congress.

In addition to his public service, Dr. Carter is currently a Senior Partner at Global Technology Partners and a member of the Board of Trustees of the MITRE Corporation, and the Advisory Boards of MIT's Lincoln Laboratories and the Draper Laboratory. He is a consultant to Goldman, Sachs on international affairs and technology matters, and speaks frequently to business and policy audiences. Dr. Carter is also a member of the Aspen Strategy Group, the Council on Foreign Relations, the American Physical Society, the International Institute of Strategic Studies, the Advisory Board of the Yale Journal of International Law, and the National Committee on U.S.-China Relations. Dr. Carter was elected a Fellow of the American Academy of Arts and Sciences.

Dr. Carter's research focuses on the Preventive Defense Project, which designs and promotes security policies aimed at preventing the emergence of major new threats to the United States.

From 1990–1993, Dr. Carter was Director of the Center for Science and International Affairs at Harvard University's John F. Kennedy School of Government, and Chairman of the Editorial Board of International Security. Previously, he held positions at the Massachusetts Institute of Technology, the Congressional Office of Technology Assessment, and Rockefeller University.

Dr. Carter received bachelor's degrees in physics and in medieval history from Yale University, summa cum laude, Phi Beta Kappa. He received his doctorate in theoretical physics from Oxford University, where he was a Rhodes Scholar.

In addition to authoring numerous articles, scientific publications, government studies, and congressional testimonies, Dr. Carter co-edited and co-authored 11 books, including Keeping the Edge: Managing Defense for the Future (2001), Preventive Defense: A New Security Strategy for America (1997), Cooperative Denuclearization: From Pledges to Deeds (1993), A New Concept of Cooperative Security (1992), Beyond Spinoff: Military and Commercial Technologies in a Changing World (1992), Soviet Nuclear Fission: Control of the Nuclear Arsenal in a Disintegrating Soviet Union (1991), Managing Nuclear Operations (1987), Ballistic Missile Defense (1984), and Directed Energy Missile Defense in Space (1984).

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Ashton B. Carter in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Ashton Baldwin Carter (Ash Carter).

2. **Position to which nominated:**
Under Secretary of Defense for Acquisition, Technology, and Logistics.

3. **Date of nomination:**
March 18, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 24, 1954; Philadelphia, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Stephanie DeLeeuw Carter.

7. **Names and ages of children:**
William Ashton Carter, 20.
Ava Clayton Carter, 17.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Abington High School, Abington, PA; 1968–1972; High School Diploma, 1972.
Yale University, New Haven, CT; 1972–1976; B.A., 1976.
Edinburgh University, Edinburgh, Scotland; Spring 1975; no degree.
Oxford University, Oxford, United Kingdom; 1978–1979; D. Phil.; 1979.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Chair, International & Global Affairs faculty, 2006–present; John F. Kennedy School of Government, Harvard University - Cambridge, MA.

Ford Foundation Professor of Science and International Affairs, 1996–present; John F. Kennedy School of Government, Harvard University - Cambridge, MA.

Co-Director (with William J. Perry), Preventive Defense Project; Harvard & Stanford Universities, 1997–present; Cambridge, MA.

Senior Advisor to the North Korea Policy Review, 1998–2000 (part time while teaching); U.S. Department of State, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Chair, National Security Strategy and Policies Expert Working Group, Congressional Commission on the Strategic Posture of the United States, 2008–present.

Co-Chair, Review Panel on Future Directions for Defense Threat Reduction Agency Missions and Capabilities To Combat Weapons of Mass Destruction, 2007–2008.

Member, International Security Advisory Board to the Secretary of State, 2006–2008.

Member National Academy of Sciences Committee on Science and Technology for Countering Terrorism, 2001–2003.

Member, National Missile Defense White Team, 1998–present.

Member, Threat Reduction Advisory Committee, U.S. Department of Defense, 1998–2002.

Member, Defense Science Board, 1991–1993, 1997–2001.

Member, Defense Policy Board, 1997–2001.

Assistant Secretary of Defense for International Security Policy, U.S. Department of Defense, 1993–1996.

Member, National Academy of Sciences, Committee on International Security and Arms Control, 1990–1993.

Member, Sandia National Laboratory, President's Advisory Council, 1992–1993.

Member, Congressional Office of Technology Assessment, Advisory Panel on START Verification Technologies, 1991–1992.

Member, National Academy of Sciences Panel on National Security Export Controls, 1990–1991.

Member, National Research Council Naval Studies Advisory Committee on the Future of the Aircraft Carrier, 1990–1991.

Member, White House, President's Council of Advisers on Science and Technology, Panel on National Security, 1990–1991.

Member, Defense Science Board Task Force on New Scenarios and Intelligence, 1990.

Member, Congressional Office of Technology Assessment Advisory Panel on START Verification Technologies, 1989–1990.

Member, Joint Chiefs of Staff Advisory Group on the Future of U.S.-Soviet Military Relations, 1988–1989.

Member, Commission on the Presidency and Science Advising, 1988.

Consultant, Bureau of Intelligence and Research, U.S. Department of State, 1986–1988.

Member, Advisory Panel on Military Uses of Space, Office of Technology Assessment, U.S. Congress, 1985–1986.

Analyst, Program Analysis and Evaluation, Office of the Secretary of Defense, Pentagon, 1981–1982.

Analyst, International Security and Commerce Program, Office of Technology Assessment, U.S. Congress, 1980–1981.

Experimental Research Associate, Brookhaven National Laboratory, 1976.

Experimental Research Associate, Fermi National Accelerator Laboratory, 1975.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Trustee, The MITRE Corporation, 2006–present.

MIT Lincoln Laboratories Advisory Board, 1998–present.

Draper Laboratory Corporation, 2000–present.

Senior Partner, Global Technology Partners, LLC, 1998–present.

Consultant to Goldman Sachs on international affairs and technology matters, 1997–present.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Aspen Strategy Group, 1997–present.

Council on Foreign Relations, 1989–present.

Fellow, American Academy of Arts and Sciences, 1989–present.

American Physical Society, 1976–present.

International Institute for Strategic Studies, 1997–present.

National Committee on U.S.-China Relations, 1998–present.

American Academy of Diplomacy, 2008–present.

American Association of Rhodes Scholars, 1977–present.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member of National Security Advisory Group to Senator Tom Daschle, then Senator Harry Reid, chaired by William J. Perry.

Co-Chair, with Ronald Lehman, of Policy Advisory Group to Senator Richard Lugar.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Quarter 1, 2004, $1,000, Wesley Clark.

Quarter 1, 2004, $1,000, Joe Lieberman.

Quarter 1, 2004, $2,000, John Edwards.

Quarter 1, 2004, $2,000, DNC.

9/15/2007, $2,300, Hillary Clinton for President.

9/15/2007, $1,500, Friends of Dick Lugar, Inc.

8/28/2008, $2,300, Friends of Hillary.

6/24/2008, $4,600, Obama for America.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Defense Intelligence Medal, from the Defense Intelligence Agency, April 1998.

Distinguished Public Service Medal, Department of Defense (awarded twice), the highest award of the Department of Defense, "For exceptionally distinguished service to the Nation as Assistant Secretary of Defense for International Security Policy," July 1994 and December 1995.

Forum Award, American Physical Society, "For his clear and lucid exposition of the physics issues in the nuclear arms race and his unique ability to combine his physics background and good judgment to clarify the technical parameters of these important public policy issues," 1988.

Ten Outstanding Young Americans, United States Jaycees, 1987.

Rhodes Scholar, 1976.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Books:

Keeping the Edge: Managing Defense for the Future. Editor (with John P. White) and author of three chapters. Cambridge, MA: The MIT Press, 2001. [translated into Chinese, Military History and Translation Office, MND, ROC, 2002]

Preventive Defense: A New Security Strategy for America. With William J. Perry. Washington, DC: The Brookings Institution, 1999.

[translated into Russian by arrangement with Brookings Institution Press, 2003];

[translated into Arabic by arrangement with Brookings Institution Press, February/March 2002];

[translated into Chinese, CIP, 2000];

[translated into Korean, Bestun Korea Agency, 2000]

Cooperative Denuclearization: From Pledges to Deeds. Editor with Graham Allison, Steven E. Miller, and Philip Zelikow. Cambridge, MA: Center for Science and International Affairs, Harvard University, 1993.

A New Concept of Cooperative Security. With John D. Steinbruner and William J. Perry.

Beyond Spinoff: Military and Commercial Technologies in a Changing World. With John Alic, Lewis Branscomb, Harvey Brooks and Gerald Epstein. Boston, MA: Harvard Business School Press, 1992.

Soviet Nuclear Fission: Control of the Nuclear Arsenal in a Disintegrating Soviet Union. With Kurt Campbell, Steven Miller and Charles Zraket. Cambridge, MA: Center for Science and International Affairs, Harvard University, November 1991.

Ashton B. Carter on Arms Control. Kenneth W. Thompson, ed. Lanham, MD: University Press of America, January 1990.

Managing Nuclear Operations. Editor (with John Steinbruner and Charles A. Zraket) and author of three chapters. Washington, DC: The Brookings Institution, 1987.

Directed Energy Missile Defense in Space. Washington, DC: Office of Technology Assessment, U.S. Congress, 1984.

Ballistic Missile Defense. Editor (with David N. Schwartz) and author of two chapters. Washington, DC: The Brookings Institution, 1984.

MX Missile Basing (with Classified Annex). Author of chapters on "Launch Under Attack"; "Ballistic Missile Defense"; "Air Mobile Basing"; "Land Mobile Basing"; and (with Theodore Postol) "Command, Control, and Communications". Washington, DC: Office of Technology Assessment, U.S. Congress, 1981.

Articles:

"Defense Strategy and Budget in the Post-Bush Era." The Instruments and Institutions of American Purpose, Kurt M. Campbell and Jonathan Price, eds. Washington, DC: The Aspen Institute, 2009 (forthcoming).

"Defense Management Challenges for the Next American President." Orbis: A Journal of World Affairs 53, no. 1, Winter 2009.

"Defense Management Challenges in the Post-Bush Era." In William B. Ruger Chair of National Security Economics Papers Number 3: Defense Strategy and Forces: Setting Future Directions, ed. Richmond M. Lloyd, William B. Ruger, Chair of National Security. Newport, RI: Naval War College, 2008.

Meeting the Challenge: U.S. Policy Toward Iranian Nuclear Development. With Amb. Daniel Coats, Sen. Charles Robb, Adm. (Ret.) Gregory Johnson, Gen. Ronald Keys (Ret.), Edward Morse, Steve Rademaker, Amb. Dennis Ross, Henry Sokolski, Gen. Chuck Wald (Ret.), and Kenneth Weinstein. U.S. Policy Toward Iranian Nuclear Development. 19 September 2008.

"Strengthening our Strategy Against WMD." With Robert G. Joseph. The Boston Globe, 14 August 2008, A–15.

Trip Report: Strategic Security Issues Delegation to Taiwan and the People's Republic of China - June 22–July 1, 2008. With William J. Perry, et al. 17 July 2008.

Ensuring Security in an Unpredictable World: Project on National Security Reform - Preliminary Findings. With David M. Abshire, Norman R. Augustine, Robert D. Blackwill, Dennis C. Blair, Charles G. Boyd, Daniel W. Christman, Wesley K. Clark, Ruth A. David, Michéle Flournoy, Leon Fuerth, Newt Gingrich, James R. Locher III, James M. Loy, Jessica Tuchman Mathews, John McLaughlin, Joseph S. Nye, Jr., Carlos Pascual, Thomas R. Pickering, Brent Scowcroft, Jeffrey H. Smith, James B. Steinberg, and Ken Weinstein. July 2008.

"Military Elements in a Strategy to Deal with Iran's Nuclear Program." Center for a New American Security Working Papers, June 2008.

Review Panel on Future Directions for Defense Threat Reduction Agency Missions and Capabilities to Combat Weapons of Mass Destruction. With Robert G. Joseph, et al. March 2008.

"China's Rise in American Military Strategy." With William J. Perry. In China's March on the 21st Century: A Report of the Aspen Strategy Group, Kurt M. Campbell and Willow Darsie, eds. Washington, DC: The Aspen Institute, 2007, 107–117.

"America's Strategic Response to China's Military Modernization." With Jennifer C. Bulkeley. Harvard-Asia-Pacific Review 9:1 (Winter 2007).

Reducing Nuclear Threats and Preventing Nuclear Terrorism. With William J. Perry (chair), Graham Allison, Joseph Cirincione, Thomas E. Donilon, Robert Einhorn, Michéle A. Flournoy, Leon Fuerth, Robert Gallucci, Ernest Moniz, George Perkovich, Wendy R. Sherman (members). National Security Advisory Group, 19 October 2007.

Report on Discouraging a Cascade of Nuclear Weapons States. With Gordon Oehler, Michael R. Anastasio, Robert Monroe, Keith B. Payne, Robert Pfaltzgraff, William Schneider, and William Van Cleave, International Security Advisory Board, 19 October 2007.

"The Day After: Action Following a Nuclear Blast in a U.S. City." With Michael M. May and William J. Perry. The Washington Quarterly No. 30: 4 (Autumn 2007), 19–32.

"After the Bomb." With William J. Perry and Michael M. May. The New York Times, 12 June 2007, A–24.

"The Day After: Action in the 24 Hours Following a Nuclear Blast in an American City." With Michael M. May and William J. Perry. Report based on April 19, 2007 workshop hosted by the Preventive Defense Project, Harvard and Stanford Universities, 31 May 2007.

"China on the March." With William J. Perry. The National Interest, no. 88 (March–April 2007), 16–22.

"How Washington Learned to Stop Worrying and Love India's Bomb." Foreign Affairs (foreignaffairs.org), 10 January 2007.

"Plan B for Iran: What if Nuclear Diplomacy Fails?" With William J. Perry. Report based on May 22, 2006 workshop hosted by the Preventive Defense Project, Harvard and Stanford Universities, 10 September 2006.

"America's New Strategic Partner?" Foreign Affairs 85, no. 4 (July–August 2006), 33–44.

"The Case for a Preemptive Strike on North Korea's Missiles." With William J. Perry. TIME (time.com), 8 July 2006.

"If Necessary, Strike and Destroy." With William J. Perry. The Washington Post, 22 June 2006, A–29.

"Toolbox: Containing the Nuclear RedZone Threat." With Stephen A. LaMontagne. The American Interest 1, no. 3 (Spring 2006), 40.

"A Fuel-Cycle Fix." With Stephen A. LaMontagne. The Bulletin of the Atomic Scientists (January–February 2006), 24–25.

"The U.S. Military: Under Strain and at Risk." With William J. Perry (chair), Madeleine K. Albright, Graham T. Allison, Samuel R. Berger, Gen. Wesley K. Clark, Thomas E. Donilon, Michéle A. Flournoy, John D. Podesta, Susan E. Rice, Gen. John M. Shalikashvili, Wendy R. Sherman, Elizabeth D. Sherwood-Randall and James B. Steinberg (members). National Security Advisory Group, January 2006.

"The Essential Features of a Focused Strategy to Deal with the Proliferation Challenge: What Has Been Done and What Is to Be Done?" In The Challenge of Proliferation: A Report of the Aspen Strategy Group, Kurt M. Campbell, ed. Washington, DC: The Aspen Institute, 2005, 141–152.

"Origins of the Nunn-Lugar Program." Presentation to the Presidential Conference on William Jefferson Clinton, Hofstra University. 11 November 2005.

"New Approaches for Addressing the Threat of WMD Proliferation." Presentation to conference on Non-Proliferation of Weapons of Mass Destruction, Tufts University, Fletcher School of Law & Diplomacy. 21 October 2005.

"Interim Report on Nuclear Threat Reduction and the Fuel Cycle." Memo to Senator Richard G. Lugar, Chairman, Senate Committee on Foreign Relations. With Ronald Lehman II (co-chair, with Ashton Carter), Robert Einhorn, Alan A. Foley, Arnold Kanter, David Kay, Susan Koch, Lawrence Scheinman, and William Schneider, Jr. (members). Policy Advisory Group on Nonproliferation, 1 July 2005.

"Worst Weapons in Worst Hands: U.S. Inaction on the Nuclear Terror Threat since September 11, and a Path of Action." With William J. Perry (chair), Madeleine K. Albright, Graham T. Allison, Samuel R. Berger, Gen. Wesley K. Clark, Thomas E. Donilon, Michéle A. Flournoy, John D. Podesta, Susan E. Rice, Gen. John M. Shalikashvili, Wendy R. Sherman, Elizabeth D. Sherwood-Randall and James B. Steinberg (members). National Security Advisory Group, July 2005.

"Worst People and Worst Weapons." Statement before The 9/11 Public Discourse Project's Hearings on "The 9/11 Commission Report: The Unfinished Agenda." 27 June 2005.

"A Failure of Policy, Not Spying." The Washington Post, 5 April 2005, A–23.

"Conversations with The Forum: Perspectives on Preemption and National Security." Interview with Dr. Ashton Carter. The Fletcher Forum of World Affairs 29, no. 1 (Winter 2005), 9–12.

"The Essential Features of a Focused Strategy to Deal with the Proliferation Challenge: What Has Been Done and What Is to Be Done?" In The Challenge of Proliferation: A Report of the Aspen Strategy Group, Kurt M. Campbell, ed. Washington, DC: The Aspen Institute, 2005, 141–152.

"Overhauling Counterproliferation Intelligence." Statement before The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (The "Robb-Silberman" Commission). 4 October 2004.

"How to Counter WMD." Foreign Affairs 83, no. 5 (September–October 2004), 72–85.

"Overhauling Counterproliferation." Technology in Society: An International Journal-Special Issue: Technology and Science: Entering the 21st Century, George Bugliarello and A. George Schillinger, eds., 26, nos. 2/3 (April/August 2004), 257–269.

"The Architecture of Government in the Face of Terrorism." Countering Terrorism: Dimensions of Preparedness, Arnold M. Howitt and Robyn L. Pangi, eds. Cambridge, MA: MIT Press, 2003, 17–36.

"A Dedicated Organization in Congress." With Gerald L. Epstein. Science and Technology Advice for Congress, M. Granger Morgan and Jon M. Peha, eds. Washington, DC: RFF Press, 2003, 157–163.

"Good Nukes, Bad Nukes." With Arnold Kanter, William J. Perry, and Brent Scowcroft. The New York Times, 22 December 2003, A–31.

"Extremism, Economic Uncertainty and the Investment Implications of U.S. National Security Policy," Greenwich Roundtable Quarterly. Standard and Poors. 16 October 2003.

"The Korean Nuclear Crisis: Preventing the Truly Dangerous Spread of Weapons of Mass Destruction." Harvard Magazine, September–October 2003, 38–41.

"An American Security Policy: Challenge, Opportunity, Commitment." With William J. Perry (chair), Madeleine K. Albright, Samuel R. Berger, Louis Caldera, Gen. Wesley K. Clark, Michéle A. Flournoy, Alfonso E. Lenhardt, John D. Podesta, Gen. John M. Shalikashvili, and Elizabeth Sherwood-Randall (members). National Security Advisory Group, July 2003.

"A Prescription for Peace." Review of No More Killing Fields: Preventing Deadly Conflict by David A. Hamburg. Science, 30 May 2003, 1374.

The Loose Nukes Crisis in North Korea." Memorandum to the Senate Democratic Leadership from the National Security Advisory Group. With William J. Perry (chair), Madeleine K. Albright, Samuel R. Berger, Louis Caldera, Wesley Clark, Michéle Flournoy, Alfonso E. Lenhardt, John D. Podesta, John Shalikashvili, and Elizabeth Sherwood-Randall (members), 5 March 2003.

"A Scary Thought: Loose Nukes in North Korea." With William J. Perry and John M. Shalikashvili. The Wall Street Journal, 6 February 2003, A–18.

"The Crisis Last Time." With William J. Perry. The New York Times, 19 January 2003,4–13.

Making the Nation Safer The Role of Science and Technology in Countering Terrorism. With Lewis M. Branscomb, Richard D. Klausner, et al. Washington, DC: The National Academies Press, 2002.

"Nuclear Over North Korea: Back to the Brink." The Washington Post, 20 October 2002, B–1 & B–5.

Protecting America's Freedom in the Information Age. With Zoe Baird, James L. Barkdale, Philip Zelikow et al. (The Markle Foundation Task Force on National Security in the Information Age). Markle Foundation, October 2002.

"Throw the Net Worldwide." The Washington Post, 12 June 2002, A–31.

"Counterterror's Management Style." The New York Times, 8 June 2002, A–27.

Trip Report: Nunn-Lugar Sites in Russia. A memo to colleagues of the Preventive Defense Project. 3 June 2002.

"A New Era, A New Threat." With Richard Lugar. Financial Times, 23 May 2002, 15.

"Understanding Terrorism: A Harvard Magazine Roundtable." With Eva Bellin, Philip B. Heymann, David Little, Louise M. Richardson and Jessica E. Stern. Harvard Magazine (January–February 2002), 36–49.

"Beyond the Counterproliferation Initiative to a 'Revolution in Counterproliferation Affairs.'" With L. Celeste Johnson. National Security Studies Quarterly 5, no. 3 (summer 1999), 88–90.

"Grand Terrorism: A New Threat to National Security." Peter L. Hays et al., eds. Countering the Proliferation and Use of Weapons of Mass Destruction. New York: McGraw-Hill, 1998: 273–279.

Fulfilling the Promise: Building an Enduring Security Relationship Between Ukraine and NATO. With Steven E. Miller and Elizabeth Sherwood-Randall. Cambridge, MA and Stanford, CA: Preventive Defense Project publications 1, no. 4 (1998).

"Catastrophic Terrorism: Tackling the New Danger." With John M. Deutch and Philip Zelikow. Foreign Affairs 77, no. 6 (November–December 1998), 80–94.

Catastrophic Terrorism: Elements of a National Policy. With John M. Deutch and Philip Zelikow. Preventive Defense Project publications, vol. 1, no. 6, Center for International Security and Cooperation (CISAC), Stanford University, October 1998.

The Content of U.S. Engagement with China. With William J. Perry. Cambridge, MA and Stanford, CA: Preventive Defense Project publications 1, no. 2 (July 1998).

"Move Closer to China, Not Far, for Security." With John M. Deutch and William J. Perry. USA Today, 11 June 1998.

NATO After Madrid: Looking to the Future. With Coit D. Blacker, Warren Christopher, David A. Hamburg, and William J. Perry. Cambridge, MA and Stanford, CA: Preventive Defense Project publications 1, no. 1 (June 1998).

"No Nukes? Not Yet." With John M. Deutch, Wall St. Journal, 4 March 1997.

"Cooperative Security and the Former Soviet Union: Near-Term Challenges." With Steven E. Miller. In Global Engagement: Cooperation and Security in the

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16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I give a large number of lectures and speeches, using no notes or handwritten notes that are not archived. Almost all talks are derived from, or form the basis of, written publications or testimony, and their content can be found in #15 above.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ASHTON B. CARTER.

This 17th day of March, 2009.

[The nomination of Dr. Ashton B. Carter was reported to the Senate by Chairman Levin on April 1, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 23, 2009.]

[Prepared questions submitted to Dr. James N. Miller, Jr., by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I do not see the need to modify the provisions of the Goldwater-Nichol Act at this time. The Act was a very significant piece of legislation that, over the course of several decades, has led to dramatic improvements in the effectiveness of the Armed Forces—from strategic decisionmaking to operational command and control. An entire generation of military officers now has a much improved perspective on coordinated, multi-service, joint training, and operations.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my previous answer.

RELATIONSHIPS

Question. What do you see as the relationship between the Principal Deputy Under Secretary of Defense for Policy and each of the following?

The Secretary of Defense.

Answer. Pursuant to the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)), as the USD(P)'s principal assistant, the Principal Deputy Under Secretary of Defense for Policy (PDUSD(P)) serves as a staff assistant and advisor to the Secretary of Defense on all matters concerning the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives.

Question. The Deputy Secretary of Defense.

Answer. The Principal Deputy Under Secretary for Policy provides support to the Deputy Secretary similar to that provided to the Secretary, as described above.

Question. The Under Secretary of Defense for Policy.

Answer. The PDUSD(P) is the principal assistant to the USD(P) and is responsible for assisting the USD(P) in carrying out all responsibilities, fulfilling functions, managing relationships, and exercising authorities provided for in law to the USD(P). The PDUSD(P) advises on and supports the USD(P) with all responsibilities in providing advice to the Secretary of Defense in interagency fora (such as National Security Council and Homeland Security Council deliberations), engagement with international interlocutors, and in the Planning, Programming, Budgeting, and Execution (PPBE) processes inside the Department, including the Quadrennial Defense Review (QDR), the Nuclear Posture Review (NPR), and annual program and budget reviews.

Question. The other Under Secretaries of Defense, including the Under Secretary of Defense for Intelligence.

Answer. Pursuant to the authority, direction, and control of the USD(P), the PDUSD(P) works closely with the other Under Secretaries of Defense and their Deputies, including the Under Secretary of Defense for Intelligence, to achieve the Secretary's objectives. This includes providing policy input, as appropriate, to each of them in their respective areas of responsibility.

Question. The Assistant Secretaries of Defense.

Answer. Pursuant to the authority, direction, and control of the USD(P), the PDUSD(P) works closely with Assistant Secretaries of Defense across the Department to achieve the Secretary's objectives. This includes providing policy input, as appropriate, to each of them in their respective areas of responsibility. As the USD(P)'s principal assistant, within the Office of the USD(P), the PDUSD(P) provides oversight of Assistant Secretaries on issues and at times as directed by the USD(P). The Policy team works together to provide the USD(P) and the Secretary with advice and recommendations on the full range of policy issues under consideration in the Department and provides policy oversight to ensure that the Secretary's guidance and decisions are implemented properly.

Question. The Secretaries of the Military Departments.

Answer. The PDUSD(P) works closely with the Secretaries of the Military Departments on a broad range of issues, including strategy development, force planning and other areas in which the military departments are critical stakeholders.

Question. The General Counsel of DOD.

Answer. The PDUSD(P) works closely with the General Counsel on all policy issues that involve a legal dimension. This generally requires significant and regular coordination on a broad range of issues.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff.

Answer. As the principal military advisor to the Secretary of Defense, the President and the National Security Council, the Chairman has a unique and critical military role. The PDUSD(P) works closely with the Chairman and Vice Chairman to support the efforts of the USD(P), the Secretary and the Deputy Secretary, and to help ensure that military advice is taken into account in an appropriate manner.

Question. The Commanders of the Regional and Functional Combatant Commands.

Answer. The PDUSD(P) also works closely with the Regional and Functional Combatant Commanders to support the efforts of the USD(P), Secretary and Deputy Secretary, particularly in the areas of strategy and policy, contingency planning and policy oversight of operations.

Question. The Administrator and Deputy Administrators of the National Nuclear Security Administration

Answer. The PDUSD(P) works with the Administrator and Deputy Administrator of the National Nuclear Security Administration, in support of the USD(P)'s oversight of strategy for nuclear weapons and forces, as well as USD(P)'s role on the Nuclear Weapons Council.

DUTIES OF THE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

Question. Section 134a of title 10, U.S.C., provides that the DUSD(P) shall assist the USD(P) in the performance of his duties. DOD Directive 5111.3 emphasizes that the DUSD(P) advises and assists the USD(P), particularly on strategy formulation, contingency planning, and the integration of DOD plans and policy with overall national security objectives.

What is your understanding of the duties and functions of the PDUSD(P) under current regulations and practices?

Answer. My understanding is that, as the principal assistant to the USD(P), the PDUSD(P) is responsible for assisting the USD(P) in advising the Secretary of Defense on all matters concerning the formulation of national security and defense policy, and for assisting the USD(P) in carrying out all USD(P) responsibilities outlined in section 134(b) of title 10. This includes, but not limited to, strategy formulation, contingency planning, and the integration of DOD plans and policy with overall national security objectives.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense and the USD(P) would prescribe for you?

Answer. If confirmed, I expect that my duties and functions would include advising and assisting the USD(P) and the Secretary of Defense on strategy formulation, contingency planning, and the integration of DOD plans and policy. I expect that this would include involvement in the planning, programming, budgeting, and execution (PPBE) system, and in major departmental reviews such as the QDR and the NPR. I look forward to speaking with the Secretary of Defense and the USD(P) further about how I could best support their efforts.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I have been privileged to spend the last 25 years working on a wide range of defense and national security issues, both in and out of government. I had the honor to work for the late Les Aspin for 4 years as a professional staff member of the House Armed Services Committee, where I was responsible for both policy and procurement issues. I was privileged to serve for over 3 years as Deputy Assistant Secretary of Defense for Requirements, Plans and Counterproliferation Policy, where my office led defense planning, oversight of war plans, and efforts to improve the military's ability to cope with weapons of mass destruction (WMD). During my time outside of government, I have had the opportunity to teach and conduct research on national security issues, to establish and lead a private sector group that provided consulting services to DOD, and to serve in a leadership position for a newly established national security think tank. In addition, I have served on a number of studies and panels including as an advisor to the Defense Science Board, and as an expert to the Commission on the Strategic Posture of the United States. I believe that my substantive expertise and management experience would allow me to serve the country well if confirmed as PDUSD(P).

STRATEGY FORMULATION AND CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase military and civilian attention on the formulation of strategy and contingency planning. DOD Directive 5111.3 specifically assigns a major role to the DUSD(P) for those important matters.

What is your view of the civilian role, as compared to the military role, in the formulation of strategy and contingency planning?

Answer. Civilian oversight of the military is critical in a democracy, and is therefore paramount when considering the formulation of strategy and contingency plans. When I served in the Department as Deputy Assistant Secretary for Requirements, Plans, and Counterproliferation Policy, I oversaw the development of strategic planning and contingency planning guidance, as well as the civilian review of contingency plans in support of the USD(P) and the Secretary of Defense. Based on this experience, I believe strongly that the development of appropriate guidance and plans requires civilian and uniformed leaders to work in close partnership.

More specifically, the PDUSD(P) supports the development of the President's National Security Strategy, the development of the defense strategy, the establishment

of realistic objectives and guidance to form the basis for contingency planning, and the review of DOD plans and programs to ensure they support strategic objectives. The Joint Staff is a critical partner in the development of guidance for contingency planning and provides independent military advice to the Secretary of Defense and the President. In addition to the provision of written guidance, an important civilian role is to review contingency plans submitted for approval by the combatant commanders. The PDUSD(P) also supports the USD(P) in facilitating interagency coordination on contingency planning efforts, as necessary.

Question. In your opinion, does the civilian leadership currently have an appropriate level of oversight of strategy and contingency planning?

Answer. I believe that the civilian leadership has the necessary authorities to provide effective oversight of strategy and contingency planning. At the same time, I believe that changes to the organizational structure of the Office of the USD(P) could help improve the support of senior leadership on these critical issues. If confirmed, I will work with the USD(P) to examine this issue closely and to help ensure that civilian leadership has appropriate oversight of strategy, contingency planning, and other critical issues relating to the use of force.

Question. What steps do you believe are necessary to ensure effective civilian control and oversight of strategy and contingency planning?

Answer. Ongoing wars in Iraq and Afghanistan, as well as a complex security environment globally, provide an incredibly diverse set of challenges and opportunities for today and the future. Because of this increased complexity, I believe that it is likely that strategy and planning require more senior level attention and more supporting personnel in DOD, and in particular in the Office of the USD(P), than has been the case in the past. In addition, I believe that recent experience has shown the importance of "whole of government" approaches to strategy, plans, and operations. Therefore establishing effective organizations and processes for working with interagency partners, while protecting DOD prerogatives, is an area where I believe it is useful to consider possible additional measures. If confirmed, I look forward to working with the USD(P) to examine these issues closely.

If confirmed, I would strive to provide the best support possible to the USD(P) and the Secretary of Defense in fulfilling their statutory responsibilities to provide written policy guidance and to review contingency plans. I would also work closely with the Joint Staff, and where appropriate interagency partners, to help develop further opportunities to collaborate on planning guidance and reviews.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the PDUSD(P)?

Answer. If confirmed, I expect to provide advice and counsel to the USD(P) and aid in the development of policy advice to the Secretary of Defense. I would expect that major challenges would include ensuring that the internal organization of the various policy oriented structures in Office of Secretary of Defense (OSD) continue a relatively seamless transition as new leadership continues to assimilate. I also expect to play important roles in reviews including the QDR and the NPR, and ensuring that adequate scrutiny and oversight are applied to the entire range of policy options that are reviewed in support of ongoing contingencies and possible future operations. Beyond ensuring that the Secretary of Defense receives the best possible policy input on these vital questions, another challenge will be to strengthen the organizational capacity of OSD Policy to support these and other efforts.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I expect to serve important advisory roles in a number of policy reviews, including the upcoming QDR and NPR, which provide an opportunity to assess these challenges and develop policy, plans, and investments to address them. More broadly, I expect to participate actively in a variety of DOD decision-making processes, including in particular strategy development and the PPBE system. I also expect to support the USD(P) in efforts to responsibly end the war in Iraq; ensure that the United States develops and employs a more effective strategy in Afghanistan and the surrounding region; prevent nuclear and WMD proliferation; combat terrorism; adapt the U.S. military for 21st century challenges; and strengthen America's relationships with key partners and allies.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the PDUSD(P)?

Answer. If confirmed, I would give priority to the major challenges identified by the Secretary of Defense and the USD(P), and to strengthening the organizational

capacity of OSD Policy to address them. I would also pay close attention to help develop and maintain effective working relationships with both military and civilian counterparts in the Department and the interagency.

IRAQ

Question. The President has announced his plans for the drawdown of U.S. forces in Iraq and their transition to an overwatch mission, to be completed by the end of August 2010. The U.S.-Iraqi agreement on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq (the "security agreement") requires that U.S. combat forces withdraw from cities and towns by June 2009 and that all U.S. forces withdraw from Iraq by the end of December 2011. Additionally, if Iraqi voters reject the security agreement in a referendum scheduled for July 2009, U.S. troops would be required to withdraw by July 2010.

What in your view are the greatest challenges facing the Department in meeting these deadlines and what actions, if any, would you recommend to maximize the chances of meeting these requirements?

Answer. A critical goal over the next months and years in Iraq will be to maintain a secure environment to support elections, political reconciliation, and economic development. As the U.S. military continues to transition from providing population security to conducting overwatch, and then redeploys out of Iraq, continuing to build the capacity of the Iraqi military and police forces will be a continuing priority, as will ensuring the effectiveness of counterterror operations. As the U.S. military repositions and draws down its forces in Iraq, there are likely to be important strategic choices about the positioning of U.S. forces in Iraq and the region, as well as questions relating to prioritization of logistical support for the movement of U.S. forces. If confirmed, I would aid in the review of DOD plans and work with colleagues across the Department to make any necessary recommendations to the USD(P) and the Secretary of Defense.

Question. What is your understanding and assessment of U.S. plans to support implementation of the President's drawdown plans and the security agreement requirements for repositioning and redeployment of U.S. forces, including contingency planning relating to the Iraqi referendum?

Answer. Based on my current knowledge, my assessment is that the President's drawdown strategy reflects a careful consideration of events on the ground and respect for the bilateral agreements between the United States and Iraq. If confirmed, I look forward to learning more about the details of plans for repositioning and redeploying U.S. forces, as well as any contingency planning relating to the Iraqi referendum, and to supporting the USD(P) and Secretary of Defense in overseeing the implementation of strategy and plans.

Question. To date, U.S. taxpayers have paid approximately $48 billion for stabilization and reconstruction activities in Iraq. On April 8, 2008, Ambassador Crocker told the committee "the era of U.S.-funded major infrastructure is over" and said the United States is no longer "involved in the physical reconstruction business."

What do you believe is the appropriate role for the United States in reconstruction activities in Iraq going forward?

Answer. I agree with and support the President's view that bringing in Iraq's neighbors to help with reconstruction efforts is an important priority. American policy should also continue to encourage and where necessary assist Iraqi institutions in building sufficient capacity for prioritizing, planning, and executing their own reconstruction projects.

Question. What are your views on the responsibility of the Iraqi Government to assume the cost of training, equipping, and operations for its security forces?

Answer. An important component of our strategy centers on the Iraqi Government successfully assuming control of the entire range of tasks necessary to organize, train, and equip its security forces. From DOD's perspective, this includes helping Iraqi institutions better formulate a defense strategy and acquisition policy that is sustainable and prudent in the absence of significant external assistance.

Question. What are your views on the responsibility of the Iraqi Government to share the cost of combined operations with MNF–I forces and stability programs throughout Iraq?

Answer. It is my understanding that the U.S. Government has not requested that Iraq contribute to the costs of MNF–I operations. It will be important for Iraq to organize, train, equip, and fully support its forces in order to assume responsibility for its own security. It is my view that the U.S. Government should encourage Iraq to focus on the development and support of its security forces.

Question. What are your views on the responsibility of the Iraqi Government to share the increased operating and facilities costs associated with repositioning or withdrawal of U.S. forces in accordance with the U.S.-Iraqi security agreement?

Answer. I understand that under the new U.S.-Iraqi Security Agreement, there is no Iraqi responsibility to pay costs associated with repositioning or withdrawal of U.S. forces. In order to best advance our interests, I believe Iraq's internal resources are best applied in the development and support of its own security forces.

AFGHANISTAN

Question. In your view, what should be our strategic objectives in Afghanistan?

Answer. The administration is considering this question as part of its ongoing Strategic Review of Afghanistan and Pakistan. I believe that America's most enduring interest in the region is preventing Afghanistan from devolving to a safe-haven from which terrorists can attack the United States or our allies and partners. If confirmed, I expect to support the Department's efforts in this critical challenge, which requires urgent and sustained attention.

Question. What changes, if any, would you recommend to our current strategy in Afghanistan?

Answer. The administration's Afghanistan/Pakistan strategy review is ongoing, and I am confident that it will identify any needed changes. My own view is that achieving our strategic objectives in Afghanistan requires a regional perspective; for example, Pakistan is key to the future of Afghanistan and vice-versa, and working with Pakistan, India and others in the region is likely to be essential to success in Afghanistan. More broadly, I believe that the United States should work with Afghanistan and our coalition partners to develop and pursue a more integrated and comprehensive approach to security, economic development, and governance. We must harness all of the instruments of national power and persuasion to be successful. It is imperative that we improve coordination and cooperation between Afghanistan and its neighbors, so that greater unity of effort is achieved among our coalition partners, international institutions, and the Government of Afghanistan.

Question. Do you believe there is a need to develop a comprehensive civil-military plan for Afghanistan, akin to that used in Iraq?

Answer. Yes, and as noted above I believe that such a plan must consider Pakistan and other key players in the region.

Question. General David McKiernan, USA, Commander of the NATO International Security Assistance Force, and Commander U.S. Forces—Afghanistan, has identified a need for four additional combat brigades and support units in Afghanistan, equaling up to 30,000 additional troops. President Obama has approved the deployment of an additional 17,000 U.S. troops to Afghanistan by late spring and summer of this year. General McKiernan has said that these additional forces will provide him what he needs for the coming months, but additional forces will still be needed to meet fully his initial request.

Do you support General McKiernan's request for additional forces?

Answer. I agree with President Obama and Secretary Gates, who have both consistently stated that they believe the deteriorating security conditions in Afghanistan required the deployment of additional U.S. and international forces. I have not been fully briefed on the details of current operations and threat assessments, or internal deliberations associated with the ongoing Afghanistan/Pakistan strategy review. If confirmed, I look forward to assisting the USD(P) and others to assess the appropriate level of military forces required. I expect a critical component of these deliberations will concern the right balance between American, allied, and Afghan forces. Balancing the demand for additional forces while ensuring that the military is ready for other contingencies is one of the Department's key challenges.

Question. If so, how should the Department support combat brigade increases in Afghanistan, in advance of the National elections?

Answer. The President has approved the deployment of more than 17,000 additional U.S. forces to Afghanistan to meet urgent security needs, particularly in the volatile southern provinces, including the critical necessity to train additional Afghan National Security Forces (ANSF). My understanding is that these forces will arrive in Afghanistan in advance of the presidential election in August. It is also my understanding that the administration is looking to our allies and partners to provide additional forces to ensure security during the elections as well as the success of the ANSF training mission. To my knowledge no decision has been made on the deployment of additional U.S. combat brigades beyond the 17,000 additional U.S. forces already planned.

Question. If confirmed, would you support drawing down U.S. forces in Iraq faster or redirecting to Afghanistan combat brigades already slated to replace brigades in Iraq in order to meet General McKiernan's request?

Answer. If confirmed, I would work closely with the USD(P), Joint Staff, and the Services to help ensure that DOD are carefully assesses and addresses risks in both theaters and prudently managing our military commitments, operational readiness, and stresses on the force.

Question. If confirmed, would you support the temporary extension of combat brigades already deployed to Afghanistan? Would you support the accelerated deployment of combat brigades slated to deploy later this year to Afghanistan?

Answer. If confirmed, I expect to support the USD(P) and Secretary of Defense in providing guidance that ensures deployment lengths of the combat brigades in Afghanistan strike an appropriate balance between meeting our commanders' operational requirements and maintaining the health and readiness of our forces.

Question. The goal for increasing the size of the Afghan National Army (ANA) has been revised from 68,000 to approximately 134,000 soldiers.

In your view, should rapidly expanding the number of U.S. trainers to accelerate the expansion of the ANA be a top priority in Afghanistan?

Answer. Building an effective, broadly representative, and respected ANA requires significant resources, and in my view must be a top priority. It is important that we look closely at the forces required for security in Afghanistan, and I understand that the ongoing Afghanistan/Pakistan strategy review is doing so. If confirmed, I will support the USD(P) and Secretary of Defense in providing oversight and guidance that ensures that there are the right numbers of trainers, mentors, and advisors with sufficient resources to accomplish their mission.

Question. What recommendations, if any, do you have for encouraging or enabling our coalition partners to provide more training team personnel to embed with ANA units?

Answer. In my view, helping the Afghan National Security Forces develop the ability to assume primary responsibility for security inside Afghanistan should be at the center of our long-term strategy. The United States and NATO have assumed a long-term commitment to develop Afghan forces that can eventually take the lead for security in Afghanistan. If confirmed, I look forward to supporting the Department's efforts to encourage our coalition partners to deliver on their commitments to provide training team personnel.

Question. One of the main threats to U.S. and coalition forces in Afghanistan comes from cross-border attacks by the Taliban and extremist militants who find safe haven in Pakistan's border regions.

What steps in your view need to be taken to eliminate or mitigate the threat to Afghanistan's security posed by Taliban and other extremist militants hiding out across the Afghan-Pakistan border?

Answer. In my view, Afghanistan and Pakistan are in many respects a single theater of operations, and both President Obama and Secretary Gates have cited the need to eliminate the terrorist sanctuary in the border regions of Pakistan. This sanctuary poses a potential threat not only to Afghanistan, but to the region and indeed to the United States. Clearly however, there is no purely military solution. The United States must define and resource an integrated strategy to promote development and prevent terrorism across the Afghanistan-Pakistan border region, and I understand that this is a focus of the ongoing strategy review. If confirmed, I intend to work closely with my DOD and interagency colleagues in accordance with the results of the strategy review.

Question. Would you agree that it is possible that developments within Afghanistan could lead to improvements in Afghanistan's security irrespective of developments in Pakistan's border areas?

Answer. I agree that many of Afghanistan's challenges are internal. This is true of certain insurgent activities, the problem of warlords, poppy cultivation and narcotics production, and general criminality. However, I believe that we have learned from years of conflict that insurgent and terrorist safe-havens in Pakistan and illicit cross-border activity must also be addressed to establish sustainable security in Afghanistan.

Question. The ANA has shown itself to be effective, well-motivated, and respected by the Afghan people.

If confirmed, would you support giving the ANA the lead in stopping cross-border incursions, either by transferring the mission of patrolling the border to the ANA or by bringing the Afghan Border Patrol under the ANA?

Answer. I agree that the ANA has generally and increasingly shown itself to be effective, well-motivated, and respected. Clearly securing the border areas from cross-border incursions and illegal smuggling is an important element of a success-

ful long-term strategy. The issue of command relationships between the Afghan Border Patrol and ANA is an area that I have not examined in detail, and if confirmed, would need to examine more closely.

Question. The cultivation of poppies and trafficking of opium has reached alarming proportions in Afghanistan. Some estimate that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade and that Afghanistan is at risk of failing as a nation state. Coalition strategies for countering the opium trade have not been effective to date.

In your view, what strategy would be most effective in reducing opium production and trafficking in Afghanistan?

Answer. Opium traffic continues to distort the Afghan economy, corrode the judicial system, and exacerbate corruption and criminal violence. In my view, countering the opium trade must include a nuanced and fully resourced coalition and Afghan strategy, including crop substitution and alternative livelihoods, interdiction and eradication, judicial reform, better law enforcement and intelligence sharing, and rural economic development and public information.

Question. What should the role of the U.S. military forces be in the counterdrug program in Afghanistan?

Answer. I understand that in the past year U.S. forces have been provided with new rules of engagement regarding counternarcotics activities, but I have not had the opportunity to review them in detail nor to assess their effectiveness. If confirmed, I look forward to reviewing the effectiveness of these policies and to discussing them further with the USD(P) and other officials.

Question. What is the appropriate role for coalition nations and the larger international community in effectively addressing the counterdrug challenge in Afghanistan and the surrounding region?

Answer. I believe it is critical for the international community to play a greater role across the full range of initiatives and operations designed to help the Government of Afghanistan strengthen Afghan institutions, ranging from the judicial and law enforcement system, to its intelligence service, and the Afghan National Security Forces, so that it can better take the lead in combating narcotics in Afghanistan.

Question. What are the main challenges facing the U.S. and international community's reconstruction and development efforts in Afghanistan?

Answer. In my view, high levels of violence in Afghanistan constitute the most immediate and pressing challenge to reconstruction and development efforts, which must feature prominently in any successful long-term strategy. The Afghan people have suffered through more than a generation of war, and the country's development challenges are immense. The majority of Afghans make their living from farming, yet extensive drought and failing agricultural infrastructure create openings for opium production to supplant the legal agricultural economy. While Afghanistan has seen improvements in health care in recent years, life expectancy remains below 45 years while more than half of Afghan children suffer from poor nutrition and disease. While progress has been made towards primary education in Afghanistan, fewer than half of adult males and only one in eight females can read, impeding the professionalization of the Afghan government and security forces and limiting economic growth.

Question. If confirmed, what would your priorities be for addressing those challenges?

Answer. If confirmed, I look forward to aiding the USD(P) in working with interagency partners to help implement an improved strategy that can effectively engage our coalition partners and the international community to advance reconstruction and development efforts in Afghanistan.

Question. What changes, if any, would you recommend for the strategy, organizational structure, or resourcing of Provincial Reconstruction Teams in Afghanistan?

Answer. I believe that Provincial Reconstruction Teams (PRTs) have been critical to the development work undertaken in Afghanistan and Iraq in recent years. If confirmed, I look forward to discussing the committee's concerns and ideas on the use of PRTs.

PAKISTAN

Question. What is your view of the current state of U.S.-Pakistani security relations? What steps, if any, would you recommend to improve these relations?

Answer. Pakistan is a critical ally in the long-term struggle against extremism and terrorism. A confluence of overlapping security concerns—including presence of al Qaeda terrorists and Taliban-affiliated extremists, United States and NATO lines of communication to Afghanistan, nuclear weapons, and an unstable economic envi-

ronment—make Pakistan a key national security interest for the United States. Pakistan and the United States share mutual interests in these areas and it is essential that we continue to build and cultivate a long-term relationship built on respect and trust regarding security and other overlapping interests. If confirmed, I look forward to learning more about all aspects of ongoing U.S.-Pakistan relations and helping the USD(P) shape effective policies for engagement by the U.S. military, the State Department, and other agencies.

Question. What is your understanding and assessment of the efforts by the Pakistani Government to counter militant groups along the Afghan-Pakistan border and to fight terrorism in general?

Answer. Any enduring solution to the challenge of defeating the terrorist and cross-border insurgent groups that threaten Afghanistan, Pakistan, and the international community requires Pakistan's strong support. While the Pakistani government has conducted several military operations against militants in border areas, the region remains a sanctuary for al Qaeda and Taliban-affiliated groups. If confirmed, I expect to assist the USD(P) in overseeing and reviewing the development of options to improve Pakistani counterterrorism and counterinsurgency capacities.

Question. In your view, is the Pakistani Government doing enough to combat these threats? If not, what more should it be doing?

Answer. While I have not been briefed in detail on any assessments of Pakistan's willingness and ability to combat these threats, I believe than any long-term success in countering them requires extensive and sustained attention by various elements of Pakistan's government. If confirmed, I look forward to assessing ways in which the United States and Pakistan can work better together to combat these shared threats.

INDIA

Question. The attacks in Mumbai raise questions about what more might be done to help India guard against and respond to terrorist incidents and underscore the fragile nature of the relationship between India and neighboring Pakistan.

What is your view of the current state of U.S.-India military-to-military contacts?

Answer. It is my understanding that the U.S.-India military-to-military relationship is generally quite positive and is improving.

Question. What do you believe the United States should do to assist the Indian Government in the prevention of and response to terrorist events?

Answer. India is the world's largest democracy, and a strong and healthy U.S.-Indian partnership is an important American interest. The recent attacks in Mumbai have only underscored our shared interest in preventing and responding to terrorism. If confirmed, I will support the USD(P) in considering any additional measures, and in working with the State Department to carefully consider any requests for counterterrorism assistance from India.

Question. In your view, what impact has this rise in tensions between Pakistan and India had on the stability of the South Asia region, generally, and on the prospects for security in Afghanistan?

Answer. India, Pakistan, and Afghanistan are linked by history, culture, language, and trade, and progress in Afghanistan and broader regional stability cannot be achieved without the cooperation of all three. It is in America's national interest to play a constructive role in helping defuse any tensions and to help derive from the tragic attacks in Mumbai an opportunity for further cooperation between three of America's important allies.

FUTURE OF NATO

Question. What are the greatest challenges and opportunities that you foresee for NATO over the next 5 years?

Answer. Without question, the job of adapting our transatlantic alliance relationships to meet 21st century challenges is going to be arduous. The President and the Secretary of Defense have stressed our country's stakes in a strong, mutually supportive NATO alliance. To rebuild NATO solidarity, we need, first and foremost, a broadly agreed way-ahead for achieving durable progress on Afghanistan, especially where ISAF operations have been impeded by national caveats or the dearth of civilian expertise for critical missions. Closer to home, the alliance faces a more assertive Russia, continued instability in part of the Balkans and among former Soviet republics, and new concerns over cyber security and global climate change. My hope is that upcoming NATO summit in Strasbourg will give a strong boost to the drafting of a new strategic concept—one that helps to illuminate emerging threats and opportunities, as well as the capabilities required for effective joint action and ways for improving unity-of-action between NATO and the European Union.

Question. Do you envision further enlargement of NATO, beyond Albania and Croatia, within the next 5 years?

Answer. As the President and his national security team have stressed, NATO enlargement should continue so long as new candidates are democratic, peaceful, and willing to contribute to common security. Precisely which countries and within what applicable timeframe NATO would undertake further enlargement are important questions which the administration will need to address in close consultation with Congress and our allies. It is important that each NATO aspirant should be judged on its individual merits and progress in implementing political, economic, and military reforms.

Question. What more can the United States do to encourage NATO members to develop the capabilities and provide the resources necessary to carry out NATO missions in Afghanistan and elsewhere?

Answer. President Obama and Secretary Gates have both stressed the need for the United States and NATO to invest more in its nonmilitary instruments of national power. Many of our NATO allies have unique civilian capabilities that can enhance the overall effort in Afghanistan. The questions that both we and they now face are how best to mobilize these resources and target them to maximum positive effect. Also, as previously noted, forging a shared strategic view of the emerging threat environment and updating NATO's strategic concept from both a military and civilian governance perspective will be critical to success in Afghanistan.

NATO–EU RELATIONS

Question. A potential challenge facing the United States and NATO in the months and years ahead is the European Union's (EU) implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where "NATO as a whole is not engaged." At the same time, NATO and EU are working alongside each other in addressing a number of common security challenges, including police training in Afghanistan and crisis management in Kosovo.

Are you concerned that the EU could assume a competing role, rather than a complementary role, to the NATO alliance?

Answer. As Under Secretary Flournoy indicated during her confirmation process, the NATO–EU relationship should ideally be complementary. For defense matters and crisis management, NATO is the preferred vehicle for cooperation between our European allies and the United States in responding to a shared security challenge. At the same time, the EU's great strength lies is its ability to project economic power and political influence in a way that helps to attenuate conflict. While the current economic crisis has greatly stressed the EU's solidarity and its outreach to the east, its "soft power" role will clearly be critical over the long-term. Moreover, because both NATO and the EU draw largely from a single pool of national capabilities, cooperation is extremely important.

Question. What steps do you believe that the United States and NATO should take to ensure that ESDP is implemented in a way that strengthens the alliance?

Answer. Given the growth and diversity of ESDP-related activities in recent years, to include the EU's current anti-piracy operations off the coast of Somalia, we must explore every possible angle of NATO–EU collaboration at the operational level. I believe that priority should be given to promoting good communications and a common operating picture between NATO, its allies, and EU partners.

Question. What is your view of the future of NATO–EU relations in areas relating to security, defense, and crisis management?

Answer. As suggested above, both NATO and the EU have important roles to play in meeting future security, defense, and crisis management challenges. From an alliance perspective, it is important for all U.S. interagency partners to take a clear-eyed view of the entire range of current EU-activities—from civilian policing to military border control or other missions—to identify both areas of duplication and where closer NATO–EU coordination is required.

ENGAGEMENT POLICY

Question. One of the central pillars of our national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian demining operations, and similar activities were used to achieve this goal.

If confirmed, would you support continued engagement activities of the U.S. military? If yes, would you advocate for expanding U.S. military-to-military engagement? If not, why not?

Answer. Yes. If confirmed, subject to guidance provided by USD(P) and the Secretary, I will support a policy of continued U.S. military-to-military engagement, and as appropriate, given opportunities and resource constraints, expanding this engagement. The emerging security environment requires that we engage with our partners and allies around the world, and work to build productive relationships with many states for which our past military-to-military engagements have been limited or absent entirely.

Question. Do you believe that these activities contribute to U.S. national security?

Answer. Yes. I believe military-to-military contacts contribute to U.S. national security in a variety of important ways. Such activities can help to strengthen the capacity of partner nations to counter terrorism and other transnational threats, both within and beyond their borders, thereby potentially relieving stress on U.S. forces. They can help harmonize nations' views of common security challenges. Military-to-military activities can also help safeguard investments made by other U.S. assistance programs. Finally, and very importantly, when performed effectively, military-to-military activities should show by example how military forces can act effectively while respecting human rights and civilian control.

STABILITY OPERATIONS

Question. The U.S. experience in Iraq and Afghanistan has underscored the importance of planning and training to prepare for the conduct and support of stability operations in post-conflict situations.

In your view, what is the appropriate relationship between DOD and other Federal agencies in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. Success in stability operations in a post-conflict environment requires integrating the efforts of civilian and military organizations in all aspects, from planning through execution. It is important for civilian agencies to lead in areas such as fostering political reconciliation, building accountable and legitimate institutions of government, restoring public infrastructure, and reviving economic activity. Military forces are best suited to helping provide a safe and secure environment and to assist in building accountable armed forces. Over the last several years, the U.S. military has learned many hard lessons, and if confirmed, I will work closely with the USD(P), military leaders and other U.S. Government agencies to ensure that the Department properly institutionalizes adaptation to better prepare for future challenges.

Question. What lessons do you believe the Department has learned from ongoing operations in Iraq and Afghanistan with respect to achieving success in post-conflict stability operations?

Answer. I believe that the Department has learned many important lessons, including the following: Improved interagency planning of operations is critical, and must start early; because the situation on the ground will change, strategies and plans must be adapted over time; DOD must retain significant capabilities for stability operations, and other agencies and departments must build increased capacity to support these operations; building partner capacity is an essential task which requires significant leadership attention and resources; engaging allies and other coalition partners to contribute, while often challenging, is essential; and it is critical that DOD and other departments/agencies better institutionalize wartime lessons, and fully resource those capabilities and organizational innovations that have proved critical to success in stability operations.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207).

What are our strategic objectives in building the capacities of partner nations?

Answer. I agree with Secretary Gates and others who have stated that the future security environment is likely to present more threats stemming from the consequences of state weakness than from displays of state strength. As the international system continues to become more complex and increasingly globalized, tensions arising from water and food scarcity, economic displacement, demographic shifts, and competition over resources are likely to present opportunities for terrorist and insurgent groups to undermine state, regional, and international stability. It is therefore critical that U.S. foreign policy support efforts that strengthen bilateral relationships; increase U.S. access and influence; promote militaries that respect human rights, civilian control of the military and the rule of law; and build

capacity for common security objectives. In addition to promoting regional and global security, enhanced partner capacity reduces the risk of future military interventions and reduces stress on U.S. Armed Forces.

Question. What is your understanding of the purpose of the section 1206 global train and equip authority? What is your assessment of the implementation of the global train and equip program?

Answer. It is my understanding that section 1206 was created to provide increased ability to build partner capacity than the more traditional routes of security assistance. Under law, it has two purposes: to build the capacity of a country's ability to conduct counterterrorism operations, and to help support stability operations where U.S. forces are participating. While I have not been involved in implementation of section 1206, I understand that the program enjoys strong support from embassies and combatant commands (COCOMs). If confirmed, I will assist the USD(P) and the Secretary in fully assessing how well this authority is working and whether it meets congressional intent.

Question. What is the relationship of the global train and equip authority to other security assistance authorities, such as counternarcotics assistance and foreign military financing? What should be done to ensure that the global train and equip authority does not duplicate the efforts of these other assistance programs?

Answer. It is important that both the Defense and State Departments work together to avoid duplication of effort among these important activities. The global train and equip authority fills two specific legal requirements: to build capacity for counterterrorism and for stability operations where U.S. forces are a participant. Foreign military financing serves a broader set of diplomatic and foreign policy objectives, to include improving bilateral relations, encouraging behaviors that advance U.S. interests, increasing access and influence, and building capacity where host-nation and U.S. interests overlap.

Counternarcotics authorities are designed to allow DOD to support U.S. or other government efforts to counter the flow of narcotics globally. If confirmed, I would support the Department and any interagency assessment of potential overlaps and work to ensure DOD counternarcotics programs are focused on supporting U.S. and other agency efforts to counter the flow of narcotics.

Question. What is your understanding of the purpose of the security and stabilization assistance authority (section 1207)? What is your assessment of how this authority has been utilized?

Answer. I understand that section 1207 was designed to help the State Department's Coordinator for Reconstruction and Stabilization to build the capacity to become more operational. It was designed to bring civilian expertise to security, stabilization, and reconstruction missions, and complement existing U.S. military capabilities. While I have not been involved in implementation of section 1207, I believe that the program has been useful in supporting a more integrated approach to security, stabilization, and reconstruction challenges.

Question. Secretary of Defense Gates has called for an expansion of the Government's resources devoted to instruments of non-military "soft power", i.e., civilian expertise in reconstruction, development, and governance.

Do you agree that there is a need to expand the Government's resources devoted to the ability of civilian departments and agencies to engage, assist, and communicate with partner nations?

Answer. Yes. I agree strongly with President Obama and Secretary Gates that the United States should strengthen non-military instruments of statecraft.

Question. In your view, what should be the role of DOD, vis-á-vis the civilian departments and agencies of the Government, in the exercise of instruments of soft power?

Answer. Generally, DOD's role should be to support, not lead, in the exercise of "soft power." However, the Department plays an important role in helping to promote—through planning, exchanges, exercises, operations, and bilateral defense relationships—the conditions that enable these instruments to be applied successfully.

Question. Which agency should have the lead in setting U.S. Government security assistance policy, the Department of State or DOD?

Answer. The State Department should have the lead in setting U.S. foreign policy and foreign assistance priorities broadly, including security assistance. DOD has critical roles to play, however, in informing, developing, and implementing such programs in an effective and timely manner. In my view, strong interagency processes and relationships are vital to ensure successful security assistance policies.

RUSSIA

Question. What is your assessment of the current U.S.-Russian security relationship?

Answer. Russia's recent aggressive external behavior is a source of deep concern. Of greatest concern is a growing pattern of Russian pressure, and, in some cases, aggressive action against sovereign states on its borders, most visibly including Georgia. Nevertheless, I believe that there is an opportunity to pursue a more constructive relationship with Russia on a range of issues including strategic arms control, non-proliferation, and counterterrorism.

Question. What do you believe are appropriate objectives for U.S.-Russian security relations, and what do you believe are the areas of common interest between the United States and Russia in the security sphere?

Answer. As President Obama noted, it is in no one's interest to see U.S.-Russian relations return to a Cold War posture. U.S. and Russian interests clearly overlap in such key areas as strategic arms control, non-proliferation (including North Korea and Iran), counterterrorism, Afghanistan, and counternarcotics. Ultimately, I believe we should work to create the conditions that make clear that stable, democratic neighbors on Russia's borders are in Russia's own interest.

Question. In your view, what policy steps should DOD take to improve security relations with Russia? For instance, would you support increased military-to-military relations and exchanges with Russia?

Answer. I believe that military-to-military and other exchanges with Russia are generally beneficial. If confirmed, in consultation the State Department as well as with Congress, I would assess areas where greater cooperation might be possible.

Question. Are there common security issues that you believe would best be addressed jointly by the United States and Russia, or which cannot be adequately addressed without Russia's cooperation?

Answer. U.S.-Russia cooperation is essential in many areas of importance to the United States, including strategic arms control and nonproliferation including policies toward North Korea and Iran. Such cooperation is highly desirable on many additional issues, including counterterrorism, counternarcotics, counterpiracy, and Afghanistan. To cite one example, Russia is already cooperating with NATO in Afghanistan by recently allowing the transit of nonlethal equipment through its territory for ISAF.

Question. Would you support any joint development or other cooperative programs with Russia?

Answer. If confirmed, I will support the USD(P) in exploring the potential for the Joint Data Exchange Center and additional cooperative programs with Russia.

IRAN

Question. Do you believe it would be in the U.S. interest to engage Iran in a direct dialogue to promote regional stability and security?

Answer. I support President Obama's view that after careful preparation, the United States should be willing to pursue direct diplomacy with Iran. Furthermore, I fully support the President's view that we should not take any options off the table and that engagement has an important role to play in our efforts to prevent Iran from acquiring nuclear weapons and end their support for destabilizing activities and terrorism in the region.

Question. Do you believe it would be in the U.S. interest to engage Iran in a direct dialogue regarding the narcotics problems in Afghanistan?

Answer. I understand that this issue is being examined as part of broader interagency policy reviews on Iran and Afghanistan. My own view is that it is in the U.S. interest to engage Iran on Afghanistan security issues including narcotics, and to do so largely through multilateral exchanges.

Question. What more do you believe the United States and the international community could be doing to dissuade Iran from pursuing a nuclear weapons program? Specifically, what actions do you believe that DOD ought to undertake to support diplomatic efforts to dissuade Iran from pursuing a nuclear weapon?

Answer. The United States has not yet brought to bear all the elements of statecraft to deal effectively with this issue. The use of tough, direct, and principled diplomacy, working with our other international partners and allies, can increase the chances of making useful inroads. Helping to bring about auspicious conditions in the region is critical to generating leverage and therefore to success. Therefore I believe that DOD should continue developing the ongoing multilateral cooperation with the Gulf Cooperation Council countries and other allies in the region, in support of the State Department's diplomatic initiatives.

SYRIA

Question. Do you believe it would be in the U.S. interest to engage Syria in a direct dialogue regarding regional security and stability?

Answer. I understand that the administration is engaged in a review of its Syria policy. The Department of State should take the lead on any diplomatic initiatives with Syria. I agree with the President's view that Syria is best engaged in the context of an aggressive regional diplomatic approach.

SAUDI ARABIA

Question. What is your assessment of the current state of U.S.-Saudi security relations and defense cooperation activities? What changes, if any, would you recommend in this relationship?

Answer. Saudi Arabia is one of our most important relationships in the Middle East. The United States continues to invest major efforts into our security assistance programs with the Ministry of Defense and Aviation (MODA) and Saudi Arabian National Guard (SANG). If confirmed, I will support the Department's efforts in coordination with State Department colleagues to encourage the Saudis to develop better ways and means to deter Iranian aggression, protect the Kingdom's critical infrastructure, enhance maritime security, enhance ballistic missile defense, counterpiracy, and conduct counterterrorism operations. I will also look for opportunities to increase Saudi support for multilateral security activities among GCC countries, to include regional air and missile defense and maritime security efforts.

CHINA

Question. China is viewed by some in the United States as a potential threat and by others as a potentially constructive international partner that should be welcomed and integrated into the international economic and political community.

To what extent do you believe the policies and actions of the United States and other major regional and international actors will affect the direction in which China develops, and the extent to which it becomes a cooperative partner or a competitor of the United States?

Answer. As Secretary Gates noted in a recent speech, "China is a competitor but not necessarily an adversary, and there is no reason for China to become an adversary." Without question, China's sustained rise over the past decade is due to its progressive integration into the global economy. While the ultimate destination of the Chinese people is for them to decide, I believe that the United States and other countries, both in East Asia and beyond, can exert a positive influence upon the direction of China's development. Indeed, no country has done more to assist, facilitate, and encourage China's development and international integration than the United States. That alone provides no assurance of China's willingness to play the role of constructive partner, but it does give both sides a clear appreciation of the stakes involved in maintaining a reasonable working relationship on a wide range of issues, including first and foremost in dealing with the current economic crisis.

Question. What do you believe are China's political-military objectives regarding Taiwan, the Asia-Pacific region, and globally?

Answer. I agree with the view that the overriding objectives of China's leaders appear to be to ensure the continued rule of the Chinese Communist Party, continue China's economic development, maintain the country's domestic political stability, defend China's national sovereignty and territorial integrity, and secure China's status as a great power. Within this context, preventing any moves by Taipei toward de jure independence is a key part of Beijing's strategy. Within each dimension there are both challenges and opportunities for the United States that will continue to deserve priority attention.

Question. What do you see as China's objectives for its military modernization program and steady increases in defense spending?

Answer. The pace and scale of China's military modernization, coupled with the lack of transparency surrounding both capabilities and intentions, are a source of concern for the United States as well as for its allies and the region more broadly. I believe that the United States should continue and expand engagement efforts to fully comprehend the future direction of China's programs in order to reduce the potential for miscalculations and build mutual trust. At the same time, we must strive for a prudent level of defense preparedness so as to ensure we are able to protect U.S. national interests and fulfill our alliance responsibilities.

Question. What is your view of the U.S. policy of selling military equipment to Taiwan, despite China's objections?

Answer. U.S. policy on arms sales to Taiwan is based on the 1979 Taiwan Relations Act, which provides that the United States will make available to Taiwan defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. That policy has contributed to peace and stability in the region for nearly 30 years and is consistent with the longstanding U.S. calls for peaceful resolution of the Taiwan issue in a manner acceptable to the people on both sides of the Taiwan Strait. I believe our arms sales have been carried out in a responsible manner.

Question. In its 2008 Report to Congress, the U.S.-China Economic and Security Review Commission concluded that China is asserting various excessive claims of sovereignty, including maritime, air and space, and also concluded that these claims have negative implications for the United States. Further, the Commission concluded that more must be done to ensure that China's rapid expansion of nuclear power does not result in the decline in safety or an increase in proliferation of nuclear weapons technology or expertise.

How should the United States respond to excessive claims of sovereignty by China?

Answer. The United States has a longstanding policy on Freedom of Navigation, and as recent events relating to the USNS *Impeccable* have demonstrated, does not acquiesce to excessive maritime, air, or space claims that restrict navigation and overflight rights under customary international law (as reflected for example in the U.N. Convention on the Law of the Sea). In addition to asserting U.S. rights, I believe the United States should work with other countries that have a stake in this issue to engage China.

Question. What do you believe should be the role of DOD, if any, in helping to ensure that China's nuclear power industry does not contribute to the proliferation of nuclear weapons in the region?

Answer. The Obama administration has reiterated that preventing the proliferation of WMD and delivery systems, along with related technologies and materials, is a key goal for the United States. I believe that DOD should work in the interagency process to ensure that any proliferation concerns relating to China including its nuclear power industry are expressed to the Chinese Government in appropriate forums, and should similarly support the development of appropriate interagency responses in the event that China takes steps that do contribute to proliferation.

Question. Do you believe any changes in the quality or quantity of military-to-military relations with China should be made? If so, what changes and why?

Answer. If confirmed, I would look closely at exchanges with China's armed forces at all levels and across a range of issues, including the recently opened dialogue on nuclear policy and strategy, which I understand is a priority for Secretary Gates. My general sense is that more can be done to improve the U.S.-China military-to-military relationship, both in terms of the quality and the quantity of exchanges between the armed forces of our countries. In general, I believe we should look to engage in a wide range of areas where we can work with China on priorities that improve transparency, reduce risks of miscalculation, and advance stability, both regionally and globally.

Question. On March 8, 2009, five Chinese ships aggressively maneuvered in dangerously close proximity to USNS *Impeccable,* a U.S. ocean surveillance vessel operated by the Military Sealift Command conducting routine operations in the South China Sea.

How do you think the U.S. Government should respond to provocative actions of this kind and what actions should the United States take to try to prevent similar incidents in the future?

Answer. As noted above, the United States has a longstanding policy on freedom of navigation, consistent with customary international law and as reflected in the U.N. Convention on the Law of the Sea. I believe the United States should clearly assert and exercise our rights, work with other states with similar interests and perspectives as appropriate, and ensuring effective communication to reduce the risks of accident or miscalculation. I was very pleased by Secretary Gates' statement on March 18 that ". . . based on the diplomatic exchanges that have taken place, since the aggressive acts against the *Impeccable* . . .there won't be a repetition of this [incident]."

JAPAN

Question. Secretary of State Clinton recently signed a U.S. agreement with Japan on realignment of U.S. forces from Okinawa to Guam.

What is your understanding of the key provisions of this agreement and the risks surrounding the likelihood of the move proceeding on the timeline previously established given financial considerations in Japan and the United States?

Answer. My understanding of the Guam International Agreement ("Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam") is that it was concluded as a means to formalize the accountability and transparency associated with Japan's eventual transfer of $2.8 billion for Guam development. The agreement also reiterates Japan's commitment to build the Futenma Replacement Facility (FRF) on Camp Schwab and surrounding waters in northern Okinawa, and to provide additional financing for development of required facilities and infrastructure on Guam. Both the FRF project in Okinawa and the Guam project are complex challenges, with ambitious target completion dates of 2014.

The realignment of U.S. force posture in East Asia and the Pacific—and in particular the relocation of U.S. forces and their dependents to Guam—is a major focus for the U.S.-Japan alliance at present. I believe that while the timelines are challenging, both sides are committed to timely execution as well as ensuring a quality program.

NORTH KOREA

Question. What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to date to persuade North Korea to verifiably dismantle its nuclear weapons program?

Answer. North Korea's conventional military, WMD, and proliferation activities continue to pose a significant threat to regional peace and security. Also, recent North Korean provocations, including its apparent intent to launch a long-range missile (even if characterized as a satellite launch), are unhelpful to regional stability and relations. Working with our allies and other key parties in the region on diplomatic solutions is an essential element in addressing the totality of security problems on the Korean peninsula, the most vital of which is the denuclearization of North Korea. Likewise, it is essential to maintain the capabilities to deter North Korea's military threat and proliferation activities. Our strong alliances with South Korea and Japan remain instrumental in this regard. These alliances help maintain the peace and stability that has allowed the wider East Asia region to prosper over the past several decades.

Question. What is your assessment of the threat posed to the United States, its forward-deployed forces, and its allies by North Korea's ballistic missile and WMD capabilities and the export of those capabilities?

Answer. I believe that North Korea missile and WMD programs pose a serious threat to the United States, our forces, and our allies. This threat has been evidenced recently in North Korea's announced intention to launch what it refers to as an "experimental communications satellite" in April (long-range ballistic missiles and satellite launch vehicles derive from nearly identical technology). Strong alliances, regional partnerships, and forward military presence remain key means to deal with these threats. U.S. national capabilities, such as ballistic missile defense, are also an essential element in deterring the threat and defending our interests.

Question. In your view, what should be done to maintain or strengthen deterrence on the Korean peninsula?

Answer. The most critical ingredient for effective deterrence on the peninsula is found in the strength of the alliances between the United States and the Republic of Korea, and between the United States and Japan. If confirmed, I would work with DOD and interagency colleagues to continue strengthening these alliances.

Question. In view of recent speculation regarding the possible poor health of North Korean leader Kim Jong-il, what do you believe the United States should be doing now, if anything, to prepare for the possibility of a change in leadership in North Korea?

Answer. The manifestations of sudden change in North Korea could take different forms, including a sudden health crisis or change in leadership in Pyongyang. If confirmed, I will work to ensure that the United States and our allies are capable of addressing sudden onset crises. Fundamentally, our focus should be ensuring we are ready to maintain stability in the region, support defense of the Republic of Korea and Japan, and prevent the proliferation of WMD or other dangerous technologies from North Korea.

Question. If confirmed, would you undertake a review of the status of the efforts to obtain from North Korea remains of U.S. servicemembers who have been missing since the Korean War ?

Answer. Yes.

Question. Under what circumstances do you think that such efforts should resume?

Answer. I believe these efforts should resume once appropriate conditions exist that both enable us to carry out the important mission and ensure the safety of our personnel.

REPUBLIC OF KOREA

Question. The alliance between the United States and the Republic of Korea (ROK) is a key pillar of security in the Asia Pacific region. This relationship has gone through periods of inevitable change.

What is your understanding of the current U.S. security relationship with the ROK?

Answer. I believe that the U.S.-ROK alliance remains strong and continues to ensure peace and stability on the Korean Peninsula and in Northeast Asia. In the face of changes in the regional security environment, the United States and the ROK have made great strides in transforming their collective deterrent and defense posture. In particular, the ROK has made major strides in developing its defense capabilities, commensurate with its economic development. Consequently, the alliance remains relevant and capable both for deterring aggression on the peninsula and for addressing regional and global security issues.

Question. If confirmed, what measures, if any, would you take to improve the U.S.–ROK security relationship?

Answer. If confirmed, I would support the realignment of U.S. forces on the Korean peninsula and the return of facilities that our forces no longer require. The United States is also working toward new command and control relationships with Korea and we need to ensure that contingency plans remain appropriate to the situations we face. Additionally, I believe it is important to ensure the U.S. and Korean publics continue to understand the enduring mutual benefits derived from this alliance, and that we work effectively with the Republic of Korea as it plays an increasing role in regional and global security issues commensurate with its economic clout and influence.

Question. What is your view regarding the planned timing of the transfer of wartime operational command to the ROK?

Answer. As Secretary Gates said publicly following his meeting with the Korean Minister of Defense last October, the ROK military forces and U.S. forces are on track to complete the alliance agreement to transition wartime operational control in 2012. This effort will enable the ROK military to take the lead role in the defense of Korea. If confirmed, I will support the efforts of the Secretary, this committee, and others to ensure that the important transition in command relationships is carried out in a manner that strengthens deterrence and maintains a fully capable U.S.–ROK combined defense posture on the Korean Peninsula.

Question. What do you view as the optimal timeline, and major milestones, for consolidating U.S. forces south of Seoul at Camp Humphreys?

Answer. I understand that Camp Humphreys represents an essential part of our joint effort with our ROK allies to reduce the overall U.S. military footprint and consolidate U.S. forces in modern and enduring facilities away from the congested center of Seoul. This realignment of U.S. forces is mutually beneficial, and therefore it is our desire to implement these plans as efficiently as possible. If confirmed, I look forward to working with United States Forces Korea, U.S. Pacific Command, and others in DOD to review the timeline involved.

U.S. AFRICA COMMAND (AFRICOM)

Question. The creation of Africa Command has raised questions about the role of DOD in U.S. development efforts in Africa.

What do you see as the role of AFRICOM in U.S.–African policy and in development and humanitarian engagement?

Answer. The Department of State and USAID lead U.S. foreign policy and development engagements abroad, to include Africa. AFRICOM is intended to promote a coordinated engagement approach to Africa. Ideally, AFRICOM's supporting role should promote national security objectives by working with African states, regional organizations, and the African Union to enhance regional stability and security. Specifically, AFRICOM should help pursue closer U.S. military-to-military relations with African states. If confirmed, I would support DOD's efforts to maintain strong interagency relationships and work with Congress to ensure that AFRICOM assists in advancing U.S. foreign policy and national security objectives.

Question. AFRICOM's leadership has promoted the concept of "active security," with an increased emphasis on theater security cooperation, as a guiding principle of the command.

Are DOD's current security assistance authorities (e.g., section 1206 train-and-equip authority) and funding levels adequate to fulfill AFRICOM's mission? If yes, please explain. If not, why not?

Answer. I have not been briefed in detail on AFRICOM's current and projected requirements to fulfill its mission. If confirmed and if asked to study the matter, I will provide my views to USD(P) Flournoy and if requested the members of this committee.

Question. The Combined Joint Task Force-Horn of Africa (CJTF–HOA) mission appears to have shifted from counter–terrorism to civil and humanitarian affairs since its inception in 2002.

What do you see as CJTF–HOA's primary mission?

Answer. I understand that the CJTF–HOA is designed to support the State Department's and DOD's security strategy in Africa to counter violent extremism, in part through building partner capacity and promoting regional stability.

Question. Do you believe it should continue as an enduring presence? If yes, what recommendations, if any, might you make regarding manpower, resources, and activities?

Answer. If confirmed, I would support the USD(P)'s interaction with the Joint Staff and with AFRICOM to assess this issue, and would aid in efforts to ensure that U.S. security interests in the region are supported by an appropriate, properly balanced and resourced posture to promote long-term stability in the region.

DARFUR

Question. More than 4 years after then-Secretary of State Colin Powell's declaration that genocide was taking place in Darfur, the death toll has continued to climb, the camps for displaced persons have grown more crowded, and humanitarian access to help people in need has diminished in many areas. The member nations of the United Nations have pledged to send 26,000 peacekeepers to Darfur, but have sent less than half that number and has not provided them with the helicopters, vehicles, and other tools to fulfill their mission.

What do you believe is the appropriate role of the United States and, in particular, DOD, in assisting with the deployment and mobility of this peacekeeping mission, given that its creation was largely a U.S. initiative and today is largely funded by a variety of U.S. assistance programs?

Answer. I support President Obama's statements concerning the need to pressure the Sudanese authorities in Khartoum to halt the genocide in Darfur. It is my understanding that both the Defense and State Departments have supported the deployment of African contingents to the U.N. Darfur mission by providing a variety of enablers, to include equipment, logistical expertise, deployment assistance, and airlift.

UNITED NATIONS PEACEKEEPING

Question. The DOD has provided logistics, communications, and headquarters staff to a variety of U.N. peacekeeping missions over the past several years.

In your view, what support, if any, should DOD provide to U.N. peacekeeping missions?

Answer. The U.N. operates peacekeeping forces in a wide variety of venues—from Central and West Africa to the Middle East and the Caribbean—and the United States has important security and humanitarian stakes in the success of these missions. To ensure the best use of DOD's logistics, communications, headquarters staffing, and other forms of enabling assistance, the issue of U.S. support for U.N. field missions is certainly worthy of careful study in close consultation with our State Department colleagues, and subsequently with other U.N. member states.

Question. The United States along with its partners in the G–8 sponsored an initiative to train 75,000 peacekeepers by 2010. This program, known as the Global Peace Operations Initiative (GPOI), is run by the Department of State. DOD has provided varying degrees of support since the program's inception.

In your view, what is the appropriate role of DOD in this program and, more generally, in the training of peacekeepers?

Answer. DOD has long played an important role in the training and equipping of international peacekeeping units. In this regard, I believe that DOD collaboration with State is important to successfully identifying and vetting viable partners, analyzing indigenous capacities, developing sustainable train-the-trainer programs, and promoting self-sufficiency in this critical area so that more nations can more effec-

tively contribute to the increasing demand for skilled peacekeepers around the world.

Question. If confirmed, would you support or oppose an extension of the GPOI program and its mandate beyond its scheduled end date in 2010? Please explain.

Answer. In general, the United States has a strong interest in helping to expand the pool of available peacekeepers worldwide, including those with whom we may need to operate jointly. President Obama has stated his support for continued funding for GPOI. If confirmed, I would do my part to work closely with State Department colleagues as well as Members of Congress to ensure GPOI supports the President's objectives in this area.

SOMALIA

Question. In your view, what should the U.S. policy towards Somalia be and what do you believe to be the appropriate role of DOD in support of that policy?

Answer. Somalia's political turmoil and violence poses not only the specter of continued humanitarian suffering but also a security danger in that it provides a safe haven to violent extremists and, more recently, to pirates who prey upon international shipping routes through the Gulf of Aden. Instability in Somalia is a threat to the region and potentially to the United States and our allies. If confirmed, I will support DOD's efforts to work with the interagency to develop a coordinated U.S. national security policy toward Africa that addresses the U.S. strategic interests in the Horn of Africa, and to determine how DOD can and should best support this policy.

COMBATING TERRORISM

Question. What is your understanding and assessment of the Department's comprehensive strategy for combating terrorism, both at home and abroad?

Answer. The Department's strategy for combating terrorism has three pillars: protecting the homeland, disrupting and attacking terrorist networks, and countering ideological support for terrorism. The strategy includes indirect approaches aimed at building the capacity of partner governments and their security forces as well as direct approaches to defeat terrorist networks. Consistent with existing law, the Department's role within the United States is limited to providing support to civil authorities.

It is my view that the United States needs a more comprehensive and cohesive strategy for combating terrorism. An integrated interagency approach is needed that combines all tools of statecraft, and fully engages allies and international organizations. If confirmed, and as directed, I look forward to working with the Assistant Secretary of Defense (SOLIC & IC) and other colleagues within the Department and across the interagency to undertake a review and assessment of our strategy to ensure it meets the goals of the President and the Secretary of Defense.

Question. How can the Department best structure itself to ensure that all forms of terrorism are effectively confronted?

Answer. While I have not been briefed in enough detail to provide a complete answer, if confirmed and as directed I would welcome the opportunity to work with the Assistant Secretary of Defense (SOLIC & IC) to assist the USD(P) and the Secretary of Defense in evaluating the Department's counterterrorism posture to help ensure that it is appropriately organized to protect and defend against all forms of terrorism.

Question. What changes, if any, would you recommend to the defense intelligence community to ensure optimal support to combating terrorism and other homeland security efforts?

Answer. Timely and accurate intelligence is a vital part of U.S. counterterrorism efforts. If confirmed, I will help the USD(P) continue the close relationship Policy has with the Under Secretary of Defense for Intelligence and the Intelligence Community to ensure intelligence and operations are mutually supportive.

Question. Are there steps the Department should take to better coordinate its efforts to combat terrorism with those of other Federal agencies?

Answer. I expect that there is room for improvement in this area of vital national interest, but because of the sensitive nature of some activities, I do not at present have a comprehensive view. If confirmed, I look forward to developing such a view, and supporting the refinement and implementation of a comprehensive interagency approach to the challenge of combating extremism and terrorism.

Question. The Department and Intelligence Community have determined that some terrorist organizations are beginning to rely more heavily on producing and trafficking narcotics to fund their operations.

Do you believe the DOD should have the lead for the U.S. Government's efforts to combat the nexus between narcotics and terrorism?

Answer. The link between narcotics and terrorism is a serious and growing issue. This requires a comprehensive interagency approach, in which DOD plays an important part. The Department possesses important tools and provides extensive capabilities designed to counter networks that support both terrorist and international criminal organizations. If confirmed, I expect to support the USD(P) and work with ASD(SOLIC & IC) to help review DOD's role in this area and coordinate with other elements of the U.S. Government to determine the best way forward.

WAR ON DRUGS

Question. DOD serves as the single lead agency for the detection and monitoring of aerial and maritime foreign shipments of drugs flowing toward the United States.

What is your assessment of the ongoing efforts of the United States to significantly reduce the amount of drugs illegally entering into our Nation?

Answer. Drug trafficking is a significant and growing threat that affects not only the United States but many of our key partnership including Afghanistan, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and parts of West Africa. Traffickers often employ advanced technology and corrupt governments to facilitate the drug trade. Although the U.S. Government has made progress in coordinating interagency efforts, there is more to be done to counter this threat. If confirmed, I will assist the Department's effort to work with its interagency partners in assessing its efforts to date and develop an improved way forward.

Question. In your view, what is the appropriate role of DOD in U.S. counterdrug efforts?

Answer. The Department's global focus, organization, capabilities, and its ability to act as an honest broker provide a useful complement to law enforcement agencies and make it an effective partner in global counterdrug efforts. DOD brings effective tools and global capabilities to interagency efforts to counter both terrorist and international criminal networks that often utilize the drug trade.

The international community has detected a new narcotics trafficking route from Colombia to Europe via West Africa. In your view, what should be the role of the United States in countering the flow of narcotics to nations other than the United States?

The spread and trafficking of narcotics is a global issue and, like other complex global issues, cannot be effectively addressed by individual states pursing different and separate strategies. The United States should work with its allies and international organizations to counter the drug trade through coordinated and strategic civil-military efforts.

NUCLEAR POSTURE REVIEW

Question. If confirmed, what role will you play in the NPR?

Answer. If confirmed, I would support the USD(P) in overseeing the NPR. I would expect to engage other senior officials in DOD, as well officials in the Departments of Energy and State in this review, and to consult fully with members of this committee.

DOD'S COOPERATIVE THREAT REDUCTION PROGRAM

Question. Do you think the Cooperative Threat Reduction (CTR) program is well-coordinated among the U.S. Government agencies that engage in threat reduction efforts in Russia—namely, DOD and the Departments of State and Energy?

Answer. I am aware that President Obama has expressed his concern about the need to break bureaucratic logjams that have slowed the progress of CTR and other threat reduction programs in the recent past. If confirmed, I will support USD(P) in giving this matter the urgent attention it deserves.

Question. The CTR program was recently expanded to geographic areas outside the former Soviet Union.

What in your view are the key proliferation concerns that CTR should address outside the former Soviet Union?

Answer. Expanding the geographic reach of the Nunn-Lugar CTR program beyond the former Soviet Union strikes me as an important step toward reducing WMD threats and building global partnerships. I am also aware that recent bipartisan reports, including the report from the Commission on the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism, have stressed the importance of reducing nuclear threats wherever possible and highlight bioterrorism as a key proliferation concern demanding greater attention. If confirmed, I will look forward to

working closely with Congress, other U.S. Government agencies, and global partners to strengthen our efforts to prevent WMD proliferation and terrorism.

Question. The CTR program has completed or will soon complete the bulk of the scheduled work with Russia.

What in your view is the next step in the U.S.-Russia CTR program?

Answer. I believe that CTR programs in Russia should remain a high priority. Clearly, the Nunn-Lugar CTR program represents an important and very successful relationship between our two countries which has endured even as difficulties have grown in other aspects of our relations. If confirmed, I will support USD(P) in expanding this relationship and the capabilities built through CTR for mutually beneficial purposes to reduce the risks of WMD proliferation and terrorism outside of Russia.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. I support U.S. accession to the Law of the Sea Convention. It is in America's enduring interest to be at the forefront of promoting the rule of law, including in the world's oceans. Were we to become a party to the Convention it would send a clear signal to the world that we are committed to advancing the rule of law at sea. Additionally under the Convention, we would provide the firmest possible legal foundation for the navigational rights and freedoms needed to project power, reassure our friends and allies, deter adversaries, respond to crises, sustain deployed combat forces, and secure sea and air lines of communication that underpin international trade and our own economic prosperity.

Question. From a national security standpoint, what do you see as the legal advantages and disadvantages to being a party to UNCLOS?

Answer. Were the United States to join the convention, it would provide a seat at the table when rights vital to our national interests are debated and interpreted, including the maritime mobility of our armed forces worldwide. The navigation and overflight rights and high seas freedoms codified in the Convention are essential for the global mobility of our Armed Forces and the sustainment of our combat forces overseas. America has more to gain from legal certainty and public order in the world's oceans than any other country. More than 150 nations are parties to the Convention. By becoming a party, the United States will be better positioned to work with foreign air forces, navies, and coast guards to cooperatively address the full spectrum of 21st century security challenges. More so than at any time in our past, it is in our national interest to lead, and be seen to lead, by helping frame a judicious and prudent approach to better ensure stability at sea.

BILATERAL DEFENSE TRADE COOPERATION AGREEMENTS

Question. Defense trade cooperation agreements between the United States and the United Kingdom and between the United States and Australia are currently pending before the Senate Foreign Relations Committee.

What are your views on the U.S.-U.K. and U.S.-Australia defense trade cooperation agreements?

Answer. While I have not had the opportunity to review these agreements in detail, I support the general objectives of the U.S.-U.K. and U.S.-Australia Defense Trade Cooperation Treaties. I also believe that robust interoperability with these two key allies along with the enhanced protection of our defense articles pursuant to the treaties will further America's national security interests. If confirmed, I will support the USD(P) and the State Department in working with the Senate to resolve any issues related to ratification.

Question. In your view, are these agreements in the national security interest of the United States?

Answer. I have not had the opportunity to review these agreements in detail, but I believe that the intent of the treaties to increase defense trade and interoperability with these two key allies is sound and in the interest of our national security. If confirmed, and if asked, I will review the treaties in detail and support the USD(P) and the Department of State in working with the Senate to address any issues.

ARMS CONTROL

Question. What role do you see for arms control as a means of improving U.S. national security?

Answer. Arms control has been an important element of U.S. national security policy since the Cold War and it remains important today. This is especially so if

such negotiations can help to stave off unwanted competition among states and strengthen our efforts to curb proliferation. Engaging other nations in a process that builds confidence, increases transparency, reduces arsenals, and enhances cooperation has been, and remains, important to our interests. Arms control negotiations can also further progress towards the President's long-term goal of eliminating nuclear weapons.

Question. What are your views on the next bilateral steps to address nuclear weapons issues between the United States and Russia?

Answer. High level engagement between Washington and Moscow will be critical in addressing the wide variety of issues, including (but not limited to) nuclear weapons issues. One key issue that both nations will need to address in the coming months is the expiration of START in December 2009.

Question. What elements of START, if any, do you believe should be retained in any future agreement?

Answer. I believe that the most important element to retain in any future agreement is the extension of essential monitoring and verification provisions contained in the current START. In addition, I believe that the United States should pursue further reductions in strategic warheads, and should encourage Russia to structure its strategic forces in ways that promote predictability, security, and strategic stability.

Question. In the absence of a START extension or successor treaty, what steps would you take to extend, expand, and to verify the Moscow Treaty?

Answer. If confirmed, I would support the USD(P) in determining the best path forward with respect to START, the Moscow Treaty, and any successor agreements.

Question. What is your view of the role of the Nuclear NPT in U.S. national security, and how should it be strengthened or improved?

Answer. The NPT is an important tool for constraining further nuclear proliferation. A first priority in preserving and strengthening the treaty regime is working with our international partners to roll back North Korea's nuclear weapons program and stop Iran from acquiring nuclear weapons. We should also work to strengthen the treaty by encouraging states to adhere to the NPT and to agree to IAEA safeguards inspections. I support President Obama's view that we need to work with our allies, partners, and other nations to achieve a successful outcome in the 2010 NPT review conference. One way to strengthen the NPT regime would be to ensure that any violation automatically triggers sanctions. Others should be examined as well. I believe that success in these efforts will be more likely if the United States sets an example by pursuing negotiated reductions with Russia.

Question. Do you support a Comprehensive Test Ban Treaty (CTBT)?

Answer. Yes, I share the President's assessment that ratifying and ultimately acceding to the CTBT is in America's national security interest, and believe that with careful planning and continued investment that the United States can ensure the safety, reliability, surety, security, and sustainability of our nuclear deterrent under a CTBT.

BALLISTIC MISSILE DEFENSE

Question. Do you agree that any ballistic missile defense systems that we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. Yes. I understand that the United States currently has operationally deployed a range of sea-based and ground-based ballistic missile defense systems to protect our forward-based forces, allies, and other friendly nations against short- and medium-range missile threats and to defend the U.S. Homeland against longer-range threats. If confirmed, I would do my part to ensure that further U.S. development and deployment of missile defenses is done in a pragmatic, cost-effective fashion, and is appropriate to the threats of today and the potential threats of tomorrow.

Question. Do you agree that U.S. missile defense efforts should be prioritized on providing effective defenses against existing ballistic missile threats, especially the many hundreds of short- and medium-range ballistic missiles that are currently within range of our forward-based forces, allies, and other friendly nations?

Answer. I agree that the threats posed by short- and medium-range ballistic missiles are growing and deserve priority attention. At the same time, I believe that it is important to defend the U.S. Homeland against potential longer-range threats that may emanate for example from North Korea and/or Iran. If confirmed, I will support efforts to review our BMD programs and consult with Congress to ensure we have an appropriate mix of short-, medium-, and long-range ballistic missile defense capabilities that are responsive to existing and emerging threats to our Homeland, deployed forces, allies, and other friendly nations.

Question. Do you agree that ballistic missile defense testing needs to be operationally realistic, and should include the Operational Test and Evaluation Office, in order to assess operational capabilities and limitations of ballistic missile defense systems, prior to making decisions to deploy such systems?

Answer. Yes. While missile defense testing is not a Policy responsibility, I strongly concur with the view that missile defense testing should be operationally realistic and should involve the Operational Test and Evaluation office as well as our warfighters.

Question. If the United States and Russia could agree on a cooperative approach on missile defense issues, do you believe it would be in the security interest of the United States to pursue such an effort?

Answer. I believe that it is possible that a cooperative approach on missile defense could be in U.S. interests; the answer would depend on the details of such an approach. More broadly, I believe that working with Russia in areas where we have common security concerns can be in the interests of both of our countries. Efforts to cooperate with Russia on missile defense to address the risk of ballistic missile and WMD proliferation go back to the 1990s. I understand that in recent years, the United States has continued to explore missile defense cooperation with Russia. If confirmed, I will review the recent efforts, consult with colleagues in DOD and the State Department, and help recommend an appropriate course of action for possible consideration by the administration and Congress.

CHEMICAL WEAPONS ELIMINATION AND THE CHEMICAL WEAPONS CONVENTION

Question. Do you agree that the Department should plan and budget for the most expeditious elimination of the U.S. chemical weapons stockpile, consistent with safety and security requirements, in order to complete the destruction of the U.S. chemical weapons stockpile as close to the Chemical Weapons Convention (CWC) deadline as possible?

Answer. Yes. I am aware, however, there are competing priorities to balance. Although I have not yet examined this issue in detail, I understand that in 2006, the United States informed the Organization for the Prohibition of Chemical Weapons (OPCW) that it would not meet this deadline, but would accelerate the destruction effort as much as practical. To date, I understand that the Department is on track to destroy 90 percent of the U.S. stockpile by the CWC deadline.

SPACE MANAGEMENT AND ORGANIZATION

Question. What role, if any, do you believe the Principal Deputy Under Secretary of Defense for Policy (PDUSD(P)) should play in the formulation of national security space policy?

Answer. Outer space is becoming a more contested arena for the United States; we cannot take a complacent attitude about the motivations and capabilities of other space-faring actors. As the administration conducts its policy review, I believe that, as directed, the PDUSD(P) should support the Secretary of Defense and the USD(P) in defining U.S. interests, objectives, and options, and in representing DOD perspectives to the interagency. I understand that the recent congressionally-directed Review and Assessment of the Organization and Management of Space in DOD has recommended the development of a National Space Strategy. If this initiative is adopted and I am confirmed, I will consult with Secretary Gates and Under Secretary Flournoy on the desired role of the PDUSD(P) in the development and coordination of any such strategy.

NATIONAL GUARD AND RESERVE ROLE IN HOMELAND DEFENSE

Question. There is current debate about the role the National Guard and Reserves should play in defending the Homeland and in providing support to civilian authorities with responsibility for Homeland Security.

What role do you believe the National Guard and Reserves should have in defending the Homeland as compared to supporting Homeland Security?

Answer. The National Guard and the Reserves—the Army Reserve, the Navy Reserve, the Marine Corps Reserve, and the Air Force Reserve—do indeed have complementary roles to play in defending the Homeland and in supporting Homeland Security. Their allocation for Homeland Security as opposed to Homeland Defense roles is something that deserves careful review. The National Guard and Reserves have extensive competencies and capabilities vital to defending the United States from attack by executing military missions to deter, defend against, and defeat those who threaten the United States and to assisting civil authorities in securing the United States from the threat and effects of natural disasters, terrorism, and other manmade disasters.

HOMELAND DEFENSE

Question. What is your understanding of the difference, or delineation, between the missions of Homeland Defense and Homeland Security?

Answer. It appears that DOD and Department of Homeland Security (DHS) coordination is still a work in progress. The two Departments do indeed have complementary and mutually supporting roles, missions, and responsibilities. DOD is responsible for the military defense of the United States from attack upon its territory at home and securing its interests abroad; its military missions aim to deter, defend against, and defeat those who threaten the United States. For its part, DHS is responsible for leading the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters; to secure the Nation's borders, ports, and airports; and to ensure that the Federal Government works with States, localities, and the private sector as a true partner in prevention, mitigation, and response. As necessary, and consistent with the law, DOD provides support to DHS in the execution of its missions.

Question. What do you believe are the principal roles and missions of the Department of Defense for Homeland Defense, and how do they relate to the roles, missions, and responsibilities of DHS?

Answer. See preceding answer.

REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY

Question. What is your understanding of changes that have been approved, if any, to the organization of the OUSD(P)?

Answer. In response to questions from the Senate Armed Services Committee during her confirmation process, now-USD(P) Flournoy stated that she anticipated the need to shift some portfolios to better align the Policy organization with President Obama's and Secretary Gates' policy objectives. My understanding is that Under Secretary Flournoy has advised the Secretary of Defense of potential changes intended to elevate the functions of strategy development and force management to better provide policy guidance for the Secretary, to enhance the oversight and policy role regarding strategic issues (e.g., combating WMD, nuclear deterrence, missile defense, space, and cyberspace issues), and to improve integration of efforts across OSD Policy. It is my understanding that the Secretary of Defense has approved Under Secretary Flournoy's plan to realign these and other selected functions within the organization.

Question. What would be your role in implementing any proposed changes to the organization of the OUSD(P)?

Answer. If confirmed, I would support the USD(P) as directed in implementing changes that support alignment of the Policy organization to the President's and Secretary of Defense's policy objectives, and would provide my assessment of the effectiveness of these changes over time to the USD(P), the Secretary of Defense, and if requested, to the Armed Services Committees.

PRIVATE SECURITY CONTRACTORS

Question. Do you believe DOD and other Federal agencies should rely on contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. In my view, wherever possible it would be preferable for military and where appropriate other government security personnel (U.S., coalition, and/or host nation) to perform such security functions. I understand and appreciate the concerns of Congress on this issue and believe that a comprehensive review of the role of military contractors on the battlefield, and the current and potential future capacities of DOD and other agencies, is needed in order to set the terms for possible future use. I also believe that improved oversight and transparency is needed in how private security contractors are utilized and to establish clear standards regarding accountability, command and control, Rules of Engagement, and personnel policies. If confirmed, I will support the USD(P) in working with civilian and military officials of the Department and others who have responsibility for policy development and employment of private security contractors.

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I think it is clear that several high-profile incidents in Iraq involving private security contractors harmed U.S. policy objectives. I understand that in Decem-

ber 2007 DOD and the Department of State agreed on consistent procedures for use of private security contractors in Iraq; moreover, both Departments have been transitioning to greater use of local nationals wherever practical. If confirmed, I expect to work on this issue with the USD(P) and others.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. The use of security contractors in any area of combat operations must be fully coordinated among all agencies that employ them. There must be unified procedures and strong oversight for all such contractors, regardless of which U.S. agency hires them. Commanders on the ground should have the authority to restrict or redirect their operations as appropriate. There must be assured legal accountability for the actions of all security contractors, not just those employed by the Defense Department.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new security agreement between the United States and Iraq?

Answer. I understand that since January 1, 2009, U.S. Government private security contractors no longer have immunity from Iraqi law. Furthermore, they must comply with Iraqi registration and licensing requirements. For all contractors, the security agreement has meant substantially more liaison and coordination with Iraqi authorities at all levels.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors used by all Federal agencies overseas?

Answer. Yes.

INFORMATION OPERATIONS

Question. What in your view is the role of the Office of the USD(P) in managing DOD public diplomacy and information operations activities? If confirmed, what do you envision would be the role of the PDUSD(P) in these efforts?

Answer. It is my understanding that the Department of State is the lead agency for public diplomacy and strategic communication, and that DOD works closely with the Department of State to ensure that DOD information activities support U.S. public diplomacy priorities and strategic communication efforts. Within DOD, OSD Policy plays an important role in the strategic communication planning process, necessitating close collaboration across the Department. If confirmed as the PDUSD(P), I would work to ensure that DOD works effectively with the State Department and others agencies and departments as appropriate, while continuing to improve the military's ability to support U.S. efforts in the changing information environment.

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media. The purposes of this contract include building up support for the Government of Iraq, the security forces of Iraq, and undermining Iranian influence in Iraq.

What is your view of the appropriate roles of DOD and the Department of State in media campaigns to build up support for the government and security forces of Iraq and undermining Iranian influence in Iraq?

Answer. I have not had an opportunity to become familiar with the details of these programs, but believe they deserve careful scrutiny. If confirmed, I would expect to look into these matters and look forward to sharing any conclusions with the committee.

Question. What is your view on the effectiveness of information operations conducted by the United States through the Iraqi media?

Answer. See previous answer.

Question. Do you see a risk that a DOD media campaign designed to build up support for the government and security forces of Iraq could result in the inappropriate dissemination of propaganda inside the United States through the internet and other media that cross international boundaries?

Answer. See previous answer.

Question. A spokesman for the Iraqi Government has been quoted as saying that any future DOD information operations in the Iraqi media should be a joint effort with the Iraqi Government. According to an article in the Washington Post, the spokesman stated: "We don't have a hand in all the propaganda that is being done now. It could be done much better when Iraqis have a word and Iraqis can advise."

Do you believe that DOD information operations through the Iraqi media should be conducted jointly with the Iraqis?

Answer. See previous answer.

Question. Under what circumstances do you believe that it is appropriate for the DOD to conduct information operations in a sovereign country without the knowledge and support of the host country?

Answer. See previous answer.

DETAINEE TREATMENT POLICY

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is this prohibition in the best interest of the United States? Why or why not?

Answer. Yes, I believe that the prohibition on cruel, inhuman, or degrading treatment or punishment is in America's best strategic interest and consistent with our values. For decades during the Cold War with the Soviet Union and during long wars in a variety of theatres in the last century, America's image as a just and honorable global leader was retained in large part because of how we treated our adversaries and not simply our friends. Holding true to the values that lay at America's foundation is critical to ensuring that America's men and women in uniform enjoy the moral high ground when we ask them to go into harm's way. Perhaps more so in this century than during the last, American influence will stem from the power of our example and not simply the example of our power. If we are to defeat violent extremism, we must hold true to the ideals that made this country great, and continue to inspire the growth of freedom and tolerance around the world.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. I understand that there are potential ambiguities in the application of these principles to specific cases, but have not received enough information to form a proper opinion on this question. If confirmed, I would expect to work with the DOD General Counsel on this issue.

Question. If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. Yes. However, I am not a lawyer, and if confirmed, I would consult with the DOD General Counsel regarding this issue.

Question. The President has announced his intention to close the detention facility for enemy combatants at Guantanamo Bay, Cuba.

What role, if any, would you expect to play, if confirmed, in reviewing the status of Guantanamo detainees and determining whether the United States should continue to hold such detainees?

Answer. If confirmed as PDUSD(P) and if asked, I would provide policy advice to the USD(P) and the Secretary of Defense regarding the closure of Guantanamo Bay and the disposition of the remaining detainee population.

Question. The Military Commissions Act of 2006 authorized the trial of "unlawful enemy combatants" by military commission and established the procedures for such trials.

What role, if any, would you expect to play, if confirmed, in determining whether Guantanamo detainees should be tried for war crimes, and if so, in what forum?

Answer. If confirmed, I understand that I would play no role in determining which specific detainees should be tried for war crimes. Should there be a review of options for war crimes trials, I would expect to play a role in advising the USD(P) and the Secretary of Defense on policy matters.

Question. What role, if any, would you expect to play, if confirmed, in reviewing the Military Commissions Act and developing administration recommendations for any changes that may be needed to that Act?

Answer. If confirmed, I would expect to play a role in advising the USD(P) and the Secretary of Defense on policy options.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. I believe the main lessons learned from the changes to detention operations in Iraq reflect the insight that during counterinsurgency and stability operations, the strategic center of gravity is the health and welfare of the population, and not necessarily the strength or disposition of insurgent groups. Protecting the population—including those incarcerated by U.S. or host nation forces—and being seen to treat the people with respect and honor, is perhaps the most effective force multiplier that can be generated during these complex operations. If confirmed as PDUSD(P), I would be interested in working to ensure these counterinsurgency based programs can be tailored and applied more broadly to our detention operations in Afghanistan and elsewhere.

Question. What should be done to incorporate those lessons learned into DOD doctrine, procedures, and training for personnel involved in detention and interrogation operations?

Answer. Like many of the hard won lessons gleaned from our ongoing experiences in Iraq and Afghanistan, I think civilian leaders have a vital role to play in ensuring that valuable innovations concerning detention and interrogation operations should be institutionalized in order to prevent a recurrence of future mistakes and oversights. If confirmed as PDUSD(P), I would work to ensure that these efforts continue in DOD schoolhouses, manuals, publications, and training, and that these lessons are applied in all of our detention operations.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Principal Deputy Under Secretary of Defense for Policy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[The nomination reference of Dr. James N. Miller, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 10, 2009.

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

James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy, vice Christopher Ryan Henry.

[The biographical sketch of Dr. James N. Miller, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. JAMES N. MILLER, JR.

Dr. James N. Miller, Jr. is Senior Vice President and Director of Studies at the Center for a New American Security, where he has served since February 2007. Previous positions include serving as Senior Vice President (2003–2007) and Vice President (2000–2003) at Hicks and Associates, Inc.; Deputy Assistant Secretary of Defense for Requirements, Plans, and Counterproliferation Policy (1997–2000); assistant professor at Duke University (1992–1997); and senior professional staff member for the House Armed Services Committee (1988–1992). He is a member of the International Institute for Strategic Studies and the Combating WMD Panel of DOD's Threat Reduction Advisory Committee. He has served as an advisor to the Defense Science Board, as senior associate at the Center for Strategic and International Studies, and as senior associate member at St. Antony's College, Oxford. In 2000 he received the Department of Defense Medal for Outstanding Public Service. Dr. Miller received a B.A. degree with honors in economics from Stanford University, and Master's and Ph.D. degrees in public policy from the John F. Kennedy School of Government at Harvard University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. James N. Miller, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James Northey Miller, Jr. (Nicknames: Jim, Jimmy).

2. **Position to which nominated:**
Principal Deputy Under Secretary of Defense for Policy.

3. **Date of nomination:**
March 10, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

August 15, 1959; Waterloo, IA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to former Adele Marie Balk.

7. **Names and ages of children:**
Allison Northey Miller; 18.
Zoe Adele Miller; 16.
Colin James Miller; 14.
Lucas Eugene Miller; 12.
Adrienne Sara Miller; 8.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard University, 1985–1988. Ph.D. in Public Policy, March 1989.
Harvard University, 1983–1985. Masters in Public Policy, June 1985.
Stanford University, 1981–1983. (graduate study in Statistics. No degree).
Stanford University, 1977–1981. B.A. with honors in Economics, June 1981.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Senior Vice President and Director of Studies, Center for a New American Security, 1301 Pennsylvania Ave., NW, Suite #403, Washington, DC; February 2007–present.
President, Adaptive Strategies, LLC, 3701 N. Harrison St., Arlington, VA; August 2006–present. (Sole-person company used for consulting).
President, The Miller Agency, Inc., 2615 W. 4th St, Waterloo, IA; July 2006–present. (Assumed unpaid position upon death of father. The company is pending dissolution.)
Consulting Employee, SAIC, 1710 SAIC Drive, McLean, VA; February 2007–November 2008.
Senior Associate, CSIS, 1800 K St., NW, Washington, DC; October 2006–February 2007.
Senior Vice President, Hicks and Associates, Inc., 1710 SAIC Drive, McLean, VA; October 2000–February 2007. (Started in 2000 as Vice President).
Deputy Assistant Secretary of Defense for Requirements, Plans, and Counterproliferation, Department of Defense, September 1997–October 2000.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Member, Defense Science Board Summer Study Task Force on Challenges to Military Operations in Support of National Interests (uncompensated), 2007.
Member, Threat Reduction Advisory Council Panel on Combating Weapons of Mass Destruction (uncompensated), 2006–present.
Consultant to Assistant Secretary of Defense for Strategy and Requirements, Defense Department, June–September 1997.
Consultant to Deputy to the Under Secretary of Defense for Policy, Defense Department, April 1994–April 1995.
Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, June–September 1984 (summer employment).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Senior Vice President and Director of Studies, Center for a New American Security, 1301 Pennsylvania Ave., NW, Suite #403, Washington, DC.
President, Adaptive Strategies, LLC, 3701 N. Harrison St., Arlington, VA. (Sole-person company used for consulting).
President, The Miller Agency, Inc., 2615 W. 4th St, Waterloo, IA. (Assumed unpaid position upon death of father. The company is pending dissolution.)
The following all as part of consulting done under Adaptive Strategies, LLC:

Consultant, Systems Planning & Analysis, Inc., 2001 N. Beauregard St, Alexandria, VA.
Consultant, National Institute for Public Policy, 9302 Lee Highway, Suite 750, Fairfax, VA.
Consultant, Northrop Grumman Corp., 1000 Wilson Blvd. Suite 2300, Rosslyn, VA.
Consultant, Booz Allen Hamilton, 8283 Greensboro Drive, McLean, VA.
Consultant, CSIS, 1800 K St., NW, Washington, DC.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, International Institute for Strategic Studies.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Barack Obama Presidential Campaign: $100 (Nov. 7, 2008).

Barack Obama Presidential Campaign: $1,000 (Oct. 2, 2008).

Hillary Clinton Presidential Campaign: $1,500 (Sept. 26, 2007).

Committee for Senator Jack Reed: $1,000 (June 29, 2006).

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Member, International Institute for Strategic Studies (2007–present).

Department of Defense Medal for Outstanding Public Service (2000).

Atlantic Fellow in Public Policy (1995–1996).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Iran: Assessing U.S. Strategic Options, with Christine Parthemore and Kurt M. Campbell (Washington, DC: Center for a New American Security, June 2008).

"Enhancing Synergies and Gaining Efficiencies: Integrating the 'INTs' to Transform Operations and Mission Management," Building Strategic Concepts for the Intelligence Enterprise-Conference Report (Washington, DC: Office of the Director of National Intelligence/Policy, Plans, and Requirements, January 2008).

"U.S. Strategic Capabilities for Preventing War: The Way Forward," with Robert Barker (Washington, DC: Los Alamos/Livermore Laboratories Conference on Strategic Weapons in the 21st Century, January 2008).

"Iraq: Response to Max Boot," with Shawn W. Brimley, Commentary (December 2007): 3.

Phased Transition: A Responsible Way Forward and Out of Iraq, with Shawn W. Brimley (Washington, DC: Center for a New American Security, June 2007).

"No More Iraqs," American Security Project, December 6, 2007.

"On the Road to Ruin," Defense News op-ed, with TX Hammes, May 7, 2007.

"Reducing Homeland Security Risks with a Balanced R&D Portfolio: Analytical Tasks & Supporting Methods," Hicks & Associates, Inc. report to Department of Homeland Security, January 2006.

"DART Review of Joint Operating Concepts and Joint Functional Concepts," Defense Adaptive Red Team Report, October 2003.

"Operational Net Assessment: What are the Real Challenges?" Defense Adaptive Red Team Report, March 2003.

"Challenges in Conducting Rapid Decisive Operations," Defense Adaptive Red Team Report, February 2002.

"Red Teaming in Joint Forces Command's Unified Vision 01 Experiment: A Defense Adaptive Red Team (DART) View," Defense Adaptive Red Team Report, August 2001.

"Talking Trash: Analytic Aids for Understanding and Improving Judgments in Landfill Siting Processes," Journal of Policy Analysis and Management, fall 1998, with Marie Lynn Miranda and Timothy L. Jacobs.

"Seeking Truth for Power: Integrating Policy and Political Analysis," Working Paper 95–1, Terry Sanford Institute of Public Policy, May 1995, with Frederick W. Mayer.

Approaching Zero: An Evaluation of Radical Reductions in Superpower Nuclear Arsenals, Ph.D. dissertation, Harvard University, March 1989.

"Zero and Minimal NuclearWeapons," Chapter 1 in Fateful Visions: Beyond Nuclear Deterrence, edited by Graham Allison, Albert Carnesale, and Joseph Nye, Jr., Ballinger Press, 1988.

"How Study Design Affects Outcomes in Comparisons of therapy. I. Medical," Statistics in Medicine, Vol. 8, 1989, with Graham Colditz and Frederick Mosteller.

"How Study Design Affects Outcomes in Comparisons of Therapy. II. Surgical," Statistics in Medicine, Vol. 8, 1989, with Colditz and Mosteller.

"Measuring Gain in the Evaluation of Medical Technology: The Probability of a Better Outcome," International Journal of Technology Assessment in Health Care, Vol. 4, No. 4, 1988, with Colditz and Mosteller.

"The Effect of Study Design on Gain in Evaluations of New Treatments in Medicine and Surgery," Drug Information Journal, Vol. 22, 1988, with Colditz and Mosteller.

"From Babbling to Speech: A Reassessment of the Continuity Issue," Language, Vol. 61, No. 2, 1985 (numerous coauthors).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

"Game Changing Diplomacy with Iran," Panel discussion at June 11, 2008 CNAS conference [briefing].

"WMD Non-Use: Have We Been Effective, Lucky, or Overly Concerned?" Presentation to NDU WMD Center Symposium, May 7, 2008 [briefing].

"U.S. Nuclear Weapons in the 21st Century: Aiming for the Midterm," supporting presentation to Nuclear Weapons in 21st Century U.S. National Security Report by a Joint Working Group of AAAS, the American Physical Society, and the Center for Strategic and International Studies, April 2008 [briefing].

"The U.S. Military Index: Overview of Findings," Summary of findings from a poll conducted for Foreign Policy magazine, February 19, 2008 [briefing].

"U.S. Strategic Capabilities for Preventing War: The Way Forward," talk to Livermore & Los Alamos National Laboratories Conference on Strategic Weapons in the 21st Century, January 31, 2008 [briefing].

"Interview on Iraq," Mother Jones, October 18, 2007.

"Phased Transition," Presentation to American Enterprise Institute, September 6, 2007 [transcript].

"Assessing the Surge in Iraq," Presentation to American Enterprise Institute, July 9, 2007 [transcript].

"Phased Transition: A Responsible Way Forward and Out of Iraq," presentation to CNAS Conference, June 7, 2007 [briefing].

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMES N. MILLER, JR.

This 12th day of March, 2009.

[The nomination of Dr. James N. Miller, Jr., was reported to the Senate by Chairman Levin on April 1, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 3, 2009.]

[Prepared questions submitted to Ambassador Alexander R. Vershbow by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readi-

ness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. There is now a generation of military leaders who are experienced with operating in a coordinated and joint, multi-service environment. At this time, I do not see the need to change the provisions of this legislation.

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my previous answer.

RELATIONSHIPS

Question. What do you see as the relationship between the Assistant Secretary of Defense for International Security Affairs (ASD(ISA) and each of the following?

The Secretary of Defense.

Answer. Under the direction of the Under Secretary of Defense for Policy (USD(P)), the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)) advises the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the nations and international organizations of Europe (including the North Atlantic Treaty Organization), the Middle East, and Africa.

Question. The Deputy Secretary of Defense.

Answer. Under the direction of the USD(P), the ASD(ISA) advises the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the nations and international organizations of Europe (including the North Atlantic Treaty Organization), the Middle East, and Africa.

Question. The Under Secretary of Defense for Policy.

Answer. The ASD(ISA) provides similar support to the USD(P) as described above.

Question. The Under Secretary of Defense for Intelligence.

Answer. At the direction of the USD(P), the ASD(ISA) works closely with the Under Secretary of Defense for Intelligence and Deputy to achieve the Secretary's objectives and ensure that policy formulation and execution are well informed and supported by intelligence. The ASD(ISA) also provides policy input, as appropriate, to intelligence activities handled by the Under Secretary of Defense for Intelligence that relate to the nations and international organizations of Europe, the Middle East, and Africa.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff.

Answer. As the principal military advisor to the Secretary of Defense, the President and the National Security Council, the Chairman has a unique and critical military role. At the direction of the Under Secretary or Principal Deputy Under Secretary of Defense for Policy, the ASD(ISA) works with the Chairman and Vice Chairman to provide support on matters that affect strategy and policy for Europe, the Middle East, and Africa, working to ensure that military advice is taken into account in an appropriate manner.

Question. The Secretaries of the Military Departments.

Answer. The ASD(ISA) works with the Secretaries of the Military Departments on a broad range of issues related to international security strategy and policy.

Question. The Chiefs of Staff of the Services.

Answer. The ASD(ISA) works with the Chiefs of Staff of the Services on a broad range of issues related to international security strategy and policy.

Question. The combatant commanders, in particular the commanders of U.S. Central Command, U.S. Africa Command, U.S. European Command, and Supreme Allied Commander Transformation/Commander, U.S. Joint Forces Command.

Answer. The ASD(ISA) works closely with the commanders of U.S. Central Command, U.S. Africa Command, U.S. European Command, and Supreme Allied Commander Transformation/Commander, U.S. Joint Forces Command to support the efforts of the USD(P), Secretary and Deputy Secretary, particularly in the areas of strategy and policy, contingency planning, and policy oversight of operations.

Question. The Commanding General, Multi-National Force, Iraq.

Answer. In coordination with the Chairman of the Joint Chiefs of Staff, the ASD(ISA) works closely with the Commanding General, Multi-National Force, Iraq

to provide policy oversight of strategy, plans, and operations in Iraq in support of the USD(P), the Secretary of Defense, and the President of the United States.

Question. The Commander, International Security Assistance Force (ISAF) and Commander, U.S. Forces, Afghanistan.

Answer. In coordination with the Chairman of the Joint Chiefs of Staff, the ASD(ISA) works closely with the Commander, ISAF and Commander, U.S. Forces, Afghanistan to provide policy oversight of strategy, plans, and operations in Afghanistan in support of the USD(P), the Secretary of Defense, and the President of the United States.

Question. The Principal Deputy Under Secretary of Defense for Policy.

Answer. The ASD(ISA) is the principal advisor to the Principal Deputy Under Secretary of Defense for Policy on international security strategy and policy relating to the countries and international organizations of Europe, the Middle East, and Africa.

Question. The Assistant Secretary of Defense for Asian and Pacific Security Affairs.

Answer. The ASD(ISA) works with the Assistant Secretary of Defense for Asian and Pacific Security Affairs to provide sound policy advice to the Under Secretary and the Secretary on cross-cutting international security strategy and policy issues, such as the NATO ISAF mission in Afghanistan.

Question. The Assistant Secretary of Defense for Global Strategic Affairs.

Answer. The ASD(ISA) works with the Assistant Secretary of Defense for Global Strategic Affairs to provide sound policy advice to the Under Secretary and the Secretary on cross-cutting international security strategy and policy issues, such as arms control policy and countering the proliferation of weapons of mass destruction.

Question. The Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict and Interdependent Capabilities.

Answer. The ASD(ISA) works with the Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict and Interdependent Capabilities to provide sound policy advice to the Under Secretary and the Secretary on cross-cutting international security strategy and policy issues, such as countering violent extremism, stability operations, and oversight of security cooperation programs.

Question. The Director of the Defense Security Cooperation Agency.

Answer. The ASD(ISA) works with the Director of the Defense Security Cooperation Agency on implementation of security cooperation activities, such as Foreign Military Sales, with countries in Europe, the Middle East, and Africa to ensure that these activities support national security policy objectives and strategies.

Question. The proposed Deputy Under Secretary for Policy Integration and Chief of Staff.

Answer. Although I have not had the opportunity to review the responsibilities of the proposed Deputy Under Secretary for Policy Integration and Chief of Staff, the ASD(ISA) would work with this organization on cross-cutting policy issues to support the objectives of the Secretary of Defense and the USD(P).

Question. The proposed Deputy Under Secretary for Policy for Strategy, Plans, and Forces.

Answer. Although I have not had the opportunity to review the responsibilities of the proposed Deputy Under Secretary for Policy for Strategy, Plans, and Forces, the ASD(ISA) would work with this organization on cross-cutting policy issues to support the objectives of the Secretary of Defense and the USD(P).

DUTIES

Question. Department of Defense Directive 5111.07 (11/7/2008) delineates the functions and duties of the ASD(ISA). Under this directive, the ASD(ISA) is the principal advisor to the USD(P) and the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the nations and international organizations of Europe (including NATO and Russia), the Middle East, and Africa, their governments and defense establishments; and for oversight of security cooperation programs.

What is your understanding of the duties and functions of the ASD(ISA)?

Answer. The ASD(ISA) primary responsibility is to advise and support the USD(P) and the Secretary of Defense on defense policy and strategy for Europe, the Middle East, and Africa.

Question. Under the proposed reorganization of the OUSD(P), what specific changes do you anticipate and please discuss what you believe to be impact these changes to your functions and duties?

Answer. I look forward to speaking with the Secretary and the USD(P) further about how I could best support their efforts beyond those set forth in section 134(b) of title 10.

Question. How would the proposed creation of an Assistant Secretary of Defense for Global Strategic Affairs impact the functions and duties of the ASD(ISA), particularly with regard to Russia?

Answer. The ASD(ISA) will have to coordinate closely with the Assistant Secretary of Defense for Global Strategic Affairs to balance the regional and functional perspective in the development of international security strategy and policy, including the U.S. approach to nuclear arms reductions negotiations with Russia, and in providing advice to the USD(P) and the Secretary of Defense.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I believe that my 32 years of experience in the Foreign Service dealing with national security issues provide me with the necessary background to handle the responsibilities of the ASD(ISA). Throughout my State Department career, I worked closely with the DOD in shaping and implementing U.S. policy toward the former Soviet Union and NATO, in contributing to U.S. efforts on nonproliferation and counterterrorism, and in managing a wide range of international conflicts and crises. Over the years, I have come to appreciate the importance of close civil-military coordination to the achievement of U.S. objectives—something that is especially important in meeting the new threats and challenges of the 21st century.

STRATEGY AND CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase military and civilian attention on the formulation of strategy and contingency planning.

What is your view of the civilian role, as compared to the military role, in the formulation of strategy and contingency planning?

Answer. I believe that civilian leadership is critical in the formulation of strategy and planning. Civilian defense leadership is particularly vital in translating broad national security policies and principles into the strategic goals that ultimately drive military planning. The Joint Staff is a critical partner in the development of guidance for contingency planning and provides independent military advice to the Secretary of Defense and the President. In addition to the provision of written guidance, an important civilian role is to review contingency plans submitted for approval by the combatant commanders.

Question. In your opinion, does the civilian leadership currently have an appropriate level of oversight of strategy and contingency planning?

Answer. As the Under Secretary of Defense for Policy, Michèle Flournoy, has said, the United States is at a critical time in history—with multiple wars, enduring threats, and imminent challenges. Strong civilian and military partnership on the range of national security issues facing our Nation is vital. If confirmed, I will examine this issue closely and seek to ensure that civilian leadership has the appropriate level of oversight on the full range of strategy, planning, and use-of-force issues, while respecting the importance of receiving independent military advice from the Joint Staff and the combatant commanders.

Question. What steps do you believe are necessary to ensure effective civilian control and oversight of strategy and contingency planning?

Answer. I support the USD(P)'s view that the strategy and planning capacity in the Office of the Secretary of Defense should be strengthened. If confirmed, I would strive to provide the best advice possible to the Under Secretary of Defense in the provision of written policy guidance and in the review of contingency plans for Europe, the Middle East, and Africa.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the ASD(ISA)?

Answer. If confirmed, my office will likely play an important role within the Department and the interagency process in developing policy for a number of key issues, including among others: responsibly ending the war in Iraq; ensuring that NATO develops and employs a more effective strategy in Afghanistan and the surrounding region; working to prevent WMD proliferation; combating terrorism; strengthening security and stability across the Middle East; strengthening America's alliances with key partners and allies; and shaping a more constructive relationship with Russia while supporting the sovereignty and independence of Russia's neighbors. Beyond ensuring that the Secretary of Defense receives the best possible

policy input on these vital questions, another major challenge will be to strengthen the organizational capacity to support these efforts.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would engage closely with my counterparts at the Department of State and NSC to develop comprehensive and coordinated strategies that bring to bear all elements of national power to advance U.S. interests.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the ASD(ISA)?

Answer. If confirmed, I would give priority to the major challenges identified by the President, the Secretary of Defense, and the USD(P) and to strengthening the organizational capacity of ISA to address them. I would also give priority to ensuring effective working relationships with both military and civilian counterparts through the Department and the interagency.

IRAQ

Question. The President has announced his plans for the drawdown of U.S. forces in Iraq and their transition to an overwatch mission, to be completed by the end of August 2010. The U.S.-Iraqi agreement on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq (the "security agreement") requires that U.S. combat forces withdraw from cities and towns by June 2009 and that all U.S. forces withdraw from Iraq by the end of December 2011. Additionally, if Iraqi voters reject the security agreement in a referendum scheduled for July 2009, U.S. troops would be required to withdraw by July 2010.

What in your view are the greatest challenges facing DOD in meeting these deadlines and what actions, if any, would you recommend to maximize the chances of meeting these requirements?

Answer. The challenge in Iraq will be to continue the phased redeployment of U.S. forces while maintaining a secure environment to support elections, political reconciliation, and economic development. If confirmed, I would review DOD plans and work with colleagues across the Department and in other agencies to make any necessary recommendations to the Secretary of Defense.

Question. What is your understanding and assessment of U.S. plans to support implementation of the President's drawdown plans and the SOFA requirements for repositioning and redeployment of U.S. forces, including contingency planning relating to the Iraqi referendum?

Answer. The President's drawdown strategy reflects a careful consideration of events on the ground and respect for the bilateral agreements between the United States and Iraq. If confirmed, I look forward to implementing this strategy and working with the Joint Staff and our commanders to ensure we continue to meet our obligations under the security agreement and plan for contingencies, while we continue to support the Iraqi Government and help its security forces develop into a professional, non-sectarian force.

IRAQ LESSONS LEARNED

Question. What do you believe to be the major lessons learned from the Iraq invasion and the ongoing effort to stabilize the country?

Answer. One of many critical lessons learned from the Iraq invasion and the ongoing stability operations, is that better and more integrated civilian-military planning is required before any military endeavor. It is essential for policymakers to recognize that wars in the 21st century require preparation and competence along the entire spectrum of conflict—not just military, but often times political, ethnic, and social. The military cannot be prepared only for high-intensity combat. The government, as a whole, must be prepared to plan and execute an effort to win the peace. We have also learned that the appropriate force strength must be deployed to accomplish our objectives as well as account for a broad array of contingencies and the changing reality of the battlespace. Furthermore, our forces must plan and train with their civilian counterparts and be prepared to operate effectively in all phases of conflict, as well as post-conflict environments. The Iraq war also teaches us that the right training and doctrine must also be in place prior to any incursion.

NATO

Question. What are the greatest challenges and opportunities that you foresee for NATO over the next 5 years?

Answer. The United States continues to have an enormous stake in a strong, capable, and mutually supportive NATO alliance. Both the President and the Secretary of Defense have stressed their strong desire to adapt and modernize transatlantic security relationships to meet 21st century security challenges. Over the next 5 years, the primary NATO-related challenges include, first and foremost, achieving durable progress on Afghanistan; developing a common approach toward managing relations with Russia, drafting a new Strategic Concept to define emerging threats and required capabilities, and improving the prospects for unity-of-action between NATO and the European Union.

Question. Do you envision further enlargement of NATO, beyond Albania and Croatia, within the next 5 years? What criteria should the United States apply in evaluating candidates for future NATO enlargement?

Answer. The President has stated that NATO enlargement should continue so long as new candidates are democratic, peaceful, and willing to contribute to common security. NATO's door remains open to all European democracies that share our values and who can contribute to our common security. Precisely which countries and within what applicable timeframe NATO would undertake further enlargement are important questions which the administration will need to address in close consultation with Congress and our allies. It is important that each NATO aspirant be judged on its individual merits and progress in implementing political, economic, and military reforms. No country outside NATO can exercise a veto over other countries' NATO aspirations.

Question. What more can the United States do to encourage NATO members to develop the capabilities and provide the resources necessary to carry out NATO missions in Afghanistan and elsewhere?

Answer. We will continue to look to our allies to shoulder a significant share of the military burden in Afghanistan, Kosovo, and other theaters, and to allocate sufficient resources to the modernization of their defense capabilities. At the same time, the President and Secretary Gates have both stressed the need for the United States and NATO to invest more in non-military instruments of national power. Many of our NATO allies have unique civilian governance capabilities that can enhance the overall effort in Afghanistan; the European Union (EU) has developed a capability to provide police and police training to help in stabilizing post-conflict situations. Forging a shared strategic view of the emerging threat environment and updating NATO's Strategic Concept from both a military and civilian governance perspective will be critical to success in Afghanistan and future operations.

Question. What are your views on the potential for the NATO-Russia Council to serve as a useful forum for improving security relations between NATO and Russia?

Answer. The NATO-Russia Council has the potential to be a useful forum for developing security cooperation between NATO and Russia in areas of common interest, such as Afghanistan, nonproliferation, counterpiracy, counterterrorism, and possibly missile defense. The NRC also can serve as a venue for dialogue with Russia on European security issues, including areas where we disagree, such as Georgia.

Question. What is your assessment of the impact of France rejoining the integrated military structure within NATO?

Answer. President Obama has already underscored to French President Sarkozy his strong support for France's full participation in NATO's integrated military structure. As Vice President Biden stated in his speech to the Munich Security Conference in early February, "France is a founding member of NATO and a major contributor to its operations. We would expect France's new responsibilities to reflect the significance of its contributions throughout NATO's history, and to strengthen the European role within the alliance."

Deeper than this, full French participation in NATO's forces planning processes will result in French military capabilities being formally and openly designated for alliance use. The alliance will also benefit from having well trained French officers in the integrated military structure and from having full French participation in NATO common budgets. We believe that France will play an important role in the alliance's development of a new Strategic Concept.

NATO—EU RELATIONS

Question. A potential challenge facing the United States and NATO in the months and years ahead is the EU implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where "NATO as a whole is not engaged." At the

same time, NATO and EU are working alongside each other in addressing a number of common security challenges, including police training in Afghanistan and crisis management in Kosovo.

In your view, what should be NATO's position with regard to European efforts to strengthen the ESDP and build military capacity within the EU?

Answer. NATO and the EU have agreed to ensure that their capability development efforts are "mutually reinforcing." In defense and security-related realms, I would consider NATO to be the preferred vehicle for cooperation between our European allies and the United States in responding to shared security challenges. At the same time, NATO has rightly reaffirmed the value of a stronger, more capable ESDP in dealing with crises in which NATO as a whole is not engaged, and has agreed to provide planning and material support in such cases, based on our shared security interests. I believe we have already seen the benefits of this approach in Bosnia, where the EU has assumed greater responsibility as NATO redeployed its forces elsewhere.

Question. What steps do you believe the United States and NATO should take to ensure that ESDP is implemented in a way that strengthens the alliance?

Answer. Over the past several years, ESDP-related activities have grown in number and diversity, to include the EU's current anti-piracy operations off the coast of Somalia. Given these trends, high priority must be given to promoting policy-level consultation and coordination, good communications, and a common operating picture between NATO, its allies, and partners.

Question. What is your view of the future of NATO-EU relations in areas relating to security, defense, and crisis management? Should NATO do more to institutionalize cooperation between the two organizations?

Answer. Both NATO and the EU have important roles to play in meeting future security, defense, and crisis management challenges. As noted above, from an alliance perspective, it is important for DOD and U.S. interagency partners to take a clear-eyed view of the entire range of current EU activities—from civilian policing, to military, border control, or other missions—to identify both areas of duplication and where closer NATO–EU coordination is required. NATO should fully use the valuable existing NATO–EU cooperation mechanisms, and consider additional mechanisms where they could help strengthen cooperation.

ENGAGEMENT POLICY

Question. One of the central pillars of our national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian demining operations, and similar activities were used to achieve this goal. However, the demands of supporting wars in Iraq and Afghanistan have drained resources needed by combatant commands to sustain military engagement activities.

Do you believe that military engagement activities contribute to U.S. national security? If so, what do you consider to be the main benefits of these activities?

Answer. Yes. I believe military-to-military contacts contribute to U.S. national security in a variety of important ways and, as such, I support continued military-to-military engagement. Such activities can build capacity among partner nations to participate in coalition operations to counter terrorism and other transnational threats, potentially relieving stress on U.S. forces. They can help harmonize nations' views of common security challenges. Military-to-military activities can also help sustain investments made by other U.S. assistance programs. Finally, when performed effectively, military-to-military activities should show by example how military forces can act effectively while respecting human rights and civilian control.

Question. If confirmed, would you advocate for continuing or expanding U.S. military-to-military engagement? If not, why not? If so, what would you recommend to address the combatant commanders' need for additional resources dedicated to these activities?

Answer. If confirmed, I will support continued U.S. military-to-military engagement. I believe the current and emerging security environment will require robust engagement with the militaries of our partners and allies around the world, and building productive relationships with many states in which our past military-to-military engagements have been limited or absent entirely. I have not had an opportunity to investigate the specific resource needs of combatant commanders. If confirmed, I will look into the resource needs associated with combatant commander military-to-military engagements.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207).

What should be our strategic objectives in building the capacities of partner nations?

Answer. One of the greatest threats to international security is the violence that is sparked when human security needs are not met by governments. This creates space for terrorists, insurgents, and other spoilers to operate and, as the September 11 attacks demonstrated, to threaten the United States and its allies. The goal, therefore, is to close this space through efforts that strengthen bilateral relationships; increase U.S. access and influence; promote militaries that respect human rights, civilian control of the military and the rule of law; and build capacity for common security objectives. In addition to promoting regional and global security, enhanced partner capacity reduces the risk of future military interventions and reduces stress on U.S. Armed Forces.

Question. Do these objectives differ by region, e.g. do our objectives within the EUCOM area of responsibility (AOR) differ from those in the AFRICOM AOR?

Answer. I am not in a position to render a definitive judgment on this important question. I will, if confirmed, study the matter and, if changes are needed, provide views to Secretary Gates and the members of this committee. My understanding is that the basic objective of the 1206 program is to build partner capacity to work with the United States or independently to address the threat of terrorism. My understanding is that 1207 allows DOD to transfer funding to the State Department with the goal of assisting State's reconstruction, security, or stabilization efforts. The overall objectives of these programs are the same around the globe. U.S. interests vary in different regions so I would expect that 1206 and 1207 activities would vary accordingly, though the core objectives are the same.

Question. What is your understanding of the purpose of the section 1206 global train and equip authority?

Answer. My understanding is that section 1206 is intended to provide a quicker, more targeted ability to build partner capacity than the more traditional routes of security assistance, and is focused on building capacity to achieve security objectives. Under law, it has two discrete purposes: to build a partner's national military or maritime security forces' capacity either to: (1) conduct counterterrorism operations; or (2) conduct or support stability operations where U.S. forces are participating. I have not been involved in 1206 implementation, but I understand that the program has enthusiastic support from embassies and COCOMs and reflects a close collaboration between State and DOD, which work together in a "dual key" process to approve funding allocations. If confirmed, I will assist the Secretary in fully assessing how well this authority is working and whether it meets congressional intent.

Question. What is your assessment of the implementation of the global train and equip program?

Answer. See my previous answer.

Question. What is the relationship of the global train and equip authority to other security assistance authorities, such as counternarcotics assistance and foreign military financing?

Answer. The Departments of State and Defense need to work together very closely to avoid duplication of effort among these important activities. The global train and equip authority fills two specific legal requirements: to build capacity for counterterrorism and for stability operations where U.S. forces are a participant. Foreign Military Financing serves a broader set of diplomatic and foreign policy objectives such as improving bilateral relations, encouraging behavior in the U.S. interest, increasing access and influence, and building capacity particularly where host-nation and U.S. interests align.

Counternarcotics authorities are focused on providing DOD the ability to support U.S. or other Government efforts to counter the flow of narcotics globally. If confirmed, I will support any interagency assessment of potential overlaps and work to ensure that DOD programs are focused on supporting U.S. and other agency efforts to counter the flow of narcotics.

Question. What should be done to ensure that the global train and equip authority does not duplicate the efforts of these other assistance programs?

Answer. See my previous answer.

Question. What is your understanding of the purpose of the security and stabilization assistance authority (section 1207)?

Answer. Section 1207 was, as I understand it, originally designed to help the State Department's Coordinator for Reconstruction and Stabilization to become operational. It facilitates security, stabilization, and reconstruction missions—bringing civilian expertise to bear alongside or in lieu of U.S. military forces. I have not been involved in 1207 implementation, but I understand that the program has been useful in facilitating a "3D" (Development, Defense, Diplomacy) approach to security, stabilization, and reconstruction challenges. If confirmed, I will monitor this effort closely.

Question. What is your assessment of how this authority has been utilized?

Answer. See my previous answer.

Question. Secretary Gates has called for an expansion of the Government's resources devoted to instruments of nonmilitary "soft power"—civilian expertise in reconstruction, development, and governance.

Do you believe that there is a need to expand the Government's resources devoted to the ability of civilian departments and agencies to engage, assist, and communicate with partner nations?

Answer. Yes. The President and Secretary Gates have both made clear their strong desire to see more robust non-military instruments of national power. Congress has the authority to expand significantly the Government's "soft-power" resources and U.S. civilian agency capacity. If confirmed, I will certainly make it my priority to assist in this effort.

Question. In your view, what should be the role of DOD, vis-a-vis other civilian departments and agencies of the Government, in the exercise of instruments of soft power?

Answer. Generally, the Department's role should be to support, not lead, in the exercise of "soft power." But DOD plays a vital role in helping to promote—through the full gamut of planning effort, exchanges, exercises, operations, and bilateral defense relationships—the conditions that enable these instruments to be applied with maximum beneficial effect.

Question. What is your view of the criticism that these security assistance programs have contributed to a "militarization" of U.S. foreign policy?

Answer. In general, I believe that our national security challenges require that the President have a broad set of options. I have not had experience with the 1206 and 1207 programs. However, I understand that all 1206 activities are approved by both the Secretaries of Defense and State. Further, I understand that 1207 is intended to ensure that State can better carry out its reconstruction, stabilization, and security responsibilities. It may be that the critics do not appreciate how deeply State is involved in the approval and authorization of these activities. If confirmed, I will work with Congress to ensure that 1206 and 1207 activities are framed and implemented appropriately, and based on thorough State-Defense coordination.

Question. Do you believe that there is an independent value to Section 1206 and 1207 funded activities or do you believe these authorities and associated funding should be switched to the Department of State?

Answer. I do not believe that 1206 and 1207 authorities and funding should be switched to the Department of State. Although I am not intimately familiar with these activities, I understand that the combatant commanders find them extremely valuable. If confirmed, I will be able to develop a more informed opinion on this issue.

RUSSIA

Question. What role will you play, if confirmed, in establishing policy with respect to the U.S.-Russia national security relationship?

Answer. If confirmed, I will work with other members of the administration to advance the President's goal of building a more constructive relationship with Russia, while managing differences in areas where U.S. and Russian interests may diverge. This will involve exploring renewed cooperation in a wide range of priority areas, strategic arms control, nonproliferation, Afghanistan, and improved cooperation on Iran.

Question. What do you believe are appropriate objectives for U.S.-Russian security relations, and what do you believe are the areas of common interest between the United States and Russia in the security sphere?

Answer. As the President has stressed, it is in no one's interest to see our relations return to a Cold War posture. Our interests clearly overlap in areas such as strategic arms control, nonproliferation, counterterrorism, Afghanistan, and counternarcotics. Ultimately, I believe we should work to create the conditions that make clear that stable, democratic neighbors on Russia's borders are in Russia's own interest.

Question. In your view what steps should DOD take to improve security relations with Russia? For instance would you support increased military-to-military relations and exchanges with Russia?

Answer. If confirmed, I will make it a priority to assess areas where greater military-to-military and other exchanges with Russia might be beneficial. It is certainly important for U.S. security interests that we work to keep our lines of communication open and to cooperate to address key global challenges.

Question. Would you support any joint development or other cooperative programs with Russia, including cooperation on, or joint development of, missile defense capabilities in relation to Iran?

Answer. If confirmed, I will explore the potential for additional cooperation with Russia in relations to Iran. I believe it is in our interest to continue to explore a potential joint missile defense architecture with Russia to counter the emerging ballistic missile threat from Iran.

IRAN

Question. Do you believe it would be in the interest of the United States to engage Iran in a direct dialogue to promote regional stability and security?

Answer. I support the President's view that the United States should be willing to engage with all nations, friend or foe, and with careful preparation, to pursue direct diplomacy. Furthermore, I fully support the President's view that we should not take any options off the table and that engagement is the place to start our efforts to prevent Iran from acquiring nuclear weapons and end its support for destabilizing activities and terrorism in the region.

Question. Do you believe it would be in the interest of the United States to engage Iran in a direct dialogue regarding the narcotics problems in Afghanistan?

Answer. This issue is being examined as part of a broader interagency policy reviews on Iran and Afghanistan.

Question. What more do you believe the United States and the international community could be doing to dissuade Iran from pursuing a nuclear weapons program? Specifically, what actions do you believe that DOD ought to undertake to support diplomatic efforts to dissuade Iran from pursuing a nuclear weapon?

Answer. I support the President's view that it is very important for us to make sure that we are using all the tools of U.S. power, including diplomacy, in our relationship with Iran. I fully support the President's view that we should be willing to talk to Iran, to express very clearly where our differences are, but also where there are potential avenues for progress. Furthermore, by working with our international partners and allies, and by creating more favorable conditions in the surrounding region, we can increase the chances of making useful inroads with Iran. DOD should therefore continue developing ongoing bilateral and multilateral cooperation with the Gulf Cooperation Council countries and other allies in the region, in support of the State Department's diplomatic initiatives.

AFRICAN REGIONAL SECURITY CONCERNS

Question. What do you see as the greatest threat to U.S. national security interests in Africa?

Answer. There are many national security challenges to U.S. interests in Africa. There is, however, a growing concern over the compounding effects that transnational threats—such as the proliferation of small arms, the trafficking in illicit goods and persons, pandemic diseases, violent extremism, environmental degradation, piracy, and narcotics trade—will have on an already vulnerable security framework.

Question. How should the United States address the security challenges in the Niger Delta?

Answer. If confirmed, I will continue to work closely with the State Department to enhance our security relationship with the Government of Nigeria by offering our assistance, as appropriate, in the areas of maritime security and military capacity building.

Question. Is DOD the appropriate department to lead any U.S. Government effort in this area?

Answer. I believe there are certain situations within the African context where it is appropriate for DOD to lead, usually in response to requests by the Department of State. There are other instances where DOD, while not in the lead, can and does play a significant role as an enabler or supporter to other U.S. Government agencies in advancing U.S. national security interests in Africa.

Question. Given the increasing threat of piracy in East African waters, would you advocate an increased focus on maritime security assistance to regional governments?

Answer. I support DOD's efforts to work with the interagency to build the maritime security capacity of our African partners. Increasing African maritime capacity addresses not only the threat of piracy, but also other enduring security concerns, such as illegal fishing in territorial waters, smuggling of arms and drugs, and trafficking of people.

Question. If not, what do you believe to be the most effective method for the United States to combat the threat of piracy?

Answer. I support DOD's efforts to work with the interagency to build the maritime security capacity of our African partners, and to encourage our allies in Europe and Asia to contribute to counter-piracy efforts. Increasing African maritime capacity addresses not only the threat of piracy, but also other enduring security concerns, such as illegal fishing in territorial waters, smuggling of arms and drugs, and trafficking of people.

Question. What is your understanding of planning to expand naval cooperation or offer new foreign military sales to improve the naval capabilities of U.S. partners in the region?

Answer. The United States already cooperates with multiple international partners to address piracy off the coast of Somalia. DOD established Combined Task Force 151, and international participants include Turkey, the U.K., and Denmark. DOD is supportive of other interested partners joining this task force. In addition, DOD coordinates with other nations undertaking counterpiracy operations in the region, including Russia, China, Malaysia, India, Saudi Arabia, South Korea, and the European Union. Regarding a requirement for foreign military sales in the region, if confirmed, I will work closely with the Department of State to assess the naval capabilities of partners in the area and possible requirements for foreign military sales in the region.

U.S. AFRICA COMMAND

Question. The creation of AFRICOM has raised questions about the role of DOD in U.S. development efforts in Africa.

What do you see as the role of AFRICOM in U.S. policy towards Africa and in development and humanitarian engagement?

Answer. The Department of State and USAID lead U.S. foreign policy and development engagements abroad, to include Africa. President Obama has argued that AFRICOM should promote a more united and coordinated engagement plan for Africa. Ideally, AFRICOM's supporting role should be to promote national security objectives by working with African states, regional organizations, and the African Union to enhance stability and security in the region. In particular, AFRICOM should continue forging closer U.S. military-to-military relations with states on the African continent. If confirmed, I will continue the close working relationship with State, USAID, other agencies and Congress to ensure that AFRICOM's roles and missions assist in advancing U.S. foreign policy and national security objectives.

Question. What impact, if any, might AFRICOM's lack of standing forces have on the command's counterterrorism activities or on its ability to maintain the level of security cooperation activities conducted with Special Operations personnel from U.S. Central and European Commands?

Answer. The Global Force Management (GFM) process allows AFRICOM, like all the other geographic combatant commands, to request forces as necessary to accomplish missions tasked by the Secretary of Defense. These requests are reviewed and approved by the Secretary of Defense, allowing a dynamic balancing of military force application between emerging requirements and ongoing sustained operations. If confirmed, I will work closely with the Joint Staff in developing recommendations for the Secretary on allocation of forces to the regional combatant commanders.

LIBYA

Question. In his testimony before the Senate Armed Services Committee in March 2009, Commander U.S. Africa Command discussed AFRICOM's intent to expand engagement with the Libyans via military education exchanges and foreign military sales. Libyan leader Colonel Muamar Gaddafi has stated on more than one occasion that he is opposed to that command and has suggested it is a version of American colonialism. A recent New York Times article also suggested that the Libyans feel snubbed by the United States following their 2005 decision to give up their WMD program.

How do you see the U.S.-Libyan relationship moving forward on military-to-military engagement?

Answer. Speaking only about the defense part of the bilateral relationship, I understand that defense cooperation with Libya is continuing to develop in a positive direction. Our objective is to work with Libya to enable it to make a positive contribution to regional and continental security. The United States and Libya are discussing areas of cooperation that would be in our mutual security interest, such as border and coastal security.

Question. In light of Gaddafi's reported concerns about establishment of AFRICOM, do you believe these issues can be overcome?

Answer. Yes, it is my understanding that those issues have already been overcome. General Ward recently visited Tripoli and was well received. This outreach provides a foundation on which to build and continue to develop our defense relations with Libya in a positive way.

Question. What has been the impact of the recent agreement between the United States and Libya to establish a fund for settlement of outstanding claims related to terrorist acts committed by Libya?

Answer. I would defer to the Department of State on this question, as they led the U.S. side in negotiating this settlement with Libya. However, from DOD's perspective, the settlement opened up the relationship to the possibility of normalization.

DARFUR

Question. The U.N. has pledged to send approximately 26,000 peacekeepers to Darfur, but has sent less than half that number and has not provided them with the helicopters, vehicles, and other tools to fulfill their mission.

What do you believe is the appropriate role of the United States and, in particular, DOD, in assisting with the deployment and mobility of this peacekeeping mission?

Answer. I agree with President Obama's statements about the need to bring pressure to bear on Sudanese authorities in Khartoum to halt the genocide in Darfur. The U.N. has two major peacekeeping missions in Sudan that seek to create a secure environment conducive to a political settlement of the cultural, ethnic, and religious differences that divide Sudan's periphery from the center. I understand that the Departments of State and Defense have supported the deployment of African contingents to the U.N. Darfur mission by providing personnel, training, equipment, logistical expertise, deployment assistance, and, when required, airlift. If confirmed, I will look closely at what additional support DOD could reasonably provide in this area if so directed by the President.

UNITED NATIONS PEACEKEEPING

Question. DOD has provided logistics, communications, and headquarters staff to a variety of U.N. peacekeeping missions over the past several years.

In your view, what support, if any, should DOD provide to U.N. peacekeeping missions?

Answer. From Haiti to Liberia, Lebanon and other venues, the United States has important stakes in the success of U.N. peacekeeping operations. In addition to logistics, communications, and headquarters staff-related assistance, the issue of DOD help for U.N. field missions should be studied closely and in close consultation with other U.N. member states.

Question. In your view, should DOD provide U.S. military personnel to U.N. peacekeeping missions?

Answer. The United States can make important contributions to U.N. peacekeeping missions, though these should come in areas where we truly have an "edge," such as leveraging of technology, organizational and logistics capabilities, et cetera. Given their high level of training, our military personnel can also play useful roles as military observers in areas where the U.N. is preserving stability in a relatively secure environment. I would be extremely cautious about assigning U.S. military personnel to traditional U.N. peacekeeping missions, though I would want the President to have the option of doing so if he deemed it appropriate.

Question. The United States along with its partners in the G–8 sponsored an initiative to train 75,000 peacekeepers by 2010. This program, known as the Global Peace Operations Initiative (GPOI), is run by the Department of State. DOD has provided varying degrees of support since the program's inception.

In your view, what is the appropriate role of DOD in this program and, more generally, in the training of peacekeepers?

Answer. DOD plays an important role in bringing its expertise to bear in the training and equipping of peacekeeping units. DOD collaboration with State is important to successfully identifying and vetting viable partners, analyzing indigenous capacities, developing sustainable train-the-trainer programs, and promoting self-sufficiency in this critical area so that more nations can effectively contribute to the increasing demand for skilled peacekeepers around the world.

Question. If confirmed, would you support or oppose an extension of the GPOI program and its mandate beyond its scheduled end date in 2010? Please explain.

Answer. President Obama has stated his support for continued funding for GPOI. In general, I believe the United States has a strong interest in effective training that expands the pool of available peacekeepers worldwide, including those with which we may need to operate jointly. If confirmed, my intent would be to work closely with State Department colleagues as well as Members of Congress to ensure GPOI supports the President's objectives in this area.

PIRACY

Question. Piracy off the coast of Somalia grew at a significant rate in 2008. Dozens of successful acts of piracy have meant the capture of hundreds of hostages, valuable cargoes including arms, oil, and humanitarian aid, and have resulted in the payment of millions of dollars in ransoms. By all accounts, Somalia is unable to manage this problem, and the U.N. has adopted resolutions designed to generate international cooperation in addressing the scourge of piracy in that part of the world. Recently, the United States reached an agreement with Kenya regarding the detention and prosecution of suspected pirates.

What do you believe should be the role of the United States in general, and DOD in particular, in stemming the tide of piracy in the waters off the coast of Somalia?

Answer. The United States supports international efforts to address piracy off the coast of Somalia. To this end, DOD works closely with the interagency to support a multi-faceted approach to this problem. The interagency Counter-Piracy Action Plan (CPAP) outlines a strategic approach to address piracy off the coast of Somalia, including self-protection measures by commercial shippers, and international cooperation with authorities inside Somalia to address the land-based origins of the problem. In support of international efforts, DOD established Combined Task Force 151, a multinational task force that is executing counter-piracy operations off the Horn of Africa.

Question. Given the lack of an effective government or functioning court system in Somalia, what should be done to assist Somalia in strengthening its own operational capacity to fight piracy and bring to justice those involved in piracy?

Answer. Long-term instability in Somalia has enabled piracy to flourish in the region. An effective solution to piracy will require Somalis to lead efforts to create governance mechanisms that are able to effectively secure their territory, while also providing economic opportunities to their people that reduce the appeal of piracy.

Question. Are the international legal processes in place sufficient to ensure full and fair prosecutions of suspected pirates?

Answer. I am not in a position to render a definitive judgment on this issue. If confirmed, I will work with the interagency to review this issue and, as needed, provide recommendations to the USD(P) on this issue and how DOD can and should support efforts regarding the legal framework for prosecution of suspected pirates.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. Like the President and the Secretary of Defense, I strongly support U.S. accession to the Law of the Sea Convention. The United States should be at the forefront of promoting the rule of law, including in the world's oceans. By becoming a party to the Convention, we would send a clear signal to all nations that we are committed to advancing the rule of law at sea. Additionally by joining the Convention, we would provide the firmest possible legal foundation for the navigational rights and freedoms needed to project power, reassure friends and deter adversaries, respond to crises, sustain combat forces in the field, and secure sea and air lines of communication that underpin international trade and our own economic prosperity.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. Joining the Convention will give the United States a seat at the table when rights vital to our national interests are debated and interpreted, including

the maritime mobility of our armed forces worldwide. The navigation and overflight rights and high seas freedoms codified in the Convention are essential for the global mobility of our Armed Forces and the sustainment of our combat forces overseas. America has more to gain from legal certainty and public order in the world's oceans than any other country. More than 150 nations are parties to the Convention. By becoming a party, the United States will be better positioned to work with foreign air forces, navies, and coast guards to cooperatively address the full spectrum of 21st century security challenges.

BILATERAL DEFENSE TRADE COOPERATION AGREEMENTS

Question. Defense trade cooperation agreements between the U.S. and the U.K. and between the U.S. and Australia are currently pending before the Senate Foreign Relations Committee.

What are your views on the U.S.-U.K. and U.S.-Australia defense trade cooperation agreements?

Answer. I have not had the opportunity to review these agreements in detail but support the general objectives of the U.S.-U.K. and U.S.-Australia Defense Trade Cooperation Treaties. I believe that robust interoperability with two key allies along with the enhanced protection of our defense articles pursuant to the treaties will further our national security interests. If confirmed, I will support the USD(P) and the State Department in working with the Senate to resolve any issues related to ratification.

Question. In your view, are these agreements in the national security interest of the United States?

Answer. I have not had the opportunity to review these agreements in detail, but the intent of the treaties to increase defense trade and interoperability with two key trusted allies is sound and in the interest of our national security. If confirmed, I will review the treaties in detail and support the USD(P) and the Department of State in working with the Senate to address any issues.

Question. What do you consider to be the main advantages and disadvantages of these defense trade cooperation arrangements?

Answer. I am told that, if ratified, these two treaties will allow, under defined conditions, the transfer of defense articles without prior written authorization. By reducing trade barriers to the exchange of defense hardware, technical data, and services, we will strengthen U.S.-Australia and U.S.-U.K. defense cooperation, increase interoperability, and lend greater support to current and future coalition operations. There will also be substantial benefit to the respective three industrial bases. The treaties promise to enhance our bilateral government and industry research, development, and production efforts by providing a flexible, agile export control environment that will expedite the delivery of new technologies to our warfighters. Moreover, the treaties will increase competition in the defense marketplace by creating an approved community of companies in all three nations, which will result in improved quality and reduced costs in the defense equipment we provide to the men and women of our Armed Forces.

U.S. MILITARY BASING IN EUROPE

Question. Current DOD plans provide for the drawdown of U.S. Army forces in Europe to 32,000 U.S. soldiers by no later than 2013. However, General Craddock, Commander, U.S. European Command, is reviewing a recommendation that the two brigades currently scheduled for redeployment back to the United States should remain in Europe, keeping U.S. forces based in Europe at a force of around 42,000 beyond 2013.

Do you support maintaining a larger U.S. force presence in Europe than the 32,000-force level planned for 2013? Why or why not?

Answer. I understand that the Department intends to review posture issues such as European basing requirements as part of the upcoming Quadrennial Defense Review (QDR). If confirmed, I look forward to actively participating in the QDR process.

ARMS CONTROL

Question. What role will you have, if confirmed, in future arms control negotiations, such as a follow on to the Strategic Arms Reduction Treaty?

Answer. If confirmed, I would provide advice to the USD(P) on arms control policy with respect to Europe, the Middle East, and Africa and would perform any further duties as assigned by the Under Secretary. It is my understanding, however, that the Assistant Secretary of Defense for Global Strategic Affairs will have lead responsibility within DOD for talks on a follow-on to the Strategic Arms Reduction Treaty.

PRIVATE SECURITY CONTRACTORS

Question. The Special Inspector General for Iraq Reconstruction reported that Federal agencies including DOD have spent more than $5 billion for private security contractors in Iraq since 2003. Over this period, there have been numerous reports of abuses by private security contractors, including allegations of contractors shooting recklessly at civilians as they have driven down the streets of Baghdad and other Iraqi cities.

Do you believe DOD and other Federal agencies should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. I understand the concerns of Congress on this issue and believe that a comprehensive review of the role of military contractors on the battlefield is needed in order to set the terms for how they might be utilized in the future. I also agree with President Obama's views on the need to improve oversight and transparency in how private security contractors are utilized and to establish clear standards regarding accountability, command and control, rules of engagement, and personnel policies. Currently, there are a number of international efforts supported by the Department to establish open, transparent, and enforceable standards of conduct and good practices, such as the Montreux Document, that will enhance our ability to ensure that contractors perform in support of U.S. policies. If confirmed, I will work with civilian and military officials of the Department and others who have primary responsibility for policy development and employment of private security contractors.

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I do believe that several high-profile incidents in Iraq involving private security contractors have harmed U.S. policy objectives in Iraq. In December 2007 DOD and the Department of State agreed on consistent procedures for use of private security contractors in Iraq; moreover, both Departments have been transitioning to greater use of local nationals wherever practical. If confirmed, I expect to work on this issue and will keep Congress informed.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. The use of security contractors in any area of combat operations must be fully coordinated among all agencies that employ them. There must be unified procedures and strong oversight for all such contractors, regardless of which U.S. agency hires them. Commanders on the ground should have the authority to restrict or redirect their operations as appropriate. I believe there must be assured legal accountability for the actions of all security contractors, not just those employed by the Defense Department.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new SOFA between the United States and Iraq?

Answer. It is my understanding that since January 1, 2009, U.S. Government private security contractors in Iraq no longer have immunity from host nation law. Furthermore, they must comply with host nation registration and licensing requirements. For all contractors, the SOFA has meant substantially more liaison and coordination with Iraqi authorities at all levels.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. Yes.

Question. What is your view of the appropriate application of the Uniform Code of Military Justice to employees of private security contractors operating in an area of combat operations?

Answer. If confirmed, I would consult with the General Counsel on this question.

CONTRACTOR PERFORMANCE OF INFORMATION OPERATIONS

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media. The purposes of this contract include building up support for the Government of Iraq and the security forces of Iraq, and undermining Iranian influence in Iraq.

What is your view of the appropriate roles, if any, of DOD and the Department of State in media campaigns to build up support for the government and security forces of Iraq and undermining Iranian influence in Iraq?

Answer. I have not had an opportunity to become familiar with the details of these programs, but believe they deserve careful scrutiny. If confirmed, I would expect to look into these matters and discuss them with members of the committee.

Question. What is your view on the effectiveness of information operations conducted by the United States through the Iraqi media?

Answer. See previous answer.

Question. Do you believe that it is appropriate for the United States to pay for media campaigns to build up support for the government and the security forces of Iraq at a time when the Iraqi Government has a surplus of tens of billions of dollars?

Answer. See previous answer.

Question. Do you see a risk that a DOD media campaign designed to build up support for the government and security forces of Iraq could result in the inappropriate dissemination of propaganda inside the United States through the internet and other media that cross international boundaries?

Answer. See previous answer.

Question. A spokesman for the Iraqi Government has been quoted as saying that any future DOD information operations in the Iraqi media should be a joint effort with the Iraqi Government. According to an article in the Washington Post, the spokesman stated: "We don't have a hand in all the propaganda that is being done now. It could be done much better when Iraqis have a word and Iraqis can advise."

Do you believe that DOD information operations through the Iraqi media should be conducted jointly with the Iraqis?

Answer. See previous answer.

Question. Under what circumstances do you believe it is appropriate for DOD to conduct information operations in a sovereign country without the knowledge and support of the host country?

Answer. See previous answer.

DETAINEE TREATMENT POLICY

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the U.S. Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. I believe the prohibition on cruel, inhuman, or degrading treatment or punishment is clearly in America's best strategic interest and consistent with our values. During the long history of the Cold War, when America's way of life was challenged by a powerful competing ideology, we were ultimately successful, in part, because we held true to the best ideals and principles that sustained America as a shining beacon to millions under totalitarian rule. Power in the 21st century will stem as much from the strength and appeal of our ideas and moral principles as from our military might. If we are to defeat violent extremism, we must hold true to those ideas that make this country great, and continue to inspire the growth of freedom and tolerance around the world.

Question. If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, I will.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. I have not had an opportunity to study the changes in detention operations in detail in order to assess lessons learned. If confirmed as ASD(ISA), I would be interested in examining changes to detention operations.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the ASD(ISA)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

DARFUR

1. Senator REED. Ambassador Vershbow, the Departments of State and Defense formed the Missing Assets Task Force to conduct a global search for 28 attack and transport helicopters, logistics units, and other assets for the operation in Darfur. As of December 2008, the task force was unable to obtain commitments for the helicopters. Can you please describe the efforts the Department of Defense (DOD) is undertaking to find those assets for the United Nations (U.N.) operation in Darfur?

Ambassador VERSHBOW. The Government of Ethiopia has offered five attack helicopters which the U.N. stated will fill the attack helicopter needs for the United Nations/African Union Mission in Darfur (UNAMID) peacekeeping force. The U.N. is building facilities for these helicopters and working with the Governments of Sudan and Ethiopia to get them deployed.

DOD continues to work with the State Department to identify other sources for these critical enabling assets, using U.S. Defense Attaché Offices (DAOs) to canvas host nation counterparts and providing input to the State Department in developing its diplomatic engagement strategy. Particular areas of focus are advising the State Department in its efforts to secure equipment support for the second Ethiopian multi-role logistics unit; supporting the deployment of Nepalese special forces and sector Reserve companies; and ensuring equipment missing from infantry battalions in UNAMID is en route or will be shortly.

2. Senator REED. Ambassador Vershbow, the National Defense Authorization Act for Fiscal Year 2008 included a reporting requirement that the Secretary of Defense report on the efforts the Department is undertaking "to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities." Do you have that report and can you speak to the Department's efforts in that regard?

Ambassador VERSHBOW. Section 1266(b) of the National Defense Authorization Act for Fiscal Year 2008 required the Secretary of Defense to submit a report to Congress on "the capability of the DOD to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities." This report is under review by senior DOD officials. We expect it will be transmitted to Congress within the next few months.

DOD has no formal training program or doctrine aimed specifically at command of international intervention forces seeking to prevent mass atrocities. DOD does, however, provide training and possess doctrine adaptable to such forces. DOD maintains the capability to support the development of new doctrine for the training and guidance of an international intervention force if appropriately authorized and resourced to do so. If directed, DOD is prepared to work in cooperation with other Federal departments and agencies to this end.

DOD support to the Department of State-led Global Peace Operations Initiative, which facilitates both the African Contingency Operations Training and Assistance program and the Center of Excellence for Stability Police Units, provides foreign peacekeepers with capabilities that could be useful in the prevention of mass atrocities.

DOD doctrinal documents at both the Capstone and Operational levels do not address the prevention of genocide or mass atrocities specifically, but do highlight related issues such as stability operations, humanitarian relief, human rights and human rights law, the building of civilian capacity to preclude internal conflict, and the separation of combatants.

[The nomination reference of Ambassador Alexander Vershbow follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 12, 2009.

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

Alexander Vershbow of the District of Colombia, to be an Assistant Secretary of Defense, vice Mary Beth Long, resigned.

[The biographical sketch of Ambassador Alexander R. Vershbow, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ALEXANDER VERSHBOW

Alexander Vershbow served as Ambassador to the Republic of Korea from October 2005 to September 2008, his final assignment in a career with the U.S. Foreign Service spanning 32 years. Before coming to Korea, Vershbow was recognized as one of the State Department's leading experts in East-West relations, nonproliferation and European security affairs. As Ambassador to Korea, he was centrally involved in the transformation of the Korea-U.S. defense alliance, policy for the Six-Party Talks on North Korea, and securing Korea's participation in the U.S. Visa Waiver Program. In 2007 he won the State Department's Cordell Hull Award for Economic Achievement for his significant contributions to the negotiations on the Korea-U.S. Free Trade Agreement.

From 2001 to 2005, Alexander Vershbow served as U.S. Ambassador to the Russian Federation. During his tenure, the Ambassador worked to promote U.S. Russian cooperation in the areas of counterterrorism and counterproliferation, and to expand the agenda to encompass new challenges such as HIV/AIDS. He was a consistent advocate for the causes of democracy, human rights and rule of law in Russia, and received the American Bar Association's 2004 Ambassador's Award for these efforts. He also promoted U.S. business interests in Russia, advancing American trade, exports and investment while campaigning for the protection of intellectual property rights.

From 1998 to 2001, Alexander Vershbow served as the U.S. Ambassador to the North Atlantic Treaty Organization (NATO). As U.S. Permanent Representative on the North Atlantic Council, Ambassador Vershbow was centrally involved in transforming NATO to meet the challenges of the post-Cold War era, including the admission of new members and the development of relations with Russia, and in NATO's campaign to end the conflict in Kosovo. In June 2001, Secretary of State Colin L. Powell awarded Ambassador Vershbow the State Department's Distinguished Service Award for his work at NATO.

From 1994 to 1997, Alexander Vershbow served as Special Assistant to the President and Senior Director for European Affairs at the National Security Council. During this period, he helped shape U.S. policy toward NATO enlargement, the conflict in Bosnia and other U.S.-European issues. He was a principal member of the U.S. team that helped negotiate the Founding Act between NATO and the Russian Federation signed in 1997. In October 1997, former Secretary of Defense William Cohen presented Mr. Vershbow with the first annual Joseph J. Kruzel Award for his contributions to the cause of peace.

Alexander Vershbow is a long-time student of Russian Affairs and international relations. He received a B.A. in Russian and East European Studies from Yale University (1974) and a Master's Degree in International Relations and Certificate of the Russian Institute from Columbia University (1976). Vershbow was director of the State Department's Office of Soviet Union Affairs during the last years of the USSR and participated in numerous U.S.-Soviet summits and ministerial meetings. In 1990, he was awarded the Anatoly Sharansky Freedom Award by the Union of Councils of Soviet Jews for his work in advancing the cause of Jewish emigration from the USSR. Earlier Foreign Service assignments included postings to the U.S. Embassies in Moscow and London and Advisor to the U.S. Delegation to the Strategic Arms Reductions Talks in Geneva.

Ambassador Vershbow was born in Boston, MA. His wife, Lisa, is a prominent designer of contemporary jewelry.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Ambassador Alexander R. Vershbow in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Alexander Russell Vershbow.

2. **Position to which nominated:**
Assistant Secretary of Defense for International Security Affairs.

3. **Date of nomination:**
March 12, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 3, 1952; Boston, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Lisa Kaufman Vershbow (maiden name: Lisa Nan Kaufman).

7. **Names and ages of children:**
Benjamin Charles Vershbow, 29; Gregory Michael Vershbow, 26.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

1974–1976, Columbia University, School of International Affairs, New York, NY - Master of International Affairs (M.I.A.) & Certificate of the Russian Institute.

1970–1974, Yale University, New Haven, CT - B.A. Russian/East European Studies.

1963–1970, Browne & Nichols School, Cambridge, MA - High School Diploma.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

U.S. Department of State - Career Member of the Foreign Service, 1977–2008.

Assignments in last 10 years:

10/05–09/08, U.S. Ambassador to the Republic of Korea, Seoul.

07/01–07/05, U.S. Ambassador to the Russian Federation, Moscow.

01/98–07/01, U.S. Ambassador to the North Atlantic Treaty Organization (NATO), Brussels, Belgium.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Earlier Assignments in the Foreign Service (only other Government experience):

06/94–09/97, Special Assistant to the President and Senior Director for European Affairs, National Security Council, Washington, DC.

06/93–06/94, Principal Deputy Assistant Secretary of State for European and Canadian Affairs, U.S. Department of State, Washington, DC.

02/93–06/93, Acting U.S. Permanent Representative on the North Atlantic Council, Chargé d'affaires, U.S. Mission to NATO, Brussels, Belgium.

08/91–02/93, Deputy U.S. Permanent Representative and Deputy Chief of Mission, U.S. Mission to NATO, Brussels, Belgium.

08/88–07/91, Director, Office of Soviet Union Affairs, U.S. Department of State, Washington, DC.

07/85–07/88, Deputy Counselor for Political Affairs, U.S. Embassy, London, U.K.

08/83–07/85, Deputy Director for Multilateral and Security Affairs, Office of Soviet Union Affairs, U.S. Department of State, Washington, DC. Part-time Advisor to the U.S. Delegation to Strategic Arms Reductions Talks (START), Geneva, Switzerland.

07/81–07/83, Multilateral and Security Affairs Officer, Office of Soviet Union Affairs, U.S. Department of State, Washington, DC.

06/80–07/81, Political Officer, U.S. Embassy, Moscow, USSR.

06/69–06/80, Consular Officer, U.S. Embassy, Moscow, USSR.

05/77–06/79, Politico-Military Affairs Officer, Office of International Security Policy, Bureau of Politico-Military Affairs, U.S. Department of State, Washington, DC. Part-time Advisor to the U.S. Delegation to Strategic Arms Limitation Talks (SALT II), Geneva, Switzerland.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

American Foreign Service Association (AFSA), 1977–present.

Phi Beta Kappa, 1974–present.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

2008: Obama/Biden Campaign, $500.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

2008, Cordell Hull Award for Economic Achievement by Senior Officers, U.S. Department of State - for work on Korea-U.S. trade negotiations.

2008, Diplomatic Order of Merit - Award presented by the President of the Republic of Korea for contributions to U.S.-Korea relations.

2008, Agency Seal Medal, Central Intelligence Agency.

2007, Honorary Doctor of Public Affairs, University of Maryland, University College.

2005, Honorary Doctor of Philosophy, Nizhniy Novgorod State Linguistic University, Russia.

2005, Gold Record, Recording Industry Association of America (RIAA) - for efforts to combat CD/DVD piracy in Russia.

2004, Ambassador's Award, American Bar Association's Central European and Eurasian Law Initiative (ABA–CEELI) - for efforts to promote democracy and the rule of law in Russia.

2004, Friend of the American Chamber of Commerce, Moscow, Russia.

2002, Commander of the Order of Grand Duke Gediminas of the Republic of Lithuania - for work in support of the enlargement of NATO.

2001, Distinguished Service Award, U.S. Department of State - for work as Ambassador to NATO on Kosovo and transformation of NATO.

2001, Commander (Commendatore) of the Order of Merit of the President of the Republic of Italy - for work as U.S. Ambassador to NATO.

2000, Group Superior Honor Award, U.S. Department of State - for work on NATO's 50th-anniversary summit in 1999.

1997, Joseph J. Kruzel Award, U.S. Department of Defense - award in memory of U.S. official killed in Bosnia 1995, for work for peace in the Balkans.

1990, Anatoly Sharansky Freedom Award, Union of Councils of Soviet Jews for work to overcome obstacles to Jewish emigration from the USSR.

1997, Various Presidential Senior Foreign Service Awards, State Department.

2008, Meritorious Service, Superior Honor and Senior Performance Awards.

1980s, Term Member of the Council on Foreign Relations.

1975–1976, Fellowship of School of International Affairs, Columbia University.

1974, White History Prize, Yale University.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Chapter in Ambassadors' Memoir U.S.-Korea Relations Through the Eyes of the Ambassadors, Korea Economic Institute, 2009.

"Offering a Broader Vision for the Alliance," Interview with the Korea Herald (April 15, 2008).

"FTA: It's Time to Make it Happen," Joongang Daily, Feb. 13, 2007. (Op-Ed on Korea-U.S. Free Trade Agreement.)

"KORUS FTA Launch," Washington Times, June 18, 2006. (Joint Op-Ed with Korean Ambassador Lee Tae-sik on the Korea-U.S. Free Trade Agreement.)

"United States-Republic of Korea Relations: A Confident and Strong Alliance," The Ambassadors' Review, Council of American Ambassadors, Spring 2006.

"Working Together to Create a Viable FTA," Korea Herald, Feb, 2006. (Op-Ed on Korea-U.S. Free Trade Agreement.)

"The U.S. Remains Committed to the Six-Party Talks Despite Serious Concerns About North Korea's Illicit Activities," Hankyoreh Shinmun, Dec. 26, 2005.

"A Time for Leadership in Global Trade and Development," Hankook Kyungje Shinmun (Korea Economic Daily), Dec. 19, 2005. (Op-Ed on the WTO.)

"United States-Russia Relations: The View After Bratislava" (The Ambassadors Review, Spring 2005).

"The World Needs a Strong Russia" (The Moscow Times, April 11, 2005).

"On Intellectual Property Rights" (Vedomosti, February 16, 2005).

"History Does Not Honor Bystanders" (on the anniversary of the liberation of Auschwitz) (Kommersant, January 26, 2005).

"The End of the Road for Human Traffickers in Russia" (Vremya Novostey, December 29, 2004).

"Turning Our Backs on AIDS Will Not Make It Go Away" (Izvestia, December 1, 2004).

"The United States and Russia Together in the Fight Against Terrorism" (Izvestia, September 7, 2004).

"America Stands with Russia in the Waron Global Terrorism" (Izvestia, September 6, 2004).

"A Shared Legacy of Environmental Cooperation" (Nezavismaya Gazeta, April 21, 2004).

"Human Rights, Civil Society and Freedom of the Press" (Izvestia, December 10, 2003).

"World AIDS Day: The U.S.-Russian Partnership in the Fight Against HIV/AIDS" (Izvestia, December 1, 2003).

"Piracy Against Progress" (The Moscow Times and Vedomosti, November 25, 2003).

"The Partnerships for Prosperity and Security Tradeshow: Building U.S.-Russian Partnerships in Science and Technology" (Rossiyskaya Gazeta, November 5, 2003).

"Taking on the Problem of Trafficking in Persons" (Izvestia, October 15, 2003).

"Allies Against Terrorism" (Nezavismaya Gazeta, September 11, 2003).

"Toward a Free, Prosperous Iraq: Security, Political, Economic Efforts On Track" (Izvestia, July 4, 2003).

"Agricultural Biotechnology is a Safe Way of Meeting the World's Food Needs" (Kommersant, June 30, 2003).

"U.S.-Russian Relations: From St. Petersburg to Camp David" (Nezavisimaya Gazeta, June 23, 2003).

"Getting U.S.-Russian Relations Back on Track" (Izvestia, May 30, 2003).

"The Iraqis Are Ready For Democracy" (Izvestia, April 27, 2003).

"This is Not A War for Oil" (Izvestia, April 2, 2003).

"Resolutions Should Be More Than Wishes" (Nezavisimaya Gazeta, March 21, 2003).

"The Iraq Crisis: Asking the Right Question" (Nezavisimaya Gazeta, March 13, 2003).

"Resolute About War" (The Moscow Times, March 20, 2003).

"Disarming Iraq: Debunking the Myth of American Unilateralism" (Kommersant, March 3, 2003).

"Iraq's Failure to Disarm" (Izvestia, February 13, 2003).

"Iraq is Not Living Up to Its U.N. Commitments" (Rossiyskaya Gazeta, February 4, 2003).

"NATO-Russia Relations: Looking Ahead" - in Russian (Contemporary Europe, No. 1, January–March 2003) (translation of speech delivered in December 2002).

"Iraq's Weapons of Mass Destruction: Let's Not Forget the Root of the Problem" (Kommersant - September 23, 2002).

"September 11, 2001 - One Year After" (The Moscow Times and Izvestia, September 11, 2002).

"Russia, U.S.A., and 21st Century Challenges" (Obshchaya Tetrad' - Journal of the Moscow School of Political Sciences, #4 (23), 2002).

"The New United States-Russian Relationship" (The Ambassadors' Review - Spring 2002).

"How Not to Do Business in Russia" (Kommersant, May 21, 2002).

"NATO and Russia - A New Approach to Relations in the 21st Century" (Nezavisimaya Gazeta, March 4, 2002).

"Transforming NATO-Russia Relations in NATO in the 21st Century - The Road Ahead," U.S. Foreign Policy Agenda, an Electronic Journal of the U.S. Department of State, Vol. 7, No. 1, March 2002.

"The New U.S.-Russia Relationship and the Role of an Independent Press" (Kommersant - December 24, 2001).

"Almost Real Allies" (Nezavisimaya Gazeta, December 7, 2001).

"The New U.S.-Russian Economic Relationship" (Kommersant - November 26, 2001).

"The Beginning of a U.S.-Russia Alliance?" (The Moscow Times - November 23, 2001).

"It's Time to Join Ranks Against International Terrorism," (Izvestia - September 29, 2001).

"NATO and the New Europe - U.S. Leadership is Still Essential," Article in European Affairs journal, Winter 2000.

"An Alliance of Shared Values and Common Interests," Article in NATO 50 Years On: Enlargement and Renewal, London, Atalink Ltd., 1998.

Letter to the Editor of The New York Times, December 8, 1998.

"The Case for NATO Expansion," Letter to the Editor of the Washington Post, April 7, 1998.

"NATO's Role in Bosnia: Past, Present and Future," Article in "U.S. Foreign Policy Agenda," Electronic Journal of the USIA, Vol. 3, No. 2, April 1998.

"Toward an Undivided Europe," Op-Ed article in The Christian Science Monitor, July 31, 1996 - co-author with Daniel Fried and Steven Pifer.

"U.S. Offers Moscow an Alliance with an Expanding NATO," Op-Ed Article in The Christian Science Monitor, October 4, 1995 - co-author with Daniel Fried and Coit Blacker.

"The Dynamics of NewWeapons Systems: Arms Race Without End?" Published in German in Rissener Jahrbuch 1983/1984, Haus Rissen, Hamburg, FRG.

Introduction to Controlling Future Arms Trade, The 1980s project, Council on Foreign Relations, NY, McGraw Hill, 1977 (co-author with David Gompert).

"The Cruise Missile: The End of Arms Control?" Article in Foreign Affairs, Council on Foreign Relations, NY, October 1976.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Examples of speeches as Ambassador to Russia and Korea provided separately.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ALEXANDER R. VERSHBOW.

This 13th day of March, 2009.

[The nomination of Ambassador Alexander R. Vershbow was reported to the Senate by Chairman Levin on April 1, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 3, 2009.]

NOMINATIONS OF RAYMOND E. MABUS, JR., TO BE SECRETARY OF THE NAVY; ROBERT O. WORK TO BE UNDER SECRETARY OF THE NAVY; ELIZABETH L. KING TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS; DONALD M. REMY TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY; DR. MICHAEL NACHT TO BE ASSISTANT SECRETARY OF DEFENSE FOR GLOBAL STRATEGIC AFFAIRS; WALLACE C. GREGSON TO BE ASSISTANT SECRETARY OF DEFENSE FOR ASIAN AND PACIFIC SECURITY AFFAIRS; JO-ELLEN DARCY TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS; AND DR. INÉS R. TRIAY TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT

TUESDAY, APRIL 28, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:04 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Akaka, Bill Nelson, Ben Nelson, Webb, McCaskill, Udall, Hagan, Begich, Burris, McCain, Inhofe, Martinez, Wicker, and Collins.

Also present: Senators Baucus, Cochran, and Landrieu.

Committee staff members present: Richard D. DeBobes, staff director; Leah C. Brewer, nominations and hearings clerk; and Paul J. Hubbard, receptionist.

Majority staff members present: Madelyn R. Creedon, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Michael J. Kuiken, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; William G.P. Monahan, counsel; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Pablo E. Carrillo, minority investigative counsel; Daniel A. Lerner, professional staff member; David M. Morriss, minority counsel; Lucien L. Niemeyer, professional staff member; Christopher J. Paul, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Kevin A. Cronin and Christine G. Lang.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Ann Premer, assistant to Senator Ben Nelson; Jon Davey and Patrick Hayes, assistants to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Jennifer Barrett, assistant to Senator Udall; Brady King, assistant to Senator Burris; Anthony J. Lazarski, assistant to Senator Inhofe; Jason Van Beek, assistant to Senator Thune; Brian W. Walsh, assistant to Senator Martinez; Erskine W. Wells III, assistant to Senator Wicker; Rob Epplin and Chip Kennett, assistants to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. This is a very, very exciting morning for many of us, for families and friends. We have a huge agenda ahead of us. So we are going to have to push on.

Instead of the nominees sitting at that table, I would suggest if you can find room on the side, you do that, and let our introducers all sit at that table because we are going to start off with them as soon as I make a brief opening statement.

I wonder if the Senators who are going to be making introductions can just sit right at the green table there right now, and then we will call on you in order. We are going to change things around a little bit here, save some time.

Senator Baucus, you can just sit anywhere there, too.

Today, the committee considers a number of nominations for the Department of Defense (DOD). In the first panel, we are going to hear from the following nominees: the Honorable Raymond Mabus to be Secretary of the Navy, Robert Work to be Under Secretary of the Navy, Elizabeth King to be Assistant Secretary of Defense for Legislative Affairs, and Donald Remy to be General Counsel for the Department of the Army.

In the second panel, we are going to hear from the following nominees: Dr. Michael Nacht to be Assistant Secretary of Defense for Global Strategic Affairs, Wallace Gregson to be Assistant Secretary of Defense for Asian and Pacific Security Affairs, Jo-Ellen Darcy to be Assistant Secretary of the Army for Civil Works, and Dr. Inés Triay—I hope I am pronouncing that name correctly—to be Assistant Secretary of Energy for Environmental Management.

Now, I am going to cut short my comments about each of the nominees until we come to their panel because we want to give the Senators who are with us to make introductions an opportunity to proceed because of the schedules that they have, and then I will also avoid repeating a lot of what we expect they will be saying.

Let me call on Senator McCain for his opening comment.

Senator MCCAIN. As I always follow your lead, Mr. Chairman, I will do the same.

Thank you.

Chairman LEVIN. Thank you very much, Senator McCain, as always for your great cooperation.

Senator MCCAIN. I welcome the nominees, and I know our colleagues will make their remarks very brief also. [Laughter.]

Chairman LEVIN. Well, I think we may leave each other at that point. I am not sure.

Now we are going to call on our colleagues who are going to be making the introductions first. Senator Baucus.

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. Thank you, Mr. Chairman.

Abraham Lincoln once said, "Character is like a tree and reputation like its shadow. The shadow is what we think of it. The tree is the real thing."

Chairman Levin, Ranking Member McCain, fellow Senators, as you prepared for this hearing, you likely learned about the fine reputation of Jo-Ellen Darcy. Having known and worked with Jo-Ellen for the last 16 years, I can assure you that Jo-Ellen has an unprecedented knowledge of the Army Corps of Engineers and has the highest character. She has earned her reputation. Jo-Ellen is the real thing.

She joined the staff of the Environment and Public Works Committee in 1993 when I became chairman. She worked on the committee for more than a decade, responsible for, among other things, legislation relating to the Clean Water Act, Safe Drinking Water Act, and Endangered Species Act.

Perhaps her most important contribution in this area was her work on the Safe Drinking Water Act of 1996, which is, to my mind, a model environmental law because it makes the law work more efficiently for cities and towns, and at the same time, it improves the protection of public health.

Most relevant to the position to which she has been nominated, Jo-Ellen was also the principal staffer responsible for legislation leading to the Water Resources Development Act. She became one of the Nation's foremost authorities on that law.

During her tenure, she helped pass some of the Corps' most sweeping initiatives, from restoring the Everglades to better protecting New Orleans in the wake of Hurricanes Rita and Katrina and requiring independent peer review of Corps projects.

Jo-Ellen's work has restored ecosystems, improved public safety, repaired our water infrastructure, and made the Corps more transparent and more accountable. If confirmed, I am sure she will continue to improve the work of the Army Corps of Engineers.

In 2006, I was able to persuade Jo-Ellen to join the staff of the Senate Finance Committee, where she was instrumental in developing a series of tax initiatives for environmental protection, including those that were enacted as part of the farm bill. She has a record of great accomplishment, which is reflected in important environmental laws and environmental restoration projects all across the country.

She knows the Civil Works Programs of the Army Corps as well as anyone. She knows the law. She knows the Congress and, in particular, the Senate and its committees, and she is uniformly re-

spected for an effective, pragmatic, and bipartisan approach to her work.

On a personal note, I would like to add that Jo-Ellen has achieved all of these accomplishments not only because of brains and hard work, but also because of her values. Her father, Dick Darcy, was a detective on the Fitchburg, Massachusetts, police force. He and his wife, Jean, raised Jo-Ellen to have strong values, especially fairness and open-mindedness, qualities that will serve her well.

I am sure that, although he has passed away, Dick Darcy would be proud of his daughter today. I know that Jo-Ellen's mom, who is not able to travel here today, and her sisters, brothers, cousins, nieces, and nephews, many of whom I have met, could not be more pleased and proud about this nomination.

So, Mr. Chairman, like you, I believe that there are few higher callings than public service. Jo-Ellen Darcy is the epitome of someone who has devoted her professional career to service, and I could not be more proud that the President has nominated her to serve as Assistant Secretary of the Army for Civil Works. Jo-Ellen is the real thing.

Thank you.

Chairman LEVIN. Thank you so much, Senator Baucus. We appreciate you and all of our colleagues coming here today for these very special moments in introduction.

Senator Cochran.

STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator COCHRAN. Mr. Chairman, thank you very much for the opportunity to be here before the committee.

I am here to introduce to the committee the Honorable Ray Mabus, who has been nominated by the President to serve as Secretary of the Navy.

This distinguished nominee has had a career of public service in our State that is quite impressive. After graduating summa cum laude from Old Miss in 1969 and completing a Woodrow Wilson fellowship at Johns Hopkins University in 1970, he served 2 years as a naval surface warfare officer onboard the USS *Little Rock*.

After completing his active duty in naval service, he attended Harvard Law School and graduated magna cum laude in 1976. He served as a law clerk to Judge J.P. Coleman on the 5th Circuit Court of Appeals, and he also worked as legal counsel to the U.S. House of Representatives Agriculture Committee here in Washington.

He returned to Mississippi to work in Governor William Winter's office and was elected Mississippi State auditor in 1983, where he served with distinction. Four years later, he was elected Governor of our State, and he led a period of record economic development, streamlined State government, and improved Mississippi's public schools.

Ambassador Mabus was appointed by President Clinton to be United States Ambassador to Saudi Arabia in 1994. He served there for 2 years before returning to the private sector. He served on several corporate boards of international businesses. He is a

member of the RAND Center for Middle East Public Policy and the Council on Foreign Relations.

I know that Ambassador Mabus will bring to this job the same high level of energy and skill that has been the hallmark of his career throughout the many responsibilities of public service that he has held. His academic credentials, his record of distinguished service to the State of Mississippi and to our country has been exemplary.

His integrity and judgment will also serve him well, and he will certainly prove to be, in my opinion, an excellent choice to be Secretary of the United States Navy. I commend President Obama for nominating him, and I look forward to working with him in this new capacity.

Thank you.

Chairman LEVIN. Thank you, Senator Cochran.

I think we will complete the introductions for Governor Mabus and call on Senator Wicker now.

STATEMENT OF HON. ROGER F. WICKER, U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator WICKER. Thank you very much, Mr. Chairman and my fellow colleagues on the committee.

It is an honor for me to be here today. Senator Cochran and I represent the Magnolia State of Mississippi. If you could sit a little closer to me, in honor of Governor Mabus, I am wearing my magnolia tie this morning.

We are joined by two colleagues from the House of Representatives, Chairman Bennie Thompson of the 2nd District of Mississippi and Representative Travis Childers of the 1st District of Mississippi. So it is a proud moment for people in the Magnolia State—Republican, Democrat, and Independent. Senator Cochran's presence and introduction testifies that we are continuing today in a strong tradition of bipartisanship of this Congress when it comes to matters of national defense.

Let me simply reiterate that in nominating Governor and Ambassador Mabus, President Obama has chosen well. Senator Cochran mentioned the stellar academic record of Governor Mabus as a top graduate from the University of Mississippi, a master's at Johns Hopkins, and a law degree from Harvard. Clearly, a great quantity of gray matter will be housed in the Navy department in the person of Ray Mabus.

His service as a naval surface warfare officer I think will serve him well in this capacity. As Thad mentioned, he has twice been elected to State-wide office as auditor of public accounts and as Governor of Mississippi.

When I had the opportunity to serve with Governor Mabus as a freshman Republican State senator from Lee County, I think it is fair to say that when Ray Mabus and Roger Wicker were sitting around the Governor's office, perhaps sharing differing views on various approaches to revenue challenges that we were having during that time, neither of us expected to be in this room at this particular moment in 2009 with this introduction.

Nevertheless, I am delighted to be here and to join Senator Cochran in this introduction. I think Governor Mabus' experience as

Ambassador to Saudi Arabia will also stand him in good stead, as will his experience in the private sector as Chief Executive Officer of Foamex, a polyurethane company, where he helped to move the company out of Chapter 11 bankruptcy.

Governor Mabus is joined today by his lovely family, and I am sure, Mr. Chairman, you will want him to make that introduction. But, indeed, they are a credit to Governor Mabus, Ambassador Mabus.

I expect Ray to run a tight ship for the taxpayers, and I think the President has chosen well on behalf of national security and on behalf of the best interest of America's sailors and marines.

I thank you very much, and I am delighted to join my senior colleague in this introduction.

Chairman LEVIN. Well, thank you both for a wonderful introduction, and thanks to your colleagues from the House for joining us here today as well.

Senator Landrieu.

STATEMENT OF HON. MARY L. LANDRIEU, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LANDRIEU. Thank you, Mr. Chairman, and thank you, Senator McCain and fellow Senators, ladies and gentlemen.

I am here for two reasons this morning, and I will be brief. One is to reluctantly support my friend Ray Mabus for Secretary of the Navy, only under the condition that he be fair to the State of Louisiana in shipbuilding with our neighbor Mississippi. But I am convinced that he will, and I have observed him for many years, and he will be an outstanding leader.

Second, Mr. Chairman, to joyfully introduce to you Donald Michael Remy, who is being nominated for General Counsel for the Department of the Army. Although Mr. Remy was born close here to Washington, DC, his roots go very deep in Louisiana. He is here with his parents, who I would like the committee to welcome: Master Sergeant Donald E. Remy and his wife, Mrs. Ann Remy, who come from Harvey, LA.

His father dedicated many of his years to the Army, retiring finally from Fort Polk. Ann is the bedrock that has kept this family Army strong these many years and, I am confident, had a great influence in preparing her son for the position that he is being nominated by President Obama this morning.

Of course, Don's wife, Monitra, and his two sons, Alex and Jason. Would you welcome the family this morning?

Thank you.

As I said, he was born in Fort Lee, VA, but his roots run deep, graduating from Leesville High School, and graduating cum laude Howard University Law School. He received his undergraduate degree from Louisiana State University.

Throughout his career, Mr. Remy has served in numerous capacities, both the Government and private sector. Early on as an Army officer assigned to the Pentagon, he advised senior Army officials on numerous legal and policy issues related to major weapon acquisition systems. He has also served in the Department of Justice as senior counsel for policy and as Deputy Assistant Attorney General for Torts in Federal program branches of the Civil Division.

Moving into the private sector, where he has extensive experience, he served as attorney for a major U.S. company. He currently is a partner in a major and very prestigious Washington, DC, law firm of Latham & Watkins.

Mr. Remy has demonstrated tremendous commitment to this field over many years. He is no stranger here on Capitol Hill, having published, lectured, and testified before Congress on numerous occasions.

I have appreciated the opportunity, Mr. Chairman, to work over the years with Don Remy. Our paths have crossed, particularly as he led efforts to help our continued work to rebuild the Gulf Coast after Hurricanes Katrina and Rita. Confirming him will bring credit to this committee as well as to DOD and our Nation. So I urge you to confirm him as expeditiously as possible for general counsel of the Department of the Army.

Thank you very much, and I appreciate the opportunity, Mr. Chairman.

Chairman LEVIN. Thank you so much, Senator Landrieu, and thank you all for coming.

Senator WICKER. Mr. Chairman?

Chairman LEVIN. Senator Wicker?

Senator WICKER. I have noticed that since the hearing began, we have been joined by a third colleague from the House, Chairman Gene Taylor of Mississippi, the chairman of the Seapower Subcommittee of our counterpart at the other end of the building. So we are delighted to have three members of the House here in support of Governor Mabus.

Senator LANDRIEU. Now I am really feeling nervous, Mr. Chairman. Thank you. [Laughter.]

Chairman LEVIN. Another old friend. We welcome them all.

Now, Senator Reed has an introduction.

STATEMENT OF HON. JACK REED, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator REED. Thank you very much, Mr. Chairman.

I am privileged and extraordinarily proud to introduce Elizabeth L. King, the President's nominee to be Assistant Secretary of Defense for Legislative Affairs. Liz and I have been colleagues for 13 years, as she has been a colleague to this committee.

She has an extraordinary grasp of the legislative issues and the legislative process. But she is also outstanding in terms of her intelligence, her integrity, her judgment, and her commitment to the men and women who serve in the military forces.

That commitment is not just rhetorical. I doubt there are very few civilian appointees to DOD that can claim they have traveled 11 times to Iraq to visit forces in the field, 7 times to Afghanistan, 4 times to Pakistan, to Colombia, to Bosnia when we had troops committed there, and to East Timor when we had a Marine Expeditionary Corps there. She has seen what soldiers, sailors, marines, and airmen do, how difficult it is, and she will represent them extremely well on Capitol Hill.

She has great experience not only here in the Senate, but in the process of the 1995 Base Realignment and Closure Commission, she was a chief assistant to the chairperson. She served in the

House with Congressman Marty Meehan of Massachusetts. She is, again, an extraordinary individual.

She is a product of a strong, devout family of Chicago. Leo and Rita King are not with us today, but their legacy lives on in a woman committed to public service. Her sister Celeste and Liz are raising their nephew Brendan, who is not here today because he is getting ready for the SAT. Brendan's mother, Bernadette, passed away too soon, but with two strong Irish women behind him, he is going to be a great success, I am sure.

It is difficult to part company with someone you have worked with as a colleague for 13 years, but I do so knowing that she can serve even more widely and more adroitly than any woman in the armed services in her new position. I am proud to introduce her to this committee.

Chairman LEVIN. Thank you very much, Senator Reed.

Now Senator Webb will be introducing General Gregson, but he is on the second panel. We expect Senator Webb will be able to get here for that second panel.

Let me just make one introduction because there was no one here to introduce Mr. Work.

Mr. Work served a career in the Marine Corps, retiring after 27 years of service. He then served at the Center for Strategic and Budgetary Assessments, where he has focused on defense strategy, transformation, and also maritime affairs.

Our other nominees on the first panel have all been introduced, so I will not repeat what has been said about them. I will put my statement regarding them, however, in the record.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

Today, the committee considers a number of nominations for the Department of Defense. In the first panel, we will hear from the following nominees: the Honorable Raymond E. Mabus to be Secretary of the Navy; Robert O. Work to be Under Secretary of the Navy; Elizabeth L. King to be Assistant Secretary of Defense for Legislative Affairs; and Donald M. Remy to be General Counsel of the Department of the Army. In the second panel, we will hear from the following nominees: Dr. Michael Nacht to be Assistant Secretary of Defense for Global Strategic Affairs; Wallace Gregson to be Assistant Secretary of Defense for Asian and Pacific Security Affairs; Jo-Ellen Darcy to be Assistant Secretary of the Army for Civil Works; and Dr. Inés R. Triay to be Assistant Secretary of Energy for Environmental Management.

Each of our nominees has a long history of public service. Governor Mabus served as Governor of Mississippi, and from 1994 to 1996, was Ambassador to Saudi Arabia. Subsequently, Governor Mabus served as Chairman and Chief Executive Officer of Foamex, a large manufacturing company, where he led that company out of bankruptcy. Notably, Governor Mabus served in the Navy as a surface warfare officer aboard the cruiser USS *Little Rock*.

Mr. Work served a career in the Marine Corps, retiring after 27 years of service. Thereafter, he has served at the Center for Strategic and Budgetary Assessments, where he focused on defense strategy and transformation and maritime affairs.

Ms. King is well known to this committee. For the past 12 years, Ms. King has served as Counsel and Senior Policy Advisor for Senator Jack Reed for defense, foreign affairs, and veterans' issues. Prior to that, she was legislative director for a member of the House Armed Services Committee, and was counsel to the 1995 Base Realignment and Closure Commission.

Mr. Remy is a partner at the law firm of Latham & Watkins, where he has dealt with criminal and civil litigation, and advised clients on International Traffic and Arms Regulations, the Office of Foreign Assets Control and Foreign Corrupt Practices Act enforcement. From 1997 to 2000, Mr. Remy served in the United States Department of Justice as a Senior Counsel for Policy and as a Deputy Assistant Attorney General for the Torts and the Federal Programs Branches of the Civil Divi-

sion. Earlier, as an Army Captain, Mr. Remy was an Assistant to the General Counsel of the Army from 1991–1995, where he advised senior Army officials on legal and policy issues concerning all aspects of government contracting, specifically including major weapon system acquisition.

I will save the introductions for the second panel until we have finished questioning the first panel.

We welcome our nominees and their families to today's hearing. Senior Department of Defense officials put in long hours every day, and we appreciate the sacrifices that our nominees and their families are willing to make to serve their country.

If confirmed, Governor Mabus and Mr. Work will assume leadership of the Navy organization at a difficult time. There are well known concerns about naval aviation and potential shortages of aircraft, Navy shipbuilding programs that are behind schedule and over budget, and more recently, we are hearing reports of readiness problems with the fleet. These are very difficult issues that will merit their personal attention.

If confirmed, Ms. King will join DOD when communications between Congress and the Department of Defense will be critical. As I am sure Ms. King knows, the Assistant Secretary for Legislative Affairs, has two sets of clients: one set in the Department, where she will assist the Secretary in representing Departmental positions to Congress, and another set in Congress, where she will represent the concerns of Congress to the Secretary and his team as they consider and decide major policy issues.

If confirmed as General Counsel for the Department of the Army, Mr. Remy will lead the Army legal team as the Army's chief legal officer, determine the controlling legal positions of the Department of the Army and provide professional guidance to the Army's legal community. He will come to this position at a time when there are many concerns and issues to be addressed relating to personnel and acquisition matters.

I look forward to the testimony of our nominees on these and other important issues.

Senator McCain, do you have a statement that you would like to make at this time?

I know that we have a number of Senators who have requested time to make introductions this morning. In the interest of time, we will hear from those Senators at the beginning of the hearing, without regard to the panel which includes the nominee to be introduced.

Chairman LEVIN. I guess the order of battle here is first to call on Governor Mabus.

STATEMENT OF RAYMOND E. MABUS, JR., NOMINEE TO BE SECRETARY OF THE NAVY

Ambassador MABUS. Mr. Chairman, Mr. Ranking Member, members of the committee, thank you so much for giving me this opportunity to appear before you.

I want to thank Senator Cochran and Senator Wicker for their very kind introductions. I have worked with both for more than two decades, and I appreciate it very much.

I also thank the members of the Mississippi congressional delegation: Gene Taylor, Bennie Thompson, Travis Childers, and Congressman Gregg Harper had a conflict today and could not be here. But thank you so much for being here today in support of my nomination.

Chairman LEVIN. Governor, I am sorry, let me interrupt you just for a minute.

Ambassador MABUS. Absolutely.

Chairman LEVIN. I failed to say something which is perhaps the most important, which is how indebted we are to all of your families, whether they are here or they are not able to be here, for their great support of you. It makes a huge difference in your lives, as

you all know because you have been in public service. Each of you feel free to make those introductions as you proceed.

Ambassador MABUS. Thank you so much, Mr. Chairman, and that gives me a great segue into introducing my family.

My wife, Lynne, who is a nurse and whose father was an Air Force doctor when she was born; our daughter Elisabeth, who is a freshman at Harvard; our daughter Annie, who is a junior at St. Andrew's Episcopal School in Mississippi; and our daughter Kate, who is a second grader, also at St. Andrew's.

I want to echo what the chairman said about how important families are, particularly in just being there when people are in public service.

I also want to express my deep appreciation to President Obama for nominating me to this position and Secretary Gates for everything that he has done.

The Navy and the Marine Corps play critical roles in our Nation's service: fighting America's wars, projecting power where needed, protecting the sea lanes, delivering disaster relief, cooperating with other countries in efforts to multiply force, trying and preventing conflicts from arising or from turning into things which are larger, more dangerous, and harder to control, providing training and other assistance to nations around the globe, and doing many of these things in a sea-based, minimum footprint way.

The job of the Secretary has many facets. They range from making sure that the Navy and Marine Corps recruit, train, and retain exceptional forces, to ensuring that those forces have enough of the right equipment to do their job, to caring for them and their families daily and especially in times of crisis, to working with Congress and the other Services in the larger DOD.

These are important times for the Marine Corps and the Navy. Thousands of brave marines and sailors are engaged in Iraq and Afghanistan while courageous thousands more carry out hazardous duties around the globe. These incredible, wonderful young Americans all volunteered to serve and are defending and representing the United States and all of us.

The Navy Department faces complex challenges. One of the most important is gaining control of an acquisition process, which far too often overpromises and underprices, breaks—sometimes spectacularly—budgets and schedules, ups requirements while lowering quantities, and resists accountability. If confirmed, this will be one of my areas of concentration.

Again, if confirmed, I look forward to working with the members of this committee to make sure we don't shortchange our sailors, marines, and taxpayers because of an out-of-control process.

My family history and my life's experiences will, if you confirm me, be crucial in doing this exacting job. My father served as a naval officer during World War II. His brother, my uncle, was a West Point graduate who was at the academy during World War I and served again during World War II. My mother's youngest brother, another uncle of mine, flew in both the North African and European theaters during World War II.

When it came my time to serve, I became a surface warfare officer in the Navy, and the time I spent in the Navy as a young man

was one of the most profound experiences of my life. It helped me so much in the other things that I have undertaken.

The people of Mississippi have honored me beyond measure by electing me both Governor and, before that, State auditor. As auditor, it was my job to make sure public money was being spent correctly. In it, I learned about hard decisions involving finance.

From my period as Governor, I know that one person cannot do everything and that cooperation and collaboration, especially with the legislative branch, is crucial if anything is to be accomplished.

Later, when I served as United States Ambassador to Saudi Arabia, I saw firsthand what our military and all of us face in that critical and exceedingly complex part of the Earth. From my time in the private sector, I bring lessons of efficiency and competition.

As a youngster growing up in Ackerman, MS, I could not have imagined how rich and varied my life was to be so far. I, like so many people in this room, have lived my own part of the dream that is quintessentially American.

If you confirm me, I look forward to working with you, the President, Secretary Gates, and many others to make sure that the country which allows such dreams is well protected by our Navy and Marine Corps.

Thank you, and I look forward to your questions.

Chairman LEVIN. Thank you so much, Governor.

Next we will call on Robert Work, nominated to be Under Secretary of the Navy.

STATEMENT OF ROBERT O. WORK, NOMINEE TO BE UNDER SECRETARY OF THE NAVY

Mr. WORK. Mr. Chairman and Senator McCain, distinguished members of the committee, I am truly honored to be before you today as President Obama's nominee as the Under Secretary of the Navy. Serving in this post would be a great privilege, and I am grateful to both the President and Secretary Gates for choosing me for this position.

I would also particularly like to thank my family for being here today and supporting me, and I would like to introduce them to the panel and yourself, sir.

First is the love of my life, my bride of 31 years, Cassandra. She is a former Army nurse and mother of my beautiful daughter, Kendyl, who is finishing her first year at Randolph Macon College here in Virginia. I am forced to tell you that she is a proud new sister in Delta Zeta sorority. I am also joined by my brother, Skip, a former marine and now a director for contracting and an author.

Unfortunately, neither my dad nor mom could be here today. My father fought as a marine in three different wars, retired after over 30 years of active duty. But he was a marine until the day he died. My mom was a Navy nurse, served in World War II. I, myself, was a marine for 27 years, and my brother, Skip, a marine for another 20.

So my birth family has contributed about 84 years of active service to the Nation in the Department of the Navy, my wife another 6 in the Department of the Army, and my wife and daughter another 34 years supporting me while I was on active duty.

So as you might imagine then, Mr. Chairman and members of the committee, I am both humbled and excited about the prospect of returning to service and especially at having the opportunity of being in a department that I so respect and love. If we are confirmed, I look forward to helping Governor Mabus lead the finest Navy and Marine Corps in the world and working closely with members of the committee and your respective staffs in carrying out the duties and responsibilities of the Under Secretary of the Navy.

Being called upon to serve our country at any time is a great honor, but being asked to serve in time of war is an especially high one and one that comes with important responsibilities. If confirmed, I give you my word I will do everything possible to ensure that our brave sailors and Marines have what they need to prevail in combat and that they go into harm's way knowing that their families will receive the support that they deserve.

I will also work hard with the Secretary of the Navy to ensure that our nearly 11,000 wounded warriors receive the best care possible and that the families of our fallen are treated with the dignity and respect they deserve.

I am also mindful that because of what looks like to be an especially challenging fiscal and budgetary environment, the incoming Secretary and Under Secretary will be forced to make hard decisions about the future Navy and Marine Corps. If confirmed, I believe that my lifelong experience, first as an active duty dependent, then a military officer, a husband and father of a military family, and a leader strategist and analyst, well prepares me to contribute to these decisions.

However, I pledge not to enter this important job with any preconceived notions or positions. I will listen to the best available civilian and military advice and, when asked, give honest, pragmatic advice and counsel to the Secretary of the Navy, the Secretary of Defense, and the President.

If confirmed as the Under Secretary, I will also work hard as the department's Chief Management Officer (CMO) to tee up well thought-out positions and recommendations to the Secretary on a full range of Department of Navy activities, lead and manage the Department's Senior Executive Service, and explore ways to improve departmental business practices across the board.

In closing, I want to again thank President Obama for nominating me to this position and Secretary Gates for supporting my nomination. I am honored and truly humbled to be before you today. If the Senate chooses to confirm me in this position, I hope to justify your trust fully and look forward to working closely with all of you in maintaining our great Navy and Marine Corps.

Thank you, Mr. Chairman. I look forward to the questions.

Senator INHOFE. Mr. Chairman? Mr. Chairman?

Chairman LEVIN. Yes?

Senator INHOFE. Just a brief comment. I am ranking member on the Environment and Public Works Committee. My attendance is required at a meeting coming up.

But I want to say and get on the record that I am in full support of all the nominees today on both panels. I have worked with Ms. King back when she was with Marty Meehan on different causes,

and certainly with Jo-Ellen Darcy, I agree with everything that Senator Baucus said.

I want to make this one comment, though. I know there is some request to have a confirmation hearing for Ms. Darcy before the Environment and Public Works Committe, and I think that if I can just go ahead and submit the questions as it would pertain to that committee, maybe that can be avoided. We will try to do that.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Now Liz King is an old friend of this committee. It is wonderful to see you here in any capacity, but a little bit strange to see you on the other side of this dais.

Ms. KING. Indeed.

Chairman LEVIN. Welcome.

STATEMENT OF ELIZABETH L. KING, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Ms. KING. Thank you. Thank you, Mr. Chairman.

Senator Levin, Senator McCain, members of the committee, thank you for the opportunity to appear here today.

I would like to begin by recognizing and thanking my sister Celeste and my nephew Brendan. While they could not be here today, I know they are with me in spirit, and their love, understanding, and camaraderie mean the world to me.

I would also like to thank a small army of friends, many of whom are here today. They have given me their love, support, and loyalty for many years, and it has made all the difference.

Finally, I would like to thank Senator Reed not only for his introduction, but for the privilege of working for him for the past 13 years. He has been a wonderful boss, mentor, and friend. Opportunities to work for someone like him do not come along often in one's life, and I will always treasure the experience.

It has been an honor to work on Capitol Hill for the past 14 years. If I am confirmed, I may be switching offices, but I look forward to continuing to work with the members of the Senate and House and their staffs to solve problems, implement legislation, and provide needed information in a timely fashion.

I hope to foster a strong partnership between Congress and the DOD so that together we can reach the common goal of meeting the needs of the men and women in uniform who tirelessly serve our Nation.

Thank you.

Chairman LEVIN. Thank you very much, Ms. King.

Now Mr.—is it "Ray-mee" or "Ree-mee"?

Mr. REMY. It is "Rem-mee," Mr. Chairman.

Chairman LEVIN. Remy. I will get it right the third time. Mr. Remy?

STATEMENT OF DONALD M. REMY, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY

Mr. REMY. Thank you, Mr. Chairman.

Chairman Levin, Senator McCain, and distinguished members of the committee, it truly is an honor and a privilege to appear before you today as the nominee for General Counsel of the Army.

I am grateful to President Obama for his confidence in me and, if confirmed, for giving me the opportunity to return to my roots at the Pentagon and serve alongside the men and women, civilian and uniformed, who protect and defend our country.

Mr. Chairman, I am especially thankful to you, to Senator McCain, the committee, and your staffs for holding this hearing so promptly. I also want to thank Senator Landrieu for her kind introduction.

If I may, I would like to follow up on the introduction that Senator Landrieu provided of my family. Were it not for the unconditional love and support of my family, my friends, and for the grace of God, I would not be before you today.

In the audience today is my partner and head coach in what we refer to as "Team Remy," Monitra, my wife. She has been with me on our journey for 22 years, since our days in Reserve Officers' Training Corps as cadets together.

Seated beside her are our two terrific sons: Alex, who is 15, and Jason, who is 11. Members of the committee, these two boys are happy to be here today and enjoy this civics lesson rather than go to school. [Laughter.]

Their mother and I could not be more proud of the young men they have become and the future that they have ahead of them. Indeed, it wasn't until I was a parent myself that I truly appreciated all that my parents did to help me become the man that I am.

Last year, Secretary of the Army Geren declared 2009 the Year of the Noncommissioned Officer (NCO), and I can think of no better tribute to the NCO than to offer my thanks in this forum to my father, retired Army Master Sergeant Donald Remy, who was awarded the Bronze Star for his service in Vietnam.

But we all know that beside every great soldier is the soldier's spouse. Just as my father dedicated 25 years of service to this Nation, so, too, did my mother, Ann Remy. Whether my father was deployed or at home, my mother was steadfast in caring for and raising not just me and my brother Adrian and sister Renee, who could not be here today, but also many other sons and daughters of our Army community.

While many friends and colleagues are here today, I want to thank, in particular, my sister-in-law, Christine Butler, for her presence and always being there for our family. I also want to recognize one of my closest friends, former Federal Communications Commission chairman, the Honorable Michael Powell.

America's Army is pivotal to the strength of our Nation. In an ever-changing global dynamic, the Army continues to adapt its aim to achieve and maintain balance for the 21st century. The issues, particularly the legal issues that arise in that context are complex, challenging, and, in some instances, unprecedented.

If confirmed, I want to assure the committee that I am committed to working cooperatively with the Judge Advocate General (JAG) to provide expert, timely, value-added advice to the Army Secretariat and the Army staff. I am committed to assisting the department's efforts to assure that the acquisition process for materiel and services is efficient, effective, and compliant with our laws and regulations.

I am committed to making certain that the Army's transformation is accomplished consistent with the rule of law and a practical understanding of the issues affecting our All-Volunteer Force and their families.

Senator Landrieu kindly noted my background and dedication to public service. I have served our Nation in uniform as a soldier and as a public servant in both the Department of the Army and the Department of Justice. I am greatly humbled by the opportunity to serve again. If confirmed, I pledge to work closely with this committee to support and promote the outstanding men and women of the United States Army and their families.

I welcome your questions, Mr. Chairman.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR MARK R. WARNER

It's an honor and a privilege to support Donald Remy's nomination before the Senate Armed Services Committee. I strongly endorse Don's nomination and look forward to his confirmation as General Counsel of the Army. I know that Don will perform admirably as the chief attorney for the Army. This is a job of utmost importance as the General Counsel is charged with the weighty responsibility of determining the Army's legal stance on many of our Nation's most challenging issues.

Don brings a wealth of experience to this position from the private sector including his distinguished work as an attorney and businessman. In the private sector, he served in numerous high level legal roles and has tremendous experience in employment, procurement, and contracting law.

Don completed his undergraduate schooling at Louisiana State University, where he graduated with honors and was commissioned a 2nd Lieutenant in the United States Army. He then finished Cum Laude at Howard University Law School, where he also served as the Executive Articles Editor of the Law Journal. Upon graduation from Howard he was selected to serve as a clerk to The Honorable Nathaniel R. Jones of the United States Court of Appeals for the Sixth Circuit.

Don has also made public service a priority during his career. He has published, lectured and testified before Congress on legal topics relating to torts, constitutional law, employment law, diversity, government contracts, litigation and compliance. During his time in the Army General Counsel's Office, he lectured at the Judge Advocate General's School and the Army Materiel Command. In 2005, Don was recognized by Black Enterprise as one of America's most powerful executives under 40.

Don is also a respected leader, admitted to Practice Law in Pennsylvania, the District of Columbia, U.S. Supreme Court, U.S. Courts of Appeals for the Armed Forces, Sixth Circuit, Ninth Circuit, Eighth Circuit, Fifth Circuit and Fourth Circuit. He is a DC Bar Delegate to the American Bar Association and a member of the National Bar Association and Washington Bar Association. Don also sits on the Boards of Louisiana State University—University College, the Washington Lawyers Committee on Civil Rights and Urban Affairs, the Abramson Foundation, and the Legal Counsel for the Elderly.

Now more than ever, the Nation needs his skills and commitment. I offer my strongest support to his nomination, and I look forward to his confirmation by the Senate.

Chairman LEVIN. Thank you, Mr. Remy.

Now, I will ask you to answer the following standard questions. You can all answer at once.

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

[All four witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[All four witnesses answered in the negative.]

Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[All four witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[All four witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[All four witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify upon request before this committee?

[All four witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

[All four witnesses answered in the affirmative.]

We thank you.

Let us try 8-minute rounds and see if we can get all of our questions that we need to ask during that period. We are trying to fit a lot in this morning. If we can do it, it would be great.

If we can't get both panels completed, we will have to figure out other arrangements. But we will give it a go.

First, Governor Mabus, one initiative to improve management of our acquisition process within the department is Senate Bill 454, which is sponsored by Senator McCain and myself. This bill would make several changes to current acquisition law: presuming that programs would be terminated if they breached the Nunn-McCurdy threshold, elevating the level of independent cost estimating, and dealing with organizational conflicts of interest.

Governor Mabus first, and then I will ask you, Mr. Work, the same question. Are you familiar with our legislation?

Ambassador MABUS. Yes, sir. Senator, I have read the legislation.

Chairman LEVIN. Can you give us your personal opinion regarding any of the components of that legislation?

Ambassador MABUS. It is very obvious that our acquisition process needs reforming in some fundamental ways that this legislation seeks to address. If I am confirmed, I look forward to working with this committee to make sure that those reforms are implemented, the reforms that Congress mandates are implemented effectively, timely, and in a very professional way.

Chairman LEVIN. Mr. Work, do you have any comment?

Mr. WORK. Mr. Chairman, I fully agree with the intent of the legislation. I am especially drawn to trying to establish cost controls over out-of-control programs, independent cost estimation, and solving conflict of interest issues. I haven't been able to discuss fully with staff all of the aspects of the legislation and how it might be implemented, but I fully subscribe to the intent.

Chairman LEVIN. Thank you.

Mr. Work, if confirmed as Under Secretary, you are going to also become the first CMO of the Department of the Navy. We established this position in 2007 out of frustration with the inability of the military departments to modernize their business systems and processes.

We chose to have the Under Secretary serve concurrently as CMO because no other official in the Department of the Navy, other than the Secretary, sits at a high enough level to cut across stovepipes and implement comprehensive change.

Will you make the modernization of the Navy's business systems and processes a top priority?

Mr. WORK. Yes, Mr. Chairman, I will.

In my interviews with both Secretary Gates and the Deputy Secretary, they indicated how important this position is and how much that they were going to exercise it. I look forward to working with the members of the committee to understanding the intent of the legislation and implementing it, if confirmed.

Chairman LEVIN. Will you report back to this committee on a regular basis on any obstacles that you are encountering in that effort?

Mr. WORK. Absolutely, sir. Yes, sir.

Chairman LEVIN. Now Chapter 633 of Title 10 establishes the requirement for a board of officers, commonly referred to as the Board of Inspection and Survey, to examine naval vessels. The committee is concerned about recent reports from that board, which have found that certain front-line ships of the Navy are unfit for combat operations, and forward-deployed mine countermeasure ships were unable to get underway in 2006. The Navy attacked the material issues to restore those ships to high readiness.

However, subsequent reports of serious degradation to amphibious ships and, more recently, the determination that two Aegis combatants are unfit for combat operations raises concerns that there are systemic issues associated with organic-level maintenance and self-assessment that might jeopardize the Navy's ability to meet the objectives under the Navy's concept of operations called the Fleet Response Plan.

Governor and Mr. Work, are you aware of recent reports that Navy readiness of the fleet has some real problems such that additional ships have been unable to get underway and have inoperable systems that might threaten crew safety? Are you familiar with those reports? Governor, you can answer first.

Ambassador MABUS. I am aware of the reports, Senator. I have not had an opportunity to study them in any detail.

Chairman LEVIN. Mr. Work, are you aware of the reports?

Mr. WORK. Yes, sir. I am.

Chairman LEVIN. Will you both assure this committee that you are going to look into this matter to ensure that any classification of these reports is handled properly and not just done to shield the Navy from some unflattering press articles?

Ambassador MABUS. Yes, sir.

Mr. WORK. Yes, sir.

Chairman LEVIN. Ms. King, members and staff of this committee, we work well with the DOD officials on a day-to-day basis. We request and receive information that we need to understand the programs and activities of the Department and to meet the committee's oversight responsibilities.

From time to time, the Department has decided to impose formal requirements on such exchanges, such as all communications having to go through the Office of Legislative Affairs, all requests for

information to be in writing, no official of the DOD could discuss an issue until the Secretary has made a decision, and so forth.

Now in our experience, and you have had an experience second to none for anybody who has, I think, ever been in the position to which you have been nominated, the imposition of that type of formal requirement could unnecessarily undermine the working relationship between this committee and the Department that has been so beneficial to both sides.

I am wondering if you could give us your assessment as to the desirability of informal communication between department officials and the committee and whether it is necessary and essential at times? Also then why impose any formal requirements on such communications?

Ms. KING. I am aware that recently there has been some imposition of formal requirements. If I am confirmed, I plan on reviewing those procedures and processes because I believe that open channels of communication, getting everyone what they need in a timely manner in the most efficient way possible, is the best way to form a partnership between Congress and DOD.

Chairman LEVIN. Okay. Thank you.

Mr. Remy, increasing violence along the border with Mexico has brought renewed calls to use our military to assist the Border Patrol and Customs Service. Can you give us your thoughts on that? Any implications in terms of *posse comitatus*?

Mr. REMY. Yes, Mr. Chairman.

Mr. Chairman, the *posse comitatus* law deals with the ability of the uniformed personnel in our United States military to help States. I understand that there have been some circumstances where our military has been deployed, and there is a study underway looking at the deployment of our military forces along the border.

That is something that I believe would require a significant amount of analysis and thought. If confirmed, I pledge to do that.

Chairman LEVIN. All right. Mr. Remy, during the Iraq war, private security contractors were used to perform a wide variety of security functions requiring the use of deadly force in a hostile environment. To some extent, this was done out of necessity because we just didn't have and don't have yet sufficient troops to provide needed security.

However, the extensive use of private security contractors in Iraq has resulted in a number of problems, including the 2007 shooting incident in Baghdad, which resulted in the recent indictment of some employees.

Do you agree that the Department needs to take steps to undertake first a comprehensive review of whether and to what extent it is appropriate for contractors to engage in functions that require them to make discretionary decisions about the use of deadly force, which is not in the military chain of command by definition?

Mr. REMY. Yes, Mr. Chairman, I do believe that such a study is necessary.

Chairman LEVIN. Do you undertake that review and your commitment to do it with any particular thoughts along that line?

Mr. REMY. Yes. Mr. Chairman, if confirmed, if I have an opportunity to look into these issues, I will examine the question of

whether or not individuals are doing functions that are inherently governmental functions and to determine whether or not it is appropriate to have contractors conduct interrogations, especially in the circumstance where those interrogations may impact the life or liberty of the individuals that are being interrogated.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Well, thank you, Mr. Chairman, and congratulations to the nominees, we look forward to as rapid confirmation as possible of your nominations.

Ambassador Mabus and Mr. Work, you are aware of the situation concerning cost overruns. This has been particularly true of the United States Navy, whether it be on acquisition of aircraft, a Littoral Combat Ship, or other acquisition requirements that have had dramatic and really terrible cost overruns associated with them.

Do you have thoughts on that, particularly in relation to the legislation that Senator Levin and I have introduced? We will begin with you, Governor.

Ambassador MABUS. Yes, sir. The acquisition process has to be gotten under control or we are going to unilaterally disarm ourselves. We must begin to match up requirements with resources and make sure that our technology is mature before proceeding, stabilize the requirements for ships and aircraft during the manufacturing process, and have fair and adequate contracts going forward. If confirmed, one of my areas of intense concentration and focus will be on this whole acquisition process, both for new systems and for those already in place.

Senator MCCAIN. Have you looked at Senator Levin's and my legislation?

Ambassador MABUS. Yes, sir. I have read it. As Mr. Work said in his statement, I believe the intent of the legislation absolutely goes to the heart of some of these matters. We have to make sure that we have good, independent cost estimates, so if systems spin out of control, there is some teeth to looking at whether to continue them or not.

Senator MCCAIN. Mr. Work?

Mr. WORK. This is a problem that has long years in building. I believe that the U.S. Navy, along with other members of the DOD acquisition team, lost what Admiral Phil Balisle used to refer to as "technical authority," being able to set good requirements, being able to understand when a program is in trouble, and being able to set remedial actions to take care of problems.

The intent of the legislation, especially on the independent cost estimation and tracking closely the costs as they grow and taking action as required, I think are exactly right. I don't fully understand the intent of the conflict of interest provisions of the legislation. Hopefully, if confirmed, I will be able to work with the committee to understand the intent and to keep these cost overruns from occurring.

Senator MCCAIN. Ms. King, I note that Senator Reed is next, and he will probably pose the most difficult questions for you. But, we have had a problem from administration to administration, wheth-

er it be Republican or Democrat, with candid views from the members of the administration that work on the other side of the river.

This sometimes leads to needless conflict. Sometimes it leads to legislation which isn't developed in the closest coordination possible. I hope you will work to keep the committee informed and help us perform our constitutional duties.

Ms. KING. Yes, Senator McCain, I plan to do that.

Senator MCCAIN. So, you know from sitting on this side that some of the problems that we have had are both Republican and Democrat.

Ms. KING. Yes, sir.

Senator MCCAIN. Thank you.

Mr. Remy, I noticed in your bio that you said you worked for a well-known company or corporation. That happened to be Fannie Mae, one of the organizations that is responsible for the severe crisis we are in today. I will be submitting questions to you concerning what responsibilities you had there and what decisions were made during that period of time that you worked there. Certainly, the collapse of Fannie Mae was a direct contributor to many of the economic difficulties we have today.

Mr. REMY. Senator McCain, I am happy to answer any questions of yours or the committee's.

Thank you.

Senator MCCAIN. Thank you.

On the issue of the deployment of the military, I also serve on the Homeland Security and Governmental Affairs Committee, and we had a hearing in Phoenix, AZ, which is now the kidnapping capital of America, about border violence. From talking with the mayors, the sheriffs, the Governor, and the attorney general of my State, it is very clear that there is great danger of that violence spilling over into our State, Texas, New Mexico, and California.

Now, all four Governors of border States have requested the deployment of the National Guard to the border for the reasons that I have just stated. Do you have views on this subject, particularly in light of the fact that the National Guard has been deployed in the past and there doesn't seem to be any large national crisis, constitutional crisis, associated with it?

Mr. REMY. Senator McCain, I understand the concerns that the States are voicing, and I understand the need to have the security forces that are adequate to deal with the issues on those borders. I believe that, if appropriate, it would make sense to further examine that issue if it is something that is put into my space and, if confirmed, if it is something that I am charged with looking at.

Presently, it is not an issue that I have studied at great length, but it is something that I would be committed to examine.

Senator MCCAIN. Let me even recommend to you that you take a trip down to the border and are briefed personally by the individuals not only that are tasked to enforce our border, but also the residents, the mayors, city councils, and others who are grappling with this very serious issue.

I could give you numerous examples of how close this violence has come to spilling over, and actually has spilled over, into the United States of America. Now all of it, of course, is exacerbated

by this threat of swine flu, which we all know is originated in the country of Mexico, as well.

So you will have significant input into the decisions concerning deployment of Guard or regular forces to the border, and I hope that you will give it a priority of familiarizing yourself with this situation.

Mr. REMY. Yes, Senator McCain. I will make it a priority.

Senator MCCAIN. Finally, Mr. Work, you said in your statement that you had some ideas about new approaches you are considering to curb rising health and personnel costs. What approaches are you considering?

Mr. WORK. During the last 2 weeks, we have received several briefings on both the Safe Harbor program and the Wounded Warrior program, as well as all of the health care issues that are facing the Department. The costs, Senator McCain, are rising much faster than the rate of inflation, and it is really causing a problem as far as execution in the Department of the Navy's budget.

The only clear idea that I have right now, if confirmed, is to work with the Secretary, the two Service Chiefs, the Assistant Commandant, and the Vice Chief of Naval Operations to take a hard look at how we might be able to handle the problem within the service and then to work with members of the committee and also DOD to try to get a handle on healthcare costs writ large.

Senator MCCAIN. Thank you, Mr. Chairman.

I thank the witnesses.

Chairman LEVIN. Thank you, Senator McCain.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Governor Mabus, you bring an extraordinary range of experience to the task before you. I think the President made a very wise choice. I think particularly, as you point out, your experience as a young officer on the deck of a service combatant is going to be very critical.

As my colleagues have suggested, the shipbuilding program in the Navy needs reform and attention, and there are just two issues that I think you probably don't have firm opinions, but I would like your comments upon.

There is always a tradeoff between advanced technology and new hulls. Building ships or just improving technology, if you could comment on that?

Also, any sense of whether you feel there is excess capacity, particularly in service combatant capabilities of building those ships?

Ambassador MABUS. In terms of the first question, Senator, new technology, first, has to be looked at to decide whether it is appropriate; second, whether it is mature enough to be put on a combatant surface, subsurface ship, or airplane. Then there is the issue of stability of requirements because once you have begun, as you well know, construction, making major changes is one of the leading causes of stretching the completion date and raising the cost.

I think you should look at, if new technologies come along, building ships in blocks so that the next block of ships can be upgraded in terms of technology, but not trying to make the ships that are currently under construction be the most perfect ships that you can have.

Forgive me, but I have forgotten the second part of your question.

Senator REED. Just the issue of the excess capacity of particularly surface combatants in terms of the capacity to build these ships, the number of yards?

Ambassador MABUS. Well, I believe, sir, that the number of yards is very small in terms of just sheer numbers. To keep the industrial base and to keep a well-trained workforce in order to build these ships that we are going to need, both today and in the future, we don't have any excess capacity, but we do need to work very hard to make sure that there remains competition among those shipyards.

Senator REED. Thank you, Governor. Governor, Ambassador, and soon-to-be Secretary, thank you.

Ambassador MABUS. Thank you, Senator Reed.

Senator REED. Mr. Work, let me ask the same question, but a focus on the Marine Corps in terms of the technology that they need for this new asymmetric warfare. I know you have done a lot of work in terms of looking at this issue of how the Navy participates and the Marine Corps participates in asymmetric warfare, but are there technologies that the Marine Corps might need that they don't have, and would you focus on that?

Mr. WORK. Senator Reed, the Marine Corps combat development command has been, as I understand it, working very closely with the Department at large to determine these new capabilities. For example, I know that they have specifically looked at unmanned aerial vehicles and populating more of those throughout the Force, ground robotics, and advanced body armor for the Marines.

I believe that the Commandant of the Marine Corps is very much interested in getting the right gear to the troops at the right time, as quickly as possible.

Senator REED. Thank you.

I just want to note, too, that Congressman Taylor was here, Gene Taylor from Mississippi, a dear friend whom I served with. He has since departed, but looking at him, I just discovered how the Senate ages you. He still looks remarkably good.

Mr. Remy, one of the issues that you will face is working with your uniformed colleagues, and you had the privilege of being a young captain JAG officer, I presume, in the general counsel's office. Is that correct?

Mr. REMY. Yes, I was in the honors programs in the general counsel's office, Senator Reed.

Senator REED. We have found out that the best source of advice, particularly with respect to these issues of compliance with the Geneva Convention, has been from uniformed officers, who raised the cry very early and who consistently were, I think, principal critics of some of the policies.

This is less a question and more a comment. I hope you, as a former uniformed JAG, recognize the real skill and talent and experience of those uniformed officers you will serve with.

Mr. REMY. I absolutely do, Senator Reed.

Senator REED. Well, thank you very much.

I will refrain from asking the question who your favorite boss is, Ms. King. [Laughter.]

I will just simply say I neglected to indicate for the record that Liz is a graduate of the University of Pennsylvania and Georgetown Law School.

So, good luck. Thank you all for your commitment to the Country and your service.

Chairman LEVIN. Thank you, Senator Reed.

Senator Martinez.

Senator MARTINEZ. Mr. Chairman, thank you very much.

I want to congratulate all of the nominees and your families and wish you the very best as you undertake your service. Thank you for undertaking the service.

I want to begin with Governor Mabus and Mr. Work and ask a question of both of you. Since 1952, there have been aircraft carriers based in two different homeports on the east coast of the United States. The USS *Tarawa* was homeported in Mayport in 1952, and ever since that time, we have had that kind of a dispersal policy.

Admiral Mullen, Chief of Naval Operations (CNO), before this committee stated that he was very supportive of strategic dispersal of our carrier force. His predecessor, Admiral Vern Clark, also stated on February 2005, and I quote, it is his belief that, "It would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

Secretary England, who was Secretary of the Navy before he was Deputy Secretary, also stated in this committee that, in his judgment, dispersion was still a situation. A nuclear carrier should be in Florida to replace the USS *John F. Kennedy* to get some dispersion.

Even more recently, Secretary Donald Winter, with the concurrence of the current CNO, Admiral Gary Roughead, signed the record of decision to upgrade Mayport to be nuclear ready, continuing the Navy's 54-year commitment of east coast strategic dispersal.

My question to both of you is would you let us know, today, what your intentions are with regards to the strategic dispersal of the Nation's nuclear aircraft carriers along the east coast? Would you tell us whether you agree or disagree with the prior three CNOs on their recommendations that there should be strategic dispersal of the nuclear carrier force?

Ambassador MABUS. Senator, I understand this issue and its importance. I also understand that this issue has been put into the Quadrennial Defense Review (QDR). If confirmed, I expect to be an active member of that review, and I commit to making this a priority item if confirmed as Secretary.

Senator MARTINEZ. I need an answer to my question, though.

Ambassador MABUS. Sir, I simply do not have enough information to give you an answer in terms of what the final outcome should be.

Senator MARTINEZ. You would not disagree with three CNOs that all have indicated in their opinion the importance of strategic dispersal of the nuclear fleet, though, would you not?

Ambassador MABUS. Again, Senator, I do not have the information, as I am sitting here today, to give you an answer on that, except to acknowledge that I do understand that is their position.

Senator MARTINEZ. Mr. Work?

Mr. WORK. Senator, we haven't had an opportunity to talk with the former CNOs. As the Governor has said, this is an issue that has been briefed to us at the broadest level, and I look forward, if confirmed, to working with DOD and the Secretary of Defense to look at this issue again in the 2009 QDR.

Senator MARTINEZ. There is also an issue of funding. A decision was made, and that decision, to my knowledge, was final in deciding that there would be strategic dispersal and that Mayport would become a homeport. You both are aware of that decision having been made, correct, by the prior Secretary of the Navy and right up the chain of command?

As a result of that decision, there was some work that needed to be done. We have had an environmental impact statement that has all gone through the process, a prior QDR. As I say, this is a decision that goes back to when Vern Clark, Admiral Clark, was the CNO.

Do you foresee supporting the continuation of the work that is already in the pipeline, including dredging and other improvements to Mayport that would make it capable of homeporting a nuclear carrier?

Ambassador MABUS. Senator, I believe that the two items that you mentioned, one is the dredging and second the pier upgrade and repair in Mayport, have been recommended by the Secretary of Defense to be included in the President's budget for this year. As the President's nominee and reporting directly to the Secretary of Defense, of course, I support their recommendations.

Senator MARTINEZ. Mr. Work?

Mr. WORK. Senator, I agree with exactly what Governor Mabus said. As we understand it, the record of decision was made at the Department of the Navy in early January, and DOD reviewed that decision. Secretary Gates decided to delay or to look at the decision as part of the 2009 QDR, but to continue the work that Governor Mabus referred to, which would not pre-close any option after the 2009 QDR.

Senator MARTINEZ. The Navy has a goal and a plan to have a 313 ship fleet. Do you have an opinion on that issue and how we should get there?

Ambassador MABUS. Senator, this is another issue that the 313 ship fleet came out of the QDR 4 years ago. It was the best estimate at the time of what the Navy combatant needs would be going forward. There is another QDR underway right now, and I know that the size of the fleet is one of the critical parts of that QDR.

I will, if confirmed, be a very active participant, and this will be one of the areas that I concentrate on to make sure that the size of the fleet is adequate and matches up with the requirements that we have and will give the Navy in terms of what its mission is both today and in the future.

Senator MARTINEZ. Mr. Remy, I want to ask a question of you, and I think it is, frankly, one of candor. I want to suggest to you that I think it is important to have good communication with the committee and to be clear.

I have looked at your resume, and I find it astonishing that you do not list your employer for a number of years. I can't even see the number of years because also your resume does not state when you began and when you ended your employment with what you describe as "a major U.S. company."

Now I know by description and also what Senator McCain said that it appears to have been Fannie Mae, but you don't disclose that or the years that you were at Fannie Mae. Am I correct that it is Fannie Mae that you were employed by before you were at Latham & Watkins?

Mr. REMY. Yes, Senator. Yes, Senator.

Senator MARTINEZ. When did you go to work there, and how long did you work there?

Mr. REMY. Senator, I worked at Fannie Mae from the years of 2000 through 2006.

Senator MARTINEZ. To my knowledge, there is nothing wrong with having done that, and I think it should be on your resume clearly stated for all to see. Although there has been some controversy with the company, I know a lot of honorable people who have worked there, and I just don't think it is appropriate not to disclose it clearly.

Mr. REMY. Senator Martinez, you are right. I have nothing to hide. I did disclose my employment at Fannie Mae on a number of forms that I filed with the committee. I have many different versions of my biography. The version that apparently made it to this committee did not include Fannie Mae as my employer, although it did have the responsibilities that I had undertaken at Fannie Mae at the time.

That was a mistake. I take responsibility for that bio coming to the committee. Indeed, my time at Fannie Mae was a time period where I am personally proud of all of the work that I did at Fannie Mae. Some shameful things may have happened there, but I have nothing to hide from my responsibilities.

Senator MARTINEZ. I don't disagree with that at all, particularly from the timeframe you describe and the responsibilities that appears that you held there. So I wasn't trying to imply anything other than I think it is important to speak with candor to the committee when you are up for nomination, and that is my only point. I appreciate your explanation.

I wish you all well, and thank you very much.

Mr. REMY. Thank you, Senator.

Chairman LEVIN. Thank you very much, Senator Martinez.

I concur. I think we all would concur with your point that there is nothing to be ashamed of. In any event, it should be fully disclosed, and apparently, it was on a number of your other bios. It was stated more generically you worked for a major company, I gather, in terms of the bio that came to us, as you indicated.

I am not familiar offhand with that bio. But apparently, that is what happened. You have acknowledged it, and I think that Senator Martinez's point is a good one, and you agree with it that.

Mr. REMY. Yes, I do. Thank you, Mr. Chairman.

Chairman LEVIN. There may be questions for the record on that, as Senator McCain suggested. If there are, we will try to get them

to you quickly, and you can then answer them promptly as well as to specifically what those duties were.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I would like to begin by thanking each of you on the first panel for your dedicated public service and your desire to serve our Nation in these very important leadership roles. I also want to add my welcome to your families and your supporters who are here with you this morning.

If confirmed, each of you will face, without question, enormous challenges in DOD. You will be charged with forming a comprehensive national security strategy to address today's crises while planning for a complex and uncertain future for our Nation. I would say that, with your backgrounds and expertise, I feel each of you are well qualified to handle these challenges that you will face.

I have been a strong advocate of our military readiness, military presence, and our military engagements around the world. We cannot overstate the importance of our work.

With the recent activities we have witnessed from China and North Korea, it is obvious that the challenges are many. I want to pose this question to Governor Mabus and to tell you at the outset that I feel that the men and women of the Pacific Command have maintained a remarkable level of stability, but we must ensure that they are properly manned and equipped to address possible future conflicts that are part of our challenges.

I also wanted to mention that I feel that Admiral Keating has done a tremendous job. He is helping to maintain the stability with the forces that are there in the Pacific.

I am particularly interested in readiness. The question I ask of you, Governor, is what thoughts do you have on the overall readiness of the naval fleet in our country and, in particular, in the Pacific Command as it relates to the military personnel and available equipment?

Ambassador MABUS. Senator, at this point in the process, I do not have enough information to give you a definitive answer on that except to say that the readiness of the fleet in performing the mission that the Country has given it is of highest importance and that, if confirmed, it will be one of the things that will occupy my time more than any other.

Senator AKAKA. Governor, you and I know that readiness is so important to our military.

Ambassador MABUS. Absolutely, Senator.

Senator AKAKA. Training and taking care of personnel, including the care of families, are part of the importance of readiness, and I look forward to continuing to work with you, if confirmed, in this area.

Mr. Work, I have been really concerned about the position of CMO of Defense and, in this case, of the Navy. The Government Accountability Office (GAO) has reported that the Navy has not yet followed DOD's lead in establishing a template to address business transformation. As Navy CMO, it is critical that you establish performance goals and measures for improving the efficiency and effectiveness of the Navy.

My question to you is what is your understanding of the roles and responsibility of the CMO?

Mr. WORK. Senator, the CMO is responsible to the Secretary of the Navy for the efficient business processes throughout the department. For the last couple years, the Department of the Navy hasn't had an Under Secretary, and as I understand it, the CMO slot was delegated to the Assistant Secretary of the Navy for Financial Management and the Comptroller. The Department of the Navy also set up an Office of Business Transformation, as required by the legislation.

If confirmed, one of my top priorities will be to find out exactly what these offices and people have done and to work very closely with the committee to understand exactly what the intent of the legislation is and to work with the Secretary and the Deputy Secretary to have a very, very good CMO operation.

Senator AKAKA. Ms. King, I am so glad to see you moving into this area in Defense and look upon your move as one that will help our cause, both Defense and the Congress, because of your work here, your relationships, and your understanding of what needs to be done to carry out the goals that we have.

My simple question to you, with all of your experience, is what do you intend to do that may be different in bringing about a relationship of partnership as well as integrating our working processes between Congress and DOD?

Ms. KING. Senator Akaka, if I am confirmed, what I would like to do is to make sure that the Congress and DOD see the relationship as not adversarial, but as working together toward a common goal and to review the processes and the communication to make sure that we are working toward one goal instead of against each other.

Senator AKAKA. I am asking that because I am chairman of the Veterans Affairs Committee here in the Senate, and what we have done in the last 3 years has been to try to create what we call a "seamless order" between Defense and Veterans Affairs. This has been working out well.

Ms. KING. Yes.

Senator AKAKA. So that both deputies are talking to each other once a week, and it is amazing what we have been able to do by phone. I hope this can grow and continue as we move along here.

Ms. KING. I plan to keep that model going.

Senator AKAKA. Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

To all of the nominees here today, congratulations for being here. I look forward to hearing more of your testimony and also to meet your families that are with you.

One of the questions I have is to Governor Mabus and to Mr. Work. Unmanned aerial vehicles have proven to be a critical resource in Iraq and Afghanistan, and the unmanned ground vehicles have also proven to be an important and growing tool to support our military personnel. Although still in an earlier stage, the Navy's development of unmanned underwater vehicles is also important.

What is your perspective on the role of unmanned systems for the Navy and the Marine Corps, and what do you see as the focus areas for the Navy and the Marine Corps for the development, training, and deployment of these vehicles?

Ambassador MABUS. Senator, Secretary Gates, in his recommendations as we move forward, was to put a great deal of emphasis on these unmanned vehicles. In terms of the Navy, my level of knowledge there is simply to say that I understand the importance of these and that I know, going forward, the Navy and Marine Corps have to look into unmanned vehicles to perform some critical tasks. I will make sure that the research, the development, and the technology is there and is adequately analyzed and, if we move into an acquisition phase, adequately contracted in a way that is cost efficient and makes sure that our sailors and our marines get the very best equipment possible.

If confirmed, this will be an area that I look forward to working on to make sure that this new cutting-edge technology makes it to the fleet.

Mr. WORK. Senator Hagan, I believe we are on the cusp of a revolution in unmanned technologies. The last years of war have really shown how these different systems can help both the Marine Corps and the Navy. The Navy is about to commission a class of ships, the Littoral Combat Ships, which is specifically designed to employ unmanned systems.

I agree with Governor Mabus that this is an extremely high priority for the Department. If confirmed, I look forward to trying to populate more of these systems throughout the Navy and the Marine Corps.

Senator HAGAN. Thank you.

Another question I have concerns piracy. I think the media is focusing so much on the piracy off the coast of Somalia and some of the other areas in the world. Piracy is certainly increasingly becoming a strategic threat to the U.S. and our partners in the Asian Gulf. I think key to combating this threat is to encourage partnership capacity and interoperability with the regional navies in the area.

What is your view of countering piracy, and how will you encourage other navies to contribute to maritime security, such as the Combined Task Force (CTF)–150 and CTF–151?

Ambassador MABUS. Senator, the whole country is so proud of the SEALs, the sailors, the marines that took part in the operation a couple of weeks ago that ended so successfully. But as you correctly point out, it is going to take a lot more to combat this problem, particularly in that part of the world.

If confirmed, one of my jobs as Secretary of the Navy will be to ensure that we have the vessels, the people, and the equipment to be able to carry out whatever missions are given by the combat commanders against those pirates. I think it is particularly important what you brought out about partnering with other countries.

The Navy now has the Africa partnership to partner with the navies and the countries along the coast of Africa, both east and west coasts, to encourage interoperability, to do training, to do combined exercises and also humanitarian efforts in those countries. Because one of the quotes from the National Maritime Strategy that the

CNO, the Commandant of the Marines, and the Commandant of the Coast Guard released says that while people and equipment can be surged, trust cannot, and that you have to work for a long time to establish that trust and that operating together.

I think that the Navy, from my information, has made a good start there but it is going to have to be very vigilant and work with the navies and the governments in that region to take on this problem.

Senator HAGAN. Mr. Work?

Mr. WORK. Senator, piracy is an issue that has been around for ages, centuries. It is not only a problem on the sea, but it also emanates from the land.

So the Navy can do its part in areas where piracy is a big problem by working with other nations. I would note that even the Chinese have dispatched ships to fight this problem. But ultimately, it will require a solution both on the land and at sea to deny these pirates the ungoverned spaces where they operate.

Senator HAGAN. I had one further question on our wounded warriors. Certainly, I know that it is of prime importance, and certainly, it is important for the families, sustaining the welfare for our sailors and marines. But can you give me any thoughts on how you emphasize within the branch what you need to be doing in any different way or to continue the treatment for our wounded warriors?

Ambassador MABUS. Senator, there is no higher priority, if confirmed, that I will have than to care for these men and women who have represented us so well and who have paid so dearly in this country's defense.

Whether it is in their healthcare, their mental healthcare, the assistance to families, the reintegration either into their units or back to their hometowns, the continuing healthcare, the continuing care for them and their families, we have no higher duty as a country. If confirmed, I will have no higher priority as Secretary of the Navy.

Mr. WORK. Senator, I believe both the Navy's Safe Harbor program and the Marine Corps Wounded Warrior Regiment are extremely well run. As Governor Mabus said, if confirmed, I look forward to working with the Secretary to make sure that this is a world-class operation as we take care of our wounded heroes.

I agree with the Governor that there is no higher priority in the Department to take care of our sailors and marines who have given so much.

Senator HAGAN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman.

Welcome to our nominees. I continue to be extremely impressed with the very high caliber of individuals President Obama has nominated to run the essential portions of our Government. This panel is no less, Mr. Chairman. Quite an impressive panel.

The President and I agree that we need dedicated leadership to run the affairs of our Government. The Nation is looking for you nominees to play a role in the redirection of our efforts to benefit

and protect all of our citizens, especially those who were ignored as a result of the previous policies.

I have office calls scheduled, I think, with several of you and look forward to these nominees moving quickly as we work on this ambitious agenda that we have also undertaken. There is an opportunity for us, in partnership with you nominees, to cause a real change in our Nation, and I look forward to the mutual cooperation to the benefit of this great Nation.

Mr. Chairman, there is a relationship here with each one of these nominees. Mr. Work, I understand that you are a graduate of the University of Illinois.

Mr. WORK. I am, sir. Go Illini.

Senator BURRIS. Yes, Go Illini. Okay. I am a Saluki. But you are from Illinois. That will help.

To Ms. King, who has the same name as my chief of staff, and I just wondered whether or not there was some relationship there.

Ms. KING. We have looked, but no.

Senator BURRIS. Yes, she told me that you all are just "play cousins." So that is what we call it. But they have the same name. So Brady has already briefed me in terms of your skills on the Hill and what you will do as the nominee.

Of course, Mr. Remy is distinguished being a Howard Law graduate. What is your class, Mr. Remy?

Mr. REMY. 1991.

Senator BURRIS. 1991 is a recent class. How about the class of 1963? [Laughter.]

Mr. REMY. Go Bison.

Senator BURRIS. Go Bison.

I saved the best for last. This young man here who is going to be our Secretary of the Navy was the State auditor of the great State of Mississippi when I was State comptroller, and we worked very closely together in upholding our responsibility for our States. But not only that, he advanced to the great position of Governor of the great State of Mississippi.

We kind of shocked the people in my State capital when I was being honored, Mr. Chairman, for 10 years in public service. We brought in the guest speaker of our banquet, the Governor of the State of Mississippi, to Springfield, IL, to be the guest speaker to honor the State comptroller for 10 years. Of course, that kind of sent a message to a lot of people in my capital that there was something going on.

This was in the mid-1980s, and Governor Mabus was very, very supportive. Not only that, Governor, you may remember when my wife, who hails from Mississippi, from the great Delta part of Itta Bena, where Mississippi Valley State is, and I visited you at the Governor's mansion. It was the first time in her lifetime she had a chance to go in the Governor's mansion in the State of Mississippi.

Ray, you are a tribute to the people of your State. I just noticed how you had bipartisan support. I didn't think that those two Senators would come and support you like that, but evidently you have made your record in the State of Mississippi, and they are very proud of you. I know you will maintain that record as Secretary of the Navy. I am very pleased to be with you.

Just one quick question, Governor. Are you familiar with the contract that the Navy is putting out to a company called Boeing for the F–18 fighter that is going to replace five various Navy planes that are on the ships? I think the Navy has requested some 39 of them, but they only budgeted for 31.

I wondered if you wouldn't look into that, should you be confirmed—and I know you will have a vote here. But look into the facts so we can make sure that we are getting an adequate supply of those F–18 and those Super Hornets that the Navy will need. Have you had any chance to look into any of that?

Ambassador MABUS. Senator, I know that Secretary Gates' recommendation going forward is to acquire 31 of the Super Hornets, 9 tactical fighters, the E/F series, and the other planes to be the G series, the Growler series of that plane. His recommendation also was to have 24 planes each of the F–18 E/F series in the next 2 years.

But in specific answer to your question, yes, I will look into that if I am confirmed.

Senator BURRIS. Second, Governor, I was listening to your answer and lost my train of thought. Oh, wow. I can't pull it back.

Chairman LEVIN. Perhaps you could just submit that question for the record.

Senator BURRIS. Yes, I will submit that question for the record because it had to do with the follow-up on, oh, I know what it is. It is the single-year contract. The company Boeing is seeking a 2-year contract on those F–18s, and they put that line up. That line now has to come down.

Boeing hired a lot of people from across the river, and the plant is in St. Louis. But a lot of Illinoisans work in that Boeing factory, and I wondered if you would look at, when you get there, whether or not that could be a 2-year contract with you and Secretary Gates rather than the 1-year contract?

Ambassador MABUS. Yes, sir.

Senator BURRIS. Okay, thank you. That was my point.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Burris.

Senator Begich is next.

Senator BEGICH. Thank you very much, Mr. Chairman.

I have very few questions. But first, Elizabeth, thank you for taking the time and meeting with me. It sounds like a breath of fresh air in the communication that you are going to bring to the Senate. So I appreciate that, as a new member here, and I look forward to working with you.

I want to follow up on Senator Hagan's questions, if I could, to Governor Mabus and Mr. Work in regards to the pirates. It seems to be a continued growing problem not only here, but also in the Pacific and the Pacific Rim. How do you see or do you see a more aggressive role by the United States in dealing with the pirates?

Ambassador MABUS. Senator, I think that the administration has talked about a much more comprehensive approach toward piracy and that you cannot simply deal with the pirates at sea. You have to deal with where they come from, with the states on the land.

One of the reasons that there has been more success against piracy in places like the Straits of Malacca is that you have govern-

ments and states ashore that are willing to use their law enforcement tools and techniques against pirates when they come back to their home bases. You simply don't have that situation in Somalia right now. You have a state that has no government that can do anything like that.

I know that the President and Secretary Clinton have talked about a far more comprehensive strategy in dealing with them and that, if confirmed, I look forward to making sure that the Navy has the equipment and has the people to carry out whatever missions the President and the combatant commanders give them in terms of whatever strategy we pursue.

Senator BEGICH. If I could follow-up? Again, you may not be able to fully answer this, but are we going to be in a situation where we are waiting for the on-land situation to get resolved or at least become more conducive to dealing with this?

Somalia has not been the most stable country for many, many years, but yet the piracy has continued to grow and become more aggressive in the last few years. I guess I am a little more direct in how to deal with it, and I think what the SEALs did was the right thing to do in the sense of sending a message.

How do you see this process moving forward? I recognize there is a lot of discussion, but Somalia is not necessarily the place that is going to end up first out to solve this problem, unless I am missing something. I am new here, though.

Ambassador MABUS. Well, sir, at this point in my process, and I am very new.

Senator BEGICH. We share that.

Ambassador MABUS. I have not been given what exactly our strategy is against these pirates, and I know it is a matter of intense concern. The things I said about the President and Secretary Clinton in terms of dealing with it are things they have said publicly. But I know that it will be something that I will be intently concerned with should I be confirmed to this job.

Senator BEGICH. Thank you.

I am assuming because one of the pieces of the puzzle will be if there is more intensity from us, the Navy will have to have the proper equipment, the right kind of ships that can move and be mobile and be able to deal with the issue.

Ambassador MABUS. Yes, sir.

Senator BEGICH. Is that part of the equation?

Ambassador MABUS. Yes, sir.

Senator BEGICH. Mr. Work, do you want to add to that?

Mr. WORK. Simply, Senator, that there are two different ways or two complementary ways to deal with this problem. One is through law enforcement, using the U.S. Coast Guard following up on Suppression of Unlawful Acts Against the Safey of Maritime Navigation. Kenya, for example, is just about ready to prosecute one of the first piracy cases because they are a signatory, as are we.

The Coast Guard operates under use of force rules, and the Navy would operate under rules of engagement (ROE). So, if confirmed, I think it would be very, very critical for the naval commanders to understand the ROE and to be given all of the support they need to accomplish the mission.

Senator BEGICH. Very good.

Last totally different area. We are going to go north now because I am from Alaska. I know the Coast Guard has a lot of comment regarding the Arctic, what the future is, and what the role they might have there.

Do you from the Navy, from either one of you, have any comment in where you see the long-term role and participation in the future of Arctic policy and how the Navy may or may not participate up there?

Ambassador MABUS. In the National Maritime Strategy that was put out by the CNO, the Commandant of the Marine Corps, and the Commandant of the Coast Guard, one of the major areas that they saw our naval forces participating in is climate change and persistent presence in places all around the world to meet whatever either potential adversaries that we have or natural conditions that may be changing or needs attention. Our naval forces are uniquely positioned to be able to provide a lot of the information and a lot of the presence in those areas.

Senator BEGICH. So I think, yes, the Arctic is important?

Ambassador MABUS. A much better answer than I just gave. Yes.

Senator BEGICH. I understand.

Mr. Work, do you have any additional comments?

Mr. WORK. If the Northwest Passage opens up year round, it will fundamentally change trade routes and also passage of warships to the north. The Coast Guard obviously will have a prime role in supporting our interests up there. But if the northwest passage opens year round, the U.S. Navy would obviously find this area a very, very important operational focus.

Senator BEGICH. Thank you very much.

I will end there, Mr. Chairman. I would just say again, as Senator Burris said earlier and others have said, the President has continued to bring folks forward for confirmation, especially to this committee that I have a role in, that are an impressive group of folks with wide ranges of experience and the knowledge to bring to the table.

I congratulate you, and I wish your families the best because you will need a lot of support going through this process that I hope ends in a positive in the sense of confirmation of all of you. But also once you are in service, the service that will be required of you and your families.

So thank you very much for your willingness to serve.

Senator REED [presiding]. Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

First, just a follow-up on a couple of things that Senator Begich just said. I am of the view that on this piracy issue, we are making it far too complicated. The policies, in terms of the violation of international law, have been around for a long time. If you shoot the people who do it and blow up their boats, they won't be back.

I would like to respond just a bit to what Senator Martinez said on this Mayport issue. I know you all are kind of in the barrel on this during your confirmation hearings. But I can remember when I was Assistant Secretary of Defense, and we had big push on strategic homeporting when John Lehman was Secretary of the Navy. Any logical proposition can be carried to an extreme. That is why

you need to measure these things through risk assessment and other ways.

Actually, there was a big push at that time in the name of strategic homeporting to put homeporting in Alaska. Senator Stevens was a great advocate of that, and there actually was a plan in place at one point.

With respect to the names that Senator Martinez brought forward in terms of people who support the idea of strategic dispersal, I don't think there is anybody who disagrees with the notion that properly constructed and properly analyzed, there ought to be strategic dispersal. But I will tell you two former Secretaries of the Navy who certainly don't believe that applies to the situation we are talking about with moving a carrier from Virginia to Mayport, and that is Senator John Warner and myself. If I were a Senator from Nebraska, I would be saying the same thing.

I am not going to pose this to you directly, Governor Mabus, today because I am aware that the Deputy Secretary of Defense has already made a commitment to bring this issue up to the Office of the Secretary of Defense (OSD) level and to examine it in the next QDR. But for the record, there has never been a nuclear aircraft carrier in Mayport. You can check the data on that. There have been carriers. There has never been a nuclear aircraft carrier in Mayport.

The number of aircraft carriers from the time that I was Secretary of the Navy even then, and I say "even" because, as I was saying to you yesterday, there were 930 ships in the United States Navy when I was commissioned in 1968. But even when I was Secretary of the Navy in the 1980s, there were 15 carriers, and it was a different situation than there is today.

We have a commitment from OSD on this. The preliminary work that has been authorized or that we have been informed will take place, the dredging and the improvement of the pierside, I am not going to oppose that. I believe, in fact, that it alleviates a lot of the concerns about possibly having a second place for a carrier to go in terms of an emergency. But I would say very strongly that this issue is going to be debated, and I want it to be debated properly.

I want it to be debated on issues of our national strategy and the assets that we have available to solve problems. When the Navy comes in here, as they did last year, and said they got $4.6 billion in unfunded priorities—requirements, not priorities—requirements. Unfunded requirements, and then they turn around and say they want another $1 billion to do this, I think they have gone from the area of "need to have" to the area of "nice to have." There are a lot of places you can take $1 billion and do some good for the United States Navy.

Mr. Work, you are uniquely qualified to address that issue. I am going to get back to that in minute.

Before I ask a question of you, Governor Mabus, I would like to say something to Ms. King. I would hope in the spirit of bringing DOD and this panel into harmony that you will take a look at this 60-day rule.

When we have people come up here and testify and we ask questions, and their response basically is, "Well, we will get back to you with a written answer." In too many cases and, frankly, particu-

larly with the Army, this has been used as a way to sort of roll issues that are kind of hot-button issue now and kind of get them off the radar screen.

I hope that you will look at that 60-day period as sort of the floor rather than the regular process, particularly when there are issues that come before us that are time sensitive.

Ms. KING. I will, Senator.

Senator WEBB. Thank you.

Governor, I would like to say, first of all, I think you bring a great set of qualifications to the job, a very unique set of qualifications having been Governor, having been an Ambassador, having served on active duty, and having been a businessman.

I would say to you, as someone who has spent 5 years in the Pentagon, been around the military all my life, who loves the military, who also believes the military sometimes needs tough love, that I hope that once you assume your position here, you will resist the notion to get on an airplane and go say "hi" around the world, which is what they are going to ask you to do, and really get your arms around the need for strong civilian leadership in the Department of the Navy.

I would like to give you an example here and ask for you to bring us your ideas in terms of management policies that might fix it. About a year and a half ago, I read in the Wall Street Journal that Blackwater, which now has a new name, I think it is Xe, was building a facility and had something like a tens-of-million-dollar project in San Diego to train active duty sailors how to tactically deal with a presence on their ship.

The first thing that struck me about that was that why, 6 years then after September 11, were we asking civilian contractors to teach our military people how to perform military functions? It would be like when I was in Quantico as a marine having Blackwater coming and teaching me how to patrol.

So I started asking questions about this. The city of San Diego was opposing this facility. That is how it ended up in the Wall Street Journal. But I started asking questions about how did this project get authorized? Had it ever come before this committee? Was it specifically before the Appropriations Committee? How do these things happen?

The end result of it was that there was a block of money that had moved forward from the Appropriations Committee, Operation and Maintenance money, from which the Department of the Navy decided that to service the "needs of the fleet," they would make this contract with Blackwater. In other words, it wasn't an authorized program. It simply emanated from a locality in the Navy.

As I asked further questions, it turned out that from the information that I was given, a Senior Executive in the Navy one level up from the program authorizer could make this decision on up to an amount of $78.5 million without even the approval of the Secretary of the Navy.

Now I think, as someone who has a lot of experience in business and management, you would probably find that as disconcerting as I did?

Ambassador MABUS. Yes, sir.

Senator WEBB. Here is what I would ask. I would like to send you this packet and just get you to put a management check on it, if you would. Maybe we can discuss it or maybe I can just get your reaction in terms of management policies for these sorts of things that are happening inside the Department of the Navy?

Ambassador MABUS. I will be very happy to do that.

Senator WEBB. Thank you very much.

Mr. Work, you are a lucky man because my time just ran out. [Laughter.]

Senator REED. Senator Nelson.

Senator BILL NELSON. Ms. King, you have worked for Senator Reed, and you know the process up here. I think the words of Senator Webb are well spoken about making sure that DOD is getting back to us. They haven't in the past.

Ms. KING. I understand.

Senator BILL NELSON. It is another way of rope-a-doping. We are so busy around here that we are not all the time checking every day to see that DOD is responding. So, thank you. You are uniquely qualified for this.

Because Mayport has been brought up as an issue here, I am compelled to recall for the record the long history of commentary and testimony that has been made to this committee. This past January 14, the Navy issued its record of decision to have a homeport for a nuclear aircraft carrier at Mayport. It, by the way, was replacing another aircraft carrier, the *John F. Kennedy*, a conventional carrier, that had been homeported there, and back in the 1980s, there were two aircraft carriers.

The Atlantic fleet has historically been spread at least over two ports. In the Pacific, we know there are three homeports of which the six carriers stationed in the Pacific are spread.

In its record of decision just a couple of months ago, the record of decision said, "The most significant strategic advantage offered by the development of an additional east coast nuclear-powered aircraft carrier (CVN) homeport is a hedge against a catastrophic event that may impact Naval Station Norfolk, the only existing CVN homeport for the Atlantic fleet CVNs of which there are five that are homeported of the now six CVNs, the most recent having just been commissioned, the *George H.W. Bush.*"

Furthermore, the Navy stated in that record of decision, "Neither the Navy nor the Nation nor its citizens can wait for a catastrophic event to occur before recognizing the potential impacts of such an event. This lesson was learned all too well in the aftermaths of the recent catastrophic events, such as Hurricane Katrina. The Navy recognized its responsibility to develop a hedge against such an event."

Thus, according to the Navy, and I continue to read from the record of decision, "The decision to create the capacity to homeport a CVN at Naval Station Mayport represents the best military judgment of the Navy's leadership regarding strategic considerations."

They determined that, "The cost of developing a CVN homeport at Naval Station Mayport is more than offset by the added security for CVN assets and enhanced operational effectiveness provided by the ability to operate out of two homeports."

Those are not my words. That is the Navy's words in their decision to have a homeport for a nuclear carrier.

Mr. Chairman, I ask that the Navy's record of decision be entered into this committee record.

Chairman LEVIN [presiding]. It will be at this point.

[The information referred to follows:]

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for Homeporting of Additional Surface Ships at Naval Station Mayport, Florida

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice of Record of Decision.

SUMMARY: The Department of the Navy (DON), after carefully weighing the strategic, operational, and environmental consequences of the proposed action, announces its decision to homeport one nuclear-powered aircraft carrier (CVN) at Naval Station (NAVSTA) Mayport. Today's decision does not relocate a specific CVN to NAVSTA Mayport. It does initiate a multiyear process for developing operational, maintenance, and support facilities at NAVSTA Mayport to support homeporting of one CVN. This multiyear process includes implementing projects for dredging and dredged material disposal, construction of CVN nuclear propulsion plant maintenance facilities, wharf improvements, transportation improvements, and construction of a parking structure to replace existing parking that would be displaced by development of the CVN nuclear propulsion plant maintenance facilities. The projects necessary to create the capacity to support CVN homeporting could be completed as early as 2014. No CVN homeport change will occur before operational, maintenance, and support facility projects are completed. Selection of the CVN to be homeported at NAVSTA Mayport would not occur until approximately one year prior to the ship's transfer to NAVSTA Mayport. Selection of a specific CVN for homeporting at NAVSTA Mayport will be based upon then current operational needs, strategic considerations, and maintenance cycles.

The DON decision to utilize the capacity at NAVSTA Mayport to homeport a CVN is the culmination of a two and a half year process involving environmental analysis under the National Environmental Policy Act (NEPA), identification of the recurring and nonrecurring costs associated with homeporting surface ships at NAVSTA Mayport, and an assessment of strategic concerns.

The DON environmental analysis included extensive studies regarding impacts associated with dredging, facility construction, and homeport operations. The environmental

analysis undertaken by the DON included lengthy and detailed consultations with regulatory agencies, such as the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), regarding impacts to endangered and threatened species, and the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) regarding dredging operations and the in-water disposal of dredged materials. Public awareness and participation were integral components of the Environmental Impact Statement (EIS) process. The DON ensured that members of the public, state agencies, and federal agencies had the opportunity to help define the scope of the DON's analysis as well as examine and consider the studies undertaken by the DON. Public review and comment on the DON's interpretation of those studies and the conclusions drawn from the DON's interpretation of associated data were robust.

The decision reached by the DON, as further explained later in this Record of Decision, is based upon the DON's environmental, operational, and strategic expertise and represents the best military judgment of the DON's leadership. The need to develop a hedge against the potentially crippling results of a catastrophic event was ultimately the determining factor in this decision-making process. The consolidation of CVN capabilities in the Hampton Roads area on the East Coast presents a unique set of risks. CVNs assigned to the West Coast are spread among three homeports. Maintenance and repair infrastructure exists at three locations as well. As a result, there are strategic options available to Pacific Fleet CVNs should a catastrophic event occur. By contrast, NAVSTA Norfolk is homeport to all five of the CVNs assigned to the Atlantic Fleet and the Hampton Roads area is the only East Coast location where CVN maintenance and repair infrastructure exists. It is the only location in the U.S. capable of CVN construction and refueling. The Hampton Roads area also houses all Atlantic Fleet CVN trained crews and associated community support infrastructure. There are no strategic options available outside the Hampton Roads area for Atlantic Fleet CVNs should a catastrophic event occur.

FOR FURTHER INFORMATION CONTACT: Mr. Royce Kemp, Naval Facilities Engineering Command Southeast, Building 903, Naval Air Station Jacksonville, FL 32212-0030, telephone 904-542-6899.

SUPPLEMENTARY INFORMATION: Pursuant to Section 4332(2)(c) of Title 42 of the United States Code (Section 102 (2)(c) of the National Environmental Policy Act of 1969 [NEPA]); the regulations of the President's Council on Environmental Quality

(CEQ) that implement NEPA procedures (40 Code of Federal Regulations [CFR] Parts 1500-1508); DoD Instruction 4715.9, Environmental Planning and Analysis; and the applicable DON environmental regulations that implement these laws and regulations, the DON announces its decision to homeport one CVN at NAVSTA Mayport. The proposed homeporting will be accomplished as set out in Alternative 4, described in the Final EIS as the Preferred Alternative. The DON considered applicable executive orders, including the requirements of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

Specific components of the Preferred Alternative, as described in the Final EIS, include the following: (a) dredging of the NAVSTA Mayport turning basin and entrance channel and federal navigation channel (duration approximately 12 to 18 months); (b) disposal of approximately 5.2 million cubic yards (cy) of dredged material in an ocean dredged material disposal site (ODMDS); (c) improvements to Wharf F (duration approximately 24 months); (d) improvements to parking (duration approximately 24 months); (e) improvements to on-station roads (duration approximately 24 months); (f) construction of CVN nuclear propulsion plant maintenance facilities (duration approximately 33 months), followed by equipment outfitting; (g) and arrival of one CVN for homeporting as early as 2014, dependent upon the completion of CVN nuclear propulsion plant maintenance facilities construction and outfitting.

PURPOSE AND NEED: The purpose of the proposed action is to ensure effective support of fleet operational requirements through efficient use of waterfront and shoreside facilities at NAVSTA Mayport. The DON has developed plans for ashore infrastructure to ensure appropriate support of the Fleet Response Plan and the DON's required operational battle force.

The DON needs to utilize the available facilities at NAVSTA Mayport, both pierside and shoreside, in an effective and efficient manner. Effective use of NAVSTA Mayport helps preserve distribution of assets among homeport locations to reduce the risks to fleet resources and to maintain operational, maintenance and repair capabilities in the event of natural disaster, manmade calamity, or attack by foreign nations or terrorists. Developing homeport capability for a CVN at NAVSTA Mayport optimizes use of existing infrastructure including housing, support facilities (gym, exchange, etc.), and available berthing capacity.

PUBLIC INVOLVEMENT: The DON initiated a mutual exchange of information through early and open communications with interested stakeholders throughout the development of the EIS. The Notice of Intent (NOI), which provided an overview of the proposed action, explained the projected scope of the EIS, and identified the scoping meeting time and location, was published in the Federal Register on November 14, 2006 (71 FR 66314). Notification of the public scoping meeting was also made through local media outlets and newspapers. The DON conducted a scoping meeting on December 6, 2006 at the Florida Community College at Jacksonville South Campus in Jacksonville, Florida. In addition, relevant project information was made available on a public website (www.mayporthomeportingeis.com) and copies of the NOI were sent to federal, state, tribal, and local agencies. Thirty-eight people attended the scoping meeting, and additional comments were collected during the 45 day public scoping period. A total of 17 individuals, agencies and organizations submitted 82 written comments in response to the NOI. The USACE and the U.S. Environmental Protection Agency (USEPA) agreed to be cooperating agencies in the EIS process.

The Notice of Availability of the Draft EIS and Notice of Public Hearing were published in the Federal Register on March 28, 2008 (73 FR 16672). Notification of DRAFT EIS availability and public hearing date was also made through local media outlets, newspapers, and direct mailings to interested individuals, agencies, and associations, as well as elected and other public officials. The Draft EIS was distributed to those individuals, agencies, and associations who asked to be notified during the scoping process, as well as members of Congress, and state officials. The Draft EIS was available for public comment from March 28, 2008 to May 27, 2008. The public comment period was extended from the original 45 day availability to provide the public 60 days to review the EIS and provide comments (73 FR 24260). The Draft EIS was made available for general public access at 5 public libraries in the Jacksonville area, and on the project website. The DON held a public hearing on April 16, 2008 at the Florida Community College at Jacksonville - Deerwood Center. A total of 120 individuals, agencies, and organizations submitted 273 comments on the Draft EIS.

The Notice of Availability of the Final EIS was published in the Federal Register on November 21, 2008 (73 FR 70640). The Final EIS included identification of the Preferred Alternative, mitigation measures to reduce environmental consequences, and

public and agency comments on the Draft EIS and responses to those comments. Notification of the availability of the Final EIS was also made through various newspapers and direct mailings to interested individuals, agencies, and associations, as well as elected and other public officials. The Final EIS was distributed to those individuals, agencies, and associations who asked to be notified during the public comment period, as well as members of Congress and state officials. In addition, the Final EIS was made available for general public access at 5 public libraries in the Jacksonville area, and on the project website. The 30-day no action period, allowing for public review of the Final EIS, ended on December 22, 2008.

ALTERNATIVES CONSIDERED: The Draft and Final EIS assessed the impacts of 12 action alternatives and the no action alternative. Consistent with the purpose and need for the proposed action, the alternatives addressed only options for utilizing capacities at NAVSTA Mayport for homeporting additional surface ships. Examination of homeporting options at other geographic locations was not relevant to the established purpose and need, so no such alternatives were considered. The 12 action alternatives evaluated a broad range of options for homeporting surface ships at NAVSTA Mayport. The alternatives included ship types currently homeported at NAVSTA Mayport: destroyers (DDGs), and frigates (FFGs), as well as additional types of ships identified by the Chief of Naval Operations (CNO), including amphibious assault ships (LHDs), amphibious transport dock ships (LPDs), dock landing ships (LSDs), and a CVN.

In the Final EIS, the DON identified Alternative 4, as the Preferred Alternative. Alternative 4 involves homeporting one CVN at NAVSTA Mayport and included dredging, infrastructure and wharf improvements, on-station road and parking improvements, and construction of CVN nuclear propulsion plant maintenance facilities at NAVSTA Mayport. Factors that influenced selection of Alternative 4 as the Preferred Alternative included impact analyses in the EIS, estimated costs of implementation, including military construction and other operation and sustainment costs, and strategic considerations.

Regulations implementing NEPA require the identification of the environmentally preferred alternative. The environmentally preferred alternative for this EIS is Alternative 2, homeporting two LHDs at NAVSTA Mayport. LHD homeporting would require no dredging or other major construction activities compared to

dredging and construction activities required to implement the Preferred Alternative to homeport a single CVN. As such, the Preferred Alternative (Alternative 4) would have greater environmental impact than the environmentally preferred alternative (Alternative 2) on earth resources, water resources, air quality, noise, biological resources, and utilities. While the environmentally preferred alternative would have less environmental impact than the Preferred Alternative, it does not address strategic concerns or reduce risks to critical Atlantic Fleet assets and infrastructure.

ENVIRONMENTAL IMPACTS: The EIS analyzed environmental impacts and the potential magnitude of those impacts relative to the following categories of environmental resources: earth resources, land and offshore use, water resources, air quality, noise, biological resources, cultural resources, traffic, socioeconomics, general services, utilities, and environmental health and safety. Analysis of these categories also included the radiological aspects of CVN homeporting. Only environmental impacts to NAVSTA Mayport and the project area were evaluated. There were no environmental impacts to the human environment outside of NAVSTA Mayport and the project area that were interrelated to the natural or physical environmental effects of the proposed action.

The environmental impact of implementing each alternative was evaluated against the 2006 baseline. The baseline year 2006 best represents recent and historical operations at NAVSTA Mayport, and 2014 represents the end-state year by which all alternatives evaluated in the EIS could be implemented. Many impacts were found to be common among the alternatives. A detailed discussion of the environmental consequences for each resource is provided in Chapter 4 of the Final EIS.

The discussion below identifies resource categories for which the potential for significant impacts were identified or for which substantial public comments were made. The focus of this discussion is on the impacts associated with the Preferred Alternative, homeporting of one CVN at NAVSTA Mayport.

SHIP AND PERSONNEL LOADING: The number of ships homeported and the average net daily population would decrease between the 2006 baseline and 2014 due to decommissioning of the conventionally-powered aircraft carrier, USS JOHN F. KENNEDY (CV 67), formerly homeported at NAVSTA Mayport, in 2007. In addition, between 2006 and 2014, homeported ships and personnel stationed at

NAVSTA Mayport would also decrease due to: 1) the scheduled decommissioning of 10 FFGs currently homeported at NAVSTA Mayport and 2) the downsizing of the Southeast Regional Maintenance Center (SERMC). With the Preferred Alternative, between the 2006 baseline and the 2014 end state, NAVSTA Mayport's net daily population would decrease by approximately 1,600 and the number of homeported ships would decrease from 22 to 12.

EARTH RESOURCES: The Preferred Alternative would require approximately 30 acres of upland development, but the primary issues pertain to dredging and disposal of the dredged material. The Final EIS reported that one sediment sample representing a zone of approximately 315,000 cy of the proposed dredge sediments had failed a portion of the bioassay requirements per the Marine Protection, Research, and Sanctuaries Act (MPRSA) Section 103 for suitability for placement in an ODMDS. As a result of this one sample failing the solid phase bioassay test, the Final EIS concluded that approximately 4.8 million cy of the total 5.2 million cy of the proposed dredge material would be suitable for ocean disposal in an ODMDS, but this zone of approximately 315,000 cy of material may require disposal at a permitted upland disposal site. Since publication of the Final EIS, however, the U.S. Army Corps of Engineers (USACE) has retested sample sediments from that zone. The retest conducted in coordination with USEPA Region 4 showed passing results, indicating that all 5.2 million cy of proposed dredge material is suitable for ocean disposal. Amplifying information is as follows.

The results of the initial solid phase bioassay tests reported in the Final EIS indicated that all but one of the proposed dredging zones in the project area passed published ocean disposal criteria. The one zone, Zone 4, minimally failed to pass the criteria for survival of the amphipod test species (L.plumulosus) as the initial results were 70 percent survival rate compared to a needed 71 percent survival rate. The cause of the test failure was that one of the five replicate tests taken for Zone 4 had a very low survival rate when compared with all of the other 59 solid phase amphipod bioassay tests taken for this project series of sediment tests. The USACE conferred with the USEPA Region 4 about the retesting for the solid phase amphipod survival in Zone 4. USEPA Region 4 concurred with the retesting and directed the USACE to use the same sample sediment from the initial testing in Zone 4, control, and reference sediments. The retest values showed a survival rate for test

species, amphipod, of 93 percent in Zone 4, far exceeding the 70 percent survival rate threshold. Additionally, a statistical analysis was completed on the combined initial and retest amphipod survival rates for Zone 4. These pooled test results showed that sediment samples representing Zone 4 were not significantly lower in survival rates than the reference site and therefore passed the solid phase bioassay for ocean disposal. With these passing results from the retesting of Zone 4 sample sediments, all 5.2 million cy of the proposed dredging project are suitable for disposal at ODMDSs. As part of the dredge project permitting phase, the remaining biological tests will be finished and the formal MPRSA Section 103 Evaluation completed by USACE and USEPA to conclude determination of suitability for ocean disposal.

The relatively limited capacity of the Jacksonville ODMDS would be affected, but would be minimized by placement of approximately 2 million cy at the Jacksonville ODMDS and placement of the remaining approximately 3.2 million cy at the Fernandina ODMDS. The USACE concluded that the Jacksonville ODMDS could accommodate the DON's proposed 2 million cy while still supporting other regional projected maintenance projects for 8 to 10 years following the proposed DON project.

The following additional actions will be taken to minimize impacts to earth resources: adhere to requirements of Construction Generic Permit and Environmental Resource Permit for Stormwater Management Systems; modify NAVSTA Mayport Stormwater Pollution Prevention Plan (SWPPP)and Municipal Separate Storm Sewer System (MS4) management plans and goals to include the 30 acres of upland improvements; design facilities to prevent additional nutrients from entering receiving waters; conclude biological testing per MPRSA Section 103 permitting process for dredge material disposal in ODMDSs; DON (as a member of the Jacksonville ODMDS Site Management and Monitoring Plan team) continue to support the USACE Jacksonville District and USEPA Region 4 in determining appropriate disposal practices and potential management options at the Jacksonville ODMDS, including possible expansion of the Jacksonville ODMDS under MPRSA Section 102 if deemed necessary by USEPA Region 4.

WATER RESOURCES: There would be increased impervious surface and impacts to stormwater flow resulting from the approximately 30 acres of upland development. The dredging project would not impact groundwater. Hydrodynamic model results show that currents, salinity levels, and sedimentation rates in the NAVSTA

Mayport turning basin, entrance channel, federal navigation channel, and the St. Johns River would not change significantly from existing conditions following the proposed dredging project.

The following additional actions will be taken to minimize impacts to water resources: obtain required permits prior to construction, including an Environmental Resources Permit from Florida Department of Environmental Protection (FDEP) or St. Johns River Water Management District (SJRWMD), and implement appropriate Best Management Practices to protect water resources from increased stormwater runoff associated with an increase in impervious surfaces; obtain required permits prior to dredging, including a CWA Section 401 State Water Certificate and an Environmental Resources Permit from FDEP, and a Rivers and Harbors Act Section 10 permit from USACE; conclude biological testing per MPRSA Section 103 permitting process for dredge material disposal in ODMDSs; avoid wetlands for Massey Avenue road improvements or, if unavoidable, mitigate accordingly; construct CVN nuclear propulsion plant maintenance facilities above the 100-year floodplain; and modify NAVSTA Mayport Multi-Sector Generic Permit SWPPP permit plans and goals.

AIR QUALITY: Duval County is designated as an attainment area under the Clean Air Act Amendments; therefore, the General Conformity requirements do not apply. Short-term increases in air emissions would occur from construction activities, primarily due to the dredging equipment and the tug engines used in transport of dredged material to the ODMDSs. The greatest contribution would be in oxides of nitrogen (NOx) emissions, primarily due to emissions from mobile sources associated with the construction dredging. The use of modern dredging equipment with USEPA rated tier 1, tier 2, or tier 3 diesel engines to the greatest extent practicable would help minimize NOx emissions. Over the long-term there would be a minor increase in operational emissions associated with the boilers for the new CVN nuclear propulsion plant maintenance facilities.

BIOLOGICAL RESOURCES: The dredging project would result in short-term minor impacts from dredging operations and sediment disposal to marine resources, including marine flora, invertebrates, and fish in the vicinity of the dredging areas and ODMDS. The proposed dredge project is located within the vicinity of designated Essential Fish Habitat (EFH) for 21 Fishery Management Units (FMUs); none occur in the vicinity of the ODMDSs. Habitat Areas of Particular Concern designated

for four of these FMUs (managed by the South Atlantic Fishery Management Council) occur within the vicinity of the proposed dredging activities. Dredging activities would be expected to result in fish temporarily avoiding the area; and the potential for entrainment of fish species at larval stages at levels which would not adversely impact larval populations within the FMUs.

In accordance with section 7 of the Endangered Species Act (ESA), the DON consulted with the USFWS and NMFS regarding potential impacts to federally listed species and designated critical habitat for proposed construction and dredging activities.

With implementation of the conditions of the USFWS Letter of Concurrence, it was determined implementation of the dredge project would have no effect on nesting listed sea turtles; may affect, but is not likely to adversely affect Florida manatee; and would not destroy or adversely modify Florida manatee designated critical habitat.

Per USFWS Letter of Concurrence dated December 5, 2008, the DON will include the following conditions to be reflected in the USACE permit and in any plans and specifications for dredging associated with the proposed homeporting: implement the July 2005 Standard Manatee Conditions for In-Water Work; for nighttime clamshell dredging within the NAVSTA ship turning basin, a dredge window restricting such dredging to the period extending from the last full week in October through February 28. Dredge mobilization and demobilization may occur prior to and after this window. This window may be extended up to an additional 21 days in the event the dredging is not completed within the specified window. The DON shall notify the USFWS, Jacksonville Ecological Services Field Office (JAFL), in writing of the need for the extension and request its approval, along with supporting information, at least two weeks prior to the beginning of the requested extension. The JAFL shall provide its written response, indicating either concurrence, non-concurrence, or concurrence with additional conditions, to the DON within two days of receipt of the request.

With implementation of the conditions of the NMFS Biological Opinion (BO) dated 7 January 2009, it was determined implementation of the dredge project may affect, but is not likely to adversely affect shortnose sturgeon, smalltooth sawfish, NARW, and humpback whales. As NMFS determined in the BO, there is currently no NARW critical habitat in the proposed

action area. NMFS also found, with implementation of the reasonable and prudent measures and the terms and conditions, dredging to include bed-leveling activities, is likely to adversely affect, but is not likely to jeopardize the continued existence of sea turtles (loggerhead, green, and Kemp's ridley). Based on historical distribution data, hopper dredge observer reports, and observations of past strandings, loggerhead, green, and Kemp's ridley sea turtles may occur in the action area and may be taken by the hopper dredging operations of this project. NMFS believes that the proposed action can be expected to lethally take up to 17 loggerhead, 3 green, and 2 Kemp's ridley sea turtles during the proposed project.

For construction related to the Wharf F improvements, no anticipated impacts are expected to listed fish, sea turtles, and marine mammals. However, to further reduce any potential impacts, the use of a vibratory hammer will be implemented for pile driving operations. If a marine mammal is observed within 50 ft of the proposed pile driving operations, operations would cease if practicable until the animal leaves the area.

Per the NMFS BO, the DON will include the following sea turtle conservation measures to be reflected in the USACE permit and in any plans and specifications for dredging and bed-leveling associated with the proposed homeporting:

1. Sea Turtle Deflecting Draghead: In order to minimize the incidental takes of sea turtles, the use of sea turtle deflecting dragheads will be used on all hopper dredging projects where the potential exists for sea turtle interactions. The leading edge of the deflector is designed to have a plowing effect of at least 6 inches depth when the drag head is being operated that could deflect, rather than damage or entrain, a sea turtle during dredging operations. Sea turtle deflecting dragheads will be required for this project.

2. Relocation Trawling: In order to minimize the level of lethal takes by hopper dredge, the DON intends to use a modified relocation trawling approach. A modified net system either with an open net or with a "tickler chain" towed by a trawl vessel will be used to disturb the sediment on the bottom in front of the dredge, to disperse any turtles that may be on or in the bottom, up into the water column. Unlike traditional relocation trawling where the turtle is handled and sampled for biological information, this approach would prevent the turtle from being

captured in the net and from undergoing the stresses associated with net capture and handling, yet would get the turtle off the bottom and up into the water column, reducing the risk of injurious or lethal take by the hopper dredge's draghead. Also, because the modified gear would not have to be retrieved frequently to check for turtles and to release other bycatch, the amount of effective trawling time can be greatly increased. Modified (i.e., non-capture) relocation trawling will be conducted during all portions of the project when hopper dredges are used and will be operated in front of the active hopper dredge at a reasonable and safe distance.

3. Dedicated observers: USACE Standard Observer Specifications will be implemented, requiring 24-hr monitoring (i.e., two observers each monitoring for 12 hours daily) onboard hopper dredges to observe, identify, and document any lethal or injurious sea turtle (or other protected species) take associated with operation of the hopper dredge and dragheads.

4. Bed-leveling: The cleanup phase of the Navy's proposed dredging activity may involve the use of a bed-leveling device. Bed-levelers are essentially heavy H-beams or heavy drag bars dragged across the channel bottom to smooth out high spots and rough spots left over during clamshell, hopper, or other types of dredging. Standard USACE permit conditions for bed-leveling will be implemented. In addition, the following protective measures will be required for any bed-leveling activities to minimize the potential for harm to listed species:

a. Bed-leveling would be completed within 3 months of dredging, limiting the potential for any establishment of foraging habitat or resources for sea turtles.

b. There will be a GPS system on the barge that will indicate that the bed-leveling device is only being used on the high spots and within the center of the channel where sea turtles are not expected to occur.

c. USACE standard specifications require the contractor to report the location, time, and date of bed-leveling device usage via the Resident Management System. These standard specifications will be incorporated into the required project specifications.

5. The Navy and USACE will require monitoring measures that will provide data on the efficacy of modified relocation trawling on loggerhead, green, and Kemp's ridley sea turtles.

6. The Navy and USACE will report on testing results from experiments being conducted by the USACE Engineer Research and Development Center on various bed-leveling equipment designs. The Navy and USACE should implement the best identified alternative design for bed-leveling associated with this project.

As recommended in the NMFS BO, to minimize potential for project impacts on the NARW and other marine mammals from the proposed dredging and dredged-material disposal operations, the DON will include implementation of the following whale conservation measures to be reflected in the USACE permit and in any plans and specifications for dredging associated with the proposed homeporting:

1. Dredge vessel transits to the Fernandina ODMDS will not occur during the NARW calving season (November 15 through April 15).

2. During transport of dredged material to the ODMDSs and when returning to the dredge site, vessels will use extreme caution and proceed at a safe speed, no greater than 10 knots during the NARW calving season, such that the vessel can take proper and effective action to avoid a collision with a NARW or other marine mammals and can be stopped within a distance appropriate to the prevailing circumstances and conditions; slower vessel speeds can reduce the potential for a vessel strike with a listed species by providing more time for animals to react to a vessel and move out of the way (discussed below).

3. Dredge contractors will participate, and respond as appropriate, in the NARW Early Warning System (EWS), where ships are alerted to the presence of NARWs in the project area during the calving season with the aid of aerial surveys. Dredge vessel operators will be required to make their radio contact information available to NMFS or the Coast Guard. To the extent practicable, dredge vessel operations in the NARW calving area during the calving season will be minimized and transit courses altered immediately upon notification of a NARW sighting through the EWS. The Navy and USACE are partners in the funding and implementation of the EWS.

4. As clarified in subsequent discussions with NMFS, hopper dredges and/or ocean going scows will not exceed 10 knots during the NARW calving season from November 15 through April 15.

5. When whales have been sighted in the area, vessels will increase vigilance and take reasonable and practicable actions to avoid collisions and activities that might result in close interaction of vessels and marine mammals. Actions may include changing speed and/or direction and would be dictated by environmental and other conditions (e.g., safety, weather, sea state).

6. During the period December 1 through March 30, daily aerial surveys within 15 nautical miles (NM) of the dredging and disposal sites will be conducted by others (i.e., EWS) to monitor for the presence of NARWs. Right whale sightings will be immediately communicated by marine radio to the Dredging Contractor's dredge.

7. During the period November 15 through April 15, barges or dredges moving through the NARW calving area shall take the following precautions: If whales have been spotted via EWS or other observers within 15 NM of the vessel's path within the previous 24 hours, the tug/barge or dredge operator shall slow down to 5 knots or less during evening hours or when there is limited visibility due to fog or sea states greater than Beaufort 3.

8. Tug/barge or dredge operators shall maintain a 500-yard buffer between the vessel and any whale.

9. As clarified in subsequent discussions with NMFS, a NMFS-approved observer will be present 24 hours a day during the calving season, on hopper dredges during the transport of dredged materials. Observers would monitor for the presence of marine mammals from the bridge during daylight hours while transiting to and from the disposal area.

10. Floating weeds, algal mats, Sargassum rafts, clusters of seabirds, and jellyfish are good indicators of sea turtles and marine mammals. Therefore, increased vigilance in watching for sea turtles and marine mammals will be taken where these are present.

Over the long-term, the DON vessel transit activities at NAVSTA Mayport associated with vessels homeported would be reduced

commensurate with the decrease in homeported ships from 22 ships in the 2006 baseline to 12 ships in 2014 under the Preferred Alternative thereby reducing the long-term potential for NAVSTA Mayport homeported vessels to strike threatened and endangered species during these transits (primarily a concern with whales). DON vessel transit activities are addressed in the DON's 1997 Regional BO with NMFS for Navy Activities off the Southeastern United States along the Atlantic Coast. The Navy is currently in consultation with NMFS for East Coast Navy vessel transit activities, to include all those associated with ships homeported at NAVSTA Mayport, under the East Coast Navy Tactical Training Theater Assessment Planning (TAP) Program consultation. The resultant BO from the TAP consultations will supersede other BOs pertaining to Navy vessel transit activities, and provide a comprehensive evaluation of potential effects of East Coast vessel activities on listed species.

CULTURAL RESOURCES: No historic properties have been identified within the areas of potential effects for the Preferred Alternative. An archaeological monitor will be present during the Massey Avenue/Maine Street intersection improvement construction to ensure that National Register of Historic Places (NRHP) eligible prehistoric archaeological site (8DU7458) is avoided. As an additional safeguard, the DON also will attach a post-review discovery clause to the construction contract pursuant to 36 CFR 800.13 to ensure that cultural resources are taken into account in the unlikely event of their discovery. In a letter dated 2 December 2008, the Florida State Historic Preservation Officer (SHPO) concurred with the DON that the implementation of the Preferred Alternative would not affect historic properties.

SOCIOECONOMICS: The evaluation of socioeconomic impacts compares the 2006 baseline with the 2014 end state in the NAVSTA Mayport area. Some socioeconomic impacts related to personnel levels at NAVSTA Mayport have already occurred due to personnel decreases associated with the decommissioning of the KENNEDY in 2007 and SERMC downsizing. As compared to the 2006 baseline, with implementation of the Preferred Alternative, estimated regional economic benefits resulting from the federal investment of military construction dollars would total approximately $671 million and result in 7,400 short-term full- and part-time jobs. It is anticipated that total dependents would decrease by 13 percent, and total school age children would be reduced by 12 percent. Average annual growth in direct jobs would be reduced 2.1 percent, and total reduction in employment would be

approximately 2,000 jobs. Direct payroll would be reduced by $150 million, and change in disposable income would be reduced by a total of $141 million. Estimated local tax contributions would be reduced by approximately $6 million.

GENERAL SERVICES: As with the socioeconomic impact analysis, the evaluation of general services compare the 2006 baseline with the 2014 end state and acknowledges some impacts assessed herein have already occurred due to personnel decreases associated with the decommissioning of the KENNEDY and SERMC downsizing. As compared to the 2006 baseline, implementation of the Preferred Alternative would result in declines in population and dependents and school age children associated with NAVSTA Mayport personnel by 2014. Population declines are not expected to affect most general services. With regard to schools, declines in enrollment associated with NAVSTA Mayport school age dependents would be somewhat offset by other shifts in demographics that have resulted in regional increases in enrollment in Duval County Public Schools and other area schools.

RADIOLOGICAL ASPECTS OF CVN HOMEPORTING: As discussed in the EIS, the DON's methods for design and operation of nuclear-powered ships and their support facilities are fully protective of the health and safety of the public, and of the environment. The same stringent radiological control and environmental monitoring practices used throughout the Naval Nuclear Propulsion Program would be employed at Naval Station Mayport, resulting in no adverse effect on the environment. Based on the successful record discussed above, the DON concludes that there are no additional mitigative measures which need to be taken to further reduce potential radiological impacts on the environment associated with permanently homeporting a CVN at Naval Station Mayport.

MITIGATION:

BIOLOGICAL RESOURCES: The following Reasonable and Prudent Measures (RPMs) and implementing Terms and Conditions have been identified by NMFS as necessary and appropriate to minimize impacts of incidental take of loggerhead, green, and Kemp's ridley sea turtles from the proposed project.

1. The Navy and USACE shall implement best management measures that reduce the risk of injury or mortality of listed species.

2. The Navy and USACE shall have measures in place to report all interactions with any protected species (ESA or Marine Mammal Protection Act) resulting from the proposed action.

3. As clarified in subsequent discussions with NMFS, the contractor shall be required to use a methodology to track and record hopper dredge and/or ocean going scow speed for transits conducted during calving season. This data will be made available to NMFS for independent speed verification if requested.

4. The Navy and USACE will require or conduct activities in compliance with NMFS' March 23, 2006, Sea Turtle and Smalltooth Sawfish Construction Conditions.

5. Prior to modified (non-capture) relocation trawling, the Navy and USACE shall develop and submit to NMFS detailed specifications on the final selected modified (non-capture) relocation trawling gear sufficiently ahead of planned dredging activities for NMFS to review and comment on the plans. NMFS fisheries gear specialists may be able to provide technical assistance in developing specifications.

6. As clarified in subsequent discussions with NMFS, if compelling Sea Turtle Stranding and Salvage Network (STSSN) observer reports and evidence indicate that a turtle was killed by a bed-leveler associated with the proposed action covered by this opinion, the Navy shall reinitiate the consultation. USACE and U.S. Navy in consultation with NMFS will make each determination of take.

7. If any listed species are injured or killed during the proposed project, the Navy or USACE shall provide a report summarizing the incident, within 90 days of project completion, to: NMFS Protected Resources Division, 263 13 Avenue South, St. Petersburg, FL 33701-5505. Notification of take shall be provided to NMFS at the following e-mail address within 24 hours of each take: takereport.nmfsser@noaa.gov.

8. The BO serves as both the requirement and the permitting authority for any NMFS approved protected species observer aboard a non-capture trawler or hopper dredge to collect tissue samples from live- or dead-captured sea turtles without the need for an ESA section 10 permit. All live or dead sea turtles captured by hopper dredging during or associated with the proposed dredging action shall be tissue-sampled prior to

release (if alive) or prior to disposal (if dead). Sampling shall continue uninterrupted until such time as the project ends. Sea turtle tissue samples shall be taken in accordance with NMFS' Southeast Fisheries Science Center's (SEFSC) procedures for sea turtle genetic analyses (Appendix II of this opinion). The Navy and USACE shall ensure that tissue samples taken during the project are collected and stored properly and mailed within 60 days of the completion of the dredging project to: NOAA, National Marine Fisheries Service, Southeast Fisheries Science Center, Attn: Lisa Belskis, 75 Virginia Beach Drive, Miami, Florida 33149. Ultimately, tissue samples gathered during sampling will be used to obtain reliable genetic data on the nesting or sub-population identity of sea turtles being captured or lethally taken. No sea turtle captures are expected during modified (i.e., non-capture) relocation trawling; however, if any are taken during this trawling, they must be sampled, unless shipboard safety concerns preclude it.

DECISION: After considering the environmental impacts analyzed in the EIS, the recurring and nonrecurring costs associated with homeporting additional surface ships at NAVSTA Mayport, and strategic implications of a second CVN homeport on the East Coast to support the Atlantic Fleet, the DON elected to implement Alternative 4, the Preferred Alternative. That alternative provides for homeporting one CVN at Naval Station (NAVSTA) Mayport. The DON decision does not immediately relocate a specific CVN to NAVSTA Mayport. It does initiate a multiyear process for developing operational, maintenance, and support facilities at NAVSTA Mayport to support homeporting of one CVN. This multiyear process includes implementing projects for dredging and dredged material disposal, construction of CVN nuclear propulsion plant maintenance facilities, wharf improvements, transportation improvements, and construction of a parking structure to replace existing parking that would be displaced by development of the CVN nuclear propulsion plant maintenance facilities. The projects necessary to create the capacity to support CVN homeporting could be completed as early as 2014.

No CVN homeport change will occur before operational, maintenance, and support facility projects are completed. Selection of the CVN to be homeported at NAVSTA Mayport would not occur until approximately one year prior to the ship's transfer to NAVSTA Mayport. Selection of a specific CVN for homeporting at NAVSTA Mayport will be based upon then current

operational needs, strategic considerations, and maintenance cycles.

The most critical considerations in the DON's decision-making process were the environmental impacts associated with the action, recurring and nonrecurring costs associated with changes in surface ship homeporting options, and strategic dispersal considerations. The need to develop a hedge against the potentially crippling results of a catastrophic event was ultimately the determining factor in this decision-making process. The consolidation of CVN capabilities in the Hampton Roads area on the East Coast presents a unique set of risks. CVNs assigned to the West Coast are spread among three homeports. Maintenance and repair infrastructure exists at three locations as well. As a result, there are strategic options available to Pacific Fleet CVNs if a catastrophic event occurred. By contrast, NAVSTA Norfolk is homeport to all five of the CVNs assigned to the Atlantic Fleet and the Hampton Roads area is the only East Coast location where CVN maintenance and repair infrastructure exists. It is the only location in the U.S. capable of CVN construction and refueling. The Hampton Roads area also houses all Atlantic Fleet CVN trained crews and associated community support infrastructure. There are no strategic options available outside the Hampton Roads area for Atlantic Fleet CVNs if a catastrophic event occurred.

Environmental impacts: Environmental impacts were identified through studies and data collection efforts. The information culled from the studies and collected data was assessed and conclusions were drawn regarding the significance of environmental impacts. These conclusions, along with the underlying studies and data, were the subject of discussions and consultations with federal/state regulators over the course of the EIS process. This interagency process led to identification of mitigation measures, where appropriate, to address environmental impacts. Based on these consultations with regulators and their subject matter experts, the DON has committed to implementation of specific mitigation measures as outlined earlier in this Record of Decision. There are no environmental impacts associated with homeporting a CVN at NAVSTA Mayport that cannot be appropriately addressed or mitigated, including impacts to endangered species such as the NARW, Florida Manatee, and sea turtles.

Recurring and nonrecurring costs: The DON's analysis and assessment of socioeconomic impacts in the EIS associated with

the range of alternatives addressed short-term and long-term local economic impacts in the Mayport area. In addition to the socioeconomic impacts considered in the EIS, recurring and onetime costs associated with changes to surface ship homeporting were projected and considered in the DON's decision-making process. Recurring and nonrecurring costs for the preferred alternative are less than 10% of the cost of a single CVN and less than 1% of the cost of the DON's CVN assets. That investment in homeport capacity at NAVSTA Mayport provides additional security for CVN assets and enhances the DON's ability to maintain its effectiveness at a time when the ability to address contingencies and respond to the unexpected is essential. In terms of risk mitigation, DON gains a dispersal capability and its benefits at a fraction of the cost of an aircraft carrier.

Recurring costs included costs associated with Sustainment, Restoration, and Modernization (SRM), Base Operations Support (BOS), training, air wing transportation, nuclear maintenance labor, and Basic Allowance for Housing (BAH) for Sailors and their families. Sustainment costs are for activities necessary to keep facilities in good condition and therefore enable them to achieve their intended useful life. Restoration and Modernization costs are life-cycle investments required to provide for recapitalized facilities that support new missions, return facilities to good condition, and improve facilities beyond original conditions or capabilities. BOS costs included Facilities Operations costs such as Utilities, Facility Services, Facility Management, and Fire and Emergency Services.

Onetime costs included costs associated with MILCON projects (construction and Planning and Design), onetime maintenance costs for management and Industrial Plant Equipment (IPE) costs, and Permanent Change of Station (PCS) associated with the initial CVN homeport assignment at NAVSTA Mayport. PCS costs are those costs associated with moving the ship's crew and dependents to NAVSTA Mayport. PCS costs were estimated costs because the location from which crews and their families would be moved remains undetermined.

Strategic dispersal: The strategic dispersal of surface ships, especially vital strategic assets such as CVNs that serve our national interests in both peace and war, was assessed through examination of potential vulnerabilities. These potential vulnerabilities were examined in the context of operational, training and maintenance requirements of East Coast assets.

Strategic dispersal factors considered included: transit times to various deployment and training areas; shipping traffic volumes and associated risk of a maritime accident; port force protection postures and risk mitigation measures; integrated vulnerability and threat assessments; historic aircraft carrier loading; physical pier capacity; nuclear maintenance capability; homeporting options in response to a catastrophic event; geographic location of the aircraft carrier aircraft squadrons; transit times from port to the open sea; historic sortie rates due to hurricanes or other natural phenomena; and the risk to the ships, infrastructure and personnel who man, service and repair aircraft carriers associated with natural or man-made catastrophic events. In terms of these factors, the analysis concluded that the strategic value of NAVSTA Norfolk and NAVSTA Mayport as CVN homeports essentially was equal. The DON's strategic analysis, however, also demonstrated the value of having both NAVSTA Norfolk and NAVSTA Mayport as CVN homeports. Establishing CVN homeport capacity at NAVSTA Mayport can be accomplished without any adverse impacts on operations while at the same time providing the added strategic value of a second CVN homeport on the East Coast.

The most significant strategic advantage offered by development of an additional East Coast CVN homeport is a hedge against a catastrophic event that may impact NAVSTA Norfolk, the only existing CVN homeport for Atlantic Fleet CVNs. It is difficult to quantify the likelihood of a catastrophic event, whether natural or man-made. Nonetheless, there is a need to plan and prepare for any such event. That planning and preparation must address CVN maintenance and repair infrastructure as well as operational considerations. The fact that quantifying the likelihood of a catastrophic event is so difficult underscores the need to ensure that our planning and preparation efforts do not underestimate or overlook the long-term effects of such event. Hurricane Katrina is a clear and recent example. The level of devastation in New Orleans in the aftermath of Hurricane Katrina was so extensive and so pervasive that more than three years after Katrina hit, the New Orleans industrial infrastructure, work force, and community support functions have not fully recovered.

The potential impact of similar man-made or natural catastrophic events in the Hampton Roads area requires the DON to plan and prepare. A failure to do so presents an unacceptable risk. The aircraft carriers of the United States DON are vital strategic assets that serve our national interests in both peace and war.

The President calls upon them for their unique ability to provide both deterrence and combat support in times of crisis. Of the 11 aircraft carriers currently in service, five are assigned to the Atlantic Fleet. NAVSTA Norfolk is homeport to all five of the CVNs assigned to the Atlantic Fleet and the Hampton Roads area is the only East Coast location where CVN maintenance and repair infrastructure exists. It is the only location in the U.S. capable of CVN construction and refueling. The Hampton Roads area also houses all Atlantic Fleet CVN trained crews and associated community support infrastructure. A second CVN homeport on the East Coast will provide additional CVN maintenance infrastructure, thereby providing added strategic value and allowing the DON to extract the added operational value of two CVN homeports in meeting its national defense obligations.

Homeporting a CVN at NAVSTA Mayport would provide strategic options in case of a catastrophic event in the Hampton Roads area, and enhance distribution of CVN assets, thereby reducing the risks to aircraft carriers and associated maintenance and repair infrastructure supporting those crucial assets.

AGENCY CONSULTATION AND COORDINATION: USACE and USEPA were cooperating agencies throughout the EIS process. These agencies were requested by the Navy to participate in the NEPA process because of their special expertise and the jurisdiction of their agencies to permit activities required for the proposed action. Their early participation in the EIS process aided in the Navy's analysis of potential environmental impacts and greatly facilitated consultations with other federal agencies. In addition, the DON consulted and coordinated with Federal and State agencies regarding the proposed homeporting of additional surface ships at NAVSTA Mayport throughout the EIS process. Agencies reviewing biological and cultural resources were contacted early in the environmental planning process and received notification letters in November 2006. Agency consultations were the culmination of discussions beginning in February 2007. Navy requested USFWS and NMFS review our Biological Assessments and the Draft EIS on March 5, 2008. NMFS supplied comments in coordination with NOAA HQ addressing concerns with MMPA, ESA and Magnusen Stevens Act that same month. Consultation with NMFS, consistent with the EPA regulations, involved an exchange of information ultimately resulting in the request for formal consultation, in compliance with the Endangered Species Act, on June 4, 2008. Formal Section 7 consultation, in compliance with the Endangered

Species Act, was initiated with the USFWS in May 2008 and NMFS in June 2008. The USFWS concluded consultation when it issued a Letter of Concurrence on December 5, 2008 with determinations of no effect on the wood stork and nesting sea turtles and may affect, but is not likely to adversely affect the piping plover or the West Indian (Florida) manatee. In addition, because no incidental take of manatees is anticipated, no such authorization under the Marine Mammal Protection Act is needed. The NMFS concluded formal consultation when it issued a Biological Opinion and Incidental Take Statement on January 7, 2009. The BO considered impacts to eight listed species that may occur in the project area. By letter dated May 12, 2008, the State of Florida agreed that the EIS is consistent with the Florida Coastal Management Program. Section 106 consultation was initiated with the Florida SHPO in March 2008, pursuant to the National Historic Preservation Act (NHPA). Section 106 consultation was completed December 2, 2008 with a Letter of Concurrence from the Florida SHPO.

RESPONSES TO COMMENTS ON THE FINAL EIS: The DON reviewed and considered all comments that were received during the 30-day no action period following the issuance of the Notice of Availability of the Final EIS. The comments summarized here represent the major substantive comments received. A total of 93 comment letters or emails totaling over 350 comments were received on the Final EIS. These included approximately 150 that were similar or identical to comments received on the Draft EIS that were previously considered and addressed in the Final EIS. The majority of the comments received questioned the fiscal responsibility and cost of implementing the preferred alternative (approximately 35 percent). The next most significant number of comments challenged the strategic considerations in the selection of the preferred alternative (approximately 22 percent) or challenged the Navy's lack of analysis of impacts to the Hampton Roads region (approximately 14 percent). The rationale for the DON decision to implement the preferred alternative and utilize the capacity at NAVSTA Mayport to homeport a CVN is fully laid out above in this ROD including consideration of cost and strategic concerns. The majority of the remaining comments related to dredging impacts, hardship incurred to Navy families by moving a CVN to Mayport, and lack of a BO or the opportunity to comment on the ESA consultation process.

Comments warranting specific responses are provided below.

Comment 1: The zones for the in-fill/sedimentation of the deepened channel and basin are not defined and volumes/types of sedimentation are not projected. In addition, the Final EIS identifies shortfalls in available areas for ocean disposal and does not state how future maintenance dredging will occur.

Response: Future maintenance is addressed in the Final EIS. Sections 2.3.1.1 and 4.3.2.2 of the Final EIS indicate approximately 30,000 cy of dredged material will be added to the annual maintenance requirements because of the moderately deeper water depths in the turning basin, entrance channel and outer portion of the federal navigation channel. USEPA and USACE both concur following their detailed capacity modeling of the site that the existing Jacksonville ODMDS has adequate capacity to accept planned dredging projects for the next 10 years, including this project and future maintenance requirements at NAVSTA Mayport.

Comment 2: Final EIS did not analyze whether Jacksonville ODMDS 2 million cy annual limit will be exceeded when considering other non-Navy dredge projects.

Response: The USACE/USEPA modeled the capacity at the Jacksonville ODMDS and concluded that there was 10 years of available capacity considering 2 million cy from the proposed project and other known maintenance and new dredging projects.

Comment 3: Potential erosion or accretion of Duval and Nassau beaches due to creation of large bathymetric highs (associated with the Jacksonville ODMDS) have not been demonstrated in the Final EIS. In addition, potential wave impacts on the shorelines, inlets, and beaches have not been projected.

Response: The Jacksonville ODMDS is managed pursuant to the Site Management and Monitoring Plan (SMMP) that is managed by the USACE and USEPA. The Jacksonville ODMDS is located 4.5 nautical miles offshore and covers an area of one square nautical mile. The ODMDS is regularly monitored for changes in bathymetry at the site; currents and waves; sediment composition, and biological activity among other parameters. Any impacts associated with creation of the dredged material mound at the ODMDS is the responsibility of the USACE and USEPA within the context of the SMMP.

Comment 4: Final EIS describes 30% slope for ODMDS which is not realistic or achievable.

Response: USACE and Navy utilized industry accepted models which predict slopes based on material type, currents, etc. This comment only refers to one of the three methods that the Navy reported for the capacity estimates for the ODMDSs. One method as described by the commenter made a geometrical measurement of the remaining capacity. It is a simple method that provides a range of estimated volume of dredged material that could be placed at the ODMDSs. The second method was that the Navy used, Multiple Dump Fate (MDFATE) an USACE/USEPA computer model that simulates dredged material disposal events. This later method predicts that the full proposed dredging project (5.2 million cy) would fit in either ODMDS. Both of these methods were reported in the Draft EIS. The USACE and EPA also used MDFATE to predict the capacity at the Jacksonville ODMDS. This later method was reported in the Final EIS and estimates that with 2 million cy from the proposed deepening and other known dredging projects that there is an estimated 10 years left of capacity at the Jacksonville ODMDS. This is a conservative estimate as the USACE/EPA plan to do Long-Term Fate (LTFATE) modeling at the site which will bring the effects of dispersal of material from the site over the long-term and, hence, provide more capacity for additional dredging projects to be placed there.

Comment 5: The Final EIS does not estimate the potential volume of beach quality sand that will be removed from the nearshore system of the Sea Islands system of northeast Florida. This information is important because it puts additional erosion stress on the beaches south of the inlet.

Response: As reported in the Draft EIS and Final EIS, the Navy undertook studies to determine the amount of beach quality sand that might be located within the dredged prism of the proposed project. As part of the initial sampling regime, the Navy extracted core samples of sediment throughout the proposed deepening project area to identify the physical characteristics of the material to be dredged, including the amount of sand, silt, and clay contained within each core sample. Additionally, the Navy targeted sub-bottom profiling to further define the extent of any potential beach quality sand. While some amount of beach compatible sand was identified and reported in the Draft EIS, additional core sampling was completed by USACE prior to publication of the Final EIS. The USACE analysis was shared with FDEP, and it was concluded that the sand could not be readily extracted separately as it was mixed within the future dredged material. It was therefore determined and reported in

the Final EIS that beach quality sand was not readily available, nor suitable for placement on state of Florida beaches.

Comment 6: Final EIS does not identify upland dredge material disposal site and quantity of contaminated sediment.

Response: Additional testing results after the Final EIS was released indicates that none of the 5.2 million cy of dredged material will require upland disposal. See ROD summary of Earth Resources.

Comment 7: Updated environmental permit conditions for Navy operations of CVN [support for carriers in port] not available for comment.

Response: Updates to environmental permit conditions, if required due to operations of a CVN, will be available for public and resource agency review during the standard permitting process wherein a 'Notice of Intent to Issue' is published in a newspaper of general circulation in the area affected.

Comment 8: NOAA recommends Navy:

- Continue to monitor the St. John's Water Management District water withdrawal analysis and provide an update in its application for CWA permit.
- Update cumulative impacts assessment and include examination of rebuilding and relocating the Mile Point training wall and White Shells training wall and constructing the Chicopit Bay diversion.
- Address apparent lack of site-specific studies supporting the conclusion that impacts to benthic communities would be minimal and temporary.

Response: The cumulative impacts section of the Final EIS was updated to include all available project information. NAVSTA Mayport personnel have participated in and will continue to keep abreast of St. Johns River Water Management District's evaluation of potential changes in the volume of freshwater withdrawals from the St. Johns River, including the cumulative impacts analysis being performed by that agency noted in the Final EIS at Section 6.3.3. As noted in Section 6.1.3 of the Final EIS, USACE is preparing a Supplemental EIS for the

Jacksonville Harbor Navigation Study, General Reevaluation Report and the Supplemental EIS will be available to the public in the fall 2010 and will include evaluation of the direct, indirect, and cumulative impacts of proposed and alternative deepening and widening measures on Chicopit Bay, White Shells Bay, and rebuilding and relocating the Mile Point training wall. These evaluations have not matured in a manner that would inform the cumulative impacts analysis beyond that presented in the Final EIS. The Navy will examine availability of any additional information (including site specific studies) prior to permit applications. If available, new information will be considered and incorporated during the standard CWA permitting process.

Comment 9: Effect of deepening on channel stability is not definitively addressed.

Response: The Final EIS provides information on the natural offshore movements of marine sediments in the vicinity of Mayport (see longshore drift text added in Final EIS pp 3-6 thru 3-8 and Figure 3.1-3 showing jetties). This information includes a graphic illustration of the presence and location of the north and south jetties that extend from the mouth of the NAVSTA Mayport entrance channel and St. Johns River Federal navigation channel into the ocean. As described in the Final EIS, the presence of these jetties alters the nearshore movement of marine sediment to the extent that sediment has build up on the north side of the jetties and erosion occurs on the south side of the jetties. The channel deepening within the jetties will have no effect on adjacent beach shorelines. Additionally, the channel deepening beyond the length of the jetties is well offshore and will not have significant effect on the movement of sediment and, therefore, will have insignificant effect on adjacent beaches.

Comment 10: Final EIS does not illustrate how barge loads of dredged material will be placed to insure disposal process meets requirements of ODMDS.

Response: The Navy and its contractors will follow all conditions of state and Federal permits for dredging and dredged material placement at the ODMDSs. These conditions may include standard operating procedures for disposal including targeted placement of barge dumps within the permitted zone of the

ODMDSs. This information will be provided in the permits for this proposed project. Actual placement will be identified through the permitting process.

Comment 11: Final EIS does not include a BO or provide the public an opportunity to comment on the BO, including those measures the Navy has or will adopt to reduce Right Whale impacts.

Response: Per CEQ 1501.14(f), the EIS contained a full discussion of means to mitigate adverse environmental impacts. The Navy entered into early consultations with USFWS and NMFS regarding potential impacts to all listed ESA species in the project area, including sea turtles, the Florida manatee, and the North Atlantic Right Whale. The Final EIS contained a biological assessment (BA) which included a full discussion of mitigation measures per the CEQ requirements. In addition, the Draft EIS contained a discussion of anticipated mitigation measures. The public was provided the opportunity to comment on the Navy proposed mitigation measures during the public comment period of the Draft EIS and during the no action period of the Final EIS. The Navy received only a few comments on the proposed mitigation measures, all of which were addressed. See ROD sections on Biological Resources and Mitigation.

Comment 12: The 2006 baseline/limited No Action Alternative evaluation does not provide clear basis for comparison of alternatives.

Response: Under the No Action Alternative, it was presumed there would be no homeporting of additional ships at NAVSTA Mayport, no construction to support additional ships, and no dredging associated with CVN homeporting or capability. In addition, the No Action Alternative included the end state year of 2014 including the decommissioning of the USS JOHN F KENNEDY (CVN 67) in 2007 and scheduled decommissioning of 10 FFGs. The No Action Alternative analysis enabled the decision makers to accurately compare the magnitude of environmental effects of implementing each action alternative with those of taking no action. The decision makers were provided all necessary information to compare the environmental effects of the proposed action and preferred alternative with the impacts of taking no action.

Comment 13: Final EIS failed to consider connected actions and interrelated environmental effects to the Hampton Roads region.

Response: The Navy has not yet identified the particular CVN that would be moved to Mayport as a result of this decision. As such impacts to Norfolk, or any other Navy port, at this point are merely speculative and not interrelated to the proposed action. Nevertheless, even if a Norfolk carrier were identified for homeport relocation, the relocation of one CVN from Norfolk Naval Base would have no adverse environmental impact on the base. A reduction in force of this magnitude is unlikely to result in any impacts other than purely socioeconomic. The Navy routinely changes homeport for single ships and experiences no impacts to the physical environment such as those suggested (spreading pollution from unremediated contaminated properties, reduction or elimination of environmental enhancement and mitigation programs, increased congestion and vehicle emissions, reduced quality of the urban environment, reduction in emergency preparedness, reduction in funding for incentives and programs targeting energy conservation and efficiency for homes and businesses).

Comment 14: The Final EIS provides site-specific impacts to fishery resources and concludes that juvenile and adult fish would likely avoid portions of the project area during dredging, but would return when dredging pauses or stops completely. These discussions are adequate except for the assessment of impacts at the tidal inlet. No site-specific assessment of the significance of these impacts is presented. NOAA recommends the Navy provide additional data in its application for a CWA permit.

Response: Navy will provide additional data, as appropriate, in its application for a CWA permit.

Comment 15: Final EIS did not address Draft EIS comments for Navy to address impacts from ship operations on protected species.

Response: No CVN would be homeported in Mayport prior to 2014. The Navy has an existing BO (1997) from NMFS which covers vessel operations, particularly impacts to NARW. As a result of this decision, the number of ships homeported at NAVSTA Mayport will be less than at the time Navy first consulted with NMFS on vessel operations in the JAX Operating Area. In addition, Navy has been, and continues to be, in ongoing consultations with NMFS on all vessel training. This consultation will be

concluded prior to any CVN movement to Mayport and will supersede the existing BO.

Comment 16: Increased ship operations will clearly result from the Navy's decision, including homeported ship operations, Coast Guard vessel security activity, or other Navy different surface ships.

Response: No increased ship movements are anticipated with the implementation of the preferred alternative. The number of ships anticipated to be homeported in Mayport is expected to reduce from 22 ships in the baseline year of 2006 to 12 ships in the end state year of 2014.

Comment 17: Preferred Alternative does not meet purpose and need. The cost is unclear due to use of 2004 dollars and not including ongoing operational costs.

Response: The Final EIS has been prepared to ensure all alternatives fully meet the purpose and need. Although the EIS only analyzes the costs of the project as they relate to socio-economic impacts, the decision makers considered all recurring and nonrecurring costs associated with implementation, including military construction and other operation and sustainment costs. The parenthetical in the statement "The Navy developed estimated construction costs (in FY 2004 dollars) for all construction-related activity necessary at NAVSTA Mayport for each alternative" at Appendix page F-4 of the Final EIS mistakenly stated the year 2004 vice 2011. The MILCON costs presented in Tables 4.9-3, 4.9-9, and 4.9-15 of the Final EIS, however, accurately represent the year of 2011. With military construction projects appropriated and initiated in 2010, 2011 would represent the first full year of construction.

Comment 18: Section 404 of CWA only allows USACE to issue discharge permit for the least environmentally damaging practicable alternative (LEDPA).

Response: Design considerations of construction features of the Preferred Alternative should make it unnecessary for the Navy to obtain a CWA Section 404 permit. The Navy will seek a Section 10 permit for the dredging and a 103 permit for the transportation of the dredge material from the ACE. The USACE will issue a separate ROD pertaining to the permit decision. The Navy will also seek a CWA 401 Water Quality Certification from the State of Florida. This is received through the FDEP Joint Coastal or Environmental Resource Permitting Programs.

Comment 19: Commenter noted USEPA raised concerns with proposed action because of the "potential for impacts that should be avoided/minimized."

Response: USEPA submitted comments on the Draft EIS. USEPA did note concerns that the proposed action identified the potential for impacts to the environment that should be minimized/avoided. USEPA requested additional information. Per USEPA's judgment, additional information was added to the Final EIS. Comments from USEPA on the Final EIS noted minor, additional concerns that can be addressed during permitting process. USEPA was generally satisfied with Navy responses to all previous comments on Draft EIS including minimizing quantity of dredged material requiring offshore disposal.

CONCLUSION: The decision to create the capacity to homeport a CVN at NAVSTA Mayport represents the best military judgment of the DON's leadership regarding strategic considerations. In reaching that decision, the DON considered the environmental impacts analyzed in the EIS, comments from regulatory agencies as well as those received from members of the public, mitigation measures that would lessen the extent and severity of environmental impacts, recurring and nonrecurring costs, and the strategic implications of developing a second CVN homeport on the East Coast to support Atlantic Fleet operational, training and maintenance needs.

There will be no significant adverse environmental impacts associated with the CVN homeporting. That conclusion is based on the data collected and analyzed in the EIS, on interagency consultations, and on the mitigation measures developed as part of that consultation process.

The cost of developing a CVN homeport at NAVSTA Mayport was balanced against the strategic need to create a hedge against a catastrophic event in the Hampton Roads area. The cost of developing a CVN homeport at NAVSTA Mayport is more than offset by the added security for CVN assets and enhanced operational effectiveness provided by the ability to operate out of two homeports.

Ultimately, the need to develop a hedge against the potentially crippling results of a catastrophic event was the driver behind the decision to homeport a CVN at NAVSTA Mayport. Developing a second CVN homeport on the East Coast not only reduces potential risk to CVN assets through dispersal of those critical assets, it provides some maintenance and repair infrastructure and

ensures access to that infrastructure by CVNs deployed at the time a catastrophic event in Hampton Roads occurred. Mayport allows DON to obtain the advantages of fleet dispersal and survivability without impacting operational availability. On the West Coast DON has accepted reduced operational availability in the interest of dispersal. By homeporting CVNs in the Northwestern U.S., DON loses operational availability during the additional transit time required to reach operational and training areas. By establishing a second CVN homeport on the East Coast, DON can gain the dispersal advantage without the increased transit time. The proximity to training areas and transit time to operating areas is about equal from Norfolk and Mayport.

West Coast CVN homeports and maintenance facilities are not viable options in planning for Atlantic Fleet CVN assets in the event a catastrophic event occurs in the Hampton Roads area. The nuclear powered aircraft carriers are too large to transit the Panama Canal, requiring a 12,700 nautical mile voyage around South America to reach the closest CVN homeport on the West Coast at NAVSTA San Diego.

Neither the DON, nor the nation, nor its citizens can wait for a catastrophic event to occur before recognizing the potential impacts of such an event and appropriately planning and preparing for continuity of operations. This lesson was learned all too well in the aftermath of recent catastrophic events such as Hurricane Katrina. The DON looked at the possible crippling effects - immediate and long-term - of a catastrophic event in the Hampton Roads area and recognized its responsibility to develop a hedge against such an event. That hedge is homeporting a CVN at NAVSTA Mayport and developing the requisite operational, training, maintenance and support facilities.

Homeporting one CVN at NAVSTA Mayport best serves the interests of the DON and the nation, and can be accomplished in a manner that keeps environmental impacts at a less than significant level.

14 JAN 2009
Date

BJ Penn
Assistant Secretary of the Navy
(Installations and Environment)

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Senator BILL NELSON. Now, needless to say, the Secretary of the Navy and the CNO, Admiral Roughead, clearly understood also the lessons of Pearl Harbor. Admiral Kimmel, a four-star admiral, the head of the Pacific fleet, allowed those battleships to be all collected up, and it was just serendipitous that our carriers had left port when the Japanese struck.

Admiral Kimmel was relieved of his command. He was forced to retire, and he was stripped of two of his four stars. His family, over the last half-century, have tried to have that case reviewed and stars reinstated, and the Navy has refused in large part because of the lesson that we must always remember.

So the Navy's decision to make Naval Station Mayport a homeport to a nuclear aircraft carrier is consistent with senior DOD and Navy leadership, including the following instances that have been well chronicled in this record of this committee.

In the additional views, we have cited, for example, the former CNO Admiral Vern Clark told the Armed Services Committee in February 2005 that, in his view, "Overcentralization of the carrier port structure is not a good strategic move. The Navy should have two carrier-capable homeports on each coast."

Admiral Clark went on to say, "It is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port."

In March 2006, Deputy Secretary of Defense and the former Secretary of the Navy Gordon England testified to this committee that the Navy needed to disperse its Atlantic Coast carriers, saying, "My judgment is that dispersion is still the situation. A nuclear carrier should be in Florida to replace"—to replace—"the USS *John F. Kennedy* to get some dispersion."

Secretary England explained that, "The concern was there always will be weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et cetera, are still there, and the crews. So having some dispersion would be of value to the Department of the Navy."

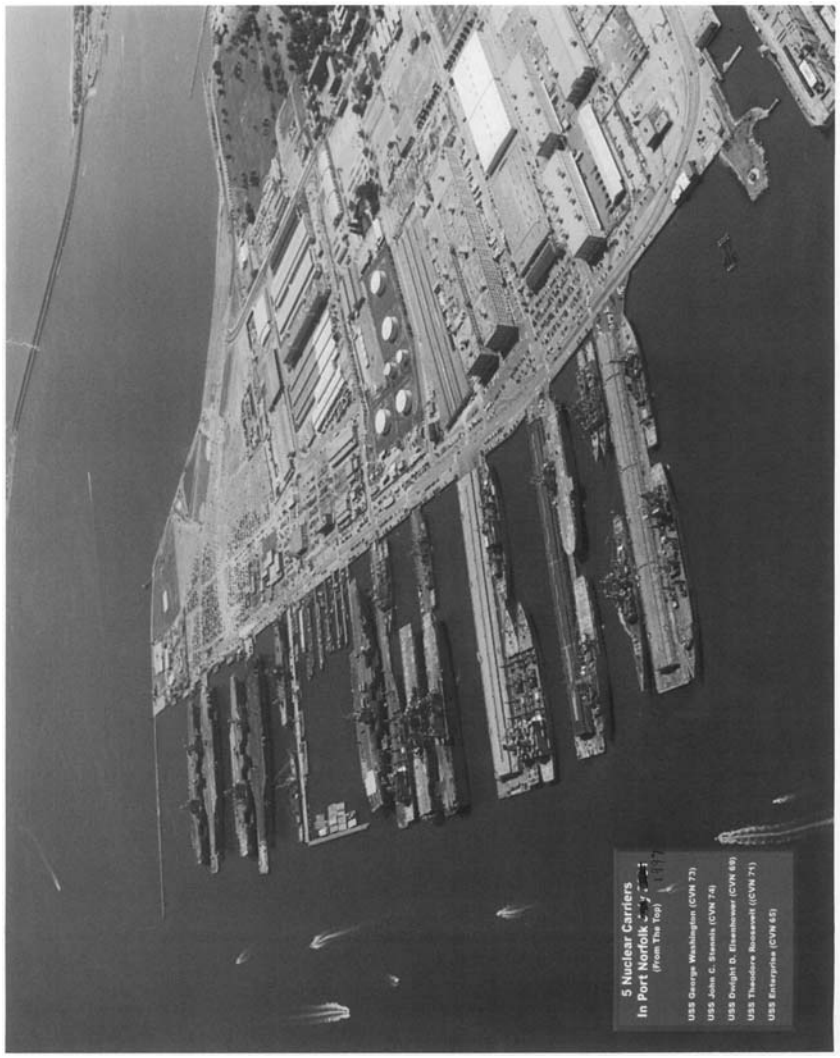
At the same hearing, the Vice Chairman of the Joint Chiefs of Staff Admiral Edmund Giambastiani shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the Nation's east coast carriers when he recalled his own visit to Norfolk one Christmas where, "We had five aircraft carriers, all sitting one next to each other, and that is not something that we should routinely do."

Mr. Chairman, I would like to enter into the record a photograph as recent as 1997 of five aircraft carriers all docked, side by side, at the Naval Station Norfolk. I would also like to enter into the record a chart prepared by the Department of the Navy of the number of times that two, three, four, five and, when you include across the river in the dry dock, six aircraft carriers have been located at Norfolk and the number of days in that particular calendar year going back for a couple of decades.

Chairman LEVIN. Without objection.

[The information referred to follows:]

USS ENTERPRISE (CVN 65)
USS THEODORE ROOSEVELT (CVN 71)
USS DWIGHT D. EISENHOWER (CVN 69)
USS JOHN C. STENNIS (CVN 74)
USS GEORGE WASHINGTON (CVN 73)



This updated chart reflects the addition of carriers located at Hampton Roads area shipyards. This data does not include new construction carriers prior to commissioning.

Number of CV/CVNs inport	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91
3	16	24	143	85	49	72	115	111
4	0	0	67	55	17	9	84	16
5	0	0	0	0	0	0	60	7

Number of CV/CVNs inport	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99
3	71	133	126	153	168	140	154	67
4	40	152	128	88	123	125	102	161
5	21	50	16	0	38	27	18	123
6	5	0	0	0	0	0	0	0

Number of CV/CVNs inport	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07
3	60	105	183	71	149	121	96	48
4	131	118	57	13	73	56	108	116
5	79	109	0	50	0	29	84	71
6	73	10	0	54	0	0	4	54

Number of CV/CVNs inport	FY08
3	72
4	75
5	113
6	73

Senator BILL NELSON. Then, on July 31, 2007, before this committee, when asked whether he agreed that it is in our national interest to ensure that we maintain two nuclear carrier ports on the east coast of the United States and in the principle of strategic dispersal, the Chairman of the Joint Chiefs of Staff Admiral Mike Mullen stated, "I am, Senator, and I am on the record more than once for this, very supportive of strategic dispersal of our carriers."

On December 18, 2008, Secretary Gates wrote to Senator Webb and to Senator Warner, two former Secretaries of the Navy, as Senator Webb has pointed out, but also the two Senators from Virginia. Secretary Gates wrote of the Navy's decision, wrote to those two Senators, "Based foremost on strategic considerations, the CNO recommended and after thorough consideration of the Environmental Impact Statement, estimated cost of implementation, and strategic laydown and dispersal, Secretary Winter concluded that homeporting a CVN at Naval Station Mayport best supports the Navy's mission and is critical to our naval security interest."

That is from a letter from Secretary Gates. He continued, "There is significant national security value in establishing an additional east coast CVN support base." Secretary of Defense Gates wrote, "Having a single CVN homeport has not been considered acceptable on the west coast and should not be considered acceptable on the east coast."

Mr. Chairman, I ask that that letter be entered in the record.

Chairman LEVIN. Without objection.

[The information referred to follows:]

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 18 2008

The Honorable Jim Webb
United States Senate
Washington, DC 20510

Dear Senator Webb:

Thank you for your letters of November 19, 2008, and December 10, 2008, regarding the Navy proposal to base a nuclear-powered aircraft carrier (CVN) at Naval Station Mayport, Florida.

The Navy has studied this matter carefully since the Environmental Impact Statement (EIS) analyzing surface ship homeporting alternatives for Naval Station Mayport was initiated in 2006. Based foremost on strategic considerations, the Chief of Naval Operations (CNO) recommended homeporting a CVN at Naval Station Mayport. After thorough consideration of the impact analysis in the EIS, estimated costs of implementation, and strategic laydown and dispersal, Secretary Winter concluded that homeporting a CVN at Naval Station Mayport best supports the Navy's mission and is critical to our national security interests.

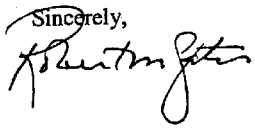
Delaying the EIS process would regrettably defer the opportunity to mitigate risk for several years, as the process is lengthy. Fundamentally we cannot forecast six to eight years out and give assurances concerning the risk of having all east coast carrier infrastructure in one location. Having a single CVN homeport has not been considered acceptable on the west coast and should not be considered acceptable on the east coast.

The Record of Decision concerns only the environmental impact to Mayport and the building of infrastructure to support a CVN. There has been no decision to relocate any specific carrier to Mayport and ample opportunity remains to review this course of action. On the most aggressive schedule, it would be three to four years before a final carrier homeporting decision is made.

I deeply respect your experience on defense matters and particularly those related to the Department of the Navy. As you can appreciate, there is significant national security value in establishing an additional east coast CVN support base. I consider it appropriate that the Department of the Navy move forward with a Record of Decision.

Thank you again for sharing your views on this important matter. A similar response has been provided to Senator Warner. As always, if I can be of any further assistance, please let me know.

Sincerely,



cc:
The Honorable Carl Levin
Chairman
Senate Committee on Armed Services
The Honorable John McCain
Ranking Member
Senate Committee on Armed Services
The Honorable Robert C. Byrd
Chairman
Senate Committee on Appropriations
The Honorable Thad Cochran
Ranking Member
Senate Committee on Appropriations
Admiral Gary Roughead
Chief of Naval Operations

Senator BILL NELSON. Well, then, as Senator Webb has stated, on 10 April 2009, DOD announced their intent to review the Navy's homeporting decision in the QDR. Now both of you, I think, have stated for the record that you intend to play a major participatory role in the QDR. Is that correct?

Ambassador MABUS. If confirmed, that is correct, Senator.

Mr. WORK. Yes, sir.

Senator BILL NELSON. What weight would you share with the committee that you would give to the professional military judgments of the Chairman of the Joint Chiefs, the CNO, Admirals Mullen and Roughead?

Ambassador MABUS. Senator, I think that at this stage of my process and at the fact that this decision has been put in the QDR, that I should say that I understand the issue. I understand its importance. I understand the expressions of the decisions on both sides of the issue and that I look forward to delving into the details of this issue so that a fair and equitable decision can be made coming out of the QDR.

Senator BILL NELSON. All right. I understand how you are constrained at this point. I appreciate that. It is a delicate situation. You are a great public servant, and you are going to be a great Secretary of the Navy.

One other fact has come to my attention that when you consider what we expect to be the DOD request on the funding for the long-lead items, which is the dredging of the channel—it has been filling up—back down to the depth that will accommodate a nuclear air-

craft carrier, and it had been dredged to a similar depth when the *John F. Kennedy* was coming and going up through 2007.

We expect there to be the request as well on the improvements to the pier, which is also a long-lead item and of which Senator Webb said he is not going to oppose those funding requests. However, it has come to my attention that the Navy engineers must have military construction funding this year if there is to be no delay in implementing the Navy's decision.

Secretary Lynn has assured us that the QDR review would not cause a delay to the Navy. Since the QDR would be decided in the coming months, that would seem to be the case, and that is what he has committed to us.

Now the concern is that there may not be the request in the funding for the design funding, and that is a long-lead item, too. So I would ask you, as the new Secretary of the Navy, if you would go and speak to your superiors that within that funding there should be the provisions for the design funding so that there is, in fact, what has been committed without delay, instead of it being pushed off again?

Ambassador MABUS. Yes, sir. I will investigate that particular issue.

Senator BILL NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Now I was not planning on a second round, but I think Senator Webb has his hand up.

Senator WEBB. Yes, briefly, Mr. Chairman, since my colleague took well over his 8 minutes and in lieu of a second round, I would just like to reiterate a few points that I made on this before, that it is properly before the OSD to be looked at in terms of strategic viability.

I would like also, since my friend from Florida has put all these documents into the committee hearing, we did a 21-page assessment of the Navy's proposal. It was written largely by Gordon Peterson on my staff, a 30-year naval officer. I would ask that be submitted and included in the record as well.

Chairman LEVIN. Without objection.

[The information referred to follows:]

The U.S. Navy's Proposed Homeporting of Additional Surface Ships at Naval Station Mayport, Florida

A Critical Assessment

Office of Senator Jim Webb
January 2009

Point of Contact:
Gordon I. Peterson
Military Legislative Assistant
Office of Senator Jim Webb
202 224 4024

Executive Summary

The Navy has made no compelling argument to justify its proposal to homeport a nuclear-powered aircraft carrier at Naval Station Mayport. There is little or no evidence that the Navy's preferred homeporting alternative is supported by either strategic necessity or economic logic. Given the unavoidable adverse impact that today's economic crisis will have on defense programs, the Navy would be irresponsible to incur costs (already projected to exceed $600 million) for a poorly justified project to duplicate existing nuclear-support facilities that the service itself describes as an "insurance policy."

The Navy's flawed and incomplete analysis does not demonstrate a strategic necessity or the economic logic for homeporting a nuclear-powered aircraft carrier in Mayport. Of note:

- **There is no indication the Navy conducted a formal, comparative threat/survivability intelligence assessment to validate its claim that dispersing a nuclear-powered aircraft carrier to Mayport will reduce risk or increase operational readiness.** The Navy has provided no documentation of a cohesive, focused assessment of current and projected military threats for its homeporting proposal that included estimated levels of risk, potential vulnerabilities, and the implications for survivability, consequence management, and physical security programs;

- **The Coast Guard currently assesses the port-security risk for the Hampton Roads region and the port of Jacksonville/Mayport to be the same.** The Navy did not request the U.S. Coast Guard to provide an independent assessment of maritime security risk in Hampton Roads, Virginia., or Mayport, Florida. The U.S. Coast Guard has statutory responsibilities for assessing maritime security risk in major U.S. seaports.

- **The concept of strategic dispersal was challenged by critics even at the height of the Cold War.** In 1986, for example, the GAO reported that the Navy's decision to disperse the fleet as part of its strategic homeporting plan was not based on a formal threat analysis, deeming the conventional threat to U.S. ports as relatively low.

- **The Navy fails to acknowledge the more than $111-million investment federal agencies have made to improve port security in Hampton Roads to mitigate significantly the risk of a terrorist attack.**

- **The Navy's proposal is fiscally irresponsible. The Navy estimated that it had $4.6 billion in unfunded budget priorities for fiscal year 2009.** The Navy does not account for the impact the project's approximately $600 million to $1 billion cost would have on the Navy's inadequately funded accounts for shipbuilding and aircraft procurement, shore readiness, and military construction. The proposal also runs counter to the Navy's "Shore Investment Strategy" which calls for consolidating the Navy's shore footprint to save money and improve physical security.

- **The Navy did not acknowledge that aircraft carriers homeported in Norfolk are supported by multiple military and civilian airfields, including an outlying airfield necessary to support carrier-qualification training requirements for the Atlantic Fleet carrier air wings.** In 2006, the citizens of Jacksonville had the chance to reopen the Naval Air Station Cecil Field for military use, but they voted not to do so.

- **The Navy issued its Final Environmental Impact Statement (FEIS) for homeporting alternatives in Mayport prior to the receipt of other agencies' statutory biological assessments.** The Navy also sought to fast-track the environmental review process so that it could issue its Record of Decision in early January. Virginia Governor Timothy M. Kaine described the Navy's FEIS as "legally insufficient and technically flawed."

- **Naval Station Norfolk is home to one of the largest regional concentrations of naval and military installations in the world, but the Navy did not apparently assess the impact that relocating a nuclear-powered aircraft carrier to Naval Station Mayport would have on assigned crew members and their families.** Any assessment of the impact of a permanent change of station should include all relevant training, career progression, sea-shore rotation, permanent change of station, and quality-of-life factors.

- **There is no evidence the Navy evaluated the comparative advantages for the private sector's ship-repair industrial base in Jacksonville resulting from an alternative homeporting arrangement encompassing a larger number of surface-combatant warships.**

It is my strong belief that no funds should be made available for the relocation of a nuclear-powered aircraft carrier to Naval Station Mayport unless the Navy fully justifies such a move in a comprehensive report to the appropriate congressional defense committees.

I. Background and Purpose

This paper critically assesses the strategic rationale, financial considerations, environmental dimensions, and personnel impacts associated with the Navy's proposal to homeport a nuclear-powered aircraft carrier at Naval Station (NAVSTA) Mayport, Florida. On November 21, 2008, after completing a two-year Environmental Impact Statement (EIS) and assessing 13 alternatives, the Navy announced its preferred alternative to homeport a single nuclear-powered aircraft carrier (CVN) at NAVSTA Mayport in Florida.

The Navy's stated purpose for this proposed action is to ensure effective support of fleet operational requirements through efficient use of waterfront and shore side facilities at NAVSTA Mayport. In 2010 the Navy will begin to decommission frigates currently homeported at Mayport. While budgetary decisions drive a Navy trend to consolidate or reduce the number of Navy bases overall, the Service maintains that retaining bases in dispersed locations nationwide and around the world supports its Fleet Response Plan and its operational battle forces. The EIS states, "The Navy needs to utilize the available facilities at NAVSTA Mayport, both pierside and shoreside, in an effective and efficient manner, *thereby minimizing new construction.*"[1]

Contrary to the Navy's professed goal to identify a homeporting alternative that would minimize new Navy military construction, *permanently assigning a nuclear-powered aircraft carrier to Mayport is one of the most expensive alternatives that the Navy evaluated.* (Three more expensive options included variants of homeporting cruisers, destroyers, an amphibious assault ship (LHA), and a nuclear-powered aircraft carrier.) Homeporting a nuclear-powered aircraft carrier at Mayport will require extensive dredging, infrastructure and wharf improvements, and construction of expensive nuclear propulsion plant maintenance facilities needed for the performance of depot-level maintenance.

The Navy estimates the additional costs associated with its preferred CVN hompeporting option is a one-time expenditure of $564.8 million, of which $426 million would be in new military construction. An additional recurring cost of $20.4 million also is projected. The EIS states estimated construction impacts of $671 million; according to the Navy, this sum reflects the estimated economic benefit to the region resulting from the federal investment of military construction dollars (i.e., the "ripple effect"), not just the budgeted construction costs.

The Navy maintains that homeporting a nuclear-powered aircraft carrier at NAVSTA Mayport would reduce risks to fleet resources in the event of a natural disaster, man-made calamity, or attack by foreign nations or terrorists. This rationale includes purported risks to aircraft carriers, industrial support facilities, and the people that operate and maintain these crucial assets. The net result, according to the Navy, is increased operational readiness.

As Secretary of the Navy Donald Winter explained, "The principal rationale for that has

to do with the vulnerability of the concentration [of aircraft carriers] we have right now in the Tidewater [Va.] area and the desirability to be able to have an additional resource for homeport operations and support."[2]

Given the significant budgetary impact of the Navy's preferred alternative, it is reasonable to ask if the Navy's proposal: (1) is based on a formal threat/survivability analysis; and (2) will produce benefits that are worth the additional costs given the Navy's unfunded budget requirements and the extraordinary financial crisis facing our nation today.

II. Strategic Rationale for Fleet Dispersal: A Flawed and Incomplete Analysis

Conventionally, non-nuclear powered aircraft carriers were homeported at NAVSTA Mayport until the decommissioning of the USS John F Kennedy (CV 67) in 2007. At present, all five of the Navy's aircraft carriers homeported on the East Coast are assigned to NAVSTA Norfolk, Va., the Navy's only East Coast facility capable of supporting a nuclear-powered aircraft carrier. The Navy's six nuclear-powered aircraft carriers homeported in the Pacific region are geographically dispersed on the West Coast (5 CVNs when the USS Carl Vinson completes its refueling overhaul in 2010) and forward deployed to Japan (1 CVN).[3]

The Navy's selection of the CVN East Coast homeporting alternative as its preferred option for Mayport was influenced by several factors, but the Navy cited *fleet strategic dispersal* considerations as a primary reason. In the Navy's view, homeporting an aircraft carrier at Mayport would enhance the distribution of homeport locations and reduce risks to fleet resources in the event of natural disaster, man-made calamity, or attack by foreign nations or terrorists.[4]
A copy of the executive summary to the Navy's Final EIS is provided at Appendix 1.

A Navy briefing on the Mayport Homeporting EIS to members of Congress on November 18, 2009, elaborated on the strategic rationale behind the Navy's proposal.[5] The Navy's "strategic laydown" methodology for apportioning the planned 313-ship fleet to the West Coast, East Coast, and forward-deployed homeports for the year 2020 was influenced by the following:

- Navy Force Structure Analysis: Based on conventional campaigns, the Global War on Terror, and homeland defense requirements;
- 2020 Global Maritime Posture: Satisfy integrated steady-state and lesser-contingency requirements;
- Navy 313-Ship Plan: Encompass total force structure—the process baseline for the Navy's strategic laydown; and
- Additional Factors: Optimize sourcing of forces based on speed of response (time/distance), Maritime Strategy, and the 2006 Quadrennial Defense Review.

The Navy's strategic laydown analysis for the year 2020 yielded a total of 132 ships based on the East Coast, including a total of five nuclear-powered aircraft carriers. A

chart in the Navy's congressional briefing on its EIS depicted the relative advantages of homeporting a CVN in Norfolk or Mayport resulting from the Navy's operational comparison in five categories:

	Response times to COCOMs	Transit times to Respective Training Ranges	Hurricane Risk	Man Made Disaster Risk	Physical Force Protection
Norfolk	**Slight** Advantage		**No** Advantage		
Mayport	**Slight SOUTHCOM** Advantage (HADR/GFS)	**Slight** Advantage	**No** Advantage	**Slight** Advantage	**Slight** Advantage

The Navy's November 18 briefing stated the following conclusions regarding its comparison of Norfolk vs. Mayport:

- Average Response (Transit) Times to Combatant Commanders: "Transit time differences *strategically insignificant*."
- Relative Hurricane Risk: "Historically—hurricane risk to Norfolk is *similar* to Jacksonville."
- Risk Assessment: "Mayport would provide a strategic option and serve as a hedge against risk to Hampton Roads."

In assessing military risk at either NAVSTA Norfolk or NAVSTA Mayport, the Navy identified the following implications resulting from an act of aggression involving either a nation state (a traditional conventional or nuclear attack) or an act of terrorism:

- Loss of one or more nuclear-powered aircraft carriers
- Unable to sortie nuclear-powered aircraft carriers, guided-missile destroyers, or guided-missile cruisers due to a blocked channel;
- Unable to bring carriers at sea pierside on the East Coast due to blocked channel.

The Navy's comparative assessment of each homeport concluded, "The most compelling strategic rationale to homeport a CVN/LHA in Mayport is as a hedge against a catastrophic event in Norfolk." Pressed during the November 18 congressional briefing to identify a precise threat warranting this conclusion, one of the officers stated Mayport had a "slight advantage," but there was not a clear, credible threat distinguishing one homeport from the other. Copies of the Navy's Briefing Slides are provided at Appendix 2.

In summary, according to the Navy's own assessment, *the meager advantages attributed to NAVSTA Mayport over NAVSTA Norfolk were acknowledged by Navy briefers to be "slight" at best*, while initial Navy estimates identify nearly $600 million in military

construction costs and other expenses that would be incurred to enable Mayport to serve as a homeport for a nuclear-powered aircraft carrier. These cost projections could well run much higher. *The Navy's flawed and incomplete analysis does not demonstrate a strategic necessity for homeporting a CVN in Mayport.*

- Issue 1: *There is no indication the Navy conducted a formal intelligence-based threat/survivability analysis that specifically addressed force dispersal. Absent a more rigorous and documented threat/survivability assessment, it is impossible to validate the Navy's alleged claim that dispersing a single CVN to Mayport will reduce risk and increase operational readiness.*

  There is an emotional appeal to the concept of reducing security risk through fleet dispersal. In today's budget-constrained environment, however, a formal threat analysis is essential to allow the Department of Defense and Congress to make informed decisions regarding the relative level of military risk (low, medium, high) and if the security benefits that will be supposedly be achieved through a proposed course of action are worth the costs. A classified version of the Navy's November 18 briefing did not address this issue. Subsequently, then-Senator John Warner and Senator Jim Webb asked the Navy to provide the classified "threat assessment" for NAVSTA Norfolk and NAVSTA Mayport that guided the Navy's selection of its preferred homeporting alternative.

  The Navy's classified briefing took place December 8, 2008. Unclassified highlights of the briefing are summarized as follows:

  - It was less a formal, integrated comparative threat assessment reflecting current intelligence estimates, threats, consequences, vulnerabilities, and mitigating factors than it was a "file-drawer" compilation of past classified security assessments prepared largely by the Naval Criminal Investigative Service (NCIS) for installations in the region (Naval Air Station Oceana, Craney Island, Northrop Grumman Newport News) that were said to be applicable to southern Virginia in general. Similar past NCIS security assessments for installations in the Jacksonville/Mayport region also were provided for comparison.

  - There was no stand-alone security assessment for NAVSTA Norfolk included in the briefing—potential security risks identified for other installations were extrapolated to the Hampton Roads region.

  - There was no indication during the December 8 briefing that the Office of Naval Intelligence conducted an independent threat/survivability study to guide the Navy's homeporting proposal. The National Maritime Intelligence Center, staffed jointly by the Navy, the Coast Guard, and the Marine Corps, provides a world-class maritime intelligence capability dedicated to the nation's defense. It is superbly qualified to conduct a more rigorous threat assessment.

- After a discussion of approximately 15 to 20 minutes, then-Senator Warner told the Navy's briefing officers, "If you have the law, argue the law. If you have the facts, argue the facts. You don't have the facts." Pressed to make a clearer threat-based distinction between Norfolk and Mayport, the Navy's senior briefing officer acknowledged, "*The risk of a catastrophic event in Hampton Roads is small, but the CNO [chief of naval operations] wants an insurance policy in the event one occurs.*"

- By this, the officer explained that having nuclear-capable repair facilities in Mayport for a CVN would be a "strategic hedge" in the event of a catastrophic event in Hampton Roads. He cited the need for an alternate East Coast Controlled Industrial Facility capable of supporting a CVN. "It's not about Norfolk versus Mayport," the flag officer said, "It's about having all assets in one place."

- The Navy's senior briefing officer would not agree that the Navy's rationale for CVN strategic dispersal on the East Coast represents a "worst case, least likely" scenario in terms of military risk. Then-Senator Warner, however, emphasized that the future terrorist threats are far more likely to center on Washington, D.C., than Norfolk. "We're more vulnerable here," Senator Warner said. "You have more security in Norfolk." The Navy briefing officers did not disagree.

➢ Issue 2: *There is no question that the risk of a terrorist attack somewhere in the world involving a weapon of mass destruction (WMD) will increase in the future. What the Navy has failed to assess for military installations like NAVSTA Norfolk or NAVSTA Mayport are: (1) the threat level now and implications for the future; (2) potential vulnerabilities; and (3) implications for survivability, consequence management, and physical security programs.*

- The U.S. Commission on the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism reported in December 2008, "The Commission believes that unless the world community acts decisively and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013."[6]

- The Commission believes that terrorists are more likely to be able to obtain and use a biological weapon than a nuclear weapon. It called for the U.S. government to take more aggressive action to limit proliferation of such weapons to reduce the likelihood of a bio-terror attack.

- From a military-threat perspective, however, it is necessary to assess the likelihood that a terrorist WMD would be directed against a U.S. military installation vs. a more vulnerable civilian target. The unclassified version of the *National Intelligence Estimate* released in 2007 states: "We assess that al-Qa'ida's homeland plotting is likely to continue to focus on

prominent political, economic, and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population."

- Issue 3: *The Navy did not request the U.S. Coast Guard to provide an independent assessment of maritime security risk in Hampton Roads, Va., or Mayport, Fla.*[7]

  - The U.S. Coast Guard has statutory responsibilities for assessing maritime security risk in major U.S. seaports. Its current assessment of maritime security risks in the Hampton Roads region and Jacksonville/Mayport, Fla., would allow for a more informed cost/benefit analysis of the Navy's homeporting proposal. The Coast Guard confirmed the Navy made no request for its assessment.

  - The Maritime Transportation Security Act of 2002, 33 CFR 103.400, required the Area Maritime Security (AMS) Committees to ensure risk-based AMS Assessments are completed and meet the requirements of 33 CFR 103.310 and 103.405, which include identifying risks through threat, consequence, and vulnerability. The AMS Committee is established under the direction of the Coast Guard Captain of the Port per 33 CFR 103.300.

  - The SAFE Port Act of 2006, Section 111, required the Department of Homeland Security to provide a risk assessment tool with standardized risk criteria to AMS Committees. The Maritime Security Risk Analysis Model developed by the Coast Guard is an accepted risk assessment tool with standardized risk criteria.

- Issue 4: *The Coast Guard currently assesses the port security risk for the Hampton Roads region and the Jacksonville/Mayport, Fla. area to be the same.*

  - The Coast Guard supports the Federal Emergency Management Agency and the Department of Homeland Security (DHS) in the administration of the DHS Port Security Grant Program (PSGP). The PSGP prioritizes security risk and allocates grant funds to port areas, which are rank-ordered in four groups.

  - Group One represents the highest risk ports and Group Four the lowest. The Hampton Roads region is a Group Two port, which generally equates with medium risk. The Coast Guard confirmed in December 2008 that Jacksonville/Mayport also is ranked as a Group Two port.

- Issue 5: *The Navy's military-risk assessment for NAVSTA Norfolk ignores how U.S. Coast Guard and Department of Homeland Security investments in port security and Navy physical security enhancements since 9/11 have significantly mitigated risk in Hampton Roads. Since September 11, 2008, these agencies have invested more than $111 million in the Hampton Roads region to strengthen port security and reduce the risk of a successful terrorist attack.*

- U.S. Coast Guard: The U.S. Coast Guard has invested millions of dollars in improving port security in Hampton Roads since 9/11—to include the stand-up of a Joint Harbor Operations Center (manned jointly by the Coast Guard and the Navy). A summary of Coast Guard investments is provided at Appendix 3.

  - The Joint Harbor Operations Center (JHOC) in Hampton Roads is a combined Coast Guard/Navy watch floor. The JHOC, also called a Sector Command Center - Joint (SCC-J), is involved with all 11 Coast Guard mission areas with the addition of an Anti-Terrorism/Force Protection cell staffed by the Navy. The SCC-J is enhanced with the communication systems necessary to coordinate and conduct military High Value Unit escorts. Hampton Roads is also enhanced with radars and cameras to monitor escorts and security zones around critical infrastructure.

  - These capabilities, combined with special navigation regulations in the area, enhance awareness of all port activities and improve security in the lower Chesapeake Bay. This situational awareness and interagency cooperation increases the opportunity to detect and respond to threats in the maritime environment.[8]

  Department of Homeland Security (DHS). Between 2002 and 2008, the DHS Port Security Grant Program (PSGP) also provided $30.4 million to the Hampton Roads port region. In the early years of the PSGP, the grant applications were focused largely on enhancing physical security and surveillance (e.g., gates, fences, cameras, etc.) at individual facilities. In recent years, the grant applications have become much more inclusive and robust:

  - Group I and II Ports have been developing Port Wide Risk Management plans and are in the process of implementing five-year investment plans to "buy down" the risk.

  - Examples of the types of allocations of PSGP funding for the Hampton Roads region between 2002 and 2008 include such enhancements as a grant of $846,000 in 2007 to local police departments for maritime domain awareness equipment and security patrol boats. Also in 2007, the Virginia Department of Emergence Management received $1.8 million to develop Port Area Wide Risk Management/Mitigation and Business Continuity Plans.

- U.S. Navy: The U.S. Navy has made significant investments since 9/11 to improve physical security at NAVSTA Norfolk and other installations in the Hampton Roads region. These port security improvements reduce

military risk and potential vulnerabilities. For example, a Waterfront Security Operations Center was established at NAVSTA Norfolk to integrate, coordinate, and control the security initiatives and response of all waterfront naval assets. Installations also are in the process of receiving the Electronic Harbor Security System—a combination of surface and subsurface threat detection and response capabilities at an approximate cost of $700,000. A host of other initiatives have been achieved at area installations, including the provision of Harbor Security Boat assets to patrol the waterfront and serve as a first response layer for waterfront threats. Physical security improvements also have been made.[9] A summary of Navy port security improvements, provided in response to a request for information, is provided at Appendix 4.

- Acting in cooperation with the Coast Guard, the Navy has instituted procedures to reduce the risk of a terrorist attack to so-called "High Value Units." All high-value ships are provided an armed escort by either the Coast Guard or the Navy during their transit to or from NAVSTA Norfolk and other installations in the Hampton Roads area.

- According to the Navy, the escort by armed surface craft provides a highly visible security force to detect, deter and respond to a terrorist attack thus enhancing the overall port security in Hampton Roads. The Navy also provides armed escorts of submarines when Coast Guard assets are not available from the Naval Submarine Support Center located at NAVSTA Norfolk.

- The Navy also acknowledges the role that the Coast Guard's prototype Port and Coastal Surveillance System's wide network of sensors play in improving port security. The system, which includes radars, visual cameras, infrared cameras and other sensors, provides Coast Guard Sector Hampton Roads the ability to monitor overall port activity and provides targeted surveillance at critical junctures and key infrastructure across the port.

- The Navy stated the Coast Guard-Navy Joint Harbor Operations Center's advanced systems, staffing and interagency capabilities not only provide real-time situational, maritime domain awareness throughout the port, but also allow for the integration of public and private maritime risk mitigation strategies, ultimately enhancing port safety and security and mission effectiveness, efficiency and execution.

➢ Issue 6: *The Navy's current argument for CVN dispersal on the East Coast evokes a similar scheme used during the 1980s when then-Secretary of the Navy John Lehman developed a "Strategic Homeporting Plan" for a 600-ship Navy. Although the Navy contended that the dispersal of ships to more U.S. homeports*

would improve U.S. defense posture and the survivability of the fleet, this strategic underpinning was challenged by the General Accounting Office (GAO, today's Government Accountability Office). Regardless, the Navy's Strategic Homeporting Plan did not propose duplicating Norfolk's nuclear-repair capabilities for a CVN in Mayport.

- The Navy's "Strategic Homeporting" plan reflected concerns in the 1980s that the existing homeporting structure was not optimum from a strategic and military standpoint for a planned 600-ship Navy. The Navy based its plan on five principles: (1) *force dispersal*; (2) battlegroup integrity; (3) industrial base utilization; (4) geographic considerations; and (5) logistics suitability.

- In 1986, the GAO reported that the Navy's decision to disperse the fleet was not based on a formal threat/survivability analysis. "Some Navy officials advised us that the conventional threat to U.S. ports is relatively low," said one GAO official.[10]

  - The GAO later reported (GAO-NSIAD-86-146) that the Navy overstated the strategic imperative for dispersal. It found that the Naval Intelligence Command and a National Intelligence Estimate did not provide evidence of a demonstrable Soviet threat against U.S. homeports to justify the scale of investment. The Navy's military construction estimates for the plan totaled $799 million. This funding, a figure widely judged to be significantly underestimated at the time, was capped by Congress.

  - In 1990, the Congressional Research Service observed, " ... It can be argued that the justification of avoiding a Pearl Harbor-like attack is now weaker than it was in the mid-1980s because the possibility of a war with the Soviet Union and its allies is now considered remote."[11]

  - By the end of 1991, any potential threat from the Soviet Union to justify strategic dispersal of the fleet evaporated with that country's dissolution and the end of the Cold War. Secretary of the Navy John Lehman's goal of a 600-ship Navy fell victim to defense budget cuts five years before.

- More often than not, Norfolk's homeported aircraft carriers are geographically dispersed at sea through frequent operational deployments and work-ups. According to information provided by the Navy, the Naval Station's four carriers were in port simultaneously only 43 days in Fiscal Year 2008. In Fiscal Year 2007, that number was 18 days.

- The questions GAO raised more than 20 years ago regarding the strategic rationale for dispersing the fleet to multiple homeports are equally relevant today for assessing the Navy's CVN homeporting proposal for Mayport.

- The Navy has yet to provide a compelling strategic rationale for its East Coast CVN homeporting proposal that is supported with a focused threat/survivability analysis. The strategic dispersal concept may possibly have been a viable concept during the Cold War, but times have changed since the fall of the Soviet Union. The strategic dispersal argument is not applicable today if the military risk that would warrant dispersal is not judged to be high.

➢ Issue 7: *The Navy's narrowly focused proposal to relocate a CVN to Mayport does not reflect the same analytical framework used to evaluate similar homeporting proposals for the West Coast. Its comparative evaluation with Mayport ignored such critical factors as access to shoreside fleet training centers, cross-training and shore-duty reassignment opportunities for sailors, centralized logistics support, and other important advantages associated with NAVSTA Norfolk.*

- When the Navy began planning in the 1990s to homeport up to three Nimitz-class CVNs on the West Coast, it advocated the homeport of North Island Naval Air Station owing to the existence of San Diego as an adjacent "megaport," maintenance advantages, and quality of life considerations. In addition, the Navy said that North Island (Coronado/San Diego) is a proven homeport for Pacific Fleet carriers, has an operational airfield that can support air wing logistics and aircraft, and contains an extensive and efficient transportation network.[12]

- The Navy applied a similar analytical framework in 2007 when it reviewed four prospective homeports in the Pacific region for the USS Carl Vinson (CVN 70). In March 2007, the Navy announced the carrier would likely relocate to San Diego in early 2010 following the completion of its complex refueling overhaul now underway at the Northrop Grumman Newport News shipyard in Virginia. According to Hawaii's U.S. Senators Daniel Inouye and Daniel Akaka, Secretary of the Navy Donald Winter's selection of San Diego was based on a consideration of such factors as each homeport's strategic location, the cost of infrastructure upgrades required to accommodate a nuclear-powered aircraft carrier, the port's proximity to an airfield, and training opportunities for the carrier's aircrew.[13]

➢ Issue 8: *Aircraft carriers homeported in Norfolk are collocated with their operational aircraft squadrons, associated staffs, and assigned battle group ships. They are supported by multiple military and civilian airfields, including an outlying airfield necessary to support carrier-qualification training requirements for the Atlantic Fleet carrier air wings.*

- Naval Air Station Cecil Field was the largest military installation in the Jacksonville, Florida., region when it was closed in 1999 following the recommendations of two Base Closure and Realignment (BRAC)

Commissions. In 2006, the citizens of Jacksonville were afforded an opportunity to reopen the airfield for military use as the result of BRAC 2005, but they voted not to do so.

- By contrast, the Commonwealth of Virginia and local communities in the Hampton Roads region have consistently supported operations at Naval Air Station Oceana—the Navy's East Coast Master Jet Base. In recent years, for example, the Commonwealth and municipalities in Virginia Beach have spent approximately $45 million to purchase land to reduce civilian encroachment at the airfield.

➢ Issue 9: *Despite the potential for increased military risk, in 2005 the Navy recommended the closure of Naval Submarine Base New London, Connecticut. (as part of Department of Defense BRAC actions) and relocation of its assigned submarines to NAVSTA Norfolk and Submarine Base Kings Bay, Georgia. This proposal was consistent with its Shore Investment Strategy.*

- The Navy's primary justification for closing its submarine base in New London was the material contribution it would make to the maximum reduction of excess capacity (i.e., berthing capacity) while increasing the military value of the remaining bases affected by the proposal.[14]

- One of the main elements in the Navy's Shore Investment Strategy is to reduce cost and improve physical security by eliminating any excesses in the Navy's shore footprint. "While fiscal imperatives across the Navy currently prevent full funding of shore-readiness requirements in the near term, we are making smart investments to support the fleet, fighter, and families," the Navy has stated.

- By contrast, building duplicative nuclear-support shore infrastructure in Mayport runs counter to the objectives of the Navy's Shore Investment Strategy and will, in the long term, only continue to degrade the Navy's ability to provide full funding for other higher priority shore-readiness requirements.

III. Economic Factors: Mayport Proposal Enters the Realm of Fiscal Irresponsibility

The Congressional Budget Office (CBO) reported in January 2009 that the United States has entered a recession that will probably be the longest and the deepest since World War II. As a share of the economy, the CBO estimates the deficit in 2009 also will be the largest recorded since World War II—$1.2 trillion, or 8.3 percent of the nation's gross domestic product. Federal revenues are expected to decline by $166 billion, or 6.6 percent, from 2008.[15] *The Washington Post* reported that Senator Kent Conrad, the chairman of the Senate Budget Committee, called the figure "jaw-dropping."

The CBO also reported in early January that carrying out defense spending plans of the Bush administration's Fiscal Year 2009 Future Years Defense Program would require sustaining annual defense spending over the long term at higher real (inflation-adjusted) levels than those that occurred at the peak of the defense build-up in the mid-1980s.[16]

In a speech on the economy and a proposed federal government economic recovery plan, President-elect Obama said, ""If nothing is done, this recession could linger for years. The unemployment rate could reach double digits. Our economy could fall $1 trillion short of its full capacity, which translates into more than $12,000 in lost income for a family of four."[17] The President-elect also vowed in a press conference January 7, 2009, to ensure that federal government dollars are not wasted, tasking his nominee as "chief performance officer" in the White House budget office to retool budget practices and cut unnecessary programs. "In order to make these investments that we need, we'll have to cut the spending that we don't," he said.[18]

Given this extraordinary financial crisis, the need to reduce non-critical federal spending, and the compelling requirement to fund higher-priority Navy budget requirements, the Navy's homeporting proposal for Mayport is fiscally irresponsible. *Last year, the Navy identified $4.6 billion in Fiscal Year 2009 unfunded budget requirements.* Its unfunded budget requirements for Fiscal Year 2010 will be made known to Congress when the new administration's defense budget request is proposed. Homeporting a nuclear-powered aircraft carrier in Mayport at a cost that could approach $1 billion is a luxury the Navy simply cannot afford.

- Issue 1: *The Navy is substantially under-investing in its shipbuilding and aircraft procurement accounts. Expensive investments in duplicative nuclear-support infrastructure in Mayport are opportunity costs the Navy cannot afford in the face of the compelling requirement to reset, modernize, and recapitalize its ships and aircraft.*

    - Attaining the goal of a 313-ship Navy is already in doubt owing to a combination of factors, including an underfunded Navy shipbuilding plan, unrealistic cost estimates, a steady growth in the cost of shipbuilding programs, and mission-requirements creep.

    - The Navy's long-range shipbuilding plan for 313 ships should be considered a floor—the minimum number of ships necessary for the Navy and Marine Corps team to meet its global commitments. Recapitalizing today's deployable battle force of 283 ships is encountering new affordability problems.

    - For example, the costs of the commodities needed to build ships skyrocketed between 2001 and 2007—including a 109 percent increase in the price for carbon steel, a 360 percent increase for copper, and a 535 percent increase for nickel. Such unprecedented cost increases are beyond the ability of the Navy to control, *Seapower* magazine reported recently. "No one has been able to model this," the deputy assistant secretary of the

Navy for Ship Programs (Research, Development, and Acquisition) said.[19]

- The Navy also faces a significant shortfall in the number of strike-fighter tactical aircraft needed for its 10 carrier air wings. The Navy's own estimate is that it will be more than 125 strike-fighters short by 2014 due to the retirement of F/A-18 Hornet aircraft before the F-35C Joint Strike Fighter is operational. A more responsible operational alternative for spending the estimated $600 million the Navy projects for homeporting a nuclear-powered aircraft carrier in Mayport is to use this funding to address the Navy's strike-fighter shortfall.

  - The typical air wing aboard a U.S. Navy aircraft carrier includes four F/A-18 squadrons totaling roughly 44 aircraft. If the current tactical aircraft shortfall is not reversed, there is a real concern that a major portion of the Navy's aircraft carrier fleet will be rendered hollow.

  - Of the Navy's 10 carrier air wings, one—Carrier Air Wing 17, home-based at Naval Air Station Oceana, Virginia—has only one of its required four squadrons of F/A-18 Hornets assigned owing to the Navy's current tactical aircraft shortfall. When CVW-17 deploys to sea on an aircraft carrier, it must "crossdeck" (i.e., borrow) F/A-18 aircraft from other squadrons on the East or West Coasts. Unavoidably, this cross decking of squadron aircraft, pilots, and support personnel poses adverse consequences to their operational and personnel tempo.

  - Should the Department of Defense approve multi-year contracting for the F/A-18 Hornet strike-fighter, approximately 12 modern aircraft could be procured for the $600 million the Navy plans to spend in Mayport—a sufficient number of aircraft for one additional squadron.

➢ Issue 2: *Good stewardship of taxpayer dollars demands that the Navy should fund its shortfalls in shore-readiness requirements rather than expand its footprint ashore with duplicative facilities. There is no economic logic to the Navy's proposal for Mayport.*

- Before creating excess infrastructure and nuclear-warship capacity in Mayport, the Navy should complete a large number of critical unfunded, backlogged military construction and modernization projects.

- Owing to the chronic underfunding of modernization at its four public naval shipyards, the Navy confirmed a $791 million backlog in sustainment, restoration, and modernization projects at its four naval shipyards during Fiscal Year 2008:

- Pearl Harbor Naval Shipyard: $183 million
- Puget Sound Naval Shipyard: $208 million
- Portsmouth Naval Shipyard: $176 million
- Norfolk Naval Shipyard: $224 million

  - Within the last several years, NAVSTA Norfolk has undergone approximately $400 million in facility upgrades to allow it to better support nuclear powered aircraft carriers. This investment included a $155 million project to demolish and rebuild Pier 11 for the station's assigned aircraft carriers. Before duplicating Norfolk's existing capital-intensive facilities in Mayport, the Navy should make the fiscally sound decision to optimize past investments at Norfolk and preserve scarce resources to address the near crisis in budget shortfalls for its people, shipbuilding program, aircraft procurement, and installations.

  - As noted previously, the Navy's proposal for Mayport also runs counter to its current Shore Investment Strategy, which calls for consolidating the Navy's shore footprint to save money and improve physical security. New military instruction construction costs in Mayport can only be funded at the expense of existing military construction and modernization projects.

- Issue 3: *The Navy's need to retain NAVSTA Mayport as an operational base for surface ships is not questioned; at issue is the need for the Navy to adopt a more cost-effective, responsible alternative centered on such platforms as the littoral combat ship, guided-missile destroyers, guided-missile cruisers, or an amphibious assault ship. The projected benefits to the private sector's ship-repair industrial base in Jacksonville should be considered in this new assessment.*

  - Sustaining the nation's ship-repair industrial base is a continuing challenge given the sizable reduction in the size of the fleet over the past 20 years. The number of Navy ships on active service is at one of its lowest levels since World War I.
  - Unlike a nuclear-powered aircraft carrier, homeporting additional numbers of surface combatant warships will generate a higher level of sustained ship-repair work for the private sector in Jacksonville—a material benefit to a critical strategic sector of the defense industrial base that also will added economic benefits to the local economy.

- Issue 4: *The Navy's cost estimates of more than half-a-billion dollars to homeport a nuclear-powered aircraft carrier in Mayport should be independently verified for accuracy. The actual costs likely will run substantially higher if past is prologue.*

  - During congressional consideration of the Navy's military construction budget submission for fiscal year 1996, for example, the Navy was chastised by a member of the House of Representatives for the inaccuracy

of its estimated funding necessary to berth three aircraft carriers at Naval Air Station North Island. The Navy's initial estimate of $267.8 million was later revised upward to $546.1 million following a GAO review.[20]

IV. Environmental Assessment: "Legally Insufficient and Technically Flawed"

Senator Jim Webb and then-Senator John Warner expressed serious concerns with numerous aspects of the Navy's Final Environmental Impact Statement (FEIS) in a December 2008 meeting with officials from the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. "The Navy's documented haste to issue a record of decision must not be allowed to interfere with your agencies' requirements to complete the Section 7 consultation process with due diligence," they said.

- Issue 1: *The Navy issued its FEIS prior to completion of the Biological Opinions, which is inconsistent with the Endangered Species Act Handbook. The Navy also sought to fast track the environmental review process so that it could issue its Record of Decision in early January 2009.*
  - At the time the FEIS is issued, "section 7" consultation should be completed. Absent these agencies' assessments, it is questionable if the Navy adequately assessed the impacts of its actions on protected species in the FEIS.
  - The Navy attempted to fast-track each agencies' comment period by requesting their inputs be submitted by December 31, 2008. Given the potential adverse impacts of the proposed homeporting action on several threatened and endangered species, Senator Webb and then-Senator Warner encouraged agency officials to take the time and obtain the documentation needed to conduct thorough analyses of the Navy's proposed action, unhindered by arbitrary deadlines.
    - The National Marine Fisheries Service (NMFS) received the Navy's completed consultation package for a Mayport Opinion December 8, 2008. The Endangered Species Act allows the agency 135 days to complete its formal consultation—a deadline of April 22, 2009.
    - NMFS officials acknowledged they would be "challenged" to meet the Navy's arbitrary deadline of December 31 and subsequently set a working deadline of January 5, 2009, to complete their assessment.
- Issue 2: *The Navy's proposal to homeport a nuclear-powered aircraft carrier at Mayport would increase the amount of military and commercial traffic in and around the Naval Station and require the collection and disposal of 5.2 million cubic yards of dredged material.*

- Owing to the greater draft of a nuclear-powered aircraft carrier, increased dredging will result in thousands of additional vessel trips to and from dredge disposal areas.

- The Navy's proposed action presents potential risks to species and habitat protected under the Endangered Species Act, particularly the North American right whale and the Florida manatee, and their respective habitats. Both species are particularly susceptible to ship-strikes, which could increase should the Navy homeport a nuclear-powered aircraft carrier at Mayport.

➢ Issue 3: *The Navy intends to make its East Coast CVN homeporting decision without the benefit of the conclusions from the East Coast Range Complex Biological Evaluation, which is not expected to be completed until April 2009. The Navy narrowly defined the scope for its homeporting EIS for Mayport in terms of dredging and construction— notwithstanding the clear linkage with resulting aircraft carrier operations should a CVN be permanently stationed there.*

- As stated in its EIS, one of the Navy's three factors behind its consideration of NAVSTA Mayport as a homeport for additional ships is the use of the facility to help optimize fleet access to naval training ranges and operating areas by retaining ship homeport locations within six hours transit time of local operating areas.[21] Clearly, there is an inextricable linkage between the Navy's desire to homeport a nuclear-powered aircraft carrier in Mayport with resulting training activities and other ship operations.

- Unavoidably, such increased operational activity and ship transits pose potential risks to endangered species, including the right whale. Senator Webb and then-Senator John Warner encouraged the NMFS to complete a single, more comprehensive Biological Assessment that addresses the Navy's acknowledged CVN training and operational activities—and not be bound by the Navy's purposefully narrow approach in defining its EIS. The Endangered Species Act handbook provides the authority for NMFS to make its own determination about the proper scope of its assessment. It cannot be forced by the Navy to accept an overly narrow scope.

On December 19, 2008, Governor Timothy M. Kaine submitted the Commonwealth of Virginia's comments on the Navy's FEIS for proposed homeporting alternatives at Mayport. "The Final Environmental Impact Statement is legally insufficient and technically flawed," Governor Kaine said. A copy of the Commonwealth of Virginia's comments to the Navy, identifying 16 major concerns, is provided at Appendix 5. Courts have rejected federal agency EISs for the precise types of deficiencies found in the Navy's Mayport EIS.

Similar concerns were raised December 18, 2008, in a letter to the Navy signed by all members of the Public Sector Board of Directors for the Hampton Roads Military and Federal Facilities Alliance. The board is composed of the mayors of nine cities and the chairs of three county boards of supervisors representing the Hampton Roads region.

Congress has paid renewed attention to issues associated with strategic homeporting of Navy ships for the last four years. There are significant environmental issues associated with the Navy's proposal for Mayport, Florida. It is inconceivable that those agencies responsible for evaluating the environmental impacts of the Navy's proposal should not be afforded as much time as necessary to ensure their assessments and opinions are developed as thoroughly and carefully as possible.

V. Sailors and Their Families: Added Hardships

Military leaders are fond of saying, "Mission first—people always." That sentiment is hardly reflected in the Navy's proposal to homeport a nuclear-powered aircraft carrier in Mayport owing to the added hardships the move will impose on Sailors and their families. The Navy's justification and rationale for its homeporting proposal pays only cursory attention to this critical consideration. Absent its crew, the aircraft carrier is nothing but cold, lifeless steel.

- Issue 1: *Should the Navy announce a decision to relocate a CVN to Mayport without naming the ship, Sailors and their families will face an uncertain future as they weigh the risks posed by a possible relocation.*

  - In today's precarious economy and fiscal crisis, the need to relocate one's family and find a new home is a far greater concern than even a year ago. Today's drastic fall-off in home sales and a persistent slump in the housing market are affecting military families. Faced with more frequent permanent-change-of-station moves than many of their civilian counterparts, the hardships can be more painfully acute. As noted by many financial experts, today's fiscal crisis and its economic impacts are not expected to be resolved quickly.

  - The town of Brandon, Fla., on Florida's western coast near MacDill Air Force Base in Tampa, exemplifies the experiences many military families face today. One Air Force colonel purchased his four-bedroom home in 2005 for $333,000. With his tour ending three years later and orders in hand to move to the state of Washington, he could not find a buyer. He was one of an estimated 1,000 military members leaving MacDill during the summer of 2008, according to the *Tampa Bay Times*. An automated housing referral network serving military members in the Tampa Bay region listed 668 rental homes within a 60-mile radius of the Air Force base at the time. Those service members being reassigned who elected to rent their homes instead of selling found that the rent payments would not cover their mortgage payments.[22]

- The Congressional Budget Office reported in January 2009 that the inventory of unsold homes in the United States remains very high, despite the past year's reduction in housing starts and house prices. Military families, unavoidably, will continue to bear a disproportionate burden in this area owing to their more frequent, government-directed permanent-change-of-station reassignments.

➢ Issue 2: *NAVSTA Norfolk, home to one of the largest regional concentrations of naval and military installations in the world, offers far more quality-of-life and career progression opportunities to Sailors and their families than the far-smaller NAVSTA Mayport—including opportunities for shoreside training, medical care, family support, military commissaries and exchanges, and local employment.*

- Ten years ago, the Navy began the realignment of its shore installations into fleet areas of concentration as part of a process known as "regionalization." Sea-going carrier Sailors—unlike Soldiers, Marines, or Airmen—must satisfy "sea-shore" rotation goals established by the Navy. An aviation boatswain's mate, for example, will likely spend four years assigned to sea duty followed by a three-year shore assignment.

- Concentrating its aircraft carriers in Norfolk allows carrier sailors (and personnel assigned to nearby aviation squadrons) to have more stability and greater opportunity for suitable sea and shore assignments. The Norfolk area also boasts a large number of senior staff and joint-duty billets, a key factor in career progression for officers especially.

- "Homebasing" is one initiative the Navy undertook in 1996 to assign enlisted Sailors to the same geographic area for their entire careers. The program benefits both the Sailors and families (more than 50 percent of today's enlisted members are married) and the Navy. The Sailor and family have less frequent reassignments out of their area of fleet concentration, contributing to greater stability in their personal lives. The Navy, in turn, reaps cost savings owing to the reduced requirement to pay for expensive permanent-change-of-station reassignments.

VI. Conclusion and Recommendation

The Navy has made no compelling argument to justify its proposal to homeport a nuclear-powered aircraft carrier at NAVSTA Mayport. There is little or no evidence that the Navy's preferred homeporting alternative is supported by either economic logic or strategic necessity. Given the unavoidable adverse impact that today's economic crisis will have on federal programs, the Navy would be irresponsible to incur costs (already projected to exceed $600 million) for a poorly justified project that the service itself describes as an "insurance policy."

No funds from any defense appropriation should be made available for the relocation, or

planning for the relocation, of any nuclear-powered aircraft carrier away from NAVSTA Norfolk, or for any homeporting of a nuclear-powered aircraft carrier at NAVSTA Mayport unless the Navy fully justifies such a move in a comprehensive report to the congressional defense committees. This justification should include the following categories of information:

- A classified, comparative threat/survivability intelligence assessment of current and projected military threats for the homeporting of aircraft carriers at both NAVSTA Norfolk and NAVSTA Mayport, to include estimated levels of risk, potential vulnerabilities, and the implications for survivability, consequence management, and physical security programs. The U.S. Coast Guard should contribute to this threat assessment;

- An independent cost estimate prepared by the Cost Analysis Improvement Group of the Department of Defense of the total cost to be incurred by the United States to relocate an aircraft carrier from NAVSTA Norfolk to a new homeport, including the full costs of any associated support requirements, to include physical security, personnel, maintenance and construction of new facilities, and any additional costs that would be incurred by other state or federal agencies. The cost estimate should assess the degree to which it conforms to budget planning guidance issued by the new Obama administration;

- An evaluation of the economic impact in the Hampton Roads region resulting from the relocation of a nuclear-powered aircraft carrier from NAVSTA Norfolk to NAVSTA Mayport;

- A full accounting of the Navy's Fiscal Year 2010 unfunded budget requirements, to include shore readiness shortfalls identified in its *Shore Investment Strategy* and the current backlog in sustainment, restoration, and modernization (SRM) projects at the Navy's four naval shipyards. The SRM backlog's impact on safety and industrial performance at each shipyard should be described as a part of this assessment;

- An assessment of the impact that relocating a nuclear-powered aircraft carrier from NAVSTA Norfolk to NAVSTA Mayport would have on assigned crew members and their families, to include all relevant training, career progression, sea-shore rotation, and quality-of-life factors;

- An assessment of how the relocation of a nuclear-powered aircraft carrier from NAVSTA Norfolk to NAVSTA Mayport would affect the crew's access to shoreside fleet training centers, centralized logistics support, access to intermodal transportation systems, and the availability of supporting airfield(s);

- Identification of more cost-effective alternatives for homeporting surface ships at NAVSTA Mayport, to include an assessment of their impacts on the

private-sector ship-repair industrial base;

- An assessment of the optimum strategic laydown for Navy ships at NAVSTA Mayport that best satisfies operational military requirements identified by the Commander, U.S. Southern Command, in this command's area of operational responsibility;

- An assessment of the adequacy of the Navy's current inventory of public and private depot and intermediate maintenance facilities for nuclear-powered aircraft carriers; and

- A certification from the Secretary of the Navy that the relocation of a nuclear-powered aircraft carrier is in the best interests of U.S. national security based on a strategic threat assessment.

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[1] Department of the Navy, Executive Summary, Final EIS for the Proposed Homeporting of Additional Surface Ships at NAVSTA Mayport, FL, November 21, 2008, p. ES-2 (Subsequently cited as DON FEIS ES).

[2] Remarks at Center for Strategic and International Studies *Statesmen's Forum*, Washington , D.C., November 17, 2008.

[3] The Navy will have 11 nuclear-powered aircraft carriers in service when the George H.W. Bush (CVN 77) is commissioned Jan. 10, 2009. The Navy has announced that CVN 77 will be initially homeported in Norfolk. Other CVN homeports include: **Norfolk, Va.**—USS Theodore Roosevelt (CVN 71), USS Enterprise (CVN 65), USS Harry S. Truman (CVN 75), and USS Dwight D. Eisenhower (CVN 69); **San Diego, Calif.**—USS Ronald Reagan (CVN 76), USS Nimitz (CVN 68), and USS Carl Vinson* (CVN 70, following completion of a nuclear-refueling overhaul at Northrop Grumman Newport News, Va., the Navy has stated its preference for the ship to be homeported in San Diego in 2009); **Bremerton, Wash.**—USS John C. Stennis (CVN 74); **Everett, Wash.**—USS Abraham Lincoln (CVN 72); **Yokosuka, Japan**—USS George Washington (CVN 73).

[4] DON FEIS p. ES-16.

[5] A copy of the Department of the Navy's briefing is enclosed as Appendix 2.

[6] *World at Risk: The Report of the Commission on the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism,* (New York: Vintage Books, 2008), p. xv.

[7] Information regarding the U.S. Coast Guard's responsibilities for maritime security and risk assessments was provided in writing by the Coast Guard in response to a formal request for information (RFI).

[8] U.S. Coast Guard response of December 19, 2008, to a formal request for information (RFI).

[9] U.S. Navy response of December 22, 2008, to a formal request for information (RFI).

[10] Statement by Bill W. Thurman, deputy director, National Security and International Affairs Division, before the House of Representatives Committee on Armed Services Subcommittee on Military Installations and Facilities, February 26, 1986, p.2.

[11] "Strategic Homeporting Reconsidered," by Ronald O'Rourke, Foreign Affairs and National Defense Division, Congressional Research Service, December 20, 1990.

[12] Letter from David R. Warren, director, Defense Management and NASA Issues, General Accounting Office, to Rep. Steven Horn, House of Representatives, April 21, 1995 (GAO/NSIAD-95-146R Nuclear Carrier Homeporting).

[13] "Navy Picks San Diego for Aircraft Carrier's New Homeport," by Jaymes Song, Associated Press, March 30, 2007.

[14] DOD Base Closure and Realignment Report to the Commission, Department of the Navy Analyses and Recommendations (Vol IV), May 2005, p. A-7.
[15] "The Budget and Economic Outlook: Fiscal Years 2009 to 2019," Congressional Budget Office, Washington, D.C., January 2009, p.1.
[16] "Long-Term Implications of the Fiscal Year 2009 Future Years Defense Program," Congressional Budget Office, Washington, D.C., January 2009, pp. 1-2.
[17] "Obama Warns of Dire Consequences Without Stimulus," by Michael D. Shear, The Washington Post, January 8, 2009, posted to on-line edition.
[18] "Congress Urges Spending Restraint," by Lori Montgomery, The Washington Post, January 8, 2009, p.2.
[19] "Costly Commodities: Coast Guard, Navy Shipbuilding Hit hard by Soaring Prices," by Patricia Kime, Seapower, November 2008, p. 18.
[20] *Congressional Record*, House of Representatives, June 20, 1995, H6129.
[21] DON FEIS ES, p. ES-2.
[22] "Home Slump Pains Military," by Jan Wesner, *Tampa Bay Times*, April 27, 2008.

Appendix 1:
Department of the Navy, Executive Summary, Final EIS for the Proposed Homeporting of Additional Surface Ships at NAVSTA Mayport, FL, November 21, 2008

Appendix 2:
Department of the Navy Briefing Slides, Final EIS for the Proposed Homeporting of Additional Surface Ships at NAVSTA Mayport, FL

Appendix 3
U.S. Coast Guard budgetary investment in improved maritime security in the Hampton Roads region from FY 2002 through FY2008:

Fiscal Year	*Capability*	*Full Time Positions*	*Budgetary Investment*
FY02	Maritime Safety and Security Team Chesapeake	83	$6,397,000
FY03	Coast Guard Cutter SHEARWATER	11	$1,009,000
FY03	Facility Security Planners	4	$430,000
FY04	Joint Harbor Operations Center	25	$2,705,000
FY05	Port State Control Officers	8	$750,000

FY05	Marine Transportation Security Act Personnel	4	$463,000
FY05	Coast Guard Cutter SEAHORSE	16	$1,544,000
FY06	Establishment of Maritime Security Response Team	164	$13,971,000
FY07	Enhancement of Maritime Security Response Team	60	$5,007,000
FY07	Port Security Spot Inspector	1	$85,000
FY08	Port Security Spot Inspector	2	$208,000
FY08	Maritime Security Response Team Follow On		$859,000
FY02-08	Small Boat Station Personnel	20	$1,521,000
FY02-08	Small Boats (3 RB-s)		$840,000

Figures reflect fully annualized investments in then-year dollars.

Source: U.S. Coast Guard

Appendix 4:
U.S. Navy Investments in Port Security in the Hampton Roads Region

The following U.S. Navy port security improvements have been made in the Hampton Roads region since 9/11:

- Instituted a Waterfront Security Operations Center at NAVSTA Norfolk to integrate and coordinate/control the security initiatives and response of all waterfront naval assets. Installations are in process of receiving the Electronic Harbor Security System which is a combination of surface and subsurface threat detection and response capability. Approximate cost is $700,000.
- Installations are in process of receiving waterfront security barriers to more effectively cordon off the waterfront restricted areas of the installations. Approximate costs are

NAVSTA Norfolk Phase I $3,500,000, Phase II $2,277,000, Phase III $1,750,000, Phase IV $5,840,000, and Norfolk Naval Shipyard $3,020,000.

- Partial pier enclaving (i.e. fencing) instituted at installations homeporting High Value Units. Approximate cost is $250,000.
- Vehicle inspection station built near Pier 12 NAVSTA Norfolk. Approximate cost is $700,000.
- Installations have been provided with Harbor Security Boat (HSB) assets to patrol the waterfront and serve as a first response layer for waterfront threats. This initiative included the development of a complete training regimen to enable sailors to effectively employ HSB assets against threats. Approximate costs are Fiscal Year 2008 NAVSTA Norfolk maintenance $278,467, NAVSTA Norfolk HSB $4,540,000, Fiscal Year 2008 boat operations fuel $550,000.
- All waterfront piers instituted a "Chief of the Guard" program to coordinate security response to threats (landward and seaward). Approximate cost for NAVSTA Norfolk is $528,000.
- Piers undergoing renovation/construction are being provided with a seaward guard shelter at the end of each pier which serves an elevated guard position. Approximate costs are Guard Tower Pier 7 $400,000, Pier 3T $1,367,700, and Piers 1 and 4-14 Security Upgrade $1,632,100.
- Entry Control Points of installations (landward) are in the process of being renovated with security improvements in accordance with the Unified Facilities Criteria for Entry Control Facilities. This includes such security capabilities as final denial barriers, ballistic resistant guard shelters, elevated cover sentry positions, etc. Approximate costs are Gate 5 $4,483,282, Gate 2 and 3 $6,300,000, and Gate 22 $1,500,000.
- Security manning was approximately 600 personnel in 2001. This went up to nearly 1100 additional military personnel by 2003. It has dropped to just an addition 116 personnel in 2008. Approximate cost is $6,808,156 per year.

Source: U.S. Navy

Appendix 5:
Commonwealth of Virginia Comments on the Navy's Final Environmental Impact Statement for the Proposed Homeporting of Additional Surface Ships at NAVSTA Mayport, Florida

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Senator WEBB. Okay. Thank you, Mr. Chairman.

Senator BILL NELSON. Mr. Chairman, I would ask, in addition, I already requested that the chart be entered as well as the two photographs in the record, along with the record of decision, and the Secretary of Defense's letter to Senator Webb, December 18, 2008. That identical letter was sent to Senator Warner, the then-senior Senator of Virginia.

I also have additional views that I had submitted back in 2007 to the National Defense Authorization Act for 2007.

[Additional views from Senator Bill Nelson follow:]

Senate Report 109-254 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

ADDITIONAL VIEWS OF SENATOR NELSON OF FLORIDA

The committee includes a provision that would repeal section 5062(2), title 10 U.S. Code that would require the Navy to have a minimum of twelve operational aircraft carriers in the fleet. I oppose this repeal. I am convinced that as a nation at war we should not increase our strategic risk by reducing our naval aviation capability or increase the time required to respond to crises around the world.

The committee's statement makes the case that, while lifting the 12-carrier minimum requirement, we should not allow our carrier fleet to fall dangerously lower than eleven ships. I believe strongly that the size and capability of our carrier fleet is a matter of highest national concern. Once mothballed, scrapped or a combat loss, a carrier is difficult and expensive to replace. The nation needs twelve carriers for worldwide presence and crisis response. Congress should support a funding program to ensure that we achieve and sustain that level as soon as practical.

As concerned as I am about reducing the size of our carrier fleet, I am equally concerned about the risk of failing to adequately disperse them. Stationing all our Atlantic coast carriers in a single port only compounds the challenges we will face with a smaller fleet. I am not alone in that assessment. The former Chief of Naval Operations, Admiral Vernon Clark, told the Armed Services Committee in February 2005 that in his view, `over-centralization of the [carrier] port structure is not a good strategic move * * * the Navy should have two carrier-capable home ports on each coast.' Admiral Clark went on to say, `* * * it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port.' As recently as March this year Deputy Secretary of Defense and former Secretary of the Navy, Gordon England, testified to this committee that the Navy needed to disperse its Atlantic coast carriers saying, `My judgment is that [dispersion] is still the situation * * * a nuclear carrier should be in Florida to replace the [USS John F.] Kennedy to get some dispersion.' Secretary England explained that, `the concern there was always weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et cetera, are all still there and the crews * * * so having some dispersion would be of value to the Department of the Navy.' At the same hearing Vice Chairman of the Joint Chiefs of Staff, Admiral Edmund Giambastiani, shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the nation's east coast carriers when he recalled his own visit to Norfolk one Christmas, `where we had five aircraft carriers all sitting next to one another, and that is not something we'd like to routinely do.'

I am opposed to cutting our nation's aircraft carrier fleet as a matter of strategic necessity during time of war. The risk, in my view, is unacceptable. As a matter of protecting our smaller carrier force, I am convinced that the nation must establish a second Atlantic coast nuclear carrier base as quickly as possible. An environmental impact study in 1997 found Naval Station Mayport,

Florida, current home of the USS John F. Kennedy, suitable to permanently station a nuclear aircraft carrier. The Navy should complete its update of that study as quickly as possible. Additionally, in order not to lose any time once the study is complete, the Navy should include funding in its fiscal year 2008 Future Years Defense Program to begin building the maintenance and support facilities necessary to stationing a nuclear aircraft carrier at Naval Station Mayport. Availability of these funds should naturally be contingent upon but timed in the budget's out-years to coincide with the completion of an updated environmental impact study. I look forward to working with my colleagues on both these vital issues.

BILL NELSON.

Senator WEBB. Mr. Chairman, perhaps we could——

Senator MCCAIN. Mr. Chairman, could I ask the indulgence of my friend? I can see we are in a discussion that will probably go on for a long time and will probably be the subject of a markup. I would remind my colleagues we do have other nominees that have been waiting patiently. I hope we could move on here pretty quick.

Thank you, Mr. Chairman.

Chairman LEVIN. I am, unless there is additional need for questions, going to excuse this panel.

Senator REED. Senator Udall?

Chairman LEVIN. No, I checked with Senator Udall. Thank you, Senator Reed, for pointing that out. I did check with Senator Udall, and he indicated he did not need to ask questions of this panel. We appreciate that.

We will now excuse the panel. However, Mr. Remy, following a request here, if you could provide promptly for the record a detailed description of your duties—and, again, this is for the record—at Fannie Mae and whether you were aware of any of the activities which contributed to the mortgage crisis that has emerged. If you could do that promptly, we would appreciate it.

Mr. REMY. Yes, Mr. Chairman.

[Statement and updated biography from Mr. Remy for the record follows:]

Mr. Chairman, Senator McCain, Members of the Committee, 28 Apr 09

Thank you for the opportunity to respond to your questions regarding my time at Fannie Mae. Once again, I apologize that the biography that was submitted did not specifically identify Fannie Mae as my employer from 2000-2006, but rather only included my various roles at the Company. I note for the Chairman, Ranking Minority Member and Members of the Committee that my time at the Company, including a description of my roles, responsibilities and benefits from Fannie Mae, was described in the Senate Armed Services Committee Questionnaire and the Financial Disclosure Form I submitted to the Committee. As requested, I have attached a biography which includes the names of all employers and dates that I worked for each of them. As I stated in my testimony, I am proud of the work that I did at Fannie Mae. As requested following are the roles that I held at the Company:

Vice President and Deputy General Counsel, 2000-2002
My responsibilities included managing litigation, handling employment law matters, advising on procurement contracts, investigating employee and contractor malfeasance, and advising on antitrust issues.

Senior Vice President and Deputy General Counsel 2002-2006
During this period of time the litigation, employment, and internal investigations sections of the General Counsel's Office continued to report to me. In the General Counsel's office I also was responsible for assisting in the coordination of and responses to Regulatory and internal investigations commissioned by the Board of Directors regarding accounting issues and internal controls.

Further, after the passage of The Sarbanes Oxley Act of 2002, in late 2002, I was given the responsibility of developing and implementing Fannie Mae's first corporate wide centralized legal and regulatory compliance system and assumed the additional title of Chief Compliance Officer while doing so. In this capacity, I also supervised internal investigations.

Once the compliance system was established, in late 2005, I relinquished my responsibilities in the compliance organization and assumed a Senior Vice President role in the Housing and Community Development Division where I worked on development of a plan for humanitarian relief and investment in rebuilding the communities along the Gulf Coast most affected by Hurricanes Katrina and Rita.

During my entire time at Fannie Mae, I was not in a position to have specific information or knowledge about or make decisions regarding accounting policies or practices, or the purchase or securitization of subprime loans. I learned of the improper accounting practices through the various investigations and findings, including the work of the federal regulators, and of the concerns surrounding the actual impact of the purchase and securitization of subprime loans – most of which was done after I left the Company -- in the news.

Respectfully,

Donald M. Remy

DONALD MICHAEL REMY

Mr. Remy has been a partner in the Washington D.C. Office of Latham & Watkins from 2006 - present, where he defends individual and corporate clients in criminal and other government investigations, as well as civil litigation. In addition, Mr. Remy advises corporations on issues involving the International Traffic and Arms Regulations, the Office of Foreign Assets Control and Foreign Corrupt Practices Act enforcement, as well as financial, accounting and procurement fraud and general corporate governance.

Prior to joining Latham & Watkins, Mr. Remy served as an attorney and business person for Fannie Mae from 2000-2006 where he held a number of positions including: Vice President and Deputy General Counsel for litigation; Senior Vice President and Deputy General Counsel; Senior Vice President and Chief Compliance Officer; and Senior Vice President, Housing and Community Development. In these roles, his responsibilities included managing litigation, handling employment law matters, advising on procurement contracts, investigating employee and contractor malfeasance, developing and implementing a corporate compliance system, and building an investment strategy to rebuild communities on the Gulf Coast after Hurricane Katrina.

From 1997-2000, Mr. Remy served in the United States Department of Justice as a Senior Counsel for Policy and as a Deputy Assistant Attorney General for the Torts and the Federal Programs Branches of the Civil Division. He supervised litigation on behalf of 100 federal agencies, the President and Cabinet officers, and other governmental officials. Those matters involved a myriad of subject areas and included the defense against constitutional challenges to federal statutes, suits to overturn government policies and programs, and attacks on the legality of government decisions. Mr. Remy also personally handled litigation in the matters arising out of the events at Waco and Ruby Ridge

As an Army Captain, Mr. Remy was an Assistant to the General Counsel of the Army from 1991-1995, where he advised senior Army officials on legal and policy issues concerning all aspects of government contracting, specifically including major weapon system acquisition. Further, he assisted in the Army's litigation of bid protests and contract disputes and assisted the Department of Justice in government contract litigation that directly affected the Army. During his tour of duty at the Pentagon, Mr. Remy was detailed on special projects to other offices in the Department of Defense where he analyzed statutes and regulations governing programs affecting small and disadvantaged business and historically black college and university contracting with the Department of Defense, recommended modifications to ensure compliance with both the law and the President's guidance, assisted in development of the Department of Defense position on acquisition reform, crafted proposed legislation related to the Federal Acquisition Streamlining Act, negotiated legislative proposals, drafted portions of Defense Performance Reviews, and coordinated with the Office of the Vice-President on issues related to the National Performance Review.

Mr. Remy also served as a clerk to The Honorable Nathaniel R. Jones of the United States Court of Appeals for the Sixth Circuit from 1995-1996. Mr. Remy is a 1991 *cum laude* graduate of Howard University School of Law and received his undergraduate degree in 1988 from Louisiana State University, where he graduated with honors and was commissioned a 2nd Lieutenant in the United States Army. Mr. Remy has published, lectured and testified before Congress on legal topics relating to torts, constitutional law, employment law, diversity, government contracts, litigation and compliance. In 2005, Mr. Remy was recognized by Black Enterprise as one of America's most powerful executives under 40. He is a DC Bar Delegate to the American Bar Association. Further, Mr. Remy sits on the Boards of Louisiana State University - University College, the Washington Lawyers Committee on Civil Rights and Urban Affairs, the Abramson Foundation, and the Legal Counsel for the Elderly.

Chairman LEVIN. Now, without objection, we will excuse this panel with thanks to you and your families.

We won't break here. We will just ask for people to move quickly out and in. [Pause.]

Okay, everybody. Thank you for the quick turnaround time here. We are going to first ask Senator Webb if he would make his introduction, and then I will be calling on the other nominees.

Senator Webb.

STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WEBB. Thank you, Mr. Chairman.

I would like to say it is a great privilege and a pleasure for me to introduce General Gregson to this panel and to express my support for his confirmation.

I have known General Gregson since we were both 18 years old, which, when you get to be our age, is a long time. I would like to put an anecdote out here just to explain my view of why I respect his service so much.

In February 1968, during the Tet Offensive, we had service selection at the Naval Academy. This was the first time that there was——

Chairman LEVIN. Senator, I hate to interrupt you, but we want to be able to hear this. Could we ask the folks in the back of the room to please be very quiet?

Could the folks in the back of the room please be quiet while they are exiting? Thank you.

Senator Webb?

Senator WEBB. Thank you, Mr. Chairman.

Just to start again on this, in February 1968, during the Tet Offensive, we had our service selection at the Naval Academy. I was one of six battalion Marine Corps coordinators trying to figure out which of the midshipmen would volunteer to go into the Marine Corps. We had a 10 percent quota. Watching the Tet Offensive on television, we were probably the only class in modern Naval Academy history that did not make its Marine Corps quota.

In my battalion, I had 22 midshipmen who said they were going to go into the Marine Corps, and on service selection night, half of them, for whatever reasons, made another decision. It was a very bad time for our country. It was a very bad time for the Marine Corps, which lost more than 100,000 killed or wounded in Vietnam.

Of the six Marine Corps coordinators, five of them were infantry officers. They received nine Purple Hearts, and one was killed in action.

The interesting thing about that evening for me, which I will never forget, is that Chip Gregson for 4 years at the Naval Academy kept a destroyer model on his desk. We all thought he was going to be a surface warfare guy. When he looked at what was happening during Tet in 1968, he came down and signed up for the Marine Corps. He moved toward the sound of the guns.

He served in Vietnam with the 1st Reconnaissance Battalion, was wounded, and received a Bronze Star for heroism. He went on to a very distinguished career in the Marine Corps as an intellectual and as a combat leader. He has commanded at every level. He has spent years in Asia, in Japan, and at Okinawa. At the same time, he was a fellow over in the Brookings Institution and worked in the Pentagon in policy positions.

I can't think of a better person to take over the enormous responsibilities that he is about to assume. I normally do not introduce people on the committees on which I sit, but in this particular case, I am very pleased to recommend General Gregson to this committee.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Webb.

That is an extraordinary introduction, and I know how much we appreciate it and how much General Gregson appreciates it.

The other members of the panel are the following: Dr. Michael Nacht. Am I pronouncing your name correctly?

Dr. NACHT. Yes, Senator.

Chairman LEVIN. Currently a professor of public policy at the Goldman School of Public Policy at the University of California, Berkeley. Dr. Nacht served as a member of the U.S. Department of Defense Threat Reduction Advisory Committee for which he chaired panels on counterterrorism and counterproliferation of weapons of mass destruction.

He is also a consultant for Sandia National Labs and Lawrence Livermore National Laboratory. From 1994 to 1997, Dr. Nacht was Assistant Director for Strategic and Eurasian Affairs at the Arms Control and Disarmament Agency. Last, but far from least, I believe you have a son who resides in Ann Arbor, my home State.

Dr. NACHT. Correct.

Chairman LEVIN. That can only help you. [Laughter.]

[Senator Feinstein's statement in support of Dr. Nacht follows:]

PREPARED STATEMENT BY SENATOR DIANE FEINSTEIN

Thank you Mr. Chairman and Senator McCain for the opportunity to introduce and support a distinguished public servant, Dr. Michael Nacht, during the committee's consideration of his nomination to be Assistant Secretary of Defense for Global Strategic Affairs.

Dr. Nacht has a Bachelor's of Science degree in Aeronautics and Astronautics from New York University. He also holds four advanced degrees, including a Master's of Science in Operations Research from New York University, a Master's in Statistics from Case Western Reserve University, a Master's in Political Science from the New School for Social Research, and a Doctorate in Political Science from Columbia University.

He began his impressive career as a NASA missile aerodynamicist at the John Glenn Center in Cleveland, OH, working on the early lunar probe launch vehicles.

Later, he served as an Associate Professor of Public Policy, Associate Director of the Center for Science and International Affairs, and Acting Director of the U.S.-Japan Program at Harvard University and then as a professor and Dean at the University of Maryland School of Public Affairs.

During his time at the University of Maryland, Dr. Nacht took leave to serve as Assistant Director for Strategic and Eurasian Affairs of the U.S. Arms Control and Disarmament Agency, where he led the Agency's work on nuclear arms and missile defense negotiations with Russia and the opening of a nuclear arms dialogue with China.

During that time, Dr. Nacht participated in five summit meetings for President Clinton: four with Russian President Yeltsin and one with Chinese President Jiang Zemin and he received the Agency's Distinguished Honor Award—its highest form of recognition.

From 2001–2004, Dr. Nacht chaired panels of the Defense Threat Reduction Agency's Threat Reduction Advisory Committee on countering weapons of mass destruction and terrorism.

Dr. Nacht is a member of the Council on Foreign Relations and the International Institute for Strategic Studies. He also is the author or co-author of 5 books and more than 100 articles on U.S. national security policy, including nuclear weapons issues, missile defense, the proliferation of weapons of mass destruction, and homeland security.

Currently, Dr. Nacht is a Professor at the University of California, Berkeley's Goldman School of Public Policy and was the Dean of the School from 1998 to 2008. As a graduate of U.C. Berkeley's rival school, Stanford University, Dr. Nacht knows that I have especially high standards for those associated with my alma mater's rival across the San Francisco Bay.

Mr. Chairman, I can think of few people with a better set of skills and experiences to serve as Assistant Secretary for Global Strategic Affairs.

With negotiations underway on a new Strategic Arms Reduction Treaty this year, his expertise in the area of nuclear arms reductions should be especially welcome and beneficial as the administration works to make the threat of nuclear weapons a thing of the past.

I am pleased to offer my wholehearted support for his nomination, and I look forward to working with Dr. Nacht on nuclear policy, cyber security, and countering weapons of mass destruction—all of which are long-held interests of mine.

Should he be confirmed, I believe Dr. Nacht will serve with distinction, and the United States will be safer as a result.

Thank you Mr. Chairman.

Chairman LEVIN. Lieutenant General Wallace Gregson, U.S. Marine Corps retired, has been a foreign policy and military affairs consultant for WCG & Associates International since 2006. He has been beautifully introduced by Senator Webb, and I don't think I could possibly add anything to that introduction. So I am not going to try.

Jo-Ellen Darcy is the senior environmental advisor to the Senate Finance Committee. She was given a wonderful introduction by Senator Baucus.

I will put my additional comments about her in the record, except to say that she worked on water issues for our Governor Jim Blanchard of Michigan both in Lansing and Washington and also has a master's of science degree in resource development from Michigan State University. The rest I will put in the record, but nothing better can be said than what I just added.

Dr. Inés Triay, did I pronounce your name correctly?

Dr. TRIAY. Mr. Chairman, it is pronounced "Tree-iy."

Chairman LEVIN. Triay, and Dr. Triay, you spent most of your career in service to the Department of Energy (DOE) from your days as a scientist at Los Alamos Laboratory, and continuing as a career Federal employee, you have held a variety of senior scientific and management positions. You are presently Principal Deputy Assistant Secretary of Energy with responsibility for the DOE's Environmental Management Program.

Your experience in that position, your deep commitment to the cleanup program will help ensure that the program is very well managed and technically sound. We are delighted that you have been nominated as well.

[Senator Udall's statement in support of Dr. Triay follows:]

PREPARED STATEMENT BY SENATOR TOM UDALL

Chairman Levin and Ranking Member McCain, thank you for the opportunity to make this statement in support of Dr. Inés Triay, President Obama's nominee for Assistant Secretary of the Department of Energy. I had the pleasure of introducing Dr. Triay at her confirmation hearing at the Senate Energy and Natural Resources Committee.

Dr. Inés Triay is an extremely qualified scientist with a Ph.D. in physical chemistry from the University of Miami. She spent much of her successful career in New Mexico, first at Los Alamos National Lab, and next as the head of the Carlsbad Field Office, before serving in the Department's leadership in Washington, DC.

She is a strong role model and her career is a shining example for aspiring young scientists, particularly women and Hispanics.

She has devoted her career to the safe cleanup of the environmental legacy of the Nation's Cold War nuclear weapon production. This is the largest and complex environmental cleanup program in history, with more than 100 sites in more than 30 states.

I have witnessed Dr. Triay's work in New Mexico and attest to its quality.

Dr. Triay is able to handle both the difficult scientific issues and the critical public health issues involved in these clean-ups. During her tenure at DOE, Dr. Triay

has tackled some of the Nation's most difficult clean-up challenges, including completing cleanup in Rocky Flats, Colorado.

She also played an instrumental role in ensuring that transuranic waste disposal operations at the Department's Waste Isolation Pilot Plant in New Mexico are safe and secure.

Mr. Chairman, there is no scientist better qualified to be Assistant Secretary of the Office of Environmental Management at DOE. I hope you will join me in supporting Dr. Triay for this position.

Thank you, Mr. Chairman.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

We will now hear from our second panel of witnesses.

Dr. Michael Nacht is currently Professor of Public Policy and former Aaron Wildavsky Dean at the Goldman School of Public Policy at the University of California—Berkeley. Dr. Nacht served as a member of the U.S. Department of Defense Threat Reduction Advisory Committee, for which he chaired panels on counterterrorism and counterproliferation of weapons of mass destruction. He has also consulted for Sandia National Laboratories and Lawrence Livermore National Laboratory. From 1994–1997, Dr. Nacht was assistant director for Strategic and Eurasian Affairs at the Arms Control and Disarmament Agency. Dr. Nacht, I believe you have a son who resides in Ann Arbor, is that correct?

Lieutenant General Wallace C. Gregson, USMC (ret.), has been a foreign policy and military affairs consultant for WCG & Associates International since 2006. Previously he served as Chief Operating Officer for the United States Olympic Committee. This service followed a 37-year career in the Marine Corps, where his final assignment was as Commanding General of the Marine Corps Forces Pacific and Marine Corps Forces Central Command, where he led and managed over 70,000 marines and sailors in the Middle East, Afghanistan, East Africa, Asia and the United States.

Dr. Nacht and General Gregson come to the DOD policy arena with a wealth of experience that will be very helpful as the President and Secretary Gates seek to shape the agenda for the new administration. Dr. Nacht and General Gregson, we look forward to having your steady hands in place in helping to guide this process.

Ms. Jo-Ellen Darcy is the Senior Environmental Advisor to the Senate Finance Committee, responsible for environment, conservation and energy issues. Previously, she was Senior Policy Advisor to the Senate Environment and Public Works Committee, concentrating on fish and wildlife issues, the Army Corps of Engineers, nominations, and a variety of conservation and water issues. She worked on water resources issues for Governor Jim Blanchard of Michigan in both Lansing and Washington, DC. She has another connection to Michigan, a Master of Science degree in resource development from Michigan State University. Ms. Darcy, your wealth of experience here in Congress should help you lead the Army Civil Works organization effectively.

Dr. Inés Triay has spent most of her career in service to the Department of Energy, from her days as a scientist at Los Alamos Laboratory and continuing as a career Federal employee, she has held a variety of senior scientific and management positions. She is presently the Principal Deputy Assistant Secretary of Energy with responsibility for DOE's Environmental Management Program. Her experience in that position and her deep commitment to the cleanup program should help to ensure that it is well managed and technically sound.

Chairman LEVIN. Now I am going to ask you standard questions that you can all answer together.

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

[All four witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[All four witnesses answered in the negative.]

Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[All four witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[All four witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[All four witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify upon request before this committee?

[All four witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

[All four witnesses answered in the affirmative.]

Okay. I think we are going to call first on Dr. Nacht.

STATEMENT OF DR. MICHAEL NACHT, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR GLOBAL STRATEGIC AFFAIRS

Dr. NACHT. Mr. Chairman, Senator McCain, members of the committee, it is an honor to come before you as President Obama's nominee to be Assistant Secretary of Defense for Global Strategic Affairs.

I wish to thank President Obama, Secretary Gates, and Under Secretary Flournoy for their support of my nomination.

Let me say a few words about my family. For their unswerving love and support, I want to foremost acknowledge my wife, Marjorie Jo, my partner of 45 years; my son Alexander and his wife, Maria, of New York; my son David and daughter-in-law, Alicia, who, as the chairman has acknowledged, are residents of Ann Arbor, Michigan; and our loving grandchildren Joshua, Benjamin, Julian, and a fourth on the way. I am delighted that my son Alexander could be with us today.

I also wish to cite the contributions to our Nation of my wife's family in national security. Her dad, Walter Seltzer, now deceased, won the Silver Star with Oak Leaf Cluster, the Bronze Star, and the Purple Heart at the Battle of the Bulge in World War II.

Her cousin, Major Stephen Nurenberg, U.S. Army, is currently in Iraq with the Joint Task Force while stationed at Fort Eustis, VA. Another cousin, Michael Nurenberg, a member of the Virginia National Guard, was previously in the 3rd Ranger Battalion in Afghanistan.

Senators, I have twice served full time in Government, first, as a NASA missile aerodynamicist in the early days of the space program, and, more recently, as a nuclear arms and missile defense negotiator in the Clinton administration, for which I received unanimous U.S. Senate confirmation.

After September 11, as the chairman has noted, I had the privilege to be asked by General Larry Welch, former U.S. Air Force Chief of Staff, to chair two panels of the Threat Reduction Advisory Committee of the Defense Threat Reduction Agency on counterterrorism and counterproliferation of weapons of mass destruction.

If confirmed, I would be honored to return to public service to contribute to our Nation's security. I would make every effort to meet the challenges posed by the array of issues in global strategic affairs.

I pledge to work closely with this committee and other committees of Congress on each of these challenges, and I would like to thank the members of the committee for your consideration of my nomination.

Chairman LEVIN. Thank you, Dr. Nacht.

General Gregson?

STATEMENT OF WALLACE C. GREGSON, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR ASIAN AND PACIFIC SECURITY AFFAIRS

General GREGSON. Mr. Chairman, Senator McCain, members of the committee, thank you for the opportunity to appear before you this morning.

I would like also to thank Senator Webb for his most gracious introduction.

I am honored and grateful that the Secretary of Defense recommended me, and the President has chosen to nominate me, for Assistant Secretary of Defense for Asian and Pacific Security Affairs.

My wife, Cindy, whose patience and understanding have made this possible, is here today. Our oldest son is working in Boston and unable to attend. Our youngest son is serving with the marines in Iraq and, similarly, unable to attend.

We have both urgent challenges and important opportunities in the Asian and Pacific region. If confirmed, I am eager to lend my efforts to meeting our national security goals.

Thank you.

Chairman LEVIN. Thank you very much, General Gregson.

Ms. Darcy?

STATEMENT OF JO-ELLEN DARCY, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Ms. DARCY. Thank you, Chairman Levin, Senator McCain, and members of the committee. Thank you for holding this hearing today so promptly after the announcement of our nominations.

It is my honor and privilege to be here today as President Obama's nominee to be Assistant Secretary of the Army for Civil Works. I am here today because of my experience with the Corps and its mission, and I am also here because of the love and support of my family and my friends.

I would like to introduce my family. My mom, Jean, couldn't be here today or my brother Richard, and I know that my father is looking down from on high. But I would like to introduce my three sisters, Bonnie Darcy Waldman, Pam Farentino, and Dr. Margie Darcy. My cousin Sarah Lord is here, as well as my long-time friend Jean Antonucci.

I have several friends and colleagues here also today, and I would like to thank them for their support and their guidance over the years.

My experience as a Senate staffer for the last 16 years, and my time working for the Governor of Michigan on Great Lakes issues, has given me the opportunity to work with the Corps of Engineers on realizing project goals and on developing the policies that guide the Corps' mission.

In addition to firsthand knowledge of the complexity and importance of the Corps' responsibilities, my experience has given me great respect for the outstanding men and women of the Corps, who serve the Corps and serve this Country. The Corps has, throughout its history, marshaled expertise and ingenuity to serve the changing needs of a growing Nation.

If confirmed, I look forward to building on that tradition of rising to new challenges to meet the Nation's needs in the 21st century.

Thank you for the opportunity to testify today, and I look forward to answering any questions.

Chairman LEVIN. Thank you, Ms. Darcy.

Dr. Triay?

STATEMENT OF DR. INÉS R. TRIAY, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT

Dr. TRIAY. Mr. Chairman, Senator McCain, members of the committee, it is a great honor to appear before you today as President Obama's nominee to be the Assistant Secretary for Environmental Management at the DOE.

I thank President Obama and Secretary Chu for their confidence. I also thank the committee for considering my nomination.

I would like to introduce my husband, Dr. John Hall, who has been my friend, my partner, and my inspiration for over 20 years, and his parents, Mr. and Mrs. Harvey Hall, who are also here with me today.

In 1961, when my parents fled Cuba's Communist regime and went into exile with a 3-year-old daughter and nothing but their dreams for a better life and their love for freedom, it would have been impossible to believe that their daughter would ever be nominated by the President of the United States to serve this great country.

My parents and I are proud to be naturalized citizens of the United States and are humbled by the honor of my being here today. The pride that we feel has only served to deepen the great love that we have for this country and the admiration and respect that we have for the American people.

That a girl born in Cuba was welcomed in Puerto Rico; encouraged to study math and science; received a Ph.D. in chemistry at the University of Miami in Florida; was recruited by Los Alamos National Laboratory and mentored by giants in the field of nuclear science; was asked to direct the beginning of the operational phase of the waste isolation pilot plant, the only nuclear waste repository of its kind in the world; was promoted to the top career position in the DOE's Environmental Management Program, the most complex nuclear cleanup in the world; and is now being nominated to direct that cleanup is something that only happens in America.

Mr. Chairman, if I am confirmed to this position, I will work closely with you and with all of Congress to address the many

local, State, regional, and national issues that we face within the Environmental Management Program. I commit to informing and consulting with Congress, the tribal nations, the State, our regulators, our stakeholders, and individual concerned citizens.

As I address you today, I want to affirm my commitment to safety, the safety of our workers, the safety of the public, and the safety of our environment. Safe operations and cleanup is our ever-present and ultimate goal.

I come before you today with a unique understanding of the complexity and magnitude of the task that we face. I have firsthand experience in every aspect of environmental management and have dedicated my life to the successful cleanup of the environmental legacy of the Cold War.

While we have made significant progress in the Environmental Management Program, I recognize the enormity of the remaining effort and the technical challenges that we face. I am eager to use science and technology, robust project management, and our intergovernmental partnerships to reduce the cost and schedule of the remaining program.

As the committee is aware, the Environmental Management Program has come under considerable criticism for the execution of its projects. Under my leadership as acting Assistant Secretary, aggressive efforts are underway to transform the Environmental Management Program into a best-in-class project management organization.

I commit to you that if I am confirmed, I will work tirelessly to make this effort successful and to continue to improve the Environmental Management Program. I have a long history of demanding excellence from my team. Nothing less than performance that results in delivering our projects on time and within cost will be acceptable from the environmental management Federal team and our contractors.

Should I be confirmed, I will use every tool to ensure the successful performance of the environmental management mission. Relentless focus on performance, utilization of science and technology, staff professionalism and competency, transparency, and accountability—these will be the cornerstones of my tenure if I am confirmed.

Mr. Chairman, members of the committee, I would be honored to serve this great country that I so deeply love. As a Latina, I embrace the responsibility of excelling and, if confirmed, I will do everything in my power to meet your highest expectations.

I would be pleased to answer your questions.

[The prepared statement of Dr. Triay follows:]

PREPARED STATEMENT BY DR. INÉS R. TRIAY

Good morning, Mr. Chairman, Senator McCain, members of the committee.

It is a great honor to appear before you today as President Obama's nominee to be the Assistant Secretary for Environmental Management at the United States Department of Energy. I thank Secretary Chu and President Obama for their support and confidence in recommending and nominating me. I also thank the committee for considering my nomination. I would like to introduce my husband of 24 years, Dr. John Hall, and his parents Mr. and Mrs. Harvey Hall, who are with me here today.

In 1961, when my parents fled Cuba's Communist regime and went into exile with a 3-year-old daughter and nothing but their dreams for a better life and their

love for freedom, it would have been impossible to believe that their daughter would ever be nominated by the President of the United States to serve this great country. My parents and I are proud to be naturalized citizens of the United States of America and are humbled by the honor of my being here today. The pride that we feel has only served to deepen the great love that we have for this country and the admiration and respect that we have for the American people.

That a girl born in Cuba was welcomed in Puerto Rico; encouraged to study math and science; received a Ph.D. in Chemistry at the University of Miami in Florida; was recruited by Los Alamos National Laboratory in New Mexico and mentored by giants in the field of nuclear science; was asked to direct the beginning of the operational phase of the Waste Isolation Pilot Plant in Carlsbad, NM, the only nuclear waste repository of its kind in the world; was promoted to the top career position in the Department of Energy's Environmental Management program, the most complex nuclear cleanup in the world; and is now being recommended by a Nobel laureate, Secretary Chu, and nominated by President Obama to direct that cleanup is something that only happens in the United States of America.

Mr. Chairman, if I am confirmed to this position, I will work closely with you and with all of Congress to address the many local, State, regional and national issues that we face within the Environmental Management program.

As I address you today, I want to affirm my commitment to safety—the safety of our workers, the safety of the public, the safety of our site communities and our stakeholders and the safety of our environment. Safe operations and cleanup is our ever present and ultimate goal.

I come before you today with a unique understanding of the complexity and magnitude of the task that we face in the Environmental Management program. I have first-hand experience in every aspect of environmental management and I have dedicated my life to the successful cleanup of the environmental legacy of the Cold War.

While we have made significant progress in the Environmental Management program, I recognize the enormity of the remaining effort and the technical challenges that we face. I am eager to use science and technology, robust project management, and our intergovernmental partnerships to reduce the cost and schedule of the remaining program.

As the committee is aware, the Environmental Management program has come under considerable criticism over the years in the execution of its projects. We must strengthen our project management capability and improve the skill set of our project management teams. Under my leadership as Acting Assistant Secretary, aggressive efforts are underway to transform the Environmental Management program into a "best-in-class" project management organization. We are implementing processes and procedures for quality assurance and for identifying and managing project risks. I commit to you that if I am confirmed, I will work tirelessly to make these efforts successful and to continue to improve the Environmental Management program.

I would like to thank Congress for including $6 billion in the American Recovery and Reinvestment Act for the Environmental Management program. This funding will save and create jobs quickly for shovel-ready work that is essential to our strategic objective to reduce the footprint of the legacy cleanup complex. Footprint reduction can be accomplished by focusing cleanup activities on decontamination and demolition of excess contaminated facilities, soil and groundwater remediation, and solid waste disposition, all of which have proven technologies and an established regulatory framework. In addition to creating jobs, the Recovery Act funding will accelerate protection of human health and the environment at these sites. I recognize that disciplined management and oversight of these funds will be critical to our success. I pledge to work with other offices in the Energy Department and Congress to ensure that we meet this challenge.

I would like to end my testimony by reaffirming my commitment to the safety of our staff and contractors, to the safety of the communities and stakeholders at our sites and to the protection of our environment. I commit to informing and consulting with Congress, the tribal nations, the States, our regulators, our stakeholders and individual concerned citizens.

I have a long history of demanding excellence from my team. Nothing less than performance that results in delivering our projects on time and within cost will be acceptable from the Environmental Management Federal team and our contractors. Should I be confirmed, I will use every available tool to ensure the successful performance of the Environmental Management mission, relentless focus on performance, utilization of science and technology, hard work, staff professionalism and competency, transparency, and accountability. These would be the cornerstones of my tenure if I am confirmed.

Mr. Chairman, members of the committee, I would be honored to serve this country that I so deeply love. As a Latina executive and scientist, I embrace the responsibility of excelling, and, if confirmed, I will do everything in my power to meet your highest expectations. It is an honor to testify before you today. I would be pleased to answer your questions.

Chairman LEVIN. Thank you very much, Doctor.

Let us try 8 minutes for questions and see if we can finish in time for the vote at noon.

Dr. Nacht, first, one of the most significant policies for which you are going to be responsible is the nuclear posture review, and you are going to be leading that review for the Under Secretary of Defense for Policy, as I understand it.

Balancing near-term deterrence requirements while seeking to achieve the elimination of nuclear weapons is, to put it mildly, a challenge. I am wondering how you see that process working on a practical basis?

Dr. NACHT. Thank you, Senator.

Yes, the nuclear posture review policy process has begun. I don't know all the details, but it is a rather elaborate process that involves all the key stakeholders, including U.S. Strategic Command, the National Nuclear Security Administration (NNSA) and DOE, Department of State, and others.

I will co-chair and lead key aspects of this review, reporting to Under Secretary Flournoy. I think it is on a pretty fast track, but yet I intend to be very comprehensive.

It is the first nuclear posture review since the Bush administration's activities in 2002, and we know that, I believe, there was no declassified version of that report produced, and we are going to try very hard to produce a declassified as well as a classified report. So I will play a significant role in that process.

Chairman LEVIN. General, on the question of U.S. assistance to Pakistan, I have a couple of questions. This assistance can only be effective if Pakistan's leadership at all levels comes to believe that violent extremists in Pakistan pose the greatest threat to Pakistan's survival, not India.

Otherwise, the United States is simply going to be misjudged. If we just pour money into there without the government of Pakistan understanding or agreeing that its principal threat is the threat of extremists, we would be perceived as trying to buy their support for our goals rather than supporting Pakistan in their efforts to confront the existential threat to Pakistan represented by those extremists.

There has been a proposal now by the administration to provide military and development assistance to Pakistan as part of its new strategy. There is a request for $400 million to establish a Pakistan counterinsurgency contingency fund to train and equip the Pakistan Frontier Corps and to provide counterinsurgency training to the Pakistan army. The Kerry-Lugar bill (S. 962) would provide $1.5 billion a year for 5 years to build democratic and economic institutions in Pakistan.

Would you agree, General, that the government of Pakistan needs to make the case publicly that the single-greatest threat to their security is posed by the militant extremists that spread out from the border area and that the Pakistan army should redirect its main focus to countering that threat?

General GREGSON. Mr. Chairman, I would certainly agree that Pakistan is in significant difficulty. They need to recognize that the extremism is an existential threat, and the resources that we provide to Pakistan need to be directed toward alleviating that specific threat.

Chairman LEVIN. General, in your opinion, to what extent is an improvement in Pakistan-India relations a prerequisite for successfully stabilizing the security situation in Pakistan itself?

General GREGSON. Pakistan and India have had difficult relations for the history of Pakistan. We need to work with Pakistan, India, and with other countries across the region to decrease any of the tensions that distract from our effort against the extremists.

Chairman LEVIN. There is a program in Afghanistan, General, called the National Solidarity Program. You and I have spoken about this in my office. Both General Petraeus and Under Secretary of Defense Flournoy have expressed strong support for this program.

It works through locally elected village councils. It empowers the Afghan people to set out their own development priorities. It also supplies small amounts of money, up to $60,000 per village, so that the project that they select can be built or adopted.

I am hoping that, after your confirmation, you will become familiar with the National Solidarity Program and the community development councils that they have established in over 21,000 villages and localities in Afghanistan as a way of bringing some kind of grassroots decisionmaking, as well as grassroots selected development to Afghanistan. Can you do that?

General GREGSON. Yes, sir. I certainly can, and I took the liberty of researching that program a bit after I left your office. I think it is a wonderful example of bottom-up development, and you mentioned that we work on projects that they select rather than projects that we select for them; I think that approach has a lot of promise.

Chairman LEVIN. Then finally, the President has said that he supports benchmarks for measuring progress in Afghanistan and for promoting accountability. In Iraq, Congress pressed for benchmarks, and Prime Minister Maliki and the Iraqi Government finally did adopt some goals or milestones to measure progress in security and in political reconciliation.

We didn't invent the benchmarks. These were objectives that Iraq itself had set for itself with a timetable for achieving the benchmarks. I am wondering, General, whether you will support the adoption of benchmarks by the Afghan Government? We can have our own benchmarks, obviously, to track this. But most importantly, would you encourage the Afghan Government to set some benchmarks for their own progress?

General GREGSON. I certainly would. Whether we call them benchmarks, measures of effectiveness, or some other term, I believe that we need to have a continuous dialogue about whether we are accomplishing what we need to accomplish. If not, what do we need to change?

We also need, I think, to be very aware of the fact that the situation itself can change and that might change what we are trying to do in the normal countermeasure ways that these develop. But

we need to have a clear understanding not only within DOD but, in my mind, across the Government on what it is we are trying to do and, more than that, across the international coalition.

Chairman LEVIN. Okay. Thank you.

Ms. Darcy, just a question for you about the significant backlog of the Corps work. The Harbor Maintenance Trust Fund has about $4 billion surplus in it that is growing every year, and yet we have all kinds of ports, facilities, waterways, small harbors, including harbors in Michigan, that are silting due to the Corps saying that they don't have funds available for dredging and other operations and maintenance, which is critically important to commerce in our harbors.

The money collected for the Harbor Maintenance Trust Fund is intended to maintain harbors and channels. The Corps has significant operations and maintenance backlogs, and yet in fiscal year 2008, they spent only $766 million in operations and maintenance from that trust fund while the tax revenues collected were more than twice that amount, $1.6 billion.

Will you take a look at that issue, particularly take a look at the growing backlog that exists in dredging in our important harbors, not just in the Great Lakes, but obviously representing a Great Lake State, I am keenly aware of the importance of that trust fund and the need to keep those harbors open. Will you commit to taking a strong look and see if we can address those backlogs?

Ms. DARCY. I will, Senator.

Chairman LEVIN. Okay. Thank you. My time is up.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

I would tell all the nominees and their families who are here, we appreciate their willingness to serve the country.

General Gregson, in follow-up to Senator Levin's questioning, do you believe that we should set benchmarks for the progress of Pakistan in their cooperation and assistance in addressing the threat that is based in Pakistan to Afghanistan?

General GREGSON. We need to come to an understanding with Pakistan.

Senator MCCAIN. Do you think that we ought to have benchmarks for them?

General GREGSON. We certainly should have some measure of standards, benchmarks, measure of effectiveness. We need to know where we are going and whether we are getting there.

Senator MCCAIN. Should those benchmarks be included in the aid package to Pakistan?

General GREGSON. We need to somehow make sure that the aid that we are giving to Pakistan goes to the purpose for——

Senator MCCAIN. I say with respect, General, it is like you either don't wish to answer or have no answer. My question is pretty clear. Should those benchmarks be included in any aid package to Pakistan?

General GREGSON. Yes, sir. They should.

Senator MCCAIN. They should in writing. What if the Pakistanis don't meet those benchmarks, General?

General GREGSON. If the Pakistanis don't meet those benchmarks, then our position and our posture over there and our effort

becomes even more difficult. I think it is absolutely essential that we work with Pakistan to solve the problems in Central Asia, and they are all linked together.

Senator MCCAIN. Thank you, General.

Could I ask you about North Korea and ask you what do you think the state of the situation is vis-á-vis North Korea and whether we should resume Six-Party Talks? Do you believe that they are willing to resume Six-Party Talks?

General GREGSON. They have indicated most recently that they are not willing to resume the Six-Party Talks. I think the Six-Party Talks should be resumed. There are elements within the Six-Party Talks that help us. The first essential reason is to stay in close formation with our two allies over there that are most intimately involved with North Korea: Japan and the Republic of Korea.

With the solid foundation from there, if we can find matters of common interest to work with Russia and China, that is in our favor, and it helps to build confidence in Northeast Asia that we are trying to work the issue.

Senator MCCAIN. Thank you.

General, I would just like to comment I think it is pretty obvious that North Korea has taken actions recently that are exactly in the opposite direction: driving out the inspectors, saying they are moving forward with development of more nuclear weapons, and the recent missile launch, which was more successful than the prior ones.

So, I hope that you will pay some attention to it and close attention to events there. I think we are in agreement that China plays a key role in whatever cooperation we might lead to be expected from them.

Dr. Triay, have you ever been to Hanford, Washington?

Dr. TRIAY. Yes, Senator. I have.

Senator MCCAIN. You have been? Have you seen the state of the cleanup there?

Dr. TRIAY. Yes, Senator. I have. I am very familiar with the state of the cleanup.

Senator MCCAIN. What is your assessment of the state of the cleanup? The information that we have is it may be 2062 before it is cleaned up?

Dr. TRIAY. Senator, that is correct. But, as I was saying in my testimony, we will use science and technology. We will use robust project management in order to bring in the schedule as well as reduce the lifecycle cost of that cleanup.

Senator MCCAIN. Thank you.

I can't recall the numbers right now for the cost overruns over the initial estimates, but they are astronomical. It seems to me that a target date of 2062 is not something that we should be satisfied with. It took a lot less years than that to do the pollution, much less.

So I hope you will give that a high priority. It has just been something I have been concerned about for a long period of time.

Ms. Darcy, do you believe that the Corps of Engineers should prioritize projects for authorization?

Ms. DARCY. No, Senator.

Senator MCCAIN. You don't?

Ms. DARCY. No, the current practice of the Corps is to not prioritize them for authorization. Once those projects——

Senator MCCAIN. Do you agree with that?

Ms. DARCY. I do.

Senator MCCAIN. Business as usual.

Dr. Nacht, do you believe we can achieve a world free of nuclear weapons?

Dr. NACHT. I think it is an aspiration, and as President Obama said in Prague, something that may not be achieved in his lifetime. But it is an aspiration, which will then structure some of what we will try to do to change attitudes. Perhaps this will lead to reduction in nuclear arsenals, significant reduction, and also to dissuasion of others to acquire nuclear weapons.

Senator MCCAIN. Are you optimistic about recent dialogue between the United States and Russia?

Dr. NACHT. I haven't been briefed in detail on this, but from the public accounts, the terms were used as a productive beginning. I have spent 3 years negotiating with the Russians in the START and missile defense area, and I know it is a challenging experience.

But I think, as I understand it, Under Assistant Secretary Gottemoeller, we are off to a good start.

Senator MCCAIN. Have you had a chance to look at the proposals that Secretary Gates has made concerning reductions in some of our missile defense programs or even elimination?

Dr. NACHT. I have read some of them. I don't believe the department has released a full budget, but I have read some of the statements.

Senator MCCAIN. Well, I was talking specifically about missile defense proposals that Secretary Gates has made, which are pretty specific. Will you look at those and give us a response in writing as to what you feel about those proposals?

Dr. NACHT. Absolutely.

[The information referred to follows:]

Mr. Chairman, Senator McCain, members of the committee, thank you for the opportunity to respond to your questions regarding the fiscal year 2010 President's budget.

I have no direct knowledge of the fiscal year 2010 President's budget, but it is my understanding that the Secretary made a number of adjustments to the ballistic missile program as part of a larger effort to rebalance defense capabilities to meet a wide range of military challenges in the most affordable manner.

U.S. missile defense capabilities are designed to defend against two broad threats: longer-range ballistic missiles from rogue countries that could threaten the United States in the future and regional or shorter-range ballistic missiles that threaten our deployed forces and friends and allies today.

The Secretary has decided to restructure the program to focus on the rogue state and theater missile threat. He has decided not to increase the current number of ground-based interceptors based in Alaska as had been planned. DOD will continue to fund robustly continued research and development to improve the capability we already have to defend against long-range rogue missile threats.

The Secretary also increased funding for short-and medium-range missile defense capabilities, such as Standard Missile-3 and Terminal High Altitude Area Defense, which protect our forces and those of our allies and friends in theater. The Secretary made the decision to rebalance our investments and increase production of these ballistic missile defense capabilities.

Senator MCCAIN. Thank you very much.

I thank the witnesses for being here and look forward to their confirmation.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator McCaskill?

Senator MCCASKILL. Thank you, Mr. Chairman.

My questions are for Ms. Darcy as it relates to water, and it won't surprise you, Ms. Darcy, that I want to talk about the Missouri River. As you are aware, the GAO, I am sure, did a study at the urging of Senator Dorgan earlier this year that talked about the decline in the amount of goods being transported along the Missouri River.

Unfortunately, this study did not take into account that the navigation season had been severely curtailed by the Corps and nor did it take into account the value of the goods that are being shipped or the jobs associated with these shipments and the impact on Missouri and, in fact, the heartland's utilities as it relates to water being used as cooling on four major power plants along the river.

I understand why Senator Dorgan wants the Garrison diversion project, but what he is advocating now is a new study. Now, what drives me crazy in the Federal Government is the money we spend on studies.

We completed a study that cost $35 million about the river. It cost $35 million, and it took 15 years to complete. Now we are proposing to do another study.

Some things aren't going to change. The north is going to want more water, and the south is going to fight about it. We could study it until the cows come home, but it is not going to change reality: whether or not we are going to make sure that navigation is still available on the southern portions of the river.

So we were able to get a letter that Senator Dorgan signed that said that the Corps should delay this study, even though the funding was put into the omnibus appropriations bill, over my objection and other Senators' objection. There was an agreement reached that Senator Dorgan would ask the Corps, along with Senator Bond and me, to not begin this study until after October to give us another chance to reach out to stakeholders and perhaps have the entire Senate weigh in about this.

We have learned that preliminary work has begun on this study, even though a letter was sent to the Corps saying to delay the study. I need to ask you today why is preliminary work being done on a study that you have been asked to delay? Whether or not you are willing to say "stop it" until we hear back from the Senate after we finish the appropriations process this year?

Ms. DARCY. Senator, because I am not at the Corps yet, my only response to you, I think, today can be, if confirmed, I would be happy to look into it. I understand the frustration on the Missouri River, and I also understand the frustration over continuous studies.

Senator MCCASKILL. Well, I appreciate that. I don't mean to diminish North Dakota, South Dakota, and Montana, but the population of Missouri alone exceeds the population of those three States. We need that navigation. It is very important to the economic health of our State.

I just have learned the hard way that sometimes this is arm wrestling behind doors as it relates to appropriators, and there are

much bigger policy issues here than who has Senators on the Appropriations Committee and who doesn't.

I just wanted to make sure that, on the record, I got your assurances that you were going to go into this with your eyes wide open, and I particularly would like, as quickly as possible once you are confirmed, some kind of word back to my office about not beginning to spend any of the money that has been appropriated on this study until after the date of October that we asked you to hold off on until you actually begin going down that road.

Ms. DARCY. If confirmed, I most certainly will look at it immediately.

Senator MCCASKILL. Thank you, and thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCaskill.

Senator MCCAIN. Could I just ask one more question of Ms. Darcy? You are aware of the threats to the Colorado River?

Ms. DARCY. Yes, I am, Senator.

Senator MCCAIN. Not only pollution, but lower levels and all of those aspects of the issue?

Ms. DARCY. I am, Senator.

Senator MCCAIN. How important they are to the west?

Ms. DARCY. Yes, sir.

Senator MCCAIN. I thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

There have been requests for some answers for the record. Dr. Nacht, if you can get those in? As soon as you get those in, we can then proceed to consider the nomination. There is another witness who is going to get us information for the record from the earlier panel.

We are going to move as quickly as we can on these nominations. If you could get those answers in today or tomorrow, it would be helpful. There is usually, I think, a 48-hour wait before they go to the floor? Do they still wait 2 days?

No limit. Okay. If you could get those answers in promptly, we will try to take these nominations up very, very quickly.

We very much appreciate, as Senator McCain said, not only your service, your willingness to serve, but the support of your families. It is essential. You know it, and we just want them to be understanding that we are grateful to them as well as to you.

We will stand adjourned.

[Whereupon, at 11:56 a.m., the committee adjourned.]

[Prepared questions submitted to Hon. Raymond E. Mabus, Jr., by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience with the Department of Defense (DOD)?

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If confirmed, I will closely examine Goldwater-Nichols and make recommendations for changes to the Secretary of Defense if I deem change to be advisable. However, at this time I am not aware of any needed modifications.

Question. Do you believe that the role of the Service Secretaries under the Goldwater-Nichols legislation is appropriate and the policies and processes in existence allow that role to be fulfilled?

Answer. Yes.

Question. Do you see a need for any change in those roles, with regard to the resource allocation process or otherwise?

Answer. I am not aware of any need for changes to the roles of the Service Secretaries at this time.

DUTIES

Question. Section 5013 of title 10, U.S.C., establishes the responsibilities and authority of the Secretary of the Navy.

What is your understanding of the duties and functions of the Secretary of the Navy?

Answer. If confirmed as Secretary of the Navy, I will be responsible for the responsibilities and authorities in Section 5013 of Title 10 for both the U.S. Navy and U.S. Marine Corps.

Question. Assuming you are confirmed, what duties do you expect that Secretary Gates would prescribe for you?

Answer. If confirmed, I believe that Secretary Gates would expect me to implement the President's national security objectives throughout the Department of the Navy.

Question. What duties and responsibilities would you plan to assign to the Under Secretary of the Navy?

Answer. If confirmed, the Under Secretary would be designated as deputy and principal assistant to me, and per the National Defense Authorization Act (NDAA) 2009 the Chief Management Officer (CMO) of the Navy.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Secretary of the Navy?

Answer. My accumulated professional experience which includes being the Governor of Mississippi, Ambassador to Saudi Arabia, and senior leadership and management positions in the private sector provides me with the tools necessary to lead large and complex organizations. I approach the Secretary of the Navy's duties and responsibilities with an open mind and a dedication to serve. If confirmed, I will seek to rapidly assemble a strong team composed of dedicated, experienced, and talented people.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Secretary of the Navy to the following officials:

The Secretary of Defense.

Answer. The Secretary of the Navy reports directly to the Secretary of Defense and ensures that his priorities are implemented in the Department of the Navy.

Question. The Deputy Secretary of Defense.

Answer. The Secretary of the Navy works closely with the Deputy Secretary of Defense to ensure that the Secretary of Defense's priorities are implemented in the Department of the Navy.

Question. The Under Secretaries of Defense.

Answer. If confirmed, I, the Under Secretary of the Navy, and the Assistant Secretaries of the Navy will coordinate and work closely with the Under Secretaries of Defense to ensure the Department of the Navy's actions complements the priorities set forth by the Secretary of Defense and the Deputy Secretary of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Secretary of the Navy coordinates with the Chairman of the Joint Chiefs of Staff to ensure that he has all the information and support necessary from the Department of Navy to perform the duties of principal military advisor to the President, National Security Council, and Secretary of Defense.

Question. The other Service Secretaries.

Answer. The Secretary of the Navy should maintain close and positive relationships with the other Service Secretaries to ensure that a cohesive and fully equipped

and trained joint force is prepared to execute operations in support of our national interests.

Question. The Chief of Naval Operations.

Answer. The Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary according to Title 10.

Question. The Commandant of the Marine Corps.

Answer. The Commandant of the Marine Corps performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary according to title 10.

Question. The combatant commanders

Answer. The Secretary of the Navy supports the combatant commanders' operational and warfighting requirements.

Question. The Under Secretary of the Navy.

Answer. The Under Secretary of the Navy is the principal assistant to the Secretary of the Navy. He acts with full authority of the Secretary in the management of the Department and performs any duties given him by Secretary of the Navy.

Question. The Assistant Secretaries of the Navy

Answer. The Assistant Secretaries perform specific oversight roles delegated to them by the Secretary of the Navy.

Question. The General Counsel of the Navy.

Answer. The General Counsel is the senior civilian legal advisor to Secretary of the Navy. The General Counsel also serves as the Secretary of the Navy's chief ethics official.

Question. The Judge Advocate General of the Navy.

Answer. The Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps are the Secretary of the Navy's senior uniformed legal advisors.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Secretary of the Navy?

Answer. If confirmed, my challenges will include: providing for the health and welfare of our sailors, marines, and their families; supporting Overseas Contingency Operations and maintaining readiness; maintaining fiscal and budget discipline and establishing and maintaining long-term shipbuilding and aviation procurement programs that are achievable affordable, and responsive to the needs of the Nation.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. I plan to work closely with Congress, the President, the Secretary of Defense, the Chief of Naval Operations, and the Commandant of the Marine Corps, as well as other people and institutions to address manpower costs while continuing to support our sailors, marines and their families; execute affordable and effective shipbuilding and aviation plans; and address budget issues.

Question. What do you consider to be the most serious problems in the performance of the functions of the Secretary of the Navy?

Answer. I am not aware of any serious problems in the performance of the functions of the Secretary of the Navy.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will work closely with the Secretary of Defense and the Service Chiefs to develop plans to address any areas requiring attention.

PRIORITIES

Question. If confirmed, what broad priorities will you establish?

Answer. The broad priorities of the Department of the Navy will be aligned with those established by the Secretary of Defense. These include commitment to and support for maintaining the All-Volunteer Force; balancing programs to fight the wars we are fighting in Iraq and Afghanistan; ensuring we are prepared for other operations and contingencies; and reforming acquisition, procurement, and contracting.

TRANSFORMATION

Question. If confirmed as the Secretary of the Navy, you would play an important role in the ongoing process of transforming the Navy and Marine Corps to meet new and emerging threats.

If confirmed, what would your goals be for Navy and Marine Corps transformation?

Answer. The Navy and Marine Corps continuously assess new and emerging threats to ensure that their personnel are trained and equipped to meet and defeat them.

Question. In your opinion, does the Department of the Navy's projected budget have adequate resources identified to implement your transformation goals?

Answer. I have not had the opportunity to study in depth the Department's budget requests.

TACTICAL AVIATION

Question. Several years ago, the Navy and Marine Corps began to integrate their tactical aviation units.

What is your assessment of this initiative?

Answer. My initial assessment based upon limited information is that integration of tactical aviation between the Navy and Marine Corps allows the Department of the Navy to best meet the needs of the Nation.

Question. The Department of the Navy is facing a potential shortfall of strike fighter aircraft in the next decade even if the Navy continues to buy F/A–18E/F aircraft and F–35 Joint Strike Fighter (JSF) aircraft at the rate projected in last year's budget.

What is your assessment of this situation and what actions should the Department of the Navy take to address this potential shortfall?

Answer. If confirmed, I will review current and projected procurement of strike fighter aircraft, a top priority for Naval Aviation, and determine the actions and strategies necessary to mitigate or prevent any potential shortfall.

Question. What is your understanding of whether the Navy will continue to operate the 10 carrier air wings that supported the fleet of 11 aircraft carriers, or whether the air wing force structure will be modified to reflect a planned reduction to a permanent level of 10 aircraft carriers?

Answer. I am not aware of plans to reduce air wing force structure, although this issue, like all force structure issues, will be reviewed in the Quadrennial Defense Review (QDR). If confirmed, I will work with the Secretary of Defense to ensure the QDR reflects the best balance of capabilities and risk for the Nation.

Question. What is your assessment of the current risk to the F–35 JSF Program schedule during its system development and demonstration phase?

Answer. I am not aware of the status of risk to the JSF program, although I know the Navy and Marine Corps are fully committed to the JSF program.

Question. Alternatives for maintaining sufficient strike assets if there are new schedule difficulties with the JSF program are limited. It appears that the Department of the Navy's options for extending the service life of existing F/A–18 aircraft are limited and procurement of additional F/A–18 aircraft beyond those planned last year may be more difficult with the Secretary of Defense's recent announcement of a reduction of nine F/A–18 aircraft from the number originally planned for the fiscal year 2010 program.

What other potential alternatives do you see for maintaining sufficient strike assets if there were any additional slippage in the initial operating capability date for the F–35 JSF?

Answer. If confirmed, I will fully review strike asset requirements, taking into account all naval systems—airborne, surface and subsurface, manned and unmanned—capable of delivering striking power. It is essential that we maintain an effective naval strike capability to support the Joint Force.

SHIPBUILDING PLAN

Question. The Navy annually submits a 30-year shipbuilding plan. The last shipbuilding plan included very optimistic assumptions about unit costs of ships and excluded any funding for a replacement for the current fleet of Trident ballistic missile submarines.

Do you agree that the 30-year shipbuilding plan should, in fact, reflect realistic cost estimates and include all important shipbuilding efforts for that document to be useful for decisionmakers?

Answer. In order to effectively plan and achieve cost efficiencies it is important to have realistic cost estimates; this is especially true for a shipbuilding program.

Question. What level of funding do you think the Navy will need to execute this plan, and considering competing priorities, do you believe this level of funding is realistic?

Answer. I have not yet examined in detail the level of funding that Navy will need to execute the 30-year shipbuilding plan. If confirmed, I am committed to being a responsible steward of the taxpayers' dollars while ensuring development of the most efficient and effective ship building plan.

Question. Cost growth continues to be a prevalent problem in Navy shipbuilding programs, particularly for the first ships in new classes. Some experts have taken the position that DOD could improve the performance of its acquisition plans by adopting commercial practices, such as: retiring all major risk prior to signing a procurement contract; fixing the cost and delivery date at contract signing; competing all basic and functional design prior to starting construction; and having a disciplined construction process that delivers ships on cost and on schedule.

To what extent should such commercial shipbuilding best practices, and any others you may be aware of, be incorporated into Navy shipbuilding programs?

Answer. There are significant differences between commercial shipbuilding and Navy shipbuilding. The best practices from each should be used to determine the most efficient and cost effective way to procure the ships the Navy requires for the defense of our country.

AIRCRAFT CARRIERS

Question. The Navy decommissioned the USS *John F. Kennedy* in fiscal year 2006. This decreased the number of aircraft carriers to 11. Additionally, in the fiscal year 2006 budget request, the Navy slipped the delivery of CVN–78 (USS *Gerald R. Ford*) to 2015, creating a 2-year gap between the scheduled decommissioning of the USS *Enterprise* and the availability of a new aircraft carrier. During this period, under the proposed plan, only 10 aircraft carriers would be operational. Recently, there have been reports that delivery of the USS *Gerald R. Ford* could be further delayed because of technical difficulties with the electromagnetic aircraft launch system.

What is your view of the plan announced by Secretary Gates to permanently change the aircraft carrier force structure to 10 from the current number of 11?

Answer. I understand that Secretary Gates' recommendation is for the Navy's aircraft carrier force structure to be 10 carriers in 2040. If confirmed, I will work with the Secretary of Defense during the QDR to examine the aircraft carrier force structure.

Question. Is it Secretary Gates' plan to retire another aircraft carrier when the USS *Gerald R. Ford* delivers to keep the carrier force structure at 10 carriers?

Answer. I am not aware of such a plan.

Question. If not, do you believe that this reduced carrier force structure for a 2-year gap is supported by adequate analysis?

Answer. I have been told that the Navy has developed a mitigation plan. If confirmed, I will review that plan to ensure the Navy can provide sufficient carriers to support the operational needs of the combatant commanders.

Question. How would the aircraft carrier presence requirements of combatant commanders be met with only 10 operational aircraft carriers, particularly if the 10 carrier force structure is made permanent?

Answer. I have not had access to the information necessary to analyze combatant commander requirements. If confirmed, I will fully review this matter.

SURFACE COMBATANTS

Question. Until fiscal year 2009, the Future Years Defense Program had plans for buying DDG–1000 destroyers until the Navy was ready to begin procurement of a new missile defense cruiser, CG(X). During budget deliberations last year, Navy leadership announced that the Navy wanted to cancel the DDG–1000 program after building only two ships and restart the DDG–51 production line. Ultimately, the Secretary of Defense decided not to cancel the third DDG–1000 that was requested as part of the fiscal year 2009 budget.

In your judgment, can a credible and capable surface force be sustained at the level of multi-mission surface combatant construction the Navy currently plans, and if so, how?

Answer. I have not fully reviewed the Navy's shipbuilding plan; however, I believe that the QDR may have an impact on the existing plan. If confirmed, I would seek an appropriate force mix of surface combatants while considering our requirements in terms of capability and capacity.

Question. Has the Navy produced adequate analysis of the effects of the new shipbuilding plan on the surface combatant industrial base?

Answer. I do not have sufficient information on the shipbuilding plan and its relationship to the industrial base. If confirmed, my objective will be to work to ensure

that the Navy plan supports force structure needs and maintains a viable industrial base.

Question. In your opinion, how many shipyards capable of building surface combatants does this Nation need?

Answer. The answer to this question is complex and must consider: shipyard capabilities, the need for surge capacity, the benefit of competition in minimizing costs, possible disruptions from natural and manmade disasters, and the industrial infrastructure that supports the shipbuilding industry. If confirmed, I will work with the Chief of Naval Operations, Congress, industry, and others to determine the appropriate number of shipyards needed to efficiently build our surface combatants—a key aspect of our Nation's strength.

ACQUISITION ISSUES

Question. What are your views regarding the need to reform the process by which the Department of the Navy acquires major weapons systems? If confirmed, what steps would you recommend to improve that process?

Answer. Acquisition reform is a top priority for President Obama and Secretary Gates, and if confirmed, one of my highest priorities would be support them by ensuring the Department of the Navy acquires weapons systems in the most efficient and cost effective way possible.

Question. Department-wide, nearly half of the DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down. Many of those programs are being executed by the Department of the Navy.

What steps, if any and if confirmed, would you take to address the out-of-control cost growth on the Department of the Navy's major defense acquisition programs?

Answer. If confirmed, one of my top priorities will be to review the acquisition process and existing systems to ensure the Department of the Navy receives items on time and on cost.

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. I agree with Secretary Gates that programs that underperform or are over cost should be immediately considered for termination. The Department of the Navy must clearly determine what it needs, what alternatives if any could satisfy those needs, and what options and trade-offs provide best value. If confirmed, should a program experience a Nunn/McCurdy breech, I will work with the Secretary of Defense and other senior leaders in the Department to thoroughly review it and determine if continuation or termination is in the best interest of the Department of the Navy and the taxpayer.

Question. Many experts have acknowledged that the DOD may have gone too far in reducing its acquisition workforce, resulting in undermining of its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. Yes.

Question. If so, what steps do you believe the Department of the Navy should take to address this problem?

Answer. The acquisition workforce has been reduced to the point that it impedes the Department's ability to provide adequate management and oversight of the acquisition process. If confirmed, ensuring the Department of the Navy has adequate personnel to manage and oversee of the acquisition process will be a priority for me.

Question. Section 852 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 establishes an Acquisition Workforce Development Fund to provide the resources needed to begin rebuilding the Department's corps of acquisition professionals.

Do you believe that a properly sized workforce of appropriately trained acquisition professionals is essential if the Navy is going to get good value for the expenditure of public resources?

Answer. Yes.

Question. What steps do you expect to take, if confirmed, to ensure that the Navy makes appropriate use of the funds made available pursuant to section 852?

Answer. It is my understanding that the Department of the Navy is working closely with the DOD to hire additional acquisition professionals. If confirmed, I will review the status of the Department's acquisition workforce, including quantity,

competencies, and alignment to ensure the Department of the Navy efficiently and effectively executes acquisition programs.

Question. Would you agree that shortened tours as program managers can lead to difficulties in Acquisition programs? If so, what steps would you propose to take, if confirmed, to provide for stability in program management?

Answer. Shortened tours of program managers can lead to lack of consistency in acquisition programs. If confirmed, I will review the status of the Department's program manager tour lengths.

Question. Major defense acquisition programs in the Department of the Navy and the other military departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

What steps, if any, do you believe the Navy should take to address funding and requirements instability?

Answer. Stable requirements and funding are critical for a successful acquisition process. If confirmed, I will examine the Navy's acquisition process and seek to maximize stability in funding and requirements.

Question. The Comptroller General has found that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

If so, what steps do you believe the Department of the Navy should take to address these problems?

Answer. I have not had an opportunity to review the Comptroller General's assessment. However, realistic program costs and clearly defined requirements are essential to ensuring an effective and efficient acquisition process.

Question. By some estimates, the DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Navy and Marine Corps should take to improve the staffing, training, and management of its acquisition of services?

Answer. Improvements in the acquisition process require a focus on acquisition of services as well as acquisition of systems. It is my understanding that the Department of the Navy is focusing on these concerns in the acquisition of services. If I am confirmed, I will work to ensure that there is proper staffing, training, and management of the acquisition of services in the Department of the Navy.

Question. Do you agree that the Navy and Marine Corps should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. Yes.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multiagency contracts. The DOD is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Navy and Marine Corps should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department of the Navy?

Answer. If interagency contracts are not appropriately planned, competed, managed, and monitored, then they are not in the best interest of the Department of the Navy. Acquisition reform must focus upon ensuring that interagency contracts are effective and that the Department's use of interagency contracts complies with applicable rules and requirements.

Question. In the Budget Blueprint that supports the fiscal year 2010 Presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage."

If confirmed, what steps would you recommend to help ensure that the Department makes good on this commitment?

Answer. It is critical to set and meet realistic requirements and to use best practices throughout the acquisition process. While I do not have sufficient information to recommend any specific steps at this time, if confirmed I intend to support the commitment and that major acquisition programs receive the appropriate level of management attention.

Question. Recent congressional and DOD initiatives have attempted to reduce technical and performance risks associated with developing and producing major defense acquisition programs, including ships, so as to minimize the need for cost-reimbursable contracts.

Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. There are benefits to fixed price contracts; however, they may not be appropriate under all circumstances. The use of fixed price contracts in the acquisition process for major defense programs should be given due attention.

Question. Section 811 of the NDAA for Fiscal Year 2008 amended section 2306b of title 10, U.S.C. to ensure that the DOD enters multiyear contracts only in cases where stable design and stable requirements reduce risk, and only in cases where substantial savings are expected. The revised provision requires that data be provided to Congress in a timely manner to enable the congressional defense committees to make informed decisions on such contracts.

What types of programs do you believe are appropriate for the use of multiyear contracts?

Under what circumstances, if any, do you believe that a multiyear contract should be used for procuring Navy weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes?

Answer. Multiyear contracts are most appropriate when the design and requirements are stable and they provide the best value for the taxpayer and the Department of the Navy. Any weapons system which has an unsatisfactory program history should be closely examined and deficiencies corrected prior to continuing a multiyear contract.

Question. If confirmed, will you ensure that the Navy and the Marine Corps fully comply with the requirements of section 2306b of title 10, U.S.C., as amended by section 811 of the NDAA for Fiscal Year 2008 (Public Law 110–181) with respect to programs that are forwarded for authorization under a multiyear procurement contract?

Answer. Yes.

Question. The statement of managers accompanying section 811 of the NDAA for Fiscal Year 2008 addresses the requirements for buying major defense systems under multiyear contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multiyear contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a Government Accountability Office finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multiyear procurement contract.

If confirmed, under what circumstances, if any, do you anticipate that you would support a multiyear contract with expected savings of less than 10 percent?

Answer. I am not prepared to answer this question until I have thoroughly reviewed the NDAA 2008 and Section 811. If confirmed, I will work with DOD and Navy acquisition professionals to determine when to use multiyear contracts.

Question. If confirmed, under what circumstances, if any, would you support a multiyear contract for a major system at the end of its production line?

Answer. Any decision to support a multiyear contract would be done on a case-by-case basis consistent with section 811, and occur only after detailed analysis and discussion with DOD and Navy acquisition professionals.

Question. What is your understanding of the new requirements regarding the timing of any DOD request for legislative authorization of a multiyear procurement contract for a particular program?

Answer. If confirmed, these requirements would be incorporated as part of the overall analysis of the acquisition process. The Department of the Navy will comply with these timing requirements.

Question. What steps will you take, if confirmed, to ensure that the Navy complies with 10 U.S.C., section 2366a, which requires that the Milestone Decision Authority

for a Major Defense Authorization Program (MDAP) certify that critical technologies have reached an appropriate level of maturity before Milestone B approval?

Answer. If confirmed, I will ensure that the Department of the Navy will fully comply with the law.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics has issued a memorandum directing that the largest DOD acquisition programs undergo competitive prototyping to ensure technological maturity, reduce technical risk, validate designs, cost estimates, evaluate manufacturing processes, and refine requirements.

Do you support that requirement?

Answer. Yes.

Question. What steps will you take, if confirmed, to ensure that the Navy complies with this new requirement?

Answer. If confirmed I will support this requirement in programs where competitive prototyping will further the aims of the memorandum.

BUSINESS MANAGEMENT ISSUES

Question. The Navy's business systems, like those of the other military departments, remain incapable of providing timely, reliable financial data to support management decisions. In particular, the Government Accountability Office has reported that the Navy has not yet followed DOD's lead in establishing new governance structures to address business transformation; has not yet developed comprehensive enterprise architecture and transition plan that plug into DOD's federated architecture in a manner that meets statutory requirements; and instead continues to rely upon old, stove piped structures to implement piecemeal reforms. Section 902 of the NDAA for Fiscal Year 2008 endeavored to address this problem by designating the Under Secretary of the Navy as the Navy's CMO. Section 908 of the NDAA for Fiscal Year 2009 requires the CMO of each of the military departments to carry out a comprehensive business transformation initiative, with the support of a new Business Transformation Office.

If confirmed, what steps, if any, would you take to ensure that the Navy develops the business systems and processes it needs to appropriately manage funds in the best interest of the taxpayer and the national defense?

Answer. If confirmed, I will work to ensure that the Department of the Navy follows the DOD lead in establishing new governance structures needed for business transformation. This would also include laying the groundwork for the development of a well-defined, enterprise-wide, business systems architecture and business transformation plan.

Question. If confirmed, what role do you expect to play, and what role do you expect your Under Secretary to play, in carrying out these initiatives?

Answer. I expect the Under Secretary as the designated Department of the Navy CMO to provide the guidance and oversight to ensure compliance with DOD direction on business transformation. Additionally, if confirmed, I will ensure that the CMO is given the authority to effectively organize the business operations of the department.

MINE COUNTERMEASURES CAPABILITY

Question. Congress has been particularly interested in the Navy's ability to respond to the asymmetric threat posed by mines. The Navy has had mixed results in fielding robust mine countermeasures capabilities.

If confirmed, what steps would you take to ensure that the Navy maintains its focus on achieving robust mine countermeasures capabilities for the fleet?

Answer. A capable mine countermeasure program is essential to the operational effectiveness of the fleet. If confirmed, I am committed to ensuring that the Navy maintains a robust program.

HOUSING PRIVATIZATION

Question. The DOD has been engaged in the privatization of many of its support functions. Among the most significant privatization efforts are military family housing units and utility systems.

What challenges do the Navy and Marine Corps face in implementing housing privatization?

Answer. I recognize that a public-private venture program has benefits. However, I do not have the information to analyze the specific challenges faced by the Navy and Marine Corps in their housing privatization program. If confirmed, I will work to ensure that the Department of the Navy is implementing the program in the most effective way possible.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

Based on your experience in government and the private sector, do you believe the Navy and Marine Corps are investing enough in their infrastructure?

Answer. If confirmed, I will review the sufficiency of the Department of the Navy's investment in infrastructure.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process has resulted in the required closure or realignment of numerous major naval installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

If confirmed, would you change any of the existing efforts to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. If confirmed, I will support the DOD's goals to expeditiously dispose of property in order to facilitate economic development within effected communities. I will also work with local communities to facilitate expeditious conversion of excess property to civilian use.

HUMANITARIAN ASSISTANCE AND DISASTER RELIEF

Question. In recent years, the Navy has provided extensive support of humanitarian assistance and disaster relief operations throughout the world. Naval and Marine Corps forces responded rapidly to the December 2004 tsunami in the Indian Ocean utilizing over 25 ships, the hospital ship USNS *Mercy,* and delivering 24 million pounds of relief supplies. Naval and Marine Corps forces also led recovery and relief operations in Pakistan following devastating earthquakes. These forces and ships of all types also responded to Hurricanes Katrina and Rita across the southern coast of the United States.

What is your view of the importance of the Navy and Marine Corps mission to provide humanitarian assistance and disaster relief throughout the world?

Answer. These are core capabilities of the Navy and Marine Corps as stated in the Maritime Strategy, and as such, are of high importance.

Question. Do you believe the mission is sustainable within a constrained defense budget?

Answer. As a core capability of the Navy and Marine Corps, it should be sustained within a constrained budget through planning and oversight.

Question. If confirmed, how would you approach the funding and execution of this mission in light of current budget and naval mission priorities?

Answer. Funding will be thoroughly reviewed and analyzed in developing the Department's recommended budget while execution will be subject to planning and oversight.

DEPARTMENT OF THE NAVY SCIENCE AND TECHNOLOGY

Question. Do you believe that the current balance between short- and long-term research is appropriate to meet current and future Department of the Navy needs?

Answer. A balanced approach to short-term and long-term research is critical to meet current and future Department of the Navy needs. If confirmed, I will evaluate the research program and work to ensure that an appropriate balance is in place.

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Navy and Marine Corps missions?

Answer. If confirmed, I will support innovative defense science which might include engaging the Science and Technology Corporate Board as well as take other actions to ensure this vital area is addressed.

Question. If confirmed, what guidance would you give to ensure research priorities that will meet the needs of the Navy and Marine Corps in 2020?

Answer. If confirmed, I will support a balanced program of science and technology investment in basic and applied research and advanced development across the spectrum of naval needs. I will seek a program that focuses on science and technology areas that provide the biggest payoff for the future, fosters innovative think-

ing, efficient and effective business processes, and improves our ability to transition findings to acquisition programs.

DEFENSE INTEGRATED MANPOWER HUMAN RESOURCES SYSTEM

Question. Defense Integrated Manpower Human Resources System (DIMHRS) is a single integrated human resources pay and personnel system for all the Armed Services and the Defense Finance and Accounting System, and is intended to replace many of the systems currently used to perform personnel management and pay functions. DIMHRS, which has been under development for several years, has come under criticism for cost growth, delays in implementation, and not meeting the expectations of each Service.

What are your views of the need for completion of implementation of DIMHRS and what specific benefits, if any, would the Department of the Navy derive from this system?

Answer. I understand that DIMHRS is an initiative to develop and deploy an integrated human resources pay and personnel management system for the entire DOD. Although I do not have the information concerning the specific challenges encountered in developing the DIMHRS system, if confirmed I will work with appropriate authorities to ensure the Department of the Navy has an effective pay and personnel system.

Question. What is your understanding of the Navy and Marine Corps positions with respect to the utility of DIMHRS and its suitability for sailors and marines?

Answer. I understand the position of the Navy and Marine Corps is that DIMHRS is not, at this time, ready for use.

DELIVERY OF LEGAL SERVICES

Question. What is your understanding of the respective roles of the General Counsel and Judge Advocate General of the Navy in providing the Secretary of the Navy with legal advice?

Answer. The General Counsel and the Judge Advocate General each bring independent and complementary perspectives to the Department's legal requirements. The General Counsel provides specialized expertise in ethics, acquisition and civilian personnel matters. The Judge Advocate General provides the uniformed and operational perspective that is essential to good order and discipline of a globally deployed force. Together, these two leaders comprise an integrated legal cadre that ensures the proper operation of the services and the Department as a whole.

Question. What are your views about the responsibility of staff judge advocates within the Navy and Marine Corps to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Answer. Navy and Marine Corps staff judge advocates are selected and trained to provide timely, relevant, and independent advice to commanders afloat and ashore. Flexible and worldwide deployable, the judge advocate communities of the Navy and Marine Corps are structured to ensure sufficient numbers of deployable and well-trained military lawyers are ready to respond to emergent requirements.

Question. What are your views about the responsibility of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to provide independent legal advice to the Chief of Naval Operations and the Commandant of the Marine Corps, respectively?

Answer. The uniformed military attorneys of the Navy and Marine Corps are critical components of the Department's legal team. The Judge Advocate General and the Staff Judge Advocate to the Commandant of the Marine Corps perform functions in their respective organizations that are essential to the proper operation of their service and the Department as a whole.

NAVY JUDGE ADVOCATE GENERAL'S CORPS

Question. The Center for Naval Analyses (CNA) recently completed a study of manpower requirements for the Navy in which it concluded that the Navy's Judge Advocate General's Corps was significantly under strength for its mission, including combat service support of Marine Corps' units and Task Force 134 in Iraq.

What is your understanding of the CNA study's findings with respect to manpower in the Navy JAG Corps?

Answer. I have not had the opportunity to review the findings of the CNA study. However, if confirmed, I will consider judge advocate end strength as part of my overall review of manpower requirements

Question. What is your understanding of the sufficiency of the number of active-duty judge advocates in the Marine Corps to provide legal support for all the Marine Corps' missions?

Answer. I do not have the information to offer an opinion on the sufficiency of current manpower. If confirmed, I will consider this as part of the overall review of manpower requirements.

Question. If confirmed, will you review the judge advocate manning within the Navy and Marine Corps and determine whether current active-duty strengths are adequate?

Answer. Yes.

SUPPORT FOR WOUNDED, ILL, AND INJURED SAILORS AND MARINES

Question. Wounded servicemembers from Operations Enduring Freedom and Iraqi Freedom deserve the highest priority from the Navy and Marine Corps for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from active duty if required, and continuing support beyond retirement or discharge.

How do the Navy and Marine Corps provide follow-on assistance to wounded personnel who have separated from active service? How effective are those programs?

Answer. The Navy has established the "Safe Harbor" Program and the Marine Corps has established the "USMC Wounded Warrior Regiment." They extend support to the Wounded Warrior from separation or retirement from the service through reintegration into a community. If confirmed, I will continue to assess the effectiveness of these programs, and to develop and refine best practices to make sure these programs are successful.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Navy's and Marine Corps' support for wounded personnel, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will work to ensure sailors and marines and their families are provided with the best medical care and support they need throughout their recovery, rehabilitation, reintegration as a result of their selfless service and sacrifice.

Question. What measures would you take, if confirmed, to facilitate the seamless transition of wounded, ill, and injured sailors and marines from the DOD to the Department of Veterans Affairs (VA)?

Answer. Fostering a continuity of care between DOD and VA systems is essential to facilitate the most efficient and effective transition. Continued collaboration with the DOD and Veterans' Affairs will further strengthen the transition of health care for wounded, ill, and injured sailors and marines.

Question. Would you propose any changes to the Navy's disability evaluation system?

Answer. The Physical Evaluation Board manages the Navy's disability evaluation system. If confirmed, I will review and assess the evaluation and separation process to ensure it is fair.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the NDAA for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by the DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees.

What is your view of the NSPS, as currently constituted?

Answer. I do not have sufficient information at this time on the NSPS. If confirmed, I will coordinate with the Secretary of Defense to ensure the Navy's human resource management system provides necessary flexibility in assigning work with effective performance management processes aligned to the mission while preserving employee benefits, rights, and protections.

Question. If confirmed, how will you evaluate its success or failure to meet its goals?

Answer. If confirmed, information and data will be collected in various ways, including reaching out to key stakeholders, to give a concrete basis for review of NSPS.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. I do not have sufficient information at this time on the NSPS. If confirmed, I will review how the NSPS supports the pay-for-performance approach in the Department of the Navy and make recommendations to the Secretary of Defense accordingly.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. At this time I do not have the information necessary to make this judgment.

Question. In your view, is it viable in the long run for the DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. I do not have enough information at this time to evaluate the viability of maintaining both the NSPS and General Schedule systems for civilian employees. If confirmed, I will include this issue in my review of civilian pay systems.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. I am informed the DOD is conducting a review of NSPS. Prudency dictates waiting for the results of that review and the related recommendations before making any judgments or assessments at this time.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. I am informed the DOD is conducting a review of NSPS. It is best to reserve judgment related to recommendations until the review of NSPS is completed.

NAVY AND MARINE CORPS RECRUITING AND RETENTION

Question. The retention of quality sailors and marines, officer and enlisted, Active-Duty and Reserve, is vital to the Department of the Navy.

How would you evaluate the status of the Navy and Marine Corps in successfully recruiting and retaining high caliber personnel?

Answer. The Navy and Marine Corps continue to recruit and retain high caliber personnel for Active and Reserve Service. Both Services have exceeded their goals for active duty enlisted accessions and new contracts in fiscal year 2008 and are already at the goal established for 2009.

Question. What initiatives would you take, if confirmed, to further improve the attractiveness of Navy and Marine Corps, Active-Duty and Reserve Service?

Answer. It is my understanding that recruiting and retention have been successful in recent years. If confirmed, I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to further improve the Naval Services attractiveness to recruits and their families.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals in DOD, reports of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently received. Whistleblowers and victims of abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department?

Answer. The U.S. Navy and Marine Corps traditions and history demand the exemplary conduct of its senior civilian and military leaders. The high standards of conduct that were taught to and expected of me as a junior naval officer are precisely the standards I will require of all senior civilian and military leaders in the Department of the Navy if I am confirmed. The Secretary of the Navy and senior military and civilian leaders must set the example for their subordinates. If our Nation's Navy and Marine Corps are to be respected among all nations, then we must maintain the highest standards of honor, integrity, and absolute adherence to the rule of law. Therefore, we must ensure prompt and thorough investigation of complaints, as well as swift and equitable treatment of those few people who fail to demonstrate exemplary conduct.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Navy and Marine Corps are held accountable for their actions and performance?

Answer. The honor and privilege to lead and command in the naval service carries with it accountability for their actions and performance. If confirmed, I will continue to foster and enforce the Department of the Navy's earnest commitment to the highest ethical standards of principled leadership and honorable service.

NAVY SUPPORT TO GROUND FORCES

Question. The Navy has been challenged to find new ways of supporting the Army and Marine Corps in Iraq and Afghanistan by taking on nontraditional support functions.

In your view, what are the kinds of nontraditional support the Navy feasibly can provide, and what additional missions, if any, should the Navy be assigned in the global war on terrorism?

Given that these are nontraditional roles for Navy personnel, what additional training and equipment have been provided, or, in your view, need to be provided?

Answer. The Navy's sailor is known and respected for courage, resourcefulness, and versatility. At this time I do not have sufficient information on the types of nontraditional support the Navy can provide. However, I will examine current and anticipated nontraditional support and missions and will work to ensure that the necessary training and equipment is provided for our sailors to be successful executing them.

Question. What procedures are in place for the Navy to assess the potentially adverse operational effect on organizations from which individual augmentees are drawn? If you do not believe these procedures are adequate, what should be done to strengthen them?

Answer. At this time I do not have the information as to what Individual Augmentation procedures are in place. However, if confirmed, I will make it a priority to examine the entire Individual Augmentation process and the impact it has on the readiness of our operational forces.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your evaluation of the progress to date made by the Navy and Marine Corps in preventing and responding adequately to incidents of sexual assault?

Answer. This is a high priority for me and is an essential aspect of maintaining Navy and Marine Corps values. If confirmed, I will use all means available to ensure that incidents of sexual assault are prevented or responded to rapidly and effectively.

Question. What problems do you foresee, if any, in implementing current policies with respect to confidential, restricted reporting of sexual assaults by sailors and marines?

Answer. Confidentiality and restricted reporting of sexual assaults is critical. I will work to ensure effective policies are implemented and enforced.

Question. If confirmed, what actions do you plan to take to ensure that senior civilian leaders of the Department of the Navy have ongoing visibility into incidents of sexual assault and the effectiveness of policies aimed at preventing and responding appropriately to such incidents?

Answer. I will make sure this issue is stressed and that there will be a regular and comprehensive evaluation of policies to ensure effectiveness.

PREVENTING SEXUAL HARASSMENT AND VIOLENCE

Question. The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies reported that "Historically, sexual harassment and sexual assault have been inadequately addressed at both Academies [United States Military Academy and United States Naval Academy]. Harassment is the more prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare military officers. Much of the solution to preventing this behavior rests with cadets and midshipmen themselves."

If confirmed, what actions would you take to encourage not only midshipmen but also all sailors and marines to step up to their responsibility to create a culture where sexual harassment and sexual assault are not tolerated?

Answer. If confirmed, I will use all available tools to ensure every midshipman, sailor, marine, and civilian employee understands that sexual harassment and sexual assault won't be tolerated in the Department of the Navy and that swift and appropriate action will be taken against those who do not value such a culture.

Question. If confirmed, what other actions would you take to address the problem of sexual harassment and sexual assault in the Navy and Marine Corps?

Answer. Please see answer to previous question.

HUMAN CAPITAL

Question. The Navy has a large civilian workforce that is integral to the support of the Navy's worldwide mission.

What is your vision for an effective human capital strategy for the Navy's civilian workforce?

Answer. The Navy's civilian workforce is made up of over 180,000 employees worldwide, engaged in a myriad of mission areas and career fields. The Navy's vision must be broad enough to encompass this very wide range of people, missions, locations, and requirements, as well as provide the framework for developing policies and systems to ensure both capabilities and competencies are in place to meet the changing demands of our global force. If confirmed, I will work to ensure the Department of the Navy has an effective human capital strategy.

Question. Section 1122 of the NDAA for 2006, as amended by section 1102 of the John Warner NDAA for 2007 and section 851 of the NDAA for 2008, requires the Secretary of Defense to develop and annually update a strategic human capital plan that specifically identifies gaps in the Department's civilian workforce and strategies for addressing those gaps. The DOD has not yet produced a strategic human capital plan that meets the requirements of these provisions.

Do you believe that the Navy has appropriate planning processes in place to identify and address gaps in the capabilities of its civilian workforce?

Answer. At this time I do not have sufficient information about what processes exist. However, if confirmed, I will work with the Chief of Naval Operations and Commandant of the Marine Corps to implement good planning processes that ensure any gaps are identified and addressed.

Question. What do you view as the greatest challenges in recruiting and retaining a highly skilled civilian workforce?

Answer. There are many challenges in recruiting and retaining a highly skilled workforce, to including compensation, working conditions, fair evaluation systems, and career paths.

PERSONNEL AND HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nationwide, is escalating rapidly. Similarly, the cost of personnel as a key component of the Services' budgets has risen significantly in recent years.

If confirmed, how would you approach the issue of rising health care and personnel costs?

Answer. Based on my experience with fiscal management in state government and the private sector, I am aware that rising costs associated with health care and other personnel costs pose a significant threat to the fiscal strength of organizations nationwide. Streamlining and effective cost accounting alone cannot adequately ameliorate the effects of increasing medical costs. If confirmed, I will work with the Secretary of Defense to explore changes to the way the department meets these challenges.

QUALITY OF LIFE PROGRAMS

Question. If confirmed, what priorities would you establish to ensure that military quality of life programs are sustained and improved for Navy and Marine Corps members and their families?

Answer. Quality of life programs for Navy and Marine Corps personnel of all ranks and their families are a key component to ensuring readiness, job satisfaction, and retention. If confirmed, I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to maintain focus and commitment to programs that support the quality of life needs of all naval personnel and their families.

Question. What challenges do you foresee in sustaining quality of life programs, and are there new initiatives that you would undertake, if confirmed, to ensure the availability of high quality services, including child care, education, and recreational opportunities, for sailors and marines and their families?

Answer. The current and anticipated economic and fiscal challenges could pose a threat to Navy and Marine quality of life programs. If confirmed, I will work to provide effective and innovative quality of life programs that our sailors, marines, and their families rely on, and are critical to maintaining combat readiness.

BALLISTIC MISSILE DEFENSE

Question. Do you view ballistic missile defense—for both deployed forces and the U.S. homeland—as a core mission for the Navy?

Answer. Yes.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Department of the Navy to execute its assigned missions?

Answer. While naval forces are conducting combat and combat support missions in Operation Iraqi Freedom and Enduring Freedom, the naval forces also stand ready to answer the Nation's call across the spectrum of operations in support of the National Defense Strategy. Despite a high operational tempo due to Operation Iraqi Freedom, Operation Enduring Freedom, and other combatant commander requirements, our forces remain resilient, motivated, and are performing superbly around the globe. If confirmed, I will work to continue the Navy and Marine Corps proud tradition of readiness and ensure that our sailors and marines are fully trained, equipped, and resourced for their assigned missions.

Question. What do you view as the major readiness challenges that will have to be addressed by the Navy and Marine Corps over the next 3 years, and, if confirmed, how would you approach these issues?

Answer. One of the most significant readiness challenges facing the Navy and Marine Corps is balancing current overseas contingency operations with other anticipated readiness requirements. Navy and Marine Corps procurement, acquisition, maintenance, and recapitalization are also readiness challenges.

If confirmed, I will approach these issues by working with the Chief of Naval Operations and Commandant of the Marine Corps to review the Department's current challenges; craft a clear and concise vision and plan to address them; develop a means to track compliance and real savings for future use; work closely with my counterparts in the other Services, Office of the Secretary of Defense, Congress, and the defense industry; and reaffirm the strong relationships within the Navy and Marine Corps team.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. I do not have sufficient information at this time to adequately address accession to UNCLOS.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. At this time, I do not have sufficient information to form an opinion on the advantages or disadvantages to being a party to UNCLOS.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of the Navy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

NAVY LABS

1. Senator REED. Governor Mabus, I am concerned about the continued deterioration of the Navy's laboratory facilities. Research and development are essential to the long-term survival and efficiency of the fleet. Are Navy laboratories a high priority for you?

Mr. MABUS. Yes they are. Navy laboratories are a critical source of technological competitive advantage for the Navy. In 2008, Navy established a Principal Civilian Deputy (PCD), a Senior Executive reporting to ASN (RDA), to address the needs. and capabilities of all the Navy Warfare Centers and Naval Research Lab and to improve the quality of the S&E workforce. This position engaged the senior civilian leadership of the Warfare Centers and Naval Research Lab through the Navy Lab and Centers Competency Group to strengthen the S&E workforce. In 2009, PCD ASNRDA has established a Science Technology Engineering & Mathematics Executive to establish a revitalization plan. The National Defense Authorization Act (NDAA) for Fiscal Year 2009, section 219, Mechanisms to Provide Funds for Defense Laboratories for Research and Development of Technologies for Military Missions, allows the DON to reinvest in science and technology.

2. Senator REED. Governor Mabus, how can the military construction (MILCON) allocation be changed to alleviate some of the more serious examples?

Mr. MABUS. Currently there are two initiatives to mitigate this issue:

Defense Laboratory Revitalization Program (LRP)

Continuation of the Laboratory Revitalization Program (LRP, Section 2805 of Title 10, United States Code) has been an important initiative to help enhance the quality of our labs. This initiative provides temporary authority to support revitalization of DOD laboratories through unspecified minor MILCON projects and is a critical tool. LRP has allowed Navy Laboratories to carry out RDT&E Minor MILCON valued at up to $2.0 million to quickly meet emergent requirements. Warfare Centers have awarded projects in fiscal years 2008 and 2009 and plan to use this authority through fiscal year 2012.

Global Shore Infrastructure Plans (GSIPs) and Regional Integration Plan (RIPS)

Commander, Navy Installations Command (CNIC) is in the process of finalizing the second phase of GSIP development which identifies infrastructure capability gaps for Navy Enterprises and Providers. RIPS identify solutions to infrastructure capability gaps identified in GSIPs. NAVFAC Atlantic is expected to award a contract for the development of the Office of Naval Research functional plan (to be included in the CNIC GSIP) by the end of third quarter FY09. RIP solutions to GSIP infrastructure capability gaps are planned to be identified in time to support RDT&E projects in the 2012 budget request. Other RDT&E functional plans (SPAWAR, NAVAIR and NAVSEA Warfare Centers) to be included in the Fleet Readiness Enterprise GSIP are planned to be awarded for development in early next fiscal year pending funding availability.

3. Senator REED. Governor Mabus, are there other funding mechanisms that might be used to correct this deficiency?

Mr. MABUS. Yes, currently Navy is executing several congressional directives:

NDAA for Fiscal Year 2008, Section 802, Lead Systems Integrator.

This legislation has given impetus to reconstitute where necessary and to sustain and enhance systems engineering skills within the Warfare Centers.

NDAA for Fiscal Year 2008, Section 852, Department of Defense (DOD) Acquisition Workforce Development Fund.

This legislation provides funds for the recruitment, training, and retention of acquisition personnel of DOD to ensure that the DOD acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

NDAA for Fiscal Year 2009, Section 219, Mechanisms to Provide Funds for Defense Laboratories for Research and Development of Technologies for Military Missions

This legislation establishes mechanisms under which the director of a defense laboratory may use an amount of funds equal to not more than 3 percent of all funds available to the defense laboratory for the following purposes: (a) to fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions; (b) To fund development programs that supports the transition of technologies developed by the defense laboratory into operational use; (c) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with needed scientific and engineering expertise.

NDAA for Fiscal Year 2009, Section 833, Acquisition Workforce Expedited Hiring Authority

This legislation designates any category of acquisition positions within the DOD as shortage category positions. It utilizes the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

4. Senator REED. Governor Mabus, would you consider relaxing some of the centralized control over facilities and equipment funding and provide the laboratory technical directors with more autonomy in the utilization of support services at their local institutions, as is common practice in world-class research facilities?

Mr. MABUS. Navy laboratories operate under working capital fund financial policies promulgated by the Office of the Under Secretary of Defense (Comptroller). Designed to satisfy recurring DOD requirements using a buyer-seller approach, the working capital fund already employs many best business practices found in the private sector.

Navy laboratories, like other working capital fund activities, procure facilities (other than MILCON projects), equipment, and services either through the Capital Investment Program or through operating funds, based on expense/investment criteria. Authority provided via the Laboratory Revitalization Program, (10 U.S.C. Section 2805), provides DOD labs more flexibility than other working capital fund business areas groups by raising the ceiling for unspecified minor construction from $750,000 to $2 million.

I believe existing policies provide technical directors at Navy labs and other working capital fund facilities with sufficient authority to successfully manage both financial and operational results in a manner comparable to the private sector. However, I support continued dialogue on proposals that would enhance existing policy and improve financial and operational results at Navy Working Capital Fund activities.

LAB DIRECTOR DISCRETIONARY FUNDING

5. Senator REED. Governor Mabus, the Navy has been most prompt to implement recent legislation designed to enhance the mission performance of Navy laboratories and warfare centers, which permits the direct hire of senior scientists and engineers at the Navy defense laboratories. There has also been recent legislation, section 219 of the NDAA for Fiscal Year 2009, which permits the Secretary of each Service to allocate a small percentage of funds expended at the laboratory for the discretionary use by the laboratory director to invest in research which he believes is worthy of support. Do you intend to likewise act expeditiously on implementing section 219?

Mr. MABUS. Yes. The Navy is working with the Office of Secretary of Defense to implement section 219 initiatives at the Naval Research Laboratory and Naval Warfare Centers. These initiatives will contribute to the development and sustainment of the world class skills and innovation of the science and engineering workforce at the Naval Research Laboratory and the Warfare Centers. I support these initiatives.

QUESTION SUBMITTED BY SENATOR EVAN BAYH

PRINTED CIRCUIT BOARD TECHNOLOGY

6. Senator BAYH. Governor Mabus, the NDAA for Fiscal Year 2007 directed the Secretary of Defense to submit to the Committees on Armed Services of the House and Senate a report on the implementation of the recommendations of the National Research Council Committee on Manufacturing Trends in Printed Circuit Board (PrCB) Technology. This report recommended that the Navy be designated the Executive Agent (EA) for PrCB.

In turn, section 256 of the NDAA for Fiscal Year 2009 mandated that the Secretary of Defense designate an EA for PrCB technology. In a letter to me dated April 8, 2009, former Under Secretary of Defense for Acquisition, Technology, and Logistics John Young indicated that the final designation of the Secretary of the Navy as the DOD EA would be complete within 90 days.

If confirmed, how do you plan to fund and resource the EA office for PrCB technology?

Mr. MABUS. Initially, it will be important to determine the requirements. The cost necessary to establish the processes associated with the DON'S assigned Executive Agent responsibilities will then be identified following the determination of these requirements. The costs will be included within recommended funding strategies nec-

essary to meet requirements associated with development and execution of the Printed Circuit Board and interconnect technology roadmap.

QUESTION SUBMITTED BY SENATOR TOM UDALL

TRANSITION TO THE NEXT GENERATION ENTERPRISE NETWORK

7. Senator UDALL. Governor Mabus, the Navy Marine Corps Intranet (NMCI) is a program that is an important part of our Nation's security. There is some concern that the transition to the Next Generation Enterprise Network (NGEN) should be accomplished in a manner that "does no harm" to our sailors and marines. It is my understanding that the Department has only recently given guidance on how it intends to proceed even though the NMCI contract is due to expire in 2010. Yet it is important to ensure this command and control network continues to perform as required during the transition to provide all of the Navy's information technology (IT) interests beyond 2010. Do you agree or disagree?

Mr. MABUS. I agree.

Continuity of services during the transition to NGEN is a critical priority of the Department of the Navy (DON).

Today, the DON contracts with EDS, an HP Company, to provide NMCI services. The 10-year, $9.3 billion NMCI contract (originally awarded in October 2000) has resulted in the largest intranet in the world, with over 700,000 users. Given the complexity and magnitude of the upcoming contracting and transition activities, the Department has developed a comprehensive integrated master schedule to guide critical events. The transition strategy is designed to ensure services provided under the NMCI contract continue without interruption while working toward a competitive contractual environment for NGEN.

Currently, EDS owns and/or controls the infrastructure, operating processes, operating procedures and the technical data associated with NMCI. In replacing the NMCI contract, we will require the use of the NMCI infrastructure and access to EDS's processes and technical data. Therefore, the Department intends to enter into a sole source contract with the incumbent to provide the continuity of service. The Department will obtain the right to use the current NMCI infrastructure and obtain Government Purpose Rights license to the technical data in order to fully understand the technical data and processes which will ensure an open and competitive environment in the future. On February 18, 2009, this approach was approved by the Under Secretary of Defense, Acquisition, Technology and Logistics (USD AT&L). He authorized the DON to begin negotiations on the Continuity of Services Contract with the incumbent. The strategic approach was briefed to industry on March 31, 2009, providing industry an opportunity to understand the Department's approach and provide constructive feedback on the way toward a competitive environment.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

FISCAL YEAR 2010 PRESIDENTIAL BUDGET REQUEST

8. Senator MCCAIN. Governor Mabus, on April 6, 2009, Secretary Gates announced how the fiscal year 2010 defense budget request will reshape the priorities of the defense establishment. In so doing, he announced his decision to cut dramatically or cancel various major weapons systems. Are there any aspects of Secretary Gates' plan with which you have any difficulty? Please explain.

Mr. MABUS. We fully support Secretary Gates' plan. In this challenging fiscal and budgetary environment, we must look hard at every requirement, every development plan, and every capability. We must also demand performance from the acquisition community and industry. The decisions by Secretary Gates on Navy programs were consistent with these requirements, and very prudent.

In that regard, it is obvious that acquisition processes need reform in some very fundamental ways. Regaining control of acquisition processes is one of the most complex challenges that we will face. We are especially drawn to efforts directed at establishing cost control over out-of-control programs and making better use of independent cost estimates. The recommendations of Secretary Gates are clear statements that past behavior cannot continue.

9. Senator MCCAIN. Governor Mabus, what is your view of the aspect of the plan that permanently changes the aircraft carrier force structure to 10 from the current number of 11?

Mr. MABUS. The Navy remains committed to a force structure of 11 carriers for the next several decades, a commitment that Secretary Gates April budget announcement supports. However, the Navy requests a temporary waiver to operate 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) and the commissioning of USS *Gerald R. Ford* (CVN 78). During this 33 months period, the Navy assesses it can meet operational commitments by adjusting operational and maintenance schedules.

10. Senator MCCAIN. Governor Mabus, what is your view of the aspect of the plan that commits, to the exclusion of procuring other tactical fighter platforms, to the Joint Strike Fighter (JSF) program in light of the development and technology risk still associated with that program?

Mr. MABUS. The Department of the Navy believes that JSF development and technology risk are manageable. The JSF Program Office is providing program-wide schedule and technology risk analysis in conjunction with periodic Defense Acquisition Board reviews. The timing of these reviews will ensure the analysis is available to support key acquisition milestone decisions and budget discussions.

During the transition to the JSF, the Department of the Navy is exploring a range of options to meet its continuing strike fighter requirements. These include supporting legacy aircraft; SLEPing some number of F/A–18 A–Ds; and procuring more F/A–18 E/F Super Hornets.

In this regard, the Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB10. The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's Quadrennial Defense Review (QDR).

11. Senator MCCAIN. Governor Mabus, in the budget blueprint that supports the fiscal year 2010 presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage." If confirmed, what steps, if any, would you recommend to help ensure that the Department makes good on this commitment?

Mr. MABUS. We fully support the increased emphasis on upfront planning as specified in the 2008 changes made to DOD 5000.2 in the NDAA for Fiscal Year 2008. The defense-acquisition process needs improvement in the areas of systems engineering, developmental test and evaluation, technological maturity, and cost estimation, and that changes are needed to strengthen a culture of acquisition excellence in the DOD. We support the administration's commitment to making tradeoffs among cost, schedule, and performance to significantly reduce cost growth in major defense acquisition programs. We will also ensure that requirements are defined and understood and that technologies are mature prior to entering system development, thus reducing risks to both cost and schedule.

ACQUISITION REFORM POLICY

12. Senator MCCAIN. Governor Mabus, what are your views regarding the need to reform the process by which the Navy acquires major weapons systems?

Mr. MABUS. We support the "Weapons Systems Acquisition Reform Act of 2009." We fully agree with an emphasis on sound cost estimation, systems engineering, and performance assessment upfront to establish a culture of acquisition excellence. These are all guiding principles that underpin our vision as an enterprise committed to getting timely, effective, and affordable solutions to our warfighters. A number of acquisition process changes have recently been initiated that will take some time to evaluate. However, we believe the emphasis on due diligence during both the requirements and technology development stages of any program should improve acquisition performance. We also intend to stress and enforce discipline of all established processes.

13. Senator MCCAIN. Governor Mabus, if confirmed, what steps, if any, would you recommend to improve the acquisition process?

Mr. MABUS. We are aware of the Department of Navy's two-pass/six-gate acquisition process and will personally review its effectiveness in supporting program execution and oversight. We need to put more emphasis in the acquisition process on solid cost estimation, risk tolerant schedules, and understanding where the technical risks are. We also will insist on realistic plans for mitigating those risks. Moreover, we both recognize and accept that when new technical problems are identified

we cannot hold cost and schedule constant. We believe the emphasis on due diligence during both the requirements and technology development stages of any program should improve acquisition performance. We also intend to stress and enforce discipline of all established processes.

In addition, the health of the defense and commercial industrial base are critical to our national security. We will support collaborative efforts between the government and industry in advancing the state-of-the-art in science and technology in both basic and applied research. We will also support technology development in all areas that have potential military utility for the warfighter, to deliver high performance weapons on target, more effectively, efficiently, and at reasonable cost to the taxpayer.

14. Senator MCCAIN. Governor Mabus, department-wide, nearly half of the DOD's 95 largest acquisition programs have exceeded the Nunn-McCurdy cost growth standards established in Section 2433 of Title 10, U.S. Code. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down. Many of those programs are being executed by the Navy. What steps, if any and if confirmed, would you take to address the out-of-control cost growth on the Navy's major defense acquisition programs?

Mr. MABUS. We believe increased collaboration between industry and Government early in the program formulation stage will ensure there is a realistic balance. We must establish realistic baselines before entering into system development which can only be accomplished with a thorough understanding of warfighting requirements and the maturing of technologies early in the process. Overestimating performance leads us to proceeding with immature technologies while underestimating cost leads us to compressing development efforts. Together these dynamics lead us to taking on more risk, which often leads to cost increases and schedule delays.

We will continue the process initiated last year to rebuild the Department of the Navy Cost Estimating Enterprise which was based upon an analysis of gaps within the existing structure. This effort culminated with the release of an instruction which reestablished the Naval Center for Cost Analysis, enabled greater insight into the costs of Major Defense Acquisition programs, and focused efforts on rebuilding the Naval System Commands Cost Analysis centers. We will continue this effort to ensure the Department meets increased demands across all cost estimating functions including Earned Value Management, Operating and Support analysis, and greater investment cost rigor in the early life of the Department's acquisition programs. The DON Cost Estimating community is continuing to take steps to rebuild and rebalance the core cost estimating capabilities within the government to better establish realistic cost analysis.

15. Senator MCCAIN. Governor Mabus, what principles will guide your thinking on whether to recommend terminating a program that has experienced critical cost growth under Nunn-McCurdy?

Mr. MABUS. The principles that will guide our decisions will be the Nunn-McCurdy certifications as modified by the Weapons Systems Acquisition Reform Act of 2009 on whether:

- The root cause of the program's Nunn-McCurdy breach is properly identified, understood, and correctable;
- The program is essential to national security;
- No alternative will provide equal or greater capability at less cost;
- New program or unit cost estimates are reasonable; and
- Management structure for program is adequate to manage and control unit costs.

We will use these certifications to evaluate a program for any significant breach of its baseline and not just if it's a unit cost issue.

16. Senator MCCAIN. Governor Mabus, recent congressional and DOD initiatives have attempted to reduce technical and performance risks associated with developing and producing major defense acquisition programs, including ships, so as to minimize the need for cost-reimbursable contracts. Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Mr. MABUS. Yes. We are committed to a thorough analysis that ensures the right contract type at the right time that balances risk and ensures best value to the gov-

ernment. We fully support the DOD policy to examine the increased use of fixed-price type contracts in the procurement of major defense acquisition programs.

S.454, THE LEVIN-MCCAIN ACQUISITION REFORM BILL

17. Senator MCCAIN. Governor Mabus, recently, Chairman Levin and I sponsored acquisition reform legislation, titled: "Weapon Systems Acquisition Reform Act of 2009." The legislation recognized that vital to reforming how we buy the biggest and most expensive weapons systems is to start them off right—by emphasizing sound systems engineering so that we can obtain reliable technological readiness assessments and independent cost estimates up front. The more we understand technology risk early and manage that risk, the less likely that such risk will present themselves later in the acquisition process and blow out costs. What is your assessment of that bill, and did we get anything wrong?

Mr. MABUS. We strongly support the spirit and intent of the "Weapons Systems Acquisition Reform Act of 2009." We agree that the defense-acquisition process needs improvement in the areas of systems engineering, developmental test and evaluation, technological maturity, and cost estimation, and that changes are needed to strengthen a culture of acquisition excellence in the DOD. The Department of the Navy is committed to making trade-offs among cost, schedule, and performance to significantly reduce cost growth in major defense acquisition programs. The Department of the Navy (DON) is working closely with DOD to develop a common approach to implementing the requirements. DON is already involved with acquisition process improvements, such as implementing the two-pass/six-gate governance in 2008, and is committed and working diligently to implement required improvements that will require a longer term implementation cycle.

TACTICAL AVIATION

18. Senator MCCAIN. Governor Mabus, the Navy is facing a potential shortfall of strike fighter aircraft in the next decade even if the Navy continues to buy F/A–18E/F aircraft and F–35 JSF aircraft at the rate projected in last year's budget. What is your assessment of this situation and what actions should the Navy take to address this potential shortfall?

Mr. MABUS. The Navy and Marine Corps share a common inventory of 623 legacy F/A–18 A–D aircraft. Navy and Marine Corps integrate F/A–18 A–C strike fighter squadrons into carrier air wings and Marine air groups under the charter of TACAIR Integration (TAI). There are four considerations to mitigate negative strike fighter inventory trends:

1. Maintain wholeness of the JSF program. Department strike fighter inventory projections are based on the following assumptions: the F–35B will reach Initial Operational Capability (IOC) in 2012 and F–35C will reach IOC in 2015; and that JSF will deliver at planned quantities/cost. Any program slips, major costs increases, or decreases to planned procurement quantities may exacerbate the DON strike fighter shortfall.
2. Extending the service life of F/A–18A–D Hornets. Over half of the Department of the Navy's Hornets are beyond 6,000 flight hours, towards a currently approved 8,600 flight hour service life. Extending the service life of as many as 300 of these aircraft is an essential element to maintaining available DON strike fighter inventory through transition to JSF. Analysis is ongoing within the Department to refine cost estimates and the process for executing this service life extension.
3. Continued sustainment and support of currently fielded legacy aircraft (AV–8, EA–6B, F/A–18 A–D) through transition to JSF. These aircraft are the bulk of the Department's current TACAIR inventory and require continuous support—including program related engineering and logistics—though the end of transition to JSF, currently envisioned to be out to 2023.
4. Additional investment in F/A–18E/F Block II Super Hornet procurement. In PB 2010, F/A–18E/Fs are budgeted for single year procurement in fiscal year 2010. Future procurements are being considered in the 2009 QDR.

The Department will re-assess force structure requirements and inventory investments this summer during the QDR.

19. Senator MCCAIN. Governor Mabus, in your view, should the Navy continue to operate the 10 carrier air wings that support the current fleet of 11 aircraft carriers,

or should the air wing force structure be modified to reflect a planned reduction to a permanent level of 10 aircraft carriers?

Mr. MABUS. The Navy remains committed to a force structure of 11 carriers and 10 air wings for the next several decades. However, between the decommissioning of USS *Enterprise* and the commissioning of USS *Ford*, the Navy requests to temporarily decrease its aircraft carrier fleet from 11 to 10 ships. During this 33 month period, the Navy will continue to require and utilize each of its 10 carrier air wings to meet its deployment schedule and to maintain its ability to respond to emergent operational requirements.

20. Senator MCCAIN. Governor Mabus, alternatives for maintaining sufficient strike assets are limited if there are new schedule difficulties with the JSF program. It appears that the Navy's options for extending the service life of existing F/A–18 aircraft are limited and procurement of additional F/A–18 aircraft beyond those planned last year may be more difficult with the Secretary of Defense's recent announcement of a reduction of nine F/A–18 aircraft from the number originally planned for the fiscal year 2010 program. What other potential alternatives do you see for maintaining sufficient strike assets if there were any additional slippage in the initial operating capability date for the F–35 JSF?

Mr. MABUS. The Department of the Navy is closely monitoring the JSF program. JSF is currently scheduled for an F–35B IOC of 2012 and an F–35C IOC of 2015. The Department is refining cost estimates and process for extending the service life for as many as 300 legacy F/A–18 A–D aircraft from 8,600 flight hours to 10,000 flight hours through, a service life extension program—service life extension is completely within engineering feasibility for this number of aircraft.

Maintaining JSF wholeness, continued support of legacy aircraft, Service Life Extension Program (SLEP) of F/A–18 A–D and continued procurement of F/A–18E/F are options being pursued to provide the strike fighter inventory necessary to support the Department of the Navy's force structure requirements.

The Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB 2010. The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's QDR.

21. Senator MCCAIN. Governor Mabus, is it a viable solution to consider purchasing additional F/A–18 Super Hornets, the only new strike fighter aircraft in production? If not, how will the Navy expect to solve this shortfall?

Mr. MABUS. Maintaining Joint Strike Fighter wholeness, continued support of legacy aircraft, SLEP of F/A–18 A–D and continued procurement of F/A–18E/F are options to provide the strike fighter inventory necessary to support the Department of the Navy's force structure requirements.

The Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB10. The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's QDR.

F–35 JOINT STRIKE FIGHTER PROGRAM

22. Senator MCCAIN. Governor Mabus, the Services are planning on purchasing approximately 2,450 JSFs at a cost of over $300 billion, a sum that reflects a cost growth of nearly 47 percent beyond original 2002 estimates. Recently, the Government Accountability Office issued a report on the JSF program that was critical of its past cost overruns and schedule slips, and predicted that development will cost more and take longer than what has been reported to Congress. In November 2008, a Pentagon Joint Estimating Team reportedly said the JSF program would require an additional 2 years of testing and would need another $15 billion to cover new development costs.

If the F–35 program costs continue to significantly increase and the F–35 development does not go as well as promised—draining resources from other priority programs that are needed by the Navy—what actions would you recommend the Department take to remedy strike-fighter shortfalls and preserve its limited procurement base?

Mr. MABUS. The Department of the Navy believes that JSF development and technology risk are manageable. The JSF Team closely monitors all risks and provides program-wide schedule and technology risk analysis in conjunction with periodic Defense Acquisition Board reviews. The timing of these reviews will ensure the analysis is available to support key acquisition milestone decisions and budget discussions.

The Navy and Marine Corps share a common inventory of 623 legacy F/A–18 A–D aircraft. Navy and Marine Corps integrate F/A–18 A–C strike fighter squadrons into carrier air wings and Marine air groups under the charter of TACAIR Integration (TAI). There are four considerations to mitigate negative strike fighter inventory trends:

1. Maintain wholeness of the JSF program. Department strike fighter inventory projections consider that F–35B will IOC in 2012 and F–35C will IOC in 2015, and that JSF will deliver at planned quantities, as a foundation. The Department needs JSF to deliver planned quantities at a delivery rate that supports these planned initial operational capability dates. Any further slips or decreases to planned procurement quantities further exacerbates future DON strike fighter inventory issues.
2. Extending the service life of F/A–18 A–D Hornets. Over half of the DON Hornets are beyond 6,000 flight hours, towards a currently approved 8,600 flight hour service life. Extending the service life of as many as 300 of these aircraft is an essential element to maintaining available DON strike fighter inventory through transition to JSF. Analysis is ongoing within the Department to refine cost estimates and the process for executing this service life extension.
3. Continued sustainment and support of currently fielded legacy aircraft (AV–8, EA–6B, F/A–18 A–D) through transition to JSF. These aircraft are the bulk of the Department's current TACAIR inventory and require continuous support—including program related engineering and logistics—though the end of transition to JSF, currently envisioned to be out to 2023.
4. Additional investment in F/A–18E/F Block II Super Hornet procurement. In PB 10, F/A–18E/F are budgeted for single year procurement in fiscal year 2010.

The Department of the Navy will continue to guide JSF development and update assessments of costs and scheduled deliveries to the fleet. We will monitor F/A–18 A–D flight hours flown and update cost estimates for needed life extensions and sustainment. Procurement of additional F/A–18 E/F Super Hornets will continue to be a viable alternative in the near term. All these factors will be taken into account when the Department determines how best to satisfy the strike fighter force structure needs established in the QDR.

SHIPBUILDING PLAN

23. Senator McCain. Governor Mabus, the most recent Navy 30-year shipbuilding plan included arguably over-optimistic assumptions about the unit costs of ships and excluded any funding for a replacement for the current fleet of Trident ballistic missile submarines. Do you agree that the 30-year shipbuilding plan should reflect realistic cost estimates and include all important shipbuilding efforts for that document to be useful for decisionmakers?

Mr. Mabus. The 30-year shipbuilding plan, as submitted to Congress, reflects the best estimates for the ships included in the plan. The near-term section of the future plan reflects cost estimates that are predicted, in most cases, on existing production lines for ships either currently being procured or very near the completion of contract negotiations for their procurement. The period covered by about 10–20 years in the future, largely includes what we expect to be the economic conditions that the shipbuilding industry will face and this too is based on our best understanding of the labor rates and material cost escalation that this industry will incur. The period beyond about 20 years, out to the end of the report, is a planning range and the costs included in this part of the report reflect those costs that the Navy believes to be affordable for the ship types that will be procured in the period. Since there are essentially no designs to use as a basis for the cost models, we believe that projecting an affordable cost for these ships is the appropriate metric to use. This introduces discipline in the expectations for what these ships should be able to do since it is unlikely that there would be infinite resources available for their procurement.

A majority of the ships in the 30-year shipbuilding plan have not yet been designed and therefore cost must be based on the best estimate of what the new ship will be including new technology, and appropriate hull size and propulsion system. As more accurate cost estimates are determined in future ship development, the Navy will adjust the average annual investment objective or revisit individual ship and/or force warfighting requirements as appropriate. Navy's goal in producing the shipbuilding plan is always to provide a balanced capability, with acceptable levels of risk that provides stable industry demand at reasonable cost.

In addition to the National Security Strategy, the statutory guidelines required the report to reflect the QDR. The latest QDR is ongoing in parallel with the National Security Strategy work. Also, the Nuclear Posture Review, which has direct bearing on the numbers of strategic ballistic missile submarines, is due for completion incident with submission of the fiscal year 2011 budget. In addition, a Ballistic Missile Defense Review is ongoing and is also due for completion with the fiscal year 2011 budget. These efforts will likely have a substantive impact on the Navy's force structure requirements.

24. Senator McCAIN. Governor Mabus, in your view, what level of funding will the Navy need to execute its 30-year shipbuilding plan, and considering competing priorities, do you believe this level of funding is realistic?

Mr. MABUS. As the National Security Strategy is due for release this summer, the Navy considers it prudent to defer its fiscal year 2010 report and submit its next report concurrent with the President's fiscal year 2011 budget.

In addition to the National Security Strategy, the statutory guidelines required the report to reflect the QDR. The latest QDR is ongoing in parallel with the National Security Strategy work. Also, the Nuclear Posture Review, which has direct bearing on the numbers of strategic ballistic missile submarines, is due for completion incident with submission of the fiscal year 2011 budget. In addition, a Ballistic Missile Defense Review is ongoing and is also due for completion with the fiscal year 2011 budget. These efforts will likely have a substantive impact on the Navy's force structure requirements.

The President's budget submission for fiscal year 2010 represents the best overall balance between procurement for future ship and aircraft capability with the resources necessary to meet operational requirements and affordability.

AIRCRAFT CARRIERS

25. Senator McCAIN. Governor Mabus, under his recently announced budget plan, the Secretary of Defense proposed that only 10 aircraft carriers be operational. But, we may need 11: the slip in the delivery of the CVN 78 (USS *Gerald R. Ford*) to 2015 created a 2-year gap between the scheduled decommissioning of the USS *Enterprise* and the availability of a new aircraft carrier. That gap could be longer because of technical difficulties with that carrier's electromagnetic aircraft launch system (EMALS). What is your view of the plan that Secretary Gates announced to permanently change the aircraft carrier force structure to 10 from the current number of 11?

Mr. MABUS. The Navy is currently committed to an 11 carrier force structure for the next several decades, and this commitment was supported by Secretary Gates during his April budget announcement. However, as you have pointed out, the Navy requires temporary legislation to operate with 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) in November 2012 and the delivery of *Gerald R. Ford* (CVN 78) in September 2015. Navy assesses it can meet operational commitments during this approximately 33-month gap by adjusting both carrier and air wing maintenance and operational schedules. The carrier force structure, along with the entire battleforce, is being considered in the QDR. EMALS development is currently on track to meet the planned delivery of CVN 78 in September 2015.

26. Senator McCAIN. Governor Mabus, in your view, should DOD retire another aircraft carrier when the USS *Gerald R. Ford* is delivered to keep the carrier force structure at 10 carriers?

Mr. MABUS. The Navy has no current plans to retire an aircraft carrier upon delivery of USS *Gerald R. Ford* (CVN 78). The Navy is currently committed to an 11 carrier force structure for the next several decades, and this commitment was supported by Secretary Gates during his April budget announcement. However, as you have pointed out, the Navy requires temporary legislation to operate with 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) in November 2012 and the delivery of *Gerald R. Ford* (CVN 78) in September 2015. Navy assesses it can meet operational commitments during this approximately 33-month gap by adjusting both carrier and air wing maintenance and operational schedules. The carrier force structure, along with the entire battleforce, is being considered in the QDR.

27. Senator McCAIN. Governor Mabus, do you believe that the requirements of the combatant commanders for an aircraft carrier presence be met with only 10 operational aircraft carriers?

Mr. MABUS. The Navy can sustain current combatant command (COCOM) demand for carrier presence with 10 operational aircraft carriers for a relatively short and defined period of time with moderate risks by leveraging the inherent flexibility of the Fleet Response Plan. Navy will continue to evaluate projected COCOM demand and use the QDR and other strategic planning processes to match carrier force structure to projected demand; this requirement will be based on fiscal and operational risk.

SUBMARINE STRATEGIC WEAPONS PROGRAMS COST REIMBURSABLE CONTRACTS

28. Senator MCCAIN. Governor Mabus, for over 30 years the Navy has manufactured and sustained its Trident submarine and other related weapon systems under a cost-reimbursable contract. This is unacceptable to me. After a 30-year procurement history, costs and design are (or should be) stable and enough is (or should be) known, about technology risk associated with those programs so that the Navy should be contracting here on a fixed-price—not cost-reimbursable—basis. However, the Navy's Strategic Weapons Programs (SSP), which manufactures and sustains logistical support for nuclear submarines, continues to award—inappropriately, in my view—multi-hundred million-dollar cost-plus contracts for, among other things, the production of the D–5 Trident Missile System. Why is there this anomaly with the Navy's submarine programs?

Mr. MABUS. As the Fleet Ballistic Missile Program has matured over the last four decades, SSP has developed and implemented an acquisition strategy that maintains a primary focus on safety and reliability, while managing cost risk at or below budget. Because of the strategic importance of the system, any deviation from this successful acquisition strategy could engender unnecessary unintended consequences, and jeopardize the safety and reliability of the weapon. At inception, during concept formulation and advanced development, Cost Plus Fixed Fee contracts were used, placing maximum cost risk on the Government, due to the overall program uncertainty and rapidly changing requirements. As the program matured into full scale development, the contract type moved along a continuum to Cost Plus Incentive Fee with a conservative share ratio of 90/10 or 80/20. Eventually, as the requirements stabilized the share ratio was increased to 70/30 for initial production activities and 50/50 for mature production efforts.

SSP has committed to transition the mature full-rate production effort for TRIDENT II D5 Subsystems to fixed-price contract beginning in fiscal year 2011. We anticipate that this will result in approximately 50 percent of all contracted dollars being fixed price. SSP is developing the transition plan for mature full rate production items including the appropriate contractual and acquisition reviews to support completion by 2011. As always, we will continue to monitor and manage technical risk throughout this transition and make any adjustments that are deemed necessary to ensure we maintain the program's preeminent responsibility for safety and reliability.

29. Senator MCCAIN. Governor Mabus, will you look into this contracting folly and ensure me that the Navy will begin awarding contracts on this submarine program and other SSPs under fixed price-type contracts, where appropriate?

Mr. MABUS. SSP has committed to transition the mature full-rate production effort for TRIDENT II D5 Subsystems to fixed price contract beginning in fiscal year 2011. We anticipate that will result in approximately 50 percent of all contracted dollars being fixed price. SSP is developing the transition plan for mature full rate production items including the appropriate contractual and acquisition reviews to support completion by 2011. As always, we will continue to monitor and manage technical risk throughout this transition and make any adjustments that are deemed necessary to ensure we maintain the program's preeminent responsibility for safety and reliability.

QUESTIONS SUBMITTED BY SENATOR JOHN THUNE

STRATEGIC DISPERSAL OF THE NUCLEAR CARRIER FLEET

30. Senator THUNE. Governor Mabus, the Navy has undergone and completed a Final Environmental Impact Statement. The Secretary of the Navy, in consultation with the Chief of Naval Operations, signed a Record of Decision to develop a second nuclear-carrier homeport on the East Coast on January 14, 2009, and determined that it is in the best national security interest of the Nation to homeport a nuclear powered aircraft carrier at Naval Station Mayport. During your Senate Armed Serv-

ices Committee hearing on April 28, 2009, understanding the sensitivities surrounding this matter, I asked you what you thought of strategically dispersing our carrier fleet on the east coast and whether or not you agreed with the Navy's requirement to make Mayport nuclear ready and continue the long-term practice of strategic dispersal. At the time, you answered that you understood the issue and that it was to be made part of the QDR but that you did not have enough information to provide an answer as to how you felt about the Navy's requirement. This was the culmination of 2½ years of effort to ensure compliance with environmental regulations as well as strategic needs. What is your view of strategic dispersal?

Mr. MABUS. I have an appreciation of the long history and importance of strategic dispersal for the Navy. I believe that strategic dispersal will play an important role in global posture discussions during the upcoming QDR.

31. Senator THUNE. Governor Mabus, do you understand its importance to the Navy?

Mr. MABUS. I have an appreciation of the long history and importance of strategic dispersal for the Navy. I believe that strategic dispersal will play an important role in global posture discussions during the upcoming QDR.

32. Senator THUNE. Governor Mabus, how do you view this Navy requirement based on the information you have?

Mr. MABUS. I have an appreciation of the long history and importance of strategic dispersal for the Navy. I believe that strategic dispersal will play an important role in global posture discussions during the upcoming QDR.

33. Senator THUNE. Governor Mabus, what weight will you attribute the recommendations of senior uniformed leaders of the Navy?

Mr. MABUS. Our senior uniformed leaders have significant experience and are well respected. If confirmed, I will vigorously seek their opinions on all matters associated with the manning, training and equipping of our Naval Forces.

34. Senator THUNE. Governor Mabus, do you believe it is important to proceed with planning and design of the nuclear maintenance facility at Naval Station Mayport?

Mr. MABUS. It is my understanding that additional decisions beyond the recommended dredging and pier maintenance at NS Mayport will be made during the upcoming QDR. I do not have enough information on the planning and design of a nuclear maintenance facility at NS Mayport to answer this question, but if confirmed, I intend to look at this issue and actively participate in the QDR.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

NAVAL FLEET REQUIREMENTS

35. Senator COLLINS. Governor Mabus, I appreciated the opportunity to discuss with you the impressive contributions that the State of Maine has made to our Navy through the Portsmouth Naval Shipyard (PNSY) in Kittery, Bath Iron Works (BIW) in Bath, and the Brunswick Naval Air Station in Brunswick, as well as several other defense contractors. These contributions from PNSY and BIW depend on a sufficient and steady workload to maintain the skilled workforce critical to preserving the defense industrial base. You have seen first-hand in Mississippi how difficult it is for a shipyard to recover when it loses skilled workers. Could you comment on what actions you will take to ensure a strong industrial base for building surface combatants, constructing, overhauling, and modernizing submarines, and otherwise ensuring that the Navy has a fleet that meets its requirements?

Mr. MABUS. The Department recognizes that low levels of shipbuilding activity introduce challenges and inefficiencies at shipyards. The Navy has developed a long term shipbuilding procurement plan that provides the foundation for future planning within the shipbuilding industry. The Navy continues to work with Congress to enact this strategy and where appropriate, have proposed multiyear procurements which provide further stability and result in cost savings. Reducing volatility, through multiyear procurements and a stable shipbuilding procurement profile, enables industry leaders to make informed decisions regarding current operations, employment, infrastructure, and future capital investments.

BALLISTIC MISSILE THREATS

36. Senator COLLINS. Governor Mabus, ballistic missiles in the hands of rogue states or non-state actors present a serious security threat to this country. North Korea's recent missile launch coupled with Iran's ballistic missile inventory and continued efforts to seek a nuclear capability reinforce the need to maintain a robust and layered missile defense capability. Aegis cruisers and destroyers provide a critical element to that capability from the sea. Secretary Gates has proposed adding missile defense capabilities to six Aegis ships next year, and plans to spend an additional $700 million on the SM–3 missile and other missile defense systems. What do you see as the future role of front-line surface combatants in defending our forces and our Homeland from potential threats posed by ballistic missiles?

Mr. MABUS. Navy cruisers and destroyers are multi-mission platforms which perform a variety of missions, including but not limited to: anti-air, anti-submarine, anti-surface, and Ballistic Missile Defense (BMD). Aegis BMD contributes to homeland defense through long range surveillance and tracking and Aegis BMD-capable ships can conduct both midcourse and terminal engagements of short and medium range ballistic missiles in support of regional and theater defense. While our current fleet has no capability against the longer range intermediate and ICBM threats, the development of future Aegis baselines and Standard Missile (SM–3) will address these capabilities within the next 10 years.

BMD is a core Navy mission directly contributing to our overarching missions of deterrence, power projection and sea control. Today, Navy Aegis BMD capability is currently installed on 18 ships: three guided missile cruisers and 15 guided missile destroyers. Additionally, we are in the process of outfitting three more East Coast ships with BMD capability, increasing our numbers to 21 BMD capable ships. Aegis Modernization plan, beginning in 2012, will over two decades outfit Aegis Destroyers and 15 of 22 Aegis Cruisers with BMD capability providing combatant commanders an in-stride BMD capability with regularly deploying surface combatants.

Maritime ballistic missile defense will enhance deterrence by providing an umbrella of protection to forward-deployed forces, friends and allies, while contributing to the larger architecture planned for defense of the United States. This is particularly important in light of the rapidly evolving and proliferating ballistic and advanced cruise missile threat.

In addition, our partners and allies, principally Japan, have an increasingly important role in theater and regional defense as they gain their own capability. Through cooperative programs and partnerships with our allies, their BMD capable assets will provide an added "layer" of protection against the growing threat of ballistic missiles.

SURFACE SHIP STRUCTURE PLANS

37. Senator COLLINS. Governor Mabus, despite economic recessions, both China and Russia are increasing defense spending in an effort to modernize and transform their militaries. China has indicated its intent to construct its first aircraft carrier, and continues to develop anti-ship missiles and quieter and more capable submarines. Media reports indicate Russia's nearly 26 percent increase in defense spending this year will go toward transforming its military into a more effective fighting force. What are your views on our surface ship structure plan?

Mr. MABUS. The ongoing QDR, NPR, BMD Review, and Space Review currently in progress, will determine the shape of the Navy's future. While the demands placed on the Navy for forces by the combatant commanders and by our Presence, security cooperation and humanitarian assistance missions continue to be significant; we have been largely able to meet these demands with the force we have in commission today. The 313 force construct is both a total inventory of ships and a specific mix of ships in that total and is focused on the threats that were envisioned for the 2020 timeframe.

Since completing the Force Structure Assessment that led to the 313 requirement, myriad changes have been realized in the strategic security environment around the globe. There has been a burgeoning proliferation of advanced cruise missiles, submarine technology is getting ever more difficult to counter and ballistic missile capabilities are becoming more precise and lethal. All of these challenges have required us to continually reassess the capability of the ships we are designing, the capacity of the ships we are procuring and the effectiveness of the ships we have in our current inventory. While there are always improvements that could be made in any of these areas to reduce the overall risk to the force today, as well as in the future, we believe the ships we are buying and those we continue to modernize in our existing inventory are up to the task of meeting the Navy's missions in the foreseeable

future. Should the Security Strategy change or the QDR shift our priorities and responsibilities, any changes required to our plans will be included in our next budget submission and long-range shipbuilding plan.

[The nomination reference of Hon. Raymond E. Mabus, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Raymond Edwin Mabus, Jr., of Mississippi, to be Secretary of the Navy, vice Donald C. Winter.

[The biographical sketch of Raymond E. Mabus, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF RAYMOND E. MABUS, JR.

Ray Mabus is a native of Ackerman, MS, and received a Bachelor's Degree from the University of Mississippi, a Master's Degree from Johns Hopkins University, and a Law Degree from Harvard Law School. He served as Governor of Mississippi (1988–1992), Ambassador to the Kingdom of Saudi Arabia (1994–1996), and as Chairman and Chief Executive Officer (CEO) of Foamex (2006–2007), a large manufacturing company. As the youngest Governor of Mississippi in more than 100 years at the time of his election, Governor Mabus stressed education and job creation. He passed B.E.S.T. (Better Education for Success Tomorrow), one of the most comprehensive education reform programs in America, and was named one of Fortune Magazine's top 10 education governors.

During his tenure as Ambassador, a crisis with Iraq was successfully averted and Saudi Arabia officially abandoned the boycott of United States businesses that trade with Israel. He was chosen CEO of Foamex to help lead the company out of bankruptcy and less than 9 months after his appointment; Foamex successfully emerged from Chapter 11. Governor Mabus has been awarded the U.S. Department of Defense Distinguished Public Service Award, the U.S. Army's Distinguished Civilian Service Award, the Martin Luther King Social Responsibility Award from the King Center in Atlanta, the National Wildlife Federation Conservation Achievement Award, the King Abdul Aziz Award from the Kingdom of Saudi Arabia, and the Mississippi Association of Educators' Friend of Education Award.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate, and certain senior military officers as determined by the committee, to complete a form that details the biographical, financial and other information of the nominee. The form executed by Raymond E. Mabus, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Raymond Edwin Mabus, Jr.

2. **Position to which nominated:**
Secretary of the Navy.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 11, 1948; Starkville, MS.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Lynne Marie Horecky (Maiden Name).

7. **Names and ages of children:**
Elisabeth Hamilton Mabus, 18; Anne Gates Mabus, 16; Kate Elizabeth Musgrove, 8 (stepdaughter).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Ackerman High School, Ackerman, MS, 1962–1966, High School Diploma, 1966.
University of Mississippi, 1966–1969, Bachelor of Arts, 1969.
The Johns Hopkins University, 1969–1970, Master of Arts, 1971.
Harvard Law School, 1972–1976, Juris Doctorate, 1976.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Board Member, Wincup, Inc., Stone Mountain, GA, 01/08–12/08.
Board Member, Hines Horticulture, Chicago, IL, 07/07–01/09.
Board Member, Enersys, Inc., Reading, PA, 08/07–present.
Board Member, (09/00–04/07), Chairman (04/04–04/07), CEO (06/06–04/07), Foamex International, Media, PA.
Board Member, Strategic Partnerships, Alexandria, VA, 05/03–present.
President and Board member, Frontline Global Resources, Alexandria, VA, 04/00–05/03.
Board Member, International Management and Development, Alexandria, VA, 07/96–04/00
Board Member, Fusion Telecommunications, NewYork, NY, 04/99–present
Board Member, Eggs Overnight, Stone Mountain, GA, 06/08–present
Board Member, Citizens International, Alexandria, VA, 07/00–present
Board Member, Thomas Engine, Boulder, CO, 04/04–08/07
Board Member, Kroll, Inc., New York, NY, 10/96–02/05
Board Member, Friede Goldman, Halter, Jackson, MS, 10/96–05/01

Consultant, Sikorsky, Stratford, CT, 03/00–01/02.
Consultant, Raytheon, Waltham, MA, 10/96–01/00.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Law Clerk for John Godbold, U.S. Court of Appeals, 5th Circuit Court, Montgomery, AL (1976–1977).
Legal Counsel, Cotton Subcommittee, House Committee on Agriculture (1977–1978).
Legal Counsel to the Governor of Mississippi (1980–1983).
Mississippi State Auditor General (1984–1988).
Governor of Mississippi (1988–1992).
Ambassador to the Kingdom of Saudi Arabia (1994–1996).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Board Member, Enersys, Inc.
Board Member, Strategic Partnerships.
Board Member, Fusion Telecommunications.
Board Member, Eggs Overnight.
Managing Member, REM Strategies.
Board Member, Citizens International.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Board Member, RAND Center for Middle East Public Policy.
Board Member and Treasurer, AMIDEAST.
Member, Council on Foreign Relations.
Board Member and Founder, Help and Hope Foundation.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Governor of Mississippi
State Auditor of Mississippi

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Senior Advisor, Obama for America.
Foreign Policy Advisor, John Kerry for President.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

John Kerry for President	2004	$2,000.00
Gene McGee Mayoral Campaign	2005	$200.00
Senator Tom Daschle	2004	$1,000.00
Friends to Re-elect Bill Waller, Jr.	2005	$100.00
Florida Victory 2004 Federal Account	2004	$1,000.00
Friends of Harvey Johnson	2005	$400.00
MS Democratic Committee	2007	$75.00
Citizens for McLemore	2005	$100.00
Jessie Banks Campaign	2003	$100.00
Tom Carper for Senate	2004	$200.00
Taylor for One Georgia	2006	$400.00
Chet Culver Committee	2006	$450.00
Jack Carter for Senate	2006	$300.00
Tom Reilly for Massachusetts	2006	$500.00
Hob Bryan Campaign Committee	2003	$100.00
Friends of Bennie Thompson	2008	$900.00
Committee to Re-elect David Chandler	2005	$100.00
Cecil Brown Campaign	2007	$800.00
Deval Patrick Committee	2006	$250.00
Suzanne Saunders for Madison County Judge 2006		$200.00
Steve Wade Senate Campaign	2007	$100.00
Friends of Hiram Eastland	2007	$250.00
MS Democratic Party	2007/8	$1,350.00
Senator Willie Simmons	2007	$250.00
Billy McCoy Campaign	2007	$150.00
Friends of John Horne	2007	$100.00
David Blount for Senate	2007	$1,000.00
Eaves for Governor	2007	$500.00
Mark Pryor for US Senate	2008	$200.00
Obama for America	2007	$2,300.00
VPAC	2007	$500.00
Gary Anderson Campaign Fund	2007	$500.00
Eric Clark Campaign Fund	2003	$100.00
John Ditto for City Council	2005	$100.00
Jamie Franks for Lt. Gov.	2007	$300.00
Friends of Rickey Cole	2007	$150.00

Committee to Re-elect Cono Caranna	2007	$100.00
Eaves Fundraiser (In-Kind)	2007	$1,006.00
Jim Hood for MS Attorney General	2007	$250.00
Rob Smith for Secretary of State	2007	$200.00
Childers for Congress	2008	$350.00
DSCC	2008	$200.00

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Department of Defense Distinguished Public Service Award
Department of the Army Distinguished Civilian Service Award
Martin Luther King, Jr., Social Responsibility Award by the
King Center in Atlanta, GA.
King Abdul Aziz Award, Kingdom of Saudi Arabia
International Security Leadership Award of National Security Council Foundation
Jackson, MS Clarion Ledger, Best Governor of the 20th Century Reader Poll Award
Fortune Magazine "Top Ten Education Governors"

National Wildlife Federation's Conservation Achievement Award
Mississippi Association of Educators' "Friend of Education" Award

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Yale Journal of Biology and Medicine, "Medicine in Mississippi" 1992.
Technological Horizons In Education Journal, "A New Light in Education: Mississippi 2000" 1991.
"Light on the Land: Photographs of the World by Ray Mabus" Blurb Online Publishers 2008.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

RAY MABUS.

This 27th day of April, 2009.

[The nomination of Raymond E. Mabus, Jr., was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

[Prepared questions submitted to Robert O. Work by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience with the Department of Defense (DOD)?

Answer. I believe the act has yielded enormous benefits to DOD such as strengthened joint operational commanders and better military advice to the President. I do not, at this time, see a need for modifications to Goldwater-Nichols. However, if confirmed, my subsequent experience as the Under Secretary of the Navy could potentially suggest further needed changes. Should that be the case, I would identify recommended changes to the Secretary of the Navy.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I am aware of no modifications at this time.

Question. Do you believe that the role of the Service Secretaries under the Goldwater-Nichols legislation is appropriate and the policies and processes in existence allow that role to be fulfilled?

Answer. Yes.

Question. Do you see a need for any change in those roles, with regard to the resource allocation process or otherwise?

Answer. I do not see a need for any changes to the roles of the Service Secretaries at this time. However, if confirmed, my subsequent experience as the Under Secretary of the Navy could potentially suggest further needed changes. Should that be the case, I would identify recommended changes to the Secretary of the Navy.

DUTIES

Question. Section 5015 of title 10, U.S.C., states the Under Secretary of the Navy shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

Assuming you are confirmed, what duties and powers do you expect to be assigned to you?

Answer. The Under Secretary of the Navy performs such duties and exercises such powers as the Secretary of the Navy prescribes. If confirmed, I will review the duties assigned to the Under Secretary in the current SECNAVINST 5430.7P, and discuss them with the Secretary of the Navy. I will then determine the manner in which the Secretary desires me to function. I expect that the Secretary will assign me duties that are consistent with my background and expertise.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Under Secretary of the Navy to the following officials:

The Secretary of the Navy.

Answer. The Under Secretary of the Navy is the deputy and principal assistant to the Secretary of the Navy, and acts with full authority of the Secretary of the Navy in managing the Department of the Navy. The Under Secretary and Secretary of the Navy should have a close, personal relationship based on trust and mutual respect.

Question. The Chief of Naval Operations.

Answer. The Under Secretary deals directly with the CNO in all Departmental leadership meetings and when acting in the Secretary's stead. The Under Secretary of the Navy works most closely with the Vice Chief of Naval Operations. Both of these relationships are very important to the day-to-day running of the Department of the Navy (DON), and should be based on mutual respect, trust, and cooperation.

Question. The Commandant of the Marine Corps.

Answer. The Under Secretary deals directly with the Commandant of the Marine Corps in all Departmental leadership meetings and when acting in the Secretary's stead. The Under Secretary of the Navy works most closely with the Assistant Commandant of the Marine Corps. Both of these relationships are very important to the day-to-day running of the DON, and should be based on mutual respect, trust, and cooperation.

Question. The Assistant Secretaries of the Navy.

Answer. Under any circumstances, the relationship between the Under Secretary and the Assistant Secretaries is a close one. The exact working relationship will be determined by the management style of the Secretary of the Navy, and the duties he delegates to the Under Secretary.

Question. The General Counsel of the Navy.

Answer. If confirmed, the Under Secretary will deal closely with the GC on staff matters on a variety of issues, such as base encroachment and marine mammals.

Question. The Vice Chief of Naval Operations.

Answer. The Under Secretary of the Navy works very closely with the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps. The three ensure the smooth staffing of issues through the Department and Secretariat, work together to ensure a close working relationship between the service staffs, and resolve disagreements. This relationship is very important to the day-to-day running of the DON, and should be based on respect, trust, and cooperation.

Question. The Judge Advocate General of the Navy.

Answer. If confirmed, I believe I will deal with the Navy JAG primarily through the General Counsel.

Question. The Chief Management Officer (CMO) and Deputy Chief Management Officer of the DOD.

Answer. The Under Secretary of the Navy is designated the CMO for the DON. If confirmed, I will deal directly with the Deputy Secretary of Defense (DOD CMO) and the DOD DCMO on the full range of matters dealing with the management of the DOD, and will assist in the development of a comprehensive Departmental transformation plan and business systems architecture, and help to identify and implement potential business process improvements.

Question. The Director of the Navy's Office of Business Transformation.

Answer. The Director of the Navy's Office of Business Transformation is currently designated as the DON DCMO. If confirmed, I would work closely with the DCMO to determine needed changes to Departmental transformation plan, business systems architecture, and to identify needed business process improvements.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Under Secretary of the Navy?

Answer. The Department of the Navy has operated without an Under Secretary of the Navy for over 2 years. If confirmed, one major challenge will be to re-integrate the office of the Under Secretary into the day-to-day activities of the DON, and to provide value added support to the Secretary of the Navy in tackling the challenges discussed below.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, there are an enormous number of challenges facing the DON. First is to help the Secretary of the Navy plan and execute a smooth leadership transition from the outgoing administration to the new one. To that end, I would work closely with the White House, Secretary of Defense and Secretary of the Navy to assemble a top-quality cadre of civilian leaders with the expertise and experience to effectively perform the duties of the key positions that must be filled. The second challenge is to participate in the 2009 Quadrennial Defense Review (QDR) and to ensure that the DON's fiscal year 2011 budget is consistent with the President's, SecDef's, and Secretary of the Navy's priorities, and outlines a program consistent with expected future resource allocations. A third challenge will be to perform an active reform agenda for the management of the DON. If confirmed, I would devote a considerable portion of my time to improve DON processes for strategic planning, program and budget development, and acquisition oversight. Improving the Department's record on cost control and improving its budget and cost forecasts would also be a top priority. Finally, and of utmost importance, I would work to try to make the DON's Safe Harbor and Wounded Warrior Regiment programs the standard for excellence within the DOD.

Question. What do you consider to be the most serious problems in the performance of the functions of the Under Secretary of the Navy?

Answer. The Department of the Navy has operated without an Under Secretary of the Navy for over 2 years. If confirmed, it will take some time to reassert the duties and responsibilities of the Under Secretary.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, my first priority would be to set up a well run office of the Under Secretary and to establish new staffing procedures. If confirmed, this should be done within the first 30 days of assuming the position. All other actions, priorities, and established timelines would be developed after close consultation with the incoming Secretary of the Navy.

PRIORITIES

Question. If confirmed, what broad priorities will you establish?

Answer. If confirmed, I will support the Secretary of the Navy in his efforts to articulate the challenges the Department must address to meet the principle objectives Secretary Gates has articulated:

- "Reaffirm our commitment to All-Volunteer Force"
- "Rebalance programs in order to institutionalize and enhance our capabilities to fight the wars we are in today and the scenarios we are most likely to face in the years ahead, while at the same time providing a hedge against other risks and contingencies."
- "In order to do all this, we must reform how and what we buy, meaning a fundamental overhaul of our approach to procurement, acquisition and contracting."

If confirmed, I will support the Secretary of the Navy's efforts to initiate or reinforce existing direction aimed at meeting these challenges, including:

- Sustain a cadre of officers and enlisted personnel, and supporting civil service that is technically competent and culturally adept. Maintain a capable and diverse workforce.
- Focus appropriate resources in support of the current fight, readiness, homeland defense, etc.
- Develop a portfolio of capabilities to cover all realistic scenarios to fight and win our Nation's wars which includes a blend of capabilities in Cooperative Security, Irregular Warfare and Conventional Warfare.
- Establish and maintain a long-term shipbuilding program that is achievable, affordable, and responsive to the needs of the Nation.
- Reaffirm the ethical basis of the naval institution; ensure the highest standards of conduct that exemplify the Department's core values of honor, courage, and commitment.
- Firmly embrace my role as CMO to align and improve business processes to enable the most effective and efficient delivery of all missions and capabilities.

DUTIES AND RESPONSIBILITIES AS CHIEF MANAGEMENT OFFICER

Question. Section 904 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 designates the Under Secretary of the Navy as the Navy's CMO. Section 908 of the NDAA for Fiscal Year 2009 requires the CMO of each of the military departments to carry out a comprehensive business transformation initiative, with the support of a new Business Transformation Office.

What is your understanding of the duties and responsibilities of the Under Secretary in his capacity as CMO of the Department of the Navy?

Answer. If confirmed, my most important duty as DON CMO will be to ensure that the DON has a pragmatic and well thought-out comprehensive business transformation plan with measureable performance goals and objectives. In addition, I will work to develop a well-defined enterprise-wide business systems architecture and transition plan. In this regard, I would work with the DCMO to:

- Transform the budget, finance, accounting, and human resource operations of the DON consistent with the DON business transformation plan
- Eliminate or replace financial management systems that are inconsistent with the business systems architecture and transition plans
- Monitor the implementation of both the business transformation plan and business systems architecture.

Question. What background and expertise do you possess that you believe qualify you to perform these duties and responsibilities?

Answer. The Under/CMO must have a thorough knowledge of the Department of the Navy; understand and respect the cultures of the Navy and Marine Corps as well as the DON's civilian civil service force; understand the way programs and budgets are developed; and be a strong leader and manager. During my 27 year career in the Marine Corps, I served in a variety of command and staff positions where I honed my own leadership and management skills. During the last 5 years of active service, first as the Director of the Marine Corps Strategic Initiatives Group and later as Senior Aide and Military Assistant to the Secretary of the Navy, I developed a thorough understanding of the Department, its two services and civilian workforce, and the programming and budgeting process, as well as a working understanding of the Department's core business processes. After retiring, I studied the Department carefully, focusing on shipbuilding and acquisition programs. I therefore believe that my background provides a solid foundation for the position as CMO. However, I also recognize that the job of CMO encompasses a very diverse set of responsibilities and challenges. So I accept that I have much to learn, and will rely heavily on the knowledge and advice of military personnel and civilian experts in the Departments of Defense and Navy.

Question. Do you believe that the CMO and the Business Transformation Office have the resources and authority needed to carry out the business transformation of the Department of the Navy?

Answer. My understanding is that absent an Under Secretary, the DON assigned the CMO duties to the Assistant Secretary of the Navy for Financial Management/Comptroller and established an Office of Business Transformation headed by a civilian highly qualified expert. If confirmed, I will assume duties as the CMO and review all of the DON's efforts associated with the CMO/DCMO since the NDAA for Fiscal Year 2008. I will place a high priority on determining whether or not the CMO/DCMO efforts have the requisite authorities and required resources needed to implement the intent of the legislation. If I find the resources and authorities to be insufficient, I will work to correct the problem.

Question. What role do you believe the CMO and the Business Transformation Office should play in the planning, development, and implementation of specific business systems by the military departments?

Answer. If confirmed, I will work with the DCMO/Director, Business Transformation Office to ensure the development of a well-defined enterprise-wide business systems architecture and a business transformation plan that provides accurate performance measures and goals to improve the core business operations in the DON.

Question. What changes, if any, would you recommend to the statutory provisions establishing the position of CMO and creating the Business Transformation Office?

Answer. I do not have the data to make any recommended changes to the associated statutory provisions at this time.

Question. Section 2222 of title 10, U.S.C., requires that the Secretary of Defense develop a comprehensive business enterprise architecture and transition plan to guide the development of its business systems and processes. The Department has chosen to implement the requirement for an enterprise architecture and transition plan through a "federated" approach in which the Business Transformation Agency has developed the top level architecture while leaving it to the military departments to fill in most of the detail. The Navy's business systems, like those of the other military departments, remain incapable of providing timely, reliable financial data to support management decisions. In particular, the Government Accountability Office has reported that the Navy has not yet followed DOD's lead in establishing new governance structures to address business transformation; has not yet developed comprehensive enterprise architecture and transition plan that plug into DOD's federated architecture in a manner that meets statutory requirements; and instead continues to rely upon old, stovepiped structures to implement piecemeal reforms.

If confirmed, what steps, if any, would you take to ensure that the Navy develops the business systems and processes it needs to appropriately manage funds in the best interest of the taxpayer and the national defense?

Answer. If confirmed as the Under Secretary, I will take my responsibilities as the DON's CMO very seriously, and work every day to give the Secretary of Defense, Secretary of the Navy, Congress, and American people the highest return on their investment in their Navy and Marine Corps. After ascertaining the state of the DON's business transformation efforts, I will evaluate and consider the GAO findings and recommendations and work to make the changes necessary to develop the very best business systems and processes needed to appropriately manage Departmental funds.

Question. Do you believe that a comprehensive, integrated, enterprise-wide architecture and transition plan is essential to the successful transformation of the Navy's business systems?

Answer. Absolutely.

Question. What steps would you take, if confirmed, to ensure that the Navy's enterprise architecture and transition plan meet the requirements of section 2222?

Answer. If confirmed, I will work with the DCMO and the DON Business Transformation Council to review systems investment plans and develop appropriate measures of effectiveness based on section 2222.

Question. What are your views on the importance and role of timely and accurate financial and business information in managing operations and holding managers accountable?

Answer. Accurate and timely management information, to include financial information is the fundamental requirement for ensuring both proper stewardship and the best application of taxpayer dollars. I understand that the DON Financial Improvement program is already pursuing this goal as part of the broader DOD initiative. This effort is a central element of the DON business transformation strategy.

Question. How would you address a situation in which you found that reliable, useful, and timely financial and business information was not routinely available for these purposes?

Answer. If confirmed, I would demand that those responsible for providing this information provide it. If they lacked the systems needed to generate the information, I would work to get them the systems needed to produce the data. If they still proved incapable of providing timely and useful information, I would replace them, and seek someone able to generate the information.

Question. What role do you envision playing, if confirmed, in managing or providing oversight over the improvement of the financial and business information available to Navy managers?

Answer. If confirmed, I will work closely with the Department's Assistant Secretary of the Navy Financial Manager/Comptroller to execute those measures required to improve the quality of financial information used for decisionmaking.

END STRENGTH

Question. What are your views on the appropriate size and mix of the active-Duty Navy and Marine Corps, and their Reserve components?

Answer. If confirmed, I will work with the two Services to generate affordable manpower requirements, and to help them achieve the optimal balance of Active and Reserve end strength, experience, skills, and seniority, for both officers and enlisted.

Question. How does Navy support to the ground forces in the form of individual augmentee missions affect Navy end strength requirements?

Answer. As I understand it, the Navy has worked very hard to develop a coherent and affordable plan for individual augmentees. If confirmed, I intend to review this initiative and how it affects Navy end strength requirements and readiness, for both shore and sea billets.

TRANSFORMATION

Question. If confirmed as the [Under] Secretary of the Navy, you would play an important role in the ongoing process of transforming the Navy and Marine Corps to meet new and emerging threats.

If confirmed, what would your goals be for Navy and Marine Corps transformation?

Answer. If confirmed, I will enter the Department with no preformed goals for Navy and Marine Corps transformation. I will work within the framework of the 2009 QDR to understand the President's, Secretary of Defense's and Secretary of the Navy's future goals for the two Services. I will offer my best judgment and recommendations on the development of these goals. Once the Department's goals are established, I would do my level best to achieve them.

Question. In your opinion, does the Department of the Navy's projected budget have adequate resources identified to implement your transformation goals?

Answer. I have not been briefed in detail on the fiscal year 2010 budget, so I cannot make a judgment as to their adequacy. A key aim for the QDR is to balance departmental goals and resources. If confirmed, I will take part in the QDR process to achieve this balance.

LOW DENSITY/HIGH DEMAND FORCES

Question. If confirmed, how would you address the Department of the Navy's challenge in manning low density/high demand units, ratings, and occupational specialties?

Answer. If confirmed, one of the first questions I will ask is what platforms, units, ratings, and occupational specialties are considered low density/high demand. I will then review the plans to develop or grow the platforms, units, ratings, and occupational specialties so as to limit the deployment demand on equipment and personnel, such as offering targeted bonuses and special incentive pays to the appropriate ratings and specialties. I will ensure that the Services have means by which to monitor dwell time to ensure that units and individuals have adequate time to rest and be with their families, and the implementation of mitigation strategies for high demand/low density units and personnel.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the NDAA for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by the DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees.

What is your view of the NSPS, as currently constituted?

Answer. At this time I am not knowledgeable of all of the details of the NSPS. I am aware that the Department of the Navy has put forth a significant amount of effort to implement NSPS and ensure the civilian workforce is adequately trained and informed.

Question. If confirmed, how will you evaluate its success or failure to meet its goals?

Answer. If confirmed, I will determine NSPS goals; identify existing plans to achieve them; and judge their adequacy. I will direct adjustments to plans, as necessary, and will monitor the Department's subsequent implementation of revised plans.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. At this time I am not aware of the specifics of the NSPS pay-for-performance program. However, in order to recruit, motivate, and retain quality civilian personnel, it is essential to ensure that they are appropriately compensated for their performance.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. Expedited hiring authority is an exceptional tool in the recruiting process. If confirmed, I would consider expedited hiring authority for critical positions.

Question. In your view, is it viable in the long run for the DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. At this time, I am not aware of how NSPS works with the GS system. If confirmed, I will review the differences between the two systems and work for the greatest degree of standardization possible.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. I have no specific legislative changes to propose at this time.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. I have no specific regulatory changes to propose at this time.

NAVY AND MARINE CORPS RECRUITING AND RETENTION

Question. The retention of quality sailors and marines, officer and enlisted, Active-Duty and Reserve, is vital to the Department of the Navy.

How would you evaluate the status of the Navy and Marine Corps in successfully recruiting and retaining high caliber personnel?

Answer. Recruiting and retention in both the Navy and Marine Corps appear to be strong. As I understand it, the Navy and Marine Corps are currently meeting or exceeding enlisted and officer recruiting goals across both the active and Reserve components, while exceeding DOD quality standards in all recruit categories. In addition, there has been increased retention and lower attrition across the force.

How would you evaluate the recruiting and retention of uniformed and civilian health care professionals?

Answer. I have not been briefed on this issue. If confirmed, I will look into it.

Question. What initiatives would you take, if confirmed, to further improve Navy and Marine Corps recruiting and retention, in both the active and Reserve components, including health care professionals?

Answer. I have not been briefed on the initiatives in place, or their effectiveness. However, if confirmed, I would explore and argue for "best in class" programs and policies to attract and retain high quality people. This might include targeted bonuses and special incentive pays for critical skills in the medical field.

DEFENSE INTEGRATED MANPOWER HUMAN RESOURCES SYSTEM

Question. The Defense Integrated Manpower Human Resources System (DIMHRS) is a single integrated human resources pay and personnel system for all the armed services and the Defense Finance and Accounting System, and is intended to replace many of the systems currently used to perform personnel management and pay functions. DIMHRS, which has been under development for several years, has come under criticism for cost growth, delays in implementation, and not meeting the expectations of each Service.

What are your views of the need for completion of implementation of DIMHRS and what specific benefits, if any, would the Department of the Navy derive from this system?

Answer. I have not had an opportunity to learn about the DIMHRS system in depth. If confirmed, I will evaluate the system and work with the Secretary of the Navy and DOD leadership to ensure that our personnel system is compatible with DOD approved systems and is fully supportive of our sailors and marines.

DELIVERY OF LEGAL SERVICES

Question. What is your understanding of the respective roles of the General Counsel and Judge Advocate General of the Navy in providing the Secretary of the Navy with legal advice?

Answer. Both the Judge Advocate General and the Staff Judge Advocate to the Commandant perform functions in their respective organizations that are essential to the proper operation of their Service and the Department as a whole. The Judge Advocate General and Staff Judge Advocate to the Commandant work closely with the Navy General Counsel. Their unique expertise and independent judgment and

advice complement that of the General Counsel and offer the necessary blend of legal advice to the civilian and military leadership.

Question. What are your views about the responsibility of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to provide independent legal advice to the Chief of Naval Operations and the Commandant of the Marine Corps, respectively?

Answer. It is critical that the CNO and the CMC receive independent legal advice from the senior uniformed judge advocates.

Question. What are your views about the responsibility of staff judge advocates within the Navy and Marine Corps to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Answer. Uniformed staff judge advocates, assigned worldwide and through the chain of command are essential to the proper functioning of the operational and shore-based Navy and Marine Corps. Navy and Marine Corps commanders depend extensively on their staff judge advocates for their unique expertise that combines legal acumen with the well-schooled understanding of military operations and requirements.

NAVY JUDGE ADVOCATE GENERAL CORPS

Question. The Center for Naval Analyses (CNA) recently completed a study of manpower requirements for the Navy in which it concluded that the Navy's Judge Advocate General Corps was significantly under strength for its mission, including combat service support of Marine Corps' units and Task Force 134 in Iraq.

What is your understanding of the CNA study's findings with respect to manpower in the Navy JAG Corps?

Answer. I am not familiar with the CNA study. If confirmed, I will review this report and consider its recommendations.

Question. What is your understanding of the sufficiency of the number of active-duty judge advocates in the Marine Corps to provide legal support for all the Marine Corps' missions?

Answer. At this time, I am not aware of the overall manpower needs of the legal community within the Navy or Marine Corps. If confirmed, I will evaluate this issue.

Question. If confirmed, will you review the judge advocate manning within the Navy and Marine Corps and determine whether current active-duty strengths are adequate?

Answer. Yes.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your evaluation of the progress to date made by the Navy and Marine Corps in preventing and responding adequately to incidents of sexual assault?

Answer. I am aware that the Navy and Marine Corps have undertaken several important measures to address the prevention and response to sexual assaults. I have not had an opportunity to fully review these programs. However, as a former Marine commander, I know these programs are critically important. If confirmed, they will receive my sustained attention.

Question. What problems do you foresee, if any, in implementing current policies with respect to confidential, restricted reporting of sexual assaults by sailors and marines?

Answer. At this time, I am not aware of any problems in implementing current sexual assault reporting programs. If confirmed, I will evaluate policy implementation as part of a Departmental review of sexual assault prevention and response programs.

Question. If confirmed, what actions do you plan to take to ensure that senior civilian leaders of the Department of the Navy have ongoing visibility into incidents of sexual assault and the effectiveness of policies aimed at preventing and responding appropriately to such incidents?

Answer. If confirmed, I will evaluate the current reporting and response policies and systems accessible to senior civilian leaders in the Department to determine whether any modifications would be appropriate.

PREVENTING SEXUAL HARASSMENT AND VIOLENCE

Question. The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies reported that "Historically, sexual harassment and sexual assault have been inadequately addressed at both Academies [United States Military Academy and United States Naval Academy]. Harassment is the more

prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare military officers. Much of the solution to preventing this behavior rests with cadets and midshipmen themselves."

If confirmed, what actions would you take to encourage not only midshipmen but also all sailors and marines to step up to their responsibility to create a culture where sexual harassment and sexual assault are not tolerated?

Answer. Sexual harassment and assault cannot be tolerated. If confirmed, I will evaluate the current culture along with reporting and response policies to determine whether or not modifications would be appropriate.

PERSONNEL AND HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nation-wide, is escalating rapidly. Similarly, the cost of personnel as a key component of the Services' budgets has risen significantly in recent years.

If confirmed, how would you approach the issue of rising health care and personnel costs?

Answer. Costs associated with personnel are by far the largest part of the Department's budget. A key priority is to operate as efficiently and effectively as possible with respect to utilization of personnel. The military and civilian force structure must be right sized for the mission but not any larger than necessary. As stewards of the taxpayer's money, the Department needs to utilize the fiscal resources it dedicates for personnel in the optimum manner. A key part of this thought process is to ensure that the Department apportions that part of the budget devoted to personnel on those benefits that deliver the best value to naval personnel. Medical is just one piece of the overall benefit package.

If confirmed, I will seek new options and approaches to address the rising cost of health care and other personnel costs and work with the Secretary of Defense, Secretary of the Navy, and Congress to address this critical matter, while ensuring that our sailors and marines have access to the quality health care they deserve.

QUALITY OF LIFE PROGRAMS

Question. If confirmed, what priorities would you establish to ensure that military quality of life programs are sustained and improved for Navy and Marine Corps members and their families?

What challenges do you foresee in sustaining quality of life programs, and are there new initiatives that you would undertake, if confirmed, to ensure the availability of high quality services, including child care, education, and recreational opportunities, for sailors and marines and their families?

Answer. Navy and Marine Corps personnel of all ranks deserve high quality family programs. Family health is as important a component of personnel readiness as the personal health of sailors and marines. Quality of life programs enable the Department of the Navy to compete in the job market to attract and recruit bright, talented young people. Those same high quality programs are essential to provide the level of personal and job satisfaction that allows the Department to retain our best and brightest Sailors and Marines. If confirmed, I will work with the Office of the Secretary of Defense (OSD), the Secretary of the Navy, Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Navy and Marine Corps leaders to ensure we are focused on the quality of life programs that meet the needs of all naval personnel.

FAMILY SUPPORT

Question. What do you consider to be the most important family readiness issues in the Navy and Marine Corps, and, if confirmed, what role would you play to ensure that family readiness needs are addressed and adequately resourced?

Answer. As a former dependent of an active duty marine, and later a husband and father in an active duty military family, I have a keen appreciation for the importance of family readiness programs and issues. I consider all family readiness issues to be important. If confirmed, I will take a close personal interest in Navy and Marine Corps family readiness programs, and will strive to meet all family readiness needs throughout the Navy-Marine Corps team.

Question. If confirmed, how would you address these family readiness needs in light of global rebasing, BRAC, deployments, and the recent growth in the active-duty end strength of the Marine Corps?

Answer. I do not have the detailed information needed to answer this question. If confirmed, I intend to closely follow all rebasing, BRAC, and manpower and family readiness issues, and take the actions necessary to provide Navy and Marine families with the best support possible.

Question. If confirmed, how would you ensure support to Reserve component families related to mobilization, deployment and family readiness, as well as active duty families who do not reside near a military installation?

Answer. If confirmed, I intend to work with the Secretary of the Navy to maintain focus and commitment to the quality of life needs of all Navy personnel, regardless of where they live.

SUICIDE PREVENTION

Question. Effective measures to prevent suicides remain a high priority. The suicide rates in both the Navy and Marine Corps have increased over the past 2 years.

What initiatives would you take, if confirmed, to improve the Navy and Marine Corps Suicide Prevention Programs? If confirmed, how would you seek to reduce stigma associated with seeking personal counseling and eliminate policies and procedures that may inadvertently prevent sailors and marines from seeking professional help for emotional or mental health problems?

Answer. Over a 27-year career in the Marine Corps, I had to personally deal with two suicides. Both were devastating for the family of the servicemember who committed the act, as well as the servicemember's parent unit. I am therefore deeply concerned about the incidents of suicide in the Department. If confirmed, I intend to leverage all tools available to improve the quality and access to suicide prevention programs, to reduce the stigma associated with seeking mental health treatment, and to consider new programs to help families and units deal with the trauma of these devastating acts.

SUPPORT FOR WOUNDED, ILL, AND INJURED SAILORS AND MARINES

Question. Wounded servicemembers from Operations Enduring Freedom and Iraqi Freedom deserve the highest priority from the Navy and Marine Corps for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from active duty if required, and continuing support beyond retirement or discharge.

How do the Navy and Marine Corps provide follow-on assistance to wounded personnel who have separated from active service? How effective are those programs?

Answer. I understand that the Navy has established the Safe Harbor Program and the Marine Corps the Wounded Warrior Regiment. Both extend support to the wounded heroes within the Navy and Marine Corps. Both programs continue to offer support should a servicemember be separated or retire due to medical issues, up through and including reintegration to a community. An annual survey is used to determine the effectiveness of these programs. These surveys help to develop best practices and process improvements to optimize the success of these programs.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Navy's and Marine Corps' support for wounded personnel, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will determine if additional strategies and resources are needed to ensure that wounded sailors and marines and their families are provided with optimum medical care and nonmedical care and support throughout their recovery, rehabilitation, reintegration, and beyond. These men and women deserve no less.

Question. What measures would you take, if confirmed, to facilitate the seamless transition of wounded, ill, and injured sailors and marines from the DOD to the Department of Veterans Affairs (VA)?

Answer. I am not fully familiar with all of the programs that exists, or how they are performing. However, if confirmed, I will work to foster a seamless transition for continuity of service between the DOD and VA systems of care.

Question. Would you propose any changes to the Navy's disability evaluation system?

Answer. The Physical Evaluation Board manages the Department of the Navy's disability evaluation system. If confirmed, I intend to review the evaluation and separation process to ensure it is fair, thorough and regimented for all servicemembers.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals in DOD, reports of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently received. Whistleblowers and

victims of such abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department?

Answer. Individuals should be held accountable for abuses of their position and authority, regardless of their position in the Department's hierarchy. Senior leaders must be held accountable through the use of prompt and thorough investigation of complaints, as well as prompt and appropriate treatment for offenders. If confirmed, I will work with the Secretary of the Navy to enforce the highest ethical and professional standards with the Department of the Navy.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Navy and Marine Corps are held accountable for their actions and performance?

Answer. Individuals should be held accountable for abuses of their rank and authority, regardless of their position in their Service's hierarchy. Senior leaders must be held accountable through the use of prompt and thorough investigation of complaints, as well as prompt and appropriate treatment for offenders. If confirmed, I will work with the Secretary of the Navy to enforce the highest ethical and professional standards within the leadership ranks of the Navy and Marine Corps.

NAVY SUPPORT TO GROUND FORCES

Question. The Navy has been challenged to find new ways of supporting the Army and Marine Corps in Iraq and Afghanistan by taking on nontraditional support functions.

In your view, what are the kinds of nontraditional support the Navy feasibly can provide, and what additional missions, if any, should the Navy be assigned in the global war on terrorism? Given that these are nontraditional roles for Navy personnel, what additional training and equipment have been provided, or, in your view, need to be provided?

Answer. The U.S. Navy is fully committed to the fight against al Qaeda and its extremist allies. Right now, the Navy has over 14,000 officers and sailors on the ground in the Central Command's Area of Responsibility—more than they have afloat in the region. Some are performing their traditional jobs, like Seabees and Explosive Ordnance Disposal Technicians. Others are performing nonstandard roles, such as commanding Provincial Reconstruction Teams in Afghanistan. It is vitally important that the Department do everything in its power to ensure that those servicemembers who are performing nontraditional roles receive the training needed to accomplish their assigned tasks. If confirmed, I will work closely with the Secretary of the Navy to ensure that this training is taking place.

Question. What procedures are in place for the Navy to assess the potentially adverse operational effect on organizations from which individual augmentees are drawn? If you do not believe these procedures are adequate, what should be done to strengthen them?

Answer. As I understand it, the Navy has had to reduce readiness both at sea and ashore to provide the numbers of Individual Augmentees now requested by the Central Command. If confirmed, one of my top priorities will be to understand fully the entire Individual Augmentation process, and to work with the Secretary to minimize its impact on fleet-wide readiness, while ensuring that the Navy continues to support current operations wherever it is needed.

TACTICAL AVIATION

Question. Several years ago, the Navy and Marine Corps began to integrate their tactical aviation units.

What is your assessment of this initiative?

Answer. Execution of Tactical Air (TACAIR) Integration has been challenged by the impact of Operation Iraqi Freedom and Operation Enduring Freedom requirements and the surge requirements of the Navy's Fleet Response Plan that has resulted in what some consider to be a present shortfall in Navy carrier air wing force structure. However, it is my understanding that for the immediate future, Navy and Marine Corps will continue to meet all of their TACAIR operational commitments, enhanced by tightly integrated carrier air wings and Marine air-ground task forces. If confirmed, I intend to review this initiative and its ability to optimize the use of our Nation's naval tactical aviation assets.

Question. The Department of the Navy is facing a potential shortfall of strike fighter aircraft in the next decade even if the Navy continues to buy F/A–18E/F air-

craft and F–35 Joint Strike Fighter aircraft at the rate projected in last year's budget.

What is your assessment of this situation and what actions should the Department of the Navy take to address this potential shortfall?

Answer. I have not had an opportunity to review any detailed analysis associated with it. Accordingly, I am unable to provide a meaningful assessment of the situation at this time. If confirmed, I intend to review the overall strike fighter issue in detail as part of the 2009 QDR, and the strategies now in place to mitigate any shortfall. I intend to work with the Secretary of the Navy, the Secretary of Defense and Congress to achieve the best resolution for the Department.

Question. What is your understanding of whether the Navy will continue to operate the 10 carrier air wings that supported the fleet of 11 aircraft carriers, or whether the air wing force structure will be modified to reflect a planned reduction to a permanent level of 10 aircraft carriers?

Answer. Under current law, the Navy must maintain a force of 11 active carriers. The Secretary of Defense's recent fiscal year 2010 budget roll-out indicated that the carrier force would fall to 10 carriers in 2040, the result of moving to a build rate of 1 carrier every 5 years. As I understand it, the Navy is seeking a legislative waiver to allow it to temporarily reduce the carrier force to 10 carriers for a period of not less than 33 months, the period of time between the planned retirement of the USS *Enterprise*, CVN–65, and the planned commission of the USS *Gerald R. Ford*, CVN–68. I am not aware of plans to reduce air wing force structure although I would expect this issue, like all force structure issues, would be reviewed by the QDR. If confirmed, I intend to follow this review carefully.

Question. What is your assessment of the current risk to the F–35 Joint Strike Fighter (JSF) Program schedule during its system development and demonstration phase?

Answer. Although I know the Navy and Marine Corps are both fully committed to the Joint Strike Fighter program, I have yet to have the opportunity to be briefed on the current status of the JSF program. I am therefore unable to offer any program risk assessment.

Question. Alternatives for maintaining sufficient strike assets if there are new schedule difficulties with the JSF program are limited. It appears that the Department of the Navy's options for extending the service life of existing F/A–18 aircraft are limited and procurement of additional F/A–18 aircraft beyond those planned last year may be more difficult with the Secretary of Defense's recent announcement of a reduction of nine F/A–18 aircraft from the number originally planned for the fiscal year 2010 program.

What other potential alternatives do you see for maintaining sufficient strike assets if there were any additional slippage in the initial operating capability date for the F–35 Joint Strike Fighter?

Answer. If confirmed, I intend to fully review the Department's tactical aviation requirements and plans. I will work to identify all reasonable and affordable alternatives, if necessary, for maintaining Department-wide tactical aviation and strike capability during the transition to the Joint Strike Fighter program.

SHIPBUILDING PLAN

Question. The Navy annually submits a 30-year shipbuilding plan. The last shipbuilding plan included very optimistic assumptions about unit costs of ships and excluded any funding for a replacement for the current fleet of Trident ballistic missile submarines.

Do you agree that the 30-year shipbuilding plan should, in fact, reflect realistic cost estimates and include all important shipbuilding efforts for that document to be useful for decisionmakers? What level of funding do you think the Navy will need to execute this plan, and considering competing priorities, do you believe this level of funding is realistic?

Answer. The Navy's shipbuilding plan will be an important item in the 2009 QDR. The output of this activity should be a new 30-year shipbuilding program. If confirmed, I will be able to review the data supporting the plan, and provide an estimate of the level of resources needed to execute the plan. As a general principle, I believe that any Navy plan submitted to Congress should be based on the best estimates available at the time, and fully consistent with expected future resource streams. This is especially true for the Navy's 30-year shipbuilding program, which has a disproportionate impact on DON acquisition plans and industrial base calculations.

Question. To what extent should such commercial shipbuilding best practices, and any others you may be aware of, be incorporated into Navy shipbuilding programs?

Answer. Building warships is significantly more complex than building commercial ships under any circumstances. The differences compound when building warships at low rates of production. However, there are some basic tenets that hold true in all construction processes: smart development of requirements; completing design to the greatest extent possible before construction; building in sequence; and minimizing design changes once construction begins. If confirmed, I will work with OSD, Secretary of the Navy, ASN for Research, Development, and Acquisition, the naval shipbuilding enterprise and industry to identify and implement those best practices and innovations with the greatest potential for producing savings.

AIRCRAFT CARRIERS

Question. The Navy decommissioned the USS *John F. Kennedy* in fiscal year 2006. This decreased the number of aircraft carriers to 11. Additionally, in the fiscal year 2006 budget request, the Navy slipped the delivery of CVN–78 (USS *Gerald R. Ford*) to 2015, creating a 2-year gap between the scheduled decommissioning of the USS *Enterprise* and the availability of a new aircraft carrier. During this period, under the proposed plan, only 10 aircraft carriers would be operational. Recently, there have been reports that delivery of the USS *Gerald R. Ford* could be further delayed because of technical difficulties with the electromagnetic aircraft launch system (EMALS).

What is your view of the plan announced by Secretary Gates to permanently change the aircraft carrier force structure to 10 from the current number of 11?

Answer. I support the Secretary's announced plan to move carriers to 5 year price points. As he stated, this would cause the Navy's aircraft carrier force structure to drop from 11 to 10 after 2040 barring any change to future aircraft carrier production rates. I understand that future aircraft carrier force structure may be reviewed during the QDR. If confirmed, I will work closely with OSD, the Secretary of the Navy, and the Navy to understand the reasons behind Secretary Gates' recent decision, and any further changes that are being contemplated.

Question. Is it Secretary Gates' plan to retire another aircraft carrier when the USS *Gerald R. Ford* delivers to keep the carrier force structure at 10 carriers?

Answer. I am not aware of any such plan. I expect this will be a consideration for the 2009 QDR. I would expect any recommendation to reduce the carrier force permanently to 10 carriers would be discussed fully with Congress.

Question. If not, do you believe that this reduced carrier force structure for a 2-year gap is supported by adequate analysis?

Answer. My understanding is that the Navy has taken a close look at this gap and developed an appropriate mitigation plan. If confirmed, I will work closely with the Secretary of the Navy to ensure that sufficient carrier assets exist to support operational needs.

Question. How would the aircraft carrier presence requirements of combatant commanders be met with only 10 operational aircraft carriers, particularly if the 10 carrier force structure is made permanent?

Answer. I have not yet been briefed on specific combatant commander requirements for aircraft carrier availability, or how these requirements might be met with a temporary 10-carrier force. If confirmed, I will review this matter.

SURFACE COMBATANTS

Question. Until fiscal year 2009, the Future Years Defense Program had plans for buying DDG–1000 destroyers until the Navy was ready to begin procurement of a new missile defense cruiser, CG(X). During budget deliberations last year, Navy leadership announced that the Navy wanted to cancel the DDG–1000 program after building only two ships and re-start the DDG–51 production line. Ultimately, the Secretary of Defense decided not to cancel the third DDG–1000 that was requested as part of the fiscal year 2009 budget.

In your judgment, can a credible and capable surface force be sustained at the level of multi-mission surface combatant construction the Navy currently plans, and if so, how?

Answer. Large, multi-mission surface combatants form the heart of the Navy's battle force. Fully 88 of 313 ships in the Navy's current 313-ship battle force are guided missile cruisers and destroyers. Whatever plans the Navy develops for its future fleet will revolve around its ability to build and maintain an affordable surface combatant construction program. I therefore support Secretary Gates' recent fiscal year 2010 budget decisions on large surface combatants. They appear to be made with the goal of developing a more affordable long-term building plan for these type ships. This will be another issue of great importance in the 2009 QDR. If confirmed, I will work with OSD and the Secretary of the Navy to ensure the development of

a credible and capable surface combatant plan that best meets the needs of the Nation and efficiently leverages the shipbuilding industrial base.

Question. Has the Navy produced adequate analysis of the effects of the new shipbuilding plan on the surface combatant industrial base?

Answer. While I have not had an opportunity to review a detailed analysis on the current shipbuilding plan initiative. If confirmed, it would be my goal to ensure that this plan is consistent with both force structure needs and the objective of maintaining a viable industrial base.

Question. In your opinion, how many shipyards capable of building surface combatants does this Nation need?

Answer. This is a difficult question, and one I cannot answer until gaining access to all of the data and information available to the DOD, Department of the Navy, Congress, and industry. However, as Katrina showed, having two yards is a very good hedge against natural or manmade disasters, and provides an important national surge capacity in case of a concerted maritime challenge. If confirmed, I will work with OSD, the Secretary of the Navy, Congress, and industry to determine the appropriate number of shipyards needed to efficiently build our surface combatants.

BALLISTIC MISSILE DEFENSE

Question. Do you regard ballistic missile defense as a core mission of the Navy?

Answer. Yes, defense against ballistic missiles of all ranges should be an important mission for the Navy. If confirmed, I will work to assure that the unique capabilities of the Navy are leveraged to best effect in support of our Nation's ballistic missile defense programs.

Question. Do you support the current division of responsibility in which the Missile Defense Agency (MDA) is responsible for ballistic missile defense research and development and the services are responsible for procurement of ballistic missile defense systems?

Answer. I generally understand that the division of responsibility between the Missile Defense Agency and the services was outlined by OSD, but lack the detailed knowledge to comment on this subject. If confirmed, I would examine this question more carefully.

Question. What steps do you believe the Navy needs to take to ensure that Aegis ships are available to provide radar coverage against potential missile attacks?

Answer. Virtually all Aegis ships can be modified to allow them to track and engage ballistic missiles. The Secretary of Defense announced as part of his fiscal year 2010 budget roll-out that the Navy would provide six more Aegis ships with these modifications. These would be in addition to the 18 ships already modified. At this time, I do not know if the Navy plans to convert more ships into ballistic missile defense ships. If confirmed, I will work to understand the requirements for ballistic missile defense ships and to ensure that the Navy fulfills these requirements.

CRUISE MISSILE DEFENSE

Question. In your view, how serious is the cruise missile threat to the Navy?

Answer. Very serious. Cruise missiles such as the SS–N–27 Sizzler are extremely difficult targets for fleet defenses. Moreover, as the attack on the Israeli corvette Hanit during the 2006 Lebanon War demonstrates, cruise missiles are proliferating even to non-state actors. Anti-ship cruise missiles are an enduring threat to naval forces.

Question. If confirmed, what actions would you take to ensure that the Navy is adequately addressing this threat?

Answer. The Navy's Naval Integrated Fire Control-Counter-air Program (NIFC–CA), which includes such components as the cooperative engagement capability (CEC), E–2D Advanced Hawkeye, and SM–6 extended range active missile is designed to counter advanced cruise missile and air threats. However, I have not had the opportunity to be fully briefed on these programs, and thus am not in a position to opine on the specific steps needed to ensure a robust defense. If confirmed, I will work with the Secretary of the Navy and the Chief of Naval Operations to support the development and fielding of these and other capabilities needed to meet this important mission.

NAVY FORCE STRUCTURE

Question. The Chief of Naval Operations has publicly stated that the Navy has a requirement for 313 ships.

Do you agree with this requirement?

Answer. Since 1993, the stated requirements for the Navy's total ship battle force (TSBF) have fluctuated in a narrow band between 305 and 346 ships, with an aver-

age requirement of 318–319 ships. The current requirement for 313 ships came out of the 2006 QDR. The 2009 QDR will produce its number. If confirmed, I hope to take an active role in helping to determine what this number should be, and to help the Secretary of the Navy ensure the Navy's force structure requirements are fully articulated to OSD and Congress.

Question. How would that goal change by implementing Secretary Gates' plan to reduce aircraft carrier force structure from 11 to 10?

Answer. My understanding of the recommendation specified by Secretary Gates is that the Navy's aircraft carrier force structure could drop from 11 to 10 in the 2040 timeframe. As this change would not take place for 30 years, it would be too early to assess force structure changes that would result from a reduction in aircraft carriers. If confirmed, I will support the Secretary of the Navy in his efforts to determine the required Navy force structure for the future.

SCIENCE AND TECHNOLOGY PROGRAM

Question. Do you believe that the current balance between short- and long-term research is appropriate to meet current and future Department of the Navy needs?

Answer. I have not yet been briefed on the current balance between short-term and long-term research, so cannot comment on it. As a general principal, however, I believe a robust R&D effort is vital to the future health of the Navy and Marine Corps team. If confirmed, I will work with the Secretary of the Navy to maintain a robust Departmental R&D program, and to evaluate our Navy's Science and Technology Program to ensure an appropriate funding and balance.

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Navy and Marine Corps missions?

Answer. I firmly believe that innovative, high payoff research is an integral part of any science and technology investment portfolio. If confirmed, I would work with the Secretary of the Navy and the Department's Science and Technology Corporate Board (Vice Chief of Naval Operations, Assistant Commandant of the Marine Corps, and ASN RD&A) to ensure the Department of the Navy has adequately addressed this critical area. I would also work closely with the Director of DARPA, the Office of Naval Research, industry, and academia to leverage their technology investments.

Question. If confirmed, what guidance would you give to ensure research priorities that will meet the needs of the Navy and Marine Corps in 2020?

Answer. If confirmed, I will provide guidance to ensure that a balanced program of science and technology investment is created.

MILITARY SPACE

Question. Do you believe that the current DOD management structure for space programs sufficiently protects Navy space equities?

Answer. I cannot yet answer this question. However, the Navy and Marine Corps both depend heavily on spaced-based combat support, and I have a keen interest and background in military space systems and operations. If confirmed, I will examine this matter closely.

Question. In your view, how actively should the Navy be engaged in the management of space programs?

Answer. Very actively. Our cadre of naval space experts have long played a critical role in ensuring space systems are appropriately prioritized and realized within both the DOD and the Department of the Navy.

Question. In your view, is the Navy adequately involved in the requirements process for space programs?

Answer. I believe so. I do know DON space experts are involved in the Joint Capabilities and Development System (JCIDS) and the National Security Space acquisition process. However, if confirmed, I will ensure that the Navy is fully involved in the requirements process.

Question. What is the Navy's appropriate long-term role in space systems, other than as a user of space information and products?

Answer. Space has long been and will remain critical to naval warfighting. The DON has been in the forefront of operationalizing space. For example, the DON currently leads the next generation narrowband system acquisition, Mobile User Objective System (MUOS). DON also contributes with joint space S&T/R&D initiatives, Naval Observatory enabling efforts as the provider of precise time and positional data to GPS and other space assets, and direct participation in the National Reconnaissance Office. If confirmed, I will work to make sure the Navy continues its long tradition in developing operational space systems and new applications for space-based combat support.

JOINT OPERATIONS

Question. If confirmed, what recommendations, if any, would you have for improving joint force integration?

Answer. Joint Force Integration is essential for effective warfighting. If confirmed, I will work with the Secretary of the Navy to ensure a continual focus on joint integration as well as the importance of commonality and interoperability across all services to include the Joint Professional Military Education (JPME) nec essary to develop future joint force commanders. I will also work to expand interservice relationships, such as pursuing newAirSea battle doctrine.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military Services underinvest in their facilities compared to private indus try standards. Decades of underinvestment in installations has led to increasing backlogs of facility maintenance needs, substandard living and working conditions, and has made it harder for the Services to take advantage of new technologies that could increase productivity.

Do you believe the Department of the Navy is investing enough in its infrastructure? Please explain.

Answer. I have not had an opportunity to focus on the Navy's overall infrastructure investments. If confirmed, I will work with the Secretary of the Navy to ensure appropriate resources are directed to enhancing existing and future infrastructure projects.

ACQUISITION ISSUES

Question. What are your views regarding the need to reform the process by which the Department of the Navy acquires major weapons systems? If confirmed, what steps would you recommend to improve that process?

Answer. Acquisition reform is a top priority for President Obama and Secretary Gates. I understand the Department of the Navy has already taken significant steps to improve the acquisition process for major weapons systems such as by implementing a new six-gate/two-pass system. If confirmed, I will work to ensure that this six-gate/two-pass system provides adequate oversight and flexibility for DON acquisition efforts, and will work with OSD, the Secretary of the Navy, Congress and industry to pursue continual improvement in the DON acquisition enterprise.

Question. Department-wide, nearly half of the DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance ex pectations on many programs in an effort to hold costs down. Many of those pro grams are being executed by the Department of the Navy.

What steps, if any and if confirmed, would you take to address the out-of-control cost growth on the Department of the Navy's major defense acquisition programs?

Answer. The aforementioned six-gate/two-pass system, has a system to control program cost growth. However, I am not aware of the details of this system, or if it is adequate enough to prevent future cost growth. If confirmed, one of my top priorities will be to review the system and to ensure that the Navy receives any negotiated system, item or service on time and on cost.

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. I agree with Secretary Gates that programs that consistently under perform or are over cost should be immediately eyed for termination. In the coming budget environment, programs that experience critical cost growth under Nunn-McCurdy should be kept only if there is a clear and compelling need for the program, and there are no alternatives readily available. If confirmed, should a program experience a critical Nunn/McCurdy breech, I will work with senior leaders within the Department to thoroughly review and determine if termination or continuation is in the best interest of the warfighter and the taxpayer.

Question. Many experts have acknowledged that the DOD may have gone too far in reducing its acquisition work force, resulting in undermining of its ability to provide needed oversight in the acquisition process. Do you agree with this assessment? If so, what steps do you believe the Department of the Navy should take to address this problem?

Answer. I agree that the Navy cut back its design and acquisition workforce too far, which caused it to lose it "technical authority." As I understand it, the Navy has taken sigmficant steps to increase its acquisition workforce. If confirmed, I will work with senior Navy leadership to identify gaps and needs and allocate the appropriate resources to bridge those gaps. If confirmed, adequate oversight in the acquisition process will be a top priority for me.

Question. Section 852 of the NDAA for Fiscal Year 2008 establishes an Acquisition Workforce Development Fund to provide the resources needed to begin rebuilding the Department's corps of acquisition professionals.

Do you believe that a properly sized workforce of appropriately trained acquisition professionals is essential if the Navy is going to get good value for the expenditure of public resources?

Answer. Yes.

Question. What steps do you expect to take, if confirmed, to ensure that the Navy makes appropriate use of the funds made available pursuant to section 852?

Answer. If confirmed, I will work with senior Departmental leaders to identify the most appropriate usages of these funds by reviewing the needs identified by the warfighter and Navy programs.

Question. Would you agree that shortened tours as program managers can lead to difficulties in Acquisition programs? If so, what steps would you propose to take, if confirmed, to provide for stability in program management?

Answer. Yes. Leadership consistency is a very important part of a program's success. I understand that the Navy is working to provide longer tours for Program Managers. If confirmed, I will review these decisions to ensure we maintain leadership consistency and thereby help ensure success of specific programs.

Question. Major defense acquisition programs in the Department of the Navy and the other military departments continue to be subject to funding and requirements instability. Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems? What steps, if any, do you believe the Navy should take to address funding and requirements stability?

Answer. Instability of any kind can impact a program. I understand that the Navy has implemented the six-gate/two-pass system to provide requirements review to avoid instability in a program. If confirmed, I will work with the senior Navy leaders currently working requirements and funding issues to ensure maximum stability for Navy programs.

Question. The Comptroller General has found that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process. Do you agree with the Comptroller General's assessment? If so, what steps do you believe the Department of the Navy should take to address these problems?

Answer. I understand that unrealistic program costs and schedules, along with unclear requirements can cause delay and costs increases. I am aware of the Navy's six-gate/two-pass system that was implemented to avoid these very issues. If confirmed, my priority will be working matters regarding the Navy's ability to obtain the negotiated for item or service at the cost and date needed.

Question. By some estimates, the DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products. What steps, if any, do you believe the Navy and Marine Corps should take to improve the staffing, training, and management of its acquisition of services? Do you agree that the Navy and Marine Corps should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. The use of service contracts has grown. I understand that the Navy has taken action to ensure more oversight with regard to service contracts. If confirmed, I will work with Navy officials to ensure that there is proper oversight on service contracts and that appropriate training is provided to those individuals providing the oversight.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multiagency contracts. The DOD is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials con-

tracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance. What steps, if any, do you believe the Navy and Marine Corps should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interest of the Department of the Navy?

Answer. If confirmed, I will review the Navy's usage of interagency contracts and will work to ensure appropriate oversight and compliance with DOD requirements.

Question. In the Budget Blueprint that supports the fiscal year 2010 presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage." If confirmed, what steps would you recommend to help ensure that the Department makes good on this commitment?

Answer. I am aware of the Navy's six-gate/two-pass process that was developed to establish set requirements and costs. If confirmed, I will utilize that process to review programs and ensure defined requirements and costs to avoid cost growth and delay.

Question. Recent congressional and DOD initiatives have attempted to reduce technical and performance risks associated with developing and producing major defense acquisition programs, including ships, so as to minimize the need for cost-reimbursable contracts. Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. I believe that the usage of fixed or cost-type contracts must be made on a program-by-program decision. If confirmed, I will work closely with Navy officials to ensure the appropriate contract type is utilized.

Question. Section 811 of the NDAA for Fiscal Year 2008 amended section 2306b of title 10, U.S.C., to ensure that the DOD enters multiyear contracts only in cases where stable design and stable requirements reduce risk, and only in cases where substantial savings are expected. The revised provision requires that data be provided to Congress in a timely manner to enable the congressional defense committees to make informed decisions on such contracts.

Question. What types of programs do you believe are appropriate for the use of multiyear contracts?

Answer. In general, I support multiyear contracts when they make sense, as they help to generate substantial savings. If confirmed, I will work with Navy's acquisition enterprise to identify those programs where multiyear contracts provide the best value for the Department and American taxpayer, and are consistent with other Departmental priorities.

Question. Under what circumstances, if any, do you believe that a multiyear contract should be used for procuring Navy weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes?

Answer. I do not feel ready to offer a definitive opinion on this question. If confirmed, I will work with DOD and Navy acquisition professionals to determine when to use multiyear contracts.

Question. If confirmed, will you ensure that the Navy and the Marine Corps fully comply with the requirements of section 2306b of title 10, U.S.C., as amended by section 811 of the NDAA for Fiscal Year 2008 (Public Law 110–181) with respect to programs that are forwarded for authorization under a multiyear procurement contract?

Answer. Yes.

Question. The statement of managers accompanying section 811 of the NDAA for Fiscal Year 2008 addresses the requirements for buying major defense systems under multiyear contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multiyear contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a Government Accountability Office finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multiyear procurement contract.

If confirmed, under what circumstances, if any, do you anticipate that you would support a multiyear contract with expected savings of less than 10 percent?

Answer. I do not feel ready to offer a definitive opinion on this question. If confirmed, I will work with DOD and Navy acquisition professionals to determine when to use multiyear contracts.

Question. If confirmed, under what circumstances, if any, would you support a multiyear contract for a major system at the end of its production line?

Answer. Again, if confirmed, I would approach this question on a case-by-case basis and rely on the advice of DOD and Navy acquisition professionals to determine when to use multiyear contracts.

Question. What is your understanding of the new requirements regarding the timing of any DOD request for legislative authorization of a multiyear procurement contract for a particular program?

Answer. I have not been briefed on these requirements.

Question. What steps will you take, if confirmed, to ensure that the Navy complies with 10 U.S.C. section 2366a, which requires that the Milestone Decision Authority for a Major Defense Acquisition Plan certify that critical technologies have reached an appropriate level of maturity before Milestone B approval?

Answer. I have not fully reviewed this requirement and am not in the position to provide an opinion. However, if confirmed, I intend to work closely with DOD and Navy acquisition professionals to develop a world-class Navy acquisition enterprise that is fully compliant with associated laws.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics has issued a memorandum directing that the largest DOD acquisition programs undergo competitive prototyping to ensure technological maturity, reduce technical risk, validate designs, cost estimates, evaluate manufacturing processes, and refine requirements.

Do you support that requirement?

Answer. Yes.

Question. What steps will you take, if confirmed, to ensure that the Navy complies with this new requirement?

Answer. If confirmed, I will work closely with DOD and Navy acquisition professionals to develop a world-class Navy acquisition enterprise that is fully compliant with all associated laws and requirements.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. I strongly support accession to the Law of the Sea Convention. Remaining a nonparty undermines our ability to further U.S. national security interests.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. There are many national security advantages to acceding to the Law of the Sea Convention. Joining the Law of the Sea Convention will codify navigational rights, assist in the expansion of the Proliferation Security Initiative, and expand our enforcement authorities under international law.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Navy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR EDWARD M. KENNEDY

SHIPBUILDING PLAN

1. Senator KENNEDY. Mr. Work, I remain concerned about the Navy's long-term shipbuilding plan and overall strategic direction. Despite my repeated requests for information, the Navy has yet to provide Congress sufficient justification in support of the proposal to truncate the DDG–1000 program at three ships and, instead, restart the DDG–51 production line.

It's my understanding that the Navy's desire to shift from DDG–1000s to DDG–51s is based on a belief that DDG–51s can be configured to provide greater capability in ballistic missile defense, advanced anti-ship cruise missile defense, and blue-water antisubmarine warfare. When testifying before the House Armed Services Subcommittee on Seapower on July 31, 2008, Vice Admiral McCullough stated, "Modifying the DDG–1000s to support these missions is unaffordable from the Navy's standpoint." Congress still has not seen the analysis to support this statement.

Accordingly, it's not clear to me that the Navy's path forward makes the most sense. When considering DDG–1000's capabilities, it is my understanding that:

- SM–2 is included in the baseline, and relatively modest research and development would allow the ship to also employ SM–3 and SM–6 missiles in a ballistic missile defense mission;
- The DDG–1000 could be further optimized for the ballistic missile defense mission through combat systems modifications, and by perhaps deleting the Advanced Gun System and replacing it with additional missile tubes;
- The current DDG–1000 radar has more potential for improvement to achieve the capability required to support a more robust ballistic missile defense mission, as compared to the radar on the DDG–51;
- The DDG–1000 Operational Requirements Document already articulates a requirement to provide area air defense capability, and that the advances in capability provided by the dual band radar are well suited to counter the Hezbollah threat often cited;
- The DDG–1000 has an integrated undersea warfare suite that is not only capable of blue water and littoral anti-submarine warfare, but is also capable of in-stride mine avoidance; and
- The DDG–1000 platform has more growth potential for carrying bigger, more capable radars as well as other new sensors and weapons.

It would therefore be helpful if the Navy provided a detailed comparative analysis between the DDG–51 and DDG–1000. I believe this analysis would entail providing complete cost data on a DDG–51, as envisioned by the Navy after restart of the production line, and on a DDG–1000 that has modifications the Navy believes are critical to perform the ballistic missile defense, area-defense anti-air warfare, and bluewater antisubmarine warfare missions driving the Navy's desire to shift between platforms.

Additionally, the Navy has asserted that their plan to restart the DDG–51 line would be budget neutral but, even if that were the case, it is not clear to me that the "budget neutral" plan is neutral when it comes to funding the workload necessary to support the surface combatant industrial base. Therefore, I would like to see how many DDG–51s the Navy plans to procure, budget quality estimates for that plan, what effect that plan would have on the surface combatant industrial base, and any associated termination costs while the Navy waits to begin building the CG(X) in 2017. In past communications with the Navy, I have a suggested format for providing some of the information requested.

Similarly, the path forward to the next generation of surface combatants, the CG(X), is even cloudier than it was last year. The Navy has still not provided:

- Analysis defining the differences in cost and schedule arising from the need to accommodate new sensors and weapons to counter the newly defined future threats, as compared with the cost and schedule of the previous shipbuilding program;
- A technology roadmap for transitioning to the CG(X) missile defense cruiser that replaces the Navy's previously preferred alternative of relying on the DDG–1000 program as the baseline for such a transition; or
- Any joint analysis by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile de-

fense systems beyond those previously programmed in budget requests and the associated Future Years Defense Program.

For any cost comparison of alternative shipbuilding plans, I believe Congress should be provided cost estimates that assume: (1) improvements are made to the dual band radar only as necessary to give the ship capabilities comparable to the radar envisioned for restarted DDG–51s; and (2) improvements are made that would reflect a growth path to greater capability while you are waiting on the CG(X) program.

I look forward to your assistance in obtaining this information so that we may continue this important dialogue on surface combatant production.

Mr. WORK. The current 313-ship battle force target includes 88 "large battle network combatants"—large, multi-mission warships most commonly referred to as guided missile cruisers and destroyers. This number is far higher than any other category of ships in the Navy's battle force. I believe it is imperative that the Navy develop a well thought out and affordable building and maintenance plan for these "workhorses of the fleet."

The questions and arguments posed above are important ones. If confirmed, I hope to examine them in great detail, using all of the collected data in the Department of the Navy. Once I do this, I will be able to give an informed opinion on them to the Secretary of Defense, Secretary of the Navy, and to you and your staff.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

FISCAL YEAR 2010 PRESIDENTIAL BUDGET REQUEST

2. Senator MCCAIN. Mr. Work, on April 6, 2009, Secretary Gates announced how the fiscal year 2010 defense budget request will reshape the priorities of the defense establishment. In so doing, he announced his decision to cut dramatically or cancel various major weapons systems. Are there any aspects of Secretary Gates' plan with which you have any difficulty? Please explain.

Mr. WORK. We fully support Secretary Gates' plan. In this challenging fiscal and budgetary environment, we must look hard at every requirement, every development plan, and every capability. We must also demand performance from the acquisition community and industry. The decisions by Secretary Gates on Navy programs were consistent with these requirements, and very prudent.

In that regard, it is obvious that acquisition processes need reform in some very fundamental ways. Regaining control of acquisition processes is one of the most complex challenges that we will face. We are especially drawn to efforts directed at establishing cost control over out-of-control programs and making better use of independent cost estimates. The recommendations of Secretary Gates are clear statements that past behavior cannot continue.

3. Senator MCCAIN. Mr. Work, what is your view of the aspect of the plan that permanently changes the aircraft carrier force structure to 10 from the current number of 11?

Mr. WORK. The Navy remains committed to a force structure of 11 carriers for the next several decades, a commitment that Secretary Gates' April budget announcement supports. However, the Navy requests a temporary waiver to operate 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) and the commissioning of USS *Gerald R. Ford* (CVN 78). During this 33 months period, the Navy assesses it can meet operational commitments by adjusting operational and maintenance schedules.

4. Senator MCCAIN. Mr. Work, what is your view of the aspect of the plan that commits, to the exclusion of procuring other tactical fighter platforms, to the Joint Strike Fighter (JSF) program in light of the development and technology risk still associated with that program?

Mr. WORK. The Department of the Navy (DON) believes that JSF development and technology risk are manageable. The JSF Program Office is providing program-wide schedule and technology risk analysis in conjunction with periodic Defense Acquisition Board reviews. The timing of these reviews will ensure the analysis is available to support key acquisition milestone decisions and budget discussions.

During the transition to the JSF, the DON is exploring a range of options to meet its continuing strike fighter requirements. These include supporting legacy aircraft; Service Life Extension Program (SLEP)ing some number of F/A–18 A–Ds; and procuring more F/A–18E/F Super Hornets. In this regard, the Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB 2010.

The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's Quadrennial Defense Review (QDR).

5. Senator MCCAIN. Mr. Work, in the budget blueprint that supports the fiscal year 2010 presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage." If confirmed, what steps, if any, would you recommend to help ensure that the Department makes good on this commitment?

Mr. WORK. We fully support the increased emphasis on upfront planning as specified in the 2008 changes made to DOD 5000.2 in the National Defense Authorization Act for Fiscal Year 2008. The defense acquisition process needs improvement in the areas of systems engineering, developmental test and evaluation, technological maturity, and cost estimation, and that changes are needed to strengthen a culture of acquisition excellence in the Department of Defense (DOD). We support the administration's commitment to making trade-offs among cost, schedule, and performance to significantly reduce cost growth in major defense acquisition programs. We will also ensure that requirements are defined and understood and that technologies are mature prior to entering system development, thus reducing risks to both cost and schedule.

ACQUISITION REFORM POLICY

6. Senator MCCAIN. Mr. Work, what are your views regarding the need to reform the process by which the Navy acquires major weapons systems?

Mr. WORK. We support the "Weapons Systems Acquisition Reform Act of 2009." We fully agree with an emphasis on sound cost estimation, systems engineering, and performance assessment upfront to establish a culture of acquisition excellence. These are all guiding principles that underpin our vision as an enterprise committed to getting timely, effective, and affordable solutions to our warfighters. A number of acquisition process changes have recently been initiated that will take some time to evaluate. However, we believe the emphasis on due diligence during both the requirements and technology development stages of any program should improve acquisition performance. We also intend to stress and enforce discipline of all established processes.

7. Senator MCCAIN. Mr. Work, if confirmed, what steps, if any, would you recommend to improve the acquisition process?

Mr. WORK. We are aware of the Department of Navy's two-pass/six-gate acquisition process and will personally review its effectiveness in supporting program execution and oversight. We need to put more emphasis in the acquisition process on solid cost estimation, risk tolerant schedules, and understanding where the technical risks are. We also will insist on realistic plans for mitigating those risks. Moreover, we both recognize and accept that when new technical problems are identified we cannot hold cost and schedule constant. We believe the emphasis on due diligence during both the requirements and technology development stages of any program should improve acquisition performance. We also intend to stress and enforce discipline of all established processes.

In addition, the health of the defense and commercial industrial base are critical to our national security. We will support collaborative efforts between the government and industry in advancing the state-of-the-art in science and technology in both basic and applied research. We will also support technology development in all areas that have potential military utility for the warfighter, to deliver high performance weapons on target, more effectively, efficiently, and at reasonable cost to the taxpayer.

8. Senator MCCAIN. Mr. Work, department-wide, nearly half of the DOD's 95 largest acquisition programs have exceeded the Nunn-McCurdy cost growth standards established in section 2433 of title 10, U.S.C. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down. Many of those programs are being executed by the Navy. What steps, if any and if confirmed, would you take to address the out-of-control cost growth on the Navy's major defense acquisition programs?

Mr. WORK. We believe increased collaboration between industry and Government early in the program formulation stage will ensure there is a realistic balance. We must establish realistic baselines before entering into system development which can only be accomplished with a thorough understanding of warfighting requirements and the maturing of technologies early in the process. Overestimating performance leads us to proceeding with immature technologies while underestimating cost leads us to compressing development efforts. Together these dynamics lead us to taking on more risk, which often leads to cost increases and schedule delays.

We will continue the process initiated last year to rebuild the DON Cost Estimating Enterprise which was based upon an analysis of gaps within the existing structure. This effort culminated with the release of an instruction which reestablished the Naval Center for Cost Analysis, enabled greater insight into the costs of Major Defense Acquisition programs, and focused efforts on rebuilding the Naval System Commands Cost Analysis centers. We will continue this effort to ensure the Department meets increased demands across all cost estimating functions including Earned Value Management, Operating and Support analysis, and greater investment cost rigor in the early life of the Department's acquisition programs. The DON Cost Estimating community is continuing to take steps to rebuild and rebalance the core cost estimating capabilities within the government to better establish realistic cost analysis.

9. Senator MCCAIN. Mr. Work, what principles will guide your thinking on whether to recommend terminating a program that has experienced critical cost growth under Nunn-McCurdy?

Mr. WORK. The principles that will guide our decisions will be the Nunn-McCurdy certifications as modified by the Weapons Systems Acquisition Reform Act of 2009 on whether:

- The root cause of the program's Nunn-McCurdy breach is properly identified, understood, and correctable;
- The program is essential to national security;
- No alternative will provide equal or greater capability at less cost;
- New program or unit cost estimates are reasonable; and
- Management structure for program is adequate to manage and control unit costs.

We will use these certifications to evaluate a program for any significant breach of its baseline and not just if it's a unit cost issue.

10. Senator MCCAIN. Mr. Work, recent congressional and DOD initiatives have attempted to reduce technical and performance risks associated with developing and producing major defense acquisition programs, including ships, so as to minimize the need for cost-reimbursable contracts. Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Mr. WORK. Yes. We are committed to a thorough analysis that ensures the right contract type at the right time that balances risk and ensures best value to the government. We fully support the DOD policy to examine the increased use of fixed-price type contracts in the procurement of major defense acquisition programs.

S.454, THE LEVIN-MCCAIN ACQUISITION REFORM BILL

11. Senator MCCAIN. Mr. Work, recently, Chairman Levin and I sponsored acqui sition reform legislation, titled: "Weapons Systems Acquisition Reform Act of 2009." The legislation recognized that vital to reforming how we buy the biggest and most expensive weapons systems is to start them off right—by emphasizing sound systems engineering so that we can obtain reliable technological readiness assessments and independent cost estimates upfront. The more we understand technology risk early and manage that risk, the less likely that such risk will present themselves later in the acquisition process and blow out costs. What is your assessment of that bill, and did we get anything wrong?

Mr. WORK. We strongly support the spirit and intent of the "Weapons Systems Acquisition Reform Act of 2009". We agree that the defense-acquisition process needs improvement in the areas of systems engineering, developmental test and evaluation, technological maturity, and cost estimation, and that changes are needed to strengthen a culture of acquisition excellence in DOD. The DON is committed to making trade-offs among cost, schedule, and performance to significantly reduce cost growth in major defense acquisition programs. The DON is working closely with DOD to develop a common approach to implementing the requirements. DON is al-

ready involved with acquisition process improvements, such as implementing the two-pass/six-gate governance in 2008, and is committed and working diligently to implement required improvements that will require a longer-term implementation cycle.

TACTICAL AVIATION

12. Senator MCCAIN. Mr. Work, the Navy is facing a potential shortfall of strike fighter aircraft in the next decade even if the Navy continues to buy F/A–18E/F aircraft and F–35 JSF aircraft at the rate projected in last year's budget. What is your assessment of this situation and what actions should the Navy take to address this potential shortfall?

Mr. WORK. The Navy and Marine Corps share a common invento of 623 legacy F/A–18 A–D aircraft. Navy and Marine Corps internate F/A–18 A–C strike fighter squadrons into carrier air wings and Marine air groups under the charter of TACAIR Integration (TAI). There are four considerations to mitigate negative strike fighter inventory trends:

1. Maintain wholeness of the JSF program. Department strike fighter inventory projections are based on the following assumptions: the F–35B will reach IOC in 2012 and F–35C will reach IOC in 2015; and that JSF will deliver at planned quantities/cost. Any program slips, major costs increases, or decreases to planned procurement quantities may exacerbate the DON strike fighter shortfall.

2. Extending the service life of F/A–18 A–D Hornets. Over half of the DON'S Hornets are beyond 6,000 flight hours, towards a currently approved 8,600 flight hour service life. Extending the service life of as many as 300 of these aircraft is an essential element to maintaining available DON strike fighter inventory through transition to JSF. Analysis is ongoing within the Department to refine cost estimates and the process for executing this service life extension.

3. Continued sustainment and support of currently fielded legacy aircraft (AV–8, EA–GB, F/A–18 A–D) through transition to JSF. These aircraft are the bulk of the Department's current TACAIR inventory and require continuous support—including program related engineering and logistics—though the end of transition to JSF, currently envisioned to be out to 2023.

4. Additional investment in F/A–18E/F Block II Super Hornet procurement. In PB 10, F/A–18E/Fs are budgeted for single year procurement in fiscal year 2010. Future procurements are being considered in the 2009 QDR.

The Department will re-assess force structure requirements and inventory investments this summer during the QDR.

13. Senator MCCAIN. Mr. Work, in your view, should the Navy continue to operate the 10 carrier air wings that support the current fleet of 11 aircraft carriers, or should the air wing force structure be modified to reflect a planned reduction to a permanent level of 10 aircraft carriers?

Mr. WORK. The Navy remains committed to a force structure of 11 carriers and 10 air wings for the next several decades. However, between the decommissioning of USS *Enterprise* and the commissioning of USS *Ford,* the Navy requests to temporarily decrease its aircraft carrier fleet from 11 to 10 ships. During this 33 month period, the Navy will continue to require and utilize each of its 10 carrier air wings (CVW) to meet its deployment schedule and to maintain its ability to respond to emergent operational requirements.

14. Senator MCCAIN. Mr. Work, alternatives for maintaining sufficient strike assets are limited if there are new schedule difficulties with the JSF program. It appears that the Navy's options for extending the service life of existing F/A–18 aircraft are limited and procurement of additional F/A–18 aircraft beyond those planned last year may be more difficult with the Secretary of Defense's recent announcement of a reduction of nine F/A–18 aircraft from the number originally planned for the fiscal year 2010 program. What other potential alternatives do you see for maintaining sufficient strike assets if there were any additional slippage in the initial operating capability date for the F–35 JSF?

Mr. WORK. The DON is closely monitoring the JSF program. JSF is currently scheduled for an F–35B IOC of 2012 and an F–35C IOC of 2015. The Department is refining cost estimates and process for extending the service life for as many as 300 legacy F/A–18 A–D aircraft from 8,600 flight hours to 10,000 flight hours

through a service life extension program—service life extension is completely within engineering feasibility for this number of aircraft.

Maintaining JSF wholeness, continued support of legacy aircraft, SLEP of F/A–18 A–D and continued procurement of F/A–18E/F are options being pursued to provide the strike fighter inventory necessary to support the DON's force structure requirements.

The Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB 10. The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's QDR.

15. Senator McCain. Mr. Work, is it a viable solution to consider purchasing additional F/A–18 Super Hornets, the only new strike fighter aircraft in production? If not, how will the Navy expect to solve this shortfall?

Mr. Work. Maintaining JSF wholeness, continued support of legacy aircraft, SLEP of F/A–18 A–D and continued procurement of F/A–18E/F are options to provide the strike fighter inventory necessary to support the DON's force structure requirements. The Navy is procuring F/A–18E/F Super Hornets in fiscal year 2010 via a single year procurement in PB 10. The Department will continue to assess its TACAIR force structure and inventory requirements through this summer's QDR.

F–35 JOINT STRIKE FIGHTER PROGRAM

16. Senator McCain. Mr. Work, the Services are planning on purchasing approximately 2,450 JSFs at a cost of over $300 billion, a sum that reflects a cost growth of nearly 47 percent beyond original 2002 estimates. Recently, the Government Accountability Office issued a report on the JSF program that was critical of its past cost overruns and schedule slips, and predicted that development will cost more and take longer than what has been reported to Congress. In November 2008, a Pentagon Joint Estimating Team reportedly said the JSF program would require an additional 2 years of testing and would need another $15 billion to cover new development costs.

If the F–35 program costs continue to significantly increase and the F–35 development does not go as well as promised—draining resources from other priority programs that are needed by the Navy—what actions would you recommend the Department take to remedy strike-fighter shortfalls and preserve its limited procurement base?

Mr. Work. The DON believes that JSF development and technology risk are manageable. The JSF Team closely monitors all risks and provides program-wide schedule and technology risk analysis in conjunction with periodic Defense Acquisition Board reviews. The timing of these reviews will ensure the analysis is available to support key acquisition milestone decisions and budget discussions.

The Navy and Marine Corps share a common inventory of 623 legacy F/A–18 A–D aircraft. Navy and Marine Corps integrate F/A–18 A–C strike fighter squadrons into carrier air wings and Marine air groups under the charter of TAI. There are four considerations to mitigate negative strike fighter inventory trends:

1. Maintain wholeness of the JSF program. Department strike fighter inventory projections consider that F–35B will IOC in 2012 and F–35C will IOC in 2015, and that JSF will deliver at planned quantities, as a foundation. The Department needs JSF to deliver planned quantities at a delivery rate that supports these planned initial operational capability dates. Any further slips or decreases to planned procurement quantities further exacerbates future DON strike fighter inventory issues.

2. Extending the service life of F/A–18 A–D Hornets. Over half of the DON Hornets are beyond 6,000 flight hours, towards a currently approved 8,600 flight hour service life. Extending the service life of as many as 300 of these aircraft is an essential element to maintaining available DON strike fighter inventory through transition to JSF. Analysis is ongoing within the Department to refine cost estimates and the process for executing this service life extension.

3. Continued sustainment and support of currently fielded legacy aircraft (AV–8, EA–6B, F/A–18 A–D) through transition to JSF. These aircraft are the bulk of the Department's current TACAIR inventory and require continuous support—including program related engineering and logistics—though the end of transition to JSF, currently envisioned to be out to 2023.

4. Additional investment in F/A–18E/F Block II Super Hornet procurement. In PB 10, F/A–18E/F are budgeted for single year procurement in fiscal year 2010.

The DON will continue to guide JSF development and update assessments of costs and scheduled deliveries to the fleet. We will monitor F/A–18 A–D flight hours flown and update cost estimates for needed life extensions and sustainment. Procurement of additional F/A–18E/F Super Hornets will continue to be a viable alternative in the near term. All these factors will be taken into account when the Department determines how best to satisfy the strike fighter force structure needs established in the QDR.

SHIPBUILDING PLAN

17. Senator MCCAIN. Mr. Work, the most recent Navy 30-year shipbuilding plan included arguably over-optimistic assumptions about the unit costs of ships and excluded any funding for a replacement for the current fleet of Trident ballistic missile submarines. Do you agree that the 30-year shipbuilding plan should reflect realistic cost estimates and include all important shipbuilding efforts for that document to be useful for decisionmakers?

Mr. WORK. The 30-year shipbuilding plan, as submitted to Congress, reflects the best estimates for the ships included in the plan. The near-term section of the future plan reflects cost estimates that are predicted, in most cases, on existing production lines for ships either currently being procured or very near the completion of contract negotiations for their procurement. The period covered by about 10–20 years in the future, largely includes what we expect to be the economic conditions that the shipbuilding industry will face and this too is based on our best understanding of the labor rates and material cost escalation that this industry will incur. The period beyond about 20 years, out to the end of the report, is a planning range and the costs included in this part of the report reflect those costs that the Navy believes to be affordable for the ship types that will be procured in the period. Since there are essentially no designs to use as a basis for the cost models, we believe that projecting an affordable cost for these ships is the appropriate metric to use. This introduces discipline in the expectations for what these ships should be able to do since it is unlikely that there would be infinite resources available for their procurement.

A majority of the ships in the 30-year shipbuilding plan have not yet been designed and therefore cost must be based on the best estimate of what the new ship will be including new technology, and appropriate hull size and propulsion system. As more accurate cost estimates are determined in future ship development, the Navy will adjust the average annual investment objective or revisit individual ship and/or force warfighting requirements as appropriate. Navy's goal in producing the shipbuilding plan is always to provide a balanced capability, with acceptable levels of risk that provides stable industry demand at reasonable cost.

In addition to the National Security Strategy, the statutory guidelines required the report to reflect the QDR. The latest QDR is ongoing in parallel with the National Security Strategy work. Also, the Nuclear Posture Review, which has direct bearing on the numbers of strategic ballistic missile submarines, is due for completion incident with submission of the fiscal year 2011 budget. In addition, a Ballistic Missile Defense Review is ongoing and is also due for completion with the fiscal year 2011 budget. These efforts will likely have a substantive impact on the Navy's force structure requirements.

18. Senator MCCAIN. Mr. Work, in your view, what level of funding will the Navy need to execute its 30-year shipbuilding plan, and considering competing priorities, do you believe this level of funding is realistic?

Mr. WORK. As the National Security Strategy is due for release this summer, the Navy considers it prudent to defer its fiscal year 2010 report and submit its next report concurrent with the President's fiscal year 2011 budget.

In addition to the National Security Strategy, the statutory guidelines required the report to reflect the QDR. The latest QDR is ongoing in parallel with the National Security Strategy work. Also, the Nuclear Posture Review, which has direct bearing on the numbers of strategic ballistic missile submarines, is due for completion incident with submission of the fiscal year 2011 budget. In addition, a Ballistic Missile Defense Review is ongoing and is also due for completion with the fiscal year 2011 budget. These efforts will likely have a substantive impact on the Navy's force structure requirements.

The President's budget submission for fiscal year 2010 represents the best overall balance between procurement for future ship and aircraft capability with the resources necessary to meet operational requirements and affordability.

AIRCRAFT CARRIERS

19. Senator MCCAIN. Mr. Work, under his recently announced budget plan, the Secretary of Defense proposed that only 10 aircraft carriers be operational. But, we may need 11: the slip in the delivery of the CVN–78 (USS *Gerald R. Ford*) to 2015 created a 2-year gap between the scheduled decommissioning of the USS *Enterprise* and the availability of a new aircraft carrier. That gap could be longer because of technical difficulties with that carrier's electromagnetic aircraft launch system (EMALS). What is your view of the plan that Secretary Gates announced to permanently change the aircraft carrier force structure to 10 from the current number of 11?

Mr. WORK. The Navy is currently committed to an 11-carrier force structure for the next several decades, and this commitment was supported by Secretary Gates during his April budget announcement. However, as you have pointed out, the Navy requires temporary legislation to operate with 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) in November 2012 and the delivery of *Gerald R. Ford* (CVN 78) in September 2015. Navy assesses it can meet operational commitments during this approximately 33-month gap by adjusting both carrier and air wing maintenance and operational schedules. The carrier force structure, along with the entire battleforce, is being considered in the QDR. EMALS development is currently on track to meet the planned delivery of CVN 78 in September 2015.

20. Senator MCCAIN. Mr. Work, in your view, should DOD retire another aircraft carrier when the USS *Gerald R. Ford* is delivered to keep the carrier force structure at 10 carriers?

Mr. WORK. The Navy has no current plans to retire an aircraft carrier upon delivery of USS *Gerald R. Ford* (CVN 78). The Navy is currently committed to an 11 carrier force structure for the next several decades, and this commitment was supported by Secretary Gates during his April budget announcement. However, as you have pointed out, the Navy requires temporary legislation to operate with 10 carriers during the period between inactivation of USS *Enterprise* (CVN 65) in November 2012 and the delivery of *Gerald R. Ford* (CVN 78) in September 2015. Navy assesses it can meet operational commitments during this approximately 33-month gap by adjusting both carrier and air wing maintenance and operational schedules. The carrier force structure, along with the entire battleforce, is being considered in the QDR.

21. Senator MCCAIN. Mr. Work, do you believe that the requirements of the combatant commanders for an aircraft carrier presence be met with only 10 operational aircraft carriers?

Mr. WORK. The Navy can sustain current COCOM demand for carrier presence with 10 operational aircraft carriers for a relatively short and defined period of time with moderate risks by leveraging the inherent flexibility of the Fleet Response Plan. Navy will continue to evaluate projected COCOM demand and use the QDR and other strategic planning rocesses to match carrier force structure to projected demand; this requirement will be based on fiscal and operational risk.

SUBMARINE STRATEGIC WEAPONS PROGRAMS COST REIMBURSABLE CONTRACTS

22. Senator MCCAIN. Mr. Work, for over 30 years the Navy has manufactured and sustained its Trident submarine and other related weapon systems under a cost-reimbursable contract. This is unacceptable to me. After a 30-year procurement history, costs and design are (or should be) stable and enough is (or should be) known, about technology risk associated with those programs so that the Navy should be contracting here on a fixed-price—not cost-reimbursable—basis. However, the Navy's Strategic Weapons Programs (SSP), which manufactures and sustains logistical support for nuclear submarines, continues to award—inappropriately, in my view—multi-hundred million-dollar cost-plus contracts for, among other things, the production of the D–5 Trident Missile System. Why is there this anomaly with the Navy's submarine programs?

Mr. WORK. As the Fleet Ballistic Missile Program has matured over the last four decades, SSP has developed and implemented an acquisition strategy that maintains a primary focus on safety and reliability, while managing cost risk at or below budget. Because of the strategic importance of the system, any deviation from this successful acquisition strategy could engender unnecessary unintended consequences, and jeopardize the safety and reliability of the weapon. At inception, during concept formulation and advanced development, Cost Plus Fixed Fee (CPFF) contracts were used, placing maximum cost risk on the Government, due to the

overall program uncertainty and rapidly changing requirements. As the program matured into full scale development, the contract type moved along a continuum to Cost Plus Incentive Fee (CPLF) with a conservative share ratio of 90/10 or 80/20. Eventually, as the requirements stabilized the share ratio was increased to 70/30 for initial production activities and 50/50 for mature production efforts.

SSP has committed to transition the mature full-rate production effort for TRIDENT II D5 Subsystems to fixed-price contract beginning in fiscal year 2011. We anticipate that this will result in approximately 50 percent of all contracted dollars being fixed price. SSP is developing the transition plan for mature full rate production items including the appropriate contractual and acquisition reviews to support completion by 2011. As always, we will continue to monitor and manage technical risk throughout this transition and make any adjustments that are deemed necessary to ensure we maintain the program's preeminent responsibility for safety and reliability.

23. Senator McCain. Mr. Work, will you look into this contracting folly and ensure me that the Navy will begin awarding contracts on this submarine program and other SSPs under fixed price-type contracts, where appropriate?

Mr. Work. SSP has committed to transition the mature full-rate production effort for TRIDENT II D5 Subsystems to fixed price contract beginning in fiscal year 2011. We anticipate that will result in approximately 50 percent of all contracted dollars being fixed price. SSP is developing the transition plan for mature full rate production items including the appropriate contractual and acquisition reviews to support completion by 2011. As always, we will continue to monitor and manage technical risk throughout this transition and make any adjustments that are deemed necessary to ensure we maintain the program's preeminent responsibility for safety and reliability.

Questions Submitted by Senator John Thune

STRATEGIC DISPERSAL OF THE NUCLEAR CARRIER FLEET

24. Senator Thune. Mr. Work, the Navy has undergone and completed a Final Environmental Impact Statement. The Secretary of the Navy, in consultation with the Chief of Naval Operations, signed a Record of Decision to develop a second nuclear-carrier homeport on the east coast on January 14, 2009, and determined that it is in the best national security interest of the Nation to homeport a nuclear powered aircraft carrier (CVN) at Naval Station Mayport. During your Senate Armed Services Committee hearing on April 28, 2009, understanding the sensitivities surrounding this matter, I asked you what you thought of strategically dispersing our carrier fleet on the east coast and whether or not you agreed with the Navy's requirement to make Mayport nuclear ready and continue the long-term practice of strategic dispersal. At the time, you answered that you understood the issue and that it was to be made part of the QDR but that you did not have enough information to provide an answer as to how you felt about the Navy's requirement. This was the culmination of 2½ years of effort to ensure compliance with environmental regulations as well as strategic needs. What is your view of strategic dispersal?

Mr. Work. The strategic dispersal of the fleet has long been an issue of great importance to Navy leadership. The laydown of U.S. conventional forces has also been a matter of great importance to DOD leadership. Accordingly, as I understand it, the issue of fleet dispersal is now part of DOD's global posture deliberations in the 2009 QDR. If confirmed, I hope to take part in any global posture deliberations, and any debates over where our carriers are homeported.

25. Senator Thune. Mr. Work, do you understand its importance to the Navy?

Mr. Work. The Navy's requirement for strategic dispersal can be traced back to the turn of the century, when the United States built and maintained separate Atlantic and Pacific fleets, and built a Panama Canal to facilitate fleet concentration. Strategic dispersal remained important throughout the Cold War, and remains important to this day. The exact laydown of the fleet is derived from both strategic analysis and judgment.

26. Senator Thune. Mr. Work, how do you view this Navy requirement based on the information you have?

Mr. Work. The decision to address the carrier homeport decision as part of the QDR does not diminish the importance of strategic dispersal in any way. The QDR will likely try to balance the requirement for strategic dispersal with the National

Defense Strategy, joint force requirements, and cost. If confirmed, I hope to be part of these deliberations.

27. Senator THUNE. Mr. Work, if confirmed, what role do you envision playing in the QDR process?

Mr. WORK. If confirmed, I hope to play an active role in the QDR process. However, the Under Secretary of the Navy performs those duties as prescribed by the Secretary of the Navy. As such, I would look to the Secretary to direct my exact role in the QDR process.

28. Senator THUNE. Mr. Work, do you believe it is important to proceed with planning and design of the nuclear maintenance facility at Naval Station Mayport based on the information you have?

Mr. WORK. It is my understanding that additional decisions beyond the recommended dredging and pier maintenance at Naval Station Mayport will be made during the upcoming QDR. I do not have enough information on the planning and design of a nuclear maintenance facility at Naval Station Mayport to fully answer this question. However, if confirmed, and if tasked by the Secretary of the Navy to do so, I will look closely at this issue.

CARRIER NUMBERS

29. Senator THUNE. Mr. Work, section 5062 of title 10 of the U.S. Code states: "The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers." In your document, "Strategy for the Long Haul," you project that the Navy will deploy 10 carriers from 2013 to 2038. As Under Secretary of the Navy, how will you ensure that the legal requirement of not less than 11 carriers will be met?

Mr. WORK. If confirmed as Under Secretary of the Navy, I will work to the best of my abilities to enforce any legal requirement established by Congress.

ANTI-SUBMARINE WARFARE

30. Senator THUNE. Mr. Work, in your February 2009 paper you discuss increasing the submarine force. In light of last week's demonstration of Chinese submarines in Qingdao, and the world's overall increase in submarine construction, what do you see as the future of anti-submarine warfare?

Mr. WORK. Command of the seas depends on achieving and maintaining undersea superiority. The proliferation of new, extremely quiet diesel-electric submarines—augmented with air independent propulsion systems that allow them to patrol for extended periods of time without having to recharge their batteries—underlines the importance of maintaining our undersea superiority. Antisubmarine warfare today is a "team sport" that requires highly capable submarines of our own. The future of antisubmarine warfare will include an increase in production of the *Virginia* class SSNs to two per year. However, it will also require that the Navy have a long-range maritime patrol aircraft, ASW helicopters, ASW capable surface ships, unmanned systems, and even more advanced capabilities to combat the growing threat. As a result, the Navy's P–8 Poseidon program, SH–60 Romeos, the LCS with its ASW module, the new Broad Area Maritime Surveillance (BAMS) UAV, and a robust ASW research and development effort are as important to our future antisubmarine warfare capabilities as our SSNs.

LITTORAL COMBAT SHIP COST

31. Senator THUNE. Mr. Work, the Navy has requested two more Littoral Combat Ships (LCS) in 2009. We anticipate, based on Secretary Gates' words, three more to be requested in 2010. The Navy has two designs for the LCS sea frame; one primed by Lockheed Martin and the other by General Dynamics. Although originally a down-select to one sea frame design was envisioned early in the program, recent comments by Mr. John Young, USD(AT&L), indicates both LCS designs could be procured in significant quantities. The Navy ultimately plans to procure 55 LCS sea frames. It is my understanding that the Navy has deferred a decision to choose one version over another of the LCS for a variety of reasons. If the Navy were to choose to continue with two variants, would it make sense to strive for as much commonality as possible in fitting out those ships?

Mr. WORK. As I understand it, the Navy desires to keep both versions in production for an extended period of testing before deciding whether or not to move to a

single hull. As a general principle, I endorse the idea of common combat systems with open architectures as well as common ship systems. If confirmed, I would work to make sure that smart LCS acquisition strategies are developed, that commonality opportunities for the LCS ships are fully explored.

32. Senator THUNE. Mr. Work, how will the Navy ensure commonality?

Mr. WORK. Both component and system commonality opportunities should be considered and business cases must be developed and evaluated for each alternative to understand the acquisition and/or life cycle cost savings and associated investment (if required) for them. A final decision should be based on which alternative provides the greater return on investment of taxpayer dollars.

33. Senator THUNE. Mr. Work, do you think 55 is the right number based on the information you have?

Mr. WORK. The current requirement for 55 LCSs was developed during the 2006 QDR. The requirement for 55 ships will be reviewed and validated or changed during the 2009 QDR. However, Secretary Gates' decision to accelerate the LCS buy indicates how important this platform is to the future Navy. If confirmed, I hope to take part in deliberations over the size of the future LCS fleet and the size of the overall battle force.

313-SHIP NAVY

34. Senator THUNE. Mr. Work, earlier this year, the Chief of Naval Operations, Admiral Roughead, said, "313 is still the floor when it comes to the size of the fleet we need to carry out our maritime strategy. The capacity of our fleet—the number of ships we have—matters greatly today and I believe will matter even more in the future." Are you committed to the Navy's uniformed leaders' plan of building at least 313 ships?

Mr. WORK. I am committed to providing the best, most balanced, and most capable Navy possible within the confines of expected future resource streams. I agree with Admiral Roughead that the fleet must have both the capability and the capacity to accomplish the missions the Navy is asked to fulfill. The exact numbers and types of ships needed will be dependent upon our national strategy and projected Navy toplines. I anticipate the ongoing QDR will help shape the necessary makeup of naval forces and may change the overall battle force number. If confirmed, I intend to take part in the deliberations over the size of the future fleet.

35. Senator THUNE. Mr. Work, do you believe that is the right number based on the information you have?

Mr. WORK. Since the 1992–1993 Bottom-Up Review, the requirement for a "two war" fleet has fluctuated between 305 to 346 ships, with an average of about 318 ships. The current requirement for 313 ships is therefore consistent with past reviews. This number might change if the national strategy changes, or if the DON is given different guidance from the Secretary of Defense.

QUESTIONS SUBMITTED BY SENATOR DAVID VITTER

NAVY SHIPS

36. Senator VITTER. Mr. Work, what are your thoughts on the future of shipbuilding, specifically the LPD–17?

Mr. WORK. The DON must develop an affordable long-term shipbuilding plan that provides the foundation for the future Navy force structure. This stable long-term shipbuilding plan would reduce industrial base volatility and allow the industry to better match investments to meet Navy capabilities.

The Navy and Marine Corps have thoroughly discussed the number of LPD–17 ships required. The CNO and CMC believe the requirement is for 11 ships. In the January 2009 Report to Congress on Naval Amphibious Force Structure, the current CNO and CMC reaffirmed that requirement and agreed to sustain an amphibious force of about 33 total amphibious ships (30 operationally available) in the assault echelon, evenly balanced at 11 aviation capable ships, 11 LPD–17 class ships, and 11 LSD 41 class ships. A summary of the broader amphibious lift agreement:

- The amphibious lift requirement is to lift the assault echelon (AE) of 2.0 Marine Expeditionary Brigades (MEBs).

• The 33-ship force accepts risk in the arrival of combat support and combat service support elements of the MEB but has been adjudged to be adequate in meeting the needs of all parties within today's fiscal limitations.
• The Navy currently has a total of 31 Assault Echelon ships in commission.

With respect to the LPD–17 Program, four ships have been delivered, five additional ships are currently under contract and in various stages of construction. A Request for Proposal for the design and construction of the 10th ship of the program was released by the Navy in May 2009 and funding for advance procurement for the 11th LPD is included in the fiscal year 2010 budget request

The Navy is making a significant investment in expeditionary lift capacity and will continue to work with the Marine Corps to meet requirements within budgetary constraints.

37. Senator VITTER. Mr. Work, do you believe that commonality for hulls should be utilized more and should be mandated to an extent to realize cost savings?

Mr. WORK. No, I do not believe commonality of hulls should be automatically mandated. That said, the Navy and industry have stated for several years that reducing the number of ship hull forms would help stabilize the shipbuilding program and have the added benefit of reducing cost. I support the idea of doing so.

In that regard, the Navy's long-range vision reduces the types and models of ships, maximizes the reuse of ship designs and components, and implements open architecture for software and hardware systems and mission systems modularity. The Navy is proposing that variants which leverage existing production lines be explored. For example, for LCC(R), in addition to reviewing the land based solutions, there are two ship variants being addressed in the AoA, LPD–17 and T–AKE. The potential requirement for a LSD/LPD(X) is also being explored.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

313-SHIP NAVY

38. Senator COLLINS. Mr. Work, you have written extensively on defense strategy. In your recently released report titled: "The U.S. Navy: Charting A Course For Tomorrow's Fleet," you cited the minimum two-war standard for the Navy's Total Force Battle Network, which was supported by substantial analyses and 3 successive QDRs, was 346 ships, with an average objective fleet target of about 320 ships. The Chief of Naval Operations has stated that a fleet of 313 ships is a floor, not a ceiling. Do you believe this figure is sufficient in light of the requirements the Navy is facing today?

Mr. WORK. The DOD is currently conducting a QDR, and three separate reviews: Nuclear Posture Review; Ballistic Missile Defense Review; and Space Review. All of these efforts will likely have a substantive impact on the Navy's force structure requirements.

Until the Navy has completed these ongoing studies and determined where the Nation's priorities are in these critical areas, it is difficult to determine what lies ahead for Navy force structure. Although, absent changes in the missions assigned to the Navy, both in combat scenarios and in the complex security environment of today, we are committed to building a force structure that does not place our sailors, airmen, and marines at risk in the event they are called upon to complete their assignments—whether or not this is a 313-ship force, we will ensure they have the tools they need to be successful in pursuit of their mission and that they are able to do so without undue risk.

[The nomination reference of Robert 0. Work follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Robert O. Work, of Virginia, to be Under Secretary of the Navy, vice Dionel M. Aviles, resigned.

[The biographical sketch of Robert O. Work, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ROBERT O. WORK

Robert Work is currently Vice President. Strategic Studies at the Center for Strategic and Budgetary Assessments (CSBA). During a 27-year career in the Marine Corps, Mr. Work held a wide range of command, leadership, and management positions. His last assignment was as Military Assistant and Senior Aide to the Honorable Richard J. Danzig, 71st Secretary of the Navy.

Since retiring in 2001, Mr. Work has focused on defense strategy and transformation and maritime affairs. He has written and spoken extensively on U.S. Navy and Marine Corps strategies and programs: directed and analyzed three war game series for the Office of Net Assessment, Office of the Secretary of Defense; contributed to Department of Defense studies on global basing and emerging military missions; and provided support for the 2006 Quadrennial Defense Review. He has also studied and prepared several reports on future defense challenges, including the changing nature of undersea warfare, power projection against regional nuclear powers, and power projection against future anti-access/area denial networks.

Mr. Work earned a Bachelor of Science degree in Biology from the University of Illinois; a Master's of Science in Systems Management from the University of Southern California; a Master's of Science in Space System Operations from the Naval Postgraduate School; and a Master's in International Public Policy from the Johns Hopkins School of Advanced International Studies. He is a member of the International Institute for Strategic Studies and an Adjunct Professor at George Washington University, where he teaches defense analysis and roles and missions of the Armed Forces.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Robert O. Work in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Robert Orton Work (Robert O. Work, Robert Work, Bob Work).

2. **Position to which nominated:**
Under Secretary of the Navy.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 17, 1953; Charlotte, NC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Cassandra Baugher Work; formerly Cassandra Faye Baugher.

7. **Names and ages of children:**
Kendyl Taylor Work, 18.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Illinois, 09/70–08/74, BS (Biology), 08/08/74.
University of Southern California, 01/78–01/80, MS in Systems Management, 01/31/80.
Naval Postgraduate School, 06/88–09/90, MS in Systems Technology (Space Operations), 09/27/90.
Johns Hopkins University School of Advanced International Studies (SAIS), 08/92–05/93, Masters in International Public Policy, 05/26/94.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
I was commissioned a 2nd Lieutenant in the U.S. Marine Corps on August 8, 1974. I retired as a Colonel on September 1, 2001 (terminal leave began in May 2001). The following is a list of my assignments starting in May 1993. Start and end dates are approximate due to travel/leave between duty stations:

- May 1993–May 1994, Lieutenant Colonel, USMC, Director of Operations and Exercise Support, Operational Support Office, National Reconnaissance Office (NRO), Washington, DC.
- July 1994–May 1996, Lieutenant Colonel, USMC, 11th Marine Regiment, Camp Pendleton, CA, Operations Officer, 11th Marine Regiment Commanding Officer, 5th Battalion, 11th Marines Executive Officer, 11th Marine Regiment.
- July 1996–April 1998, Lieutenant Colonel and Colonel, USMC, Director, Strategic Initiatives Group, Plans, Policies, and Operations, Headquarters, Marine Corps, Washington, DC.
- May 1998–Jan. 1999, Colonel, USMC, Commanding Officer, Camp Fuji, Japan.
- Jan. 1999–May 2001, Colonel, USMC, Senior Aide and Military Assistant to the Secretary of the Navy, Pentagon, Washington, DC.

Since retirement in 2001:

- June 2001–March 2002, Senior Associate, Toffler Associates, Reston, VA/Washington DC.
- April 2002–Dec. 2006, Senior Fellow, Center for Strategic and Budgetary Assessments, Washington, DC.
- Jan. 2007–present, Vice President for Strategic Studies, Center for Strategic and Budgetary Assessments, Washington, DC.
- Jan. 2007–present, Adjunct Professor, The George Washington University, Washington DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Career officer, U.S. Marine Corps, 1974–2001.
As member of Toffler Associates, provided consulting services to the Air Force Air Combat Command and the Department of the Navy.
As a member of the Center for Strategic and Budgetary Assessments, provided analytical support to the Office of the Secretary of Defense, the Departments of the Army, Navy, and Air Force, U.S. Joint Forces Command.
Member, President-elect Obama's DOD Transition Team, Nov.–Dec. 2008.
Member, President-elect Obama's DOD Transition Team:

- Team Lead, Navy and Marine Corps Programs
- Member of Acquisition, Policy, and QDR Teams

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

Vice President for Strategic Studies, Center for Strategic and Budgetary Assessments, Washington, DC.

Adjunct Professor, The George Washington University, Washington DC.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See Question 11 above. In addition, I hold the following memberships:

Organization	Office held (if any)	Dates
International Institute for Strategic Studies	None	1974–present
U.S. Naval Institute	None	1974–present
Marine Corps Association	None	1974–present
Military Officer Association of America	None	1974–present
Navy League of the United States	None	1974–present
American Association of Retired Persons (AARP)	None	1974–present
Services Employees Int'l Union (SEIU) Local 500	None	1974–present

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Assisted Richard Danzig and the Obama Defense Team during the 2008 Presidential campaign (point papers, critiques, etc.).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

$1,000, Obama for America, Feb. 16, 2008.

$1,300, Obama for America, July 8, 2008.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Presidential Classroom for Young Americans, 1970.

NROTC Scholarship, University of Illinois, 1970.

Honor Graduate, Marine Corps Officer Candidates School, Quantico, VA, 1973.

Distinguished Military Graduate, University of Illinois NROTC program, 1974.

Honor Graduate, The Basic School, U.S. Marine Corps, Quantico, VA, 1975.

Honor Graduate, U.S. Army Field Artillery School, Fort Sill, OK, 1975.

Honor Graduate, Amphibious Warfare School, U.S. Marine Corps, Quantico, VA, 1981.

Distinguished Speaker Award, U.S. Marine Corps Amphibious Warfare School, 1981.

1st Marine Brigade Nominee for the annual U.S. Marine Corps Leftwich Award, which recognizes the best small unit leader in the Marine Corps, 1983.

Graduate (with Distinction), U.S. Naval Postgraduate School, 1990.

Astronaut Michael K. Smith Award for Outstanding Thesis, U.S. Naval Postgraduate School, 1990.

Marine Corps Fellow, The John's Hopkins University School of Advanced International Studies, 1993–1994.

Inducted into the Ancient Order of St. Barbara for Conspicuous Service to Marine Field Artillery, 1995.

Marine Corps Attendee, MIT Seminar XXI: Foreign Politics, International Relations, and the National Interest, 1997.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

The Challenge of Maritime Transformation: Is Bigger Better (Washington, DC: Center for Strategic and Budgetary Assessments, 2002).

Meeting the Anti-Access and Area-Denial Challenge, with Andrew Krepinevich and Barry Watts (Washington, DC: Center for Strategic and Budgetary Assessments, 2003).

Naval Transformation and the Littoral Combat Ship (Washington, DC: Center for Strategic and Budgetary Assessments, 2004).

"Small Combat Ships and the Future of the Navy," Issues in Science and Technology," fall 2004.

To Take and Keep the Lead: A Naval Fleet Platform Architecture for Enduring Maritime Supremacy (Washington, DC: Center for Strategic and Budgetary Assessments, 2005).

Thinking About Seabasing: All Ahead, Slow (Washington, DC: Center for Strategic and Budgetary Assessments, 2006).

"'Economics' and Established Maritime Powers: Implications of the New Maritime Strategy," William B. Ruger Chair Workshop Report No. 2, U.S. Naval War College, 2006.

"On Seabasing," Reposturing the Force: U.S. Overseas Presence in the 21st Century (Newport, RI: U.S. Naval War College Newport Paper February 26, 2006).

Know When to Hold 'Em, Know When to Fold 'Em: A New Transformation Plan for the Navy's Surface Battle Line (Washington, DC: Center for Strategic and Budgetary Assessments, 2007).

"Numbers and Capabilities: Building a Navy for the 21st Century," in Of Men and Material: the Crisis in Military Resources, Gary J. Schmidt and Thomas Donnelly, ed, (Washington DC: the AEI Press, 2007).

A New U.S. Global Defense Posture for the Second Transoceanic Era, with Andrew Krepinevich (Washington, DC: Center for Strategic and Budgetary Assessments, 2007).

"The Global Era of National Policy and the Pan-Oceanic National Fleet," William B. Ruger Chair Workshop Report No. 3, U.S. Naval War College, 2007.

Range, Endurance, Stealth, and Networking: The Case for a Carrier-Based Unmanned Air Combat System, with Thomas P. Ehrhard, Ph.D (Washington, DC: Center for Strategic and Budgetary Assessments, 2008).

"A Cooperative Strategic for 21st Century Seapower: an Assessment," CSBA Backgrounder, with Jan van Tol, March 26, 2008.

"The Global Era of National Policy and the Pan-Oceanic National Fleet," Orbis, fall 2008.

The Challenges to U.S. National Security, with Andrew Krepinevich and Robert Martinage, Washington, DC: Center for Strategic and Budgetary Assessments, 2008).

The U.S. Navy: Charting a Course for Tomorrow's Fleet (Washington, DC: Center for Strategic and Budgetary Assessments, 2009.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

"DDX," Testimony before the House Armed Services Committee Projection Forces Subcommittee Hearing on DD(X), July 19, 2005.

"The 313-Ship Fleet and Navy's 30-Year Shipbuilding Plan," Testimony before the House Armed Services Committee Projection Forces Subcommittee Hearing on the Affordability of the Navy's 313-Ship Navy and the Executability of the 30-Year Shipbuilding Plan, March 30, 2006.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ROBERT O. WORK.

This 27th day of April, 2009.

[The nomination of Robert O. Work was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation

that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

[Prepared questions submitted to Elizabeth Lee King by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. At this time I do not see a need to modify any Goldwater-Nichols Act provisions.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If Congress should pursue adaptations to this construct or if the Department proposes changes, I would work closely with this committee and Congress to provide witnesses, briefings, and the necessary information so Congress can make informed judgments on policy alternative.

DUTIES

Question. Section 138 of title 10, U.S.C., and DOD Directive 5142.01, provide that the principal duty of the Assistant Secretary of Defense for Legislative Affairs shall be the overall supervision of legislative affairs of the Department of Defense (DOD). Additionally, the Assistant Secretary of Defense for Legislative Affairs is required to provide advice and assistance concerning congressional aspects of DOD policies, plans, and programs; to coordinate actions relating to congressional consideration of the DOD legislative program; and to coordinate the completion of responses to congressional inquiries.

Question. If confirmed as the Assistant Secretary of Defense for Legislative Affairs, what would you view as your principal responsibilities to the Secretary of Defense and to Congress?

Answer. If confirmed, one primary responsibility would be to be the principal voice for Congress in the DOD and to ensure that their concerns, actions, requests, and initiatives are addressed properly and in a timely fashion. In addition, it would be my responsibility to keep the Secretary informed of these congressional actions, requests, concerns, and initiatives.

Question. Assuming you are confirmed, what other duties do you expect that Secretary Gates will prescribe for you?

Answer. If confirmed, I expect Secretary Gates to assign me the responsibility of ensuring that the Department's liaison with Congress is effective, responsive, user and customer friendly, and to ensure the Department's goals and priorities are properly articulated.

Question. What experience do you have that would qualify you to perform the duties of the Assistant Secretary of Defense for Legislative Affairs?

Answer. Since March 1997, I have been the counsel and senior policy advisor for defense, foreign affairs and veterans for Senator Jack Reed, a senior member of the Armed Services Committee and member of the Appropriations Committee. In that position, I have worked extensively with the staff members of the two committees on the annual authorization and appropriations bills. I have also worked with the committee staff and Leadership staff on several legislative initiatives, including the Levin-Reed legislation on the U.S. mission in Iraq, and legislation increasing the end strength of the Army. I also learned about the relationships between a Member of Congress and the military installations in their States. Also, as a member of Senator Reed's staff, I have traveled with him and other Senators to areas where U.S. troops have been deployed, including Iraq, Afghanistan, Pakistan, Korea, Japan, Colombia, and Bosnia.

From January 1996 to March 1997, I was legislative director for Congressman Marty Meehan, a member of the House Armed Services Committee. I was his principal staffer for this committee and learned the House process and worked with several members of the committee and committee staff.

I was also a counsel for the 1995 Defense Base Closure and Realignment Commission. In that capacity, I visited numerous military installations and gained indepth knowledge of naval shipbuilding capacity, depots, and air stations.

I have a law degree from Georgetown University and a BA from the University of Pennsylvania.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of Defense.

Answer. If confirmed, I will function as the principal assistant to the Secretary on congressional matters. Under the Secretary's direction, I will be responsible for the coordination of the DOD legislative program, participation of departmental witnesses in congressional hearings, responses to congressional inquiries, DOD support of congressional travel, and I will be the Secretary's chief liaison with Congress.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would have a similar relationship with the Deputy Secretary of Defense.

Question. The Under Secretaries and Assistant Secretaries of Defense.

Answer. If confirmed, my relationship with the Under Secretaries of Defense and the Assistant Secretaries will be to serve as their principal advisor regarding legislative liaison and communications with Congress.

Question. The General Counsel of the DOD.

Answer. If confirmed, I would work closely with the General Counsel to ensure responsiveness in matters of congressional interest and to assist Office of the General Counsel coordination on legislation under consideration within the Department. I would seek the views and recommendations of the General Counsel on legal issues.

Question. The Inspector General (IG) of the DOD.

Answer. If confirmed I would exercise no authority or control over the DOD IG. I would be fully cooperative and supportive of the IG's mission.

Question. The Secretaries of the Military Departments.

Answer. If confirmed my relationship with the Military Department Secretaries would be principally through their Chiefs of Legislative Affairs. I would diligently work to ensure that the military department secretaries received the best assistance and congressional advice from my office by fostering an environment of trust and mutual support.

Question. The Chiefs of Legislative Affairs of the Military Services.

Answer. By DOD Directive, ultimate responsibility for supervision of legislative liaison activities throughout the Department is vested in the Assistant Secretary of Defense for Legislative Affairs. I would work closely with the legislative affairs offices of the Military Services to foster a climate of cooperation and support. If confirmed, I would routinely meet with the chiefs of legislative affairs of the Military Services to coordinate the Department's liaison mission, and ensure responsiveness to this committee and Congress.

Question. The Legislative Assistant to the Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I would routinely meet with the legislative assistant to the Chairman to ensure responsiveness to the committees of jurisdiction and Congress.

Question. The Defense Agencies.

Answer. If confirmed, I would provide overall guidance to the individual Defense Agencies with respect to the Department's legislative issues. I would meet regularly with the legislative assistants of the Defense Agencies to ensure they operate consistent with the Department's initiatives, the Secretary's position, and to ensure they are responsive to congressional inquiries.

Question. Congressional liaison offices in the combatant commands and other entities throughout the DOD.

Answer. If confirmed, I would routinely meet with the legislative assistants to the combatant commands as well as the other DOD entities to ensure responsiveness to this committee and Congress.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges and problems confronting the Assistant Secretary of Defense for Legislative Affairs?

Answer. The most significant challenge for the Assistant Secretary of Defense for Legislative Affairs is communication. I would work to ensure that vital information

is provided to Congress in a timely and useful manner. If confirmed I would work to ensure Congress should not be in a position of reading or hearing about important issues in the media. The second challenge is providing timely, valuable advice to the Secretary, Deputy Secretary, and the key principals about congressional issues, concerns, or requests.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed, I would work diligently to ensure that the legislative affairs function in the Department is properly fulfilling its mission. I would review the organization and procedures of the office to ensure they are best able to meet the title 10 responsibilities extended to this position. I would advocate organizational and/or procedural changes to the Secretary and Deputy Secretary where or if required.

LEGISLATIVE LIAISON OFFICES

Question. Within the Office of the Secretary of Defense, the Defense Agencies, and the combatant commands, there are various offices which have their own congressional liaison personnel.

If confirmed, what steps, if any, would you take to coordinate the activities of the various congressional liaison offices and ensure that information provided to Congress is accurate, reliable, and represents the views of the Department?

Answer. If confirmed, I will capitalize on my position within the Department to foster an environment that promotes rapid communication. Furthermore, I will ensure that the Department as a whole has an inclusive congressional engagement strategy that promotes a unified, accurate, reliable, and representative voice.

LIAISON WITH THE APPROPRIATIONS COMMITTEE

Question. Legislative liaison with the Appropriations Committees is primarily carried out through the Office of the Under Secretary of Defense, Comptroller, not through the Office of the Assistant Secretary of Defense for Legislative Affairs.

Do you believe that this arrangement allows you to fulfill your responsibilities under section 138 of title 10, U.S.C.?

Answer. If confirmed, I would have a cooperative relationship with both the Under Secretary of Defense (Comptroller) and the Appropriations Committees. I would coordinate closely with the Comptroller's office on all matters and issues of interest to the Congress and would include Comptroller staff in my daily staff meetings. I believe this arrangement would allow me to carry out the responsibilities under section 138 of title 10, U.S.C.

UNTIMELY LEGISLATIVE PROPOSALS

Question. Late submission of legislative proposals by DOD to Congress for consideration as part of the annual National Defense Authorization Act has been a chronic problem. Legislative initiatives, which require substantial review and in many cases, testimony and discussion at annual posture hearings, are routinely forwarded to Congress too late for appropriate action.

If confirmed, what actions would you take to improve the Department's performance in providing timely legislative initiatives to Congress?

Answer. If confirmed. I would make more timely submissions of legislative proposals to Congress a priority. I would immediately address the timeline for submission of legislative proposals with the General Counsel and the Office of Legislative Counsel where this function is managed. I would also address this matter with the Office of Management and Budget.

EVALUATION OF LEGISLATIVE PROPOSALS AND FUNDING REQUESTS

Question. Every year, dozens of legislative proposals are referred to the Armed Services Committee for consideration. In addition, the committee receives hundreds of requests from Members to fund specific programs, projects, and activities. The committee relies on the Department to provide timely evaluations of these legislative proposals and funding requests so that we can give full consideration to the Department's views.

If confirmed, will you ensure that the Department makes every reasonable effort to provide the committee with timely evaluations of legislative proposals and funding requests?

Answer. Yes.

Question. How do you anticipate that you will work with the military departments and agencies to ensure that these evaluations are prepared and submitted in a timely manner?

Answer. If confirmed, I will work with the military departments and agencies to ensure that all anticipate the requirement for the timely turnaround of the evaluations and that they make every effort to provide sufficient personnel and resources for their prepartation.

TIMELY WRITTEN STATEMENTS AND RESPONSES TO QUESTIONS AND INFORMATION FOR THE RECORD

Question. Under DOD Directive 5142.01, the Assistant Secretary of Defense for Legislative Affairs is responsible for the coordination and oversight of submission of responses to congressional inquiries and reports and for the provision of information at congressional hearings. The failure on the part of departmental witnesses to submit written statements when required and to timely respond to questions for the record (QFRs) by Senators and requests for information for the record (IFRs) following hearings is a problem requiring the attention of the Assistant Secretary of Defense for Legislative Affairs.

If confirmed, what actions would you take to improve the Department's performance in providing timely written statements and answers to QFRs and IFRs?

Answer. If confirmed, I would work to ensure that a system of timelines is in place for proper response to Congress' request for information and for Congress' desire to have all legislative proposals and statements submitted to both Houses in a complete and timely manner.

ACCESS TO DOCUMENTS AND MATERIALS

Question. In the course of oversight activities on behalf of the Armed Services Committee staff frequently requests and receives detailed briefings and materials on ongoing programs and activities of the Department. The information requested sometimes includes proprietary, source selection, or other sensitive categories of information. From time to time, various officials of the military departments and defense agencies have requested that the committee provide a letter signed by the chairman, or a certification signed by the staff member, as a precondition to providing such information. These conditions are inconsistent with past practice and the historic relationship between the Department and the committee.

What is your view of the circumstances, if any, in which it would be appropriate for the Department to insist on a letter from the chairman before providing documents and information requested by the committee staff to carry out the committee's oversight responsibility?

Answer. Requiring written requests from the chairman is appropriate where FOIA exempt materials or other materials that may have privacy concerns are an issue. Though FOIA and its exemptions do not apply to requests from Congress, only the chairman of a congressional committee may make a request on behalf of Congress. Though privacy concerns also do not apply to requests from Congress, the Department has certain requirements that they must follow to protect such material and a request from the chairman in the record assists the Department in keeping their records complete.

Question. What is your view of efforts to change the Department's historic practice and require a certification by committee staff before providing documents and information requested by the staff to carry out the committee's oversight responsibility?

Answer. I look forward to reviewing these processes if confirmed, and working through related issues with Congress.

PROVIDING INFORMATION TO CONGRESSIONAL SUPPORT AGENCIES

Question. Congress relies on its three support agencies—the Government Accountability Office (GAO), the Congressional Budget Office (CBO), and the Congressional Research Service (CRS)—for information and analysis. On defense matters, there have been instances where the Department has not been as responsive and forthcoming in timely providing relevant information to these support agencies as the committee would expect.

If confirmed, what steps would you take to ensure that the Department responds fully to GAO, CBO, and CRS and would you be committed to ensuring that the Department cooperates with these agencies in fulfilling their responsibilities?

Answer. If confirmed, I will commit myself to ensuring that all congressional inquiries, whether they originate from an oversight committee or a supporting agency, are responded to in a timely and effective manner. Furthermore, I will use my position of leadership to assist the Services and other defense entities in doing the same.

LEGISLATIVE FELLOWS PROGRAM

Question. In Senate Report 110–335 accompanying S. 3001, the National Defense Authorization Act for Fiscal Year 2009, the committee called for a critical review by May 1, 2009, of the Department's Legislative Fellows Program in order to ensure that the program is organized, resourced, managed, and controlled consistent with the career progression needs of the officers who are assigned and the manpower requirements of their respective Services.

What is the status of the required review of the Legislative Fellows Program?

Answer. It is my understanding that the review has been completed, and the report is being finalized for submission.

Question. What is your view of the optimal number of legislative fellows and what do you consider the appropriate role and responsibilities of a legislative fellow within a Senator or Congressman's office should be?

Answer. The current number, 100 per year, seems to be about right. I am informed this number is divided among the Services and Defense Agencies. The Legislative Fellow Program should be a unique educational experience, and as such, fellows should be given real opportunities to learn how the legislative branch functions and not be used for administrative office roles. I will therefore work to ensure that the fellows program is meeting the needs of Congress, the Services, and the Defense Agencies.

Question. Have the Services fulfilled their responsibility to ensure that legislative fellows immediately serve in billets that will utilize the training and experience they have obtained as legislative fellows?

Answer. It is my understanding that the Services are in compliance with DOD policy which states there should be an immediate follow-on utilization tour following the fellowship. However, in those few cases where operational or professional development needs preclude an immediate follow-on utilization assignment, the Military Department may delay, or ultimately waive, this requirement.

NOMINATIONS

Question. If confirmed, what role would you, as Assistant Secretary of Defense for Legislative Affairs, expect to play in the military and civilian nomination processes?

Answer. If confirmed, I would expect to play a primary role in preparing civilian nominations for confirmation, and a primary support role to the Chairman of the Joint Chiefs and the Services in preparing military nominations for confirmation. In addition, my staff and I will track nominations closely and ensure the committee is made aware of all relevant information.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Legislative Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

BASE REALIGNMENT AND CLOSURE

1. Senator COLLINS. Ms. King, Senator Reed mentioned your involvement in an earlier round of base realignment and closure (BRAC) decisions. Regrettably, the Brunswick Naval Air Station in Maine will be closing over the next 2 years due to the most recent BRAC decisions. This is a major blow at the worst possible time economically. At times, it has been difficult for the redevelopment commission to get prompt information and cooperative answers from the Pentagon. Will you pledge to help communities in Maine and elsewhere coping with base closures get the information and assistance they need from the Department of Defense?

Ms. KING. Should I be confirmed, I give you my personal assurance all requests for information from the Brunswick Naval Air Station community and all other communities facing BRAC, can expect a timely response. When notified of these types of requests, I pledge to work with the appropriate Department stakeholders in responding to them quickly and thoroughly. Further, I will strive to keep congressional members and their staffs informed of the way ahead on these and other important actions involving the communities which have served our Nation proudly for so many years.

[The nomination reference of Elizabeth Lee King follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense, vice Robert L. Wilkie, resigned.

[The biographical sketch of Elizabeth Lee King, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ELIZABETH L. KING

Elizabeth King is the Counsel and Senior Policy Advisor for Defense, Foreign Affairs, and Veterans for Senator Jack Reed (D–RI). For the past 12 years, Ms. King has been Senator Reed's primary liaison to the Senate Armed Services Committee and the Senate Appropriations Committee in the areas of defense, military construction, veterans, and foreign operations. Ms. King has traveled with Senator Reed and other Members of Congress to Iraq, Afghanistan, Pakistan, China, Korea, Colombia, and East Timor.

Before joining the staff of Senator Reed, Ms. King was the Legislative Director for Representative Marty Meehan (D–MA), a Member of the House Armed Services Committee. She was also a counsel on the 1995 Defense Base Closing and Realignment Commission.

Ms. King was born and raised in Chicago, IL. She received a Bachelor of Arts, cum laude, in American history and international relations from the University of Pennsylvania in 1987 and a Juris Doctor from Georgetown University Law Center in 1993. She is a member of the International Institute of Strategic Studies.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Elizabeth L. King in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Elizabeth Lee King.

2. **Position to which nominated:**
Assistant Secretary of Defense for Legislative Affairs.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
June 18, 1965; Evergreen Park, IL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
St. Ignatius College Prep, 1076 Roosevelt Road, Chicago, IL; Attended 1979–1983; received high school diploma, May 1983.
University of Pennsylvania, Philadelphia, PA; Attended 1983–1987, received B.A. May 1987.
Georgetown University Law School, 600 New Jersey Ave., NW, Washington, DC; Attended 1990–1993, received J.D. May 1993.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Counsel and Senior Policy Advisor; U.S. Senator Jack Reed, 728 Hart Senate Office Building, Washington, DC; March 1997–present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Active member, DC Bar.

Member, International Institute for Strategic Studies.
Member, University of Pennsylvania Alumni Club of DC.
Member, University of Pennsylvania Band Alumni Club.
Member, Georgetown University Alumni Association..

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Daniel Hynes, Illinois State Comptroller, $100, June 2008.
Colleen Callahan, Candidate for Congress in Illinois, $100, September 2008.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Member, International Institute for Strategic Studies.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ELIZABETH LEE KING.

This 27th day of April, 2009.

[The nomination of Elizabeth L. King was reported to the Senate by Chairman Levin on May 6, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 7, 2009.]

[Prepared questions submitted to Donald M. Remy by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to re-

cruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. The Goldwater-Nichols Act changed Department of Defense operations profoundly and positively. Although I believe that the framework established by Goldwater-Nichols has significantly improved interservice and joint relationships and promoted the effective execution of responsibilities, the Department, working with the Congress, should continually assess the law in light of improving capabilities, evolving threats, and changing organizational dynamics. Although I am currently unaware of any reason to amend Goldwater-Nichols, if confirmed, I hope to have an opportunity to assess whether the challenges posed by today's security environment require amendments to the legislation.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. This milestone legislation is now more than 20 years old and has served our Nation well. If confirmed, I believe it may be appropriate to consider with Congress whether the act should be revised, but at this time I have no specific proposals to amend any provisions of the act.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Department of the Army?

Answer. Title 10, U.S.C., section 3019, provides that the General Counsel of the Army shall perform such functions as the Secretary of the Army may prescribe. The Secretary has done so through general orders, regulations, and memoranda. The General Counsel provides legal advice to the Secretary of the Army, the Under Secretary, the Assistant Secretaries, and other offices within the Army Secretariat. As the chief legal officer of the Department of the Army, the General Counsel determines the controlling legal positions of the Department of the Army. The General Counsel's responsibilities extend to any matter of law and to other matters as directed by the Secretary. I understand that a few examples of specific responsibilities currently assigned to the General Counsel include providing professional guidance to the Army's legal community, overseeing matters in which the Army is involved in litigation, serving as the Designated Agency Ethics Official, exercising the Secretary's oversight of intelligence and other sensitive activities and investigations, providing legal advice to the Army Acquisition Executive, and taking final action on certain claims filed against the Army.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. The diversity and complexity of legal issues confronting the Department of the Army are such that no one lawyer can have in-depth experience in all of them. However, the General Counsel must possess absolute integrity, mature judgment, sound legal and analytical skills, and strong interpersonal and leadership abilities. I believe that my background and diverse legal experiences in both the public and private sectors have prepared me to meet the challenges of this office.

I received my undergraduate degree with honors from LSU in 1988, where I was a Distinguished Military Graduate and commissioned second lieutenant in the U.S. Army. Thereafter, I was awarded an educational delay and graduated cum laude and third in my class from Howard University School of Law in 1991, having served as executive articles editor of law review. Immediately upon graduation from law school, I was selected into the Honors Program in the Army General Counsel's Office where I served as a Captain and Assistant to the General Counsel focusing on domestic and international research, development, and acquisition. I clerked for the Honorable Nathaniel R. Jones of the U.S. Court of Appeals for the Sixth Circuit. I have been in private practice at two law firms, presently a litigation partner at a prominent global firm. I served in a variety of significant capacities, legal and business, at a major U.S. corporation. At the U.S. Department of Justice, I served as a Senior Counsel for Policy and Deputy Assistant Attorney General for Torts and Federal Programs in the Civil Division.

I believe that my extensive experience in the Army, at the Justice Department, in corporate America, and in private practice all have helped prepare me for the extraordinary challenge of serving as General Counsel of the Department of the Army and overseeing the delivery of legal services in the Army during a period of wartime and of continued Army transformation. Indeed, my familiarity with the Department of Defense and with broader governmental legal practice has well equipped me to address this important responsibility.

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

Answer. Based on my 18 years of the practice of law, most of which has been in public service with all three branches of government, I believe I have the requisite legal training and abilities and leadership skills to serve as the Army General Counsel. If I am confirmed, I will work to broaden my expertise and further my understanding and knowledge of the Army, its people and organization, the resources necessary to sustain and transform it, and the challenges it faces.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. Although the Secretary of the Army has not discussed with me the duties and functions he will expect that I perform, I anticipate that he will rely on me to provide accurate and timely legal advice to help ensure that the Army complies with both the letter and spirit of the law. Presumably, the current enumeration of General Counsel responsibilities set forth in the general order prescribing the duties of each principal official of the Headquarters, Department of the Army, will generally remain in effect. Apart from such formally prescribed duties, I believe the Secretary of the Army would expect me to continue a collegial and professional relationship with the General Counsels of the Department of Defense, the other military departments, and the Defense Agencies and the legal staffs of other Federal agencies. I anticipate that the Secretary of the Army will expect me to continue the effective and professional working relationship that exists between the Office of the General Counsel and The Judge Advocate General and his staff. Finally, I anticipate that the Secretary of the Army will expect me to manage the General Counsel's office efficiently and effectively, and to ensure that the Army legal community is adequately resourced to perform its important mission.

Question. In carrying out your duties, how will you work with the General Counsel of the Department of Defense?

Answer. The General Counsel of the Department of Defense is the Chief Legal Officer and final legal authority for the Department of Defense. Although there is no direct reporting relationship to the General Counsel of the Department of Defense, Jeh Johnson has made clear in his testimony before this committee and his actions in the Department, that he intends to work closely with the Service General Counsels. If confirmed, I anticipate having a close and professional relationship with Mr. Johnson, characterized by continuing consultation, communication, and cooperation on matters of mutual interest, in furtherance of the best interests of the Department of Defense.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the General Counsel of the Department of the Army?

Answer. In my opinion, one major challenge will be to continually provide responsive, accurate legal advice regarding the broad array of complex issues likely to arise in connection with the Army's role in support of Joint Operations while simultaneously adapting its aim toward a balanced Army for the 21st century. Although the current environment makes it difficult to anticipate specific legal questions, I expect to confront issues relating to operational matters, acquisition reform, privatization initiatives, military and civilian personnel policies, compliance with environmental laws, and oversight of Department of the Army intelligence activities. At this time, I am not aware of any problems in the current delivery of legal services. However, if confirmed, I will work hard to ensure that the Army legal community is adequately staffed and resourced to provide the responsive, accurate, and timely legal advice necessary to ensure success in all of the Army's endeavors.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will prioritize legal issues in the manner that best serves the Department of the Army. I will also ensure that the talented and dedicated lawyers comprising the Army legal community continue to provide timely value added legal advice of the highest possible quality in response to the Department of the Army's recurring legal responsibilities and the numerous issues that the Army confronts every day. I will endeavor to keep Army lawyers involved at all stages of the decisionmaking process, because I believe that preventive law, practiced early in the formulation of departmental policies, will undoubtedly facilitate the Department's adaptation to the changing operational environment. If confirmed, I will work diligently to adequately resource and expertly staff the Army legal community, in order to guarantee decisionmakers at all levels access to the best possible legal advice.

Question. What broad priorities will you establish in terms of issues which must be addressed by the Office of the General Counsel of the Department of the Army?

Answer. If confirmed, I will focus foremost on the issues that directly impact soldiers, their families, readiness, and the support of military operations. I anticipate that the other legal issues of highest priority will arise from the Army's operational readiness to meet the challenges posed by today's dynamic security environment while simultaneously planning and executing broad strategic initiatives. I will ensure that expert advice is provided to those engaged in the Army's efforts to improve the acquisition process and eliminate fraud, waste, and abuse. I will also ensure that the Army legal community continues to provide timely legal advice of the highest possible quality, executing the Department's recurring legal responsibilities and anticipating and responding to the numerous issues the Army confronts every day.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL

Question. In carrying out your duties, how will you work with the Judge Advocate General of the Army?

Answer. As an Assistant to the General Counsel of the Army from 1991–1995 I believe that I worked in a collegial and collaborative fashion with the Judge Advocate General's Corps to deliver effective legal advice to the Army leadership. Indeed, I believe that close, professional cooperation between the civilian and uniformed members of the Army's legal community is absolutely essential to the effective delivery of legal services to the Department of the Army. If confirmed, I will seek to ensure that the Office of the General Counsel and The Judge Advocate General and his staff, as well as The Judge Advocate General and I, continue to work together to deliver the best possible legal services to the Department of the Army.

Question. How are the legal responsibilities of the Department of the Army allocated between the General Counsel and The Judge Advocate General?

Answer. The Army General Counsel is the chief legal officer of the Department of the Army. The Office of the Army General Counsel is a component of the Army Secretariat, and provides legal advice to the Secretary of the Army and other Secretariat officials on all legal matters. The Judge Advocate General is the legal adviser of the Chief of Staff of the Army, members of the Army Staff, and members of the Army generally. In coordination with the Army General Counsel, The Judge Advocate General serves as military legal adviser to the Secretary of the Army. The law expressly prohibits interference with the ability of The Judge Advocate General to give independent legal advice to the Secretary of the Army. Even in the absence of that statutory requirement, I would always welcome the expression of independent views about any legal matter under consideration. The Judge Advocate General also directs the members of the Judge Advocate General's Corps in the performance of their duties. By law, he is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. The Office of the Army General Counsel and the Office of The Judge Advocate General have developed and maintain a close and effective working relationship in performing their respective responsibilities. If confirmed, I will work to continue that synergistic partnership in providing legal services to the Army.

Question. How will you ensure that legal opinions of your office will be available to Army attorneys, including Judge Advocates?

Answer. It is my understanding that the majority of legal opinions provided to Army attorneys and judge advocates are issued by the Office of The Judge Advocate General, and that many of these opinions are coordinated with the Office of the Army General Counsel. The close, professional cooperation between the civilian and uniformed members of the Army's legal community is absolutely essential to ensure legal opinions issued by the Office of the Army General Counsel will be available to all Army attorneys and Judge Advocates and vice versa. If confirmed, I will seek to ensure that the Office of the General Counsel appropriately makes available any legal opinions that it issues.

Question. In response to attempts within the Department of Defense to subordinate legal functions and authorities of the Judge Advocates General to the General Counsels of the Department of Defense and the Military Services, Congress enacted legislation prohibiting any officer or employee of the Department of Defense from interfering with the ability of the Judge Advocates General of the Military Services and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Chairman, Service Secretaries, and Service Chiefs. Congress also required a study and review by outside experts of the relationships between the legal elements of each of the military departments of each of the military departments.

What is your view of the need for The Judge Advocate General of the Army to provide independent legal advice to the Secretary of the Army and the Chief of Staff of the Army?

Answer. The Judge Advocate General's statutory authority to provide independent legal advice has repeatedly been recognized as essential to the effective delivery of legal services. Uniformed attorneys bring another perspective and can provide insight and advice shaped by years of service throughout the Army. In today's environment, our senior leaders must have independent, honest advice from their lawyers. Recent history has clearly demonstrated why that independent advice is critical.

Question. What is your view of the responsibility of Army Judge Advocates to provide independent legal advice to military commanders?

Answer. Army Judge Advocates in the field have a critical responsibility to provide independent legal advice to commanders given the missions they perform. Army commanders deserve the best legal advice available, and that is in part made possible when the Judge Advocates know they can operate independently with appropriate advice and guidance from supervising attorneys in their technical chain.

Question. If confirmed, would you propose any changes to the current relationships between the Army's uniformed Judge Advocates and General Counsel?

Answer. Based upon my knowledge and understanding to date, I believe that uniformed Army Judge Advocates and the Army General Counsel have an excellent working relationship. If confirmed, I will continue to foster this professional and collaborative relationship to ensure the effective delivery of legal services to the Department of the Army. Yet, as all relationships are dynamic, I will continually assess whether any changes or improvements are needed.

Question. Article 6 of the Uniform Code of Military Justice gives primary jurisdiction over military justice to The Judge Advocates General of the Army, Navy, and Air Force.

How do you view your responsibilities in the performance of military justice matters with regard to the Judge Advocate General of the Army?

Answer. The Judge Advocate General has the primary responsibility for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. Article 6 of the Uniform Code of Military Justice requires The Judge Advocate General or senior members of his staff to make "frequent inspections in the field" in furtherance of his responsibility to supervise the administration of military justice. I will, if confirmed, consult with The Judge Advocate General on matters of mutual interest or concern relating to military justice, recognizing his statutory duties and special expertise in this area. I will also work with The Judge Advocate General in safeguarding the integrity of the military justice system.

ATTORNEY RECRUITING AND RETENTION ISSUES

Question. How do you assess your ability to hire and retain top quality attorneys and provide sufficient opportunity for advancement?

Answer. I understand that the Army continues to recruit and retain top quality military and civilian attorneys. Through an extensive professional development program, Army military and civilian attorneys are ready to perform the full spectrum of demanding positions. I recall that the Judge Advocate General's Legal Center and School is the cornerstone of the successful continuing education of these attorneys. If confirmed, I will continue to monitor and assess recruitment, retention, and advancement programs for our military and civilian attorneys.

Question. In your view, does the Department of the Army have a sufficient number of attorneys to perform its missions?

Answer. The Army's legal community has grown out of necessity in recent history, and may need to adjust because of new mission requirements. If confirmed, I will evaluate the adequacy of the numbers of attorneys in the Department of the Army to accomplish the Army's missions.

Question. In your view, what incentives to successful recruiting and retention of attorneys, if any, need to be implemented or established?

Answer. I am not familiar with the full scope of the Army's programs for recruiting and retaining military and civilian attorneys, but if confirmed, with the Judge Advocate General I will look at this area very carefully and support initiatives that enhance the Army's ability to recruit and retain those critical skills that give it flexibility and ensure we have the right attorneys performing every mission.

DETAINEE ISSUES

Question. What role do you expect to play, if confirmed, in helping the Department of Defense and the Department of the Army address legal issues regarding detainees?

Answer. Addressing the legal issues regarding detainees is of vital importance to the Department of Defense and the Nation as a whole. I understand that the Office of the General Counsel and the Office of The Judge Advocate General have representatives on a DOD General Counsel subgroup convened pursuant to the President's Executive Orders. If confirmed, I will work closely with the DOD General Counsel and this subgroup in executing the President's directives. Additionally, in coordination with The Judge Advocate General, I will provide advice to the Secretary of the Army in his role as the Department of Defense Executive Agent for the administration of detainee operations policy, with particular focus on our obligation to treat all detainees humanely.

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the U.S. Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the foregoing prohibition in the best interest of the United States? Why or why not?

Answer. Yes, I firmly believe that this prohibition is in the best interest of the United States. This prohibition is consistent with the longstanding military tradition of applying the humanitarian provisions of the Law of War to those individuals who, for whatever reason, are no longer actively participating in hostilities and find themselves in custody. Moreover, this prohibition is consistent with international standards to which the United States is a party. As President Obama recently noted, "[a] democracy as resilient as ours must reject the false choice between our security and our ideals." Prohibiting the cruel, inhumane, or degrading treatment or punishment of individuals in our custody or under our physical control upholds our ideals and reinforces our moral authority around the world.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. Although the phrase "cruel, inhuman, or degrading treatment" is, on its face, susceptible to broad interpretation, the proscriptions on such conduct contained in the Department's implementing directives, as well as the provisions of the Geneva Conventions that are embodied in those directives, make it clear to our soldiers what conduct is prohibited. If confirmed I will ensure the Army's implementation of this policy in doctrine, to include training manuals, is clearly understood.

Question. What role do you believe the General Counsel of the Army should play in the interpretation of this standard?

Answer. The appropriate role of the General Counsel is to provide advice to the Secretary of the Army and his staff on detention and interrogation policies that implement this standard. If confirmed, I will ensure Army implementation is consistent with the law, the intent of the administration, and the guidance issued by the Secretary of Defense.

Question. What role do you believe the Judge Advocate General of the Army should play in the interpretation of this standard?

Answer. The appropriate role of The Judge Advocate General is to provide advice to the Chief of Staff of the Army and the Army staff on detention and interrogation policies that implement this standard. The Judge Advocate General should also continue to train and supervise the Judge Advocates in the field, who are so instrumental in attaining and maintaining this standard.

Question. If confirmed, will you take steps to ensure that all relevant Army directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. I will. I believe the requirements of section 1403 and Common Article 3 of the Geneva Conventions continue to be essential to maintaining a disciplined Army, bound by the Rule of Law.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?

Answer. I do. These standards have been instrumental in restoring the confidence of the American people in the Army and will be important, in the future, in guiding our soldiers in contingency operations.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. These sections of the War Crimes Act were necessary to define the "serious crimes," or "grave breaches," of Common Article 3 to the Geneva Conventions. Defining these felony-level offenses was important to complete international law obligations to define, with specificity, the grave breaches which must be prosecuted under the law of war. In addition, in order to complete the U.S. obligation to "take all measures necessary for the suppression" of all other violations of the law of war, other than grave breaches, I believe the Department must continue to hold soldiers accountable for violations of these standards. I understand that these obligations will continue to be enforced through appropriate directives, training, and oversight.

CONTRACTORS ON THE BATTLEFIELD

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. The extensive involvement of contractor employees in a broad array of activities—including security functions—has raised questions about the legal accountability of contractor employees for their actions.

Do you believe that current Department of Defense and Department of the Army regulations appropriately define and limit the scope of security functions that may be performed by contractors in an area of combat operations?

Answer. It is my current understanding that Department of Defense Instructions currently define the limit and scope of security functions that may be performed by contractors in an area of combat operations; however, I have been advised that this instruction is currently under review. Accordingly, it would be premature for me to offer an opinion at this time regarding whether current Department of Defense and Department of the Army regulations on the subject are adequate, and if confirmed I will support this review as appropriate.

Question. What changes, if any, would you recommend to such regulations?

Answer. It would be premature for me to recommend any changes to Department of Defense or Department of the Army regulations until the review of Department of Defense Instruction 3020.41 is complete.

Question. Do you believe that current Department of Defense and Department of the Army regulations appropriately define and limit the scope of contractor participation in the interrogation of detainees?

Answer. I understand that the current Department of Defense and Department of the Army regulations define and, if implemented properly, limit the scope of contractor participation in the interrogation of detainees

Question. What changes, if any, would you recommend to such regulations?

Answer. I have no basis to propose any changes at this time. If confirmed, I will review the applicable Department of Defense and Department of the Army regulations to determine what, if any, changes may be needed.

Question. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons."

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. There are many factual data points that may have an impact on determining whether the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations is an inherently governmental function. For example, I understand that support services that require substantial discretion or prudent judgment are inherently governmental, and that the likelihood that an individual will be required to resort to force, especially deadly force, and the degree to which an individual may be required to exercise force in public are important factors to consider in assessing whether a particular security mission is inherently governmental. Therefore, if I am confirmed, I intend to examine this issue in greater depth to ensure the Army's assessment regarding this issue is fully considered in the ongoing review of its policies.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. I understand that under Department of Defense policy the direction and control of intelligence interrogations—to include the approval, supervision, and oversight of interrogations, as well as the execution of those aspects of an interrogation that entail substantial discretion—are inherently governmental activities. However, an issue may arise to the extent that properly trained and cleared contractors may be used to conduct government approved interrogations if they are supervised and closely monitored throughout the interrogation process by properly trained DOD military or civilian personnel. In my view the conduct of interrogations is a dynamic activity that could create circumstances that might cause a contractor to exercise discretion that could significantly affect the life, liberty, or property of private persons. As a result, the Department should continue to assess the appropriateness of the contractors' role in an interrogation.

Question. What role do you expect to play, if confirmed, in addressing the issue of what functions may appropriately be performed by contractors on the battlefield?

Answer. If confirmed, I will provide advice to the Secretary of the Army and the appropriate Assistant Secretaries regarding the functions that contractors may legally perform on the battlefield, and I will assist them in implementing policies regarding the use of contractors that are consistent with applicable statutory and regulatory constraints.

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of the U.S. courts to persons employed by or accompanying the Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I understand that MEJA was intended to address the jurisdictional gap in U.S. law regarding criminal sanctions, as applied to civilians employed by or accompanying the Armed Forces outside the United States, members of the Armed Forces, and former members of the Armed Forces, including their dependents. In my opinion, MEJA provides an effective means of exercising extraterritorial criminal jurisdiction over contractor employees in Iraq, Afghanistan, and other areas of combat operations who engage in conduct that would constitute a felony-level Federal crime in the United States.

Question. What changes, if any, would you recommend to MEJA?

Answer. I understand that legislation has been proposed in the past that would expand MEJA to cover individuals employed under a contract (or subcontract at any tier) awarded by any department or agency of the United States, where the work under such contract is carried out in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces are conducting contingency operations. If confirmed, I will study this and assess whether this or any other change to MEJA may be appropriate.

Question. What role would you expect to play, if confirmed, in developing administration recommendations for changes to MEJA?

Answer. The General Counsel is responsible for the administration of Army contracts and the supervision of Army civilian employees potentially subject to prosecution under MEJA. If confirmed, I would play an active role in the development of any proposals to change MEJA. I would also coordinate closely with The Judge Advocate General in the development of any such proposals given the complementary and sometimes competing availability of jurisdiction under the Uniform Code of Military Justice (UCMJ).

Question. Section 552 of the National Defense Authorization Act for Fiscal Year 2007 extended criminal jurisdiction of military courts martial under the UCMJ to persons serving with or accompanying an armed force in the field during time of declared war or a contingency operation, such as our current operations in Iraq and Afghanistan.

In your view, does the UCMJ provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. The UCMJ provides commanders the tools necessary to maintain good order and discipline and the morale, welfare and safety of all those under their jurisdiction during military operations. Because misconduct by contractors may undermine good order and discipline, Congress extended UCMJ jurisdiction over such individuals, and the Secretary of Defense, in turn, published guidance on the prudent exercise of such jurisdiction. This guidance ensures that the Department of Justice and the Department of Defense each play an appropriate role in resolving whether, and under which system, jurisdiction might be better exercised in each potential case.

Question. What is your view of the procedures agreed upon by the Department of Defense and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I have not had an opportunity to review the procedures agreed upon by the Department of Defense and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ. If confirmed, I will monitor cases in which MEJA and the UCMJ are employed in coordination with The Judge Advocate General to assess the effectiveness of the procedures and whether further refinements of these procedures are necessary.

Question. What changes, if any, would you recommend to the UCMJ to ensure appropriate jurisdiction for alleged criminal actions of contractor employees?

Answer. At present, I am not aware of any specific provisions in need of change

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of the Department of Defense and the Department of the Army regarding religious practices in the military?

Answer. As a former soldier and attorney in the Army General Counsel's office and Civil Division of the Department of Justice, it always has been my understanding that the Army's policies support religious tolerance and respect. If confirmed, I would continue the Army's apparent commitment to upholding the Constitutional tenets of the "free exercise" and "establishment" clauses and review policies as necessary to assure continued compliance with the First Amendment.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I understand that, as they now stand, Army policies require chaplains to support all unit personnel, regardless of their beliefs. It is my view that these Army policies do accommodate free exercise of religion. If confirmed, I am willing to study this issue further to determine if changes in policy are necessary under the law.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. I understand that, during mandatory official functions, chaplains are not compelled to offer prayers that are inconsistent with their faith, but are expected to remain sensitive to the pluralistic Army and society they serve. In my opinion, these policies strike an appropriate balance given the diversity of religious views in the Army. If confirmed, I am willing to study this issue further to determine if changes in policy are necessary under the law.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination.

If confirmed, what role, if any, would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. I understand that, for all officer promotions, including general officer promotions, the Office of the Army General Counsel, in coordination with the Office of The Judge Advocate General, reviews the following:

a. Memoranda of Instruction that govern the conduct of promotion selection boards and subsequent promotion selection board reports.

b. Adverse information that is not in an officer's official military personnel file that may be presented to the promotion selection board. I have been advised that this information is reviewed to ensure it is accurate and comports with the requirements of title 10 such that the information is "substantiated, relevant information that could reasonably affect the deliberations of the selection board."

c. Adverse information related to general officers. In general officer cases, the standard for adverse information that must be presented to a promotion selection board is "any credible information of an adverse nature." I have been advised that the Office of the Army General Counsel participates in a detailed screening process in which a panel of senior officials reviews all credible information related to officers whose records will be reviewed by a promotion selection board for promotion to a general officer grade. The

panel ensures that all adverse information is properly identified for presentation to the promotion selection board.

d. Adverse information that becomes available after a promotion selection board makes its recommendations. I have been advised that the Office of the Army General Counsel and the Office of The Judge Advocate General coordinate in providing legal advice to the Secretary of the Army so that he may determine whether a promotion review board should be convened to consider whether to continue to support the promotion of the considered officer or take steps to remove the officer from the promotion list.

Question. What is your understanding of the role of the General Counsel of the Department of the Army in ensuring the legal sufficiency of statutory selection board processes?

Answer. I understand that under title 10, the Secretary of the Army is responsible for the proper functioning of the Department of the Army's promotion selection process. Prior to approval by the Secretary of the Army, all Memoranda of Instructions for officer promotion selection boards are reviewed by the Office of the Army General Counsel, in coordination with the Office of The Judge Advocate General, to ensure the Secretary's instructions conform to statutes and accurately reflect his guidance regarding attributes necessary for service in the next grade. All reports of promotion selection boards are processed through the Office of the Army General Counsel prior to final action on the report by the Secretary. The Army General Counsel must satisfy himself or herself that the Army has met applicable statutory standards and that individual selection board reports conform to the law. The Army General Counsel must advise the Secretary of the Army of any case in which a selection board report fails to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion. In advising the Secretary of the Army and the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), the General Counsel helps to ensure that Army promotion policies properly implement applicable laws and regulations and are fairly applied.

Question. What is the role, if any, of the General Counsel of the Department of the Army in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. It is my understanding that under current Department of the Army practice, the General Counsel's office reviews each selection board report, as well as departmental communications to the committee, the President, and the Secretary of Defense concerning nominations, to ensure that the reports and communications comply in form and substance with law and regulation. The General Counsel's office gives special attention to cases of nominees with substantiated or potentially adverse information, in order to ensure that such information is reported to the Senate Armed Services Committee in a timely, accurate, and comprehensible manner.

MILITARY PERSONNEL POLICY AND CASES

Question. In your view, what role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the Board for Correction of Military Records?

Answer. If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretary of the Army (Manpower and Reserve Affairs), and other senior Department of the Army leaders to ensure that the Department of the Army's military personnel policies are formulated and applied uniformly, fairly, and in accordance with applicable laws and regulations. If I were to become aware of an individual case in which military personnel policies were not fairly and lawfully applied, I would take appropriate action to ensure that the case is properly resolved. I will coordinate with the Assistant Secretary of the Army (Manpower and Reserve Affairs), who exercises overall supervision of the Army Review Boards Agency, regarding the legal sufficiency of materials and recommendations that the Army Board for the Correction of Military Records is providing to senior Department of the Army leaders. In addition, I am aware of and fully respect the independent role that the Army Board for the Correction of Military Records plays in the correction of military records.

SEXUAL ASSAULT PREVENTION AND RESPONSE POLICY

Question. Numerous cases of sexual misconduct involving soldiers have been reported from Iraq, Kuwait, and Afghanistan over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the military failed to respond appropriately by providing basic services, including medical attention and criminal investigations of their charges.

What is your understanding of the resources and programs the Army has in place in deployed locations to offer victims of serious sexual assaults the medical, psychological, and legal help they need?

Answer. This is an extremely important issue for the Army and, if confirmed, I will focus significant attention on this area. While I am not fully aware of all Army initiatives or resources, I understand that the Army has taken significant steps to improve the assistance to victims of all sexual assaults, with enhanced recognition of the special circumstances that apply to deployments. If confirmed, I will study this matter in greater depth with a view to ensuring the Army continues to take appropriate steps to provide medical, psychological, and legal help to soldiers who are victims of sexual assault, both in garrison and in deployed locations.

Question. What is your view of the steps the Army has taken to prevent additional sexual assaults on female soldiers at their home stations and when they are deployed?

Answer. In my opinion, the Army has taken several extremely important steps in its campaign to prevent sexual assaults on female soldiers at their home stations and when they are deployed. I have been advised that the Army launched a new comprehensive sexual assault prevention campaign in 2008. If confirmed, I will ensure that the legal community fully supports this initiative and any others and will assess whether additional steps need to be taken. If confirmed, I look forward to working closely with Army leaders on this and other vital initiatives to prevent sexual assault.

Question. What is your view of the adequacy of the training and resources the Army has in place to investigate and respond to allegations of sexual assault?

Answer. Presently, I am not familiar with all of the Army's training and resources to investigate and respond to allegations of sexual assault. If confirmed, I will assess whether additional steps should be taken to support victims and hold offenders accountable.

WHISTLEBLOWER PROTECTION

Question. Section 1034, title 10, U.S.C., prohibits taking retaliatory personnel action against a member of the Armed Forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command.

If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect servicemembers who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will work with The Judge Advocate General to ensure that military leaders are fully and accurately advised of the whistleblower protections accorded by law and regulation, and that they understand their legal responsibilities in this important area. In addition, I will ensure that any individual cases involving illegal reprisals that come to my attention are addressed in accordance with the law. Whistleblower protections for military personnel affirm that members of the Armed Forces shall be free from reprisal for making or preparing a protected communication to a Member of Congress; an Inspector General; a member of a DOD audit, inspection, investigation, or law enforcement organization; or any other person or organization (within or outside the chain of command) designated under regulations or established procedures to receive such communications. I believe that these protections are essential to the integrity of our process.

SUPPORT TO ARMY INSPECTOR GENERAL

Question. What role, if any, do you think the General Counsel of the Army should have in reviewing the investigations and recommendations of the Army Inspector General?

Answer. If confirmed, as the chief legal officer of the Department of the Army and counsel to the Secretary and other Secretariat officials, I will establish and maintain a close, professional relationship with The Inspector General, and will communicate with him directly and candidly as he performs his prescribed duties. I will provide independent and objective legal advice with regard to all matters that relate to Inspector General programs, duties, functions, and responsibilities. I will oversee the provision of productive and effective legal guidance to the Office of the Inspector General in conducting investigations and delineating recommendations. Further, as part of my responsibility to review legal and policy issues arising from the Army's intelligence and counterintelligence activities, I will advise The Inspector General concerning proper reporting of the Army's intelligence oversight activities. Of course, given The Inspector General's mandate for independence and candor in advising the

Secretary as to his investigative findings and recommendations, the Inspector General has final authority over matters within his functional purview.

WOMEN IN COMBAT

Question. Section 541 of the National Defense Authorization Act for Fiscal Year 2006 required the Secretary of Defense to report to Congress on his review of the current and future implementation of the policy regarding assignment of women in combat. In conducting the review, the Secretary of Defense examined Army unit modularization efforts and associated personnel assignment policies to ensure their compliance with the Department of Defense policy on women in combat that has been in effect since 1994.

What is your understanding of the conclusions and lessons that have been learned about the feasibility of current policies regarding women in combat from Operation Iraqi Freedom and Operation Enduring Freedom and what is your assessment of the Army's compliance with the requirements of law relating to women in combat?

Answer. Although I have not reviewed the study in detail, it is my understanding that the study revealed that the Army is in compliance with the requirements of the law relating to women in combat. It is also my understanding that the Army's transformation to modular units took into account and is in compliance with the current assignment policy for women. Women have and will continue to be an integral part of the Army team, performing exceptionally well in all specialties and positions open to them.

Question. In your view, should the current policy regarding assignment of women in combat be revised to reflect changing roles for female soldiers?

Answer. At this point I do not believe that I have enough information to make an informed judgment about whether the policy should be changed. However, if I am confirmed and the Army determines after careful study and deliberation, that there is a need to seek a change to the policy, I will provide the Secretary with cogent legal advice regarding the changes sought and ensure that the Army complies with all of the notification requirements of the law.

CIVILIAN ATTORNEYS

Question. Judge advocates in the Armed Forces benefit from an established career ladder, substantial training opportunities, and exposure to a broad spectrum of legal areas and problems. By contrast, civilian attorneys in the military departments normally do not have established career programs and may do the same work for many years, with promotion based solely upon longevity and vacancies.

In your opinion, does the personnel management of civilian attorneys need revision? If so, what do you see as the major problems and what changes would you suggest?

Answer. There appears to be a growing need for a systemic civilian attorney professional development program that appropriately reflects the tenets by which we have historically developed judge advocates. I understand that there is a Working Group in the Army for the purpose of assessing and recommending programs for the professional development of civilian attorneys. If confirmed, I would work closely with all of the entities affected by this issue to support the continuing and important efforts of the Working Group and any other initiative deemed appropriate.

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of the Army?

Answer. The client of the General Counsel of the Department of the Army is the Department of the Army, acting thorough its authorized officials.

LEGAL ETHICS

Question. What is your understanding of the action a Department of the Army attorney or an Army Judge Advocate should take if the attorney becomes aware of improper activities by a Department of the Army official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. Army attorneys generally provide legal advice to Army officials in their capacity as representatives of the Department of the Army. The Department of the Army is the attorney's client, and no attorney-client privilege is established between the attorney and the Army official. When an Army attorney advises an Army official, the official may use that advice to exercise official functions. If an Army attorney suspects that the individual Army official, either in the exercise of functions or in the failure to exercise functions, violates a law or standard of conduct, I believe

that he or she should report the potential violation. Potential violations of the conflict of interest laws may be reported to Army criminal investigators; potential violations of provisions of the Federal Acquisition Regulation may be reported to the appropriate contracting officer; and potential violations of the standards may be reported to an Army ethics counselor, the head of the Army command or organization, the individual's or attorney's supervisor, or the Army Inspector General (IG), as appropriate. At all times, Army personnel and attorneys may report any misconduct to the IG or criminal investigators, either in person or anonymously.

Question. Do you believe that the present limits on pro bono activities of government attorneys are generally correct as a matter of policy or does the policy need to be reviewed and revised?

Answer. I understand that government attorneys may participate in pro bono activities so long as the representation is consistent with general governmental ethical rules and with the rules of professional responsibility applicable to attorneys. I understand that Army civilian attorneys may, for instance, perform pro bono work with supervisory approval so long as the representation does not occur on Government time or at its expense, does not interfere with official duties, and does not create a conflict of interest or the appearance of a conflict of interest. I understand the Army also operates legal assistance program for soldiers and families, providing free services in areas such as family law, wills and estate planning, tax law, landlord/tenant matters, contract disputes, consumer law, and assistance during the disability evaluation system. Although I am not aware of any need for revision of the present limits, it is important that government attorneys be able to participate in pro bono activities. If confirmed, I would review the current policy in coordination with The Judge Advocate General and recommend revisions, if appropriate.

Question. In your view, do the laws, regulations, and guidelines that establish the rules of professional responsibility for attorneys in the Department of the Army provide adequate guidance?

Answer. The Army has a comprehensive regulations, based upon the American Bar Association Model Rules of Professional Conduct which govern the ethical conduct of Army lawyers, both military and civilian. All Army attorneys, military and civilian, must, at all times, be in good standing with the licensing authority of at least one State, territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. This regulatory system would appear to provide adequate guidance; however, if confirmed, I would review the current policy in coordination with The Judge Advocate General and recommend revisions, if appropriate.

ACQUISITION ISSUES

Question. What role should the General Counsel play in ensuring that Army procurement programs are executed in accordance with the law and DOD acquisition policy?

Answer. If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretary of the Army (Acquisition, Logistics, and Technology), and other senior Department of the Army leaders to ensure that the Department of the Army's acquisition and procurement programs are executed in accordance with applicable provisions of the U.S. Code, as well as higher-level regulations and policy. Today's acquisition professionals face the challenge of managing their programs' cost, schedule, and performance while remaining in compliance with a myriad of legal and policy requirements. I believe it is the responsibility of Army lawyers to proactively assist their acquisition clients in meeting that challenge. From the earliest stages of program development, counsel should be involved in identifying potential issues and, where appropriate, legally-compliant alternative courses of action. In those rare situations, where an issue cannot be satisfactorily resolved, it is incumbent on counsel to promptly elevate their concerns in order to protect the Department's overarching interests.

Question. What role should the General Counsel play in ensuring that ethics provisions on conflict of interest are followed both by Army personnel and by Army contractors?

Answer. Structuring Departmental business practices to avoid both personal and organizational conflicts of interest should be one of the Army's highest priorities. If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretary (Acquisition, Logistics and Technology) and other senior Departmental officials to promote an organizational climate that is sensitive to the need to avoid conflicts of interest and that reacts appropriately when specific issues arise. I believe that Army lawyers can make a significant contribution to this endeavor through the provision of acquisition ethics training and through early and sustained involvement in the Department's acquisition programs and procurement activities.

Question. Allegations of fraud and abuse during contingency contracting in Iraq and Afghanistan have been wide-spread. What role should the General Counsel play in ensuring that Army personnel are properly trained in contingency contracting and are supervised in the performance of their duties?

Answer. It is my understanding that the contracting workforce was understaffed and not fully equipped to handle the resultant surge of contracting actions in support of our Nation's missions in Iraq and Afghanistan. This situation undoubtedly contributed to the widely publicized increase in allegations of fraud and abuse in connection with contracting in those theaters of operations. Secretary of the Army, Pete Geren, responded by appointing Dr. Jack Gansler to lead a special commission on contracting with the purpose of assessing current conditions and providing a long-term strategic view of the Army's acquisition and contracting system in support of expeditionary operations.

If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretary of the Army (Acquisition, Logistics, and Technology), and other senior Department of the Army personnel to ensure that the legal community continues to fully support the initiatives recommended and currently being implemented as a result of the Gansler Commission's assessment. One of the Commission's recommendations was to provide training and tools for contracting activities that would equip contracting personnel to handle the complexities of a contingency contracting mission for our warfighters, while assuring proper fiscal stewardship of taxpayer dollars. If confirmed, I will ensure the legal community is proactive in providing timely legal advice and training of the highest possible quality to effect the recommended Gansler Commission changes in compliance with the letter and spirit of the law. I would also work closely with The Judge Advocate General and the other Army legal qualifying authorities to ensure that adequate legal resources are available to support the contingency contracting mission.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of the Army in ensuring the integrity and proper functioning of the officer promotion process?

Answer. As addressed above, I understand that, under title 10, U.S.C., Chapter 36, the Secretary of the Army is responsible for the proper functioning of the Department of the Army's promotion selection process. In addition to the legal review of memoranda of instruction and selection board reports to ensure they comport with statutory standards, the Army General Counsel must also ensure the conduct of the board process conforms to all legal requirements. Additionally, the Army General Counsel must advise the Secretary of the Army of any case in which a selection board report or selection board process fails to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion. In advising the Secretary of the Army and the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), the General Counsel helps to ensure that Army promotion policies properly implement applicable laws and regulations and are fairly applied. Additionally, the Office of the Army General Counsel coordinates closely on these matters with The Office of the Judge Advocate General.

LITIGATION INVOLVING THE DEPARTMENT OF THE ARMY

Question. In your opinion, what is the relationship between the Department of the Army and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. The Department of Justice represents the Department of the Army in civil litigation. In general, my recollection is that coordination on every level is timely and consistent. If confirmed, I will work with The Judge Advocate General to ensure the continuation of a collaborative relationship with the Department of Justice with respect to litigation involving the Department of the Army.

Question. In your view, does the Department need more independence and resources to conduct its own litigation or to improve upon its current supporting role?

Answer. The Army's interests in civil litigation are effectively protected and defended by the Department of Justice. If confirmed, I will work with The Judge Advocate General to ensure that adequate resources are available to ensure that the Army is able to provide the appropriate level of support to the Department of Justice and protect the Army's interests in civil litigation in which the department is involved.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

EXPERIENCE AT FANNIE MAE

1. Senator MARTINEZ. Mr. Remy, the Office of Federal Housing Enterprise Oversight (OFHEO) Report of the Special Examination of Fannie Mae of 2006 identified numerous accounting discrepancies and management failures at Fannie Mae during the period from 1998 to 2004. The report details a corporate culture where Fannie Mae employees manipulated accounting and earnings to trigger bonuses for senior executives from 1998 to 2004. Please explain your involvement as the Deputy General Counsel and Vice President for Housing and Community Development from 2000 to 2006 in the events described in the investigation that led to the 2006 OFHEO Report.

Mr. REMY. During most of my tenure at Fannie Mae, I served as an attorney in the Office of the General Counsel. In that capacity I was principally responsible for advising on litigation, employment law, antitrust, procurement contracts, internal investigations of employee or contractor malfeasance, and building and maintaining a compliance system for adherence to laws, regulations, and the Code of Conduct. I did not perform any accountant functions, and made no accounting judgments. Similarly, during my time in the Housing and Community Development Division, I was not involved in any accounting activities, but rather was responsible for humanitarian relief and investment in rebuilding communities along the Gulf Coast after Hurricanes Katrina and Rita. More particularly, at no time was I involved in any way in making any accounting judgment, including the specific accounting judgments reviewed by the OFHEO, and I was not implicated in any way in the errors that were the focus of the Special Examination conducted by OFHEO.

The 2006 Report of the Special Examination of Fannie Mae issued by OFHEO was the product of a multi-year review by the company's regulator, focused on whether the implementation of certain accounting pronouncements complied with Generally Accepted Accounting Principles (GAAP). The original impetus was the December 2003 Report of the Special Examination of Freddie Mac and an effort to determine whether similar issues existed at Fannie Mae. During the course of its review, OFHEO concluded that a number of accounting policies and practices—including those relating to premium and discount amortization (FAS 91) and derivatives and hedging activities (FAS 133)—had been erroneous. OFHEO also addressed more general problems relating to accounting policy development, poor segregation of duties of the CFO, and other internal control deficiencies. All of these issues were described in a 211 page September 2004, Report of Findings to Date of the Special Examination of Fannie Mae. As I played no role in the accounting practices being reviewed, I was not mentioned at all in that report.

Subsequent to the September 2004 report, the Board of Fannie Mae hired former Senator Warren Rudman and the law firm of Paul Weiss Rifkin Wharton & Garrison (Paul Weiss) to conduct an independent review of the issues identified in the

OFHEO Report and any other issues they deemed appropriate. Paul Weiss issued a 616 page report at the conclusion of its review. While I was mentioned in that report regarding my compliance roles and responsibilities, I was in no way found to have engaged in any improper activity.

Further, in December 2004 the U.S. Securities and Exchange Commission (SEC) determined that the accounting policies of Fannie Mae for both FAS 91 and FAS 133 departed from GAAP and advised the company to restate its financial statements for the years 2001 through 2004. Nothing regarding my conduct or matters falling within my areas of responsibility was implicated in any way in the SEC's investigation.

OFHEO's Special Examination continued, as it looked into additional accounting issues and other issues. In May 2006, OFHEO issued its 340 page Report of the Special Examination of Fannie Mae (the "2006 OFHEO Report" or the "Report"). Some of my appearances in this report were identified in your letter and are discussed in summary below and more fully in response to your specific questions. I am not certain if any of these instances in which I am mentioned are responsive to your requcst in this question for information regarding my "involvement in . . . events described in the investigation that led to the . . . report." Nonetheless, I list them here in an effort to be responsive and complete.

- First, in the section of the report that is related to OFHEO's regulatory authority, I am referenced regarding advice and legal strategy discussed with the General Counsel. As a Deputy General Counsel responsible for litigation it was part of my job to engage with the General Counsel on matters that might involve litigation. This is a reference to one such conversation. This mention, which is discussed in further detail below, however does not find that I am responsible for any improper corporate culture, tone at the top, or regulatory interference.
- Next, I am referenced as having transferred information in my official capacity to the external auditor regarding an internal investigation. This reference demonstrates that as the Chief Compliance Officer I properly informed the external auditor of some issues raised by an employee.
- Another reference to me appears in a footnote describing a memorandum that I wrote which reflected that the Company's external auditor was at a meeting regarding an internal investigation in which it was determined that certain items had been properly accounted for. I was the supervisor of some of the individuals who conducted the investigation into allegations made by an employee that accounting amortization practices were improper, allegations that his reporting environment discouraged dissent, and allegations that he was discriminated against. In my capacity as Chief Compliance Officer, I wrote a memorandum to memorialize and consolidate the final findings of these various investigations.
- In another footnote my name appears as having been cc'd on an e-mail from the General Counsel regarding responses to a question posed by an employee in a town hall "unplugged" meeting held by the Chief Operating Officer.
- Finally, I am referenced as having been given the title of and certain responsibilities as Chief Compliance Officer, which OFHEO found conflicted directly with my responsibilities for managing the defensive components of the Legal Department (i.e., litigation and employment.) OFHEO did not conclude or even suggest that the potential for conflict resulted in any instances of improper conduct or actual conflicts that impacted my job performance.
- Also, although not referenced in the Report, I assisted in the efforts to produce documents and witnesses to OFHEO to help facilitate its examination.

2. Senator MARTINEZ. Mr. Remy, the 2006 OFHEO Report details that, while you were serving in a senior position at Fannie Mae, Fannie Mae over-reported its earnings by a total of $10.6 billion. Earnings management made a significant contribution (approximately $52 million) to the compensation of then Chairman and CEO totaling over $90 million. We all know the ramifications of unethical behavior in the mortgage market. Describe what you did in your role as Senior Vice President for Housing and Community Development of Fannie Mae between 2003 and 2006 to prevent or mitigate these false earning reports.

Mr. REMY. In my role in as SVP, Housing and Community Development from late 2005 until my departure in 2006, I was responsible for developing a plan for humanitarian relief and investment in rebuilding communities along the Gulf Coast most affected by Hurricanes Katrina and Rita. Much of this time, I was on the ground

with the victims of the storms and community leaders in Louisiana, Mississippi, Alabama, Florida, and Texas attempting to help develop solutions to critical housing issues. I had no role or responsibilities in that job with respect to accounting or earning reports.

3. Senator MARTINEZ. Mr. Remy, did you know of these false earning reports?

Mr. REMY. I was unaware of the accounting errors that led to the restatements of earnings or any false earnings reports or earnings management that OFHEO concluded led to higher bonuses. Nothing in my job responsibilities or my skill sets would have put me in a position to have knowledge of those issues before the potential problems were identified through allegations, investigations or examinations by regulators. Once the accounting problems, which impacted earnings, were identified the company withdrew its financial statements and established a restatement team to mitigate the problems that had been created. I was not part of those decisions or the restatement effort.

ADVANCED POLICY QUESTION REPONSES

4. Senator MARTINEZ. Mr. Remy, on answering the advanced policy question (APQ) for the committee, "What background and experience do you possess that you believe qualifies you to perform these duties?", you failed to recognize Fannie Mae as your employer. At any time during the vetting process for this nomination, were you advised to remove references to Fannie Mae in your biography or this APQ? If not, why did you decide to not be candid with the committee about your employment with Fannie Mae?

Mr. REMY. No. I was never told to remove references to Fannie Mae from my biography or my APQ response. I have tried, at all times, to be completely and fully candid with the committee. Indeed, I clearly stated my past employment with Fannie Mae in other materials I submitted to the committee and in a courtesy call with committee staff. In submitting my biography, I used one of several versions that I have used in the private sector. That more summary version discusses certain segments of my work experience generally, and does not expressly reference Fannie Mae. That version, however, should never have been used to respond to the APQ or sent to the committee, which has a duty to carefully evaluate all of my experience and qualifications. That was a mistake for which I take full responsibility. I have answered the enclosed questions and other questions asked by the committee about my tenure at Fannie Mae fully and frankly, as I am certain there is nothing in my service there by which I cannot proudly stand.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT REVIEW OF FANNIE MAE

5. Senator MARTINEZ. Mr. Remy, on May 23, 2006, James B. Lockhart, Acting Director of the OFHEO said he found an "environment where the ends justified the means" and "there was a systematic effort by senior management to manipulate accounting, reap financial rewards, and prevent the rest of the world from knowing about it." Fannie Mae agreed to pay $400 million as part of settlements with OFHEO and the SEC. For the 6 years, you were a senior executive within Fannie Mae. Can you explain your involvement in the OFHEO's investigation and in the subsequent settlement?

Mr. REMY. OFHEO's Special Examination of Fannie Mae began in 2003 and ended with the release of its report in May 2006. Hence, my involvement in the Special Examination did not begin until 2003. I assisted in the Company's efforts to preserve and produce documents and witnesses to OFHEO. I was not involved in the settlements with OFHEO and the SEC.

PAY AND BONUS STRUCTURE WHILE AT FANNIE MAE

6. Senator MARTINEZ. Mr. Remy, the committee understands you were employed with Fannie Mae from 2000 to 2006. Please provide a schedule of your total annual compensation (including but not limited to your annual salary and bonuses) for each of the 6 years you were employed at Fannie Mae.

Mr. REMY. The following is a schedule of my salary, bonus, and stock awards. I also have included the severance payments I received upon departure. As the long-term stock and Performance Share Plan (PSP) compensation are more complex and very difficult to value, I provide you with the stock option or restricted stock award amounts. I never exercised a single stock option that I was granted—which are all now expired. Hence the actual value of all options received by me during by entire

6 years with the company is $0.00. Moreover, many of the restricted shares that I was granted were sold at a loss.

Year	Salary[1]	Cash Bonus	Options Granted[3]	Restricted Stock Awarded[4]	Severance[7]
2000	$160,000	$68,800	6,960 @ $60.84 5,700 @ $77.10	2,000 shares	
2001	$164,800	$92,000	3,680 @ $78.56 8,030 @ $80.95		
2002[2]	$215,000	$219,375			
2003	$235,000	$229,800	2,718 @ $69.43 6,693 @ $69.43		
2004	$258,000	[5] $0	9,476 @ $78.32		
2005	$280,000	[6] $332,500	0	[6] 3,100 shares 6,039 shares	
2006	$290,500	$0	0		[8] $391,058 [9] $274,000

[1] Salary for each year is annualized, not actual.
[2] Promoted to Senior Vice President during 2002 and salary was increased to $215,000.
[3] Options are listed based upon year of grant. Of course, they only have value if they increase above the strike price. Options however vest over a period of 3 or 4 years. All options currently have no value and in any event have expired. I never exercised any options and therefore received no value from these grants.
[4] Restricted shares vest either over a period of 3 years or 4 years. The value of the stock is attributed as income in the year that they vest.
[5] No bonus pool was available due to restatement.
[6] Includes retention bonuses and accelerated vesting upon departure in 2006.
[7] I left the company and upon departure received severance payouts under the standard Management Group Severance Program at the time. I also received a distribution of deferred compensation upon departure.
[8] I was paid 1 year of salary, plus 3 weeks of salary for every year of service. Severance also included payout of prorated bonus.
[9] Received final payment of retention bonus.

7. Senator MARTINEZ. Mr. Remy, please describe to what extent any of your compensation was directly tied to the performance of Fannie Mae's earnings per share.

Mr. REMY. I was eligible to receive a bonus under Fannie Mae's Annual Incentive Plan (AIP), if the pool was funded for bonuses. During most of the years I was at Fannie Mae, the AIP funding pool was set in part based upon the company's performance, including EPS, but I understand that the actual bonus I received was based on my job performance (i.e., quality of work, responsiveness of direct reporting organizations, soundness of judgment, and progress of organizational improvements), which was unrelated to the financial performance of the company. Once I was promoted to Senior Vice President, I also was eligible to participate in Fannie Mae's PSP—a long-term stock compensation plan that is based both on financial and nonfinancial company goals. However, grants and vesting under that plan were suspended during the restatement and only one of the grants from that plan vested while I was with Fannie Mae.

CONFLICTS OF INTEREST WHILE AT FANNIE MAE

8. Senator MARTINEZ. Mr. Remy, the 2006 OFHEO Report states your position of Chief Compliance Officer was in direct conflict of interest with your responsibilities for managing the employment law, antitrust, and potential criminal and civil liability groups in the Legal Department. Do you agree with this summary? If so, why did you not realize this then? If not, what steps did you take to mitigate or eliminate the apparent conflict?

Mr. REMY. During almost my entire time at Fannie Mae I served as one of several Deputy General Counsels in the Office of the General Counsel providing legal advice to the Company through its executives. My job responsibilities were set by my superiors and over time I was rewarded for hard work and delivering results with new and challenging assignments. I was given the assignment of building a new compliance system at the time I already had responsibility for among other areas, employment law, litigation, and the Office of Corporate Justice (OCJ). To me, it was a logical assignment, given the work that I already had been doing with OCJ and my ability to succeed as a project manager. Although it was found that my duties as the senior reporting official for litigation, employment, or defensive activities potentially conflicted with my responsibilities as the senior reporting official for the Office of Corporate Justice or Office of Corporate Compliance, it was never found or suggested that such a conflict resulted in any actual or apparent impropriety. Quite to the contrary, I believe that I was widely regarded as an excellent manager and superior steward of the Company's interest—even when that required making hard

unpopular decisions. Moreover, the 2006 OFHEO Report expressly determined that I was not the person responsible for the creation of such potential conflicts.

Before the OFHEO Report was released in May 2006, I already had relinquished my responsibilities as Chief Compliance Officer and management of OCJ and taken on new responsibilities in the Housing and Community Development Division regarding responses to Hurricanes Katrina and Rita. As a result, any apparent conflict had been eliminated.

FIELDING CONCERNS OF INAPPROPRIATE ACCOUNTING AT FANNIE MAE

9. Senator MARTINEZ. Mr. Remy, on September 9, 2003, the Director of Securities of Fannie Mae brought to the Chief Operating Officer concerns about Fannie Mae's accounting, including amortization accounting, which had also been brought up by another employee a month earlier. The head of the Office of Auditing validated these concerns, yet the firm's General Counsel later disregarded them. This was despite the Baker Botts LLP internal report on Freddie Mac demonstrating fraud in their accounting. At that time, you were the Deputy General Counsel at Fannie Mae and reportedly carbon copied on the General Counsel's emails (OFHEO Report pages 269–270).

Please inform the committee of your role with regard to enforcing regulatory compliance of amortization accounting, if you did or did not speak to the concerns of the Director of Securities at the time, and if you had supported the General Counsel's dismissal of the Director's validated concerns.

Mr. REMY. As discussed above, I did not have any responsibility for setting any accounting policies or practices, including amortization accounting. Moreover, monitoring, developing internal controls, and assuring compliance with accounting policies was not part of my duties or responsibilities.

If anyone at the company raised a concern about accounting, the Office of Corporate Compliance and later the Office of Corporate Justice, did however, have authority to investigate such allegations of improper accounting. Because no one in those offices (including me) was an accountant, however, such an investigation would require the use of an accounting firm or other knowledgeable accounting experts to conclude whether the accounting was appropriate. While most allegations that led to investigations did not involve accounting issues, those that did followed this process and in fact the OCJ used an independent expert boutique accounting firm on a number of occasions to look at the issues. If findings of impropriety were found, corrective action would be required and would be enforced by one of those offices under my supervision. For example, in an actual investigation of amortization accounting issues conducted weeks earlier, there also were allegations regarding work environment. Because the findings identified some problems, corrective actions were required and were enforced by the OCC.

In my roles in the Office of the General Counsel, I reported to the General Counsel and she on occasion copied me on messages for informational rather than action purposes. This would make sense in this instance given the prior investigation of amortization accounting of which I was aware. Although on OFHEO report page 269–270 it cites to an e-mail from her where she apparently copied me, I do not recall being involved in addressing this Director's concerns and therefore would have no basis to support or reject a determination of the internal auditor or an action of the General Counsel.

In response to Questions for the Record from Senator McCain, I provided an answer to a similar question which I believed at the time related to a different investigation into amortization accounting issues. Your citation to page numbers in your question prompted me to look up those specific pages in the OFHEO Report. As a result, I now have realized that I misunderstood Senator McCain's question and just as you are, he in fact was asking about the circumstances described on page 269–270 of the OFHEO Report.

In the interest of completeness, however, I provide you below the answer to the question that Senator McCain asked, which I mistakenly believed referred to an actual investigation conducted weeks earlier into an allegation of improper accounting amortization made by a different employee.

> What were Mr. Remy's actions with respect to the internal investigation and were they proper?
>
> Yes, my actions with respect to the internal investigation into allegations of improper amortization accounting were proper and no investigation or inquiry has found otherwise. I did not choose the method, structure or personnel to conduct the investigation—that was done by the General Counsel. I did not interview witnesses or develop facts in connection with the inves-

tigation. I was not present at the meeting when internal audit presented its views to the employee and external auditors. I did, however, communicate the results of the investigation to the external auditor and discussed with them follow-up forensic work. I also reviewed drafts of the OCC report on the work environment in the controller's office and the OCJ report on discrimination. I issued a final memorandum memorializing the findings in the OCC, OCJ, and litigation aspects of this matter upon the conclusion of each of its parts.

CHIEF COMPLIANCE OFFICER

10. Senator MARTINEZ. Mr. Remy, in a letter you wrote to the Senate Armed Services Committee on April 28, 2009, you state that from late 2002 to late 2005 you "supervise(d) internal investigations." According to the 2006 OFHEO Report, on September 9, 2003, the Director of Securities brought up an issue with Fannie Mae's accounting practices which resembled practices deemed inappropriate in an internal Freddie Mac investigation done by Baker Botts LLP. What role did you play in this internal Fannie Mae investigation? If there was no formal internal investigation, why wasn't there?

Mr. REMY. As noted in response to question 9, I do not recall playing a role in this matter at all. If I did, it would have been to do nothing more than to receive an informational cc: as described above and perhaps to provide input if I had any. The little I do recall about this matter after reading your references in the report is that it was a response to a question posed at a town hall "unplugged" session. It was not the type of whistle blower employee complaint or allegation that necessarily would have required an OCJ or OCC investigation; rather it appears that it was a "question" posed by an employee to which a complete answer was owed. In that context, I do not find it unusual for the Chief Operating Officer to get the "right" people—head of internal audit, general counsel, external audit—involved in finding out the answer and reporting back to the employee promptly.

11. Senator MARTINEZ. Mr. Remy, in an e-mail dated April 28, 2004, you wrote to then General Counsel of Fannie Mae that you recommended that Fannie Mae sue the OFHEO to prevent an impending investigation of Fannie Mae by OFHEO. Please describe all of the reasons you now believe it was appropriate for Fannie Mae to obstruct OFHEO's planned investigation.

Mr. REMY. The April 28, 2004 e-mail referenced above was wholly unrelated to OFHEO's ongoing Special Examination of Fannie Mae, and does not state or suggest in any way that the Company take legal action to prevent any such investigation of Fannie Mae. Instead, the e-mail relates to press accounts of regulation being considered by OFHEO that appeared to go beyond the authority granted the agency by Congress. In providing candid advice, I laid out alternatives to address this, including the company availing itself of the procedures authorized in the Administrative Procedures Act, which provides a mechanism for independent court review of agency actions that may go outside the scope of their authority.

INTERNAL CONTROL SYSTEMS AT FANNIE MAE

12. Senator MARTINEZ. Mr. Remy, in a letter you wrote to the Senate Armed Services Committee on April 28, 2009, you state that from late 2002 to late 2005 you were "given the responsibility of developing and implementing Fannie Mae's first corporate wide centralized legal and regulatory compliance system." According to the 2006 OFHEO Report, "Senior executives exploited the weaknesses of the Enterprise's (Fannie Mae) accounting and internal control system." Please explain whether the "regulatory compliance system" described in your letter is the same "internal control systems" which were exploited by executives to increase their bonuses per the AIP.

Mr. REMY. The legal and "regulatory compliance system" described in my letter and the accounting "internal control system" for financial reporting referenced above are wholly unrelated. The first was within my area of responsibility; the second completely outside. As discussed above, I was responsible for constructing a program that would help ensure the Company's compliance with certain applicable laws and regulations, as well as compliance with the Company's own Code of Conduct. These include, but are not limited to, laws and regulations such as anti-money laundering, antitrust, Title VII, fair housing and fair lending, and intellectual property. Again, my responsibilities did not include developing internal controls for financial report-

ing under GAAP. That type of responsibility rest with the Controller's office and the Office of Internal Audit would audit its effectiveness.

[The nomination reference of Donald M. Remy follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Donald Michael Remy, of Virginia, to be General Counsel of the Department of the Army, vice Benedict S. Cohen, resigned.

[The biographical sketch of Donald Michael Remy, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DONALD MICHAEL REMY

Mr. Remy is a partner in the Washington, DC, Office of Latham & Watkins, where he defends individual and corporate clients in criminal and other government investigations, as well as civil litigation. In addition, Mr. Remy advises corporations on issues involving the International Traffic and Arms Regulations, the Office of Foreign Assets Control and Foreign Corrupt Practices Act enforcement, as well as financial, accounting and procurement fraud and general corporate governance.

Prior to joining Latham & Watkins, Mr. Remy served as an attorney and business person for a major U.S. company where he held a number of positions including: Vice President and Deputy General Counsel for litigation; Senior Vice President and Deputy General Counsel; Senior Vice President and Chief Compliance Officer; and Senior Vice President, Housing and Community Development. In these roles, his responsibilities included managing litigation, handling employment law matters, advising on procurement contracts, investigating employee and contractor malfeasance, developing and implementing a corporate compliance system, and building an investment strategy to rebuild communities on the Gulf Coast after Hurricane Katrina.

From 1997–2000 Mr. Remy served in the U.S. Department of Justice as a Senior Counsel for Policy and as a Deputy Assistant Attorney General for the Torts and the Federal Programs Branches of the Civil Division. He supervised litigation on behalf of 100 Federal agencies, the President and Cabinet officers, and other governmental officials. Those matters involved a myriad of subject areas and included the defense against constitutional challenges to Federal statutes, suits to overturn government policies and programs, and attacks on the legality of government decisions. Mr. Remy also personally handled litigation in the matters arising out of the events at Waco and Ruby Ridge.

As an Army Captain, Mr. Remy was an Assistant to the General Counsel of the Army from 1991–1995, where he advised senior Army officials on legal and policy issues concerning all aspects of government contracting, specifically including major weapon system acquisition. Further, he assisted in the Army's litigation of bid protests and contract disputes and assisted the Department of Justice in government contract litigation that directly affected the Army. During his tour of duty at the Pentagon, Mr. Remy was detailed on special projects to other offices in the Department of Defense where he analyzed statutes and regulations governing programs affecting small and disadvantaged business and historically black college and university contracting with the Department of Defense, recommended modifications to ensure compliance with both the law and the President's guidance, assisted in development of the Department of Defense position on acquisition reform, crafted proposed legislation related to the Federal Acquisition Streamlining Act, negotiated legislative proposals, drafted portions of Defense Performance Reviews, and coordinated with the Office of the Vice-President on issues related to the National Performance Review.

Mr. Remy also served as a clerk to The Honorable Nathaniel R. Jones of the U.S. Court of Appeals for the Sixth Circuit. Mr. Remy is a cum laude graduate of Howard University School of Law and received his undergraduate degree from Louisiana State University, where he graduated with honors and was commissioned a 2nd

Lieutenant in the U.S. Army. Mr. Remy has published, lectured, and testified before Congress on legal topics relating to torts, constitutional law, employment law, diversity, government contracts, litigation, and compliance. In 2005, Mr. Remy was recognized by Black Enterprise as one of America's most powerful executives under 40. He is a DC Bar Delegate to the American Bar Association. Further, Mr. Remy sits on the Boards of Louisiana State University-University College, the Washington Lawyers Committee on Civil Rights and Urban Affairs, the Abramson Foundation, and the Legal Counsel for the Elderly.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Donald M. Remy in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Donald Michael Remy; Don Remy.

2. **Position to which nominated:**
General Counsel, Department of the Army.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 8, 1967; Fort Lee (Petersburg), VA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Monitra Charrise Lashawn Butler.

7. **Names and ages of children:**
Jonathan Alexander Remy; 15.
Jason Andrew Remy; 11.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Howard University School of Law, 08/1988–05/1991, J.D.–05/11/1991.
Louisiana State University, 08/1984–05/1988, B.A.–05/18/1988.
University of New Orleans, 05/1986–08/1986.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Latham & Watkins LLP, Partner, 555 11th St., NW., Washington, DC, 09/06–Present.

Fannie Mae, Senior Vice President & Deputy General Counsel, 11/02–03/06, Vice President & Deputy General Counsel, 03/00–11/02, 3900 Wisconsin Ave., NW, Washington, DC.

U.S. Department of Justice, Deputy Assistant Attorney General, Civil Division, 950 Pennsylvania Ave., Washington, DC, 03/97–03/00.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Consultant (SGE), Department of Defense, April 17, 2008–present.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Partner—Latham & Watkins LLP

Member of Board of Directors—Washington Lawyers Committee on Civil Rights & Urban Affairs

Member of Board of Directors—Abramson Foundation

Member of Board of Directors—Louisiana State University, University College

Member of Board of Directors—AARP, Legal Counsel for the Elderly

DC Bar Delegate—ABA House of Delegates

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See response to question 11 above. Additionally, I hold the following memberships:

Member, American Bar Association
Member, National Bar Association
Member, Washington Bar Association
Member, District of Columbia Bar
Member, Pennsylvania Bar Association
Member, Kappa Alpha Psi Fraternity
Member, Army Navy Club
Volunteer Coach, Cardinal AAU Basketball

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Obama for America: Volunteer (conducted canvassing in various States), fundraiser (Member of the Mid-Atlantic Finance Committee), and legal advisor (assisted with election protection and other legal issues).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

10/15/08 Barack Obama—Obama Victory Fund—$1,000
09/30/08 Barack Obama—Obama Victory Fund—$1,000
09/21/08 Barack Obama—Obama Victory Fund—$1,000
03/21/07 Barack Obama—Obama for America—$2,300
03/31/06 Hillary Clinton—Friends of Hillary—$1,000
10/15/05–1/7/06 Payroll deduction to Fannie Mae Pac—$5,000
05/03/05 Adrian Fenty Exploratory Committee—$250
06/24/04 Fannie Mae Pac—$5,000
06/12/04 Barack Obama—Obama for Illinois—$1,000

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Fellow, Litigation Counsel of America; America's Most Powerful Executives under 40, Black Enterprise Magazine; Meritorious Service Medal, U.S. Army; American Jurisprudence Award for Torts, Criminal Law, Remedies, Commercial Paper, Small Business Law, and Constitutional Law II; Merit Scholarship for High Scholastic Achievement (Full Law School Tuition); Chancellor's Scholarship; National Political

Science Honor Society; 4 Year Army ROTC Scholarship; Distinguished Military Graduate.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

U.S. Department of Justice Makes Prevention and Prosecution of Procurement Fraud a Top Priority through Creation of National Procurement Fraud Task Force. Latham & Watkins Client Alert, January 22, 2007.

Commission on Wartime Contracting First Public Hearing: Burgeoning Waste, Fraud and Abuse Investigations. Latham & Watkins Client Alert, February 10, 2009.

Student Note: The Constitutionality of Drug Testing in Government Regulated "Private" Industries 34 Howard Law Journal 4 1990.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DONALD M. REMY.

This 27th day of April, 2009.

[The nomination of Donald M. Remy was withdrawn by the President on June 17, 2009.]

[Prepared questions submitted to Dr. Michael Nacht by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. There is now a generation of military leaders who are experienced with operating in a coordinated and joint, multi-service environment. At this time, I do not see the need to change the provisions of this legislation.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I see none at this time.

RELATIONSHIPS

Question. If confirmed, what will be your relationship with:

The Secretary of Defense.

Answer. Under the direction of the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Global Strategic Affairs (ASD(GSA)) advises the Secretary of Defense on global security strategy and policy on issues of DOD interest that relate to nuclear weapons, missile defense, countering weapons of mass destruction (WMD), and the space and cyberspace domains.

Question. The Deputy Secretary of Defense.

Answer. The ASD(GSA) provides similar support to the Deputy Secretary of Defense as described above.

Question. The Under Secretary of Defense for Policy.

Answer. The ASD(GSA) provides similar support to the Under Secretary of Defense for Policy as described above.

Question. The Under Secretary of Defense for Acquisition Technology and Logistics.

Answer. At the direction of the Under Secretary for Policy, the ASD(GSA) works closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics to achieve the Secretary's objectives and ensure that policy formulation and execution are well informed and supported appropriately. The ASD(GSA) also provides policy input regarding acquisition and programmatic activities of the Under Secretary of Defense for Acquisition Technology and Logistics that relate to nuclear weapons, missile defense, countering WMD, and the space and cyberspace domains.

Question. The Assistant Secretary of Defense for International Security Affairs.

Answer. The ASD(GSA) works with the Assistant Secretary of Defense for International Security Affairs to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues, such as countering the proliferation of WMD in the Middle East.

Question. The Assistant Secretary of Defense for Asian and Pacific Security Affairs.

Answer. The ASD(GSA) works with the Assistant Secretary of Defense for Asian and Pacific Security Affairs to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues, such as the requirement for a missile defense system in the Pacific region.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. The ASD(GSA) works with the Assistant Secretary of Defense for Homeland Defense to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues, such as enhancing the survivability of critical cyberspace infrastructure.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict

Answer. The ASD(GSA) works with the Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict and Interdependent Capabilities to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues.

Question. The Assistant to the Secretary for Nuclear Chemical and Biological Defense.

Answer. The ASD(GSA) works with the Assistant to the Secretary for Nuclear and Biological Defense (ATSD–NCB) to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues. The ATSD–NCB is responsible for implementing the range of activities for which the ASD(GSA) develops policy guidance. Therefore, the relationship between the two offices should be very close.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff.

Answer. As the principal military advisor to the Secretary of Defense, the President and the National Security Council, the Chairman has a unique and critical military role. At the direction of the Under Secretary or Principal Deputy Under Secretary of Defense for Policy, the ASD(GSA) works with the Chairman and Vice Chairman to provide support on matters that affect strategy and policy for nuclear weapons, missile defense, countering WMD, and the space and cyberspace domains, working to ensure that military advice is taken into account in an appropriate manner.

Question. The Service Secretaries.

Answer. The ASD(GSA) works with the Service Secretaries on a broad range of global strategic issues.

Question. The Service Chiefs.

Answer. The ASD(GSA) works with the Service Chiefs on a broad range of global strategic issues.

Question. The regional combatant commanders.

Answer. In coordination with the Chairman of the Joint Chiefs of Staff, the ASD(GSA) works closely with the regional combatant commanders to provide policy oversight of strategy, plans and operations in support of the Under Secretary of Defense for Policy, the Secretary of Defense, and the President of the United States.

Question. The Administrator and Deputy Administrators of the National Nuclear Security Administration

Answer. The ASD(GSA) works with the Administrator and Deputy Administrators of the National Nuclear Security Administration to provide sound policy advice to the Under Secretary and the Secretary on crosscutting global security strategy and policy issues, relating to nonproliferation of nuclear weapons, nuclear material security, U.S. nuclear stockpile matters, and related issues.

DUTIES

Question. The position for which you have been nominated is being substantially restructured.

What is your understanding of the duties that you will be assigned if you are confirmed?

Answer. My understanding is that the newly restructured Assistant Secretariat for Global Strategic Affairs is primarily responsible for advising and supporting the Under Secretary of Defense for Policy and the Secretary of Defense on policy and strategy in the areas of nuclear weapons, missile defense, countering WMD and the space, and cyberspace domains.

Question. Are there any additional or other duties that have not yet been assigned but are under discussion for assignment to the office of the Assistant Secretary for Global Security Affairs?

Answer. I am not aware of any duties that have not yet been assigned but are under discussion for assignment to the ASD(GSA).

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. My career has focused on technology, national security and public policy, which is the centerpiece of GSA's responsibilites. I have considerable government experience working these issues.

Question. What additional actions do you believe you need to take, if any, to fulfill the responsibilities of this position?

Answer. If confirmed, I will work closely with the stakeholders in Office of the Secretary of Defense (OSD) Policy, AT&L, the Joint Staff and others to ensure sound and effective policy development.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense for Global Security Affairs?

Answer. The ASD(GSA) will be involved in a number of major reviews relating to key DOD mission areas. These include the Nuclear Posture Review (NPR), the Missile Defense and Space Posture Reviews, as well as implementation of the interagency Cyber Policy review. In addition, the ASD(GSA) will be able to play an important supporting role in new U.S. Government overtures to the Russian Federation, particularly in the nonproliferation and nuclear security areas where DOD has previously developed good working relationships.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed as ASD(GSA), I believe the key priority for addressing these challenges will be prompt establishment of close relationships with key stakeholders in DOD, among interagency partners, and in Congress to develop broadly coordinated solutions.

Question. What do you anticipate will be the most serious problems in the performance of your responsibilities?

Answer. If confirmed, I will assess the resources and other "tools" available to me to perform my responsibilities. Presently I am not able to evaluate in detail the challenges I might face in performing my duties, if confirmed.

Question. If confirmed, what management action and timelines would you establish to address these problems?

Answer. If confirmed, I would work with my new staff and the Under Secretary for Policy to identify and prioritize problems impeding performance of my responsibilities, and to developing timelines for their rectification.

PRIORITIES

Question. If confirmed, what broad priorities would you establish for the office to which you have been nominated?

Answer. Under Secretary Flournoy has emphasized enhancement of her office's voice supporting the Secretary in the Planning, Programming, Budgeting and Execution System. If confirmed, I would seek to maximize my support to this and any other issues the Under Secretary for Policy has highlighted in support of the Secretary.

NUCLEAR POSTURE REVIEW

Question. If confirmed what role will you play in the NPR?

Answer. If confirmed, it is my understanding that I would develop guidance for the NPR, coordinate the review with my colleagues in the Departments of State and Energy, and help frame issues and strategic decisions for the Undersecretary for Policy and the Secretary. The Secretary has highlighted the group of issues covered in the NPR as being among the most important long-term challenges we face, and key to restoring confidence in our nuclear complex. The NPR will help define how to support the President's ultimate goal of eliminating nuclear weapons worldwide while ensuring that in the meantime the United States retains a nuclear deterrent capable of deterring any threat.

Question. What steps will you take to ensure the Strategic Command, the military Services, and the National Nuclear Security Administration participate in the NPR process?

Answer. It is my understanding that Strategic Command and the National Nuclear Security Administration (NNSA) are already formal members of the NPR analytical process, supporting examination of nuclear arsenal issues, force posture, and the international dynamics associated with possible changes in our strategic deterrent. Similarly, it is my understanding that the military services are involved at all levels of the NPR process. Such participation and leadership by NNSA, STRATCOM, and the military services are critical in ensuring that their perspectives, expertise, and equities are leveraged to their fullest extent as the NPR process unfolds.

SPACE POSTURE REVIEW

Question. If confirmed what role will you play in the Space Posture Review?

Answer. My understanding is that the Space Posture Review is a joint review to be conducted by the Secretary of Defense and the Director of National Intelligence, intended to clarify national security space policy and strategy of the United States. In this regard, if I am confirmed, I will support the Secretary and work with the Office of the Director of National Intelligence and others to ensure the review is responsive to the congressional requirement and inclusive of all stakeholders' views.

SPACE PROGRAMS

Question. If confirmed what role will you play in establishing architectures for various space systems, such as communications and Overhead Persistent Infra-red (OPIR)?

Answer. The capabilities provided from space, such as satellite communications and OPIR, are very important to our forces, the global economy, and the defense of our Nation. If confirmed, I expect to participate actively in a variety of DOD decisionmaking processes, including in strategy development and the Planning, Programming, Budgeting and Execution system in order to ensure architectures for our space systems are implemented in a manner to effectively achieve our national security objectives.

Question. If confirmed what role will you play in developing a space protection strategy and improving space situational awareness?

Answer. The protection of our national security space systems is very important to our military capabilities and the defense of our Nation. In this regard, if I am confirmed, I will work to ensure appropriate and effective strategies are in place to assure the missions provided by our space systems. The foundation of protection for our space capabilities is knowledge of the space environment provided by our space situational awareness systems.

SPACE RULES OF THE ROAD

Question. Over the course of the last several years there has been discussion about establishing international space rules of the road to deal with, mitigate, and reduce generation of space debris.

What are your views on establishing space rules of the road?

Answer. The safe and responsible use of space and preservation of the space environment are important issues for all nations, especially for space-faring nations. Encouraging responsible behavior through establishment of international norms, such as the Space Debris Mitigation Guidelines led by the United States and endorsed by the U.N. General Assembly, may be an excellent model. If confirmed, I will work closely with other Departments and Agencies to explore options to address generation of space debris and to promote the development of international norms for safe and responsible behavior in space.

INTERNATIONAL SPACE COOPERATION

Question. Given the concern about increase in space debris generated by the collision of the Iridium satellite and a nonfunctioning Russian satellite, and the need to improve the ability to forecast potential conjunctions, in your view is there an opportunity to cooperate with Russia in the area of space debris analysis and warning?

Answer. The collision of the Iridium satellite and a nonfunctioning Russian satellite illustrates the increasing number of objects in space and the need to improve our space situational awareness capabilities. All space-faring nations, including Russia, have a shared interest in the area of space situational awareness to avoid collisions.

NUCLEAR CAPABILITIES

Question. Since the Air Force unknowingly flew nuclear weapons on a B–52 bomber on August 30, 2007, the Air Force has taken a number of significant steps to increase its attention, discipline and expertise on nuclear weapons management.

What role if any will you play in ensuring that nuclear weapons are safe, secure and accounted for, and that the military services have established a high level of attention, discipline and conduct of operations with respect to nuclear weapons?

Answer. If confirmed, I will work with the other OSD, Military Services and NNSA stakeholders and direct my staff to support both ongoing and new activities to ensure that the necessary focus and attention is given to all aspects of our nuclear force and the nuclear weapons enterprise, to include safety, security, and accounting.

Question. The various reviews of the Air Force incident also exposed significant gaps in the OSD with respect to the attention and expertise to deal with nuclear weapons issues.

What steps will you take to address the recommendations in the Welsh, Schlesinger and other reports that identify shortfalls in management of nuclear matters in the OSD?

Answer. If confirmed, I will work with the Under Secretary of Defense for Policy, the Assistant to the Secretary for Nuclear, Chemical, and Biological matters, and other key stakeholders, to identify the best solutions that can effectively be implemented.

Question. What steps will you take to ensure that there is sufficient technical expertise in the OSD with respect to nuclear weapons?

Answer. If confirmed, I will press for inclusion of "human capital" solutions among the various proposals to address shortfalls in nuclear weapons-related activities. I will also reach out to institutions such as the NNSA National Security Laboratories, with which I have well-established relationships, in order to strengthen interagency relationships and enlist on-site support through their experts detailed to the OSD.

STRATEGIC NUCLEAR PROGRAMS

Question. The NPR will establish among other things, nuclear force structure for the near term.

Do you see any force structure decisions being made in advance of the NPR?

Answer. I am not aware of any force structure decisions being considered for finalization in advance of the NPR.

BALLISTIC MISSILE DEFENSE

Question. For many years the Department of Defense (DOD) and Congress have agreed on the principle that major weapon systems should be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat.

Do you believe that any ballistic missile defense systems we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. Yes.

Question. Do you agree that our missile defense systems should be tested in a rigorous and operationally realistic manner in order to demonstrate, and provide confidence in, their capabilities, including through operational test and evaluation?

Answer. My understanding is that testing of weapons systems is not among the responsibilities of the Office of the Undersecretary of Defense for Policy. As a general matter, I agree that testing of any weapon system should be done in a rigorous and operationally realistic manner.

ADDRESSING CURRENT THEATER MISSILE THREATS

Question. Iran and North Korea currently possess hundreds of short- and medium-range ballistic missiles that can reach forward deployed U.S. forces and our allies. In an April 6 press briefing, Secretary Gates said that "to better protect our forces and those of our allies in theater from ballistic missile attack, we will add $700 million to field more of our most capable theater missile defense systems, specifically the Terminal High Altitude Area Defense and the Standard Missile-3 programs."

What are your views on the need to increase the focus of our missile defense programs on protecting our forward-deployed forces, allies, and friends from existing missile threats?

Answer. It is important to have an appropriate mix of short-, medium-, and long-range ballistic missile defense capabilities that are responsive to existing and emerging threats to our homeland, deployed forces, allies and other friendly nations.

MISSILE DEFENSE POLICY AND STRATEGY REVIEW

Question. Section 234 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) requires a comprehensive review of U.S. ballistic missile defense policy and strategy, with a report due no later than January 31, 2010. The Assistant Secretary of Defense for Global Strategic Affairs will be responsible for missile defense policy, among other issues.

If confirmed, what role would you expect to play in the required missile defense policy and strategy review?

Answer. If confirmed, I would expect to be significantly involved in the missile defense policy and strategy review.

MISSILE DEFENSE COOPERATION WITH RUSSIA

Question. After their recent summit meeting, President Obama and President Medvedev of Russia issued a joint statement which noted that they "discussed new possibilities for mutual international cooperation in the field of missile defense, taking into account joint assessments of missile challenges and threats, aimed at enhancing the security of our countries, and that of our allies and partners."

Do you believe that U.S.-Russian cooperation on missile defense has the potential to enhance our mutual security, as well as that of our allies and partners?

Answer. Cooperation with Russia on missile defense has long been desired. If confirmed, I intend to make this a priority. Having the Russians on board with missile defense could not only help ease tensions in the region, but potentially also lead to the creation of a better system with a larger protective umbrella.

Question. Do you believe it would be beneficial to conduct "joint assessments of missile challenges and threats" with Russia, particularly concerning Iran's missile programs?

Answer. I have not been briefed on this aspect of the matter and will consider it carefully if confirmed.

Question. Do you believe that U.S.-Russian missile defense cooperation could send an important signal to Iran that the United States and Russia are unified in their determination to reduce the risks of Iran's nuclear and missile programs?

Answer. Yes.

PROPOSED EUROPEAN MISSILE DEFENSE DEPLOYMENT

Question. The Obama administration is reviewing the proposed deployment of a U.S. missile defense system in Europe. At her confirmation hearing, Under Secretary Flournoy said that reviewing this issue would be a good topic for the Quadrennial Defense Review.

If confirmed, what role would you expect to play in the administration's review of the proposed European missile defense deployment?

Answer. If confirmed, I expect to be significantly involved in the missile defense policy and strategy review.

Question. Do you agree that such a review should consider a variety of options and alternatives to determine the best path forward to enhance our security, as well as that of our allies and partners?

Answer. Yes.

Question. Do you believe that such a review should also consider the potential for a cooperative approach with Russia on regional missile defense, including the sharing of Russian missile early warning information from the Gabala radar in Azerbaijan and the Armavir radar under construction in southern Russia?

Answer. Yes, I believe that the review of U.S. missile defense in Europe should consider options for cooperation with Russia, including U.S. and Russian proposals made in recent years, as well as new proposals.

NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND MISSILE DEFENSE

Question. The April 4, 2009, NATO Summit declaration from Kehl and Strasbourg states that "we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of the imminence of the threat and the level of acceptable risk."

Do you agree with this statement of NATO's approach to missile defense?

Answer. Yes. This statement was endorsed by all NATO members including the U.S.

Question. The proposed U.S. missile defense deployment in Europe would not defend all of NATO Europe, and would not protect those portions of NATO Europe that are currently within range of Iranian ballistic missiles.

Based on the central NATO principle of the indivisibility of Allied security, do you believe that any future NATO territorial missile defense system should provide protection for all NATO allies, and not leave some allies unprotected?

Answer. The principle of the indivisibility of Allied security is longstanding and also applies to ballistic missile attack against member states. If confirmed, I expect to contribute to our ongoing work with NATO allies on alternatives to provide protection to member states.

CHEMICAL AND BIOLOGICAL DEFENSE

Question. One of the areas under the Assistant Secretary of Defense for Global Strategic Affairs is the Chemical and Biological Defense Program of the DOD.

What do you believe are the principal challenges in chemical and biological defense, and what would be your priorities for the DOD Chemical and Biological Defense Program?

Answer. My understanding is that the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological matters manages the Chemical Biological Defense Program. If confirmed, I would be responsible for policy oversight of the program. I have not been briefed yet on the details of this program, but I understand that key issues include developing defenses against nontraditional chemical agents, accelerating the ability to conduct CBRN detection and forensics, and working toward the development of vaccines and other medical countermeasures to protect our personnel against multiple threats.

CHEMICAL DEMILITARIZATION

Question. DOD Directive 5160.05E states the DOD policy that "the DOD shall be in full compliance" with the Chemical Weapons Convention (CWC) and the Biological Warfare Convention (BWC). In 2006, the Department announced that the United States would not meet even the extended deadline of April 2012 for destruction of its chemical weapons stockpile, as required under the CWC.

Do you agree that the DOD and the United States Government should be in full compliance with the terms and obligations of the CWC and the BWC, including the deadline for destruction of the U.S. chemical weapons stockpile under the CWC?

Answer. I believe that the United States should meet its treaty commitments, and if that is not possible to state so clearly and come into compliance expeditiously. Although I have yet to examine this issue in detail, I understand that in 2006, the United States informed the Organization for the Prohibition of Chemical Weapons that it would not meet the 2012 deadline, but would accelerate the destruction effort as much as practical. To date, I understand that the Department is on track to destroy 90 percent of the US stockpile by the CWC deadline.

Question. If confirmed, will you work to ensure that the Department takes steps needed to minimize the time to complete destruction of the U.S. chemical weapons stockpile, without sacrificing safety or security, and that the Department requests the resources necessary to complete destruction as close to April 2012 as practicable?

Answer. Yes.

COUNTER-WMD EFFORTS

Question. One of the issue areas proposed under the position for which you have been nominated is the DOD efforts to counter WMD, meaning nuclear, biological, and chemical weapons.

What do you believe are the principal challenges in countering WMD, and what are your priorities for DOD efforts to counter WMD?

Answer. WMD in the hands of hostile states and terrorists represent one of the greatest security challenges we face. If I am confirmed, I will seek to increase barriers to WMD proliferation, develop integrated, layered WMD defenses, improve DOD abilities to hold emergent WMD threats at risk, and prepare for complex WMD contingencies.

Question. If confirmed, what role do you expect to play in the creation of policy for, and oversight of, DOD programs to counter WMD?

Answer. If confirmed, I would support the USD(P) in overseeing development of policies governing all DOD programs to counter WMD. I would engage other senior officials in DOD, as well as officials in the Departments of Homeland Security, Energy, and Department of State, and to consult fully with Congress in executing this responsibility.

PROLIFERATION SECURITY INITIATIVE

Question. The Proliferation Security Initiative (PSI) is an international effort to identify and interdict WMD and related materials.

If confirmed would you recommend that the PSI program continue and if so do you believe that it should be modified in any way?

Answer. If confirmed, I would recommend that PSI should continue and I would work with my staff to turn PSI into a "durable international institution" as President Obama called for during his April 5, 2009, speech in Prague.

Question. The absence of funding specifically identified for the PSI program has made it difficult for the Department and the Congress to provide appropriate oversight.

If confirmed would seek to establish a separate budget account for PSI? If not, why not?

Answer. If confirmed, I would review PSI's current funding in order to determine if a separate budget account is needed for PSI to accomplish its goals.

COOPERATIVE THREAT REDUCTION PROGRAM

Question. If confirmed what will your role be in implementing and overseeing the Cooperative Threat Reduction (CTR) Program?

Answer. If confirmed, I will lead development of policy guidance for CTR program objectives, scope and direction, as well as providing strategic vision for long range planning. My understanding is that the ASD(GSA) works closely with the Defense Threat Reduction Agency and the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological matters to ensure proper execution of policy guidance.

Question. If confirmed what changes, if any, would you recommend to the CTR program, including changes in legislative authorities, programs, or funding?

Answer. If confirmed, I would review carefully the several studies of CTR activities conducted in the past year. If confirmed, I will consider these studies' findings, and work with CTR stakeholders and Congress to improve upon existing CTR successes and look for ways to better meet the WMD proliferation challenges of the 21st century.

COMPREHENSIVE TEST BAN TREATY

Question. If confirmed what role will you play in any efforts to obtain Senate ratification of the Comprehensive Test Ban Treaty?

Answer. If confirmed, I would support the USD(P), as the lead DOD policy point of contact responsible for the Comprehensive Test Ban Treaty. In this role, I would support the administration in any of its efforts to obtain Senate ratification of the Comprehensive Test Ban Treaty. I would expect to engage other senior officials in DOD, as well as officials in the Departments of Energy and State.

FOLLOW-ON TO THE STRATEGIC ARMS REDUCTION TREATY

Question. If confirmed, what role will you play in the administration's negotiations and efforts to agree upon a new strategic arms reduction treaty?

Answer. If confirmed, I will support the Secretary of Defense's Representative to follow-on treaty negotiations, personally and through my staff.

RUSSIA

Question. What areas of opportunity and cooperation do you believe the U.S. could take to improve overall U.S. Russian relationships?

Answer. DOD's involvement in Russian relations generally is the responsibility of the Assistant Secretary of Defense for International Security Affairs (ASD(ISA)). If confirmed, I would expect to contribute to policy development, drawing on the several areas of non-proliferation and nuclear security cooperation that have developed between DOD and various Russian Federation ministries.

Question. Would you support an expansion of U.S. and Russian military-to-military relationships?

Answer. My understanding is that the office of the ASD(GSA) does not have significant involvement in military-to-military relations with the Russian Federation, aside from any nonproliferation, nuclear security, or arms control contacts we might have with the Russian Ministry of Defense.

Question. What role do you expect to play, if confirmed, on these issues?

Answer. If confirmed, I would expect to support the ASD(ISA) in any way possible.

CYBER SECURITY

Question. What are the main policy challenges facing the DOD in the area of cyber security, both within the Department and with respect to the Federal Government as a whole?

Answer. The DOD relies upon global data and telecommunication networks, defense industries, and other critical infrastructure, much of which is owned and operated by the commercial sector, to conduct full spectrum land, sea, air, and space operations. I understand that the National Security Council's 60-Day Cyber Review, directed by the President and assisted by the DOD will soon prioritize cyber challenges and propose a coordinated way forward for the Nation.

Question. What should the DOD's role be in defending the Nation against cyber threats? Should the Department play the lead role in stopping attacks from abroad through cyberspace, just as the Department defends the Nation from attack by missiles, aircraft, or ships?

Answer. My understanding is that the DOD has been focused on securing its own networks, which are crucial to the success of military and other operations, as well as providing information assistance to other departments and agencies when needed. If confirmed, I will involve myself promptly in the broader debate on DOD's role in this area.

Question. What should be the role of law enforcement and the Department of Homeland Security in directing operations to defend the Nation in cyberspace?

Answer. My understanding is that the Department of Homeland Security plays a leading role in defending the Nation against cyber attacks. I have been told that the Cyber Security Enhancement Act gives the Department of Homeland Security additional tools to combat cybercrime. Federal, state, and local law enforcement agencies in partnership with the Department of Homeland Security play an important role in the defense, investigation, and prosecution of cyber criminals and cyber terrorists. However, to achieve a confident national cybersecurity posture, all Federal departments need to collaborate more closely and better involve the private sector in their efforts.

Question. What organizational and operational construct would allow multiple departments and agencies to mount an effective, unified defense of the Nation's cyber networks and resources?

Answer. My understanding is that the National Security Council's 60-Day Cyber Review, directed by the President and assisted by the DOD is specifically reviewing organizational and operational constructs to improve interagency unified defense.

Question. In your view, is there a need for a strategy and doctrine for deterring foreign adversaries from engaging in attacks on the United States through cyberspace, just as there is a nuclear deterrence strategy and doctrine based on the threat of retaliation?

Answer. My understanding is that there may be a need to adapt our defense and military strategies to ensure that we preserve the ability to protect our national security. These concepts can be incorporated into our general deterrence strategies.

Question. Should the United States have the ability, and announce the intention, to undertake offensive operations in cyberspace, through the DOD, in retaliation

against, or to defeat, foreign aggression in cyberspace? Does such doctrine exist today, in your view?

Answer. All nations have the right of self-defense. Military doctrine is adaptive and has recognized the growing importance of cyber capabilities. If confirmed, I will consider this issue carefully and work with Congress and key stakeholders on potential improvements.

Question. Defending cyberspace implies the need for conducting surveillance in cyberspace to achieve the ability to warn of threats and to characterize them.

Can surveillance in cyberspace be conducted effectively without impinging on the privacy interests of the American people?

Answer. Any surveillance activity conduct by or on behalf of the U.S. government must be conducted in accordance with applicable statutes and regulations designed to protect the privacy of the American people.

Question. In your view, will it be necessary to publicly disclose more information about the government's plans and methods for conducting surveillance in cyberspace in order to explain how civil liberties and privacy will be protected?

Answer. It is important for the government to be able to explain its tactics, techniques, and procedures with enough context to ensure public confidence that activities are being undertaken appropriately, and for worthwhile purposes.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Global Strategic Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN THUNE

FISCAL YEAR 2010 DEFENSE BUDGET PROPOSAL

1. Senator THUNE. Dr. Nacht, on April 6, Secretary Gates announced significant changes in the fiscal year 2010 defense budget proposal. Some of the most significant changes deal with canceling some programs, prematurely ending production of others, or putting other programs on hold—as is the case for the CSAR–X, the F–22, and the Next Generation Bomber, respectively. This announcement came 2 weeks prior to the Department announcing the start of the 2010 Quadrennial Defense Review (QDR) and Nuclear Posture Review (NPR). As future policy advisors to the Secretary, I would like to get your opinions on whether or not these most recent budget decisions were indeed informed policy decisions. Before making such significant changes, wouldn't these important changes benefit from the knowledge gained by the QDR and the NPR?

Dr. NACHT. Yes, Secretary Gates' most recent budget decisions were informed policy decisions. He reached these decisions after consultations with the President, and with the military and civilian leadership of the Department of Defense (DOD). On his Defense Budget Recommendation Statement on 6 April 2009, Secretary Gates described these decisions as the product of "a holistic assessment of capabilities, requirements, risks and needs for the purpose of shifting the department in a different strategic direction."

Secretary Gates announced significant changes in the fiscal year 10 defense budget proposal and he wants that the QDR and the NPR inform programs affected by these decisions. Some of the programs were halted or delayed and others cancelled to allow the Department to reassess the needs that these programs are supposed to meet. The Department will consider the outcome of major defense reviews and arms control negotiations in this process. Clear examples of this approach are the three programs you addressed in this question.

First, to sustain U.S. air superiority, Secretary Gates committed to build a fifth generation of tactical fighters capability that can be produced in quantity at sustainable cost. He recommended increasing investment on the F–35 Joint Strike Fighter and ending production of the F–22 fighter at 187. Secondly, he placed the Next Generation Bomber on hold to first assess the requirements, develop a better understanding of the technology and of other capabilities we might have for this mission, and to incorporate the outcome of the QDR, the NPR and the Strategic Arms Reduction Treaty (START) Follow-on negotiations. Finally, Secretary Gates recommended terminating the Air Force Combat and Rescue X (CSAR–X) helicopter program. This program has a history of acquisition problems and is another example of single-service solution with a single-purpose aircraft for an important mission affecting all Services. The Department will reassess the requirements and develop a more sustainable approach.

POST-START NEGOTIATIONS AND THE NEXT GENERATION BOMBER

2. Senator THUNE. Dr. Nacht, as an experienced nuclear arms reduction negotiator, you no doubt have unique insight into what will be involved in negotiating a Post-START arms treaty. How long do you predict the Post-START arms treaty negotiation process will take?

Dr. NACHT. Everyone recognizes that the negotiation of a START Follow-on Treaty will be difficult. The negotiations have started and thus far have been business like. The Obama administration will make every effort to conclude the Treaty before the expiration of the START Treaty in December 2009.

3. Senator THUNE. Dr. Nacht, do you think the Senate will have enough time to fully consider and ratify the follow-on treaty by December 5, 2009, when the current START treaty expires? If not, how long do you think it will be before a follow-on START treaty can be ratified by the Senate?

Dr. NACHT. We hope to conclude a START Follow-on Treaty by December 2009. There are options we might pursue if this does not prove possible. We hope that the Senate will promptly ratify a START Follow-on Treaty. The procedure and times lines for providing Senate advice and consent are a matter for the Senate, not the executive branch.

4. Senator THUNE. Dr. Nacht, one of the reasons Secretary Gates gave for delaying development of the Next Generation Bomber is to ensure the program will be informed by the outcome of the Post-START arms control negotiations. One can only assume the Secretary is concerned that the Post-START may restrict the Next Generation Bomber to a conventional-only role, negating the requirement to design it as a nuclear capable platform. In your opinion, what role do bombers play as a nuclear deterrent?

Dr. NACHT. Currently, the United States maintains a triad of strategic nuclear forces that includes land-based intercontinental ballistic missiles (ICBMs), nuclear-powered ballistic missile submarines (SSBNs) armed with submarine-launched ballistic missiles (SLBMs), and long-range bombers able to deliver both stand-off cruise missiles and gravity bombs. Each leg of the triad brings unique capabilities. Together, the legs of the nuclear triad combine to provide operational flexibility and help ensure that an adversary cannot pose a threat that could potentially negate the entire force.

Secretary Gates stated that, "We will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology. We will examine all of our strategic requirements during the QDR, the NPR, and in light of post-START arms control negotiations." He did not link the funding of the new bomber to the outcome of the negotiations. As Secretary of the Air Force Michael Donley and Air Force Chief of Staff General Norton Schwartz have both stated, "We are also modernizing our existing bomber force to increase its effectiveness and survivability against emerging threats, while meeting the requirements of today's Joint Force Commanders." I agree with this policy.

Any decisions on the future of the bomber force in the nuclear deterrent role will be informed by the NPR.

5. Senator THUNE. Dr. Nacht, since ground-based and submarine-based ballistic missiles are not overtly visible deterrents, is it important to have a credible, nuclear capable bomber force that can be used as a visible sign of our National will?

Dr. NACHT. Everyone recognizes the need to maintain an effective bomber force. As Secretary of the Air Force Michael Donley and General Norton A. Schwartz have recently stated, "We are also modernizing our existing bomber force to increase its effectiveness and survivability against emerging threats, while meeting the requirements of today's Joint Force Commanders." The U.S. Air Force is in the process of setting up the Global Strike Command to assure that we have an effective nuclear capable bomber force.

The United States maintains a triad of strategic nuclear forces that includes land-based ICBMs, SSBNs armed with SLBMs, and long-range bombers able to deliver both stand-off cruise missiles and gravity bombs. Each leg of the triad brings unique capabilities. Together, the legs of the nuclear triad combine to provide operational flexibility and help ensure that an adversary cannot pose a threat that could potentially negate the entire force.

The U.S. strategic bomber force, along with U.S. and the North Atlantic Treaty Organization dual-capable aircraft, provides a visible deterrence tool that can be used to signal U.S. and allied resolve in an escalating or continuing crisis.

The overall U.S. nuclear posture, including the issue of the nuclear role bomber force, will be reviewed as part of the NPR, and any changes to the current policy will be informed by the review.

JOINT TASK FORCE GUANTANAMO DETAINEES

6. Senator THUNE. Dr. Nacht, I would like to get your opinion on the increasing burden of proof our military forces face when capturing and prosecuting terrorists. With some of the recent decisions being made, it appears the burden of proof that a detainee constitutes a threat to the U.S. has increased to a level that is beyond our servicemember's capability to meet. In other words, the review process increasingly requires levels of evidence and chain of evidence, such that our military is ill equipped, not properly trained, and, in my opinion, should not be required to obtain while operating on the battlefield. As the Assistant Secretary of Defense for Global Security Affairs, one of your responsibilities will be detainee affairs. How should the DOD properly balance the need for battlefield commanders to detain hostile individuals with the increasing requirement to validate their detention with an ever-increasing amount of substantiated evidence?

Dr. NACHT. First, I would like to clarify that the office of Detainee Affairs has been transitioned into the office of Detainee Policy. Moreover, the office of Detainee Policy is no longer part of my office, Global Strategic Affairs.

To respond to your question, U.S. forces conduct detention operations in accordance with the law of war and are trained to be able to determine which individuals may be lawfully detained. However, they are not trained as criminal investigators, and the traditional battlefield is not conducive to classic chain-of-evidence and similar requirements. Imposing such requirements in a battlefield setting would be problematic. Although detainees held at Guantanamo Bay have the right to contest the basis for their detentions through petitions for the writ of habeas corpus, the Federal Courts have also affirmed the lawfulness of detaining those who engage in hostile activities against U.S. and allied forces under the law of war.

7. Senator THUNE. Dr. Nacht, the administration has stated that it will close the Guantanamo detention facility within a year. What are your thoughts on how the administration should close Guantanamo?

Dr. NACHT. Although this topic is not under my purview as Assistant Secretary of Defense for Global Strategic Affairs, my colleagues who work this issue inform me that the President's Executive Order, signed on January 22, 2009, states that the detention facilities at Guantanamo shall be closed as soon as practicable, and no later than one year from the date of this order. The Executive Order also directs a review of the status of each individual currently detained at Guantanamo and a determination as to the appropriate disposition for each individual. DOD is fully participating in this Attorney General-coordinated review, and it would be premature to comment on how Guantanamo should be closed before the review is completed.

8. Senator THUNE. Dr. Nacht, what plans would you propose in terms of transfer of detainees to the U.S.?

Dr. NACHT. Although this topic is not under my purview as Assistant Secretary of Defense for Global Strategic Affairs, my colleagues who work this issue inform me that at this time, there are no court orders to transfer detainees to the United States. DOD is fully participating in the Attorney General-coordinated review of all 240 detainees currently being detained by DOD at Guantanamo, and it would be premature to decide on such a plan prior to the completion of the review.

9. Senator THUNE. Dr. Nacht, how will you take into account that the Senate has passed a resolution by a vote of 94 to 3 that Guantanamo detainees, including senior members of al Qaeda, should not be transferred stateside into facilities in American communities and neighborhoods?

Dr. NACHT. Although this topic is not under my purview as Assistant Secretary of Defense for Global Strategic Affairs, my colleagues who work this issue inform me that the President's Executive order, which was signed on January 22, 2009, directed a review of the status of each individual currently detained at Guantanamo and a determination as to the appropriate disposition for each individual. The review is identifying and considering all legal, logistical, and security issues relating to the potential transfer of individuals currently detained at Guantanamo to facilities within the United States. DOD is fully participating in this Attorney General-coordinated review.

IMPORTANCE OF MISSILE DEFENSE THIRD SITE

10. Senator THUNE. Dr. Nacht, based on the changes to the ballistic missile defense program Secretary Gates recently announced, coupled with statements the administration has previously made, it appears that President Obama has no intention to continue with plans to field a third ballistic missile defense site in Eastern Europe. As the Assistant Secretary of Defense for Global Security Affairs, your office will be responsible for building the capability of partners and allies, coalition affairs, as well as security cooperation. How will the decision to delay, and likely cancel, the third ballistic missile defense site affect your ability to partner with other nation's defense agencies?

Dr. NACHT. The administration currently is reviewing ballistic missile defense policies, plans and strategies. No decision has been made on whether to proceed, delay or cancel the "third site" in Europe. Any such decision will be made in the context of pursuing missile defenses that are effective and well proven.

We will consult with our allies to ensure they are fully aware of and understand the basis for any decision on the third site. Therefore, we expect to continue to enjoy close relations and full cooperation with other nations' defense agencies.

11. Senator THUNE. Dr. Nacht, won't our allies and coalition partners be less likely to enter into arrangements with us for fear we will back out based on the political circumstances back home?

Dr. NACHT. The United States is currently reviewing its BMD policies and strategies, including options for defending against the Iranian ballistic missile threat. Initial results will be available later this year. Regardless of the option selected to address the Iranian threat, the United States will move forward with missile defenses and continue work with our allies where our common strategic interests are best served.

[The nomination reference of Dr. Michael Nacht follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Michael Nacht of California, to be an Assistant Secretary of Defense, vice Joseph A. Benkert.

[The biographical sketch of Dr. Michael Nacht, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. MICHAEL NACHT

Michael Nacht is currently Professor of Public Policy and former Aaron Wildavsky Dean at the Goldman School of Public Policy at the University of California-Berkeley. Nacht served a 3-year term as a member of the U.S. Department of Defense Threat Reduction Advisory Committee, for which he chaired panels on counter terrorism and counter proliferation of weapons of mass destruction, reporting to the Deputy Secretary of Defense. He continues to consult for Sandia National Laboratories and Lawrence Livermore National Laboratory. From 1994–1997, Nacht was assistant director for Strategic and Eurasian Affairs at the Arms Control and Disarmament Agency, leading its work on nuclear arms reduction negotiations with Russia and initiating nuclear arms control talks with China. He participated in five summit meetings with President Clinton—four with Russian President Boris Yeltsin and one with Chinese President Jiang Zemin. Nacht has testified before Congress on subjects ranging from arms control to the supply and demand for scientists in the workplace. Nacht earned his B.S. in aeronautics and astronautics at New York University and began his career working on missile aerodynamics for the National Aeronautics and Space Administration before earning a Ph.D. in political science at Columbia University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Michael Nacht in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michael Leonard Nacht.

2. **Position to which nominated:**
Assistant Secretary of Defense for Global Strategic Affairs.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 1, 1942; New York, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Marjorie Jo (Seltzer) Nacht.

7. **Names and ages of children:**
David Allen Nacht, 43.
Alexander Carey Nacht, 39.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Christopher Columbus High School, New York City, NY; Attended: 1956–1959; High School Diploma, 1959.
New York University, New York City, NY; Attended: 1959–1963; BS Aeronautics and Astronautics, 1963.
Case Western Reserve University, Cleveland, OH; Attended: 1963–1966; MS, Statistics, 1966.
New York University, New York City, NY; Attended: 1966–1969; MS Operations Research, 1969.
New School for Social Research; Attended: 1967–1970; MA Political Science, 1970.
Columbia University, New York City, NY; Attended: 1970–1973; Ph.D. Political Science, 1973.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Professor of Public Policy, Goldman School of Public Policy, University of California, Berkeley, Berkeley, CA, July 1998–Present.
Dean, Goldman School of Public Policy, University of California, Berkeley, Berkeley, CA, July 1998–June 2008.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
2002–2004; Chair, Panel on Counterproliferation, Threat Reduction Advisory Committee, Defense Threat Reduction Agency.
2001–2002; Chair, Panel on Counterterrorism, Threat Reduction Advisory Committee, Defense Threat Reduction Agency.
1994–1997; Assistant Director for Strategic and Eurasian Affairs, U.S. Arms Control and Disarmament Agency (U.S. Senate Confirmed July 1994).
1963–1966; Aerospace Engineer, NASA Lewis (now John Glenn) Research Center, Cleveland, OH.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Goldman School of Public Policy, University of California, Berkeley, Professor (1998–Present), Dean (1998–2008).
Sandia National Laboratories, Consultant.
Lawrence Livermore National Laboratory, Consultant.
Corporate Scenes, Inc., Consultant.
Center for Global Partnership, Consultant.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
See Question 11 above. In addition, I hold the following memberships:

Council on Foreign Relations (New York), Member.
International Institute for Strategic Studies (London), Member.
Cosmos Club (Washington, DC), Member.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
09/08, $2,300, Obama, Barack.
06/07, $1,300, Obama, Barack.

06/07, $1,000, Obama, Barack.
05/07, $500, Democratic Congressional Campaign Committee, 2008.
05/07, $2,300, David Nacht for Congress, 2007.
04/07, $2,300, David Nacht for Congress, 2007.
09/07, ($400), David Nacht for Congress, 2007.
09/07, ($2,300), David Nacht for Congress, 2007.
03/06, $1,000, Miller, Harris.
08/04, $1,000, Kerry, John.
07/04, $1,000, Kerry, John.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

2007, Fellow, California Council on Science and Technology.
2002, Listed, Who's Who in America.
1997, Distinguished Honor Award, U.S. Arms Control and Disarmament Agency.
1983, Traveling Fellowship, International Research and Exchange Board.
1972, President's Fellow, Columbia University.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

See attached list of publications.

[Nominee responded and the information is retained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Speech on American foreign policy delivered at the University of Sydney, Australia, and December 2007. A published version was printed in the Sydney Morning Herald, mid-December 2007. See attached speech.

[Nominee responded and the information is retained in the committee's executive files.]

Prepared Statement Before the Subcommittee on International Operations of the Committee on Foreign Relations of the U.S. Senate on the Future of the Arms Control And Disarmament Agency, May 11, 1995.

Prepared Statement Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs of the U.S. House of Representatives, July 1991.

Prepared Statement on "Scientists and Engineers: Supply and Demand," Hearings Before the Science Policy Task Force of the Committee on Science and Technology. House of Representatives, 99th Cong., 2nd Sess., July 1985.

Prepared Statement on "Security Relations," Hearings Before the Subcommittee on Asian and Pacific Affairs and on International Economic Policy and Trade of the Committee on Foreign Affairs. House of Representatives, 98th Cong., 2nd Sess., May–June 1984.

Prepared Statement on "Japanese Defense Policy," Hearings Before the Committee on Foreign Affairs. House of Representatives, Subcommittee on Asian and Pacific Affairs. 97th Cong., 2nd Sess., March 1982.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL NACHT.

This 27th day of April, 2009.

[The nomination of Dr. Michael Nacht was reported to the Senate by Chairman Levin on May 6, 2009, with the recommendation

that the nomination be confirmed. The nomination was confirmed by the Senate on May 7, 2009.]

[Prepared questions submitted to Wallace C. Gregson by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions? If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. There is now a generation of military leaders who are experienced with operating in a coordinated and joint, multi-service environment. At this time, I do not see the need to change the provisions of this legislation.

DUTIES

Question. Department of Defense (DOD) Directive 5111.17 assigns the responsibilities, functions, relationships, and authorities of the Assistant Secretary of Defense for Asian and Pacific Security Affairs (ASD(APSA)). The directive establishes ASD(APSA) as the principal advisor to the Under Secretary of Defense for Policy and the Secretary of Defense on various matters relating to the Asian and Pacific regions, their governments, and defense establishments.

What is your understanding of the duties and functions of the ASD(APSA)? Will they differ in any way from those described in DOD Directive 5111.17?

Answer. The ASD(APSA) is the principal advisor to the Under Secretary of Defense for Policy (USD(P)) and the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the Nations and international organizations of the Asian and Pacific regions, their governments, and defense establishments and for oversight of security cooperation programs, including Foreign Military Sales, in these regions.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Throughout my 37-year career in the U.S. Marine Corps, I had the privilege of serving the United States of America throughout the Asia-Pacific region along side my fellow marines, soldiers, airmen, sailors, coast guardsmen, and civilians. From 2003 to 2005 I served as Commanding General of the Marine Corps Forces Pacific and Marine Corps Forces Central Command, where I led and managed over 70,000 marines and sailors in the Middle East, Afghanistan, East Africa, Asia, and the United States. From 2001 to 2003 I served as Commanding General of all Marine Corps forces in Japan. Prior to my time in Japan I was Director of Asia-Pacific Policy in the Office of the Secretary of Defense from 1998 to 2000. I am a member of the Council on Foreign Relations; the Pacific Council on International Policy; and the International Institute for Strategic Studies.

RELATIONSHIPS

Question. If confirmed, what will be your relationship with: the Secretary of Defense; the Deputy Secretary of Defense; The Under Secretary of Defense for Policy; the Under Secretary of Defense for Intelligence; the Chairman of the Joint Chiefs of Staff; Commander, U.S. Pacific Command; Commander, U.S. Central Command; Commander, U.S. Special Operations Command; other combatant commanders; the Service Secretaries and Service Chiefs; the Assistant Secretary of Defense for International Security Affairs; the Assistant Secretary of Defense for Homeland Defense; the Assistant Secretary of Defense for Global Strategic Affairs; and the Assistant Secretary of Defense for SO/LIC & Interdependent Capabilities?

Answer. If confirmed, I will report to the Secretary of Defense and Deputy Secretary of Defense through the Under Secretary of Defense for Policy. I expect to develop and maintain a close working relationship with under secretaries and assistant secretaries across the Department, the General Counsel of the DOD, the Secretaries of the Military Departments, the Chairman and Vice Chairman of the Joint Chiefs of Staff, and with combatant commanders. As appropriate, if confirmed, I would also work closely with and coordinate with the other Assistant Secretaries of Defense within OSD Policy. Examples of this coordination include working with the Assistant Secretary of Defense for International Security Affairs on the role of the North Atlantic Treaty Organization (NATO) in Afghanistan; the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities on Counterterrorism and Pakistan; the Assistant Secretary of Defense for Homeland Defense and Americas Security Affairs on humanitarian assistance and disaster relief efforts in Asia; and the Assistant Secretary of Defense for Global Strategic Affairs on counternarcotics, nuclear and security assistance matters.

CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges that will confront the next ASD(APSA)?

Answer. I believe there are six major challenges in Asia and the Pacific that the next ASD(APSA) will face. First, the Governments of Afghanistan and Pakistan both need support to counter and defeat al Qaeda and its extremist allies. Second, North Korea's conventional military threat, weapons of mass destruction (WMD) and proliferation activities are a threat to regional security. Third, China's military buildup may be tipping the stability balance in the Taiwan Strait and poses an unknown risk to the region at large. Fourth, we must remain vigilant as we continue alliance transformation and strengthening of our important security alliances with Japan and South Korea. Fifth, a conventional or even nuclear confrontation between Pakistan and India would be a disaster. Finally, in Southeast Asia there are challenges in sustaining defense reforms and democratic consolidation, as well maintaining effective counter-terrorism cooperation.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Strategies for dealing with many of the challenges are in place at the Pentagon, but I am informed that since January, the administration has been conducting a number of major strategy reviews, particularly the recently completed Afghanistan-Pakistan strategic review. These reviews are being conducted in close coordination with the interagency community and with consultations with Congress and our international partners. If confirmed, I will analyze current strategies, review the results of the recent strategy reviews, and participate in ongoing policy reviews, such as the Quadrennial Defense Review (QDR).

Question. If confirmed, what broad priorities would you establish in terms of issues that must be addressed by the ASD(APSA)?

Answer. Strategies for dealing with these challenges are largely in place at the Pentagon, among the U.S. interagency, and in agreements with our partners in the region. If confirmed, I see the challenge as principally one of careful, sustained execution of these strategies rather than devising new initiatives.

In Afghanistan, my principal focus would be on supporting coalition efforts to train and equip Afghan security forces, as well as integrating both the military and governance elements of the counterinsurgency. This also includes working with Pakistan to eliminate safehavens in the Federally Administered Tribal Areas.

Regarding North Korea, I would work with the Department of State and regional partners to press North Korea to meet its commitments—including denuclearization—as agreed to during the Six-Party Talks, while maintaining the capability to deter potential North Korea military threats and countering proliferation activities.

With regard to China, the strategy is one of careful, measured military engagement with the Government of China and the Peoples Liberation Army, pressing for transparency while also sustaining our military capabilities to fulfill our defense commitments in the region.

In order to sustain the realignment and transformation processes already underway, we need to review progress constantly and resolve challenges in the bilateral relations with both Tokyo and Seoul: these are complex, multi-stage projects that require sustained political and budgetary support on both sides of the Pacific.

In South Asia, I would work with the Department of State to promote confidence building measures between India and Pakistan while continuing to develop our bilateral security relations with both nations.

Finally, in Southeast Asia I would sustain and expand our relations with regional militaries to promote regional security, defense reforms and respect for human rights.

ENGAGEMENT POLICY

Question. One of the central pillars of our national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian assistance operations, and similar activities are used to achieve this goal.

If confirmed, would you support continued engagement activities of the U.S. military? If yes, would you advocate for expanding U.S. military-to-military engagement? If not, why not?

Answer. If confirmed, I will support continued U.S. military-to-military engagement. I believe the current and emerging security environment will require robust engagement with the militaries of our partners and allies around the world, and building productive relationships with many States in which our past military-to-military engagements have been limited or absent entirely.

Question. Do you believe that these activities contribute to U.S. national security?

Answer. Yes.

STABILITY OPERATIONS

Question. Experience in Iraq has underscored the importance of planning and training to prepare for the conduct and support of stability operations in post-conflict situations.

In your view, what is the appropriate relationship between DOD and other departments of government in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. DOD has and will continue to play a supporting role to civilian agencies in stability and support operations post-conflict.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq?

Answer. Recent operations in Iraq demonstrate that long-term success requires a robust capacity for integrated civil-military action and substantially more resources to support the expeditionary capacity of civilian departments. Long-term success will also require close cooperation between DOD and other U.S. Government departments in planning, preparing for, and conducting stability and support operations, both in terms of DOD participation in whole-of-government efforts and for interagency participation in the development of military campaign and contingency planning.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided the DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority ("Section 1206") and the security and stabilization assistance authority ("Section 1207").

In your view, what are our strategic objectives in building the capacities of partner nations in the Asian and Pacific region?

Answer. The strategic imperatives driving our partner capacity building efforts include strengthening bilateral relationships; increasing access and influence; promoting militaries that respect human rights, civilian control of the military, and the rule of law; and building capacity for common military objectives. These objectives differ by country and by context. DOD has a particular interest in building the capacity of partner-nations to participate in coalition operations or counterterrorism, or promote regional or global security in order to reduce stress on the U.S. Armed Forces and reduce the risk of future military interventions.

Question. What is your understanding of the purpose of the section 1206 global train and equip authority? What is your assessment of the implementation of the global train and equip program?

Answer. As I understand it, section 1206 is intended to provide a quicker more targeted ability to build partner capacity than the more traditional routes of security assistance and is focused on building capacity to achieve security objectives. This authority has two discrete purposes outlined in law: to build a partner's national military or maritime security forces' capacity either to: (1) conduct counterterrorist operations; or (2) conduct or support stability operations where U.S. forces are participating.

If confirmed, I will assess the program to ensure it is used in keeping with the intent of the authority and that it produces the intended security outcomes.

Question. What is the relationship of the global train and equip authority to other security assistance authorities, such as counternarcotics assistance and foreign military financing? What should be done to ensure that the global train and equip authority does not duplicate the efforts of these other assistance programs?

Answer. The global train and equip authority fills two specific legal requirements (to build capacity for counterterrorism and stability operations where U.S. forces are a participant). Foreign Military Financing serves broad foreign policy objectives such as improving bilateral relations, encouraging behavior in the U.S. interest, increasing access and influence, and building capacity particularly where host-nation and U.S. interests align. Secretary Gates noted in April 2008 that ". . . building partner capacity is a vital and enduring military requirement—irrespective of the capacity of other departments." Counternarcotics authorities are focused on providing DOD the ability to support U.S. or other Government efforts to counter the flow of narcotics globally.

We should avoid duplication of effort among these activities. If confirmed, I will do everything I can to deconflict among them.

Question. What is your understanding of the purpose of the security and stabilization assistance authority ("Section 1207")? What is your assessment of how this authority has been utilized?

Answer. My understanding is that section 1207 fills a gap in the Department of State's ability to provide stabilization and reconstruction assistance. It allows DOD to transfer funding to the State Department to help meet State's reconstruction, security, or stabilization efforts. Secretary Gates made clear in past testimony how he sees the purpose of "Section 1207" authority: "A touchstone for the Defense Department is that 1207 should be for civilian support for the military—either by bringing civilians to serve with our military forces or in lieu of them." I will monitor it closely, especially as it relates to the Asia-Pacific region, if confirmed.

Question. Secretary Gates has called for an expansion of the Government's resources devoted to instruments of non-military "soft power"—civilian expertise in reconstruction, development, and governance.

Do you agree with Secretary Gates that there is a need to expand the Government's resources devoted to the ability of civilian departments and agencies to engage, assist, and communicate with partner nations?

Answer. Yes.

Question. In your view, what should be the role of the DOD, vis-á-vis other civilian departments and agencies of the Government, in the exercise of instruments of soft power?

Answer. Generally, the Department's role should be to support, not lead, in the exercise of "soft power."

Question. Which department should have the lead in setting U.S. Government security assistance policy, the Department of State or the DOD?

Answer. The Department of State should retain the lead in setting U.S. Government security assistance policy.

AFGHANISTAN

Question. In your view, what should be our strategic objectives in Afghanistan?

Answer. I believe that America's most enduring interest in the region is eliminating extremist threats in Afghanistan and Pakistan by disrupting, dismantling, and defeating al Qaeda and its safe havens in Pakistan and preventing their return to Afghanistan or Pakistan. If confirmed, I expect to support the Department's efforts in this critical challenge, which requires urgent and sustained attention.

Question. What changes, if any, would you recommend to our current strategy in Afghanistan?

Answer. The President's new strategy for Afghanistan and Pakistan takes the important step of adopting an integrated approach between civilian and military elements and approaching Afghanistan and Pakistan as one theater for diplomacy. This will help achieve key objectives of disrupting terrorist networks, promoting a more capable, accountable and effective government in Afghanistan, developing increasingly self-reliant Afghan security forces, supporting civilian control, constitutional government and a vibrant economy in Pakistan, as well as supporting international community involvement and UN leadership in the effort. If confirmed, I look forward to working with Congress in achieving the important goals of this strategy.

Question. Do you believe that there is a need to develop a comprehensive civil-military plan for Afghanistan, akin to that used in Iraq?

Answer. Yes.

Question. What is your assessment of the contributions of NATO allies to the effort in Afghanistan? Should the United States continue to press the NATO and other allied countries to increase their contributions to the Afghanistan effort, and if so, how might these countries do so?

Answer. Our allies and non-NATO partners contribute significant resources and personnel to the efforts in Afghanistan. Non-U.S. members of NATO, Australia and other non-NATO allies are contributing approximately 32,000 forces in Afghanistan. NATO countries also announced new commitments of personnel and resources at the recent NATO summit, with particular focus on building Afghanistan's own security forces. Japan has made significant financial contributions, including its recent $1 billion commitment to Pakistan. Nevertheless, the challenges and needs in Afghanistan and Pakistan are even greater.

The United States should continue to look to our allies around the world to shoulder a significant share of the military and financial burdens in Afghanistan. If confirmed, I would support continued efforts to urge our friends and allies to increase contributions in their areas of greatest strength. I would particularly look forward to working with our partners in Asia toward that end.

Question. General David McKiernan, USA, Commander of the NATO International Security Assistance Force and Commander, U.S. Forces—Afghanistan, has identified a need for 4 additional combat brigades and support units in Afghanistan, equaling up to 30,000 additional troops. President Obama has approved the deployment of an additional 17,000 U.S. troops to Afghanistan in late spring and summer of this year. General McKiernan has said that these additional forces provide him what he needs for the coming months, but additional forces will still be needed to meet fully his request.

Do you support General McKiernan's request for additional forces?

Answer. I have not been fully briefed on the details of current operations and threat assessments, or internal deliberations associated with the Afghanistan/Pakistan strategy review. If confirmed, I look forward to assisting the USD(P) and others to assess the appropriate level of military forces required.

Question. If so, how should the Department support combat brigades increases in Afghanistan, ahead of the national elections? Would you support drawing down U.S. forces in Iraq faster or redirecting to Afghanistan combat brigades already slated to replace brigades in Iraq in order to meet General McKiernan's request?

Answer. The President has approved the deployment of more than 21,000 additional U.S. forces to Afghanistan to meet urgent security needs, particularly in the volatile southern provinces, including the critical necessity to train additional Afghan National Security Forces (ANSF). My understanding is that these forces will arrive in Afghanistan in advance of the presidential election in August. It is also my understanding that the administration has looked to our allies and partners to provide additional forces to ensure security during the elections as well as the success of the ANSF training mission, and many allies have recently made additional commitments. To my knowledge no decision has been made on the deployment of additional U.S. combat brigades beyond the 21,000 additional U.S. forces noted above.

Question. Would you support the temporary extension of combat brigades already deployed to Afghanistan? Would you support the accelerated deployment of combat brigades slated to deploy later this year to Afghanistan?

Answer. If confirmed, I would expect to work closely with USD(P), the Joint Staff and Secretary of Defense to ensure deployment lengths of combat brigades in Afghanistan strike an appropriate balance between meeting our commanders' operational requirements and maintaining the health and readiness of our forces.

Question. The goal for increasing the size of the Afghan National Army (ANA) has been revised from 68,000 to approximately 134,000 soldiers.

In your view, should rapidly increasing the number of U.S. trainers to accelerate the expansion of the ANA be a top priority in Afghanistan?

Answer. Building an effective, broadly representative, and respected ANA requires significant resources, and the President's strategy review has made this objective a top priority. If confirmed, I will support the USD(P) and Secretary of Defense in providing oversight and guidance that ensures there are the right numbers of trainers, mentors, and advisors with sufficient resources to accomplish their mission.

Question. What recommendations, if any, would you have for encouraging or enabling our coalition partners to provide more training team personnel to embed with ANA units?

Answer. It is my understanding that the United States and NATO have assumed a long-term commitment to develop Afghan forces that can eventually take the lead

for security in Afghanistan. If confirmed, I look forward to supporting the Department's efforts to encourage our coalition partners to deliver on their commitments to provide training team personnel.

Question. One of the main threats to U.S. and coalition forces in Afghanistan comes from cross-border attacks by the Taliban and extremist militants who find safe haven in Pakistan's border regions. Director of National Intelligence Dennis Blair recently stated that "No improvement in the security in Afghanistan is possible without progress in Pakistan." He also stated, "No improvement in Afghanistan is possible without Pakistan taking control of its border areas and improving governance, creating economic and educational opportunities throughout the country."

What steps in your view need to be taken to eliminate or mitigate the threat posed by Afghan Taliban and extremist militants hiding out across the Afghan-Pakistan border?

Answer. As the President's strategy makes clear, Afghanistan and Pakistan are in many respects a single theater of operations, and both President Obama and Secretary Gates have cited the need to eliminate the terrorist sanctuary in the border regions of Pakistan. This sanctuary poses a potential threat not only to Afghanistan, but to the region and indeed to the United States. Clearly however, there is no purely military solution. The United States must pursue an integrated civil-military approach to promote development and prevent terrorism across the Afghanistan-Pakistan border region, as called for in our new strategy. If confirmed, I intend to work closely with my DOD and interagency colleagues to that purpose.

Question. Would you agree that it is possible that developments within Afghanistan could lead to improvements in Afghanistan's security irrespective of developments in Pakistan's border areas?

Answer. I agree that many of Afghanistan's challenges are internal. This is true of certain insurgent activities, the problem of warlords, poppy cultivation and narcotics production, and general criminality. However, I believe that we have learned from years of conflict that insurgent and terrorist safe-havens in Pakistan and illicit cross-border activity must also be suppressed to establish sustainable security in Afghanistan.

Question. The ANA has shown itself to be effective, well-motivated, and respected by the Afghan people.

Would you support giving the ANA the lead in stopping cross-border incursions, either by transferring the mission of patrolling the border to the ANA or by bringing the Afghan Border Patrol under the ANA?

Answer. The ANA has increasingly shown itself to be effective, well-motivated, and respected. Clearly securing the border areas from cross-border incursions and illegal smuggling is an important element of a successful long-term strategy. The issue of command relationships between the Afghan Border Patrol and ANA is an area that I have not examined in detail, and if confirmed, will study more closely.

AFGHANISTAN-COUNTERDRUG EFFORTS

Question. The cultivation of poppies and trafficking of opium has reached alarming proportions in Afghanistan. Some estimate that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade and that Afghanistan is at risk of failing as a nation state. Coalition strategies for countering the opium trade have not been effective to date.

In your view, what strategy would be most effective in reducing opium production and trafficking in Afghanistan?

Answer. Opium traffic continues to distort the Afghan economy, corrode the judicial system, and exacerbate corruption and criminal violence. Countering the opium trade should include a nuanced and fully resourced coalition and Afghan strategy, including crop substitution and alternative livelihoods, interdiction and eradication, judicial reform, better law enforcement and intelligence sharing, and rural economic development and public information.

Question. What is the appropriate role for coalition nations and the larger international community in effectively addressing the counterdrug challenge in Afghanistan and the surrounding region?

Answer. I believe it is critical for the international community to play a greater role across the full range of initiatives and operations designed to help the Government of Afghanistan strengthen Afghan institutions, ranging from the judicial and law enforcement system, to its intelligence service, and the Afghan National Security Forces, so that it can better take the lead in combating narcotics in Afghanistan.

AFGHANISTAN-RECONSTRUCTION

Question. What is your assessment of the relationship between reconstruction and development in Afghanistan and achieving U.S. policy objectives in Afghanistan?

Answer. I believe that effective reconstruction and development programs are essential elements of an integrated civil-military strategy to achieve U.S. objectives in Afghanistan. These programs are especially important at the provincial and local levels where they can have the most direct impact in creating opportunity and improving lives. Unless young Afghans have reasonable economic opportunities there will never be stability and security in the country.

Question. What are the main challenges facing the U.S. and international community's reconstruction and development efforts in Afghanistan?

Answer. In my view, high levels of violence in Afghanistan constitute the most immediate and pressing challenge to reconstruction and development efforts, which must feature prominently in any successful long-term strategy. The Afghan people have suffered through more than a generation of war, and the country's development challenges are immense. The majority of Afghans make their living from farming, yet extensive drought and failing agricultural infrastructure create openings for opium production to supplant the legal agricultural economy. While Afghanistan has seen improvements in health care in recent years, life expectancy remains below 45 years while more than half of Afghan children suffer from poor nutrition and disease. While progress has been made towards primary education in Afghanistan, fewer than half of adult males and only one in eight females can read, impeding the professionalization of the Afghan Government and security forces and limiting economic growth.

Question. What would be your priorities for addressing those challenges?

Answer. If confirmed, I look forward to supporting the USD(P) in working with interagency partners to help implement the administration's strategy, including by engaging our coalition partners and the international community to advance reconstruction and development efforts in Afghanistan.

Question. What changes, if any, would you recommend for the strategy, organizational structure, or resourcing of Provincial Reconstruction Teams (PRTs) in Afghanistan?

Answer. I believe that PRTs have been critical to the development work undertaken in Afghanistan and Iraq in recent years. If confirmed, I look forward to discussing the committee's concerns and ideas on the use of PRTs.

PAKISTAN

Question. What is your view of the current state of U.S.-Pakistani security relations? Are there steps you would recommend to improve these relations?

Answer. Pakistan is a critical ally in the long-term struggle against extremism and terrorism. A confluence of overlapping security concerns—including the presence of al Qaeda terrorists and Taliban affiliated extremists, United States and NATO lines of communication to Afghanistan, nuclear weapons, and an unstable economic environment—make Pakistan a key national security interest for the United States. Pakistan and the United States share mutual interests in these areas and it is essential to continue to build and cultivate a long-term relationship built on respect and trust regarding security and other overlapping interests. If confirmed, I look forward to learning more about all aspects of ongoing U.S.-Pakistan relations and helping the USD(P) shape effective policies for engagement by the U.S. military, the State Department, and other agencies.

Question. What is your understanding and assessment of the efforts by the Pakistani Government to counter militant groups along the Afghan-Pakistan border and to fight terrorism in general?

Answer. Any enduring solution to the challenge of defeating the terrorist and cross-border insurgent groups that threaten Afghanistan, Pakistan, and the international community requires Pakistan's strong support. While the Pakistani Government has conducted several military operations in the past against militants in border areas, the region remains a sanctuary for al Qaeda and Taliban affiliated groups. The threat appears to be increasing.

Question. In your view, is the Pakistani Government doing enough to combat these threats? If not, what more should it be doing? What in your view should be the U.S. approach vis-á-vis Pakistan?

Answer. While I have not been briefed in detail on any assessments of Pakistan's willingness and ability to combat these threats, I believe that any long-term success in countering them requires extensive and sustained attention by various elements of Pakistan's Government. If confirmed, I look forward to assessing ways in which

the United States and Pakistan can work better together to combat these shared threats.

INDIA

Question. What is your view of the current state of the U.S.-India security relations?

Answer. A close and continuing security relationship with India will be important for Central Asia's security and for effectively managing Indian Ocean security in the 21st century. The United States and India have a range of common security interests that include maritime security, counterterrorism, and regional stability. I understand that U.S.-India security relations are currently quite positive, multi-faceted, and getting stronger. Military-to-military engagement is growing in size, scope, and sophistication as the two militaries become more familiar with each other through frequent exercises and subject matter exchanges.

Question. If confirmed, what specific priorities would you establish for this relationship?

Answer. If confirmed, I believe our priorities for this relationship should be focused on increasing maritime security cooperation, cooperating on counterproliferation, collaborating on humanitarian assistance and disaster response, dealing with piracy, finding ways to cooperate on counterterrorism, and deepening defense trade. Additionally, I believe there is potential for greater intelligence sharing on common threats, cooperation on missile defense, and working towards stability in Afghanistan.

Question. What, in your view, is the effect on DOD interests, if any, of the civil nuclear cooperation agreement with India?

Answer. The civil nuclear cooperation agreement was a landmark agreement that significantly transformed the U.S.-India bilateral relationship. The agreement has also deepened the level of trust between the United States and India which will have positive effects on DOD interests and will hopefully lead to greater military-to-military cooperation and increased defense trade.

Question. How do you assess the relationship between India and China and how does that relationship impact the security and stability of the region?

Answer. As Asia's two largest powers, India and China collectively will have a significant impact on Asia's future security landscape. Both countries are in the process of building their respective military capabilities. I understand India has concerns about China's increasing presence in the Indian Ocean, and also has outstanding border disputes with China. It is important to actively engage both of these Asian powers to ensure they both contribute in a positive way towards Asian stability and security.

Question. The recent incident in Mumbai raises questions about what more might be done to help India guard against and react to terrorist incidents, and underscores the fragile nature of the relationship between India and neighboring Pakistan.

What do you believe the United States should do to assist the Indian government in the prevention of and response to terrorist events?

Answer. As the world's largest democracy, India is a critical strategic partner of the United States. Both India and the United States share an interest in preventing terrorism. After the Mumbai attacks, I understand there may be greater interest from India in counterterrorism cooperation. If confirmed, I will work with the State Department to carefully consider all requests for counterterrorism assistance from India.

Question. What is your assessment of the relationship between India and Pakistan?

Answer. Tensions between India and Pakistan significantly increased after the Mumbai attacks in November 2008. India's response after the Mumbai attacks was commendable for its restraint and responsible behavior. While the situation has stabilized somewhat since November, I believe relations between India and Pakistan remain fragile.

Question. In your view, what impact has this rise in tensions between Pakistan and India had on the stability of the South Asia region, generally, and on the prospects for security in Afghanistan?

Answer. India, Pakistan, and Afghanistan are linked by history, culture, language, and trade, and regional stability cannot be achieved without the cooperation of all three. It is in America's national interest to play a constructive role in helping defuse the recent rise in tensions and to help derive from the tragic attacks in Mumbai an opportunity for further cooperation between three of America's crucial partners. Doing so will allow Pakistan to commit more of its resources to its western regions against extremist elements that are undermining its stability, and will per-

mit Afghanistan to focus its efforts on developing an effective government that is able to secure both its borders and its citizens.

FORCE POSTURE IN THE USPACOM AOR

Question. Perhaps more than with any other combatant command, military exigencies in the U.S. Pacific Command (USPACOM) area of responsibility (AOR) are subject to the "tyranny of distance" in getting forces to points of conflict. Significant changes to the U.S. force posture in the region are planned over the next several years, including movement of marines from Okinawa to Guam and relocation of U.S. forces within South Korea.

In your view, how important is the forward basing strategy to the ability of USPACOM to execute its operational contingencies?

Answer. The United States' forward-basing strategy is critical to enable USPACOM's execution of its operational contingencies given the importance of providing capabilities that can be flexibly deployed, employed, and sustained in a timely manner across a spectrum of contingencies.

Question. What do you see as the implications of the proposed force structure changes, particularly in Korea, Japan, and Guam, with respect to the Asia-Pacific region in general?

Answer. I believe U.S. posture changes in Korea and Japan contribute to strengthening our alliances and better positioning U.S. forces to ensure a more sustainable and capable regional force posture. By relocating U.S. forces, the United States will address longstanding host-nation concerns such as noise and encroachment without compromising their missions. The moves also improve and enhance mutual defense infrastructure in the region, incorporating and executing several large investment projects from the Governments of South Korea and Japan. At the same time, the United States will make better use of Guam's strategic advantages by arraying U.S. forces in Asia more effectively for the evolving security environment.

Question. How does the relocation of U.S. forces from Okinawa to Guam improve our security posture in the region?

Answer. This is the most comprehensive package of force posture changes in Japan and Guam in decades, and I believe that these initiatives will further several strategic goals. First, they will strengthen our alliance with Japan by addressing long-standing problems with our presence in Okinawa. Second, they will ensure the continued long-term presence of U.S. forces in Japan and in the Western Pacific. Third, by making better use of Guam's strategic advantages, they will array U.S. forces in Asia more effectively for the evolving security environment.

Question. What impact, if any, do you expect the proposed changes in our force posture will have on the U.S. ability to defend South Korea and Japan or to react to a crisis in the Taiwan Strait?

Answer. These posture changes increase flexibility to respond when and where U.S. forces are needed, and strengthen the United States' overall capacity to deter coercive and aggressive action in the Asia-Pacific region. Planned posture changes in the region will strengthen deterrent and strike capabilities (i.e., U.S. maritime, air, and deployable ground forces) forward in the Pacific as well as strategic mobility and command and control (C2) support from the United States—all of which are relevant to supporting our allied commitments for self-defense in contingencies.

Question. Some observers suggest that the United States is preoccupied in Iraq and Afghanistan and not focused sufficiently on the challenges in East Asia at a critical time in the development of that region.

How do you assess the U.S. engagement in East Asia relative to U.S. engagement in other parts of the world, particularly Central and Southwest Asia?

Answer. I agree with Secretary Gates' observation at the 2008 Shangri La dialogue that the United States has never been more engaged with more Asian countries.

Question. Are the levels of funding, manning and military-to-military engagement in the Asia-Pacific region appropriate as compared to other regions? Do you see a need to increase those levels in the coming years?

Answer. Strengthening partnership capacity, reinforcing existing alliances, and enhancing emerging relationships will continue to require investment of resources and attention. If confirmed, I will advocate for appropriate levels of funding, manning and military-to-military engagement in the Asia-Pacific region.

Question. Many of our key alliances in Asia were established years ago when global conditions and threats to U.S. security were different than today. USPACOM has as a top objective the development of cooperative security arrangements with allies and partners in the region.

Do you agree with this objective and, if so, what countries do you see as the top priority for such arrangements to best enhance stability and security in the region? Why?

Answer. If confirmed, I will continue to support the development of cooperative security arrangements with allies and partners in the region. Access to regional ports, airfields, and logistical facilities on a nonpermanent but recurring basis, increases the flexibility of our force employment options. Australia and Singapore are top priorities in this regard. I will work with the Commander, U.S. Pacific Command, to ensure a complementary approach to this important objective.

Question. How should U.S. policies and engagements in the Asia-Pacific region change to best meet new threats and conditions

Answer. A critical step to meeting the new threats and conditions in the Asia-Pacific region is to execute the transformational security agendas we have with many allies and partners in the region. Additional significant changes will be guided by the ongoing QDR process.

CHINA

Question. China is viewed by some in the United States as a potential threat and by others as a potential constructive international partner that should be welcomed and integrated into the international economic and political community.

How would you characterize the U.S. relationship with China?

Answer. I would characterize the U.S.-China security relationship as complex, with some elements of cooperation and others of potential competition. The military aspect of the relationship is embedded within an even more complex set of political and economic relationships between Washington and Beijing, and fundamentally colors our security relationships with Japan, South Korea, the Southeast Asian nations, and Taiwan.

Question. To what extent do you believe the policies and actions of the United States and other major regional and international actors will affect the direction in which China develops, and the extent to which it becomes a cooperative partner or a competitor of the United States?

Answer. I believe that U.S. policies and actions can influence the direction of China's development. No country has done more to assist, facilitate, and encourage China's national development and integration into the international system than the United States. However, U.S. policy and actions, or the policies and actions of any country or group of countries for that matter, cannot alone determine China's future which, in many ways, will be based upon the choices that China's leaders make. Today, as Secretary Gates noted in a speech at the U.S. Institute of Peace on October 15, 2008, "China is a competitor but not necessarily an adversary, and there is no reason for China to become an adversary." More fundamentally, the United States can also help to shape the environment in which China makes its strategic choices, and in so doing, encourage China to "do the right thing."

Question. What do you see as the impact of the current global economic crisis on stability and security in China specifically, and in the region generally?

Answer. It is too early to gauge the full impact of the global economic crisis upon China and stability in the Asia-Pacific region more broadly. But those who manage defense and security issues must be attentive to the security-economic interconnections and be prepared to work together with colleagues in economic and diplomatic fields, both to guard against negative outcomes and also to seek positive ways forward where they may exist.

Question. China's defense spending in 2009 will exceed 2008 spending by 15 percent. This continues China's trend of double-digit increases in defense spending every year since the late 1980s.

What do you believe are the objectives of China's steady increase in defense spending and its military modernization program?

Answer. I am deeply concerned about China's military modernization. China continues to invest heavily in strategic weapons, power projection, area denial, and asymmetric warfare. China appears focused in the near-term on generating capabilities for potential Taiwan contingencies, including those that would involve U.S. intervention. China is also developing longer range capabilities that have implications beyond Taiwan. Some of these capabilities have allowed it to contribute cooperatively to the international community's responsibilities in areas such as peacekeeping, humanitarian assistance and disaster relief, and counterpiracy. However, some of these capabilities, as well as other, more disruptive ones, could allow China to project power to ensure access to resources or to enforce claims to disputed territories. China has left unclear to the international community the purposes and objectives of China's evolving doctrine and capabilities. Seeking to clarify this ambi-

guity is an important strategic goal for the United States. If China exercises responsibility and restraint in the pursuit of its legitimate aspirations, it will find a willing partner in the United States.

Question. How should the United States respond to the Chinese military modernization program?

Answer. The pace and scale of Chinese modernization, coupled with the lack of transparency surrounding both capabilities and intentions, are a source of concern for the United States as well as for its allies and the region more broadly. An appropriate U.S. response would include efforts to fully comprehend the future direction of China's intentions and capabilities, active engagement to reduce the potential for miscalculations and to manage unwanted competition, and, finally, defense preparedness to ensure the United States maintains an enduring strategic presence in the Asia-Pacific region, and retains an edge in areas that are critical to achieving specific operational objectives.

Question. What do you believe are the Chinese political-military goals in the Asia-Pacific region? Globally?

Answer. Broadly, the overriding objectives of China's leaders appear to be to ensure the continued rule of the Chinese Communist Party, continue China's economic development, maintain the country's domestic political stability, defend China's national sovereignty and territorial integrity, and secure China's status as a great power. Within this context, preventing any moves by Taipei toward de jure independence is a key part of Beijing's strategy. Within each dimension there lies a mix of important challenges and opportunities for the United States that will continue to deserve priority attention.

Question. How do you assess the current cross-strait relationship between China and Taiwan, and how can we help prevent miscalculation on either side?

Answer. Taiwan has made significant strides to reduce tensions in the Taiwan Strait. These initiatives should be encouraged. I believe the United States can help to prevent miscalculation on either side by continuing to abide by our longstanding policies, based on the three joint U.S.-China Communiqués and the Taiwan Relations Act, to include making available to Taiwan "defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." Such a continued commitment by the United States will allow Taiwan to continue its outreach to the PRC without fear of coercion.

Question. What is your view regarding the longstanding U.S. policy of selling military equipment to Taiwan despite objection and criticism from China?

Answer. U.S. policy on arms sales to Taiwan is based on the 1979 Taiwan Relations Act, which provides that the United States "will make available to Taiwan defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability (sec. 3.a)." That policy has contributed to peace and stability in the region for over 30 years and is consistent with the longstanding U.S. calls for peaceful resolution of the Taiwan issue in a manner acceptable to the people on both sides of the Taiwan Strait. I believe our arms sales have been carried out in a responsible manner.

Question. How do China's efforts to establish a strategic presence in various South Asian seaports affect its political-military posture and influence in the region?

Answer. China looks to South Asia as an area of strategic importance, which includes political objectives, access to resources, trade, and investment. In regards to South Asian seaports, the important question is how China intends to use its presence. The United States retains strong relationships in South Asia and should continue to monitor China's growing presence in the region.

Question. What are your views of China's recent deployment of warships to the west Indian Ocean to counter piracy in that area and how does this deployment contribute to China's ability to project power?

Answer. Generally speaking, I see China's participation in counter piracy operations as a positive development that contributes to solving a global security challenge and demonstrates China's ability to use its military in a positive, constructive, and responsible manner. It is more than likely that from this experience China could begin to develop capabilities that would enhance its ability to sustain a deployed force over an extended period of time.

Question. Our military-to-military relations with the Chinese military have been characterized as "modest" and the Chinese approach to these relations can be accurately described as "on again, off again."

What is your assessment of the current state of U.S.-China military-to-military relations?

Answer. There are some signs of progress, but overall there is a lack of trust and mutual understanding, and the relationship continues to be marred by incidents such as those involving USNS *Impeccable* in March 2009.

Question. Do you believe that we should make any changes in the quality or quantity of our military relations with China? If so, what changes and why?

Answer. More can be done to improve the U.S.-China military-to-military relationship, both in terms of the quality and the quantity of exchanges between the Armed Forces of our countries. If confirmed, I would look closely at exchanges with the Chinese armed forces at all levels and across a range of issues, including the recently opened dialogue on nuclear policy and strategy, which I understand is a priority for Secretary Gates. If confirmed, I look to engage in a wide range of areas where we can encourage China to act responsibly both regionally and globally.

Question. Recently, Chinese-flagged ships harassed the USNS *Impeccable*, a U.S. military ship conducting ocean surveillance in the international waters of the South China Sea. The incident underscores the nature of certain Chinese maritime claims and the sensitivity associated with U.S. naval operations in these areas.

What is your assessment of the incident?

Answer. I view the harassment of the USNS *Impeccable* within China's exclusive economic zone (EEZ) as a serious incident. The United States has a longstanding policy on freedom of navigation, consistent with customary international law and as reflected in the U.N. Convention on the Law of the Sea.

Question. What can the United States do to help prevent such incidents in the future?

Answer. I believe the United States should clearly assert and exercise its rights, work with other states with similar interests and perspectives as appropriate, and ensure effective communications to reduce the risks of accident or miscalculation. I was very pleased by Secretary Gates' statement on March 18 that ". . . based on the diplomatic exchanges that have taken place, since the aggressive acts against the *Impeccable* . . . there won't be a repetition of this [incident]."

Question. In its 2008 Report to Congress, the U.S.-China Economic and Security Review Commission (USCC) concluded that China is asserting various excessive claims of sovereignty, including maritime, air and space, and also concluded that these claims have negative implications for the United States. Further, the Commission concluded that more must be done to ensure that China's rapid expansion of nuclear power does not result in the decline in safety or an increase in proliferation of nuclear weapons technology or expertise.

How should the United States respond to excessive claims of sovereignty by China? Would U.S. accession to the United Nations Law of the Sea Convention be beneficial in this regard? If so, how?

Answer. As stated above, the United States has a longstanding policy on Freedom of Navigation, and as recent events relating to the USNS *Impeccable* have demonstrated, does not acquiesce to excessive maritime, air, or space claims that restrict navigation and over-flight rights under customary international law (as reflected for example in the U.N. Convention on the Law of the Sea). In addition to asserting U.S. rights, I believe the United States should work with other countries that have a stake in this issue to engage China.

I support U.S. accession to the Law of the Sea Convention. It is in America's enduring interest to be at the forefront of promoting the rule of law, including in the world's oceans. Were we to become a party to the Convention it would send a clear signal to the world that we are committed to advancing the rule of law at sea. Additionally under the Convention, we would provide the firmest possible legal foundation for the navigational rights and freedoms needed to project power, reassure our friends and allies, deter adversaries, respond to crises, sustain deployed combat forces, and secure sea and air lines of communication that underpin international trade and our own economic prosperity.

Question. What is the role of DOD in helping to ensure that China's nuclear power industry does not contribute to the proliferation of nuclear weapons in the region?

Answer. The Obama administration has reiterated that preventing the proliferation of WMD and delivery systems, along with related technologies and materials, is a key goal for the United States. I believe that DOD should work in the interagency process to ensure that any proliferation concerns relating to China including its nuclear power industry are expressed to the Chinese Government in appropriate forums, and should similarly support the development of appropriate interagency responses in the event that China takes steps that do contribute to proliferation.

Question. The USCC also concluded that cyber space is a critical vulnerability for the United States, that China is aggressively pursuing cyber warfare capabilities, and that China would likely seek to take advantage of the U.S. dependence on the internet and cyber space in the event of a potential conflict situation.

If confirmed, what would you do to help ensure our military is protected in cyber space and prepared to defend against a cyber attack?

Answer. We, as many other nations, have been the target of innumerable malicious activities via cyberspace from hackers, criminals, and unidentified entities, some of which may well be nation states. I understand that numerous steps have been taken to increase network defense and monitoring capabilities. This work continues aggressively today. The DOD should also continue to evaluate all global threats to its networks and work closely with other government agencies, industry, and the international community in order to meet those threats.

Question. On January 11, 2007, China used a ground-based missile to hit and destroy one of its weather satellites in an anti-satellite test creating considerable space debris and raising serious concerns in the international community.

What is your view of China's purpose in conducting this test?

Answer. In my view, this test was just one element of China's military modernization effort to develop and field disruptive military technologies, including those for anti-access/area-denial, as well as for nuclear, space, and cyber warfare.

Question. What do you see as the long-term implications of this test for the U.S. military, for U.S. national security, and for U.S. interests in space?

Answer. Space systems are vital to our national interest. In this regard, the United States should seek ways to protect our interests in space.

Question. If China were to conduct a second test, would that change your view? Why or why not?

Answer. A second test of such a system would reaffirm my view that this system is one element of China's broad military modernization program that features a number of disruptive elements designed to support a strategy of anti-access and area denial. More troubling than that would be China's blatant disregard for the concerns expressed by the international community after their January 2007 test if China were to conduct another such test in the future.

Question. What are your views regarding the potential weaponization of space and the international agreements to prevent space weaponization?

Answer. The safe and responsible use of space and preservation of the space environment are important issues for all nations, especially for space-faring nations. Encouraging responsible behavior through establishment of international norms, such as the Space Debris Mitigation Guidelines led by the United States and endorsed by the U.N. General Assembly, is an excellent model.

TAIWAN

Question. What is your view of the current state of the U.S.-Taiwan security relations?

Answer. The United States has a robust security relationship with Taiwan. I have had the privilege to go to Taiwan as a private citizen and observe first-hand how we support Taiwan during their annual Han Kuang Field Training Exercise. This is just one aspect of our relationship and I will continue to look for additional ways to work with Taiwan to bolster their defensive capabilities, consistent with our obligations under the Taiwan Relations Act.

Question. What are the priorities, in your view, for U.S. military assistance to Taiwan?

Answer. I believe priority areas include: enhancing the training establishment; hardening of critical infrastructure; ensuring increased munitions are available to counter the threat; and an advanced integrated air and missile defense. If confirmed, I would continue to work with Taiwan to review its defensive needs considering the current and projected PRC threat.

Question. What is your view of the relationship between the type of assistance we offer Taiwan and regional stability?

Answer. The United States is closely monitoring the shifting balance in the Taiwan Strait and Taiwan's defense needs, and we are well aware of the increasing capability of the PRC military. Regional stability depends on a strong Taiwan. Taiwan must be able to deter PRC coercion, and the best deterrent available to Taiwan is a strong defensive military.

Question. What is your opinion of the Taiwan Relations Act (TRA)? Enacted 30 years ago this year, do you see any need to modify the TRA to reflect the current state of affairs in the region? If so, how?

Answer. The TRA has been in force for over 30 years, its flexibility has allowed it to accommodate changing circumstances on both sides of the Taiwan Strait, as well as Taiwan's evolving relationship with the United States.

Question. What is your assessment of the implementation of the TRA?

Answer. The TRA provides that the United States "will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability (sec. 3.a)." That policy

has contributed to peace and stability in the region for over 30 years and is consistent with the longstanding U.S. calls for peaceful resolution of the Taiwan issue in a manner acceptable to the people on both sides of the Taiwan Strait.

Question. Given the increasing military imbalance across the Taiwan Strait, what is the best policy prescription to encourage Taiwan to invest more in its own self-defense?

Answer. The best method to improve Taiwan's defensive capability is not just spending more; it must include spending more wisely. Taiwan can no longer out spend the PRC on its defense. However, they can invest more wisely to compensate for the current and future threats posed by the PRC. Taiwan needs to enhance the professionalism of their military, and transform their military to meet future threats. Some of these ideas were addressed by Taiwan's QDR and, if confirmed, I intend to work closely with PACOM to improve Taiwan's defensive capabilities.

Question. What measures, if any, would you recommend be implemented to encourage China to soften its military posture vis-á-vis Taiwan?

Answer. Consistent with longstanding U.S. policy, I believe that the United States would support any resolution in the Taiwan Strait provided that it is arrived at peacefully and with the support of the people on both the Mainland and Taiwan. If confirmed I would look for ways to highlight to Beijing the inconsistency between its military posture opposite Taiwan and a peaceful resolution of the Taiwan Strait issue that both sides can support.

THE KOREAN PENINSULA

Question. North Korea represents one of the greatest near-term challenges to U.S. national security interests in Asia. Deterring conflict on the Korean peninsula remains a top priority. At the same time, the United States and South Korean relationship, while strong, is undergoing substantial changes in terms of command and control and force laydown over the next several years.

What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to date to persuade North Korea to verifiably dismantle its nuclear weapons program?

Answer. North Korea's conventional military, WMD and proliferation activities continue to pose a significant threat to regional peace and security. Recent North Korean provocations, including its launch of a Taepo Dong-2 missile, are unhelpful to regional stability and relations. Working with our allies and other key parties in the region and internationally on diplomatic solutions is an essential element in addressing the totality of security problems on the Korean peninsula, the most vital of which is the complete and verifiable denuclearization of North Korea. Likewise, it is essential to maintain the capabilities to deter North Korea's military threat and proliferation activities. Strong alliances with South Korea and Japan remain instrumental in this regard. These alliances help maintain the peace and stability that have allowed the wider East Asia region to prosper over the past several decades. Ongoing transformation and realignment efforts will continue to strengthen our alliances, ensure an enduring U.S. military presence, and improve U.S. capabilities to address future security challenges.

Question. What is your assessment of the threat posed to the United States and our allies by North Korea's ballistic missile and WMD capabilities, and the export of those capabilities?

Answer. I believe that North Korea missile and WMD programs pose a serious threat to the United States, our forces, and our allies. This threat was evidenced recently in North Korea's April launch of a Taepo Dong-2 missile. Strong alliances and allied security cooperation, regional partnerships, and forward military presence remain key means to deal with these threats and to uphold allied defense commitments. U.S. national capabilities, such as ballistic missile defense, are also an essential element in deterring the threat and defending our interests, and it is my understanding that these capabilities and related developments in this area played an important role in the improved cooperation with our allies, Japan and the Republic of Korea, surrounding the April 2009 North Korean missile launch.

Question. What are the short-term and long-term military implications for the United States of the ongoing tension on the Korean Peninsula?

Answer. North Korea's actions and behavior pose a threat to the peace and stability of the Republic of Korea, the United States, Japan, and others in the region. While North Korea's conventional military continues to deteriorate due to a lack of force modernization and advanced training programs, the asymmetric threat it poses continues to grow. North Korea continues to maintain strong nuclear ambitions. In early April, North Korea demonstrated, against the will of the international community, that it intended to continue its ballistic missile development

program. Additionally, North Korea's Special Operations Forces, the largest in the world, maintain a high operational readiness and training tempo, and its cyber capability is also increasingly concerning. Given these asymmetric capabilities, the combined U.S.-ROK defense posture on the Korean Peninsula continues to be instrumental in deterring North Korean provocation. The U.S. commitment to the Alliance and to the Republic of Korea plays an immeasurable role in containing the North Korean threat and in reducing the risk of the North's miscalculation on the peninsula.

Question. How do we ensure that we continue to protect our vital regional interests, while continuing meaningful progress toward the transfer of command and control to the Republic of Korea and the relocation of U.S. forces on the Korean Peninsula?

Answer. The U.S.' vital regional interests are well served by both the successful transition of wartime operational control (OPCON) to the Republic of Korea as well as the relocation of U.S. forces on the Korean Peninsula to enduring facilities. With the transition of wartime OPCON, the South Korean people will take a leadership role in the Alliance and a greater role in the defense of their own country. While this is long overdue, completing this transition in 2012 will demonstrate to North Korea and the region that the Republic of Korea military is strong and capable, thereby enhancing the Alliance's deterrent and stabilizing role and shaping the attitudes of future generations of Koreans about the Alliance. Similarly, the relocation of U.S. Forces Korea is advancing U.S. vital interests in the region by ensuring a sustainable U.S. military presence for the long-term. The ROK's substantial investment in this relocation effort is demonstrating that it will continue to welcome this U.S. military presence on the Korean Peninsula for the foreseeable future. As a result of this combined realignment effort, the U.S. military's enduring presence will continue to provide an effective deterrent and ensure peace and stability on the Korean Peninsula and throughout the region, conditions under which the Republic of Korea developed into a thriving democracy and a robust free market economy (the world's 14th largest).

Question. With recent speculation regarding the possible poor health of North Korean leader Kim Jong-il, what, if anything, should the U.S. be doing now to prepare for the possibility of a change in leadership in North Korea?

Answer. If confirmed, I will work to ensure that the United States and our allies are capable of addressing sudden onset crises, other forms of instability, or any other scenario that may result from a change in North Korean leadership. Fundamentally, our focus should be ensuring we are ready to maintain stability in the region, support defense of the Republic of Korea and Japan, and prevent the proliferation of WMD or other dangerous technologies from North Korea.

Question. The alliance between the United States and South Korea has been a key pillar of security in the Asia Pacific region. This relationship has gone through periods of inevitable change.

What is your understanding of the current status of the U.S. security relationship with South Korea?

Answer. I believe that the U.S.-Republic of Korea (ROK) alliance remains strong and continues to ensure peace and stability on the Korean Peninsula and in Northeast Asia. In the face of changes in the regional security environment, the United States and the ROK have made great strides in transforming their collective deterrent and defense posture. In particular, the ROK has made major strides in developing its defense capabilities, commensurate with its economic development. Consequently, the Alliance remains relevant and capable both for deterring aggression on the peninsula and for addressing regional and global security issues.

Question. If confirmed, what measures, if any, would you take to improve the U.S.-South Korean security relationship?

Answer. If confirmed, I would support the continued realignment of U.S. forces on the Korean Peninsula and the return of facilities that our forces no longer require. The United States is also working toward developing new command and control relationships with Korea and should ensure that contingency plans remain appropriate to changing circumstances. Additionally, I believe it is important to ensure the U.S. and Korean publics continue to understand the enduring mutual benefits derived from this alliance, and that the U.S. work effectively with the Republic of Korea as it plays an increasing role in regional and global security issues commensurate with its economic status and influence.

Question. What is your view regarding the timing of turning over wartime operational command to South Korea?

Answer. As Secretary Gates said publicly following his meeting with the Korean Minister of Defense last October, the ROK military forces and U.S. forces are on track to complete the alliance agreement to transition wartime operational control

in 2012. This effort will enable the ROK military to take the lead role in the defense of Korea. If confirmed, I will support the efforts of the Secretary, this committee, and others to ensure that the important transition in command relationships is carried out in a manner that strengthens deterrence and maintains a fully capable U.S.-ROK combined defense posture on the Korean Peninsula.

Question. Do you support expanding the number of U.S. personnel assigned to the Korea Peninsula for 2- or 3-year tours of duty and increasing the number of military and civilian personnel authorized to be accompanied by their dependents for these longer assignments?

Answer. Yes. If confirmed, I would support the expansion of tour lengths for servicemembers assigned to Korea. Normalization of tours will provide greater stability for U.S. servicemembers and their families in Korea, enhance operational readiness on the Peninsula, and demonstrate U.S. commitment to an enduring U.S. presence in the ROK.

Question. What is your assessment of Beijing's relative influence over Pyongyang?

Answer. As North Korea's closest neighbor and historic ally, China's influence has waned in recent years. However, it still retains more influence than most. I believe that as the chair of the Six-Party Talks, China has used its influence to play an important role in our collective efforts along with Japan, the Republic of Korea, and Russia toward achieving stability in the region through the peaceful denuclearization of the Korean Peninsula.

Question. What do you believe must occur within the framework of the Six-Party Talks to ensure North Korea discontinues its nuclear program, and what posture would you recommend in future negotiations on this subject?

Answer. My understanding is that in accordance with the September 2005 Joint Statement, the DPRK committed to abandoning its nuclear programs. Despite North Korea's recent statement of its intent to withdrawal from the Six-Party Talks and nullify any agreements, the United States should be prepared to resume negotiations to peacefully and verifiably denuclearize the Korean Peninsula.

Question. Do you believe that the security relationship with South Korea should remain focused on defense of the Korean Peninsula, or should U.S. forces stationed in Korea have a more regional mission?

Answer. In accordance with the commitment to the Mutual Defense Treaty, U.S. presence on the Korean Peninsula serves to deter potential aggressors from taking hostile actions that would threaten the peace and security of the Republic of Korea. This presence has both deterred further war on the Korean Peninsula and contributed to the stability of the Northeast Asia region. The U.S.-ROK Alliance is transforming to ensure a capable and relevant forward presence for the future security environment. As ROK military forces have served and will continue to serve with the U.S. military in places off of the Peninsula (e.g., Iraq, Afghanistan, and in the Gulf of Aden), the U.S.-ROK Alliance will continue to serve an important role regionally and globally.

JAPAN

Question. How would you characterize the U.S.-Japan security relationship?

Answer. The U.S.-Japan relationship is the cornerstone of security in East Asia. Japan is a valued ally and anchor of democracy and prosperity in the region. Our alliance has held fast through the turbulence of the post-Cold War, political turnover in Japan, and some contentious trade disputes and now stands poised to become a truly global alliance. The United States and Japan are in the middle of a complicated realignment process that is part of a larger Alliance Transformation agenda that also includes a review of roles, missions, and capabilities to strengthen and ensure the relevance, capability, and cohesiveness of the Alliance for the next several decades. This is an ambitious agenda that is worthy of attention and increased effort.

Question. How would you characterize Japan's relationship with its regional neighbors, mainly China, North Korea and South Korea?

Answer. I believe it is important for Japan to continue to cultivate constructive relations with all of its neighbors. By moving forward, Japan and other East Asian nations can increase their security cooperation. Working with other U.S. allies and friends in the region, Japan can increase its contribution to peace, security, and prosperity throughout Asia and globally. Japan is a valued and essential partner in the Six-Party Talks process and in other important regional security architectures.

Question. What steps, if any, do you believe Japan ought to take to become a more active partner in security activities with the United States and in the international security arena?

Answer. The security environment in Asia is changing and the United States needs a more capable alliance with Japan to deal with those challenges, including greater interoperability between armed forces at the strategic, operational, and tactical levels. If confirmed, I would work to encourage Japan's increasing contributions to the Alliance, both regionally and globally. Cooperation and the development of complementary and mutually reinforcing capabilities should range from missile defense to increased bilateral training opportunities—in Guam, for example.

Question. What is your view of the United States-Japanese joint development of the Standard Missile-3, Block IIA missile defense interceptor, and of the overall program of cooperation between the United States and Japan on ballistic missile defense?

Answer. As we recently witnessed in the run up to the TD–2 launch, ballistic missile defense cooperation with Japan is a success story for the Alliance and has resulted in Japan's fielding of both sea- and land-based missile defense systems. U.S.-Japan bilateral cooperation on ballistic missile defense plays an important role in supporting our common strategic objectives on defense. The SM–3 Block IIA is an important cooperative program that will result in a significant increase in SM–3 capability.

Question. Should the United States be doing anything more to encourage the Japanese Government to increase their participation in ongoing military operations, such as Operation Enduring Freedom and Operation Iraqi Freedom, or future operations?

Answer. Japan is considering how to conduct international security missions with its very capable Self-Defense Force while keeping its Asian neighbors' historical concerns over the Japanese exercise of military power in mind. The overall trend has been positive, but slow. The deployment of Japanese Maritime Self-Defense Force destroyers to the Horn of Africa to conduct escort operations to protect shipping from piracy is another step forward. The Department is looking forward to the dispatch of P–3Cs to join the counterpiracy mission, Japan's first-ever "joint" deployment.

Question. Is the cost-sharing arrangement between the United States and Japan to pay for the relocation of U.S. forces from Okinawa to Guam and the costs associated with the continued presence of U.S. forces in Japan equitable and appropriate? Why or why not?

Answer. I believe the cost arrangement between the United States and Japan as outlined in the May 2006 Security Consultative Committee (SCC) document known as the Realignment Roadmap is equitable and appropriate. For relocations within Japan, the GOJ is paying the lion's share of the costs to develop new facilities. The GOJ also understood the strong desire of Okinawa residents for the relocation of forces from Japan to Guam to occur rapidly and recognized that this move—which it explicitly sought—would not happen anytime soon without substantial investment on its part. Spending less than one percent of its gross domestic product on its national defense, yet desiring the continued regional presence of U.S. forces, Japan could also clearly justify financial support for U.S. military construction within a U.S. territory on the grounds that it is making a direct contribution to Japan's own security and to overall alliance burdensharing. This decision was not without controversy in Japan, as it is highly unusual—perhaps even unprecedented—for a host country to pay for U.S. forces to relocate out of that country. It will be important for the DOD to work closely with the GOJ on project scope, management, and other factors to minimize risks to the efforts.

COUNTERTERRORISM IN SOUTH EAST ASIA

Question. Admiral Keating, Commander, USPACOM, has described South East Asia as "the central front against terrorism in the Pacific." Indeed, the rise of Islamic militants in this region poses an ever-increasing threat to security and stability throughout the Asia-Pacific theater.

What more can the United States do in South East Asia to help combat the threat of terrorism?

Answer. The DOD plays an important supporting role in combating terrorism, mainly by helping build capacity in partner nation's armed forces through security assistance and security cooperation programs. If confirmed, I will work closely with the State Department's Office of the Coordinator for Counter-Terrorism (S/CT) which has primary lead on counterterrorism assistance.

Question. Which South East Asian countries are most important in the fight against terrorism in that region and what should the United States do to enhance our relations with those countries?

Answer. Again, because of the prominent interagency role in building partner-nation counterterrorism capacity, especially on the law enforcement side, the Department of State Office of the Coordinator for Counterterrorism plays the critical role in synchronizing the efforts of the U.S. Government. It is my understanding that the U.S. Government takes a regional approach to counter terrorism and encourages intelligence cooperation and law enforcement cooperation within the region. For the DOD, Indonesia, and the Philippines should be the top priorities for counter terrorism capacity-building assistance in Southeast Asia, notably through National Defense Authorization Act (NDAA) Section 1206-funded programs, which remains one of the Department's most effective tools in building partner capacity to combat terrorism. The Department enjoys good relations with Indonesia and the Philippines and, in close consultation with Congress and the Department of State, should sustain and enhance these relationships through continued policy dialogues, security cooperation and security assistance programs.

Question. How do you assess the security situation in the Strait of Malacca and what can the United States do to better protect this important trade route?

Answer. The security situation in the Strait of Malacca has improved due largely to more effective coordination between the Governments of Indonesia, Malaysia, Singapore, and Thailand. The United States has also contributed to improved security through NDAA Section 1206-funded programs in Indonesia and USPACOM's robust security cooperation outreach in the region aimed at improving maritime security. It is important that the United States continue to work with regional governments and militaries to safeguard this critical trade route.

Question. What improvements or changes would you make to the Proliferation Security Initiative (PSI)?

Answer. If confirmed, I would recommend that PSI should continue, and, I would work with the appropriate offices within the Office of the Secretary of Defense to turn PSI into a "durable international institution" as President Obama called for during his April 5, 2009, speech in Prague. I would defer recommendations on improvements or changes to the incoming Assistant Secretary of Defense for Global Strategic Affairs, which manages PSI for the DOD.

REPUBLIC OF THE PHILIPPINES

Question. What is your view of the current state of U.S.-Philippine military-to-military relations?

Answer. The Philippines is one of the United States' five treaty allies in East Asia and is a committed bilateral and regional partner in combating terrorism. The alliance remains strong and the Philippines remain important to the United States and to regional stability in general. I believe the top two defense priorities with the Philippines should be counterterrorism cooperation and defense reform.

Question. What is your assessment of U.S. military efforts in the Philippines and the effectiveness of the U.S. assistance being provided to the Philippine military in its fight against insurgent groups?

Answer. The U.S military is working effectively with the Armed Forces of the Philippines to provide assistance that is consistent with Philippine Constitutional restrictions on foreign forces. The Philippine Armed Forces continue to professionalize and reform in a manner consistent with U.S. and Philippine defense goals and objectives. They benefit from various security assistance programs, exercises, and engagement opportunities that develop capacity and capability with their military. These efforts have resulted in numerous strides against Abu Sayaf Group and Jemah Ismaliya terrorists in the Southern Philippines and have resulted in better regional maritime security cooperation.

Question. What do you believe the U.S. goals should be in the Philippines and how best can we achieve those goals?

Answer. U.S. Defense goals are to deny safe haven, sanctuary and training areas for Abu Sayaf Group and Jemah Ismaliya terrorists; and to partner in cooperative regional maritime security programs. These goals are best achieved through existing U.S. Government security assistance and security cooperation programs.

Question. What policy guidelines, if any, would you establish, if confirmed, to ensure that U.S. personnel do not become involved in combat or law enforcement in the Republic of the Philippines?

Answer. The established current policy guidelines are clear: the Mutual Defense Treaty and the Visiting Forces Agreement guide bilateral policy with the Republic of Philippines. The Philippine Constitution prevents foreign forces from conducting combat operations in the Philippines. Deployed U.S forces will continue to be in strict compliance with these strictures.

INDONESIA

Question. Indonesia is a key Asian power, and is the largest Muslim country in the world. Consequently, it is important to build on opportunities to improve and expand U.S. relations with Indonesia where possible.

What is your understanding of the extent to which the Indonesian Government is cooperating with the United States in the war on terrorism?

Answer. If confirmed, I would consult with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities on this question. Based on my current understanding, I believe that the Government of Indonesia has cooperated closely and effectively with the United States and our allies in combating global terrorist networks in the region, particularly against Jema'a Islamiya.

Question. What is your view of the current state of military-to-military contacts with Indonesia?

Answer. Current military-to-military contacts with Indonesia are positive and expanding. I believe that enhanced military contacts with the Indonesian military (TNI) can help cement the recent progress we have seen on human rights, particularly in conflict areas such as Aceh and Papua, maritime security and military reforms. I also appreciate Indonesia's contribution to peacekeeping operations—including Lebanon. Going forward, I would like to see military-to-military contacts with Indonesia deepen through a series of regular, predictable exercises and engagements.

Question. Do you favor increased U.S.-Indonesian military-to-military contacts? If so, under what conditions? Why?

Answer. If confirmed, I would support increased military-to-military contacts, in close consultation with Congress and the Department of State.

Question. What is your view of the commitment of the Indonesian military leadership to professionalization of its armed forces, adhering to human rights standards, improving military justice, and cooperating with law enforcement efforts to investigate and prosecute those military personnel accused of human rights abuses?

Answer. The Government of Indonesia continues to make progress in military reform. Early progress toward defense reform—separation of the police from the military, eliminating formal political roles for the TNI, increasing accountability, and human rights training—has been sustained. Continued progress on the divestiture of TNI businesses would be unmistakable evidence of Indonesia's commitment to reform. The 2002 Defense Law and the 2004 TNI Law formally codified the roles and responsibilities of the TNI as a mechanism to support, not replace, civilian government. Continued "hard" reforms that the United States should continue to push for include full accountability for past human rights abuses, strengthening civilian control, putting the TNI fully "on budget", and continued professionalization of the TNI officer corps. It also worth noting the TNI's professional conduct during recently completed parliamentary elections.

Question. If confirmed, what would you do to encourage respect for human rights and accountability in the Indonesian military?

Answer. If confirmed, I would sustain efforts of encouraging professionalism within the military in terms of both human rights respect and accountability, through bilateral security discussions, joint training, military assistance and military training programs. U.S. security assistance and security cooperation programs are the most effective channels to encourage professionalism in the Indonesian military.

WAR ON DRUGS

Question. The DOD serves as the single lead agency for the detection and monitoring of aerial and maritime foreign shipments of drugs flowing toward the United States. In recent years, DOD has sought to expand the list of countries eligible for counternarcotics train and equip assistance authority (e.g. Section 1033) to combat drug trafficking in the Asia-Pacific.

What is your assessment of the drug trafficking threat emanating from the Asia-Pacific region?

Answer. South and Southeast Asia have become increasingly more attractive as bases for drug trafficking organizations' production and smuggling operations. Several Asian and Pacific nations have experienced a significant increase in the production, trans-shipment, trafficking, and consumption of narcotics in recent years. Methamphetamine produced using diverted precursor chemicals, heroin trans-shipment through Asia, poppy cultivation, and potential narcoterrorist funding remain the primary drug threats to the United States from the Asia Pacific region.

HUMANITARIAN ASSISTANCE AND DISASTER RELIEF (HA/DR)

Question. You have been quoted as saying that "[h]umanitarian assistance and disaster-relief (HA/DR) operations contribute directly to the [Asia-Pacific] region's common stability and security" and that "[m]ilitary involvement is often essential".

What is your assessment of the U.S. military contributions to HA/DR in the Asia-Pacific region?

Answer. The Asia-Pacific region has experienced some of the worst natural disasters in recent history and threatens to give the world an even greater calamity—an avian influenza pandemic. In support of USAID and the U.S. Government's broader relief efforts, DOD has played an instrumental role in the international response to recent Asian disasters (in Burma, Philippines, Bangladesh, China) and is deeply involved in interagency disaster preparedness/mitigation planning efforts.

DOD's HA/DR efforts have provided unique military capabilities (strategic airlift, logistics, transportation, communication) and have made significant contributions to security in the region by saving lives, reducing human suffering, helping to build partner capacities, and preventing crisis from becoming conflicts thereby increasing security and stability in the region.

Question. In your view, what should the United States do to enhance HA/DR efforts in the region?

Answer. In my view, DOD's HA/DR efforts in the region could be enhanced through improved civilian-military cooperation and collaboration. Successful civilian-military collaboration reduces duplication of efforts, facilitates communication and information sharing, and increases the military's effectiveness in providing urgent, lifesaving capabilities in the immediate aftermath of a disaster abroad.

PRISONER-OF-WAR (POW)/MISSING-IN-ACTION (MIA) ACCOUNTING EFFORTS

Question. The Joint POW/MIA Accounting Command is critical to the recovery and identification of remains of missing military members. Recovery of remains of U.S. servicemembers from World War II, the Korean War, and the Vietnam war continue to be a very high priority. In 2005, the DOD suspended U.S. cooperation with North Korea on recovery and identification of the remains of U.S. personnel, citing concern for the security of U.S. personnel in North Korea.

In your view is there any reason why we should not now resume cooperation with North Korea to recover the remains of U.S. personnel?

Answer. I believe these efforts should resume once appropriate conditions exist that both enable the United States to carry out this important mission and to take all possible precautions to ensure the safety of U.S. personnel.

Question. If confirmed, what steps, if any, would you take to enhance POW/MIA recovery efforts in the PACOM area of responsibility?

Answer. If confirmed, I will work closely with the Deputy Assistant Secretary for POW/Missing Personnel Affairs to ensure that APSA continues its strong support for this mission and provides all necessary assistance to enhance cooperation with the relevant countries.

Question. If confirmed, what steps would you take, if any, specifically with regard to recovery efforts in North Korea?

Answer. If confirmed, I will work closely with the Deputy Assistant Secretary for POW/Missing Personnel Affairs, U.S. Pacific Command, the State Department, and all other organizations involved to provide advice and support whenever necessary.

FOREIGN LANGUAGE POLICY

Question. In 2005, the Department of Defense approved the Defense Language Transformation Roadmap to improve the Department's foreign language capability and regional area expertise. Since then, the Department has been working toward implementing that roadmap.

How many Mandarin and/or Cantonese speakers does the Department of Defense have in intelligence analyst positions?

Answer. I have not had an opportunity to examine this issue in detail. If confirmed, I will research this issue and look forward to working with Congress to ensure the Department of Defense builds sufficient foreign language capability and regional area expertise.

Question. Is this number sufficient to ensure good intelligence assessments for use by the Office of Asian and Pacific Security Affairs?

Answer. I have not had an opportunity to examine this issue in detail. If confirmed, I will research this issue and look forward to working with Congress to ensure the Department of Defense builds sufficient foreign language capability and regional area expertise.

Question. In your view, how should the Federal Government expand the foreign language skills of civilian and military personnel in order to improve the quality of intelligence input to, and policy output by, the Office of Asian and Pacific Security Affairs?

Answer. I have not had an opportunity to examine this issue in detail. If confirmed, I will research this issue and look forward to working with Congress to ensure the Department of Defense builds sufficient foreign language capability and regional area expertise.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Asian and Pacific Security Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN THUNE

FISCAL YEAR 2010 DEFENSE BUDGET PROPOSAL

1. Senator THUNE. General Gregson, on April 6, Secretary Gates announced significant changes in the fiscal year 2010 defense budget proposal. Some of the most significant changes deal with canceling some programs, prematurely ending production of others, or putting other programs on hold—as is the case for the Combat and Rescue X (CSAR–X), the F–22, and the Next Generation Bomber, respectively. This announcement came 2 weeks prior to the Department announcing the start of the 2010 Quadrennial Defense Review (QDR) and Nuclear Posture Review (NPR). As future policy advisors to the Secretary, I would like to get your opinions on whether or not these most recent budget decisions were indeed informed policy decisions. Before making such significant changes, wouldn't these important changes benefit from the knowledge gained by the QDR and the NPR?

General GREGSON. Yes, Secretary Gates' most recent budget decisions were informed policy decisions. He reached these decisions after consultations with the President, and with the military and civilian leadership of the Department of Defense. On his Defense Budget Recommendation Statement on 6 April 2009, Secretary Gates described these decisions as the product of "a holistic assessment of capabilities, requirements, risks and needs for the purpose of shifting the department in a different strategic direction."

Secretary Gates announced significant changes in the fiscal year 2010 defense budget proposal and he wants that the QDR and the NPR inform programs affected by these decisions. Some of the programs were halted or delayed and others cancelled to allow the Department to reassess the needs that these programs are supposed to meet. The Department will consider the outcome of major defense reviews and arms control negotiations in this process. Clear examples of this approach are the three programs you addressed in this question.

First, to sustain U.S. air superiority, Secretary Gates committed to build a fifth generation of tactical fighters capability that can be produced in quantity at sustainable cost. He recommended increasing investment on the F–35 Joint Strike Fighter and ending production of the F–22 fighter at 187. Second, he placed the Next Generation Bomber on hold to first assess the requirements, develop a better under-

standing of the technology and of other capabilities we might have for this mission, and to incorporate the outcome of the QDR, the NPR and the Strategic Arms Reduction Treaty follow-on negotiations. Finally, Secretary Gates recommended terminating the Air Force CSAR–X helicopter program. This program has a history of acquisition problems and is another example of single-service solution with a single-purpose aircraft for an important mission affecting all Services. The Department will reassess the requirements and develop a more sustainable approach.

IMPORTANCE OF LONG-RANGE STRIKE TO FUTURE OPERATIONS

2. Senator THUNE. General Gregson, last month Lieutenant General Maples, the Director of the Defense Intelligence Agency, testified before this committee. During that hearing, I asked about his assessment of China's modernization programs that threaten the way the United States projects power in the Pacific region. General Maples said, "China has developed a very modern layered air defense capability in depth and is seeking additional air defense capabilities that will project even out to a range of 400 kilometers. It significantly affects potential U.S. operations in that region." Coupled with China's investment in asymmetric capabilities such as cyber warfare, anti-satellite warfare, and anti-ship weaponry, China's modernization programs gravely threaten potential U.S. operations in the Pacific region. Do you agree that long-range systems able to penetrate sophisticated air defenses will be necessary to ensure the United States maintains its ability to project power in the Pacific region in future years?

General GREGSON. Developing long-range systems able to penetrate modern integrated air defense systems is an important element of the U.S. deterrence and warfighting capability. I agree with Secretary Gates that these capabilities are necessary and that we will probably need to develop these capabilities further. However, the decision to pursue long-range systems must depend upon careful analyses that examine which types of long-range capabilities are most appropriate to deter and defeat emerging security challenges. Being flexible and avoiding staid projections of thinking in the research and development process will help us get this analysis right. The NPR and the QDR, two major studies currently underway within the Department of Defense, will help clarify the capabilities the United States will require to maintain our ability to protect U.S. interests, allies, and partners.

3. Senator THUNE. General Gregson, given this future environment, how important is it that the Air Force continues plans to field the Next Generation Bomber by 2018?

General GREGSON. As in the case of the future of long-range systems able to penetrate sophisticated air defenses, I agree with Secretary Gates that the question of the Next Generation Bomber should be a part of the analysis conducted under the QDR and the NPR.

[The nomination reference of Wallace C. Gregson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense, vice James Shinn.

[The biographical sketch of Wallace C. Gregson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. WALLACE C. GREGSON, USMC (RET.)

Since 2006, Lieutenant General Gregson (USMC, Retired) has been a foreign policy and military affairs consultant for WCG & Associates International. Previously he served as Chief Operating Officer for the U.S. Olympic Committee. From 2003 to 2005 he was Commanding General of the Marine Corps Forces Pacific and Ma-

rine Corps Forces Central Command, where he led and managed over 70,000 marines and sailors in the Middle East, Afghanistan, East Africa, Asia, and the United States. From 2001 to 2003 he served as Commanding General of all Marine Corps forces in Japan, where he was awarded the Japanese Order of the Rising Sun, the Gold and Silver Star, and the Korean Order of National Security Merit Gukseon Medal. Prior to his time in Japan he was Director of Asia-Pacific Policy in the Office of the Secretary of Defense from 1998 to 2000. He has served in the Marine Corps since his graduation from the U.S. Naval Academy in 1968, and is a combat veteran earning the Bronze Star with Combat "V" device for valor and heroism, and also awarded the Purple Heart.

He is a member of the Council on Foreign Relations; the Pacific Council on International Policy; the International Institute for Strategic Studies; the U.S. Naval Institute; and the Marine Corps Association.

His civilian education includes a Bachelor's degree from the U.S. Naval Academy, Master's degrees in Strategic Planning from the Naval War College and International Relations from Salve Regina College. He was awarded an Honorary Doctorate in Public Service by the University of Maryland, University College.

General Gregson and his wife Cindy currently reside in Colorado. They have two sons, one serving as a Marine Corps officer.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Wallace C. Gregson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Wallace C. Gregson, Jr., "Chip".

2. **Position to which nominated:**
Assistant Secretary of Defense for Asian and Pacific Security Affairs.

3. **Date of nomination:**
April 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 31, 1946; Pittsburgh, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Cynthia Ann Gregson. Maiden Name: Graham.

7. **Names and ages of children:**
Benjamin Wallace Gregson, 29.
Nicholas Scott Gregson, 26.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Valley Forge Military Academy, 1962–1964, high school diploma.
U.S. Naval Academy, 1964–1968, Bachelor of Science; 5 June 1968.
Salve Regina College, Master of Arts; 17 May 1987.
U.S. Naval War College; 1986–1987, Master of Arts; June 1991.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
U.S. Marine Corps officer, 1968–2005.
1999–2000, served as Director, Asia Pacific, Office of the Secretary of Defense.
2000–2001, served as Commanding General, 3d Marine Division, Okinawa, Japan.
2001–2003 served as Commanding General, III Marine Expeditionary Force, Okinawa, Japan.
2003–2005, served as Commander, Marine Corps Forces Pacific and Marine Corps Forces Central Command, Camp H M Smith, HI.
September 2005–April 2006, Chief Operating Officer, U.S. Olympic Committee, Colorado Springs, CO.
April 2006 to present, owner of WCG & Associates International, LLC, a consulting firm, Colorado Springs, CO.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Consultant to Governor Benigno Fitial, Commonwealth of the Northern Mariana Islands (CNMI) and the CNMI Military Task Force; April 2007–November 2008.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Vice president, NOETIC Corporation.
Trustee, Marine Corps University Foundation.
Treasurer, Injured Marine Semper Fi Fund.
Officer, Global Relief Technologies, Inc.
Advisor, Center for Unconventional Security Affairs, University of California Irvine.
Advisor, Center for a New American Security.
Honorary Advisor, Okinawa International Development Council.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Council on Foreign Relations.
Member, Marine Corps Association.
Member, U.S. Naval Institute.
Member, International Institute of Strategic Studies.
Member, Pacific Council on International Policy.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
James Webb, August 2006, $2,100, campaign for Senate.
Joseph Bouchard, May 2007, $250, campaign for Virginia House of Representatives.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.
Defense Distinguished Service Medal.
Defense Meritorious Service Medal.

Legion of Merit (3).
Bronze Star with Combat "V".
Purple Heart.
Honorary Ph.D., Public Service, University of Maryland University College, Okinawa, Japan.
Japanese Order of the Rising Sun, Gold and Silver Star.
Korean Order of National Security Merit Gukseon Medal. .

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Asia Now, Winning the War of Ideas; U.S. Naval Institute Proceedings; February 2004.
Ready, Fire, Aim; U.S. Naval Institute Proceedings; April 1996.
Ideological Support, Attacking the Critical Linkage, Chapter 2 of The Struggle Against Extremist Ideology; Center for Strategic Leadership, the U.S. Army War College; August 2005.
Overseas Presence, Maintaining the Tip of the Spear; Marine Corps Gazette; April 1999.
PP&O Responds; Marine Corps Gazette; September 1997.
Big Change; Marine Corps Gazette; December 1994.
A Tale of Two States; Marine Corps Gazette; December 1994 (with Frank Hoffman).
Keeping Up with Navy Doctrine; Marine Corps Gazette; December 1990.
Sea Based Indirect Warfare; Marine Corps Gazette; May 1990.
Remembering the Maritime Side; Marine Corps Gazette; August 1989.
Portrait of the Arabs; Marine Corps Gazette; November 1987.
CPs, Softest Target on the Battlefield; Marine Corps Gazette; August 1985.
Forward, Rule Number Two by Dr. Heidi Kraft; Little Brown and Company; 2007.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Remarks at Armed Forces Communications and Electronics Association (AFCEA) TechNet Asia-Pacific 2004, November 10, 2004, Royal Hawaiian Hotel, Waikiki, HI, MARFORPAC Breakfast.
Remarks at the U.S. Army War College, June 5, 2008, Carlisle, PA.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

WALLACE C. GREGSON.

This 27th day of April, 2009.

[The nomination of Wallace C. Gregson was reported to the Senate by Chairman Levin on May 6, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 7, 2009.]

[Prepared questions submitted to Jo-Ellen Darcy by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Civil Works?

Answer. The duties and functions of the Assistant Secretary of the Army for Civil Works are specified in section 3016 of title 10 of the U.S.C. and Department of the Army General Orders No. 3, dated July 9, 2002 and General Orders No. 13, dated October 29, 2004. Section 3016 of title 10 states that the Assistant Secretary of the Army (Civil Works) "shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the National water resources, including flood damage reduction, river and harbor navigation, environmental restoration and protection, water supply, shore protection, hydroelectric power, recreation, and related purposes."

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have served in a variety of governmental and legislative senior positions responsible for formulating and implementing energy, environmental and conservation laws and policies. I currently serve as the Senior Environmental Advisor to the U.S. Senate Committee on Finance, working to develop energy, environmental and conservation initiatives through the tax code. Previously, I served as the Senior Policy Advisor, Deputy Staff Director and Professional Staff on the U.S. Senate Committee on Environment and Public Works. Both of these positions have afforded me the opportunity to work closely with the U.S. Army Corps of Engineers and Office of the Assistant Secretary of the Army (Civil Works) officials and to develop a keen appreciation for the scope, complexity and challenges facing them today.

I have served in a number of other governmental positions that provided me with leadership and management skills necessary to be effective in this important position. These include serving as the Executive Director at the Great Lakes and Water Resources Planning Commission in Michigan, as the Assistant to the Director of Personnel for Gubernatorial Appointments for the Governor of Michigan and as a Legislative and Policy Analyst in the U.S. House of Representatives Banking Subcommittee on Economic Stabilization.

I have come to understand how large organizations function, to work within the parameters of plans, programs, and budgets, and to face and overcome challenges. I have had the privilege of building strong, effective relationships with Senators, congressional staff, key officials within the executive department, including the Department of Defense, the Army Corps of Engineers, and civil works stakeholders.

I hold a Master of Science degree in Resource Development from Michigan State University and a Bachelor of Science degree from Boston College. My education and experiences have given me a broad base of knowledge to lead in the development of sound processes, practices, and policies to execute the critical mission of Army civil works.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Civil Works?

Answer. If confirmed, I would take several actions to enhance my expertise as Assistant Secretary of the Army (Civil Works). My goal would be to travel to each Corps of Engineers division to see first-hand the infrastructure development and environmental restoration projects to fully understand the planning, design, construction, operation and maintenance of these projects. I also intend to reach out to Members of Congress, other Federal agencies, State and local interests, study and project sponsors, and other stakeholders to understand their perspectives in areas of mutual concern. I would also work to develop a close relationship with other offices within the Department of the Army and the Department of Defense to make better use of resources and advance the interests of the Civil Works program.

I also will work closely with the Chief of Engineers and the Deputy Commanding General for Civil and Emergency Operations to ensure that I am fully informed and prepared to address the important issues I would oversee as Assistant Secretary of the Army (Civil Works).

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If I am confirmed, I expect to carry out the duties and functions of the Assistant Secretary of the Army (Civil Works) as articulated in General Orders No. 3, dated July 9, 2002 and General Orders No. 13, dated October 29, 2004. In addition, I expect to support and assist the Secretary of the Army in carrying out critical departmental responsibilities, including Continuity of Operations.

RELATIONSHIPS

Question. Please describe how you envision your working relationship, if confirmed, with the following:

The Secretary of the Army.

Answer. If confirmed, I expect the Secretary of the Army will discuss the roles and responsibilities he wishes me to assume in furthering the goals and priorities of the Secretary of Defense and the President. Consistent with the statutory responsibilities of the Assistant Secretary of the Army for Civil Works and the responsibilities and authorities assigned under the General Orders of the Army, I expect the Secretary will rely on me to oversee the Civil Works program of the Army Corps of Engineers, the programs of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery.

Question. Under Secretary of Defense for Logistics and Materiel Readiness.

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Logistics, Materiel Readiness) in areas of shared responsibility.

Question. The Under Secretary of the Army.

Answer. If confirmed, I will work closely with the Under Secretary of the Army in furthering the goals and priorities of the President and the Secretary of the Army.

Question. Deputy Under Secretary of Defense for Installations and Environment.

Answer. If confirmed, I will work closely with the Deputy Under Secretary of Defense (Installations and Environment) in areas of shared responsibility.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. If confirmed, I will work closely with the Assistant Secretary of Defense for Homeland Defense in areas of shared responsibility.

Question. The Assistant Secretary of the Army for Installations and Environment.

Answer. If confirmed, I will work closely with the Assistant Secretary for Installations and Environment in areas of shared responsibility, such as land acquisition for civil works projects. I will develop a cooperative relationship as we carry out the respective duties assigned to us by the Secretary of the Army to protect and preserve the environment and manage the Army's resources under our stewardship.

Question. The Chief of Staff of the Army and the Army Staff.

Answer. If confirmed, I will work closely with the Chief of Staff of the Army and the Army Staff. I expect to coordinate closely with the Army Staff regarding our responsibilities relating to the duties of the Chief of Engineers.

Question. The Chief of Engineers.

Answer. If confirmed, I will develop a close working relationship with the Chief of Engineers as we work effectively to manage the Nation's Civil Works programs and projects, remaining mindful of my oversight responsibility under the law and the Army General Orders. I believe the interests of the Nation are best served when the relationship between the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers is based on mutual respect, trust, and cooperation. Both positions have enormous responsibilities and demand focused attention to very complex issues. Our respective abilities to respond to the President's priorities and carry out laws enacted by Congress will depend heavily on the success of this relationship.

Question. State Governors.

Answer. The execution of the Corps of Engineers civil works mission often demands a balancing of diverse interests. The proper reconciliation of these interests requires an understanding of the Corps' authorities and legal responsibilities and open communication among all parties. If I am confirmed, I am committed to working cooperatively with the Governors of the States for the public interest, and I pledge to establish and maintain a full dialogue with the Governors of the States on all issues that we must cooperatively address.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Civil Works?

Answer. Communities across the country rely on Army Corps of Engineers water resources projects to reduce flood damages, to enable efficient competition in world trade, to provide needed water and power, and to protect and restore our rich environmental resources. The Civil Works program provides a sound investment in the Nation's security, economic future, and environmental stability. I believe the greatest continuing water resources challenge is to find sustainable ways to strengthen the Nation's economy, while protecting and restoring unique water and related land resources for the benefit of future generations.

Two other challenges the Corps faces are the need to maintain its existing water infrastructure and to repair damages to the natural environment. An efficient water

transportation system is critical if we are to remain competitive in international trade. Our system of ports and inland waterways enable us to efficiently transport goods in an environmentally acceptable manner.

Flooding also continues to threaten communities. We should use the Corps limited resources not only to respond to natural disasters when floods and hurricanes occur, but also to work more creatively with nature to prevent or reduce flood damages.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed I would expect the Secretary of the Amy and I to work together to define the appropriate role for the Corps of Engineers in addressing these problems. The challenges the Nation faces are complex, and there are many difficult decisions to make. It is of paramount importance that we bring all interests to the table and that all have a voice in the development of solutions to our Nation's problems. The Army Corps of Engineers should always engage in an open and cooperative dialogue with Congress, other Federal agencies, States, Tribes and local governments in addressing those important challenges where the Corps can contribute to solutions for the Nation.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Civil Works?

Answer. The Assistant Secretary of the Army for Civil Works has wide-ranging responsibilities arising from the varied purposes of the Civil Works Program. I believe the Assistant Secretary should continue and improve its efforts to clearly establish and communicate policy and direction so the Corps can effectively execute its important Civil Works mission and to ensure continued broad support within the Department of Defense and the Department of the Army for the national cemeteries program.

Question. If confirmed, what management actions and timelines would you establish to address these problems?

Answer. If confirmed, one of my first priorities will be to meet with the Chief of Engineers and others in the administration and Congress to seek their input on how the Corps can best meet the Nation's water resources needs.

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Army for Civil Works?

Answer. If confirmed, I will work to improve the management and administration of the Army Civil Works Program and the Army's national cemetery program and would seek ways to more efficiently use Army's resources in the development and execution of these programs.

CIVILIAN OVERSIGHT OF THE ARMY CORPS OF ENGINEERS

Question. What is your view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers?

Answer. My view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers follows:

Secretary of Defense

The Secretary of Defense has full authority, direction, and control over all elements of the Department of Defense. He exercises this power over the Corps of Engineers through the Secretary of the Army, whose responsibility for, and authority to conduct, all affairs of the Army is subject to the authority, direction and control of the Secretary of Defense. If confirmed, I will cooperate fully with the Secretary of Defense in fulfilling the administration's national defense priorities and efficiently administering the Corps of Engineers in accordance with the policies established by the Office of the Secretary of Defense.

The Secretary of the Army

As head of the Department of the Army, the Secretary of the Army is responsible for, and has the authority necessary to conduct all affairs of the Department of the Army. He may assign functions, powers and duties as he considers appropriate to the Under Secretary of the Army, as well as the Assistant Secretaries of the Army, and require officers of the Army to report to these officials on any matter.

The Chief of Staff of the Army

The Chief of Staff of the Army performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary. The Chief of Staff also performs the duties prescribed for him by law as a member of the Joint Chiefs of Staff. If confirmed, I will establish and maintain a close, professional relationship with the Chief of Staff. I will communicate with him directly and openly as he performs his prescribed duties.

The Assistant Secretary of the Army for Civil Works

The Assistant Secretary of the Army for Civil Works is principally responsible for the overall supervision of the Army's civil works program, including flood damage reduction, river and harbor navigation, environmental restoration and protection, water supply, shore protection, hydroelectric power, recreation and related purposes. The complex issues that arise in these areas demand a close, professional relationship between the Assistant Secretary and the Chief of Engineers, based on mutual respect, trust, cooperation and full and open communication. The Assistant Secretary also is responsible for the program and budget of the Army national cemeteries, namely Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery. If I am confirmed, I am committed to establishing and maintaining close professional relationships with all officials who share and are responsible for aspects of these programs, in order to respond effectively to the President's priorities and laws enacted by Congress.

The Chief of Engineers

As a member of the Army Staff, the Chief of Engineers reports to the Chief of Staff, through the Vice Chief of Staff, with respect to military matters. The Chief of Engineers reports to the Assistant Secretary of the Army (Civil Works) on civil works functions of the Army, including those relating to the conservation and development of water resources and the support for others program. The Chief of Engineers also reports to the Assistant Secretary of the Army (Civil Works) with respect to reimbursable support for non-Defense agencies and for reimbursable international activities not directly in support of U.S. forces overseas. In the area of military installation activities, the Chief reports to the Assistant Secretary of the Army (Installations & Environment), who has principal responsibility for all Department of the Army matters related to installations and the environment.

Question. In your view, does the Corps need to make fundamental changes in the way it operates? If so, what changes would you recommend?

Answer. No. I believe the Corps is a fundamentally sound organization. It has strong technical abilities and has proven time and time again that it can solve difficult problems. It has served this Nation for many years and can be counted on to continue to do so in the future. However, the Corps should continually re-examine the way it manages policy and technical reviews in order to ensure projects will receive broad support. Also, the Corps should always seek better, more effective ways of communicating with the broad range of interests that have a stake in its projects.

Question. If confirmed, what procedures would you follow regarding consultation with Congress prior to issuing any secretarial decisions or announcements regarding reforms that may affect the execution of the civil works and environmental functions of the Army Corps of Engineers?

Answer. If confirmed, I will follow Departmental procedures regarding consultation with Congress that facilitate full and open communication among all interested parties, including the executive branch, Members of Congress, or the public. In performing my statutory duties, I intend to appropriately involve all interested parties and make decisions that take into account all relevant information.

Question. What is your view of the role of the civilian and military leadership of the Army Corps of Engineers in developing goals for Corps programs and presenting these goals to the legislative branch?

Answer. If confirmed, I will provide leadership to enable the Corps to continue to be a valuable asset to the Nation. Representing the administration, I will work with Congress to insure the proper direction for the Corps. I will work with the Corps' military and civilian leaders to establish and provide to the legislative branch appropriate Civil Works goals, and I will ensure that both the Office of the Assistant Secretary for Civil Works and the Corps continue to respond to requests for information from the legislative branch.

INTEGRITY OF CORPS OF ENGINEERS PROJECTS

Question. In November 2000, the Army Inspector General found that three Army Corps of Engineers officials had manipulated data in a cost-benefit analysis in order to justify a $1 billion project.

What steps have been taken since 2000 to ensure that projects are appropriately analyzed and justified?

Answer. My understanding is that the Corps has made substantial changes to assure that projects are appropriately analyzed and justified. The Corps has strengthened its procedures for internal peer review and adopted procedures for external peer review that is both consistent with guidance issued by the Office of Management and Budget and responsive to directives contained in the Water Resources Development Act of 2007. Further, several years ago the Corps established the Civil Works Review Board as a means to vet Corps Civil Works project recommendations with the Corps senior leadership, Office of Management and Budget staff, as well as the Office Assistant Secretary of the Army (Civil Works) personnel in advance of completing Chief of Engineers reports. The Directorate of Civil Works several years ago created the Office of Water Project Review, which is separate from project development functions and, as I understand it, further strengthens the internal review procedures.

Question. If confirmed, what further steps, if any, would you take to ensure integrity in the oversight of projects executed by the Army Corps of Engineers?

Answer. If confirmed, I will evaluate the current process guided by the principle that Corps technical analyses must be absolutely sound and the project evaluation process must be transparent and inclusive. External reviews can contribute to reducing controversy and risk, but these reviews must be integrated into the project development process not added at the end of the process. Integration of external review will improve projects and will assist the Corps in meeting urgent needs in a timely manner.

NAVIGATION

Question. The Army Corps of Engineers has built and maintains an intracoastal and inland network of commercial navigation channels, and locks and dams for navigation, which comprise an integral parts of the Nation's critical infrastructure. The Corps also maintains 300 commercial harbors, through which pass 2 billion tons of cargo a year, and more than 600 smaller harbors. Significant amounts of heavy equipment and supplies bound for potential overseas military operations move by ship through ports maintained by the civil works program.

What do you view as the greatest challenges facing the Army with respect to the execution of its navigation mission?

Answer. I expect one of the greatest challenges with the execution of the navigation mission to be the maintenance, recapitalization and modernization of aging infrastructure. Maintaining ports and waterways is critical to our economic well-being. Another significant challenge to the navigation mission is the management of hundreds of millions of cubic yards of dredged material removed annually from our Nation's marine transportation harbors and waterways. I believe the Army and the Corps are continually working to make dredging and placement of dredged material environmentally safe and acceptable. I believe these efforts should be continued and we should look for innovative ways to integrate the critical need for navigation improvements with and opportunities to protect and restore the Nation's aquatic environment.

Question. Are there aspects of this mission which you believe should be transferred from the Department of the Army?

Answer. At this time I do not believe that any aspects of the Corps' navigation mission should be transferred from the Department of the Army.

Question. In your view, how can the Corps best respond to environmental concerns in carrying out its navigation mission?

Answer. I believe the Corps not only should continue to assess environmental considerations as they arise in its Navigation program, but also seek out opportunities for regional sediment management and beneficial uses of dredged material. As lessons are learned, they should be incorporated into the management of the navigation program to best provide a safe, efficient, reliable, and environmentally sound marine transportation system.

ENVIRONMENTAL MISSION

Question. The Corps is responsible for environmental restoration projects at Department of Defense Formerly Used Defense Sites and also at Department of Energy Formerly Utilized Sites Remedial Action Program. Under the DOE program, the Army Corps of Engineers cleans up former Manhattan Project and Atomic Energy Commission sites, making use of expertise gained in cleaning up former military sites, and civilian hazardous waste sites under the Environmental Protection Agency "Superfund" program.

What do you view as the greatest challenges facing the Army with respect to the execution of its environmental restoration mission?

Answer. Continuing to execute the vital cleanup mission while always protecting the health and safety of workers and the public is perhaps the biggest challenge for the Formerly Used Defense Sites Program and the Formerly Utilized Sites Remedial Action Program. The Corps should continue to apply good science and management practices that will increase remediation efficiency and continue to meet the commitments made to stakeholders. The Formerly Utilized Sites Remedial Action Program is a Civil Works mission under the oversight of the ASA(CW), as is the Superfund and other environmental work the Corps carries out on behalf of non-Defense agencies on a reimbursable basis due to the Corps special expertise. In contrast, the Formerly Used Defense Sites Program is an element of the Defense Environmental Restoration Program under the responsibility of the Assistant Secretary of the Army (Installations & Environment).

Question. Are there aspects of this mission which you believe should be transferred from the Department of the Army?

Answer. At this time I believe the Army is the appropriate agency to perform this mission.

Question. What is your vision for this aspect of the Corps' mission?

Answer. My vision for the Civil Works Formerly Utilized Sites Remedial Action Program and for the Corps' reimbursable support for non-Defense agencies is that these programs should be executed efficiently, in partnerships with others, and with the highest possible level of technical competence.

Question. If confirmed, how would you propose to address the Corps' environmental funding requirements?

Answer. If confirmed, I will evaluate the environmental funding needs within the overall Corps Civil Works mission.

Question. If confirmed, how would you preserve the integrity of the Corps' environmental and civil works mission?

Answer. If confirmed, I will work closely with others, including the Chief of Engineers, to ensure that all aspects of the Civil Works program are carried out to the highest possible standards of engineering and environmental science, and I will strongly support the practice, strengthened by the Water Resources Development Act of 2007, of engaging outside experts for independent reviews of the Corps' work. I have an understanding of the practical issues regarding independent review and will work to achieve the fullest implementation of congressional intent.

Question. What are your views about the potential performance of regulatory functions presently performed by the Army Corps of Engineers by other governmental or nonmilitary entities?

Answer. At this time I believe the Army continues to be the appropriate agency to carry out the regulatory functions currently assigned to the Corps of Engineers.

Question. The Corps is also responsible for Environmental and Ecosystem Restoration as part of its Civil Works mission. These include the Everglades, Coastal Louisiana, and the Great Lakes. There are many large ecosystem restoration projects around the Nation.

How do you propose to balance the Corps' work between ecosystem restoration and traditional navigation?

Answer. The Corps Civil Works program has three major mission areas: Navigation, Flood Damage Reduction, and Ecosystem Restoration. If confirmed, I will work to improve watershed planning to balance needs and facilitate comprehensive and integrated solutions that preserve or enhance performance and sustainability at a system level.

STATE WATER QUALITY STANDARDS

Question. In the past, the Army Corps of Engineers has not always been required to meet State water quality standards in constructing and operating its water resources projects.

Do you believe that the Army Corps of engineers should be required to meet State water quality standards in constructing and operating Corps projects?

Answer. Yes, I do. Section 401 of the Clean Water Act requires that the Army Corps of Engineers obtain certification from States, or interstate water control agencies, that a proposed water resources project is in compliance with established effluent limitations and water quality standards. If a State in question has assumed responsibilities for the section 404 regulatory program, a State 404 permit would be obtained which would serve as the certification of compliance.

Section 404r of the Clean Water Act waives the requirement to obtain the State water quality certification if the information on the effects of the discharge is in-

cluded in an Environmental Impact Statement on the proposed project submitted to Congress before the discharge takes place and prior to either authorization of the project or appropriation of construction funds. Nevertheless, it is my understanding that it is the policy of the Corps to seek State water quality certification rather than utilizing the Section 404r exemption provision.

BUDGETING

Question. The Corps of Engineers has a significant backlog of Operations and Maintenance work and Construction work throughout the country. This backlog has very real economic, environmental, and safety implications.

How do you plan to address the backlog of work? How will you prioritize certain types of projects above others?

Answer. If confirmed, I will review the backlog of authorized projects that have not been started to determine whether they are still appropriate to meet today's water resources challenges, and I will consider whether they should be recommended for inclusion in the President's budget. Regarding the balance to complete for ongoing construction projects, which sometimes is also referred to as part of the backlog, I will strive to complete them as efficiently as possible in accordance with administration budgetary criteria, in order for the Nation to realize the benefits provided by those projects. Regarding the maintenance backlog, I will carry out a thorough analysis of the remaining backlog after assessing the benefits from the funding provided for this purpose under the American Reinvestment and Recovery Act.

Question. What are your views on using the Harbor Maintenance Trust Fund, which has approximately a $4 billion surplus, to address the Corps' backlog?

Answer. I understand that there is a large unspent balance of revenues and interest in the Harbor Maintenance Trust Fund and that the annual revenues exceed recent rates of spending for eligible navigation operation and maintenance. I believe this matter merits serious review within the administration to determine whether policy, budgetary, or legislative changes are appropriate.

WORKFORCE IN THE CORPS OF ENGINEERS

Question. There has been much discussion and publicity about the reduction in engineers graduating from our Nation's universities over the last 20 years.

How would you assess the overall health of the national engineering expertise and capability maintained within the Corps of Engineers workforce?

Answer. From what I understand, this issue has been of great importance to the Chief of Engineers for some time. I believe the Corps is generally successful in filling positions and usually has multiple highly qualified candidates for each position announced. Many of the Corps' employees, both civilians and military officers have either professional engineering degrees or project management skills experience. I believe that recruiting and retaining talented employees is key and is an area of great interest to me and, if confirmed, look forward to working with the Chief of Engineers to ensure that emphasis remains on this critical area within the Corps of Engineers.

Question. In your opinion, are adequate programs in place and funded to ensure the Corps engineering workforce is educated on the latest technologies and innovations?

Answer. If confirmed, I would work with the Chief of Engineers to learn more about the programs that are in place and to explore additional options and ideas.

Question. Do you see any challenges or opportunities for improvement to the workforce?

Answer. I believe that there are always opportunities to improve an organization's overall workforce. If confirmed, I would work with the Chief of Engineers to explore opportunities to improve.

ACQUISITION PROCESSES FOR THE CORPS OF ENGINEERS

Question. In the last 5 years, the Corps of Engineers has increasingly relied upon a contract process known as Design-Build, which requires a design agent to partner with a construction agent to compete for a contract. This differs from the traditional design-bid-build process, where the Corps contracts first for a design product and subsequently issues a separate solicitation for the construction. While there are many benefits to a collaborative process between a designer and the construction agent, there are also drawbacks. These include the reduced oversight by the Corps engineers in the design/construction process, and the systematic elimination of small to medium size engineering/architecture firms as well as construction contractors who do not have the resources to compete for design-build contracts.

In your opinion, what are the strengths and weaknesses in each acquisition process?

Answer. From my limited prior experience in this area, by way of strengths, the design-build process generally results in faster project delivery because the requirements can be quickly defined in performance terms and the design and construction phases can proceed largely concurrently. In terms of weaknesses, the design build process requires more effort and therefore may be more costly to industry to submit offers and the Government and its customers have less control over the final design solutions.

Question. How should the Corps determine which acquisition process to use?

Answer. I believe the Corps plans all acquisitions pursuant to the Federal Acquisition Regulations. The decision to use one delivery system over another depends on many factors which involve the customer, the project, industry and the Corps of Engineers. I believe all factors must be weighed and considered before any particular acquisition method is chosen.

Question. Do you believe the use of design-build contracts has any effect on the proficiency of the Corps engineering and contract management workforce? If so, can you elaborate?

Answer. If confirmed, I would consult with the Chief of Engineers, to better understand the process and considerations when using the design-build option and how it affects the proficiency of the Corps' engineering and contract management workforce.

Question. Do you foresee any issues over the long term emerging from the preponderant use of design-build contracts?

Answer. From what I understand, the Corps plans all acquisitions and selects the appropriate delivery system depending on the specific requirements. At this time, I do not foresee any issues over the long term using design-build contracts.

NATION-WIDE LEVEE SYSTEMS AND FLOOD CONTROL

Question. The recent floods in North Dakota and surrounding States reemphasized the importance and fragility of our Nation's levee systems.

How would you assess the health of these systems?

Answer. I understand that the Corps of Engineers is in the process of inventorying and evaluating levees nation-wide. Until all the information is collected, there are still many unknowns. However, in general, I agree with the premise that levees across the Nation are aging and that this is an important concern.

Question. In your opinion, is the process used by the Corps of Engineers to prioritize national levee requirements adequate?

Answer. I believe the Corps of Engineers holds public safety as top priority and uses basic risk concepts, such as population at risk, to prioritize all aspects of levee activities, including inspections, operation and maintenance, and construction projects. The Corps is currently developing risk tools to improve how it evaluates the risk associated with levees in order to improve how national priorities are determined. If confirmed, I plan to review the prioritization of levy requirements.

Question. Are the resources provided to date to address these requirements adequate?

Answer. If confirmed, I will evaluate how resources are allocated among all of the Civil Works programs.

Question. If not, what additional resources are needed, in your opinion?

Answer. At this time, I do not know what additional resources may be needed in this area. However, if confirmed, I will evaluate funding for all programs within Civil Works.

Question. If confirmed, how would you address concerns about the future of the Mississippi River Gulf Outlet (MRGO) and a determination on whether it should be closed?

Answer. It is my understanding that the MRGO was deauthorized on 5 June 2008, when the Assistant Secretary of the Army for Civil Works, the Honorable John Paul Woodley, Jr., sent to Congress the Report of the Chief of Engineers, which presents the results of the comprehensive plan for MRGO. The report recommended deauthorizing the portion of the MRGO navigation channel from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway and physical modifications to the MRGO and, based on the requirements of section 7013 of the Water Resources Development Act of 2007, includes a plan to address ecosystem restoration.

I also understand that the Corps is currently building the MRGO closure structure and conducting a feasibility study to develop an ecosystem restoration plan for

estuarine areas impacted by the MRGO and that closure construction work is scheduled for completion this year.

If confirmed, I will closely monitor the MRGO project.

PRIORITIZATION PROCESS IN THE CORPS OF ENGINEERS

Question. The Corps of Engineers have always been subject to pressure from various levels of government to carry out certain projects of special interest.

Do you believe the prioritization process used by the Corps of Engineers for civil works projects is adequate?

Answer. It is my understanding that the Corps does not prioritize projects for authorization. Once authorized, projects are recommended for appropriation consistent with the budgetary criteria set by the administration on a yearly basis. Because the budget must address prioritization of projects to receive limited funding, budgetary criteria are often different from the criteria used to establish Federal interest and ultimately support project authorization.

Question. If confirmed, do you plan to adhere to the established prioritization processes, barring any unforeseen circumstances?

Answer. Yes, I believe that, in general, budgetary criteria reflect the priorities of the administration and, if confirmed, I would support the administration's budgetary criteria.

Question. What is your opinion of using peer reviews of Corps projects to get an outside opinion on the need, urgency, and assessment of effects caused by Corps projects?

Answer. I believe Corps project proposals should be reviewed by both internal and external parties and that these reviews should be integrated into the planning process in a way that is transparent and seamless. In addition, these reviews should be undertaken in an integrated manner to ensure feedback is appropriately incorporated into planning investigations at the earliest possible stages of plan formulation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Civil Works?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

HARBOR MAINTENANCE TRUST FUND

1. Senator LEVIN. Ms. Darcy, the Harbor Maintenance Trust Fund (HMTF) has approximately a $4 billion surplus that is growing every year, yet there are ports, waterways, and small harbors, including harbors of refuge in Michigan, that are silting due to the U.S. Army Corps of Engineers (Corps) having insufficient funds available for dredging and other operations and maintenance needs. The money collected for the HMTF is intended for a specific purpose—maintaining harbors and channels. As I mentioned though, the Corps has significant operations and maintenance backlogs, and yet in fiscal year 2008 the Corps only spent $766 million in operations and maintenance from the HMTF, while the tax revenues collected were

$1.6 billion. If confirmed, how would you propose to address these needs as you work with the Corps divisions and districts and the Office of Management and Budget in developing the administration's future budget requests?

Ms. DARCY. Since I am not yet confirmed, I do not have a specific proposal to address the imbalance between revenues to and spending from the HMTF. If confirmed, I will work with the Office of Management and Budget, other Federal agencies that have responsibilities related to the Nation's waterborne commerce, and with nongovernmental stakeholders with an interest in the Federal navigation channels and harbors maintained by the Army Corps of Engineers, to explore options for dealing with this issue. I know from my experience working for Senate committees that the HMTF has been a longstanding concern to many interested parties.

SOO LOCKS

2. Senator LEVIN. Ms. Darcy, over $30 million has been allocated to the Soo Lock Replacement project over several years for engineering and design work as well as construction. The Corps has stated that it will not provide funding in its budget for the project. Roughly two-thirds of the Great Lakes fleet is limited to the current 1,000-foot lock, and if something happens which would incapacitate the current lock, there would be severe repercussions throughout the region. The Corps is considering whether homeland security concerns should also be considered since so much raw material moves through the existing Poe Lock. Along a parallel track, the Corps is also working on a Soo Locks Asset Renewal Plan to upgrade the existing Poe and McArthur locks. This project is estimated to cost $70 million, and is critical for the Great Lakes shipping industry and American manufacturing. If confirmed, what steps would you take to ensure that sufficient infrastructure investments are made to maintain the Great Lakes maritime competitiveness?

Ms. DARCY. I appreciate the importance of the Soo Locks to the movement of cargo and the commensurate benefit to the economy. If confirmed, I will review matters related to the Soo Lock Replacement project,,the Soo Locks Asset Renewal-study, and the Army Civil Works budgeting practices. I will give careful attention to impacts on Great Lakes maritime competitiveness arising from existing and potential Civil Works infrastructure investments.

3. Senator LEVIN. Ms. Darcy, will you commit to considering relevant homeland security concerns in the cost-benefit analysis when reviewing the Soo Locks Replacement project?

Ms. DARCY. If confirmed, I will review how homeland security concerns should be considered in analysis and justification of Corps of Engineers projects.

4. Senator LEVIN. Ms. Darcy, will the Corps' value the benefit of reducing the risk and associated cost of lock failure as a result of a terrorist act, natural disaster, or mechanical failure?

Ms. DARCY. I am not familiar with the Corps' current practices for placing a value on the benefit of reducing the risk and impacts of possible lock failure arising from a terrorist act, natural disaster, or mechanical failure. If confirmed, I will review the current practices and give full consideration to whether modifications are warranted in the interest of national security.

NATIONAL AND GREAT LAKES OPERATIONS AND MAINTENANCE BACKLOG

5. Senator LEVIN. Ms. Darcy, in Michigan, throughout the Great Lakes, and across the country, there is a significant backlog of Corps' work. In the Great Lakes, we have been contending with a backlog of dredging and other operations and maintenance work. The Corps estimates a backlog of 17 million cubic yards at commercial harbors that need to be dredged and over 100 miles of breakwaters that need repairs. Due to the dredging backlog, several freighters have become stuck in Great Lakes channels; ships have had to carry reduced loads, and many shipments have simply ceased altogether. Because of the disrepair to the breakwaters, some vessels have been unable to use harbors of refuge during storms, presenting real threats to public safety.

This problem stems in part because the Corps views the Great Lakes as a coastal system and compares individual ports using tons as a budget metric. In contrast, the Corps budgets our Nation's river systems on a ton-mile metric. The current budget process and metrics put the Great Lakes navigational system at a disadvantage compared to other domestic navigational systems. For example, based on fiscal year 2005 funding levels, the Corps spent about $0.52 per ton of cargo carried in

the Great Lakes, but the Missouri River received about $15 per ton of cargo carried. Clearly, the Great Lakes are being shortchanged.

How do you plan to address the backlog of Corps' work across the country, and in particular the Great Lakes?

Ms. DARCY. The Nation's navigation channels and waterways are vital components of our transportation system. However, competition for Federal funds is very keen, and in a constrained funding environment the Corps must prioritize its maintenance needs across the spectrum of projects. If confirmed, I will analyze the Corps' current procedures and performance measures for allocating scarce funding and will seek ways to refine the metrics applicable to maintenance funding to ensure that funding for navigation infrastructure is budgeted on a sound basis that takes systematic impacts into consideration.

6. Senator LEVIN. Ms. Darcy, would you be willing to change the Corps' budgeting guidelines to provide more equitable funding allocations for the Nation's shipping channels?

Ms. DARCY. If confirmed, I will review current budgetary guidelines and give full consideration to what changes, if.any, are needed to enable the Corps to allocate available Civil Works funds in the most equitable manner possible.

GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM

7. Senator LEVIN. Ms. Darcy, the Great Lakes are home to some very unique species of fish and wildlife, but unfortunately, the fishery and the ecosystem health of the Great Lakes are threatened by invasive species, nonpoint source pollution, contaminated sediments, and habitat loss. The Great Lakes Fishery and Ecosystem Restoration Program (GLFER) was authorized 9 years ago. The Great Lakes Fishery Commission, which is the Corps' primary partner in implementing GLFER, and the Corps has expended considerable time, energy, and funds to begin the implementation of GLFER. Unfortunately, the Corps has done little to support GLFER in its proposed budget. In fact, the Corps has called GLFER 'unbudgetable' until a feasibility study is conducted to identify every project to be done under GLFER. I believe that this is unsatisfactory given the fact that it is impossible to identify the universe of projects because some will emerge over time. Additionally, GLFER is similar to other continuing authority programs such as Section 206 and Section 1135 for which it does budget. If you are confirmed, will you continue to call GLFER 'unbudgetable,' hamstringing its contribution to Great Lakes restoration?

Ms. DARCY. From my prior experience, I am familiar with the view that programs such as the GLFER Program should have a detailed programmatic report on which their budget priority could be evaluated. If confirmed, I will review this practice in general and its application to the GLFER Program in particular.

INVASIVE SPECIES-ASIAN CARP

8. Senator LEVIN. Ms. Darcy, by all accounts, invasive Asian carp have the potential to wreak havoc on the Great Lakes economy and environment. In an effort to slow or stop the spread of invasive species between the Great Lakes and the Mississippi River watersheds, which are connected as a result of a Corps project, Congress authorized a dispersal barrier demonstration project in the National Invasive Species Act of 1996. The barrier has been operating successfully for several years, and a second, permanent barrier is partially operational. If confirmed, will you make ecosystem protection and prevention of organism movement the principle driver for making decisions about the electrical barrier system?

Ms. DARCY. I am aware that invasive species such as the Asian carp are a critical concern for the Great Lakes. The Chicago Sanitary and Ship Canal is an obvious pathway for these species to reach the Lakes, presenting a pressing threat. If confirmed, I will ensure that the best science and engineering are applied to complete the proposed three barrier system to keep the Asian Carp out of the Great Lakes. In coordination with the U.S. Coast Guard, I will work to ensure the barriers are employed at the maximum safe levels of operation. I will also explore additional alternatives, making every effort to keep invasive species from the Lakes.

9. Senator LEVIN. Ms. Darcy, will you commit to completing the authorized report on progress toward identifying a more permanent solution to the problem of interbasin organism movement?

Ms. DARCY. If confirmed, I will make every effort within my authority to complete the authorized report seeking a more permanent solution to the problem of interbasin organism movement.

GREAT LAKES INTERAGENCY TASK FORCE

10. Senator LEVIN. Ms. Darcy, beginning in 2004, the Federal agencies that manage programs on the Great Lakes began working cooperatively as part of the Great Lakes Interagency Task Force. The Corps of Engineers has many authorized programs and projects on the Great Lakes, and your predecessor, Secretary Woodley, was engaged in the activities of this Task Force. If confirmed, will you commit to being an active partner in the Great Lakes Interagency Task Force?

Ms. DARCY. I believe the Great Lakes Interagency Task Force is one of the most effective interagency collaborations both within the United States and between the United States and Canada, and I understand the Corps of Engineers has been instrumental in this collaboration. If confirmed, I will be an active partner in the Task Force and will try not only to sustain these collaborative efforts, but to strengthen them.

LOCAL AND STATE COORDINATION

11. Senator LEVIN. Ms. Darcy, the Corps has a great deal of expertise and resources that can be very valuable in the effort to restore the health of the Great Lakes. One of the challenges local organizations and State agencies often face in working with the Corps is meeting the requirements for local cost share. Do you have any recommendations for ways that the Corps might be a more effective partner with local organizations in pursuing restoration projects by reducing the overall cost of Corps restoration projects so that the local share will be more affordable?

Ms. DARCY. I believe that one way the partnerships could be more effective is to renew efforts to reduce the time it takes to plan and make decisions regarding projects. If the time it takes to complete a study is shortened, the overall cost of the study will be reduced since a large portion of the cost is salaries and overhead. If confirmed, I will work with the Corps to identify opportunities to shorten the time required to complete studies, as well as opportunities to better integrate existing planning studies and to examine benefits from more emphasis on watershed-wide and regional programmatic analyses.

INTERAGENCY COORDINATION

12. Senator LEVIN. Ms. Darcy, one of the challenges we face in restoring the Great Lakes is bringing the resources and talents of multiple Federal agencies of the Federal Government together to meet a common challenge. Too often, Federal agencies are confined by narrow authorities or interpretations of their authority that make it difficult for Federal agencies to work together on common Great Lakes projects. President Obama's recent $475 million budget request for an interagency Great Lakes restoration initiative (led by the Environmental Protection Agency (EPA)) may be an opportunity for Federal agencies to pool or share resources so that the Corps can bring its unique skills and expertise together with the unique skills and areas of expertise of others in the Federal family to tackle a problem. Can you recommend ways that the Corps can improve its ability to work in a team setting with other Federal agencies to bring the best combination of Federal skills and resources together to tackle a problem?

Ms. DARCY. If confirmed, I will work with the Corps of Engineers, the EPA, and other Federal agencies to determine the appropriate role for the Corps in supporting the execution of President Obama's fiscal year 2010 interagency initiative to restore the Great Lakes. I am committed to maximizing interagency collaboration by building and sustaining strong working relationships with sister agencies. If confirmed, I will work to expand the Corps' watershed planning and management activities and to more fully engage Federal and non-Federal stakeholders in a wide variety of efforts.

13. Senator LEVIN. Ms. Darcy, are there any changes in authority that might make this approach more feasible?

Ms. DARCY. While I am not aware of any specific concerns with the Corps' current authorities to engage in partnerships with other Federal agencies, if confirmed I will look into this matter. Also, I will work with the EPA and other Federal agencies

to determine whether any additional authority is needed to enable the Corps to fully support the President's initiative.

QUESTION SUBMITTED BY SENATOR JACK REED

MARITIME HAZARDS

14. Senator REED. Ms. Darcy, in past years, both the Corps and I have sought and secured funding to remove several large boulders from the mouth of the Charlestown (Rhode Island) Breachway, which connects Ninigret Pond to the Block Island Sound. The boulders are a severe safety hazard to vessels attempting to enter or exit the pond. There are on average 20 grounding incidents on the rocks per year, and severe damage causing complete loss of a boat occurs on average once every 10 years. While the damages from groundings are significant, town officials are most concerned about the potential for loss of life during a grounding accident in poor conditions.

This project has been funded and designed under section 107 of the River and Harbors Act. However, as the project has gone through design, the cost benefit ratio for commercial vessels, which does not include the potential for loss of life, has been difficult to justify. Nonetheless, Federal funds to complete the project have been appropriated and are in hand. The Corps does have authority under section 3 to help clear snags, debris, other impediments to navigation, and I understand that the Corps has looked into using this authority to complete the project, but such projects are capped at a total of $1 million.

Knowing the critical need for this project and the fact that funds are available to complete it, will you work with me, once you are confirmed, to ensure that this project can move forward with the funding that has been appropriated and without an additional burden on the local sponsor?

Ms. DARCY. I am aware of this project, and if confirmed, I will work with you and the Corps to explore potential solutions to this problem.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

PRIORITIZING PROJECTS

15. Senator MCCAIN. Ms. Darcy, in your answers to advance policy questions submitted by this committee, and in response to my question posed during the hearing, you responded to a question about prioritization processes in the Corps for civil works projects with the following: "It is my understanding that the Corps does not prioritize projects for authorization." Can you clarify exactly what you mean by this statement?

Ms. DARCY. Yes, I would be happy to clarify my response to your question. I understood your question to concern project authorizations, as distinguished from project budgeting. It is my understanding that in the budget formulation process, Civil Works projects are prioritized annually on the basis of the economic and environmental benefits they will provide to the Nation when completed. The authorization process for Civil Works projects is different. The planning process for each project looks at alternatives and recommends for authorization the best overall project to achieve the intended purposes for that particular project. Each proposed project is considered on its own merits. The Corps ofEngineers Headquarters conducts a policy review of the project "feasibility" reports, and the Office of the Assistant Secretary ofthe Army for Civil Works also conducts a policy review of the reports.

It is my understanding that, once the Assistant Secretary's questions and concerns have been satisfactorily addressed, the report is forwarded to the Office of Management and Budget, where it receives a third policy review pursuant to Executive Order # 12322. Only after a feasibility report has been approved at all of these levels is the project recommended by the Assistant Secretary for authorization by Congress. Congress sometimes has a different view and does not always enact legislation, including project authorizations, exactly as the administration has proposed. One could consider the various policy reviews a project undergoes before being recommended by the Assistant Secretary for authorization to be a process of prioritization, although I think of that term as applying to the budget formulation process.

CORPS RESPONSIBILITIES

16. Senator MCCAIN. Ms. Darcy, what is your understanding of the responsibilities of the Corps of Engineers as it relates to recommendations for resource allocation and prioritization for the Nation's navigation infrastructure, flood and storm damage controls, hydropower, and numerous environmental requirements?

Ms. DARCY. I understand that the Corps of Engineers provides to the Assistant Secretary of the Army (Civil Works) and the Office of Management and Budget accurate and complete information and options on to make sound resource allocation and budget prioritization decisions. The Corps also applies the resulting policy decisions, and priorities in its justification of the budget and in the execution of the annual program, unless Congress provides direction through Appropriations Acts that modify the program proposed in the budget.

The Chief of Engineers has the responsibility to make technical recommendations that are sound on an engineering and scientific basis. Our shared responsibility, if I am confirmed, will be to ensure that projects are properly formulated and consistent with law and administration policies applicable to water resources project planning and authorization.

CORPS' BUDGET

17. Senator MCCAIN. Ms. Darcy, if confirmed, how do you plan to take part in the development of budgets and proposed project authorizations for Corps programs?

Ms. DARCY. If confirmed, I will devote a significant amount of my time to the development and defense of the budget for the Corps' Civil Works program and to overseeing its execution from a policy perspective. I also will devote my time to reviewing the Corps proposed project authorizations, as documented in feasibility reports. I understand that within the Office of the Assistant Secretary of the Army (Civil Works), there is one team responsible for overseeing the Budget process, and a separate team responsible for providing planning policy guidance to the Corps, reviewing feasibility reports, and recommending to the Office of Management and Budget whether or not the administration should support authorization of the projects addressed in the feasibility reports.

18. Senator MCCAIN. Ms. Darcy, what is your understanding of your potential responsibilities as they relate to the development of the Army Corps of Engineers Civil Works Program 5-Year Development Plan, the most recent version being for years, fiscal year 2009 to fiscal year 2013?

Ms. DARCY. I understand that my responsibilities, if confirmed, would be overseeing the preparation and approval of the Civil Works 5 Year Development Plan (FYDP). The Civil Works FYDP differs significantly from the Future Years Defense Plan that is developed as part of Department of Defense's military budget and program planning. Also, since Civil Works projects and programs are individually authorized, there is no annual authorization act to support the Civil Works budget, as there is on the military side.

19. Senator MCCAIN. Ms. Darcy, how do you plan to handle requests by Members of Congress and other Federal, State, and local entities to have special interest projects and earmarks inserted into various legislation regarding Corps projects if these projects are not consistent with the priorities proposed by the Corps?

Ms. DARCY. If confirmed, I will consider all proposals for inclusion in the Civil Works budget and, by extension, the Civil Works FYDP. I will apply administration policy for the Civil Works program to mydecisions and, if I believe the policy needs to be changed, I will work within the administration to achieve this outcome. I will listen to all parties who have an interest in a project. I will rely heavily on the Corps of Engineers for information, but I will make the decisions. My legislative proposals will align with administration policy or will contain proposals to change policy. Since the Civil Works FYDP is a 5-year extension of the Civil Works annual budget, it will continue to reflect the administration's and the Army's priorities for resource allocation.

20. Senator MCCAIN. Ms. Darcy, if confirmed, do you plan to change or eliminate the prioritization processes outlined for each program in the 5-Year Plan?

Ms. DARCY. If confirmed, I will consider all proposals for inclusion in the Civil Works budget and, by extension, the Civil Works FYDP. I will apply administration policy for the Civil Works program to my decisions and, if I believe the policy needs to be changed, I will work within the administration to achieve this outcome. I will listen to all parties who have an interest in a project. I will rely heavily on the

Corps of Engineers for information, but I will make the decisions. My legislative proposals will align with administration policy or will contain proposals to change policy. Since the Civil Works FYDP is a 5-year extension of the Civil Works annual budget, it will continue to reflect the administration's and the Army's priorities for resource allocation.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

WATER RESOURCES DEVELOPMENT ACT

21. Senator INHOFE. Ms. Darcy, Congress has tried to pass Water Resources Development Acts (WRDA) every 2 years, with varying success. Under that schedule, this year should see work on another WRDA. If confirmed as Assistant Secretary, do you anticipate sending an administration proposal to Congress for consideration this year?

Ms. DARCY. If confirmed, I will initiate discussions on whether the administration should submit a WRDA legislative proposal this year. While I cannot commit to the outcome of those discussions, I will ensure that they take place.

INLAND WATERWAYS TRUST FUND

22. Senator INHOFE. Ms. Darcy, as I am sure you are well aware, the Inland Waterways Trust Fund no longer contains a surplus, and annual revenues are not sufficient to support investments of the same level as have been made for the past several years. President Obama's fiscal year 2010 budget blueprint released earlier this year expressed support for transitioning away from the current fuel tax and to lockage fees as the revenue source for the Trust Fund. That concept was advanced by the Bush administration last year, but received no traction here in Congress. Are you willing to work with Congress, as well as the navigation industry, to try to find an answer to this problem that can be supported by all interested parties?

Ms. DARCY. While I have not seen the details of the Inland Waterways Trust Fund legislative proposal being submitted with the fiscal year 2010 budget, I am aware that a similar proposal was made last year by the prior administration. I do appreciate both the need for increased revenues in the Trust Fund and that there are differing views on the best solution. If confirmed, I will work with Congress and the navigation industry to find an answer to this matter.

WATER STORAGE PRICING

23. Senator INHOFE. Ms. Darcy, one of the problems some of the communities in Oklahoma have run into is that even when there is available municipal water supply storage at existing reservoirs, the Corps' policy on pricing that water supply storage makes it prohibitively expensive. Do you know how long it has been since this policy has been reevaluated?

Ms. DARCY. At this time, I do not know how much time has passed since the policy regarding water supply storage has been reevaluated. If confirmed, I will work with the Corps of Engineers to evaluate this policy and consider if changes are appropriate.

24. Senator INHOFE. Ms. Darcy, will you commit to working with me to see if we can improve this policy—either administratively or legislatively—so that communities can afford the water supply storage opportunities that exist at Corps reservoirs?

Ms. DARCY. If confirmed, I will work with you and the Corps of Engineers to determine what changes are necessary and the best method to implement appropriate changes.

25. Senator INHOFE. Ms. Darcy, on the other side of the issue, hydropower interests have expressed frustration with the Corps' policy of determining compensation for lost generation due to reallocations. Will you work with me to see if we can find a compromise?

Ms. DARCY. If confirmed, I will review the Corps' policy for determining compensation for lost hydropower generation due to reallocation of reservoir storage space, and I will work with you to try to address this important issue.

WATER RESOURCE PROBLEM IDENTIFICATION

26. Senator INHOFE. Ms. Darcy, many individuals and organizations who work with the Corps of Engineers have complained that the process the Corps follows to get from identifying a water resources problem or need to implementing a solution can be very frustrating, overly long, and costly. Do you have any ideas on improving that process?

Ms. DARCY. I am familiar with this longstanding issue due to my prior position with the Committee on Environment and Public Works (EPW). Periodically, there have been efforts to streamline the Corps planning process, some of which have proven successful. Although I do not have specific ideas at this time on how to improve the process, I will, if confirmed, make it a priority to identify ways to shorten and simplify the planning process and will work diligently to implement these initiatives as quickly as practicable.

27. Senator INHOFE. Ms. Darcy, will you make it a priority to develop and implement ways to rationalize the process?

Ms. DARCY. If confirmed, I will make it a priority to identify ways to shorten and simplify the planning process and will work diligently to implement these initiatives as quickly as practicable.

FEE COLLECTION

28. Senator INHOFE. Ms. Darcy, you may have heard me state in hearings and other meetings that I am very supportive of the concept of allowing the Corps to use the fees it collects at recreation facilities to operate, maintain, and improve recreation opportunities. Unfortunately, we have consistently run into budget scoring problems that have prevented us from enacting such a proposal. Will you please commit to working with me to see if we can come up with other ways to accomplish this goal of improving recreation opportunities that do not have the same scoring hurdles?

Ms. DARCY. If confirmed, I commit to working with you and the EPW committee to develop alternatives to improve recreation opportunities that either don't create scoring hurdles or include means of addressing the scoring issues that arise.

CLEAN WATER ACT

29. Senator INHOFE. Ms. Darcy, the legislative debate regarding Clean Water Act jurisdiction will be a controversial issue that the Obama administration will have to deal with. Please describe what you would like to see accomplished under the Obama administration regarding Clean Water Act jurisdiction, keeping in mind the Federal interests and State prerogatives envisioned in the Clean Water Act.

Ms. DARCY. I have not had specific conversations with the President or members of his staff about Clean Water Act jurisdiction, but I do know that generally, his administration is looking for good government, and applying the principles of consistency, predictability, and transparency to its regulatory programs is consistent with this philosophy. I support these tenets. If confirmed, I will certainly keep in mind the Federal interests and State prerogatives envisioned in the Clean Water Act when implementing the section 404 program.

30. Senator INHOFE. Ms. Darcy, do you believe the Corps' and the EPA's interpretation of "waters of the U.S." in recent years has been appropriate, overly broad, or overly narrow?

Ms. DARCY. I cannot say at this time whether the agencies' interpretations of the term "waters of the U.S." have been overly broad or narrow. If confirmed, I will be looking to see exactly what the Clean Water Act and relevant court decisions say with respect to this question. I will then review the Corps' existing regulations to ensure that the Corps is applying the law and regulations appropriately, as influenced by court decisions.

31. Senator INHOFE. Ms. Darcy, can you please provide examples of waters that are not currently considered jurisdictional waters of the United States, but that you believe should be jurisdictional and vice versa?

Ms. DARCY. I cannot provide you with a definitive response to this question at this time. While I am familiar with the term "waters of the U.S.," and how it is applied, I do not at this time have a full understanding of what waters, by type or other descriptor, the Corps considers jurisdictional or not. If confirmed, I will explore this

very important question. Not only would I be interested in fully understanding the jurisdictional status of various waters, but I would want to learn how consistently the Corps applies or doesn't apply jurisdiction across the country.

32. Senator INHOFE. Ms. Darcy, what is your opinion of the Clean Water Restoration Act, as introduced earlier this month by Senator Feingold?

Ms. DARCY. I am aware of the Clean Water Restoration Act introduced earlier this year by Senator Feingold. However I have not yet formulated an opinion on the bill, nor do I yet fully understand its implications for the Section 404 Regulatory Program. If confirmed, I will make it a priority to study that bill and any other legislation relevant to the Corps' mission, and work with you and the Corps to understand the implications.

33. Senator INHOFE. Ms. Darcy, the significant nexus test has been criticized for leading to arbitrary applications and uncertainty within industry regarding what waters are, and are not, considered waters of the United States. Do you agree or disagree?

Ms. DARCY. As I understand it, the Supreme Court did not provide a definition of the term "significant nexus", nor did the Court explain exactly how such a test might be conducted. The decision only made mention of certain waters having a significant nexus with traditionally navigable waters. This state of play is posing challenges for both the Corps and the regulated community. I believe that the Corps has worked hard to figure out exactly what the term means and how to operationalize it in the field. If confirmed, I will take a hard look at how significant nexus determinations are being made, talk to industry and the public, and work to clarify how jurisdictional determinations are made.

34. Senator INHOFE. Ms. Darcy, how would you, as Assistant Secretary of the Army for Civil Works, seek to bring more certainty to industry regarding where Clean Water Act regulation applies?

Ms. DARCY. If confirmed, I would meet with industry representatives and other stakeholders to learn first hand what are the issues and concerns. I would work within the administration to look at legislative and policy guidance options for addressing certainty issues. Certainty is important to industry for many obvious reasons, but it is also important to the Corps Regulatory Program because clear, transparent, predictable, and science-based regulatory processes and decisions are fair, efficient, and effective in protecting the aquatic environment while allowing important economic development activities to move forward.

35. Senator INHOFE. Ms. Darcy, will you commit to working with my staff in finding ways to improve certainty and increase permitting efficiency?

Ms. DARCY. If confirmed, I am committed to working with you and your staff to review to address jurisdictional, regulatory certainty, and permitting efficiency issues.

36. Senator INHOFE. Ms. Darcy, what is your understanding of the shared role of the EPA and the Army Corps of Engineers in implementing the Clean Water Act?

Ms. DARCY. My experience working for the Senate EPW Committee has afforded me insight into how the Corps and EPA share Clean Water Act responsibility. The Act clearly gives both agencies specific roles and responsibilities, with EPA being responsible for most of the act and the Corps responsible for Section 404 permitting.

37. Senator INHOFE. Ms. Darcy, do you intend to seek to modify the shared responsibilities?

Ms. DARCY. If confirmed, I would support continued cooperation between the agencies, but at this time have no plans for seeking to modify the sharing of responsibilities.

38. Senator INHOFE. Ms. Darcy, do you intend to coordinate with other agencies in implementing the Clean Water Act?

Ms. DARCY. Absolutely. The responsibility for implementing the Clean Water Act is shared by the EPA and Army Civil Works, acting through the Corps of Engineers. In addition, the Departments of the Interior and Commerce have important roles in providing comments, advice, and recommendations for fish and wildlife species, and their habitat. I also believe that coordination with the Department of Agriculture will be important because the NRCS is involved in wetlands work and determinations under Swampbuster legislation, and the Department of Transportation

where the Corps and transportation agencies have developed procedures to integrate NEPA and Section 404 actions.

COAL MINING PERMITS

39. Senator INHOFE. Ms. Darcy, I am sure you are aware of current backlogs of section 404 permits for coal mining, primarily the Huntington and Louisville Corps District Offices. These permits are critical to the continuation of existing mines and for new and expanding mines that will create or maintain thousands of high paying jobs in these regions. Many of the permits have been pending for 2 or 3 years—what will you do to address the backlogs?

Ms. DARCY. The efficient processing section 404 permits is important to the Nation, our economic recovery and health, and for achieving CWA environmental protection objectives. If confirmed, I will make the Section 404 Regulatory Program a priority, and work with the Corps and Congress to address issues like permitting efficiency, backlogs, staffing, and funding for all permits under the Section 404 Regulatory Program.

40. Senator INHOFE. Ms. Darcy, the U.S. Court of Appeals for the Fourth Circuit recently issued a decision that in large part validates the Corps' process for reviewing and issuing permits authorizing discharges to waters associated with coal mining operations—yet, the EPA is advocating the need for a much stronger role in Corps Section 404 permit decisionmaking process for coal operations. This can cause duplication, delay, and increasing uncertainty in the program. What will you do to ensure the Corps maintains the ability to exercise its independent and primary decisionmaking authority as Congress intended?

Ms. DARCY. While I am familiar with the 4th Circuit's decision, I have only limited knowledge as to how the decision is being interpreted by the Corps or EPA. If confirmed, I will examine how the Corps is executing its responsibilities regarding the Section 404 permit decisions for coal operations to ensure we are carrying out the law.

41. Senator INHOFE. Ms. Darcy, what will you do to ensure those of us that believe the Corps is doing a good job of performing environmental review of these permits, as recognized by the courts, that the flow of permits will no longer be unnecessarily delayed by the EPA re-review process?

Ms. DARCY. If confirmed, I will look into issues regarding permit processing times and procedures, and also coordination requirements, with a view to having the Corps Regulatory Program be as efficient as practicable. I do not have any information regarding EPA wanting to re-review Corps permits. I will have to look into this issue and provide you with a response in the future, should I be confirmed.

42. Senator INHOFE. Ms. Darcy, I believe that there are individuals in the EPA that would like to see coal removed from our energy portfolio. I know you have no direct role in the EPA deliberations but you will have a consultative role, at least given your responsibilities to administer the Clean Water Act Section 404 permit program. What are your views on our continued use of coal and more specifically, what are your views on the current methods used to extract coal?

Ms. DARCY. I am aware that there are issues regarding the use of coal and the methods by which it is mined. If confirmed, I will be briefed by the Army General Counsel, by my staff, and by the Corps and consult with officials from the Department of the Interior and the Office of Surface Mining before I could comment on these important questions.

[The nomination reference of Jo-Ellen Darcy follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 2, 2009.

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

Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army, vice John Paul Woodley, Jr.

[The biographical sketch of Jo-Ellen Darcy, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JO-ELLEN DARCY

Jo-Ellen Darcy is the Senior Environmental Advisor to the Senate Finance Committee responsible for environment, conservation, and energy issues. Previously, she was Senior Policy Advisor to the Senate Environment and Public Works (EPW) Committee, Democratic staff, concentrating on fish and wildlife issues, the Army Corps of Engineers, nominations, and a variety of conservation and water issues. At the start of the 107th Congress, she was the Deputy Staff Director for the EPW Committee. From 1993 through 2000, she served as a professional staff member on the EPW Committee, working on a variety of issues, including the Safe Drinking Water Act, Army Corps of Engineers programs, Federal Emergency Management Agency, Everglades Restoration, and the Clean Water Act.

Before joining the EPW Committee, Jo-Ellen worked on the Clinton campaign in 1992, and was a legislative representative for the Investment Company Institute. She worked on water resources issues for Governor Jim Blanchard of Michigan in both Lansing and Washington, DC. Previously, she worked for the Subcommittee on Economic Stabilization of the House Banking Committee and was an elementary school teacher.

She hails from Fitchburg, MA, and has a B.A. in philosophy and sociology from Boston College and a M.S. in resource development from Michigan State University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Jo-Ellen Darcy in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jo-Ellen Darcy.

2. **Position to which nominated:**
Assistant Secretary of the Army for Civil Works.

3. **Date of nomination:**
April 3, 2009.

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

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 11, 1951; Fitchburg, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Fitchburg High School, Fitchburg, MA; 1966–1969; diploma received: 1969.
Boston College, Chestnut Hill, MA; 1969–1973; graduated Cum Laude with a Bachelor of Arts degree in Philosophy and Sociology, 1973.
Michigan State University, East Lansing, MI; 1983–1984; Master of Science in Natural Resource Development received 1987.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Senior Environmental Advisor, Committee on Finance, U.S. Senate, Washington, DC; 2007–present.
Senior Policy Advisor, Committee on Environment and Public Works, U.S. Senate, Washington, DC; 2001–2006.
Deputy Staff Director, Committee on Environment and Public Works, U.S. Senate, Washington, DC; 2001.
Professional Staff, Committee on Environment and Public Works, U.S. Senate, Washington, DC; 1993–2001.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
Member, Democratic National Committee.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
$400, Obama, 2008.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
Department of the Army Commander's Award for Public Service, 2001.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.
None.

17. Commitment to testify before Senate committees: Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JO-ELLEN DARCY.

This 16th day of April, 2009.

[The nomination of Jo-Ellen Darcy was reported to the Senate by Chairman Levin on May 6, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 7, 2009.]

[Prepared questions submitted to Dr. Inés Triay by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Energy for Environmental Management?

Answer. The duties and functions of the Assistant Secretary of Environmental Management (EM) include providing leadership, management, and oversight of cleanup activities at Department of Energy (DOE or Department) sites across the country. EM is responsible for the risk reduction and cleanup of the environmental legacy of the U.S. nuclear weapons production, and is the largest and most technically complex environmental cleanup program in the world. The Assistant Secretary directs the EM program and establishes the vision of the environmental cleanup; is externally focused and responsible for representing the program to Congress, the tribal nations, the States, regulatory, oversight, and advisory organizations, the media, and other stakeholders. The Assistant Secretary is the chief executive of the Environmental Management program, and in that capacity is responsible for assuring that the corporate strategies of the Department for the environmental cleanup are effectively implemented by the Federal and contractor workforce. The Assistant Secretary is also responsible for assuring that the projects in the EM portfolio are delivered on schedule and within cost; the overall program is managed in an efficient and effective manner; and all EM activities are conducted in a safe, secure, and compliant manner.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Chu would prescribe for you?

Answer. I expect to be asked to carry out those duties and functions outlined above.

QUALIFICATIONS

Question. What qualifications and experience do you have that would qualify you to perform the duties of the Assistant Secretary of Energy for Environmental Management?

Answer. I have a thorough understanding of the complexity and magnitude of the task that we face in the Environmental Management (EM) program. My formal training is as a physical chemist with a doctorate from the University of Miami, FL. I worked at Los Alamos National Laboratory for 14 years in progressively more responsible positions, from Postdoctoral Researcher to Group Leader in the Isotope and Nuclear Chemistry Division, to Acting Deputy Director of the Chemical Science and Technology Division. While at Los Alamos, I focused on the study of the same nuclear isotopes we are concerned with in the cleanup program today.

In April 1999, former Energy Secretary Bill Richardson named me as Manager of the Department's Carlsbad Field Office in New Mexico. There, I was responsible for the Waste Isolation Pilot Plant (WIPP), the Nation's only deep geologic repository for the disposal of transuranic waste. I am most proud of the fact that during

my tenure, I led the engineering of the transuranic waste complex from its inception of 1 or 2 shipments to WIPP per week, to full operations at 25 shipments per week.

In January 2004, I was named the Deputy Chief Operating Officer for Environmental Management, and in May 2005, I assumed the position of Chief Operating Officer. Under my leadership in these positions, the EM program completed the cleanup of the former Rocky Flats nuclear weapons site in Colorado and the former Fernald uranium processing plant in Ohio. I played a leadership role in the commencement of remote-handled transuranic waste disposal operations at the WIPP in New Mexico.

In October 2007, I was named Principal Deputy Assistant Secretary for the EM program, and since November 2008, I have been the acting Assistant Secretary for Environmental Management. To summarize, I have extensive experience as a field and laboratory researcher, as a contractor operations manager, as a DOE field operations manager, and as a senior member of the EM headquarters team. I have worked diligently with our stakeholders and regulators at the local and at the national level, and I have had the opportunity to work closely with Members of Congress and their staffs as well. I have witnessed every function that we perform in the program on a first hand basis and I have dedicated my life to the successful cleanup of the environmental legacy of the Cold War nuclear production.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the Assistant Secretary of Energy for Environmental Management and the Environmental Management program?

Answer. The major challenges facing the new Assistant Secretary and the Environmental Management (EM) program are:

(1) Ensuring the completion of the EM projects on schedule and within costs, with emphasis on our first-of-a-kind construction projects to address highly-radioactive waste in underground tanks; and

(2) Delivering better value to the American taxpayer through decreasing the projected life-cycle cost of conducting the EM cleanup.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. The Environmental Management (EM) program must strengthen the Federal and contractor project management capability and improve the skill set of the project management teams. Aggressive efforts are underway in EM, in partnership with the U.S. Army Corps of Engineers, to identify and implement the necessary enhancements in personnel capabilities and systems to transform EM into a "best-in-class" project management organization. EM is also developing and implementing processes and procedures for quality assurance and for identifying and managing project risks.

If confirmed, under my leadership, EM will identify and minimize the programmatic risks associated with start of construction during the early stages of the design phase. EM is incorporating technology readiness assessment and maturity planning into construction and cleanup projects at all stages, along with DOE Standard 1189, Integration of Safety into the Design Process, which requires safety to be integrated early in the design phases of projects.

In addition, if confirmed, I intend to look within the Department to the Office of Science, which has had an excellent record of completing their construction projects on time and within cost. The Secretary has made their lead project management expert available to advise us, and we have developed a review process modeled after the DOE Office of Science project reviews, tailored for the EM projects. These construction project reviews determine if project performance is consistent with agreed upon mission and project requirements; has reached the appropriate level of maturity; and can be completed successfully as planned, budgeted, and scheduled. These reviews are scheduled approximately every 6 months, and are intended to reduce the risk of project failure by identifying existing and potential problems in a timely manner so that adequate resolution is possible.

These independent reviews will examine in detail all aspects of a construction project, including: project management; technology, design, and engineering; safety; environmental compliance; security; and quality assurance. The process will rely on expert knowledge and experience of world-class engineers, scientists, and managers sourced from Federal staff, DOE contractors, engineering firms, national laboratories, and the academic community.

The Government Accountability Office (GAO) continues to include DOE contract and project management on its list of government programs at high risk, the GAO believes "that DOE as a whole has met three of the five criteria necessary for re-

moval from the high risk list." The two criteria that remain before we can be removed entirely from the list require having the capacity (people and resources) to resolve the problems, as well as monitoring and independently validating the effectiveness and sustainability of corrective measures. I am committed to completing the actions in DOE's Corrective Action Plan, which will address these two criteria. If I am confirmed, my personal goal will be to see that we are removed from the GAO high-risk list during my tenure.

We have taken a number of other specific steps to ensure superior project performance:

- Initiated a thorough review of the contract type and fee structure for all construction projects in order to ensure that the contract type and fee structure will result in maximizing improved performance in the EM projects.
- Required the parent companies carrying out the major EM projects (including all construction projects) to justify and improve the composition of the contractor management teams in charge of executing the EM projects.
- Increased the EM on-board count during the past 2 years by approximately 300 Federal employees (from 1370 to 1680) in the areas of project and contract management, safety, engineering, and quality assurance. The EM program is poised to increase its Federal staff to 1,800 to further strengthen our oversight capability. While EM hires Federal personnel, continued use of staff augmentation through the U.S. Army Corps of Engineers will be employed to fill the gaps.
- Established an Office of Quality Assurance at Headquarters, and required Federal and contractor quality assurance professionals at every field site. This is needed to assure quality is incorporated into EM projects, thus avoiding cost increases and schedule delays. Federal quality assurance resources now account for almost 6 percent of the total number of EM employees, which is within the industry range of 4 to 7 percent.
- Continued training sessions and supplier workshops attended by hundreds of large and small businesses alike, in order to increase the cadre of suppliers qualified to the high standards of nuclear quality assurance.
- Implemented the Department of Defense and National Aeronautics and Space Administration Technology Readiness Levels to judge the relative maturity of new technologies prior to approving full-scale development.
- Established a cost-estimating group at the EM Consolidated Business Center, in order to improve the quality of the EM program's independent government estimates for construction and cleanup projects.
- Initiated the process of implementing a project management software tool to further increase transparency of the health of EM projects not only to EM management but also to the DOE's Office of Engineering and Construction Management.
- Increased the frequency of the EM headquarters and field project management reviews from quarterly to monthly to increase management attention and accountability at all levels. These reviews are attended regularly by DOE's Office of Engineering and Construction Management and often times by the Office of Management and Budget.

We will address life-cycle costs by continuing our strategic planning efforts to identify and evaluate alternative approaches for radioactive waste in tanks, spent nuclear fuel, and special nuclear materials. Strategic planning efforts are underway in these areas that have the highest overall life-cycle costs of the program. We are looking for both incremental improvements to optimize waste operations, and transformational approaches, which could involve alternate technologies and other approaches.

Coincident with these planning efforts, we are also proposing to focus additional resources towards technology development, particularly for tank waste and groundwater remediation. We are looking to make investments in new technologies and computer modeling.

In summary, if confirmed, I will assure that EM uses science and technology, robust project management, and our intergovernmental partnerships to reduce the cost and schedule of the program.

MANAGEMENT ISSUES

Question. The Assistant Secretary for Environmental Management is responsible for cleanup activities occurring at Department of Energy (DOE) sites across the country.

What are your views on the roles and responsibilities of field managers relative to those of Environmental Management (EM) headquarters managers?

Answer. The roles and responsibilities of field managers include the management and direction of the safe, secure, compliant, and effective execution of the Environmental Management (EM) projects. The field managers and the field staff manage the contracts and oversee the contractors' performance in order to deliver the EM projects on time and within cost. The roles and responsibilities of EM headquarters managers include overseeing the performance of the field sites as well as policy development, budget formulation, and addressing the field offices' needs in order to accomplish the objectives of the EM mission.

Question. What is your view of EM's organizational structure? Is there a well-delineated and consistent chain of command and reporting structure from the field staff to headquarters staff, from the contractors to DOE officials, and from the Office of Environmental Management to the Secretary of Energy and other DOE officials?

Answer. I believe that our current chain of command and reporting structure are adequate to perform the EM program mission. Improving the efficiency of EM is always of critical importance. The National Academy of Public Administration (NAPA) completed a detailed review of several aspects of the EM program between April 2006 and December 2007. One area that was carefully analyzed was organizational efficiency. NAPA provided 20 recommendations in this area and EM implemented 18 of them. However the former Assistant Secretary for EM deferred implementation of the remaining two: establishment of a Chief Business Officer position and realignment of two Deputy Assistant Secretary offices between the Chief Business Office and the Chief Operations Office. I believe that these recommendations have merit and I will carefully review those recommendations to identify improved organizational efficiency.

Question. Do the field offices have enough autonomy and flexibility to work with the contractors at the sites to get the cleanup finished in a safe and efficient manner?

Answer. It is my philosophy to delegate as much authority as possible and appropriate to the field offices and their managers. If the field managers had more authority than they do now, the EM program might be more efficient.

Question. In your opinion, should the field offices have more autonomy than they currently have?

Answer. Yes. The additional authority would come with the responsibility to deliver excellent performance. Performance is measured by the results obtained, and the manner in which they are achieved. Therefore, we will be seeking to align authority with performance at each site to deliver projects on time and within cost.

Question. The EM program has used a variety of contracting methods, including management and operating contracts, cost plus award fee contracts, cost plus incentive fee contracts, performance-based, fixed-priced contracts, and closure contracts, among others.

What is your view of the utility and appropriate role of these, or other, contracting methods, and what principles do you believe DOE should follow when entering into EM contracts in the future?

Answer. Each contracting method has a "sweet-spot" for its application. During the acquisition planning phase, there is continuing improvement to appropriately match the type of work and program requirements with the contract approach. For the following types of EM work, the successful contract approaches generally are:

(1) Cleanup Work

- For well defined and repetitious activities—fixed unit rate contracts are optimal (for instance, mill tailing relocations at past closure sites such as Grand Junction and Monticello);
- For work with relatively high confidence in the scope definition, clear end-state, most regulatory decisions have been made, stable and predictable funding, and it will take 5 to 7 years to complete—closure or completion contracts, which are typically cost plus incentive fee contracts are optimal (for instance, Rocky Flats, Mound, and Fernald);
- For work with relatively high confidence in the scope definition, discrete portions with clear end-states, regulatory decisions have been made, fluctuating funding, and 10 years or less to complete cleanup—the optimal contract type is cost plus incentive fee (for instance, Hanford River Corridor and Idaho Cleanup);
- For work with various levels of scope definition, discrete portions have clear end-states and regulatory decisions made, fluctuating funding and more than 10 years to complete—the successful contracts are cost plus award fee contracts with performance-based incentives (for instance, main site cleanup contracts, such as Hanford, Oak Ridge; operations of individual

processing facilities, such as Idaho Advanced Mixed Waste Treatment and Oak Ridge Transuranic Waste facilities); and

• For work with continual operations of nuclear facilities and disposal facilities for more than 10 years—the successful contracts are management and operating contracts (Savannah River Site and Carlsbad).

(2) Construction Projects

• For storage of high-level waste or spent nuclear fuel canisters, storage approach used in previous applications, minimal technology issues, typically $100–200 million or less, and 3 years or less to completion—the optimal contract type is fixed price (for instance, Savannah River Site Glass Storage Facility, Hanford Spent Nuclear Fuel Storage Facility);

• For packaging or disposal of low-level or transuranic waste, well-understood technology, technology used in previous applications, typically $100–200 million but could be up to $500 million, and 4 to 7 years to completion—the optimal contracts are fixed unit rate contracts (Oak Ridge Disposal Cell, Idaho Advanced Mixed Waste Treatment Project, WIPP Transportation, Oak Ridge Transuranic Waste Treatment Project); and

• For treating and stabilizing high-level waste or complex low-level waste, first of a kind technology, significant technical issues, nuclear facilities, $500 million and greater, 5 years and greater to completion—the successful contracts are cost plus award fee contracts with multiple incentives, such as performance-based incentives, award fee, operational fee, and schedule fee.

MISSION

Question. DOE has offered changing views, over the lifetime of the EM program, as to whether the program should focus on cleaning up the sites within its purview as of a date certain or whether the program should have an ongoing mission of cleaning up all surplus DOE facilities, as the facilities become excess, over time.

Do you believe there is a point at which the EM program should stop taking surplus buildings, facilities, or waste streams from other components of the DOE into the EM program for decommissioning, decontamination, and disposal?

Answer. No. I don't believe that the EM program should cease accepting surplus facilities from other DOE programs, but continue to accept them. From a technical standpoint, placing DOE's excess facilities under EM makes business sense because EM possesses both the experience and expertise to move these assets to ultimate disposition or demolition, more so than other DOE programs. There is a consensus within DOE that placing all surplus assets under the purview of one program leads to management efficiencies and produces long-term cost savings. Finally, by continuing the transfer of surplus assets to EM, the decontamination and demolition of excess facilities will result in the reduction of the legacy footprint. This allows other DOE programs to expand their current missions or launch important new ones, such as those in science, energy, and national security, or use the lands for beneficial reuse.

Question. If confirmed, what requirements would you place on the other DOE programs before you would take additional buildings, facilities or waste into the EM program?

Answer. The EM program does have existing stringent requirements it applies to surplus assets, prior to accepting them from other DOE programs. These established criteria, based on formal DOE orders and technical policies for facilities and wastes, are applied to each individual asset nominated for transfer to EM. Furthermore, in concert with the criteria, EM implements a rigorous in-person assessment process, in which EM technical experts walk down and inspect nominated assets to determine if they meet the transfer criteria. This process ensures that any asset deemed surplus by other DOE programs is truly "transfer ready," and complies with EM's standards for acceptance.

Question. Do you believe it is an appropriate policy for the EM program to "go out of business" at some point and leave the remainder of newly-generated waste as the responsibility of existing DOE programs? If not, in your view, how should newly-generated wastes be managed and which program (EM or the program generating the waste) should budget for these activities?

Answer. I believe that it is appropriate for the generating programs to be responsible for and budget for newly-generated waste. Currently, the Department's policy is that EM is responsible for the final disposition of legacy waste, while requiring landlord programs to manage newly-generated waste at their sites. However, in specific instances when EM is recognized as having unique experience and expertise

with certain waste types such as transuranic waste, exceptions may be necessary on a case-by-case basis. Newly-generated waste responsibility was transferred to landlord programs in order to encourage waste minimization and proper "ownership" for wastes. I believe this is a good concept.

Question. Do you believe that making the program responsible for newly-generated waste would incentivize the program to minimize the amount of waste created or, conversely, would it result in the program storing waste, perhaps indefinitely?

Answer. EM and the rest of the Department comply with DOE Order 435.1, Radioactive Waste Management, which defines the requirements for the management and minimization of radioactive waste within DOE. The Order provides specific requirements for the management and timely disposition of each radioactive waste type, such as high-level waste, transuranic waste, low-level waste, and mixed wastes. The Order also defines the responsibilities of each headquarters element, particularly those programs that generate these waste types as part of their operations mission.

Question. In drafting the National Defense Authorization Act for Fiscal Year 2006, this committee did not adopt the proposal in the President's budget request to transfer certain activities from the EM program into the National Nuclear Security Administration (NNSA).

To your knowledge, are there any plans to make a similar proposal in the fiscal year 2010 budget request?

Answer. There are no plans to make a similar proposal in the fiscal year 2010 budget request.

Question. The EM program demonstrated that accelerating cleanup at specific sites could result in a more cost effective approach to cleanup over the long term. After the Rocky Flats and the Fernald Sites were completed, the accelerated approach was abandoned.

If confirmed would you look at renewing an accelerated approach for specific sites if significant long-term cost savings could be achieved?

Answer. Over the past year and a half, the EM program has conducted strategic planning analysis, which indicates that substantial benefit in terms of life cycle cost savings and cleanup completion can be achieved with additional investments in the areas of decontamination and decommissioning of facilities, remediation of contaminated soils and groundwater, and disposition of solid waste (low-level and transuranic) to achieve footprint reduction. These results were discussed in the EM progress report that the National Defense Authorization Act for Fiscal Year 2008 required, and was submitted to Congress in January 2009.

We are renewing the accelerated approach with implementation of the footprint reduction initiative with the $6 billion from the American Recovery and Reinvestment Act of 2009 (Recovery Act).

Question. Do you believe this promise of accelerated cleanup has yet been realized, and if not, why not?

Answer. We are renewing the accelerated approach with the Recovery Act funding. Our strategic planning analysis was based on achieving a 90 percent footprint reduction by 2015. The Recovery Act funding will allow 40–50 percent footprint reduction by 2011, and will go a long way in achieving this goal.

END STATES

Question. A previous Assistant Secretary sought to develop "end states" documents for each major site in the EM program depicting the residual contamination levels remaining at each site after the completion of cleanup.

What is the status of these "end states" for each major site?

Answer. The end-state documents were intended as a tool to help focus discussions with the Department's regulators and stakeholders on the likely future land uses of contaminated lands as a means to facilitate the early identification of remedial action objectives and appropriate response actions. The Department's field office personnel, the U.S. Environmental Protection Agency, and State regulators have incorporated these end-state documents in their discussions and negotiations.

Question. If confirmed, would you continue efforts to reach an agreed upon "end state" with the State and Federal environmental regulators at each site, or in your view is there a different way to approach the issue of what is clean enough?

Answer. The Department will continue to work with our regulators on identifying and attaining, whenever possible, those land uses and end states we agree represent both a desirable and viable outcome. We are doing this, and will continue to do so, in accordance with the applicable Federal and State requirements governing our

cleanup activities. This process ultimately determines the scope of the cleanup and viable future land uses, and therefore is critical to our mission.

TECHNOLOGY DEVELOPMENT

Question. Do you believe that the EM program has conducted sufficient technology development so that a treatment and disposition pathway exists for all identified waste streams under the program?

Answer. The treatment and disposal of DOE low-level and mixed low-level waste is not dependent on additional technology development. While there may be small volumes of challenging waste streams identified through future cleanup activities, it is expected that existing technologies will enable treatment and disposal of the remaining waste.

Currently, we do not foresee any technology development necessary to support disposal of transuranic wastes. While there are some innovative packaging and characterization techniques that still require regulatory approval prior to implementation, the research and development of these techniques have been completed, and is now being demonstrated through the regulatory process.

In the area of highly-radioactive waste in underground tanks retrieval and processing, there continues to be technology development needs, and they have been identified and planned within the EM program's Engineering and Technology Roadmap.

Question. If any orphan waste streams—those for which there is no identified disposition pathway—exist within the EM program, what technology development or other efforts would you undertake, if confirmed, to address them?

Answer. The orphan waste streams challenges that currently exist within EM are programmatic in nature. For example, EM has a small quantity of low-level and transuranic waste (greater-than-Class C low-level waste), which does not meet the current waste acceptance criteria for existing disposal facilities. EM needs to complete the process for siting a facility for greater-than-Class C low-level waste, which could accommodate those particular wastes.

Question. What, in your view, are the continuing requirements for developing and fielding new technologies, and what are the highest priorities?

Answer. Continuing technology development and deployment is a key element of the EM program's strategy to reduce the technical risk and uncertainty of EM projects. The highest priority for EM is to develop new technologies for tank waste systems and for groundwater remediation.

Tank waste is by far the Department of Energy's most significant environmental, safety, and health risk. EM plans to retrieve this highly-radioactive waste from storage tanks and convert it into stable waste forms (such as glass) using treatment facilities. Because of the unique and hazardous nature of this radioactive waste, new technologies are needed to:

(1) Retrieve waste to the maximum extent possible in an efficient manner;

(2) Improve glass formulations that can increase the amount of waste in each glass canister, which will reduce operating costs;

(3) Improve glass melters which will increase production throughput and decrease costs; and

(4) Improve processes to remove non-radioactive components, such as aluminum, from the tank waste in order to increase glass waste loading and production throughput.

Innovative groundwater remediation technologies are also needed to:

(1) Treat subsurface contamination through bioremediation or reactive sorptive barriers that can be more effective and efficient than current methods, and

(2) More effectively predict contaminant migration resulting in better remediation methods.

The National Academy of Sciences supports a significant and ongoing research and development program, as delineated in the EM program's Engineering and Technology Roadmap to address these unique technical challenges.

WORKFORCE RESTRUCTURING

Question. If confirmed, your duties could involve the review and approval of workforce restructuring plans at sites under the EM program.

Please describe your general approach and philosophy in reviewing workforce restructuring plans.

Answer. The EM program complies with DOE Order 350.1, Contractor Human Resource Management Programs, as well as all other applicable requirements, and we direct our contractors to do the same as they plan and execute workforce restructuring actions.

Question. Given the nature of their work, cleanup workers are fundamentally in a position of "working themselves out of a job."

How do you believe this particular challenge is best handled from both a corporate perspective and as a manager of these workers?

Answer. At most of our remaining sites, the cleanup mission has many more years until completion. To manage work effectively at our sites, there is a broad life-cycle to perform characterization, plan, decontaminate and decommission, and then beneficially re-use. We need workers with different skills and specializations at each phase of that life-cycle. The specialized skills and certifications our workers acquire doing EM work is highly marketable.

The Department of Energy resources, in partnership with tribal nations, the States, industry and other regional stakeholders, can be leveraged for beneficial reuse at our sites. As part of DOE's footprint reduction effort, designated tracts of land would be transferred to other government programs, communities, or the private sector for rapid development of large scale facilities for any number of uses. The outcomes of transforming the Department's sites for beneficial reuse could include: (1) industrial uses sited on "brownfields" with existing infrastructure and a trained workforce; (2) transition of the current workforce and recruit the future workforce to take advantage of the wealth of technical knowledge and operational experience; and (3) potential to create new jobs for the long term.

WASTE INCIDENTAL TO REPROCESSING (WIR)

Question. One of the biggest challenges of the EM program is emptying the large tanks of highly radioactive waste that exist at defense nuclear sites in South Carolina, Washington, and Idaho. In the National Defense Authorization Act for Fiscal Year 2005, Congress granted DOE, in consultation with the Nuclear Regulatory Commission (NRC), the authority to determine that portions of this waste are not high level radioactive waste and thus DOE may leave residue that meets the requirements of the provision at the bottom of the tanks in South Carolina and Idaho after these tanks are otherwise emptied.

How is DOE using this new authority?

Answer. The Department has used this authority successfully at both the Savannah River Site and at the Idaho National Laboratory. At Savannah River Site, we use that authority to dispose of the low-activity fraction of tank waste in onsite "saltstone" vaults, which is facilitating the emptying of the highly-radioactive waste tanks. Savannah River Site is in the process of removing residuals from several tanks, and is working closely with Nuclear Regulatory Commission (NRC), the State, and the U.S. Environmental Protection Agency, using the 2005 National Defense Authorization Act (NDAA) authority, to ultimately close these and the other highly-radioactive waste tanks. At Idaho, in November 2006, the former Secretary of Energy determined that the residual wastes in the 15 tanks were no longer high-level waste, and 11 of those tanks were filled with cement. In undertaking these actions, the Department consulted with the NRC, in accordance with the 2005 NDAA authority, and will continue to do so in the future.

Question. If confirmed will you ensure that the NRC has full access to documents and information at these sites that the NRC determines is needed to allow them to conduct their responsibilities?

Answer. Yes. The NRC has had, and will continue to have full access to documents and information at these sites that the NRC determines is needed to allow them to conduct their responsibilities.

WASTE DISPOSAL

Question. Completion of cleanup at a number of EM sites depends on the timely shipment of quantities of transuranic waste to the Waste Isolation Pilot Plant (WIPP) in New Mexico for disposal. In some cases, DOE is under regulatory deadlines for completing shipments to WIPP.

What regulatory deadlines do the EM program currently face related to WIPP shipments and what is the current progress against those deadlines?

Answer. At the Idaho National Laboratory, the Idaho Settlement Agreement (Settlement Agreement) requires DOE to maintain a running average of 2,000 m3 of transuranic (TRU) waste shipped offsite yearly. DOE is well ahead of this milestone. The Settlement Agreement also includes milestones for completing shipment of 65,000 m3 TRU (target completion date of 12/31/2015, but no later than 12/31/2018).

DOE is on track to complete this milestone ahead of schedule. The Idaho Site Treatment Plan requires a more aggressive shipping rate of 4,500 m3 of TRU per year. DOE continues to ship TRU waste from Idaho at a rate that exceeds this requirement.

At Oak Ridge, the Site Treatment Plan defines specific volume goals for contact handled (CH) and remote handled (RH) TRU waste each year. While DOE has met its CH milestones to date and met the first RH milestone for start of RH shipments, DOE recently requested an extension to the 4/30/2009 milestone to have processed 35 m3 of RH TRU waste. This extension was required due to unexpected technical issues encountered during waste processing (water was found to be present in many of the TRU canisters retrieved for processing and shipping). DOE anticipates that these issues will be addressed and future milestones will be met.

At Nevada, the Site Treatment Plan requires the completion of the legacy TRU project by the end of April 2009. DOE is on track to meet this milestone. Three shipments remain to be completed and are scheduled to occur before 4/30/2009.

At Los Alamos, the Consent Order requires the cleanup of Area G to be completed by the end of 2015. While there are no specific deadlines related to shipment of TRU, the TRU within Area G must be processed and shipped offsite in time to support Area G closure in 2015.

Regarding Hanford, DOE and the regulators have reached agreement on revised milestones for TRU waste in the Tri-Party Agreement. These milestone revisions are currently out for public review.

Question. Are you aware of any issues that jeopardize DOE's ability to meet these deadlines? If so, what is DOE doing to address these issues?

Answer. We are not aware of any specific issues at this time. However, given that much of the transuranic waste has been buried for many decades at some of our sites, it is likely that DOE may encounter challenges regarding the condition of the waste as it is retrieved. DOE has carefully developed a detailed waste processing and characterization strategy and is working closely with the regulators.

Question. What, if any, additional permits or permit modifications are needed for WIPP in order to meet these deadlines?

Answer. There are no additional permits or permit changes needed to support these milestones.

WASTE TREATMENT PLANT

Question. Maintaining the steady state funding commitment, not changing requirements, and not changing the design of the facility, are all necessary actions to ensure that the Waste Treatment Plant (WTP) is completed within its current baseline cost and schedule.

If confirmed would you plan to make any changes to WTP funding, requirements, or design?

Answer. The stable funding level of $690 million a year has provided the WTP project with stability and predictability, which affords the contractor the ability to plan the work, make commitments to subcontractors and suppliers, and minimize turnover of the workforce. The requirements are appropriate to build a functioning plant, although there are still certain opportunities to refine the requirements for a more cost effective plant. There are several technical issues, which are on schedule to be resolved by the end of December 2009, which should permit the finalizing of the design.

ENDURING SITES

Question. Cleanup under the EM program occurs not only at closure sites, but at DOE national laboratories and other sites with ongoing missions. These locations are sometimes distinguished from sites that will be closed by use of the term "enduring sites."

Does the EM program approach cleanup differently at closure sites than at enduring sites?

Answer. No. Cleanup work across the entire complex is conducted in accordance with the applicable requirements from Federal environmental laws, primarily the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act. The Department consistently applies these requirements in accordance with site-specific conditions, and has entered into agreements with the States in which cleanup sites are located and the U.S. Environmental Protection Agency to come into compliance with these laws.

Question. How should the EM program best manage the interfaces between its cleanup operations and other ongoing missions at the enduring sites?

Answer. The EM program works closely with senior managers and staff of the landlord programs and those programs' sites in planning for and executing the cleanup. This includes their active involvement in developing scope, cost, and schedule baselines, formulating budgets, and overseeing execution. With these close interactions, the Department can develop an overall approach that appropriately prioritizes cleanup in support of and recognizing the enduring sites' ongoing and future missions.

Question. Does the EM program prioritize work differently at enduring sites, and if so, in what way?

Answer. In planning its program, EM develops an integrated priority list for all its cleanup activities across the entire DOE complex at both closure and enduring sites based on risk categories. These categories, in descending order of risk, are: (1) highly-radioactive liquid waste in underground tanks; (2) nuclear materials (e.g., uranium and plutonium) and spent nuclear fuel; (3) transuranic and low-level radioactive waste; (4) soil and groundwater remediation; and (5) decontamination and decommissioning of surplus contaminated facilities. The EM program overlays site-specific regulatory compliance milestones and the need to support ongoing and future missions at enduring sites to the overall program priorities in order to prioritize its work at each site.

DESIGN BASIS THREAT

Question. Some of the DOE sites including EM sites will not achieve compliance with the current design basis threat and do not plan to achieve compliance.

Given the seriousness of the need to secure nuclear materials, both abroad and at home, do you believe that this is a sufficiently rapid response to the threats currently outlined by the intelligence community and against which DOE has agreed it must defend at its nuclear sites?

Answer. The EM program is in compliance with the Department's 2005 Design Basis Threat (DBT) policy and is transitioning to the requirements of the Graded Safeguards Protection (GSP) policy issued in August 2008. This policy provides a robust framework considering the broad spectrum of threats.

Question. If confirmed, what actions would you undertake to consolidate and more rapidly secure any special nuclear material existing within the EM program?

Answer. The EM program has been aggressively consolidating special nuclear materials and will continue to do so:

- At Savannah River Site, surplus plutonium has been consolidated from Rocky Flats, and will continue to be consolidated from Hanford and the National Nuclear Security Administration sites, such as Lawrence Livermore and Los Alamos National Laboratory.
- At Oak Ridge and Portsmouth, surplus uranium has been consolidated from Rocky Flats and Fernald.
- At Savannah River Site and Idaho, spent nuclear fuel has been consolidated from West Valley, and will continue to be consolidated from U.S. university research reactors, and foreign research reactors.
- At Hanford, onsite spent nuclear fuel has been consolidated into a single location.

Question. Do you agree that, even with a primary focus on accelerating cleanup, it is still an essential responsibility of the EM program to secure these materials against the threats existing now?

Answer. Yes. The EM program is committed to protect its special nuclear materials against the prevailing threat level while expediting the cleanup progress. EM has successfully reduced the number of facilities and sites that possess special nuclear materials from 13 to 2, and will continue to protect these facilities in accordance with DOE policy.

YUCCA MOUNTAIN

Question. In the EM 5-year plan published in early 2007, a number of program-specific uncertainties that could impact the overall cleanup scope, schedule, and cost are identified. Among those uncertainties identified is the possibility of a delay in the availability of Yucca Mountain. EM has indicated that a delay in Yucca Mountain would lead to the delay in site completion and increase storage costs for high-level waste and spent nuclear fuel.

What increases in storage costs for high-level waste and spent nuclear fuel and in the length of the delay can be expected if Yucca Mountain is closed?

Answer. Over the period of the next two decades, the delay in the establishment of a permanent high-level waste repository will in no way impact the current scope, schedule, and cost for treatment and storage of defense spent nuclear fuel and high-

level waste. The Secretary of Energy is in the process of establishing a Blue Ribbon Commission/Panel to provide recommendations to the Department on spent nuclear fuel and high-level waste. The panel needs to provide those recommendations and the Department needs to determine the path forward for that waste prior to being able to assess the length of potential delays or additional storage costs. The EM program manages its life cycle cost in a detailed, rigorous manner and, therefore, will be able to ascertain any impacts of the selected path forward. EM will work diligently with the committee to provide any required information on the impacts to EM's life cycle cost.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes. I agree that, if I am confirmed as Assistant Secretary for Environmental Management, I will appear before this committee and other appropriate committees of Congress.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Energy for Environmental Management?

Answer. Yes. I agree that if I am confirmed, I will appear before this committee or to a designated member of this committee, and provide information subject to appropriate and necessary security protection with respect to my responsibilities as Assistant Secretary of Environmental Management.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes. If confirmed, I agree to ensure that testimony, briefings, and other communications of information will be provided to this committee and its staff and other appropriate committees.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes. If confirmed, I agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or consult with the committee regarding the basis for any good faith delay or denial in providing such documents.

[The nomination reference of Dr. Inés R. Triay follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 31, 2009.

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

Inés R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management), vice James A. Rispoli, resigned.

[The biographical sketch of Dr. Inés R. Triay which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. INÉS R. TRIAY

Dr. Inés R. Triay is the Principal Deputy Assistant Secretary for the U.S. Department of Energy's Environmental Management Program and has been acting as the Assistant Secretary since November 2008. She has devoted her career to the safe cleanup of the environmental legacy of the Nation's Cold War nuclear weapon production and research activities. This is the largest, most diverse, and technically

complex environmental cleanup program in the world, originally involving more than 100 geographic sites located in more than 30 States.

Prior to her current position, she served as the cleanup program's Chief Operations Officer and Deputy Chief Operations Officer. During her tenure in these positions, the program completed the cleanup of the Department's Rocky Flats site in Colorado and the Fernald site in Ohio. She also played an instrumental role in the commencement of remote-handled transuranic waste disposal operations at the Department's Waste Isolation Pilot Plant in New Mexico.

Prior to her executive positions in Washington, DC, she served as Manager of the Department's Carlsbad Field Office in New Mexico. During her tenure there, the number of transuranic waste shipments to the Waste Isolation Pilot Plant increased from 1 or 2 per week to 25 per week. She also spearheaded a national effort to significantly accelerate cleanup of transuranic waste sites, culminating in a plan that completes the disposal of all legacy transuranic waste about 20 years early. Before managing the Carlsbad Field Office, she spent 14 years at Los Alamos National Laboratory leading efforts in subsurface radionuclide migration, waste characterization and disposal, and environmental remediation.

Her honors include the 2007 Wendell D. Weart Lifetime Achievement Award, the 2007 Presidential Rank Award, the American Society of Mechanical Engineers' 2003 Dixy Lee Ray Award for Environmental Protection, the National Atomic Museum's 2003 National Award of Nuclear Science, and numerous awards from the Department and Los Alamos National Laboratory recognizing her for excellence in performance.

Dr. Triay received her bachelor degree in chemistry, magna cum laude, and her doctorate degree in physical chemistry from the University of Miami in Florida. She is a member of the American Chemical Society and has produced more than 100 papers, reports, and presentations for professional conferences and workshops, as well as major trade publications.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Inés R. Triay in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Inés Ramona Triay.

2. **Position to which nominated:**
Assistant Secretary for Environmental Management, U.S. Department of Enery.

3. **Date of nomination:**
March 31, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 30, 1958; Havana, Cuba.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to John Harvey Hall.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Miami, Coral Gables, FL; 1976–1985; B.S. Chemistry Major, 1980; Ph.D. in Chemistry, 1985;

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Dates of Employment	Title/Job Description	Employer	City/State
10/2007 to Present ..	Principal Deputy Assistant Secretary for Environmental Management.	U.S. Department of Energy	Washington, DC.
05/2005 to 10/2007	Chief Operating Officer for Environmental Management.	U.S. Department of Energy	Washington, DC.
01/2005 to 05/2005	Acting Carlsbad Field Office Manager.	U.S. Department of Energy	Carlsbad, NM.
01/2004 to 05/2005	Deputy Chief Operating Officer for Environmental Management.	U.S. Department of Energy	Washington, DC.
05/1999 to 01/2004	Carlsbad Field Office Manager Waste Isolation Pilot Plant.	U.S. Department of Energy	Carlsbad, NM.
02/1994 to 05/1999	Group Leader, Chemical Science and Technology Carlsbad Field Office Manager Waste Isolation Pilot Plant.	Los Alamos National Laboratory, University of California.	Los Alamos, NM.
11/1985 to 02/1994	Staff member, Isotope and Nuclear Chemistry Division.	Los Alamos National Laboratory, University of California.	Los Alamos, NM.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, American Chemical Society (27 years).

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
On March 25, 2007, I made a $2,300 contribution to New Mexico Governor Bill Richardson while he was running in the Presidential Democratic primary.
On November 16, 2005, I made a $1,000 contribution to New Mexico Senator Jeff Bingaman (D).

On October 13, 2005, I made a $500 contribution to New Mexico Senator Pete Domenici (R).

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

2009, Department of Energy Secretary's Achievement Award.

2007, Presidential Rank Award.

2007, Wendell D. Weart Lifetime Achievement Award.

2004, National Award for Nuclear Science from the Einstein Society of the National Atomic Museum.

2003, American Society of Mechanical Engineers Dixy Lee Ray Award for significant achievements and contributions in the field of environmental protection,

2003, Woman of Achievement Award from the Radiochemistry Society.

1999, Albuquerque Operations Office Manager's Performance Excellence Award for "Ship to WIPP."

1998, Los Alamos National Laboratory Distinguished Performance Award for Nonmixed Waste Sampling/Chemical Analysis for Transuranic Waste Characterization/Certification Project.

1997, Los Alamos National Laboratory Outstanding Mentor Award.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Attached.

[Nominee responded and the information is retained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Attached are the last two presentations that I have given: one in the Energy Communities Alliance Annual Conference (2/12/2009) and the other in the Waste Management Symposium (3/2/2009).

[Nominee responded and the information is retained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

INÉS RAMONA TRIAY.

This 7th day of April, 2009.

[The nomination of Dr. Inés R. Triay was reported to the Senate by Chairman Levin on May 6, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 20, 2009.]

NOMINATIONS OF ANDREW C. WEBER TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS; DR. PAUL N. STOCKTON TO BE ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS' SECURITY AFFAIRS; THOMAS R. LAMONT TO BE ASSISTANT SECRETARY OF THE ARMY FOR MANPOWER AND RESERVE AFFAIRS; AND CHARLES A. BLANCHARD TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE

TUESDAY, MAY 12, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:07 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Webb, Hagan, Begich, and McCain.

Other Senators present: Senators Durbin and Lugar.

Also present: Representative Sam Farr.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Joseph M. Bryan, professional staff member; Jonathan D. Clark, counsel; Madelyn R. Creedon, counsel; Richard W. Fieldhouse, professional staff member; Michael J. Kuiken, professional staff member; and Gerald J. Leeling, counsel.

Minority staff members present: Joseph W. Bowab, Republican staff director; Adam J. Barker, professional staff member; Daniel A. Lerner, professional staff member; David M. Morriss, minority counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Kevin A. Cronin, Mary C. Holloway, and Jessica L. Kingston.

Committee members' assistants present: Gordon I. Peterson, assistant to Senator Webb; Roger Pena, assistant to Senator Hagan;

Gerald Thomas, assistant to Senator Burris; and Lenwood Landrum and Sandra Luff, assistants to Senator Sessions.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. Today the committee considers the nominations of Andrew Weber to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; Paul Stockton to be Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; Thomas Lamont to be Assistant Secretary of the Army for Manpower and Reserve Affairs; and Charles Blanchard to be General Counsel of the Air Force.

We welcome our nominees and their families to today's hearing. Senior Defense Department officials put in long hours every day. We appreciate the sacrifices that our nominees, but frankly even more importantly that their families are willing to make to serve their country.

Each of our nominees has a distinguished background. Mr. Weber spent 24 years in public service, serving most recently as Adviser for Threat Reduction Policy in the Office of the Secretary of Defense, a position in which he has helped to run the Nunn-Lugar Cooperative Threat Reduction Program. Dr. Stockton has been a senior member of the faculty at the Naval Postgraduate School and Stanford University's Center for International Security and Cooperation for almost 20 years. Mr. Lamont served in the Illinois National Guard for over 25 years while working as a partner in two Illinois law firms and holding a succession of positions in State government. Mr. Blanchard served as General Counsel of the Army from 1999 to 2001 before joining the Phoenix office of a major law firm.

If confirmed, our nominees will play a critical role in helping the Department of Defense (DOD) address any number of critical challenges and difficult issues. These challenges range from ensuring that our nuclear stockpile remains safe, secure, and reliable to determining the appropriate role of our Armed Forces in securing the border with Mexico at a time of unprecedented drug violence and a potential pandemic outbreak of swine flu, and from addressing the burdens and stress imposed on our soldiers and their families by repeated deployment in two wars, to ascertaining the appropriate legal status of individuals detained at Guantanamo Bay, Cuba.

We look forward to the testimony of our nominees on these important issues, and I now turn it over to Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Senator Levin.

I want to thank our colleagues from the Senate for being here this morning, and from the House, to introduce our nominees. I'll be brief except to say welcome to the nominees. I thank them and their families for their willingness to serve in the new administration.

At the outset, I join you in expressing our sorrow over the deaths of five soldiers and wounding of three others at Camp Liberty at

the hands of another soldier and extend our condolences and sympathy to the families of all who are involved.

Mr. Chairman, in August 1999, I had the pleasure of introducing Mr. Blanchard to the committee at the hearing on his nomination to be General Counsel of the Army. I applaud his willingness to once again depart his law practice in Phoenix and return as the nominee to be the General Counsel of the United States Air Force.

Mr. Blanchard is extraordinarily well qualified to assume these duties. His academic credentials include outstanding achievement at the Lewis and Clark College and at Harvard Law School, where he graduated first in his class. He completed a master's degree at the John F. Kennedy School of Government and subsequently clerked for one of Arizona's greatest jurists, Justice Sandra Day O'Connor.

In addition to his prior service as General Counsel of the Army, Mr. Blanchard's contributions in the public sector are particularly noteworthy. He was chief counsel to General Barry McCaffrey in his role as drug czar in the White House Office of National Drug Control Policy from 1997 to 1999. In 2003, Mr. Blanchard acted as interim Homeland Security Director in the office of Governor Janet Napolitano, crafted a homeland security plan and helped establish an Arizona Office of Homeland Security. From 1991 to 1995, Mr. Blanchard served as an Arizona State senator, where he chaired the judiciary committee.

It's gratifying that Mr. Blanchard has again stepped forward to serve his country and I know he will be heavily relied on by Secretary of the Air Force Donley and General Schwartz.

Mr. Andrew Weber, the nominee for the position of Assistant Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, as I noted, will be introduced by our esteemed colleague Senator Lugar. However, I am aware he has worked in DOD since 1996 as the Adviser for Threat Reduction Policy. He has over 24 years of Government service, most of which has been dedicated to reducing the threat of weapons of mass destruction.

Thomas Lamont, the nominee for Assistant Secretary of the Army for Manpower and Reserve Affairs, is an accomplished attorney. He'll be introduced by Senator Durbin. He recently completed a 25-year career of service as a judge advocate with the Illinois Army National Guard.

The Army is severely stressed today and we know that its leaders at every level are working hard to craft programs and policies that will enable soldiers and their families to meet the great demands being placed on them. Mr. Lamont, I know you will be a positive influence in assisting Army leaders in addressing these critically important problems.

Yesterday I met with wounded warriors at Walter Reed Army Medical Center. I learned from them that the staff is stressed, case managers have very high case loads, and that high turnover of these managers is a negative factor in achieving continuity and smooth transition for these young heroes. This indicates to me that more work needs to be done to improve execution of the Warrior Transition Unit concept.

Dr. Stockton, you have an impressive record of academic scholarship in homeland defense and homeland security policy, including

leadership positions at the Naval Postgraduate School and most recently at Stanford University. I have to say that your qualifications for the equally important Americas' Security Affairs portion of the portfolio you've been nominated for appears to be lacking. Your responses to the committee's advance policy questions relating to Haiti, Cuba, Venezuela, Bolivia, Panama, U.S. Southern Command, and others were completely unresponsive and raise serious questions which must be clarified before any action should be taken on your nomination. I understand the committee staff intends to follow up with you in this regard.

Thank you, Mr. Chairman, and I welcome our nominees and our colleagues.

Chairman LEVIN. Thank you so much, Senator McCain.

First we'll call on an old friend, Senator Lugar, to make his introduction. Then we'll call on Senator Durbin to make your introduction. Representative Sam Farr, you would then become next. Senator McCain has already introduced Mr. Blanchard. Then once each of you make your introductions, you can either stay or leave as you need to. We know you all have heavy schedules.

Senator Lugar, it's always great to see you here. I made reference to Nunn-Lugar in my introduction and you're well known for many wonderful advances, but that surely is one of them; and we now call on you.

STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM THE STATE OF INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman, Senator McCain. It's a real privilege to be here to introduce my friend Andy Weber.

President Obama has nominated Andy to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. I've worked closely with Andy for more than a decade. I believe the President could not have made a better choice. Andy Weber has played an instrumental role in the success of the Nunn-Lugar program. He's been at the forefront of our Government's efforts to meet the threat posed by weapons of mass destruction. I've seen Andy's decisionmaking, energy, personal diplomacy firsthand during many Nunn-Lugar inspection visits to the former Soviet Union.

He has served his country with honor and courage, most recently as a long-time adviser on the Nunn-Lugar program in the Office of the Secretary of Defense, and I am confident he will continue to do so in his new position.

Mr. Chairman, because of Andy's work we live in a safer world. He has led the program's efforts to address the threat posed by biological weapons. Under his leadership, the program has secured toxic pathogens that could have fallen into terrorist hands, and because of his efforts pathogen strain samples that might some day lead to cures and treatments are being studied in United States laboratories and public health professionals are developing important assessment tools to understand and to prevent the outbreak of deadly diseases that directly threaten the well-being and stability of the world.

In addition to securing biological weapons, Andy has been the point man for our nonproliferation operations in a number of countries. He led the American team that traveled to Moldova to remove 21 MIG–29 fighter aircraft and personally oversaw the transportation of the planes back to the United States. The jets were capable of launching nuclear weapons and would have been extremely dangerous had they been transferred to rogue states.

Andy also led the United States efforts in a once-classified operation known as Project Sapphire. In the winter of 1994, the Kazakh Government discovered nearly 600 kilograms of highly enriched uranium, enough to make several nuclear weapons. The material was highly vulnerable. We know that a number of governments and organizations had a strong interest in acquiring it. Andy's efforts ensured that these materials were transported to the United States for safekeeping.

He also played a crucial role in razing the largest anthrax production facility in the world. The plant, known as Stepnogorsk, was built by the Soviet Union during the Cold War. Each piece of equipment involved in the production and weaponization of biological weapons was destroyed and the structure was bulldozed to the ground.

Andy's operational successes are matched by his diplomatic skills. With an innovative negotiating style all his own, he has built relationships that led to unprecedented nonproliferation breakthroughs. With little fanfare, he has served in remote locations negotiating, monitoring, and implementing the elimination of the most deadly substances ever created.

The position for which Andy has been nominated will be different than the role he played in the Nunn-Lugar program. But I am confident that in a few years we will be reflecting on another long list of his accomplishments. I am proud to offer my strongest endorsement of Andy Weber's nomination. I urge the committee to act favorably. I urge my colleagues in the Senate to confirm him promptly. I thank very much the committee for inviting me to appear today.

Chairman LEVIN. Thank you so much, Senator Lugar. We're delighted to hear from you. We know that you have another commitment, as do our other introducers.

Now a great favorite of all of ours, Senator Dick Durbin.

STATEMENT OF HON. RICHARD DURBIN, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. Thanks a lot, Senator Levin, chairman of the committee, and Senator McCain. Thank you very much for your hospitality today.

It's my honor to introduce Tom Lamont to support his confirmation as Assistant Secretary of the Army for Manpower and Reserve Affairs. President Obama made the right choice when he nominated Tom for this position. Tom is a dedicated public servant who's spent a lifetime dedicating himself to public life. He is also a good friend and neighbor in Springfield. I know him and his family very well.

Unfortunately, his wife Bridget and family could not join him today as Bridget's father passed away Saturday evening. He was

90 years old. That's why Tom is here by himself, but they are with him in spirit and totally supportive of this nomination. I know that Bridget is proud of Tom's service, 25 years of experience as a Judge Advocate General (JAG) with the Illinois Army National Guard. He was the State staff JAG before retiring at the rank of colonel in 2007.

Tom's public service goes beyond the Guard. In 1990 he was elected to the Board of Trustees of the University of Illinois. He also served in the highest capacities with the Office of State's Attorney as appellate prosecutor, civil litigation in the Office of the Illinois Attorney General, and the Illinois Board of Higher Education. He has a private law practice in Springfield and most recently has served as Special Counsel for the University of Illinois.

If confirmed, this broad array of service and experience will serve him well. The Army needs leaders like Tom right now. The Army has soldiers deployed around the world. The wars in Iraq and Afghanistan create tremendous strain on the soldiers and their families, as we saw with this morning's tragic headline.

Of the 178,000 troops serving today in Iraq and Afghanistan, roughly 138,600 are Army soldiers. Of those, 88,000 to 90,000 are members of the Guard and Reserve. That includes, incidentally, 2,700 members of the Illinois Army National Guard's 33rd Infantry Brigade Combat Team. Many of these soldiers have served extended deployments and often multiple deployments.

As the Assistant Secretary for Manpower and Reserve Affairs, Tom will supervise the essential manpower and personnel issues facing the Army, no small task, but one that he is certainly up to. He will be responsible for championing the Army's Reserve components. With his years of experience in the Illinois Guard, he has a strong understanding of the needs of the Reserves as well. He will make sure the Army Reserve has the resources and capabilities it needs to be an operational force.

I strongly support his nomination. I urge the committee to favorably report this nomination for full consideration by the Senate.

Thank you, Mr. Chairman, Senator McCain.

Chairman LEVIN. Thank you so much, Senator Durbin.

Now we will call on Congressman Farr. We're delighted that you could join us today, Sam.

STATEMENT OF HON. SAM FARR, U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. FARR. Thank you very much, Mr. Chairman and Ranking Member McCain.

I'm very pleased to introduce to you Paul Stockton, who I have known for more than a decade as a friend and a mentor. Paul and I became acquainted when he became the Director for the Center of Civil-Military Affairs at the Naval Postgraduate School in Monterey, CA. From my background as a former Peace Corps volunteer in Colombia, I was interested in how the United States could assist foreign nations in resolving civil-military affairs and Paul was the leading expert in this area.

Paul was interested in and knowledgeable about Latin American affairs and developed the DOD programs in Colombia that helped build the effective security partnerships with important democ-

racies, including assisting the Colombian Armed Forces with programs to reinforce the rule of law and respect for human rights. That program involved officers from throughout Central America, El Salvador, and Latin America.

His expertise in international affairs led him to establish the School of International Graduate Studies, where he served as the acting dean until he was appointed provost of the Naval Postgraduate school in 2001. The tragedy of September 11 drove Dr. Stockton to create the Center for Homeland Defense and Security at the Naval Postgraduate School. Dr. Stockton developed the Nation's premier master's degree curriculum that educates our Nation's first responders in critical homeland security issues.

Again, recognizing the need to integrate DOD and the Department of Homeland Security, Paul brought the DOD officers together with their civilian counterparts at the local, State, and Federal level. As the first Director of the Nation's only Department of Homeland Security-supported master's degree program, at the Center for Homeland Defense and Security, Dr. Stockton developed education modules to support the homeland security efforts of governors and mayors all across the country.

Dr. Paul Stockton is among the Nation's top experts in homeland security issues and will lead the Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs with honor and distinction.

In closing, Senators, I'd like to mention that Paul's beautiful wife Missy and his two adorable sons William and Henry cannot be here today, but his in-laws are present and I would like to recognize Bill and Carol Engler, who are sitting right behind me.

Thank you for allowing me this time to pay tribute to my good friend and mentor Dr. Paul Stockton.

Chairman LEVIN. Thank you so much, Congressman. Say hello to my brother, would you? I haven't seen him for a few days.

We'll now turn to our nominees. We're going to ask you all first our standard questions. First, have you adhered to applicable laws and regulations governing conflicts of interest?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Mr. WEBER. No.

Dr. STOCKTON. No.

Mr. LAMONT. No.

Mr. BLANCHARD. No.

Chairman LEVIN. Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record, in hearings?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Do you agree, if confirmed, to appear and testify upon request before this committee?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. WEBER. Yes.

Dr. STOCKTON. Yes.

Mr. LAMONT. Yes.

Mr. BLANCHARD. Yes.

Chairman LEVIN. Thank you.

Now, as I call upon each of you, you should feel free to introduce members of your families if they're with you or friends who are with you. We'll start with Mr. Weber, and we'll go from Mr. Weber, to Dr. Stockton, Mr. Lamont, and then Mr. Blanchard. Mr. Weber, do you have an opening statement?

STATEMENT OF ANDREW C. WEBER, NOMINEE TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS

Mr. WEBER. Thank you, Mr. Chairman. Yes, I do. Chairman Levin, Senator McCain: It is an honor and a privilege to appear before you today as the nominee for Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. I am grateful to President Obama and Secretary Gates for their confidence in nominating me to this important position.

I would like to thank Senator Lugar for the generous introduction and note that he has been an inspiration to me and countless other people around the world, and that his vision and leadership of the Nunn-Lugar programs have made us all safer.

I especially want to thank my loving family. Let me introduce my wife Julie, my daughter Eleanor Jane, and my mother Pat. I would also like to thank my father, James Weber, an Army Air Corps veteran, resting in peace across the Potomac River in Arlington National Cemetery. Finally, I would like to thank my friends and colleagues who are here today to support me.

By nominating a career public servant to this important position, President Obama has demonstrated his faith in the professionals, civilian and military, whose greatest calling is to serve the American people. I have had the privilege of serving under every President since Ronald Reagan these last 24 years. I am truly humbled by the opportunity President Obama has given me, and if confirmed I pledge to work closely with you and this committee to strengthen the Nation's security against weapons of mass destruction.

Mr. Chairman, Senator McCain, I thank you for your consideration and welcome any questions you may have.

Chairman LEVIN. Thank you, Mr. Weber.

Next, Dr. Stockton.

STATEMENT OF DR. PAUL N. STOCKTON, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS' SECURITY AFFAIRS

Dr. STOCKTON. Thank you, Mr. Chairman and Senator McCain, for the opportunity to appear before you this morning. I'm honored that the President has nominated me to be the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs. This day would not have been possible without the love and support of my wife Missy, who had to stay back in California with my two wonderful boys, William and Henry, and with my parents, to whom I owe so much.

I want to acknowledge two special debts of gratitude. The first is to Senator Daniel Patrick Moynihan, who gave me my real education in government. Second, I want to acknowledge Lacy Suiter, who helped me understand the importance of building effective partnerships between DOD and local, State, and Federal civil authorities.

Should I be confirmed by the Senate, I would welcome the opportunity to strengthen those partnerships in support of the Under Secretary of Defense for Policy, the Deputy Secretary, and the Secretary of Defense. I would also do everything possible to strengthen the homeland defense of the United States and to build security in the western hemisphere with our regional partners.

Finally, if confirmed by the Senate I would commit myself to respecting the vital role played by this committee and the Senate as a whole, and would welcome any questions you might have for me this morning.

Chairman LEVIN. Thank you very much, Dr. Stockton.

Mr. Lamont.

STATEMENT OF THOMAS R. LAMONT, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR MANPOWER AND RESERVE AFFAIRS

Mr. LAMONT. Thank you, Mr. Chairman. Chairman Levin, Senator McCain: I am deeply honored and privileged to appear before this committee as the President's nominee for Assistant Secretary of the Army for Manpower and Reserve Affairs. I'd like to thank the President and the Secretary of Defense for the trust and confidence shown me by nominating me to serve in this position. I'd

like to also thank Senator Durbin for introducing me here today and for his support and guidance through this process.

If I am confirmed, as a former National Guardsman I look forward to the opportunity to serve my country again at a time when our national security environment is as challenging as it has been at any other time in our Nation's history. If confirmed, it would be my distinct honor to help them accomplish the complex and challenging missions our Nation asks the Army to perform.

I'd like also to thank my family for their support and encouragement to undertake this new challenge. Unfortunately, my wife of 37 years cannot be here today. Her father passed away this past weekend and the funeral is today. Our son Michael is the oldest grandchild and he is serving as a pallbearer. His duty is with his mother. While I would have liked to have joined the family today, we decided family trials such as this can and do arise at any time for our soldiers and they persevere and soldier on. They should not expect any less from me.

Mr. Chairman, I look forward to any questions you and other members of this committee may have. Thank you very much.

Chairman LEVIN. Thank you, Mr. Lamont. If you would extend our condolences to your family. Their separation from you on a day like this I'm afraid is standard for families.

Mr. LAMONT. Absolutely.

Chairman LEVIN. They come through a lot of trials supporting their member who is in public service, and here we have a very dramatic example on the very day that you have your confirmation hearing. Thank them for their understanding and tell them that we miss them. We understand why they're not here and we very much appreciate their support.

Mr. LAMONT. Thank you for your remarks.

Chairman LEVIN. Thank you.

Mr. Blanchard.

STATEMENT OF CHARLES A. BLANCHARD, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE

Mr. BLANCHARD. Yes, Mr. Chairman and Senator McCain. It's a great honor to be before this committee as a nominee for General Counsel of the Air Force. I especially want to thank Senator John McCain for his kind introduction. This is twice he's done this for me and I deeply appreciate it.

I would also like to thank President Obama and Secretaries Gates and Donley for the trust they have placed in me. Finally, I want to thank the staff and the members of this committee for the great courtesy that they've shown during this process. I realize this is a very busy time and I appreciate the hard work it took to do this hearing so quickly.

My wife Allison wanted to be here today, but obligations have required her to remain in Arizona. I'm very proud of my wife. In addition to being the best possible mother to our very active 4-year-old boy, she also has a long history of public service, including many years in the Pentagon.

I am deeply humbled and honored by this nomination. The most fulfilling job I've had in my career to date was as General Counsel

of the Army and I'm excited by the prospect, if confirmed, of serving as General Counsel of the Air Force.

The challenges facing the Department of the Air Force are many and I look forward to helping Secretary Donley and the rest of the Air Force team as they grapple with these challenges. But most of all, I'm especially happy to be nominated for a position that will allow me to improve the lives of the dedicated Air Force personnel who work to protect America and, when called upon, put themselves in harm's way for our country.

I am committed to a close and productive working relationship and partnership with the Air Force JAG and the other military lawyers in the department. I am proud that I had a great relationship with the Army JAG leadership during my tenure as General Counsel of the Army and General Walt Huffman was not merely a great colleague, he became a close friend. I am firmly convinced that the leadership of the Air Force is best served when the civilian and military lawyers work together as a team to offer the best possible legal advice to our mutual clients.

Should I be confirmed, I look forward to working with this committee in addressing any legal issues that may arise during my tenure, and I appreciate the opportunity to appear today and would be happy to answer any questions.

Chairman LEVIN. Thank you so much.

Let's try an 8-minute round for our first round of questions.

Mr. Lamont, family support programs are more important than ever in light of continued deployments and the related stress, both on members of the armed services, as probably was the cause of yesterday's tragedy, but also on their families. Can you give us your view of the importance of family support programs? Where would you put greater focus?

Mr. LAMONT. Thank you, Mr. Chairman. Obviously, the family support program is extremely important. When a soldier deploys, his family goes to war in many respects themselves. They are confronted with many of the same concerns, housing and education, financial issues, of our society, but yet it's exacerbated with the loss of a loved one.

If I am confirmed, I think it behooves us to do everything in our power to ensure the strength of our family support program, because if we are to sustain the volunteer Army we need to sustain that family support group.

Chairman LEVIN. We've seen a significant increase in suicides. Can you give us your thoughts on prevention?

Mr. LAMONT. I'm aware that it seems to be a significant increase in suicides. This is a terrible tragedy. Again, it somewhat mirrors society, and again exacerbated by the long deployments and the lack of a family support group. We think much more needs to be done in recognizing behavioral and risk factors, and the Army I'm aware has initiated a great deal of new training regimens just in order to try to recognize those risk factors among our troubled soldiers. It's something that we must have constant vigilance on.

Chairman LEVIN. Mr. Weber, you've spent many years working in the Cooperative Threat Reduction (CTR) program, particularly in the implementation of the biological threat reduction programs. The National Academy of Science recently released a report which

set forth recommendations on future opportunities for the CTR program, particularly within the area of biological threat reduction initiatives. Can you give us your view of the report and the recommendations and which of those recommendations would you follow or try to follow for expansion of the CTR program?

Mr. WEBER. Mr. Chairman, my friends Ron Lehman and Dave Franz did an excellent job co-chairing that National Academy report. As required by law, the Secretary will soon be reporting to you with his assessment of that report. But I have studied it closely. It's an excellent report and I personally endorse all of the recommendations.

The most important one is that we take the lessons learned from our threat reduction programs in the former Soviet Union and expand them geographically to other areas of the world. The Secretary is working on a determination to allow us to use the new authorities given by this committee in Pakistan and Afghanistan, and the initial focus of that will be on biological threat reduction programs. Later perhaps we could expand these programs into other parts of the world, like Southeast Asia and Africa.

Another recommendation which I fully endorse is the need for less bureaucracy and more agility and flexibility as we implement these programs. If confirmed for this position, I will oversee the Defense Threat Reduction Agency and will work with that agency on improving the flexibility. Secretary Gates has said that a 75 percent solution in months is better than a 100 percent solution in years, and I think that will be sort of our guiding mandate as we move forward with these programs.

Finally, the report criticized the Government for not having more high-level attention on these programs. The fact that I am being considered for this senior leadership position in DOD will position me personally to give these programs the attention that you and Senator Lugar have given them and Senator McCain by traveling to the countries, meeting with our partners, and visiting some of these weapons of mass destruction sites where the day-to-day work goes on.

Thank you.

Chairman LEVIN. Thank you.

Dr. Stockton, the Commission on National Guard and Reserves made a number of findings and recommendations in their final report on increasing the capabilities and responsibilities of the National Guard and Reserves in the homeland. The commission concluded that: "DOD must improve its capabilities and readiness to play a primary role in the response to major catastrophes that incapacitate civilian government over a wide geographic area." This is a responsibility, in their words, that is "equal in priority to its combat responsibilities."

In response to a request from this committee, Admiral Mullen, the Chairman of the Joint Chiefs, wrote in April 2008 that: "I have some concerns with the Commission's ideas on enhancing the Defense Department's role in the homeland. While Reserve component civil support requirements are important, they should not be of equal importance to DOD's combat responsibilities."

Can you give us your view on that issue? Do you agree with Admiral Mullen or do you agree with the finding of the Commission on the National Guard and Reserves?

Dr. STOCKTON. Thank you for the question, Mr. Chairman. I agree with Admiral Mullen. I believe that the current national defense strategy specifies that the core mission of DOD is the defense of U.S. homeland from attack and the securing of U.S. interests abroad. The civil support mission and support of civil authorities is absolutely vital and if confirmed I would work to strengthen U.S. capacity for that. But the core missions are as stated in the national defense strategy.

Chairman LEVIN. Dr. Stockton, State Governors have authority to activate their National Guard in State status to respond to major disasters and emergencies. However, much of the equipment and many of the specialties needed to respond to these disasters and emergencies are in the Reserves of the Armed Forces and the President is precluded from mobilizing these Federal forces for that purpose.

Governors have opposed DOD's efforts to authorize the President to mobilize the Reserves to respond to insurrections and manmade disasters, accidents, or catastrophes because the Reserves would not be under State command and control.

My question is whether you believe that Congress should authorize the President to order the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve to Active Duty to respond to an insurrection or a serious natural or manmade disaster, accident, or catastrophe even though they would not be under the Governors' command and control?

Dr. STOCKTON. Thank you, Senator. My view is that the current statutory authorities of the President are adequate and that the Insurrection Act as in law today spells out the very limited circumstances under which these kinds of uses of Federal forces, National Guard forces under Federal control, might be used. I do not see at this time the need for further legislation on that subject.

Chairman LEVIN. Thank you all.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Mr. Weber, do you believe that any ratification of the Comprehensive Test Ban Treaty (CTBT) should be preceded by plans for a new redesign and more reliable warhead? Secretary Gates recently stated that without future testing it will become impossible to keep extending the life of our nuclear arsenal.

Mr. WEBER. Senator McCain, I believe that the President's desire to have ratification of the CTBT needs to be backed up by increased attention of the Nuclear Weapons Council of the Department of Defense and the Department of Energy on ensuring that we have a safe, secure, reliable, and credible deterrent. We have an aging stockpile and over time it becomes more difficult to certify the reliability of those weapons without testing. I believe one of the safeguards that we need to have is a supreme national interest clause that would allow testing if it were in the supreme national interest, and we also need to maintain our nuclear weapons testing readiness if one of those situations arose.

But if I am confirmed, making sure that the Department of Energy and DOD dedicate the resources as outlined by the recent Perry-Schlesinger Commission on the U.S. Strategic Posture, that will help us continue into the future to be able to certify the safety, security, reliability, and most importantly, credibility of our nuclear deterrent.

Thank you.

Senator MCCAIN. Dr. Stockton, recently the Senate Homeland Security and Governmental Affairs Committee had a hearing on the increasing violence on the border with Mexico. Do you think that the United States is doing enough to assist the Calderon Government in combating these cartels?

Dr. STOCKTON. Thank you, Senator McCain, for the question. I believe that under the Merida Initiative and other opportunities for the United States to be in support of President Calderon's Government, that we have some ongoing programs of support that are very valuable, and should I be confirmed in this position I would welcome the chance to hear your insights and those of your staff as to how those programs could be further strengthened.

Senator MCCAIN. Let me suggest that you take a trip down to the U.S.-Mexican border and get an assessment. The level of violence is dramatically increasing, the atrocities that are being committed between the cartels and the government to an unprecedented level.

I don't know if you're aware, but the Governors of California, New Mexico, Arizona, and Texas have requested the National Guard to be deployed on the border because of their concerns of the spillover of violence into our country. Do you think that the deployment of National Guard along the southern border would be helpful?

Dr. STOCKTON. Sir, any such deployment would be in support of the local, State, and Federal law enforcement agencies that have primary responsibility for dealing with violence spilling over from the activities of the drug cartels. Should I be confirmed by the Senate for this position, I again would look forward to opportunities for DOD to play that support role consistent with law, as appropriate and as approved by the President of the United States.

Senator MCCAIN. General Michael Hayden, former Director of Central Intelligence, recently said: "Escalating violence along the U.S.-Mexico border will pose the second greatest threat to U.S. security this year, second only to al Qaeda." If General Hayden is correct—and from my own experience I believe he is—I would suggest that you pay attention to that issue and make a recommendation to the President accordingly, because right now the governors, who have to deal with this issue every single day along the border, are strongly in favor of deploying our Guard troops, at least until we have sufficient security along the border.

Mr. Lamont, I think it's important to note that the retention and recruiting in the Army has increased rather dramatically. We know that part of that is the economy, part of it is willingness to serve and a desire to serve, part of it is the fact that we've achieved success in Iraq, and it has had a very significant impact on morale.

I was out at Walter Reed Army Medical Center yesterday and I had the opportunity of having lunch with some of our wounded

warriors. They overall are satisfied with a lot of the treatment they're receiving and the improvements that have been made since the scandal out there. But they also think that there are some needed improvements, particularly in the transition area, from discharge from hospital care to civilian life.

I would suggest that maybe a trip out to Walter Reed and Bethesda Naval Medical Center, where there are some Army personnel as well, and to Brook Army Hospital would be one of your top priorities so that you can get a firsthand understanding of the challenges that these brave warriors are facing. You will be astounded by the morale and the rehabilitation that's taking place, but there are still areas that need to be addressed if we're going to provide them with the care and attention that they have obviously earned.

I hope you'll take the time to go to Walter Reed, Bethesda, Brook, and other facilities that are providing care for our wounded warriors.

Mr. LAMONT. Absolutely.

Senator MCCAIN. Mr. Blanchard, there's been a couple of scandals in the Air Force. One of them had to do with Boeing. Another one had to do with the former Chief of Staff of the Air Force. I urge you to make sure that the performance of all, both civilian and uniformed, in the United States Air Force comports themselves with the highest standards of public service that we expect of them. I would imagine that your previous experience will qualify you to hit the ground running on this issue.

Dr. Stockton, again, our hemisphere is important. It's an important part of your portfolio. We have individuals such as President Chavez in Venezuela, Nicaragua, Bolivia, and Ecuador, where we have significant challenges. I hope you'll clarify your answers to the committee and make sure that they are full and comprehensive.

I congratulate you all and your families, and we look forward to an early confirmation so that you can get to work.

Thank you, Mr. Chairman. I thank the witnesses and their families for their willingness to serve the country.

Chairman LEVIN. Thank you, Senator McCain.

Senator Begich.

Senator BEGICH. Thank you very much, Mr. Chairman.

To all of you, congratulations on being here at this point and I look forward to being one of those that vote for confirmation for you all. I think you're a great group of folks and President Obama has once again selected some good individuals, especially in the armed services area. Again, congratulations to the families that are here. I wish you all the best because I know their hours now will be longer than you had anticipated and what you were told. So be patient with them, but thank you for your support for them. It's very important when they have to do their duty late in the evenings. It's the family that makes the difference. So thank you all for doing that.

I just have questions for two of you, and that could be good and bad; good for the two that don't have to answer questions, bad that you have to wait for the other two to finish. But one is for Dr. Stockton and a couple for Mr. Lamont.

First, Dr. Stockton, in regards to Arctic policy, how do you see your role or how do you see long-term impacts with regards to Arctic policy on homeland security and defense in general as it continues to have more activity and will obviously in the future have a lot of activity, based on the climate change issues? Do you have any general comments you'd like to make on that or specifics, if you could?

Dr. STOCKTON. Thank you for the question, Senator. There are a lot of priorities competing for funding and programmatic support across the Federal Government now. I think in this realm of homeland defense and homeland security there are also terrific opportunities for more effective collaboration between DOD and the civilian agencies, Federal, State, and local, that DOD can support.

In addition to continuing to strengthen capacity to deal with the challenges that our Nation faces, I will look for efficiencies and ways to make sure that these agencies are a more effective mutual support as we go forward.

Senator BEGICH. Do you see, as you look at the different agencies and working with them, as Congress and the White House are developing how we're going to deal with the issues up in the Arctic, how—let me put it another way. Do you think we have enough resources to deal with the future of the Arctic? Is that an area that, as again the Departments of Defense and Homeland Security work together on, which is probably very critical, do you think we have enough resources, or do you think that's an area that we need more engagement?

Dr. STOCKTON. I think we need more engagement, sir. The position for which I have been nominated is responsible for western hemisphere affairs. There are new challenges emerging due to climate change. In the polar region, new passages are opening up for ship traffic. New opportunities for exploitation of minerals, oil for example, in the seabed; and unresolved issues now that have been raised by this.

Should I be confirmed by the Senate, I would pay special attention to these emerging western hemisphere security issues that would fall under my policy purview.

Senator BEGICH. Very good. Thank you very much for that. As a Senator from Alaska, that's obviously an area of concern. We are an Arctic Nation because of the State of Alaska. I truly believe we are totally underresourced up there for what is going to be necessary, not only today but into the future. I appreciate your comments in that regard.

Dr. STOCKTON. Thank you, sir.

Senator BEGICH. Thank you very much.

Mr. Lamont, I have a couple questions and I do want to follow up on the chairman's questions in regards to family support, and something that I know—in Alaska we have lots of folks that have been deployed as well as rotated back. As a former mayor of Anchorage, we've done a lot of work with family support and the necessity of it. I want to echo that I think families and spouses are under great stress at this time based on the deployments and the amount of deployments.

I want to echo the question and have you expand on it, if you could. Do you think we have enough resources focused on family

support, not only here in country, but also on service, outside of the country, in the sense of folks that have been deployed in making sure that the families are well taken care of? Again, not just the large picture, but at the battalion and company level. Can you give me some comment on that?

Mr. LAMONT. I share your concern with that issue. It's absolutely vital that we have an extremely strong family support group. As I mentioned to Chairman Levin, soldiers don't deploy by themselves. All families share in the sacrifices that their loved ones are going through.

I am not totally familiar with all the resources available at this present time to suggest that we need more or less. Clearly, I think we're always open to doing whatever we can to support our families.

I will mention a new program entitled the Army Family Covenant, in which there is great stress and great emphasis on how we can serve the families, no matter where they're situated. Yes, we do have our share of thorns.

Senator BEGICH. Thank you very much. Actually, I was one of the first mayors when I served as mayor to sign the covenant with the Army, because it was an important message and mayors have capacity, especially because they're so local in the sense of connection to the bases, to do whatever they can to serve. We had our superintendent, myself, and others sign that. So I agree with you.

Mr. LAMONT. We need that cooperative effort.

Senator BEGICH. That's a great program.

The other issue is also in regards to families: Do you think within the leadership at your level and other levels that people have made the psychological adjustment that the families—or the Army—the military of today—let me broaden it—the military of today versus 30, 40 years ago—it used to be 75 percent, basically single men enlisted, and now it is 75 percent families instead of single individuals.

Do you think that the folks have adjusted and psychologically changed in the sense of how they deal with the operations of the military, and the Army specifically? Because it has changed dramatically in the last 40-plus years, from 75 percent single males to 75 percent family, give or take a percent there. Do you think that's occurred or do you think there's a lot more work or some work to be done?

Mr. LAMONT. It certainly is a changing environment, although I'm led to believe that the Army has absorbed and reprogrammed to the extent they believe, to move to that psychology of a much larger number of female soldiers now, with families. In fact, I'm told we have over 700,000 children in our Army families right now. I do think there's a lot to be done in that regard. Have we done enough?

Senator BEGICH. Hard to say.

Mr. LAMONT. I don't know that.

Senator BEGICH. That would be an area to look at, because I know when you shift like this you have to get the leadership to also recognize the change that's occurred. It's a tough change because some have been in the system so long, they've been there a long

time, but some of the new challenges of families are pretty dramatic. But I appreciate that.

One other question, I think I'm getting close on time. Let me ask you about some of the recruitment and what's been happening in somewhat of a positive way, because the economy has been flat and in some cases, in some communities, very dramatically hit in the sense of unemployment and so forth.

Some of the recent reports that I have seen, at least in the Army, they have curtailed the waiver policies, reduced recruitment bonuses, and been a lot more selective in admittance, because they have a lot more choices now, which is a good thing in a lot of ways. But on the flip side, in this economy that's flat also the National Guard has had to cut personnel and recruitment budgets have also been reduced. So it's going to have an impact in the economy.

I guess the question is, do you think we have the right level of strength cap, the right levels here, and this is the right move to start reducing in some areas at this time, where we're in somewhat of a transition?

Mr. LAMONT. I think the end strength issues are very important. I share with you the concern of how we reach that end strength. Our recruiting and retention successes have been noted. I also note, frankly in today's paper, that there is a potential budget recommendation of a reduction in recruitment budget.

Senator BEGICH. Yes.

Mr. LAMONT. I would suggest that was not done without full and deliberate consultation with our senior defense leaders, and I look forward to realizing what those discussions were.

Senator BEGICH. Very good. I appreciate it. My time is up and I do thank you for your answers to the questions.

Again, to all four of you, thank you for your willingness to serve your country in this manner. Thank you very much.

Chairman LEVIN. Thank you, Senator Begich.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Gentlemen, I apologize for having stepped out. I'm on the Senate Foreign Relations Committee as well and we have Ambassador Holbrooke two floors away. So it's a typical mil drill up here in the Senate.

Chairman LEVIN. We cannot hear him.

Senator WEBB. Excuse me?

Chairman LEVIN. Usually we can hear him two floors away. [Laughter.]

Senator WEBB. You'll hear about him, I'm sure, in the next hour or 2.

Mr. Lamont, I wanted to take some time today and talk to you about my concerns with respect to the approach that's been taken on manpower issues in recent years. A good place to start and a follow-on to what Senator Begich was saying, I grew up in the military. I grew up in a military family. I know that part of it very well, the stress on the spouse and on the kids.

At one point there was a 3½ year period where my father was either deployed or assigned to bases where there wasn't family housing. When you go through the numbers that you and Senator Begich were trading about the transition of the percentage of mar-

ried personnel, it really occurred principally in the 1980s, when I was Assistant Secretary of Defense responsible for the Guard and Reserve programs.

We saw huge jumps in the percentage of people who were married. In fact, we did a through-line study. I had asked the question, what percentage of sergeants, E–5, in the Army were married in 1971 as compared to 1986, and I think it was 14 percent up to 73 percent. We did a lot of funding during those periods, put a lot of quality of life programs on line.

As someone who had grown up in a different era, it was just remarkable to see the way that DOD stepped forward, and it has continued. I don't think that really is the main impediment today. There are two issues and I want to talk to you about both of them. One is the deployment obligations right now; and the second, it's a little bit of a different question, but I have great concern about this and I've been raising it ever since I've been here in the Senate, and I want to lay this down because I hope you will do something about it in your own position. When people from the Pentagon come over here to this committee and start talking about our Active Duty people, they tend to forget that a great percentage of them are citizen-soldiers. We tend to talk about, oh, you enlist the soldier, you reenlist the family, retain the family.

But it took me a year to get this data when I was pushing the GI Bill, which I wrote and introduced my first day in office, that 75 percent of the soldiers in the Army leave the military on or before the end of their first enlistment and 70 percent of United States marines do the same thing. They leave on or before the end of their first enlistment.

That is healthy for the country. We are a citizen soldiery. But at the same time, I'm not seeing from the leadership in the military today that same tone, at least over here in these hearings, of stewardship, a lifetime of stewardship toward the people who are not career people. We do very well in terms of identifying the needs and the requirements of the career force. I would urge you to, whenever you're looking at any of these issues, to consider the long-term impacts of service in this type of environment.

That's why I introduced the GI Bill. There are so many people who were leaving the military with the Montgomery GI Bill that couldn't even get into basic community college programs, when they had carried the load that very few other people in this country have been carrying since September 11.

It's also, by the way, why I introduced the dwell time amendment twice in 2007, basically saying, however long you've been gone, you deserve that much time back at home before you have to deploy again.

I will say here that—I'm not saying anything that I haven't said directly to General Casey—I was stunned when General Casey called me 2 years ago and said that the Army was going to 15-month deployments with only 12 months at home. The historical ratio on deployments has been 2 to 1. In the Navy, the Marine Corps, in the Army—in the Navy, when I was Secretary of the Navy, their deployment cycle was 6 months at sea, 12 months back at home. The deployment cycle was a year away in the Marine Corps, 2 years at home.

We've gone down to .75 on the rotational cycle. I expressed my concerns very seriously more than 2 years ago about the emotional impact long-term on good people that could potentially come out of that. I'm not going to simply put the suicide issue on that.

But having spent 4 years as a counsel on the House Veterans Affairs Committee right after the Vietnam War and working on these issues of post-traumatic stress and these sorts of things, it's very clear that a lot of the long-term emotional difficulties come from your best people, people who have given the most, and then need the right sort of stewardship, whether they stay in or not.

My strong request to you is that in the policy discussions that you have in your position that you will keep both of those on the table, because they tend to fall off the table when we're talking about effective deployment strategies or maintaining the size of the force and those sorts of things.

Mr. LAMONT. Certainly I'll take your comments to heart.

First let me applaud you for your efforts on the GI Bill. In my previous capacity, one of the first calls I got right after that took place was from our chancellor at the University of Illinois: How can we do this? How can we bring these people in? We want to encourage these people to take their ability to come in and accept that bill and work with it. We want them to use that bill. So we appreciate that.

I am also very aware of the concerns with dwell time. We've seen it with our Reserve component. Secretary Gates has suggested a goal of 1 to 5 years. We're not there yet. I'm aware that the goal for our Active component, we are not able to accomplish yet either. These are serious concerns, and they go to some of the other questions that have been raised here today with our family support. They all tie in together. I will certainly take your comments to heart.

Senator WEBB. I would say, one of the real surprises for me as we move forward on the GI Bill and the dwell time amendment was that the previous administration opposed both of them. They said that it was going to affect retention or that there were political overtones in terms of dwell time. I'm here to tell you, we have a stewardship toward these people and if we, the civilian leadership, don't articulate this stewardship, in a lot of cases it's not going to happen.

Another piece of that, by the way, when you're looking at issues like recruitment, there's two pieces on this GI Bill. One is the best way to make sure that individuals have the proper transition out of a combat environment is to have an affirmation of their service. They go back in that community and say: You know what, I just got a 4-year scholarship for serving my country, and there's only one way you can get it.

The other piece of that is, in all the work that I've done over my lifetime, on the committee, I have 5 years in the Pentagon, the best recruiter is a former military person who has had a positive experience who's back in the community. Someone who has had a good experience and is back on the GI Bill is going to help you selfishly as well.

I wish you the best. For all of you, our door is open and I hope that if you have any questions with respect to issues that you're

working on or if you want to ever take the temperature of our office, we are there.

Mr. LAMONT. Thank you.

Senator WEBB. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Mr. Lamont, I can assure you that Senator Webb's sentiments reflect the sentiments probably of every member of this committee.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

I, too, want to congratulate all of you on your nominations to these very important positions. I want to welcome the family members here because you are definitely crucial to the fact that these individuals are going to be doing an outstanding job. I just want to thank you too for your commitment and in particular your support.

My first question is for Mr. Weber. Transnational terrorism, I think, is among the most important threats that the United States must be capable of combating and deterring. Key to this is preventing the terrorists from obtaining the nuclear fissile materials, to include highly enriched uranium. My question is how do you propose that the United States can achieve this objective in not allowing this fissile material to get into the wrong hands?

Mr. WEBER. Senator, I agree with you. I have had personal experience in this area. In Kazakhstan I helped lead an operation to remove highly enriched uranium for safekeeping at the Y–12 plant in Tennessee.

President Obama in his Prague speech has announced that locking up loose nuclear materials around the globe during his first administration will be a very high priority. He's asked Vice President Biden to help with that. I believe that DOD can play a role, working together with the Departments of State and Energy and other allies, in expediting this effort, because there is no greater threat to our national security than, God forbid, a group like al Qaeda getting its hands on an improvised nuclear weapon.

Senator HAGAN. Do you have any area that you would target first?

Mr. WEBER. DOD under the guidance of the National Security Council, together with the Department of Energy, is working on developing a campaign plan. There are a number of countries that have weapons-usable materials. Some are more cooperative than others. A lot of work has been done in this area over the past 10 or 15 years.

We're left with some of the more difficult countries. It's going to take a lot of effort. But as I tell my colleagues, when Senators Nunn and Lugar created the Nunn-Lugar program they didn't tell anybody it was going to be easy. There's a lot of work to do, but we have a great team in the U.S. Government, and with presidential interest and support I think we will accomplish that objective in the next 4 years.

Senator HAGAN. Last week we had the chairman and the vice chairman of the Congressional Commission on the Strategic Posture of the United States testify before this committee. They suggested the importance of obtaining Russian cooperation on air and

missile defense as a strategic message aimed to curtail the Iranian aspirations of developing nuclear weapons.

Once again a question for you: How do you think such an objective can be obtained?

Mr. WEBER. It's clear that we need Russian cooperation in this global effort to lock down loose nuclear material. We also need more Russian support of the international objective of preventing Iran from acquiring a nuclear weapons capability and mating that to their current ballistic missile capability.

I think President Obama has made this a personal priority. He's traveling this summer to Moscow to continue discussions with President Medvedev on this issue. But clearly we need more active Russian involvement in joining the international community to pressure the Government of Iran to forego its nuclear weapons and related enrichment programs.

Senator HAGAN. Dr. Stockton, key to protecting the United States is to ensure that critical energy infrastructure in strategic parts of the world, such as Saudi Arabia, are protected from asymmetric and unconventional attack, most notably from Iranian ballistic missile surrogates and proxies, as well as al Qaeda hubs in Yemen. These factors can affect the world's oil supply and affect our military capabilities to conduct operations in theater.

What are your thoughts in countering this threat and what types of capabilities do you foresee that we need?

Dr. STOCKTON. Thank you for the question, Senator. My office, the one for which I've been nominated, has some very important support functions. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict has primary responsibility for global counterterrorism, and some of that would involve protection of these very important energy facilities.

But my organization, the one which I'm proposed to head up, also has very significant responsibilities. Let me talk a little bit about those responsibilities and then what I'd do to help strengthen them.

First of all, this position is responsible for global anti-terrorism. That is, the protection of U.S. bases and other facilities abroad from terrorist attacks so they can execute their missions. I would ensure that I did everything possible to strengthen the ability of our forward-deployed forces to accomplish their responsibilities in protecting these critical energy resources.

Second, within the United States the position of Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs is responsible for defense-critical infrastructure protection. To the degree that DOD is dependent on sources of energy in order to execute its missions, both at home and abroad, again I would treat this responsibility very seriously, especially, as you note, the risk that our adversaries will attack us asymmetrically in ways in which we are not well prepared today as we should be.

Senator HAGAN. Thank you.

Mr. Lamont, a question for you, and this follows up a little bit on what Senator Webb was talking about. The United States Army Reserve Command will transition to Fort Bragg by 2011. I represent North Carolina and I've been to Fort Bragg a number of times recently, and they are doing an incredible job in a lot of the

housing, in particular for the married families. I think that's also attributed to the fact that when many of the people are deploying their spouses and families actually stay on base now, instead of returning home to their families in other States and other communities, which I think is very positive, in particular for the community of Fayetteville.

But one of the things that people are concerned about is the number of new people coming into that area and whether or not the infrastructure and the standards and requirements will be ready for this influx of new people.

Mr. LAMONT. I certainly share with you those concerns. Clearly, adequate housing for those new people will be paramount, and I would like to believe that in the deliberations concerning the transition there that they are making efforts to resource them adequately and address those family needs. I think in my new role it'll be very obvious that I will have to be involved in that situation.

Senator HAGAN. Another key component is education. I think we talked about the number of families with students involved, and I know the State government is doing a lot to help prepare, but I think that there will be such a large number of children going to the schools in the community also, that a lot of attention needs to be addressed to that issue.

Mr. LAMONT. The Army is aware of the large number of children in our Army families and we have to address that situation. Beyond housing, there is nothing more important than education in the minds of the family support groups at home. It's educating the children. We must do whatever we can to provide them with, not just an adequate education, but a good education.

Senator HAGAN. I really encourage you to spend a lot of time and energy being sure that does take place, because it is of crucial importance to those young children, but obviously to their parents, too.

Once again, congratulations to all of you and I look forward to working closely with you.

Thank you.

Chairman LEVIN. Thank you very much, Senator Hagan.

I just have a few additional questions for Mr. Blanchard and then, Senator Hagan, do you have any additional ones that you want to ask now? You can do that now if you'd like, because then you will be able to leave if you need to.

Senator HAGAN. I had another one for Dr. Stockton. Last week I had the opportunity to meet with the Ambassador from Mexico. He emphasized that drug trafficking violence in Mexico obviously has been affected by the availability of the assault rifles and extensive flow of cash emanating from the U.S. border in numerous places. In particular he was talking about El Paso, TX, while we were talking.

I was just wondering, what steps can we take in working with the Mexican Government and security officials to curb the flow of cash and these assault rifles across the border?

Dr. STOCKTON. Senator Hagan, I haven't been briefed in detail yet on the policy opportunities that exist. But in general, I'm aware that Secretary Napolitano has expressed strong interest in ensuring that the border is treated from a two-way perspective. That is,

just as we are concerned about ensuring that we do whatever possible to prevent drugs and violence from coming north from Mexico, that the United States has a responsibility to do whatever is possible within the law to prevent the illicit flow of weapons and cash going down to Mexico.

Senator HAGAN. I think it's something that obviously is of a concern.

Thank you.

Chairman LEVIN. Thank you, Senator Hagan.

Mr. Blanchard, we just received a devastating report on the Air Force acquisition system that was prepared by the Center for Naval Analysis at the request of the Secretary of the Air Force. The report says in part that: "Today the Air Force acquisition community is a mere shell of its former self. Since the mid-1990s, not only has cost growth for Air Force programs been rising at an ever-increasing rate, but it seems worse than the cost performance of its system services. Every day it seems there's a new story in the public media suggesting Air Force acquisition incompetence."

Some of the well-publicized Air Force problems include the presidential helicopter, the tanker lease program, and the improper sole source contracts awarded in the so-called Thunder Vision case. Now, I'd like to ask you about what role you expect to play in the acquisition system? More particularly, will you be limited to defending the Air Force in bid protests and other legal actions, or are you going to be able to play a more proactive role in making sure that the Department complies with law and regulation from the outset?

Mr. BLANCHARD. Mr. Chairman, Secretary Donley has made it very clear that acquisition reform and improving the acquisition workforce in the Air Force is one of his top priorities and that I need to play a major role; and that, if confirmed for this position, I would expect acquisition issues to be one of the top priorities. That includes not coming in at the end of the process, and making sure that I, if confirmed, and other lawyers are involved early on in the process.

Chairman LEVIN. Which means proactively?

Mr. BLANCHARD. Absolutely.

Chairman LEVIN. This committee has always valued the important role that's been played by judge advocates general of the military departments in providing independent legal advice to the chiefs of staff. Now, there were a number of attempts to subordinate the legal functions and authorities of the judge advocates general to the general counsels of the Air Force and the other military departments, and we in response to that enacted legislation prohibiting any officer or employee of DOD from interfering with the ability of The Judge Advocates General of the Military Services to provide their independent advice to the respective service chiefs.

Will you comply fully with that legislation if you're confirmed?

Mr. BLANCHARD. Absolutely.

Chairman LEVIN. Can you describe your relationship which you expect to have with the JAG of the Air Force?

Mr. BLANCHARD. In my view, the best relationship is a partnership. It's where you recognize the special expertise that comes from years of service in the Air Force. They know the Air Force better

than I could possibly learn the Air Force, so I need to have that understanding. They know law of war issues and they also obviously know military justice issues, which is why they have the special role for military justice.

I expect to have a collegial, cooperative relationship, much as I had when I was General Counsel of the Army. I understand that our aim is to have concurrence in our legal opinions, but if there comes a day when we have a different point of view I think our client, the Air Force, is best served when both legal views are expressed.

Chairman LEVIN. So you're going to respect and defend that independence?

Mr. BLANCHARD. Absolutely.

Chairman LEVIN. Mr. Blanchard, during the last few years there has been a number of issues regarding religious practices in the military that have gained some attention. They've required some revision of Air Force policies. Some of those issues involved some senior officers who used their position to proselytize other military personnel. They've also involved on the other side military chaplains who expressed concern that they're constrained in their ability to offer public prayer in accordance with their beliefs.

Can you give us some views on the authority of the Air Force relative to the rights of military personnel who have different religious beliefs or no religious beliefs, for that matter, not to be proselytized?

Mr. BLANCHARD. Yes, Mr. Chairman. I believe it's really important that we recognize that there are two parts of the First Amendment that deal with religion, the Establishment Clause and the Free Exercise Clause, and they both come into play. The Establishment Clause really requires that we be very careful that our leaders don't inject religion into areas where it's inappropriate to interject religion, and that's the experience I understand the Air Force had at the Air Force Academy and other areas, where there was a concern that subordinates felt that if they didn't have a particular religious view that would not be respected. It's very important that we be very careful in those settings.

On the other hand, we also need to respect the free exercise of religion by our airmen, which means that we need to help facilitate their religious beliefs. So I think the current policies the Air Force has adopted in light of recent events are appropriate, but I also understand that you can't just say, problem solved, put it away, and go on to the next problem. This is an area by its very nature that has some tension and has to be watched very carefully by senior leaders.

Chairman LEVIN. Will you keep an eye on that issue, and particularly the policy clarification which resulted from some excesses where people were confronted with religious views and put in a position where they were forced to listen, in effect, to religious views which they felt reflected one particular segment of our religious community?

Mr. BLANCHARD. Yes, Mr. Chairman.

Chairman LEVIN. Senator Hagan, are you all set?

Senator HAGAN. Yes.

Chairman LEVIN. I just have one additional question of Mr. Weber. How old is your daughter Eleanor Jane? Is that her name, Eleanor Jane?

Mr. WEBER. Yes, Senator, her name is Eleanor Jane.

Chairman LEVIN. How old is she? Because she's amazing.

Mr. WEBER. She's been very good. It's been a help to have my family behind me. She's 5 years old, Senator. She's at the Tuckahoe Elementary School in Arlington, VA.

Chairman LEVIN. Well, I have three daughters, all of whom at one point were 5 years old. I have five grandchildren, four of whom are granddaughters, three of whom have been 5 years old. I can only tell you your young daughter is truly amazing. She has sat there looking absolutely enthralled and entranced with every question we asked, and she doesn't have the vaguest idea I'm talking to her, but some day you can just tell her what a big hit she was. Would you do that for all of us?

Mr. WEBER. I will. Thank you, Mr. Chairman.

Chairman LEVIN. Dr. Stockton, you're going to get your answers in quickly for the record that Senator McCain asked. It's important that those prehearing questions be answered fulsomely.

We congratulate you all and look forward to a speedy confirmation, and we'll stand adjourned.

[Whereupon, at 11:31 a.m., the committee adjourned.]

[Prepared questions submitted to Andrew C. Weber by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.

Do you see a need for modifications of any Goldwater-Nichols Act provisions?

Answer. At this point I do not. However, if confirmed I will remain sensitive to the goals that Goldwater-Nichols set forth to facilitate jointness in operations, command and control, and acquisition.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If confirmed and in the exercise of my duties I became convinced of the desirability of a modification of a Goldwater-Nichols Act provision, I would consult closely with the Department of Defense (DOD) leadership and Congress.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB)) advises the Secretary of Defense on nuclear and radiological matters and chemical and biological defense, to support strategic direction, oversight, and integration of DOD Countering Weapons of Mass Destruction (WMD) activities, and to ensure that resources and the development of Countering WMD operational capabilities are aligned with national policy, strategy and the requirements of combatant commanders.

Question. The primary function of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is to ensure that the nuclear stockpile remains safe, secure, and reliable.

If confirmed, what steps will you take to ensure that the Secretary receives full and complete technical advice on the nuclear stockpile?

Answer. If confirmed, I will place a very high priority on working closely with the Secretary and the Members of the Nuclear Weapons Council (NWC) in overseeing the Nation's nuclear stockpile and ensuring the Secretary receives comprehensive, excellent quality technical advice on all aspects of the stockpile.

Question. The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs serves as the Executive Director of the NWC.

If confirmed what steps will you take to ensure that the NWC duties are effectively executed?

Answer. At this time, it would be premature to identify specific steps. If confirmed, I intend to work energetically with the NWC to ensure that it effectively carries out its statutorily mandated duties. Reporting to and consulting closely with Congress is an important component of the execution of the Board's duties.

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

Answer. If confirmed, I expect the Secretary to direct me to support his emphasis on re-establishing the professionalism, dedication, and attention to detail necessary to maintain the Department's nuclear weapons in a safe and secure manner. In addition, I expect he will ask me to oversee the Cooperative Threat Reduction Program, the Chemical Weapons Demilitarization Program, the Defense Threat Reduction Agency (DTRA), and the Chemical and Biological Defense Programs.

RELATIONSHIPS

Question. If confirmed, how will you work with the following officials in carrying out your duties:

The Secretary of Defense.

Answer. If confirmed, I expect to report directly to the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)), and through him and the Deputy Secretary and Secretary. On matters directly affecting my technical responsibilities (safety, security, and reliability of the stockpile), I expect to have direct access to the Secretary as needed.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would report through the USD(AT&L) to the Deputy Secretary of Defense. I would also have direct access to the Deputy Secretary in my role as the Executive Secretary of the NSPD–28 Committee of Principals, which the Deputy Secretary chairs.

Question. The Under Secretaries of Defense.

Answer. If confirmed, I would report directly to the USD(AT&L). I would also work closely with Under Secretary of Defense for Policy (USD(P)) to insure the Secretary's nuclear, chemical and biological defense policies, both home and abroad, are understood and implemented. I would work closely with the Under Secretary of Defense Comptroller (USD(C)) and Under Secretary of Defense for Personnel and Readiness (USD(P&R)) to ensure nuclear, chemical and biological defense, and chemical demilitarization programs are adequately resourced and staffed.

Question. The Service Secretaries.

Answer. If confirmed, I will work with the Service Secretaries to ensure that nuclear, chemical and biological defense, and chemical demilitarization programs are given the high priority they deserve.

Question. The commanders of the combatant commands, particularly U.S. Strategic Command, U.S. Special Operations Command, and U.S. Northern Command.

Answer. If confirmed, I would work closely with the combatant commanders to ensure that they have the appropriate systems needed to execute their chemical, nuclear, and biological defense mission.

Question. The Assistant Secretary of Defense (ASD) for Homeland Defense and America's Security.

Answer. If confirmed, I would work closely with the ASD for Homeland Security to ensure that Nuclear, Chemical, and Biological Defense programs and DTRA meet his requirements.

Question. The Assistant Secretary of Defense for Global Strategic Affairs.

Answer. If confirmed, I would work with the ASD for Global Strategic Affairs to ensure that the policy requirements for Nuclear, Chemical and Biological Defense Programs are met. I would also expect to work closely on programs to counter WMD, including the Cooperative Threat Reduction Program.

Question. The ASD for Special Operations and Low Intensity Conflict (SOLIC) and Independent Capabilities.

Answer. If confirmed, I would work closely with ASD(SOLIC) to insure the Secretary's nuclear, chemical and biological defense policies are consistent, understood by our forces and allies, and are being properly implemented.

Question. The Director of the Defense Threat Reduction Agency.

Answer. If confirmed, the Director of DTRA would report to me regarding his responsibilities in combat support, the Cooperative Threat Reduction Program, counter proliferation, on-site inspection, research and development, and chemical and biological defense programs.

Question. The Secretary of Energy.

Answer. If confirmed, I would work with the Secretary of Energy and his staff on issues related to the nuclear stockpile, nonproliferation and counterterrorism.

Question. The Administrator and Deputy Administrators of the National Nuclear Security Administration.

Answer. As partners in the nuclear weapons program, if confirmed, I would work closely with both the Administrator and Deputy Administrator to ensure there are sufficient reliable, safe, and secure weapons to support deterrence, and the Nation has the capability to maintain them.

Question. Officials in the Department of Homeland Security (DHS) with responsibilities for nuclear, chemical, and biological homeland defense matters.

Answer. ATSD(NCB) and DHS are partners in a number of areas such as nuclear detection, nuclear forensics, chemical and biological defense, and counterproliferation. I will work closely with DHS to ensure programs in these areas are mutually supportive.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I have been privileged to dedicate 24 years of continuous public service to strengthening U.S. national security and countering the threat of WMD. My experience leading sensitive projects to reduce nuclear, chemical and biological weapons threats will serve me well if I am confirmed in the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. As with every new position I have taken during my long career in public service, if confirmed I will expend considerable effort studying those areas of the portfolio for which I do not have in depth experience. In addition to extensive briefings and meetings with counterparts and subject matter experts, I would early on visit the facilities where important work on nuclear, chemical and biological defense programs takes place. If confirmed, I would also focus on ensuring that I have the best possible team in place to successfully execute the duties of the office.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. First, making sure that a high priority is placed ensuring that Department's nuclear weapons are safe, secure and reliable. Second, to improve our Nation's defensive preparations for an enemy's potential use of nuclear, biological or chemical weapons. Third, promoting the rapid and safe demilitarization of our chemical weapons stockpile. Fourth, continuing and expanding the Cooperative Threat Reduction program beyond the Former Soviet Union to help prevent the proliferation of WMD.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. To meet the first challenge, I intend to focus on the actions taken to date, review the DTRA conducted inspection reports to ensure the follow-up actions are effective and work with each stakeholder to ensure the proper focus on nuclear policies and procedures. For the second challenge, I would work with stakeholders to enhance the nation's ability to defend against potential WMD attacks. For the third challenge, I intend to closely monitor the execution of the Chemical Demilitarization Program. For the fourth challenge, I intend to work with OSD Policy and DTRA to ensure that there is strong acquisition oversight of the CTR program as it expands.

Question. What do you anticipate will be the most serious problems in the performance of the functions of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. The most serious problem will be enabling the nuclear enterprise to meet the challenges of an aging stockpile and infrastructure in order to maintain a safe, secure, reliable, and credible deterrent.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I would consult closely with the NWC and Congress regarding the findings of the Congressional Commission on the Strategic Posture of the United States and the ongoing Nuclear Posture Review.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. First, placing a high priority on a safe, secure, reliable and credible deterrent. Second, furthering the acceleration of our national capability to respond to new and emerging nuclear, biological and chemical threats. Third, continuing and expanding the CTR program to prevent proliferation of WMD. Fourth, continue to maintain a strong NWC.

REPORTING CHAIN

Question. Section 142 of title 10, U.S.C., requires that the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense programs. The responsibilities for chemical and biological defense were added to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs in 1996. The position was originally created as the Assistant to the Secretary of Defense to ensure direct and timely access to the Secretary of Defense in the event that any matter implicating the safety, security, or reliability of the nuclear weapons stockpile needed to be immediately provided to the Secretary.

What is your understanding of to whom you would report, if confirmed, within DOD, and who would report to you?

Answer. If confirmed, I would report to USD(AT&L), and through him and the Deputy Secretary and Secretary of Defense.

Question. If confirmed, would you expect to have direct and timely access to the Secretary of Defense for matters pertaining to the safety, security, and reliability of nuclear weapons?

Answer. Yes.

NUCLEAR WEAPONS COUNCIL

Question. Section 179 of title 10 of the U.S.C. designates the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs as the Executive Director of the NWC. The Chairman of the NWC is the Under Secretary of Defense for Acquisition, Technology, and Logistics.

Would it be your expectation, if confirmed, to have direct responsibility, authority, direction, and control of all the assets, resources, and personnel needed to fulfill the responsibilities of Executive Director of the NWC?

Answer. Yes.

Question. If confirmed as Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, how frequently would you expect the NWC to meet and, in your view, would that be sufficient to meet the obligations of the Council?

Given the large number of critical issues that are on the agenda of the NWC, I would expect the NWC to meet more frequently than the statutory minimum of four times per year.

If confirmed as Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, how would you ensure that the NWC carries out its statutorily mandated duties?

Answer. If confirmed, I intend to work personally with each of the members of the Council to ensure it effectively carries out its statutorily mandated duties.

Question. Are there any changes that you would recommend to the membership, organization, or structure of the NWC?

Answer. Based on my current knowledge, I do not see the need to recommend structural changes to the NWC at this time. If confirmed, I would evaluate this issue.

Question. What do you see as the challenges that face the NWC in the next 4 years and what would you do to address these challenges?

Answer. The foremost challenges I see are the need to support the Nuclear Posture Review and implement its findings; address mounting concerns in the aging stockpile; and ensure that we have the human capital and resources required to maintain a safe, secure, reliable, and credible stockpile.

ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT TO THE SECRETARY

Question. What is your understanding of the organizational structure of the office of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. My understanding is that there is currently a Principal Deputy who is also responsible for Nuclear, Chemical and Biological Treaty Management, a Nuclear Matters Deputy, a Chemical and Biological Defense Programs and Chem Demil Deputy, and the Director of DTRA, who reports to the ATSD(NCB). In addition, there are supporting staff to enable the functions of the office.

Question. Do you believe this structure is adequate or would you make any changes if confirmed?

Answer. If confirmed I plan to evaluate the structure and make specific changes as appropriate.

NUCLEAR WEAPONS AND THE STOCKPILE STEWARDSHIP PROGRAM

Question. Do you believe that there are any technical reasons to resume nuclear weapons testing at the present time or at any foreseeable time in the future?

Answer. No.

Question. Do you support the Stockpile Stewardship Program?

Answer. Yes.

Question. Do you believe that the Stockpile Stewardship Program is capable for the foreseeable future of supporting the nuclear weapons stockpile without nuclear weapons testing?

Answer. Yes.

Question. What are your views on the current moratorium on nuclear weapons testing?

Answer. I support the moratorium.

Question. What are your views on the Comprehensive Test Ban Treaty (CTBT)?

Answer. I support the President's position regarding ratification of the CTBT.

Question. In your view, are there any additional capabilities that the Stockpile Stewardship program should develop?

Answer. If confirmed I would consult with counterparts to determine what, if any, additional capabilities should be developed to maintain a safe, secure, reliable, and credible deterrent.

Question. What are your views on the feasibility and certifiability (without nuclear testing) of the Reliable Replacement Warhead (RRW)?

Answer. My understanding is the RRW was technically feasible within existing policy.

Question. What role would you play in establishing requirements to ensure security of nuclear weapons in the custody of the Military Services?

Answer. If confirmed, I intend to review the current program and make any necessary changes or recommendations to ensure the security of our nuclear weapons.

Question. If confirmed, how quickly and under what circumstances would you inform Congress in the event there is ever any problem with any nuclear warhead?

Answer. As quickly as possible, and in accordance with statutory requirements.

Question. If confirmed, what role, if any, do you anticipate you will play in reviewing the size and makeup of the nuclear weapons stockpile?

Answer. If confirmed, I would expect to be a major voice in recommending to the Secretary the size and makeup of the nuclear weapons stockpile.

Question. If confirmed, what role, if any do you anticipate you will play in the annual certification process?

Answer. I would expect to support the annual certification process in my role as Executive Director for the NWC.

Question. Do you believe the annual certification process is adequate or would you recommend any changes?

Answer. At this time, I have no reason to doubt the adequacy of the current process. It would be premature to recommend any changes.

SECURITY OF THE NUCLEAR WEAPONS STOCKPILE

Question. If you are confirmed, what role would you have and do you believe the NWC should have in developing, implementing, and overseeing implementation of nuclear security orders and regulations?

Answer. Both the ATSD(NCB) and the NWC have responsibilities to insure that our nuclear weapons are secure. Monitoring security operations and implementation policies, reviewing inspection reports, and insuring sufficient funding for Service security programs are some of those responsibilities.

Question. If confirmed what role would you play in nuclear security and nuclear operational inspections?

Answer. If confirmed, I would expect to review all DTRA conducted inspections. Additionally, I would expect to review all Service conducted inspections and of the results of the Mighty Guardian Force on Force exercises.

DEGRADATION IN NUCLEAR EXPERTISE, TECHNICAL RIGOR, AND COMPLIANCE WITH REGULATIONS, RULES, AND ORDERS

Question. Over the course of the last 18 months there have been a number of instances within DOD of inattention, sloppiness, and intentional disregard for nuclear rules, orders and regulations. The reviews that have been conducted as a result of these incidents have identified degradation in the attention to nuclear matters as one of the root causes of the many incidents.

If confirmed, what role would you anticipate you would play and the NWC would play in restoring discipline and credibility in the nuclear enterprise within DOD and military Services?

Answer. If confirmed, I expect to personally work with the Secretary, Service Secretaries, and the NWC continuing to restore discipline and credibility of the nuclear enterprise and continue to implement necessary reforms to ensure the highest standards for safeguarding our Nation's nuclear weapons.

IMPLEMENTATION OF THE ADMIRAL DONALD REPORT

Question. If confirmed, what role, if any, would you expect to play in implementing corrective actions recommended by Admiral Donald in his report on the security of nuclear weapons in the Air Force?

Answer. I have not been briefed on the Admiral Donald Report, and it would not be appropriate to comment on it at this time. If confirmed, I will review it carefully and evaluate the progress on implementation of its recommendations.

Question. Are there any aspects of the report with which you disagree?

Answer. I have not been briefed on the report and cannot comment at this time.

IMPLEMENTATION OF THE DEFENSE SCIENCE BOARD REPORT

Question. At the end of 2008, the Defense Science Board (DSB) also completed a review of the nuclear enterprise in DOD and made recommendations. If confirmed, what role, if any, would you expect to play in implementing corrective actions recommended by the DSB?

Answer. I have not had the opportunity to meet with this DSB task force and be briefed on their findings. If confirmed, I expect to work with the Secretary and the NWC on any necessary corrective actions identified in the Defense Science Board review.

Question. Are there any aspects of the report with which you disagree?

Answer. As stated above, I have not yet read the report. If confirmed, I intend to work with the Secretary and the NWC in overseeing implementation of appropriate recommendations.

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM

Question. Section 142 of title 10, U.S.C., states that the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs shall advise the Secretary of Defense on chemical and biological defense, as well as on nuclear matters. Your background is primarily in biological threat reduction and related issues.

If confirmed, how would you plan to become familiar with the issues and technology associated with chemical and biological defense matters?

Answer. I am familiar with the issues and technology associated with chemical and biological defense matters based upon my prior experience in the Office of the Secretary of Defense. If confirmed, I will increase my knowledge of the current programs and issues in the NCB portfolio. I believe that to fully understand the NCB Defense Programs for which I would have oversight I will engage the elements of

the Chemical and Biological Defense Program (CBDP), the CDP, and DTRA at their locations. I will visit early on the demilitarization sites and the CBDP research laboratories.

CHEMICAL AND BIOLOGICAL DEFENSE MATTERS

Question. If you are confirmed, what do you expect your roles and responsibilities would be with respect to chemical and biological defense matters?

Answer. The ATSD(NCB) is the principal staff advisor to the Secretary on Chemical and Biological Defense matters. The ATSD(NCB) is responsible for oversight, coordination, and integration of the Chemical and Biological Defense Program. If confirmed, I would expect to work closely with the Services, Joint Program Executive Office for Chemical and Biological Defense, and DTRA to meet those responsibilities.

Question. If confirmed, would you review the chemical and biological defense program and make any needed recommendations to Congress for improving the program?

Answer. Yes.

Question. What are your general priorities with respect to the Chemical and Biological Defense Program?

Answer. The general priorities for the Chemical and Biological Defense Program are: contamination avoidance, protection, and enhancing the Department's ability to respond to emerging biological and chemical threats.

INTERACTION WITH OTHER FEDERAL AGENCIES ON CHEMICAL AND BIOLOGICAL MATTERS

Question. DHS and the Department of Health and Human Services play important roles in planning and implementing U.S. policy and programs for protecting the United States against biological and chemical threats, including the development and stockpiling of vaccines and therapeutic products.

If confirmed, how would you work with these agencies to ensure the effective coordination and collaboration of efforts to improve U.S. security against biological and chemical threats?

Answer. If confirmed I would work with each of these Agencies to insure that programs are mutually supportive, avoid duplication, and share results.

WMD COMMISSION VIEW ON BIOLOGICAL THREATS

Question. The Commission on the Prevention of WMD Proliferation and Terrorism concluded that "terrorists are more likely to be able to obtain and use a biological weapon than a nuclear weapon," and also that "the U.S. Government needs to move more aggressively to limit the proliferation of biological weapons and reduce the prospect of a bioterror attack."

If confirmed, what approach would you take to reducing the risks and consequences of a biological terror attack against the United States?

Answer. I would continue the current Departmental emphasis to protect military forces from current and/or emerging biological threats through aggressive research and development, and proactive coordination and integration with the Departments of Homeland Security and Health and Human Services. I would also work to strengthen the Department's Nunn-Lugar Biological Threat Reduction Program to prevent such threats.

TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE

Question. DOD has undertaken a Transformational Medical Technology Initiative (TMTI) for chemical and biological defense. The purpose of this initiative is to pursue broad spectrum approaches to protecting our military forces against a wide variety of threats, including genetically engineered biological threats. One of the objectives of the program is to develop advanced means of rapid and affordable vaccine production.

What are your views on the value of this initiative, and would you support it if confirmed?

Answer. Yes, I would support TMTI as a high value initiative within the Department. I understand it has developed a preliminary end-to-end capability for response to emerging and engineered biological threats. I am aware TMTI is a vital part of the National Biodefense Strategy and the Integrated National Biodefense Medical Countermeasures Portfolio, which is coordinated with Executive Office of the President, DOD, and the Department of Health and Human Services.

VACCINE DEVELOPMENT AND ACQUISITION

Question. What role would you expect to play, if confirmed, in ensuring that vaccines and therapeutic products needed to ensure protection and medical treatment of military and civilian employees of DOD are developed and acquired in a timely and effective manner?

Answer. If confirmed I would work closely with the ASD for Health Affairs to ensure medical treatment and protection of deployed U.S. servicemembers and civilian employees are developed and acquired. As the ATSD(NCB) I will work through our Joint Program Executive Office for Chemical and Biological Defense which is responsible for the development, procurement, fielding, and sustaining of premier medical protection and treatment capabilities against chemical and biological warfare agents.

CHEMICAL DEMILITARIZATION ISSUES

Question. Since 2001, responsibility and oversight for the chemical demilitarization program within DOD have been under the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

If confirmed, would responsibility for and oversight of the chemical demilitarization program remain within your office?

Answer. Yes.

Question. The United States is a party to the Chemical Weapons Convention (CWC) and, under the terms of the treaty, is obligated to destroy its chemical weapons stockpile by no later than the extended deadline of April 2012.

Do you agree that the United States should take all necessary steps to meet its obligations under the CWC?

Answer. Yes.

Question. If confirmed, what actions would you take to ensure adequate funding is requested to permit the most expeditious destruction of the U.S. chemical weapons stockpile, consistent with the legal requirement to protect public health, safety, and the environment?

Answer. If confirmed, I will review the current program to ensure that priorities, funding, and operations are consistent with its objectives. If additional funding is needed, I will support those requests.

Question. On April 10, 2006, Secretary of Defense Rumsfeld notified Congress that the United States would not meet the extended deadline under the CWC for destruction of the United States chemical weapons stockpile, but would "continue working diligently to minimize the time to complete destruction without sacrificing safety and security," and would also "continue requesting resources needed to complete destruction as close to April 2012 as practicable."

If confirmed, what actions would you take to ensure the full implementation of those commitments?

Answer. If confirmed, I will review the program against those commitments and make any necessary changes or recommendations needed to ensure full implementation.

CONSEQUENCE MANAGEMENT OF CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, OR HIGH-YIELD EXPLOSIVE INCIDENTS

Question. DOD has a mission of providing support to civil authorities for consequence management of domestic chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incidents, if directed by the President or the Secretary of Defense. Since 2002, the ASD for Homeland Defense and Americas' Security Affairs and the Commander of U.S. Northern Command have had responsibilities for planning and executing that mission.

If confirmed, how would you expect to work with the ASD for Homeland Defense and Americas' Security Affairs and the Commander of U.S. Northern Command on issues related to the Department's capabilities to provide support to civil authorities for CBRNE consequence management, as well their homeland defense missions related to nuclear, chemical, or biological weapons or materials?

Answer. ATSD(NCB) oversees a number of programs designed to provide DOD CBRNE responders with equipment, training, command and control support, logistical planning, and technical support. If confirmed I will insure that these programs are responsive to the needs of ASD (HD) and combatant commands.

Question. DHS is the lead Federal agency for planning, coordinating, and implementing consequence management of CBRNE incidents in the United States, in conjunction with the States and territories.

If confirmed, what relationship would you expect to have with DHS and its component entities?

Answer. If confirmed I would expect to coordinate closely with DHS for planning, coordinating, and implementing consequence management of CBRNE incidents.

Question. What do you believe is the appropriate role for DOD in providing support to civil authorities for CBRNE consequence management?

Answer. A CBRNE event would most likely constitute a national emergency. DOD's role should be to provide whatever support and assets that the President requested in order to save lives, minimize damage, and facilitate recovery.

Question. If confirmed, what role would you expect to have in regard to the oversight of DOD capabilities related to consequence management of CBRNE incidents?

Answer. If confirmed, I would expect my role to be a senior advisor to the Secretary of Defense on consequence management capabilities. This would include the states use of Title 32 assets including their WMD Civil Support Teams and CBRNE Enhanced Response Force Packages.

COOPERATIVE THREAT REDUCTION PROGRAMS (NUNN-LUGAR PROGRAMS)

Question. Do you support the Cooperative Threat Reduction Programs?

Answer. Yes.

Question. If confirmed, would you support joint research programs between Russia and the United States in the areas of chemical or biological weapons defense?

Answer. Yes.

Question. What is your understanding as to your responsibilities with respect to the Cooperative Threat Reduction programs?

Answer. The ATSD(NCB) has oversight responsibility for the implementation of the CTR program.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

EMERGENCY PREPAREDNESS

1. Senator COLLINS. Mr. Weber, one of the most disturbing conclusions of the Commission on the National Guard and Reserves report was the assertion that there was "an appalling gap" in our Nation's ability to respond to the use of a weapon of mass destruction on our soil. Specifically, the Commission expressed concern that the forces that would respond to such events had not been fully budgeted for, sourced, manned, trained, or equipped. In a hearing earlier this year, General Victor Renuart stated that he felt that gap no longer existed, and he pointed lo the establishment of Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Consequence Management Response Forces (CCMRFs)—one already stood up with two more on the way—as evidence of this. It is my understanding that Guard and Reserve personnel will comprise a substantial amount of these units. However, in

the event of something as catastrophic as the detonation of a nuclear weapon in an American city, it seems likely that Governors are going to have a significant need for these troops. As has been discussed in several hearings held by the Senate Homeland Security and Governmental Affairs Committee, such an event may necessitate closing down interstate highways and major transportation hubs, handling evacuees from other States, and maintaining civil order in the event that people begin evacuating major cities out of a fear of other nuclear weapons being detonated. Do you believe that the States that will be required to provide these troops to the CCMRF units are going to actually be prepared to release them in the event of a catastrophic incident?

Mr. WEBER. The release of Guard and Reserve personnel to support the CBRNE CCMRFs is not under the purview of the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs as I understand the functions of my office. However, the employment of Guard and Reserve troops in response to something as catastrophic as the detonation of a nuclear weapon in an American city is a vital concern to the department and I am evaluating my office's role in this matter.

[The nomination reference of Andrew C. Weber follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 29, 2009.

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

Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, vice Frederick S. Celec.

[The biographical sketch of Andrew C. Weber, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ANDREW C. WEBER

Andy Weber is currently Adviser for Threat Reduction Policy in the Office of the Secretary of Defense, where he has been serving since 1996. For the past 13 years his responsibilities have included the Nunn-Lugar Department of Defense Cooperative Threat Reduction Program. He played a key role in Nunn-Lugar operations to remove weapons grade uranium from Kazakhstan and Georgia, and nuclear capable MiG–29 aircraft from Moldova. Mr. Weber developed and oversees the Department of Defense Biological Threat Reduction Program, which prevents the proliferation of pathogens, technology, and expertise. For his work at the Department of Defense, Mr. Weber has twice been awarded the Exceptional Civilian Service Medal.

Most of Mr. Weber's 24 years of public service have been dedicated to reducing the threat of weapons of mass destruction. He served previously as a United States Foreign Service Officer, and his diplomatic assignments included Saudi Arabia, Germany, Kazakhstan, and Hong Kong.

Since 2002 Mr. Weber has taught a course on Force and Diplomacy at the Edmund A. Walsh Graduate School of Foreign Service of Georgetown University.

He is a graduate of Cornell University, and has a Master's of Science in Foreign Service from Georgetown University.

Mr. Weber speaks Russian and is a member of the Council on Foreign relations. He lives in Arlington, VA, with his wife Julie and daughter Eleanor.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Andrew C. Weber in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Andrew Charles Weber.

2. **Position to which nominated:**
Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

3. **Date of nomination:**
April 29, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
April 28, 1960; New York City, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Julie Powell Holt.

7. **Names and ages of children:**
Eleanor Jane Weber, age 5.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Edmund A. Walsh School of Foreign Service, Georgetown University, Washington, DC, M.S.F.S. 1986 (1984–1986).
Cornell University, Ithaca, NY, B.A. 1982 (1978–1982).
Scarsdale High School, Scarsdale, NY, 1978 (1974–1978).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Adviser for Threat Reduction Policy, Office of the Secretary of Defense, U.S. Department of Defense, July 1999–present.
Special Adviser for Threat Reduction Policy, Detailed from Department of State to the Office of the Secretary of Defense, December 1996–July 1999.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
U.S. Department of State, Analyst, 1985–1986.
U.S. Foreign Service Officer, U.S. Department of State, 1986–1999:

Training Assignment (1986–1987)
Vice Consul, U.S. Consulate Jeddah (1987–1989)
Political Officer, U.S. Embassy Bonn (1990–1992)
Russian Language Training, Middlebury, VT, and Arlington, VA (1992–1993)
Political Officer, U.S. Embassy Almaty (1993–1995)
Political Officer, U.S. Consulate Hong Kong (1995–1996)

Detail from the Department of State to the Office of the Secretary of Defense, Special Adviser for Threat Reduction Policy, Office of the Deputy Assistant Secretary of Defense for Threat Reduction Policy (December 1996–July 1999)

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Edmund A. Walsh Graduate School of Foreign Service, Adjunct Faculty (2002–present).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Council on Foreign Relations, member.

The Textile Museum, Advisory Council member.

International Hajji Baba Society (rugs and textiles), board member.

Overlee Association, swimming pool membership.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Obama for America, volunteer (2008).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Obama for America, $4,600 ($2,300 primary, $2,300 general).

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Nunn-Lugar Award for Outstanding Contribution to Global Security (2006).

U.S. Department of Defense Medal for Exceptional Civilian Service (2001, 2003).

Edward Weintal Fellowship, Edmund A. Walsh Graduate School of Foreign Service, Georgetown University (1985).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ANDREW C. WEBER.

This 11th day of May, 2009.

[The nomination of Andrew C. Weber was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation

that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

[Prepared questions submitted to Dr. Paul N. Stockton by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. We now have a generation of military leaders for whom operating in a coordinated and joint, multi-Service environment is the norm. Given these successes, I do not see an immediate need to change the provisions of this legislation. If confirmed, I would hope to be in a position to help strengthen the U.S. Government's ability to craft effective whole-of-government approaches to the national security challenges we face.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my previous answer.

RELATIONSHIPS

Question. What do you see as the relationship between the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs and each of the following:

The Secretary of Defense.

Answer. Pursuant to the authority, direction, and control of the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs serves as the principal civilian advisor to the Secretary of Defense and the Under Secretary of Defense for Policy on Homeland Defense activities, Defense Support of Civil Authorities, and Western Hemisphere security matters.

Question. The Deputy Secretary of Defense.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs provides support to the Deputy Secretary similar to that provided to the Secretary, as described above.

Question. The Under Secretary of Defense for Policy.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs functions under the authority, direction and control of the Under Secretary of Defense for Policy and provides advice, counsel, and support to the Under Secretary on Homeland Defense, Defense Support of Civil Authorities, and Western Hemisphere security matters in interagency for a (such as National Security Council and Homeland Security Council deliberations), engagement with interagency and Western Hemisphere interlocutors, and in the Planning, Programming, Budgeting, and Execution (PPBE) processes inside the Department, including the Quadrennial Defense Review, the Quadrennial Roles and Missions Review, and annual program and budget reviews.

Question. The Under Secretary of Defense for Intelligence.

Answer. Pursuant to the authority, direction, and control of the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with, and provide homeland defense, Defense Support of Civil Authorities, and Western Hemisphere policy inputs to the Under Secretary of Defense for Intelligence to achieve the Secretary of Defense's objectives, particularly the defense of the United States from attack upon its territory at home and to secure its interests abroad in the Western Hemisphere.

Question. The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities to provide the Under Secretary of Defense for Policy and the Secretary of Defense with advice and recommendations on policy issues regarding combating terrorism within the United States and policy oversight to ensure that the Secretary's guidance and decisions are implemented properly.

Question. The Assistant Secretary of Defense for International Security Affairs.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant Secretary of Defense for International Security Affairs to provide the Under Secretary of Defense for Policy and the Secretary of Defense with advice and recommendations on policy issues regarding emerging threats to the United States and policy oversight to ensure that the Secretary's guidance and decisions are implemented properly.

Question. The Assistant Secretary of Defense for Reserve Affairs and the civilian officials of the military departments in charge of Reserve affairs.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant Secretary of Defense for Reserve Affairs and the civilian officials of the military departments in charge of Reserve affairs on Department of Defense policy regarding the development, readiness, and employment of National Guard and Federal Reserve component forces within the United States and policy oversight to ensure that the Secretary of Defense's guidance and decisions are implemented properly.

Question. The Chief of the National Guard Bureau, and the Directors of the Army and Air National Guard.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Chief of the National Guard Bureau, and the Directors of the Army and Air National Guard, particularly regarding the roles, capabilities, and readiness of the National Guard to support the homeland defense and civil support priorities and objectives of the Secretary of Defense.

Question. The Director of the Defense Intelligence Agency.

Answer. Pursuant to the authority, direction, and control of the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with, and provide homeland defense, Defense Support of Civil Authorities, and Western Hemisphere policy inputs to, the Director of the Defense Intelligence Agency to achieve the Secretary of Defense's objectives, particularly the defense of the United States from attack upon its territory at home and to secure its interests abroad in the Western Hemisphere.

Question. The Assistant Secretary of Defense for Health Affairs.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant Secretary of Defense for Health Affairs on Department of Defense policy, particularly regarding health force protection, the threat of biological terrorism, the medical aspects of domestic consequence management, and Defense Support of Civil Authorities.

Question. The Assistant Secretary of Defense for Networks and Information Integration.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant Secretary of Defense for Networks and Information Integration on programs, processes, and supporting infrastructures to provide for mission assurance, crisis management, and information sharing with DOD's Federal, State, local, and international partners.

Question. The Chairman and Vice Chairman of the Joint Chiefs of Staff and the Joint Staff.

Answer. As the principal military advisor to the Secretary of Defense, the President, the National Security Council, and the Homeland Security Council, the Chairman has a unique and critical military role. If confirmed as the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I will work closely with the Chairman and Vice Chairman to support the efforts of the Secretary and Deputy Secretary, and to ensure that their military advice is taken into account in an appropriate manner.

Question. The Commander of United States Northern Command and the North American Aerospace Defense Command.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Commander of the North American Aerospace Defense Command and U.S. Northern Command to support the efforts of the Under Secretary of Defense for Policy, Secretary and Deputy Secretary, particularly

in the areas of homeland defense, Defense Support of Civil Authorities, and Western Hemisphere strategy and policy, contingency planning and policy oversight of operations.

Question. The Commander of United States Southern Command.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Commander of the U.S. Southern Command to support the efforts of the Under Secretary of Defense for Policy, Secretary and Deputy Secretary, particularly in the areas of homeland defense, Defense Support of Civil Authorities, and Western Hemisphere strategy and policy, contingency planning and policy oversight of operations.

Question. The Commander of United States Pacific Command.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Commander of the U.S. Pacific Command to support the efforts of the Under Secretary of Defense for Policy, Secretary and Deputy Secretary, particularly in the areas of homeland defense and Defense Support of Civil Authorities strategy and policy, contingency planning and policy oversight of operations.

Question. The Commander of United States Strategic Command.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Commander of the U.S. Strategic Command to support the efforts of the Under Secretary of Defense for Policy, Secretary and Deputy Secretary, particularly in the areas of homeland defense and Defense Support of Civil Authorities strategy and policy, contingency planning and policy oversight of operations.

Question. The Director of the Defense Threat Reduction Agency.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, works closely with the Director of the Defense Threat Reduction Agency, particularly regarding efforts in domestic chemical, biological, radiological, and nuclear threat reduction and defense, counterproliferation, and emergency response support and training.

Question. The Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

Answer. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs works closely with the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, particularly regarding DOD chemical, biological, and nuclear defense programs as they relate to homeland defense, antiterrorism/force protection, and Defense Support of Civil Authorities.

Question. The State Governors.

Answer. In accordance with title 50, U.S.C., the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs is responsible for coordinating DOD assistance to Federal, State, and local officials. Governors play a critical role in Homeland Security. If confirmed, I look forward to becoming more familiar with my responsibilities to support state governors and to take carefully into account their perspective on the role of DOD in this process.

DUTIES AND QUALIFICATIONS

Question. DOD Directive 5111.13 of January 16, 2009, states that the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)), "under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)), serves as the principal civilian advisor to the Secretary of Defense and the USD(P) on homeland defense activities, Defense Support of Civil Authorities (DSCA), and Western Hemisphere security matters." It further elaborates that the ASD(HD&ASA) shall provide overall supervision of homeland defense activities of the Department of Defense (DOD) which include "Defense Critical Infrastructure Program (DCIP); domestic antiterrorism; the Defense Continuity Program; other homeland defense-related activities; and alignment of homeland defense policies and programs with DOD policies for counterterrorism and counternarcotics."

What is your understanding of the duties and functions of the Assistant Secretary of Defense (ASD) for Homeland Defense and Americas' Security Affairs position to which you have been nominated, and do they differ from those described in DOD Directive 5111.13?

Answer. My understanding of the duties and functions of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs is consistent with those described in DOD Directive 5111.13, as well as other applicable DOD directives.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. As the founding director of the Center for Homeland Defense and Security at the Naval Postgraduate School in Monterey, California, I have led a wide range of graduate education and research programs in direct support of the Department of Defense the Department of Homeland Security, other Federal departments, and state and local agencies and elected officials across the United States. That position gave me an opportunity to closely listen to and learn from those on the front lines of strengthening homeland defense and security. My subsequent position as senior research scholar at Stanford University has enabled me to examine these issues in still greater detail.

My background and experience in Western Hemispheric Affairs security issues stemmed initially from staffing those regional issues for Senator D.P. Moynihan as his PRM in the Senate Foreign Relations Committee. Building on that expertise, I helped found and then directed the Center for Civil Military Relations (CCMR) at the Naval Postgraduate School. Sponsored by the Defense Security Assistance Agency, CCMR has conducted dozens of seminars in the Western Hemisphere to help partner nations strengthen democratic control over their security forces. I have served on the seminar faculty teams in seminars in Colombia and El Salvador, and in many more seminars at NPS conducted for participants from our Western Hemisphere partners. I also helped build the Masters Degree curriculum in International Security and Civil-Military Relations at NPS that has enrolled hundreds of students from the region, and addresses issues of defense planning, strategy development, and related topics designed to build partner defense capacity and collaboration with their U.S. military counterparts. I subsequently supervised these curricula as the Dean of the NPS School of International Graduate Studies, and have continued to keep up with developments in the region at Stanford University.

Question. What additional actions do you believe you need to take, if any, to prepare yourself to fulfill these duties?

Answer. If confirmed, I look forward to working closely with the members of this committee in carrying out the duties and functions of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

COMBATING TERRORISM ROLES AND RESPONSIBILITIES

Question. The Department of Defense's combating terrorism activities are currently divided into four categories: Antiterrorism/Force Protection, Counterterrorism, Terrorism Consequence Management, and Intelligence. Section 902 of the National Defense Authorization Act for Fiscal Year 2003, which established the position of Assistant Secretary of Defense for Homeland Defense, also transferred the responsibility for the overall direction and supervision for policy, program planning and execution, and allocation of resources for the Department's combating terrorism activities to the Under Secretary of Defense for Policy.

Please specify what activities within each of the four combating terrorism categories will be under the jurisdiction of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

Answer. If confirmed, I will work closely with the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities, the Assistant Secretary of Defense for Global Strategic Affairs, and the Under Secretary of Defense for Intelligence to achieve the Secretary of Defense's objectives with respect to proper alignment of DOD combating terrorism activities. After review and consultation with these individuals, I will make any recommendations with respect to the overall direction and supervision for policy, program planning and execution, and allocation of resources for the Department's role in support of combating terrorism activities to the Under Secretary of Defense for Policy.

Question. What DOD official or officials will be responsible for DOD combating terrorism activities not under your jurisdiction?

Answer. See my previous answer.

Question. What steps will you take to ensure that the Department's efforts are focused and well coordinated in this critical area of homeland defense?

Answer. If confirmed, I will work closely with the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities, the Assistant Secretary of Defense for Global Strategic Affairs, and the Under Secretary of Defense for Intelligence to achieve the Secretary of Defense's objectives in this critical area of homeland defense.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the ASD for Homeland Defense and Americas' Security Affairs?

Answer. If confirmed, my office would likely play an important role within the Department and the interagency process in developing policy for a number of key issues, including among others: preventing terrorist attacks against the United States, particularly attacks using weapons of mass destructions; planning and preparing for the response to catastrophic incidents in the United States; combating terrorism; adapting the U.S. military for 21st century challenges to the homeland; and strengthening our alliances with key partners and allies in the Western Hemisphere. If confirmed, I look forward to ensuring that the Under Secretary of Defense for Policy and the Secretary of Defense receive the best possible policy input on these vital questions.

Question. If you are confirmed, what priorities and plans do you have for addressing these challenges?

Answer. If confirmed, I expect to provide advice and counsel to the Under Secretary of Defense for Policy and aid in the development of policy advice to the Secretary of Defense. In this, I would give priority to the major challenges identified by the Secretary of Defense and the Under Secretary of Defense for Policy, and to strengthening the organizational capacity of the Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs to address them. I would also pay close attention to the development and maintenance of effective working relationships with both military and civilian counterparts in the Department and the interagency. I would also participate in a number of processes, including the Quadrennial Defense Review and the PPBE process, which will provide an opportunity to assess these challenges and develop policy, plans, and investments to address them.

Question. What do you anticipate will be the most serious problems in the performance of the responsibilities of the ASD for Homeland Defense and Americas' Security Affairs?

Answer. If confirmed, one of my greatest imperatives will be to establish close, cooperative relations with DOD's Federal, State, local, and Western Hemisphere partners. I believe that the serious challenges to the security of the United States and that of its friends and allies in the Western Hemisphere cannot be solved by any single agency or country, but instead must be faced together cooperating towards common goals.

Question. If confirmed, what management actions and timelines would you establish to address these problems?

Answer. If confirmed, I look forward to working closely with the Under Secretary of Defense for Policy in establishing appropriate priorities, actions, and timelines to address these problems.

DIFFERENCE BETWEEN HOMELAND DEFENSE AND HOMELAND SECURITY

Question. The Department of Defense is responsible for homeland defense, and the Department of Homeland Security is responsible for Homeland security.

Please describe your understanding of the differences between the two different missions.

Answer. The Department of Defense and Department of Homeland Security have complementary and mutually supporting roles, missions, and responsibilities. The Department of Defense is responsible for the military defense of the United States from attack upon its territory at home and securing its interests abroad; military missions aim to deter, defend against, and defeat those who threaten the United States. For its part, the Department of Homeland Security is responsible for leading the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters; to secure the Nation's borders, ports, and airports; and to ensure that the Federal Government works with states, localities, and the private sector as a true partner in prevention, mitigation, and response. As necessary, and consistent with the law, the Department of Defense provides support to the Department of Homeland Security in the execution of its missions.

Question. Do you agree that the Department of Defense should not be responsible for Homeland security, but may serve in a supporting role to assist civilian Federal agencies as directed by the President or Secretary of Defense?

Answer. Congress, in the Homeland Security Act of 2002, assigned to the Department of Homeland Security the responsibility for preventing terrorist attacks within the United States; reducing the vulnerability of the United States to terrorism; and minimizing the damage, and assisting in the recovery from terrorist attacks that

occur within the United States. As necessary, and consistent with the law, the Department of Defense provides support to the Department of Homeland Security in the execution of its missions.

INSTALLATION SECURITY

Question. The security of U.S. military installations—both at home and abroad—has been a longstanding priority for the Senate Armed Services Committee.

If confirmed, what would be your priorities for ensuring an adequate level of security for military installations in the United States?

Answer. If confirmed, I would work to ensure the effectiveness of Department of Defense antiterrorism and protection policies in detecting, deterring, and responding to threats directed at Department of Defense installations, facilities, and personnel, including their families. I would also work to ensure that adequate resources are provided to execute these policies and that the Department of Defense is working closely with its Federal, State, local, and tribal partners in establishing a mutually supportive protective posture inside and outside Department of Defense installations and facilities.

DEFENSE CRITICAL INFRASTRUCTURE PROGRAM

Question. The ASD for Homeland Defense and Americas' Security Affairs is responsible for overseeing DOD efforts and programs to protect defense critical infrastructure.

If confirmed, what plans, approaches, and priorities would you have for ensuring that the Defense Critical Infrastructure Program is functioning properly?

Answer. While I am familiar with the importance of the Defense Critical Infrastructure Program, I have not had the opportunity to review the plans, approaches, and priorities for ensuring that the program is functioning properly. If confirmed, I would review such plans, approaches, and priorities, and make recommendations to the Under Secretary of Defense for Policy to ensure that adequate measures are taken for the protection of defense critical infrastructure against current and emerging threats.

VULNERABILITY OF DEFENSE ENERGY SUPPLIES

Question. In February 2008, the Defense Science Board Task Force on DOD Energy Strategy issued a report that considered, among other issues, the vulnerability of assured energy supply to military installations, including those installations that host task critical assets for high priority defense missions. The Task Force concluded that relying on commercial electrical power is not adequate for the Department to assure adequate power to its critical missions, and that "critical national security and Homeland defense missions are at an unacceptably high risk of extended outage from failure of the grid and other critical national infrastructure."

If confirmed, will you review the Task Force report and examine the related issues of the vulnerability of the commercial power grid to prolonged outages, and options and alternatives for assuring adequate power to Department of Defense critical missions at installations in the United States?

Answer. If confirmed, I will review the Task Force report and examine the related issues. I will make necessary recommendations to the Under Secretary of Defense for Policy.

WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS

Question. There are now 54 National Guard Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) established, at least one in each State and territory.

If confirmed, what would be your role with regard to the oversight, training, and employment of the WMD–CSTs?

Answer. If confirmed, I would expect to be responsible for coordinating with other DOD Components regarding the readiness posture of CBRNE forces, including the WMD–CSTs.

CBERNE ENHANCED RESPONSE FORCE PACKAGES (CERFPS)

Question. The National Guard Bureau has established 17 Chemical, Biological, Radiological, Nuclear, and high-yield Explosive (CBRNE) Enhanced Response Force Packages (CERFPs).

Please provide your understanding of the role and capabilities of these units.

Answer. It is my understanding that the National Guard CERFPs, in conjunction with WMD–CSTs, assist local, State, and Federal authorities in CBRNE consequence management. If confirmed, I intend to improve my understanding of these

roles and capabilities and if necessary make recommendations as appropriate to the Under Secretary of Defense for Policy.

Question. If confirmed, what would be your role with regard to the oversight, training, and employment of the CERFPs?

Answer. If confirmed, I would expect to be responsible for coordinating with other DOD Components regarding the readiness posture of CBRNE forces, including the CERFPs.

CBRNE CONSEQUENCE MANAGEMENT RESPONSE FORCES

Question. The Secretary of Defense has issued guidance to establish three CBRNE Consequence Management Response Forces (CCMRFs) by October 1, 2010.

Please provide your understanding of the roles and capabilities of the CCMRFs.

Answer. It is my understanding that the CCMRFs are trained, equipped, and prepared to assist (upon request) Federal, State, and local civil authorities in the response to a CBRNE incident within the United States. If confirmed, I intend to improve my understanding of these roles and capabilities and if necessary make recommendations as appropriate to the Under Secretary of Defense for Policy.

Question. Do you have any concerns about the ability of the Department to implement the Secretary's direction to create the three CCMRFs on the prescribed schedule?

Answer. I do not have a detailed understanding of current implementation plans. If confirmed, I would monitor implementation of the Secretary's direction closely.

Question. If confirmed, what would be your role with regard to the oversight, training, and employment of the CCMRFs?

Answer. If confirmed, I would expect to be responsible for coordinating with other DOD Components regarding the readiness posture of CBRNE forces, including the CCMRFs.

Question. Concerns have been raised about CCMRFs having a possible peacetime role that is inconsistent with other laws (such as Posse Comitatus).

Do you agree that the purpose of CCMRFs is as a DOD support element for CBRNE incidents, and not for peacetime or civil disturbance missions?

Answer. It is my understanding that the purpose of the CCMRFs is to assist (upon request) Federal, State, and local civil authorities in the response to a CBRNE incident within the United States. It is also my understanding that the CCMRFs' mission set does not include domestic law enforcement, crowd control, peacekeeping activities, assistance to civil authorities in instances of civil unrest, or activities to suppress civil disturbances, insurrections, or rebellions.

DOD CBRNE CONSEQUENCE MANAGEMENT CAPABILITIES

Question. Section 1082 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) required the Department to establish an advisory panel to review the Department's capabilities to provide defense support of civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosives (CBRNE) incident, and to recommend any changes it believes necessary. The advisory panel has not yet been finalized or had its first meeting, and it would likely take a year after the first meeting before it reports its recommendations.

If confirmed, will you take the steps necessary to ensure that the provisions of section 1082 are implemented, and that the advisory panel undertakes its mission?

Answer. Yes.

MEXICO—VIOLENCE FROM DRUG CARTELS

Question. Mexico has been wracked by high levels of violence related to drug trafficking and drug cartels fighting among themselves and against the Mexican authorities. This violence threatens to spill over the southwestern border of the United States, and has led the border Governors to call for increased National Guard troops along the border. The ASD for Homeland Defense and Americas' Security Affairs has responsibility for oversight of U.S.-Mexican military relations and security cooperation between the two militaries.

What do you believe is the correct approach for the Department of Defense in working with Mexico to help mitigate this drug-related violence?

Answer. I believe that preventing and responding to drug-related violence, in Mexico as in the United States, is primarily the responsibility of civilian law enforcement agencies. If confirmed, I look forward to working with my counterparts at the Department of State and other relevant Federal agencies to strengthen programs to support efforts to mitigate this drug-related violence, and make appropriate recommendations on the DOD role to the Under Secretary of Defense for Policy.

Question. What do you believe is the proper role for other civilian agencies in protecting the U.S. border against drug-related violence from Mexico, and what role do you believe the Department of Defense should have, if any?

Answer. Protecting the U.S. border against drug-related violence from Mexico is primarily the responsibility of Federal, State, and local law enforcement agencies. DOD's role in the execution of this responsibility is to provide appropriate lawful support when requested, and subsequently approved, by the President or the Secretary of Defense.

PANDEMIC INFLUENZA

Question. The United States is currently facing a pandemic influenza virus that appears to have originated in Mexico. The Department of Defense has had a very limited role in this situation, since other civilian agencies—particularly the Department of Homeland Security (DHS) and the Department of Health and Human Services (DHHS)—have the primary responsibilities for such a public health challenge.

Do you agree that DHS and DHHS should have the primary responsibilities for such a situation?

Answer. Yes.

Question. What role do you see for the Department of Defense in responding to a pandemic influenza situation?

Answer. I believe DOD has a two-fold role. First, DOD should be responsible for protecting the health of the Armed Forces and ensuring their preparedness to execute military missions to protect the United States and its interests. Second, DOD should be a supporting partner as required in the implementation of U.S. Government plans concerning influenza

NATIONAL GUARD AND RESERVE ROLE IN HOMELAND DEFENSE

Question. There is currently considerable debate about the role the National Guard should play in defending the Homeland and in providing civil support assistance in Homeland security missions. The Commission on the National Guard and the Reserves recommended that the National Guard and Reserves be given "the lead role in and form the backbone of DOD operations in the homeland. Furthermore, DOD should assign the National Guard and Reserves homeland defense and civil support as a core competency consistent with their warfighting tasks and capabilities."

What role do you believe that the National Guard and Reserve should have in homeland defense, as compared to the Active component?

Answer. Homeland defense is a Total Force responsibility. If confirmed, I will update my understanding of the roles, missions and capabilities of the National Guard and the Reserves and will work to ensure that they have the equipment, training, and personnel to accomplish their missions, both at home and abroad.

Question. What role do you believe the National Guard and Reserves should have in providing civil support assistance to other Federal agencies, as compared to the active component?

Answer. Civil support is a Total Force responsibility. If confirmed, I look forward to helping to ensure that the National Guard and Reserves are equipped, trained, and prepared to execute vital missions in support of civil authorities in the United States.

RELATIONSHIP WITH U.S. NORTHERN COMMAND

Question. U.S. Northern Command was established in October 2002 with the mission of conducting operations to deter, prevent, and defeat threats and aggression aimed at the United States, its territories, and interests within the Command's assigned area of responsibility; and, as directed by the President or Secretary of Defense, to provide military assistance to civil authorities, including consequence management operations.

If confirmed, how do you anticipate you would coordinate roles and responsibilities with the Commander of U.S. Northern Command?

Answer. If confirmed, I would expect to be responsible for working closely with the Commander of U.S. Northern Command to support the efforts of the Secretary of Defense, particularly in the areas of Homeland Defense, Defense Support of Civil Authorities, and Western Hemisphere strategy and policy, contingency planning and policy oversight of operations.

Question. How do you anticipate that the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs and the Commander of U.S. Northern Command will coordinate with other Federal and State entities in plan-

ning for response to catastrophic events that might require Defense Department support?

Answer. If confirmed, I look forward to working closely with the Commander of U.S. Northern Command to ensure that Defense Department support to other Federal and state entities in response to catastrophic events, if required, is provided in a timely and coordinated fashion.

RELATIONSHIP WITH THE DEPARTMENT OF HOMELAND SECURITY

Question. The establishment of the Department of Homeland Security was one of the U.S. Government's largest cabinet-level reorganizations in the last 50 years. Despite this reorganization, the Department of Defense will continue to play an important role in providing Defense Support to Civil Authorities for Federal response to certain domestic incidents, as directed by the President or the Secretary of Defense.

If confirmed, what role do you expect to play in the coordination of DOD activities with the Department of Homeland Security and its component elements?

Answer. If confirmed, I would be responsible for coordinating the integration of homeland defense policies, programs and activities with DHS, as well as coordinating on the development, validation, and execution of DOD support to civil authorities such as DHS.

USE OF ACTIVE DUTY AND RESERVE PERSONNEL FOR HOMELAND DEFENSE/POSSE COMITATUS

Question. The Department of Defense has a mission to provide support to other Federal agencies in the event of a domestic incident that requires a Federal response, if directed by the President or the Secretary of Defense. The Posse Comitatus Act prohibits military personnel in a Federal status from engaging directly in domestic law enforcement "except in cases and under circumstances expressly authorized by the Constitution or Act of Congress." Use of National Guard personnel in a state status is not prohibited by this act, but the use of military personnel, including the National Guard in a Federal status, is prohibited.

What is your understanding of the legal issues and authority associated with using National Guard and Reserve personnel in security roles within the United States?

Answer. Under the authority of State Governors, in State Active Duty status or duty status under title 32, U.S.C., the National Guard is not subject to the restrictions imposed by the Posse Comitatus Act. However, when ordered to Active Duty, the National Guard and the Federal Reserve components are subject to the restrictions imposed by the Posse Comitatus Act with certain exceptions specifically authorized by Congress.

Question. In your opinion, does the Posse Comitatus Act (title 18 U.S.C. § 1385) or chapter 18 of title 10, U.S.C. (which regulates the use of the Armed Forces in support of civilian law enforcement and related activities) require amendment to deal with the present homeland security situation?

Answer. If confirmed, I would carefully review this issue and if necessary make appropriate recommendations to the Under Secretary of Defense for Policy.

Question. Under what circumstances do you believe that it is appropriate for the Department of Defense to provide assistance to law enforcement authorities in response to a domestic terrorist event? What about a non-terrorist event?

Answer. I do not yet have a detailed understanding of the legal and policy issues at stake on this issue.

Question. If confirmed, what role do you expect to play in making such determinations and making such assistance available?

Answer. If confirmed, I would be responsible for advising, through the Under Secretary of Defense for Policy, the Secretary of Defense on requests for DOD assistance to law enforcement agencies.

MODULARITY

Question. Modularity refers to the Army's fundamental reconfiguration of the force from a large division-based to a brigade-based structure. The new modular brigade combat team is supposed to have an increased capability to operate independently based upon increased and embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as or more capable of full spectrum operations than the divisional brigades they replace. Additionally, under the modular construct, combat, support, and service support brigades would transform to standardized designs that would be self contained with organic support and service support units, full spectrum capable, networked, and compatible with any divi-

sion headquarters. This, the Army argues, provides increased strategic flexibility and force availability. Modular units would share common structure and equipment to allow complete interchangeability across the spectrum of conflict. The plan also provides for the transformation of the Total Army—Active and Reserve components—to modular design and equipment.

What is your understanding and assessment of the Army's modular design and implementation of this transformation strategy as it relates to the Department's homeland defense and civil support missions?

Answer. I have not had the opportunity to become familiar with the Army's modular design and its implementation. If confirmed, I would review this program and its implementation as it relates to DOD's homeland defense and civil support missions and if necessary make any necessary recommendations to the Under Secretary of Defense for Policy.

Question. In your view, what are the greatest challenges, if any, for Department's homeland defense and civil support missions related to the Army's transformation to the modular design?

Answer. See my previous answer.

Question. If confirmed, what actions or changes would you propose, if any, relative to the Army's modular transformation strategy?

Answer. See my previous answer.

ARMY FORCE GENERATION MODEL (ARFORGEN)

Question. The Army relies on a force generation model (ARFORGEN) in which units are manned, equipped, and trained to levels of low to higher readiness over time as they cycle through "reset and train," "ready," and "available for deployment" force pools. This approach will also apply to the Army's Reserve components.

What is your understanding and assessment of the Army's force generation model and its implications for the Department's readiness for homeland defense and civil support missions?

Answer. While I am generally not familiar with the ARFORGEN concept, I have not had the opportunity to review in detail the ARFORGEN implementation plan. If confirmed, I would review the force generation models used by all of the Services and their implementation as they relate to DOD's homeland defense and civil support missions and make any necessary recommendations to the Under Secretary of Defense for Policy.

Question. In your view, what are the greatest resource, readiness, and operational challenges, if any, with respect to ARFORGEN model?

Answer. See my previous answer.

Question. If confirmed, what actions or changes would you propose, if any, to the design, implementation, or management of ARFORGEN?

Answer. See my previous answer.

COORDINATION OF EXPERTISE BETWEEN THE DEPARTMENTS OF HOMELAND SECURITY AND ENERGY

Question. The personnel at the Department of Energy's (DOE) national laboratories have expertise that may be useful to the Department of Homeland Security and to the Department of Defense in the execution of their respective homeland security and homeland defense missions.

How do you believe the Department of Defense can help ensure coordination and communication with the appropriate experts of the national labs to help respond quickly in the event of a national incident or emergency that would require their assistance?

Answer. While I understand the value of the expertise inherent in the national laboratories, I have not had the opportunity to become familiar with the full spectrum of capabilities offered by the national laboratories. If confirmed, I look forward to learning more about these capabilities with respect to incident emergency management and making any necessary recommendations to the Under Secretary of Defense for Policy and the Department of Homeland Security.

WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

Question. Western Hemisphere Institute for Security Cooperation (WHINSEC), which replaced the School of the Americas in 2001, has the mission of contributing to theater cooperation activities and capacity building efforts through the education and training of students in the Western Hemisphere from Canada to Chile.

What is your view of WHINSEC and its mandate?

Answer. I agree with the sense of Congress provided in section 1257 of the National Defense Authorization Act for Fiscal Year 2008: WHINSEC "is an invaluable

education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations." The training and education provided by WHINSEC are absolutely vital to advancing security cooperation in the Western Hemisphere. These missions promote national security interests and support the strategic objective of building lasting partnerships that will ensure security, enhance stability, and enable prosperity throughout the Americas. Should I be confirmed, I welcome detailed briefings on WHINSEC and look forward to working with the committee and State Department to build lasting partnerships throughout the region.

Question. In your view, does WHINSEC promote the national security interests of the United States in the Western Hemisphere?

Answer. See the answer above.

ROLE OF U.S. SOUTHERN COMMAND

Question. If confirmed, you will be responsible for overseeing policy for defense security cooperation, the Department's counternarcotics efforts in the source nations and transit zone, security of the Panama Canal, implementation of security assistance programs, and development of democratic values within the military organizations of the region. To complicate matters, you will face the challenge of pursuing these missions at a time when there appears to be movement away from democracy in some nations, and increasing instability in other nations.

If confirmed, what will be your highest priorities for Western hemisphere security?

Answer. If confirmed, I would recommend to the Under Secretary of Defense for Policy that our priorities for Western Hemisphere security should be to strive to achieve the following goals:

- The U.S. and its partners become more secure from existing and potential threats;
- Partners gain an increasing capacity to address security challenges within their territories;
- Partners are better able to help each other solve security challenges; and
- Partners have the leadership capacity to promote security cooperation in the Americas and beyond.

Question. What actions would you propose to counter the growing threat to democracy in the region?

Answer. I am concerned by recent trends in some parts of the Hemisphere that seem to be weakening the health of democratic institutions. DOD can and should play a supporting role to U.S. Government efforts to keep democracy strong in the Hemisphere. DOD can do this by supporting friends and allies, denying opportunities to hostile influences, respecting differences of opinion, being good listeners, and maximizing interaction. If confirmed, I look forward to furthering this support role. Education exchanges also allow DOD to help reinforce the ideals of democracy, civilian authority, and a well-informed citizenry in our contacts with partners in the Hemisphere.

Question. What is your assessment of the strengths and weaknesses of military-to-military exchange programs and contacts in the U.S. Southern Command area of responsibility?

Answer. My view is that the U.S. Government derives great benefit from our military-to-military exchange programs and conducts them with most countries in the Hemisphere. The United States Southern Command has performed this mission magnificently. U.S. relations with countries in the Americas are strengthened significantly thanks to their efforts. If there is a weakness, it may be that resources available to conduct these activities are limited, and thus desires for engagement exceed the amount of funding and personnel available to do all that the U.S. and its partners would like to do together. If confirmed, I look forward to supporting this program and ensuring that sufficient resources are made available.

COUNTERNARCOTICS EFFORTS

Question. Each year the Department of Defense spends several hundred million dollars to counter the flow of illegal drugs into the United States, yet the availability of drugs on the street has not been significantly reduced, and some countries continue to face internal security challenges in responding to this threat. This has led many to question the effectiveness and focus of our counternarcotics programs.

How would you recommend that the success of the Department's counternarcotics programs be measured?

Answer. While I believe that metrics to assess this program are important, I have not had the opportunity to become familiar with the details of DOD's counternarcotics programs. If confirmed, I will work closely with the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities, who I understand is OSD's lead office for counternarcotics, to review DOD's counternarcotics programs in the United States and the Western Hemisphere.

Question. Do you believe that the current programs that the Department is pursuing are the most effective for the region, or should the Department's efforts focus elsewhere?

Answer. See my previous answer.

Question. If confirmed, where would you rank counternarcotics in terms of its contribution to our national security and the ability of the Department of Defense to make a meaningful contribution, as compared to other missions for which you would be responsible?

Answer. The most recent National Defense Strategy states that the core responsibility of the Department of Defense is to defend the United States from attack upon its territory at home and to secure its interests abroad. Nonetheless, the nexus between narcotics and terrorism is a serious challenge to the United States and its interests abroad. Countering this challenge requires an integrated interagency approach, of which DOD is an integral part. DOD brings important tools and global capabilities to interagency efforts to counter networks that support both terrorist and international criminal organizations. If confirmed, I would work closely with the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities to review the DOD role in combating this nexus in the United States and Western Hemisphere and to coordinate with the other elements of the U.S. Government to determine the best way ahead.

TERRORISM THREAT FROM CARIBBEAN AND CENTRAL AMERICA

Question. In your view, what is the extent of the current threat to the homeland of terrorist extremists from the Caribbean and Central America?

Answer. The threat to the United States from the Caribbean basin and Central America stems primarily from the extensive and well-developed illicit trafficking routes used by criminals and drug trafficking organizations. If confirmed, I will pay particular attention to other emerging threats.

Question. How would you broadly characterize that threat—low, medium, or high?

Answer. Given the aforementioned illicit trafficking routes used by criminals and drug trafficking organizations and the increasing nexus between such trafficking and terrorism, I would broadly characterize the threat level as medium. It would be in the best interest of the U.S. for our Government to work closely with our Caribbean and Central American partners to reduce the threats of drug trafficking and terrorism in the Western Hemisphere. If confirmed, I look forward to closely reviewing this area with the Intelligence Community and developing a more refined assessment of the threat level.

HAITI

Question. The U.N. Security Council voted unanimously on October 14, 2008, to extend the U.N. peacekeeping mission in Haiti for 1 year. Haiti continues to experience turmoil and instability.

How would you characterize the current military, economic, and political situation in Haiti, including the role of the U.N. peacekeeping force and the U.S. military?

Answer. As a direct result of U.N. peace operations, Haiti is more secure and stable than 5 years ago. Many countries in the Hemisphere, such as Brazil, Argentina, Chile, Uruguay, Peru and Guatemala, contribute personnel to these peace operations and are directly responsible for many of the successes. However, security continues to be fragile as a result of weak institutions, underlying poverty, and a history of political instability in Haiti. Significant improvements may be hard to see within the next 6 months. In the longer term, economic and political progress will be necessary before lasting stability can be assured. One of the most important goals should be to assist the Haitian police in assuming increased responsibility for security, thereby allowing this peace operation to downsize its military component, and ultimately, its civilian police component as well.

Question. How do you assess the security situation in Haiti now and what is your estimate of how the situation will look in 6 months?

Answer. See my previous answer.

Question. What conditions or indicators do you consider important in determining whether there will be another wave of Haitian emigration?

Answer. Political instability, a natural disaster such as a hurricane, or a new economic crisis could trigger another wave of Haitian migration. Perceptions of an impending change to U.S. immigration policy could also lead to an increase in Haitian migration.

Question. In your view, what is the cost and effectiveness of U.S. assistance to Haiti?

Answer. It appears to me that U.S. assistance, coupled with the ongoing U.N. peace operation, has contributed to making Haiti more secure and stable over the last 5 years. As far as the cost of that assistance, I would defer to the State Department on the question of how much U.S. foreign assistance funds have been expended on Haiti. The State Department is the lead Federal department for U.S. foreign assistance; DOD plays an important but supporting role.

CUBA

Question. What is your opinion about the need for, and pros and cons of, military-to-military contact with Cuba?

Answer. Currently, my understanding is that the U.S. military conducts regular "fence-line" talks with the Cuban military at the Guantanamo Bay Naval Base, to help ensure that there are no misunderstandings between both sides. If confirmed, I will closely examine whether additional military-to-military contact can play a helpful role in supporting the President's policy of promoting democracy and human rights in Cuba.

Question. What is your view of the need for review, and potentially revision, of U.S. policies regarding Cuba?

Answer. I understand that President Obama has been reviewing U.S. policies toward Cuba, and has already taken important steps to revise some policies. If confirmed, I look forward to joining in that review. As the President has said, "Cuba needs to take steps to revise its policies."

BOLIVIA

Question. In the past few years, Bolivia has experienced extreme political unrest and, lately, President Morales has taken some positions that could complicate U.S. relations with Bolivia.

How do you assess the situation in Bolivia and, if confirmed, how would you seek to accomplish the goals of combating drug trafficking and enhancing military engagement goals?

Answer. The situation in Bolivia is of great concern. President Evo Morales expelled the U.S. Ambassador, all the officers of the U.S. Drug Enforcement Agency, and another U.S. diplomat based on unsubstantiated, incorrect allegations. He has also accused the U.S. Government of plotting his assassination and conspiring with the political opposition. It is my hope that the United States can reestablish cooperation with the Bolivian Government to combat drug trafficking, which threatens both our countries, and that the United States can work positively with Bolivia's military. Ultimately, the choice is up to President Morales. If confirmed, I will support efforts by the Department of Defense to work with countries in the common fight against international drug trafficking and other transnational threats.

VENEZUELA

Question. U.S.-Venezuelan relations have continued to be strained as President Chavez continues to propagate anti-American rhetoric to anyone that will listen, import increasing amounts of military armament, politicize the Venezuelan military forces, and export his brand of populism to the region.

What is your view of President Chavez's intentions in the region?

Answer. I believe that President Chavez seeks to be a regional player and expand his sphere of influence.

Question. How would you characterize the current state of military-to-military relations between the United States and Venezuela?

Answer. It is my understanding that there are minimal military-to-military relations with Venezuela. This has not always been the case. In the past, the United States and Venezuela enjoyed a close military-to-military relationship. It would be good for each nation's military to have closer contact once again, but that would take a change in the current policy of the Venezuelan Government.

Question. What role do you see President Chavez playing in national elections throughout the Western Hemisphere area of operations?

Answer. I believe that is a question that the Department of State is best qualified to address.

Question. How would you assess Venezuelan relations with Cuba and China vis-á-vis the national security interests of the United States?

Answer. In my view, Venezuela and Cuba have a close relationship. Venezuela and China have entered into economic cooperation agreements that have led to a practical relationship. Venezuela's relationships with Cuba and with China do not appear to pose a significant threat to U.S. national security interests. If confirmed, I look forward to carefully reviewing these complex relationships and the potential threats that Cuba, China, and other countries may pose to national security interests.

PANAMA

Question. How do you assess the current political and economic situation in Panama?

Answer. Panama held elections on May 3, 2009 and elected Ricardo Martinelli as its next president. It is important for the United States to continue working closely with Panama, which is an important political and economic partner to the United States. I would defer to the State Department to offer a more detailed assessment of Panama's political and economic situation.

Question. To what extent do you assess that the Panamanian Government attempts to interdict the drug flow out of South America through Panama?

Answer. My understanding is that Panama, which has suffered from increased levels of violence tied to narcotics trafficking, has recently approached the United States in an effort to expand and improve its ability to interdict drug trafficking originating in South America. If confirmed, I will support cooperation to assist Panama in achieving that goal.

Question. What is your assessment of how Panama is protecting and maintaining the Panama Canal?

Answer. My understanding is that Panama is doing a good job of protecting and maintaining the Canal and investing resources to make necessary infrastructure improvements. The Canal is vital to U.S. commercial interests. Regarding protection, I understand that the Canal Authority maintains a highly professional security force that is well trained, funded, and equipped.

Question. How vulnerable is the Panama Canal to attack by terrorists, and what would be the consequences of an attack to U.S. national security interests?

Answer. My understanding is that although the Canal is well protected, Panama recognizes the challenge in safeguarding a large infrastructure target such as the Canal. Panama and U.S. Southern Command co-sponsor PANAMAX, a large-scale annual multinational exercise focusing on protection of the Canal. The consequences to the U.S. economy from a terrorist attack on the Canal, depending on the severity and time needed for repairs, could range from mild to serious. Shutting down the Canal, even for a few weeks, would raise the price of goods, especially imports from Asia to the U.S. east coast.

FORWARD OPERATING LOCATIONS

Question. One of the elements of the counternarcotics strategy in the Western Hemisphere is the establishment of forward operating locations (FOLs) in the source and transit zone. There is some concern that the Department has not deployed sufficient aircraft and other resources to these FOLs to justify sustainment costs and continued improvements. There is also concern that after U.S. investment of several million dollars in these facilities, the host nations will restrict our use of these facilities. The Department is also losing one of its strategic locations (i.e. Manta, Ecuador) on the Pacific coast later this year.

In your view, what is the role that these FOLs play in the Department's counterdrug efforts?

Answer. My understanding is that FOLs play a significant role in the Department's counternarcotics mission. These FOLs support DOD detection and monitoring flights, which are more effective due to their proximity to the area of interest. If confirmed, I will continue to support FOLs in strategic locations.

Question. In your view, does current use continue to justify the costs of sustaining these locations?

Answer. It appears to me that the counternarcotics FOLs have more than justified their initial cost and annual upkeep. Without these FOLs, DOD would have to launch surveillance flights from U.S. soil, which would reduce U.S. response capability.

COLOMBIA

Question. Under President Uribe's leadership, Colombia has improved its military performance in pursuing the paramilitary groups and their associated drug networks, and demonstrated an increased willingness and commitment to address and defeat the insurgency.

Please outline your views regarding the current situation in Colombia focusing upon: (1) the current military and political situation in Colombia; (2) the ability of the Colombian military to regain control of its territory; and (3) ongoing DOD programs, including the effects of the caps on U.S. troops and contractor personnel.

Answer. (1) In my view, Colombia is not the same country it was 10 years ago. With the support of Congress, the U.S., in partnership with President Uribe, his administration, and Colombians at all levels, has made considerable progress against the drug lords and terrorist organizations. In Colombia, problems of every variety are linked to drug trafficking and terrorism, including deep-seated political conflicts, social exclusion, economic inequality, endemic violence, and corruption. Through fiscal year 2009, United States assistance to the Government of Colombia has helped achieve dramatic changes in Colombia's political and military situation. Nevertheless, I believe that to secure the progress Colombia has made will require sustained commitment from the United States and the international community.

(2) Since 2002, President Alvaro Uribe has provided increased resources to the military for the implementation of his "Democratic Security" strategy, and increased their capacity to directly confront illegal armed groups and protect the general public. Since then, with U.S. support, the Colombian military has grown significantly, and is now more capable of providing the security needed to protect Colombians and control its territory. The Colombian operation that rescued 15 high-profile hostages, including three Americans, on July 2, 2008, was a spectacular demonstration of the improving competence of the Colombian military.

(3) Ongoing DOD Programs. Current U.S. security assistance provides training, equipment, planning assistance, intelligence and funding for Colombian military forces, in the areas of counternarcotics and counterterrorism. Specifically, the United States currently supports program areas such as: Air, ground and riverine operations to help the Colombian Armed Forces defeat illegal armed groups; governance programs to strengthen the Government of Colombia's presence in recovered areas; joint intelligence and communications programs that support coordination, and integration between the military services; and institutional transformation initiatives of the Ministry of Defense and the Colombian military to help them become more modern, efficient and capable institutions.

I do not believe that the caps on U.S. troops and contractor personnel have had a significant impact on our efforts to provide support. I should note that the United States provides support and training but does not conduct "military operations" and that U.S. personnel are prohibited from engaging in combat.

Question. When the United States began providing increased support through Plan Colombia for Colombia's efforts to significantly reduce or eliminate paramilitary groups and their associated drug networks operating in their country, much concern was expressed about human rights abuses that the Colombian military forces had committed.

What is your assessment of the record of the Colombian military with regard to respect for human rights over the past 3 years?

Answer. While challenges remain, the Colombian Ministry of Defense and its military are making significant progress on promoting human rights, preventing abuses, protecting vulnerable groups, and prosecuting perpetrators of abuses; and I believe they are committed to doing more. Work remains to be done to ensure no breakdowns in command and control occur in the military and that all elements in the Colombian military act within the law. If confirmed, I will work to ensure that progress continues in this important area.

Question. What more remains to be done and how would you approach the issue of respect for human rights in the Colombian military?

Answer. We should continue to encourage the transparency and determination of the Government of Colombia in confronting this situation. An especially positive action that the Colombian MOD has taken to ensure human rights compliance is the publication of a Human Rights and International Humanitarian Law policy that is being implemented to internalize appropriate conduct at all levels of the military.

My own view is that there can be no tolerance for those who commit human rights abuses, and those who break the law must be held accountable. The United States Government needs to be clear with the Government of Colombia that any kind of complicity with drug trafficking or illegal armed groups will not be tolerated. The Colombian Government and its uniformed services must continue the positive steps

that have been taken and thoroughly investigate and prosecute all such cases in a timely manner. It must be clear that failure to do so could jeopardize further U.S. Government funding and support.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information in a timely manner.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

LATIN AMERICA

1. Senator MARTINEZ. Dr. Stockton, when the Office of Western Hemisphere Affairs was merged into the Assistant Secretary of Defense for Homeland Security, it signaled to Latin America that U.S. interest in the region was little more than an adjunct to our own homeland security. If confirmed, what steps will you take to ensure that priority attention is given to Latin America?

Dr. STOCKTON. In my view, working with our Nation's partners in Central America, the Caribbean, and South America is a top priority, and not simply an adjunct to our own homeland security. If confirmed, I hope to signal that view to our friends and allies in Latin America. I expect Latin American issues to occupy an important part of my portfolio and my attention. To help ensure that this region receives sufficient attention, I would direct my staff to increase bilateral and multilateral engagements with their foreign counterparts, and would support requests from foreign defense officials to meet with senior Department of Defense (DOD) officials at home and abroad to discuss the full range of common security interests and challenges we share, not just those associated with homeland defense. I also would advocate for the allocation of sufficient funding and other resources to support security cooperation activities with our partners.

2. Senator MARTINEZ. Dr. Stockton, recognizing that you are still getting acquainted with specific U.S. programs in Latin America, what are the general principles by which you will make judgments regarding ongoing DOD programs?

Dr. STOCKTON. I look forward to becoming more acquainted with specific U.S. programs in Latin America; however, if confirmed, there are certain general principles that I will follow regarding ongoing DOD programs. First, it is important to maintain mutually effective defense relationships with our allies and friends in the hemisphere. Second, DOD programs focused on Central America, South America, and the Caribbean must continue to support democracy, human rights, cooperation, and the effort to secure the hemisphere from transnational threats such as terrorism and illicit trafficking in arms and drugs. I will use these general principles in considering the effectiveness of existing programs, to identify opportunities for improvement, and to make recommendations to the Under Secretary of Defense for Policy, the Deputy Secretary of Defense, and the Secretary of Defense.

3. Senator MARTINEZ. Dr. Stockton, in your view, should there be different principles for interaction with the militaries of countries whose leaders are openly anti-American, such as exists in Venezuela, Bolivia, and Nicaragua?

Dr. STOCKTON. I believe that it is in the best interest of the United States to strive to maintain positive military-to-military relationships with all countries in the Americas, even in cases where countries' leaders criticize the United States. Transnational threats affect all our countries, and it is important that our militaries be able to work together to confront those threats where possible. In addition, our contacts with other countries' militaries can serve to reinforce the importance of principles such as democratic norms, respect for human rights, and the need for Armed Forces to remain apolitical and under civilian control. Finally, it is important to maintain contacts with foreign nations' militaries to develop relationships that may be important in the future, including under future governments that may be friendlier to the United States. Of course, there may be times when, despite our best efforts, cooperation with another country's military is not possible.

U.S. SOUTHERN COMMAND

4. Senator MARTINEZ. Dr. Stockton, in your responses to the advance policy questions on the role of U.S. Southern Command, you stated that a priority is to "continue to focus on making the United States and its partners more secure from existing and potential threats." In your view, what are those threats as you currently understand the situation?

Dr. STOCKTON. As I currently understand the situation, such threats include illicit trafficking in drugs, arms, and persons; money laundering; and criminal gangs. I also consider as potential vulnerabilities for concern the inability of governments to exercise effective sovereignty over their territory and the lack of preparedness to respond adequately to natural disasters.

MILITARY-TO-MILITARY RELATIONSHIPS

5. Senator MARTINEZ. Dr. Stockton, in your view, what is the role of military-to-military relationships with those Latin American militaries in countries where governments are closing political space and dismantling democratic institutions?

Dr. STOCKTON. See the answer to question number 3.

6. Senator MARTINEZ. Dr. Stockton, what role do you see military educational institutions, such as the Western Hemisphere Institute for Security Cooperation (WHINSEC) and the Center for Hemispheric Defense Studies, having in building military-to-military relationships?

Dr. STOCKTON. I believe that educational institutions such as WHINSEC and the Center for Hemispheric Defense Studies (CHDS) can play a key role in promoting democracy and human rights in the Western Hemisphere by providing professional education and training for military, civilian, and law enforcement personnel from countries throughout the Hemisphere. These institutions promote our Nation's national security interests, support our Nation's strategic objective of building lasting partnerships, and establish mutual relationships and understanding, and, in turn, help ensure security, enhance stability, and enable prosperity throughout the Americas. WHINSEC and CHDS are dedicated to fostering mutual knowledge, transparency, confidence, and cooperation among individual military participants and participating nations, and to promoting democratic values, respect for human rights, and knowledge and understanding of U.S. customs and traditions.

CUBA

7. Senator MARTINEZ. Dr. Stockton, since a central element of U.S. policy is to promote democratic institutions and respect for human rights, to what extent will the Castro Government's treatment of the Cuban people factor into your assessment of any military-to-military contacts between U.S. military personnel and members of the Cuban military and other elements of that government's repressive apparatus?

Dr. STOCKTON. It is my understanding that the U.S. military currently conducts regular fence-line talks at the Guantanamo Naval Base with Cuban military officials in order to help ensure there are no misunderstandings on either side. President Obama has recently taken steps to revise U.S. policy toward Cuba, and the United States is seeking greater openness and respect for human rights and democratic principles from the Cuban Government. In this, the U.S. military can be of assistance in reaching out to the Government of Cuba through existing diplomatic

channels. Also, it is my understanding that the Cuban military remains a highly respected institution within Cuba because it has not participated in human rights abuses. Accordingly, an avenue may be open for the U.S. military to help U.S. diplomatic efforts by leveraging common military traditions to open new diplomatic outreach opportunities, find common ground on which to pursue productive dialogue, and promote respect for human rights.

BOLIVIA

8. Senator MARTINEZ. Dr. Stockton, President Evo Morales has repeatedly attempted to mischaracterize the United States, including the role of U.S. military and law enforcement personnel in Bolivia, as engaging in activities against his government. Should Morales' unfounded accusations continue, are you prepared to recommend to the Under Secretary of Defense for Policy and, ultimately, the Secretary of Defense that all U.S. military contact with Bolivia be suspended?

Dr. STOCKTON. Eliminating all U.S. military contact with the Bolivian Government is an option that I would not recommend at this time. I believe it is important to maintain U.S. military diplomatic dialogue with the Bolivian military through our Defense Attaché. Nonetheless, if confirmed, I will consider all the possibilities and make my recommendation on the option that would best advance our interests in Bolivia and in South America.

VENEZUELA

9. Senator MARTINEZ. Dr. Stockton, in your responses to the advance policy questions, you state the belief that "President Chavez seeks to be a regional player and expand his sphere of influence." In such a situation, what is your view of the interaction the U.S. military should have with the Venezuelan military?

Dr. STOCKTON. It is my understanding that currently our military-to-military relations with Venezuela are minimal, largely due to limitations imposed by President Chavez. This has not always been the case. In the past, our countries enjoyed a close military-to-military relationship. It would be good for our militaries to have closer contact once again, but that would take a change in the current policy of the Venezuelan government.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

CIVIL SUPPORT MISSION

10. Senator COLLINS. Dr. Stockton, last year, the Commission on the National Guard and Reserves criticized DOD for not having made civil support a primary mission of the Department, stating that this was a contributing factor to the Nation being unprepared to respond effectively to a catastrophic incident. While I do not agree that the civil support mission should be of the same priority as the warfighting mission of the Department, this is clearly an important responsibility. As Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, how will you ensure that the Department's civil support mission is suitably prioritized?

Dr. STOCKTON. Both the 2007 National Strategy for Homeland Security and the 2008 National Defense Strategy recognize that the core responsibility of the Defense Department is to defend the homeland in depth, and both documents reinforce the Department's responsibility to maintain and enhance its capacity to support civil authorities in preventing terrorist attacks and responding to catastrophic natural and man-made disasters. If confirmed as the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, I will be the principal civilian advisor to the Secretary of Defense and the Under Secretary of Defense for Policy on homeland defense activities, Defense Support of Civil Authorities, and Western Hemisphere security matters. In this capacity, I will ensure that the Under Secretary of Defense for Policy and the Secretary of Defense receive the best possible policy input on how the Department can meet the challenges of defending the United States and assisting civil authorities in preventing terrorist attacks and responding to disasters more effectively. An important aspect of my approach will be to focus on ensuring development of realistic, detailed, and coordinated plans for civil support. Such plans can aid significantly in defining and validating the assistance needed by Federal, State, and local civil authorities, eliminating organizational, jurisdictional, and operational seams and gaps, and ensuring a unity of effort.

EMERGENCY PREPAREDNESS

11. Senator COLLINS. Dr. Stockton, your predecessor, Assistant Secretary Paul McHale, was a proponent of the Task Force for Emergency Readiness program, which facilitates State emergency planning by teaming State civilian planners, National Guard planners, Department of Homeland Security (DHS) Federal Preparedness Coordinators, and DOD Emergency Preparedness Liaison Officers. The Federal Emergency Management Administration is currently conducting a pilot program to evaluate the effectiveness of this idea. Provided that the pilot program proves successful, will you continue to support the participation of DOD planners in this effort?

Dr. STOCKTON. Yes. Deliberate contingency planning improves effectiveness by clearly defining what capabilities are needed, where they are needed, and when they are needed. The coordinated State and Federal contingency planning intended by the Task Force for Emergency Readiness initiative also can reduce delays in necessary actions to save and sustain lives, reduce seams and gaps in a response, and limit shortfalls in critical resources needed for the response. Moreover, contingency plans can provide an invaluable mechanism by which to prepare potential responders through routine and rigorous training and exercises.

12. Senator COLLINS. Dr. Stockton, one of the most effective ways to ensure that our Nation is prepared to manage catastrophic incidents is to conduct in-depth planning for those incidents before they occur. DOD excels at contingency planning, and has spent decades developing and refining an effective planning, budgeting, and evaluation system. Over the past several years, DHS has attempted to develop their own planning system and plans for dealing with various planning scenarios. How well do you believe DHS and DOD have been working together toward that end?

Dr. STOCKTON. I believe that DHS and DOD have worked quite well together to develop both a planning system and specific plans. It is my understanding that DHS, DOD, and other Federal departments and agencies developed an Integrated Planning System, which was published in January 2009, that was intended to be the national planning system for developing interagency and intergovernmental plans for domestic events. It also is my understanding that DHS, DOD, and other Federal departments and agencies have since December 2007 been developing Federal plans addressing the 15 National Planning Scenarios. If confirmed, I intend to work hard to ensure that DOD continues its strong support of DHS in this interagency planning effort.

13. Senator COLLINS. Dr. Stockton, has DHS appropriately leveraged DOD planning capabilities and expertise?

Dr. STOCKTON. There is always room for improvement, but I believe that DHS has leveraged DOD's planning capabilities and expertise quite appropriately. It is my understanding that: DOD planners are permanently attached, along with planners from other Federal departments and agencies, in the DHS office responsible for developing interagency plans for the 15 National Planning Scenarios; DOD, at DHS's request, frequently provides planners to augment DHS crisis planning during such events as the recent H1N1 outbreak; and DHS personnel routinely attend DOD contingency planning courses.

14. Senator COLLINS. Dr. Stockton, how can DOD better integrate into Federal planning for catastrophic disasters?

Dr. STOCKTON. It is my understanding that DOD is very integrated into and, in many ways, has provided substantial expertise and momentum to Federal planning for catastrophic disasters. If confirmed, I intend to review DOD's planning for catastrophic disasters and will work hard to make DOD's integration into, and support of, Federal planning for catastrophic disasters even more effective.

[The nomination reference of Dr. Paul N. Stockton follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 28, 2009.

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

Paul N. Stockton of California, to be an Assistant Secretary of Defense, vice Paul McHale, resigned.

[The biographical sketch of Dr. Paul N. Stockton, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. PAUL N. STOCKTON

Paul Stockton is a Senior Research Scholar at Stanford University's Center for International Security and Cooperation, where he conducts research on the U.S. homeland security policymaking process. Prior to joining Stanford, Dr. Stockton served as Associate Provost of the Naval Postgraduate School (NPS) in Monterey, CA, and was the founder and Director of its Center for Homeland Defense and Security.

Stockton received a B.A. summa cum laude from Dartmouth College in 1976 and a Ph.D. in Government from Harvard University in 1986. He is co-editor of Homeland Security (forthcoming from Oxford University Press). Stockton serves on the editorial board of Homeland Security Affairs, the quarterly journal he helped found in 2005, and has testified before Congress on a range of homeland security issues. His research has appeared in Political Science Quarterly, International Security, Washington Quarterly and other journals. He is Co-Editor of Reconstituting America's Defense: America's New National Security Strategy (1992). Stockton has also published an Adelphi Paper and has contributed chapters to a number of books, including James Lindsay and Randall Ripley, Eds., U.S. Foreign Policy After the Cold War (1997).

Dr. Stockton served from 1986–1989 as Legislative Assistant to U.S. Senator Daniel Patrick Moynihan. Dr. Stockton was awarded a Postdoctoral Fellowship for 1989–1990 by the Center for International Security and Arms Control at Stanford. In August 1990, Dr. Stockton joined the faculty of the NPS. From 1995 until 2000, he served as Director of the NPS Center for Civil-Military Relations. From 2000–2001, Dr. Stockton founded and served as the acting Dean of the NPS School of International Graduate Studies. He was appointed Associate Provost in 2001.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Paul N. Stockton in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior

to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Paul Noble Stockton.

2. **Position to which nominated:**
Under preliminary consideration for Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

3. **Date of nomination:**
April 28, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 10, 1954; Los Angeles, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Christin Anne Englert.

7. **Names and ages of children:**
William Noble Stockton, 11.
Henry Foster Stockton, 9.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard University, Cambridge, MA; Attended September 1978–November 1986, Received Ph.D. in Government in November 1986.
Dartmouth College, Hanover, NH; Attended September 1972–June 1976, Received B.A in Government in June 1976.
Highland Park Senior High School, St. Paul, MN; Attended September 1971–June 1972, high school diploma awarded June 1972.
River Falls Senior High, River Falls, WI; Attended September 1969–June 1971.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
August 2006–present, Senior Research Scholar, Center for International Security and Cooperation (CISAC), Stanford University, Stanford, CA. Performed research and taught undergraduate classes related to Homeland Defense and Security issues.
2001–2006, Associate Provost for Institutional Development, Naval Postgraduate School, Monterey, CA. Oversaw development and execution of programs to meet post-September 11 security challenges.
Served simultaneously during same period as Director, NPS Center for Homeland Defense and Security (CHDS). Supervised the staff and directed the strategic planning for the graduate education and research center which is sponsored by DHS.
2000–2001, Acting Dean, School of International Graduate Studies, Naval Postgraduate School, Monterey, CA. Supervised the faculty and support staff who provided graduate level education in the international field.
1995–2000, Director, Center for Civil-Military Relations, Naval Postgraduate School, Monterey, CA 1995–2000. Directed the faculty and staff of this DOD sponsored center with focus on civil defense capacity for U.S. security partners.
Associate Professor in NPS' Department of National Security Affairs. Taught graduate level courses to U.S. and international military officers.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Legislative Assistant to U.S. Senator D.P. Moynihan (D–NY), 1986–1989.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Member, Board of Advisors, Homeland Security Management Institute (HSMI), Long Island University, 121 Speonk-Riverhead Road, LIU Bldg., Riverhead, NY.
Member, DHS Training Grant Advisory Board, Center for Continuing Studies, University of Connecticut, One Bishop Circle, Unit #4056, Storrs, CT.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Obama for America (2008) $100.
Obama for America (2008) $250.
Equality CA-Legal Action Committee (2008) $100.
Murtha for Congress (2008) $100.
2006 Vilsack for President (2006) $250.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Naval Postgraduate School:

Hamming Award for Interdisciplinary Innovation, 2004
Certificate for Outstanding Instructional Contributions, November 1996
Certificate for Outstanding Instructional Contributions, October 1991

Stanford University:

Post-doctoral Fellowship, Center for International Security and Arms Control, 1989

Harvard University:

Certificate of Distinction in Teaching, Committee on Undergraduate Education, 1982
Earhart Foundation Fellowship, 1980–1982
Sloan Foundation Public Management Grant, 1980
RayAtherton Fellow, 1978–1979

Dartmouth College:

Phi Beta Kappa, 1976
Dartmouth College Citation, 1976
Chase Peace Prize, 1976
Bradley Scholarship, 1976
Reynolds Scholarship (honorary award), 1976
Public Affairs Fellowship, 1975
Rufus Choate Scholar, 1973

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Books and Monographs:

Paul Stockton and James Tritten, eds., Reconstituting Defense: America's New National Security Strategy (New York: Praeger, 1992).

Strategic Stability Between the Superpowers: Adelphi Paper #213 (London: International Institute for Strategic Studies, Winter, 1986), 86 pp.

Journal Articles, Book Chapters and Book Reviews:

"Beyond the HSC/NSC Merger Integrating States and Localities into Homeland Security Policymaking," Homeland Security Affairs. Vol. 5, No. 1 (January 2009).

"Reform, Don't Merge, the Homeland Security Council," Washington Quarterly. Vol. 32, No. 1 (January 2009).

"Homeland Security After the Bush Administration: Next Steps for Building Unity of Effort," co-authored with Patrick Roberts, Homeland Security Affairs. Vol. IV, No. 2 (June 2008).

"The Department of Defense and the Problem of Mega-Catastrophes," in Bert Tussing, Ed., Threats at Our Threshold (Carlisle. PA: U.S. Army War College, 2007), pp. 65–87.

Review Essay: The Next Catastrophe: Reducing Our Vulnerabilities to Natural, Industrial and Terror Disasters, Homeland Security Affairs. Vol. 3, No. 3 (Fall 2007).

Review Essay: "The Edge of Disaster," Homeland Security Affairs. Vol. 3, No. 2 (Summer 2007).

"Department of Defense Reorganization in the Post-Cold War Era," in Randall B. Ripley and James M. Lindsay, eds., Change in U.S. Foreign Policy After the Cold

War Processes. Structures and Decisions (University of Pittsburgh Press, 1997), pp. 106–131.

"Beyond Micromanagement: Congressional Budgeting for a Post-Cold War Military," Political Science Quarterly. 110:2 (Summer 1995), pp. 233–260.

"Congress and U.S. Military Policy Beyond the Cold War," in Randall Ripley and James Lindsay, eds., Congress Resurgent: Foreign and Defense Policy on Capitol Hill (Ann Arbor: University of Michigan Press, 1993), pp. 235–260.

"Introduction" and The Congressional Response," in Stockton and Tritten, Reconstituting Defense. (1992) pp. 1–10 and 69–88.

"De-Escalatory Confidence-Building Measures and Strategic Arms Reductions," in Joe Nation, ed., Back from the Brink: De-Escalation of Nuclear Crises (London: St. Martin's Press, 1992), pp. 179–197.

"The New Game on the Hill: The Politics of Arms Control and Strategic Force Modernization," International Security. Vol. 16, No. 2 (Fall 1991), pp. 146–171.

"New Factors in Surface Ship Survivability, Strategic Survey. 1982–3, pp. 128–132.

"Arms Developments and Arms Control: The Strange Case of the MX Missile," in Alan P. Sindler, ed., American Politics and Public Policy (Washington, DC: Congressional Quarterly Press, 1982), pp. 225–253.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Testimony before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, U.S. House of Representatives, Hearing on "Readiness in the Post Katrina and Post-September 11 World: An Evaluation of the New National Response Framework," 11 September 2007.

Testimony before the Appropriations Subcommittee on Homeland Security, U.S. House of Representatives, Hearing on "5 and 10 Year Homeland Security Goals: Where We Need to Be As a Nation and How We Judge Progress?" 30 January 2007.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PAUL N. STOCKTON.

This 11th day of May, 2009.

[The nomination of Dr. Paul N. Stockton was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

[Prepared questions submitted to Thomas R. Lamont by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of

the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. The Goldwater-Nichols Act changed Department of Defense (DOD) operations profoundly and positively. Although I believe that the framework established by Goldwater-Nichols has significantly improved inter-service and joint relationships and promoted the effective execution of responsibilities, the Department, working with Congress, should continually assess the law in light of improving capabilities, evolving threats, and changing organizational dynamics. I am currently unaware of any reason to amend Goldwater-Nichols, but if confirmed, I will have an opportunity to assess whether the challenges posed by today's security environment require amendments to the legislation with a view to continuing the objectives of defense reform.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If confirmed, I look forward to reviewing this milestone legislation and assessing whether any changes should be considered to address the challenges posed by today's security environment.

DUTIES

Question. Section 3016 of title 10, U.S.C., provides that the Assistant Secretary of the Army for Manpower and Reserve Affairs shall have "as his principal duty the overall supervision of manpower and Reserve component affairs of the Department of the Army."

If confirmed, what duties do you expect that the Secretary of the Army will prescribe for you?

Answer. Although the Secretary of the Army has not discussed with me the duties and functions he will expect that I perform if I am confirmed, I anticipate that he will rely on me to provide accurate and timely advice in the area of Army manpower and Reserve affairs, as the statute establishing the position of the Assistant Secretary of the Army for Manpower and Reserve Affairs provides. I presume also that the specific duties assigned to this position would be consistent with the responsibilities assigned to the Assistant Secretary for Manpower and Reserve Affairs in Headquarters, Department of the Army General Orders Number 3, which sets forth the duties of each principal office of the Headquarters, Department of the Army. In addition, I believe the Secretary of the Army would expect me to continue pursuing an effective, professional relationship with the Under Secretary of Defense (Personnel and Readiness) and other key officials within the Office of the Secretary of Defense, other Military Department Assistant Secretaries for Manpower and Reserve Affairs, and the other Army Assistant Secretaries. I anticipate that the Secretary will expect me to continue and to build upon the effective and professional working relationships between the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) and the Deputy Chief of Staff, G–1 (Personnel); The Surgeon General; the Chief, Army Reserve; the Chief, National Guard Bureau; and the Director of the Army National Guard.

Question. What actions will you take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. Although I look forward to assuming the duties of the Assistant Secretary of the Army (Manpower and Reserve Affairs), should the Senate confirm me, I recognize that every new Assistant Secretary has much to learn. If I am confirmed, I will work to further my understanding and knowledge of the Army, its people and organizations, the challenges it faces and the resources necessary to sustain and transform it. I will work with and through the talented and dedicated military and civilian personnel serving the Department to broaden my expertise and increase my knowledge and will seek advice and counsel from the many and diverse stakeholders dedicated to the success of the Army, including the Members and staff of Congress.

Question. In carrying out these duties, what would be your relationship with the following officials:

The Secretary of the Army.

Answer. If I am confirmed, my relationship with the Secretary of the Army would be close, direct, and supportive. I would work to communicate as effectively as possible with the Secretary regarding the advice, views, and plans of the Secretariat and Army Staff and to oversee the implementation of the Secretary's decisions

through the Army. If I am confirmed, I understand that my actions would be subject to the authority, direction, and control of the Secretary of the Army.

Question. The Under Secretary of the Army.

Answer. If confirmed, I would establish a close, direct, and supportive relationship with the Under Secretary of the Army. Within the Department of the Army, my responsibilities would also involve communicating the Secretariat and Army Staff advice, views, and plans to the Under Secretary of the Army and to oversee the implementation of his decisions falling within my area of responsibility (AOR). I further understand that the Under Secretary is the Chief Management Officer (CMO) of the Department of the Army and, in that role, exercises primary management responsibility for the business operations of the Army. If confirmed, I would work closely with the Under Secretary in his role as CMO, particularly to the extent those duties affect human capital management and other "business operations" within the functional purview of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

Question. The other Assistant Secretaries of the Army.

Answer. The other Assistant Secretaries of the Army set strategic direction by formulating and overseeing policies and programs within their respective functional areas of responsibility, consistent with applicable laws and regulations and in accordance with the objectives and guidance of the Secretary of the Army. If confirmed, I will establish and maintain close and professional relationships with each of the Assistant Secretaries and seek to foster an environment of cooperative teamwork, working together on the day-to-day management and long-range planning needs of the Army.

Question. The General Counsel of the Army.

Answer. The General Counsel is the chief legal officer of the Department of Army. His duties include providing legal and policy advice to officials of the Department of the Army, as well as determining the position of the Army on any legal question or procedure. If confirmed, I will establish and maintain a close and professional relationship with the General Counsel of the Army.

Question. The Inspector General of the Army.

Answer. The Inspector General of the Army is charged with inquiring into, and reporting on the discipline, efficiency, economy, morale, and training, and readiness of the Army. If confirmed, I will establish and maintain a close and professional relationship with The Inspector General of the Army.

Question. The Chief of Legislative Liaison of the Department of the Army.

Answer. The Chief of Legislative Liaison is responsible for all Department of the Army Congressional affairs, to include formulating, coordinating, and supervising policies and programs on the Army's relations with Congress and the Department's legislative strategy. If confirmed, I will establish and maintain a close and professional relationship with the Chief of Legislative Liaison.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. Acting on behalf of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness performs responsibilities that require the issuance of guidance to the military departments. If confirmed, I will communicate openly and directly with the Under Secretary of Defense for Personnel and Readiness in articulating the views of the Department of the Army. I will have a close and professional relationship with the Under Secretary of Defense for Personnel and Readiness, characterized by continuous consultation, communication, and cooperation on matters of mutual interest, in furtherance of the best interests of the Army and DOD.

Question. The Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Answer. Acting on behalf of the Secretary of Defense and Under Secretary of Defense for Personnel and Readiness, the Principal Deputy Under Secretary of Defense for Personnel and Readiness performs responsibilities that require, from time to time, the issuance of guidance to the military departments. If confirmed, I will communicate openly and directly with the Principal Deputy Under Secretary of Defense for Personnel and Readiness in articulating the views of the Department of the Army. I will work closely with the Principal Deputy Under Secretary of Defense for Personnel and Readiness to ensure that the Department of the Army is administered in accordance with the guidance and direction issued by the Office of the Secretary of Defense.

Question. The Chief of Staff of the Army.

Answer. The Chief of Staff of the Army is the Secretary's senior military advisor in all matters and has responsibility for the effective and efficient functioning of Army organizations and commands in performing their statutory missions. If con-

firmed, I will work closely and in concert with the Chief of Staff to supervise the implementation of the Secretary's decisions.

Question. The Deputy Chief of Staff of the Army for Personnel.

Answer. The Deputy Chief of Staff, G–1, serves as the principal military advisor to the Assistant Secretary for Manpower and Reserve Affairs and formulates, manages, evaluates and executes military and civilian personnel plans and programs for the Army for peacetime, contingency and wartime operations. If confirmed, I will establish a close, professional relationship with the Deputy Chief of Staff, G–1 (Personnel). I will consult with him frequently and communicate with him directly and openly as he performs his prescribed duties. I expect that, if I am confirmed, he and I will work together as a team on a daily basis.

Question. The Surgeon General of the Army.

Answer. The Surgeon General is a special advisor to the Secretary of the Army and to the Chief of Staff on all matters pertaining to the military health service system. In that role, The Surgeon General assists the Secretary and the Chief in carrying out their responsibilities by ensuring a medically ready force as well as a trained and ready medical force. If confirmed, I intend to work closely with The Surgeon General to ensure that the Army's health care systems and medical policies support the Army's objectives, responsibilities, and commitments effectively and uniformly across the total force, with a particular focus on Wounded Warriors.

Question. The Chief, National Guard Bureau

Answer. The Chief, National Guard Bureau is a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-Federalized National Guard forces and on other matters as determined by the Secretary of Defense and is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States. Because the National Guard is a key element of the Reserve component, the Assistant Secretary of the Army for Manpower and Reserve Affairs must work closely with the Chief, National Guard Bureau to provide overall supervision of National Guard matters across all aspects of Army business. If confirmed, I will establish a close, professional relationship with the Chief, National Guard Bureau. I will communicate with him directly and openly as he performs his prescribed duties.

Question. The Chief, Army Reserve

Answer. The Chief, Army Reserve is the principal advisor to both the Secretary of the Army and Chief of Staff of the Army on all Army Reserve matters. Because the Army Reserve is a key element of the Reserve component, the Assistant Secretary of the Army for Manpower and Reserve Affairs must work closely with the Chief, Army Reserve, to provide overall supervision of Reserve matters across all aspects of Army business. If confirmed, I will establish a close, professional relationship with the Chief, Army Reserve. I will communicate with him directly and openly as he performs his prescribed duties.

Question. Soldiers and their families.

Answer. The men and women who serve in the Armed Forces are our Nation's most valuable national security assets. The Army owes its success to these versatile young Americans who answer its call to duty and service. Caring for soldiers and their Army families through effective quality of life programs both demonstrates the Army's commitment to the total Army family and endeavors to reflect the value of their service to our Nation. If confirmed, I will work diligently to ensure the needs of soldiers and their families are addressed across the total Army.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. The diversity and complexity of issues confronting the Department of the Army are such that very few can have in-depth experience in them all. However, an Assistant Secretary of the Army must possess the personal attributes of integrity, mature judgment, and strong interpersonal and leadership abilities. I believe that my diverse legal and managerial experiences in both the public and private sectors have prepared me to meet the many challenges of this office.

I have 37 years of organizational experience in the public and private sectors during which I have developed valuable executive leadership and problem-solving skillsets. In addition, I served as a judge advocate in the National Guard for more than 25 years, experiencing first-hand the life of a soldier. As an attorney in the private sector, I concentrated my efforts in government, administrative and regulatory matters, serving a broad spectrum of clients ranging from individual entrepreneurs to

Fortune 500 companies. In the public arena, I had the privilege of serving in leadership roles with the Illinois Attorney General's Office, the State's Attorney Appellate Prosecutor Commission and, most recently, as executive director of the Illinois Board of Higher Education (IBHE). As executive director of the IBHE, I was responsible for budgeting and appropriations, curriculum approval, degree granting authority, and the implementation of gubernatorial and legislative policy in all Illinois public colleges and universities. As Chairman of the Board of Trustees for the University of Illinois, the Nation's fourth largest public university, with some 70,000 students and 22,000 employees, I experienced, first-hand, the challenges of leading and managing a large organization, working with widely diverse cultural and geographic population groups, and the myriad issues associated with an academic environment.

Question. In your view, what are the major challenges confronting the next Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. In my view, the fundamental challenge facing the Assistant Secretary of the Army for Manpower and Reserve Affairs is manning the force. I view the recruitment and retention of high caliber citizens to man the active, Reserve and civilian ranks as an important aspect of maintaining Army readiness. The Army's ability to staff the Army fully with the Active, Guard, and Reserve component military members and civilians necessary to execute its complex and challenging missions, both today, and in the future, presents unprecedented challenges. The Army will continue to have a compelling need to garner support for soldiers, to obtain sufficient funding to achieve critical recruiting and retention goals, and to maintain the financial investment in the quality of life programs that help to sustain the All-Volunteer Force. I believe that the Army must continue to engage actively in proactive marketing campaigns, pursue robust and attractive initiatives and incentives, and continue to seek ways to improve health and well-being programs. If confirmed, I would candidly assess the Army recruiting and retention posture and work to initiate or enhance programs of the type and quality most likely to support the Army's recruiting and retention needs—both military and civilian.

Second, I believe that the Army's ability to prevail in current operations and to sustain global commitments is critical. The Army must continue to maintain the momentum of transformation by adapting Army forces and balancing the employment of Active and Reserve component units and soldiers. If confirmed, I would lead and partner on efforts to formulate policies that will help facilitate the Department's adaptation to the changing operational environment.

Finally, among the major challenges I would face, if confirmed, is the need to foster and maintain an environment in which soldiers and civilian employees can serve free of discrimination and harassment and pursue assignments and advancement, that while responsive to the needs of the Army, are based on individual qualification and performance.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will focus immediately on these matters, review those actions that are underway, and join with other civilian leaders and with my counterparts in uniform to resolve them to the best of my ability. I will build upon this and other recent successes in holding the Department of the Army up as a model employer in both the military and civilian contexts.

Question. In your view, what were the most critical shortcomings in warrior care since 2001?

Answer. As I understand it, the Army was not prepared for the increase in wounded, ill, and injured soldiers that resulted from overseas contingency operations such as Operations Enduring Freedom and Iraqi Freedom. One area that needed improvement was the management of outpatient soldiers during their recovery period. If confirmed, it will be my distinct honor and privilege to do all I can to continue to promote a high standard of care for our Wounded Warriors.

Question. What is your assessment of the effectiveness of the Army's response?

Answer. I am advised that the Army has increased Warrior Transition Unit resources, established a proven approach to care management through the triad of care concept, centralized support to Warriors in Transition and their families by colocating support services in Soldier Family Assistance Centers, implemented the Comprehensive Transition Plan approach to helping soldiers plan and attain their recovery goals and has begun the process of building Warrior Transition Complexes. If confirmed, I will assess the effectiveness of the Army's response and continue to work with Congress to ensure our warriors receive the highest possible care and support.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Army's support for wounded soldiers, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will assess continuously the efficiency and appropriateness of the Army's response. I will implement strategies and seek additional resources as appropriate to ensure the Army meets the needs of our wounded soldiers.

Question. Studies following the revelations at Walter Reed point to the need to reform the Army's disability evaluation system.

What is your assessment of the need to streamline and improve the Army's disability evaluation system?

Answer. I am informed that beginning November 26, 2007, the Army started to test a revamped physical disability evaluation program at Walter Reed Army Medical Center, streamlining the process used to determined soldiers' fitness for service or eligibility for military and veterans' benefits. I am advised that key features of this pilot program include a single medical examination and a single-sourced disability rating. It is my understanding that the Department of Veterans Affairs (DVA) conducts a single comprehensive exam and will rate all medical conditions. The Military Departments accept the DVA rating for all medical conditions determined unfitting for continued military Service unless the condition involves noncompliance, misconduct, or a nonservice aggravated medical condition which existed prior to service.

Based on the limited information I have so far, I believe the process does need to be improved. If confirmed, I will work to this end with stakeholders in the Army, as well as with experts in DOD and DVA.

Question. If confirmed, how will you address any need for change?

Answer. If I am confirmed, I will listen to the information presented by the experts in this area and study the process myself. After becoming fully briefed on the issues, I would work with the stakeholders in the Army and appropriate personnel in both DOD and DVA to determine what areas should be changed and how best to accomplish those changes.

OFFICER MANAGEMENT ISSUES

Question. As the Assistant Secretary of the Army for Manpower and Reserve Affairs you would have significant responsibilities with regard to officer management policies, the promotion system, and recommending officers for nomination to positions of authority and responsibility.

If confirmed, what changes, if any, would you make to the officer management system?

Answer. The Army has an exceptionally talented officer corps spanning all three components of the Army. I have been informed that the Army is in the process of initiating a comprehensive review of the laws and policies that govern the management of the officer corps across all components. If confirmed, I look forward to reviewing the report and assessing whether changes might be appropriate. If confirmed, I will not hesitate to seek your assistance should the Army's review indicate that changes to law are needed in order to optimize the development of the officer corps. The management and development of these talented and skilled leaders should be supported by systems, laws and policies that reflect the challenges the Army faces today, and should not be constrained by outdated paradigms.

Question. Do you believe the current Army procedures and practices for reviewing the records of officers pending nomination by the President are sufficient to ensure the Secretary of the Army, the Secretary of Defense, and the President can make informed decisions?

Answer. I have been assured that the current Army procedures for case review of officer promotion nominations are sufficient and provide Army leadership with accurate and timely information in order to make informed decisions and recommendations. I believe these procedures must be sufficiently rigorous to ensure officers meet the statutory requirement of exemplary conduct both before and after the convening of a promotion selection board.

Question. In your view, are these procedures and practices fair and reasonable for the officers involved?

Answer. It is my understanding that if any adverse information is discovered during the screening process, the officer is provided with notice and an opportunity to respond, and that the officer's response is provided to the promotion board. This appears to be reasonable; however, if confirmed, I will have the opportunity to witness these procedures in action and make a more fully informed assessment.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination.

If confirmed, what role would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. I have been advised that all officer promotions, including general officer promotions, are provided to the Assistant Secretary of the Army (Manpower and Reserve Affairs) for review and coordination. These actions will have received a thorough legal review by both the Office of The Judge Advocate General and the Army General Counsel, prior to Assistant Secretary review. If confirmed, I will ensure that each Army general officer nomination receives my personal review and approval prior to forwarding to the Secretary of the Army for further processing. I will give special attention to any case of a nominee with a report of adverse or reportable information in order to ensure that the Army's support of the officer's nomination is appropriate, and that adverse and reportable information is reported to the Senate Armed Services Committee in a timely, accurate, and comprehensible manner.

Question. What is your assessment of the ability of the Services to timely document credible information of an adverse nature for evaluation by promotion selection boards and military and civilian leaders?

Answer. While it is too early to make a true assessment, it is my understanding that under current Department of the Army practice, the adverse information presented to promotion selection boards is culled from numerous Army organizations that maintain relevant data, and generally has been found to be accurate and timely. A panel of senior officials conducts a special screening of adverse information to ensure that any credible information of an adverse nature is presented to general officer promotion selection boards as required by title 10, U.S.C., section 615. I understand that, if confirmed, I would be a member of this panel.

Question. If confirmed, what steps will you take to ensure that only the best qualified officers are nominated for promotion to general and flag officer rank?

Answer. It is my understanding that the Army promotion board system is fair and efficient and consistently produces promotion recommendations of the best qualified officers for promotion at all levels. As stated above, if confirmed, I will personally review each general officer nomination, and I will give special attention to any case of a nominee with a report of adverse or reportable information, in order to ensure that the Army's support of the officer's nomination is appropriate and that adverse and reportable information is reported to the Senate Armed Services Committee in a timely, accurate, and comprehensible manner.

TECHNICAL TRAINING OF GENERAL OFFICERS

Question. In your view, do a sufficient number of Army general officers have advanced training and degrees in scientific and technical disciplines?

Answer. I have been informed that the selection requirements for one- and two-star promotion selection boards are developed based upon the needs of the Army and necessarily include the scientific and technical disciplines projected by Army requirements.

Question. Are the career paths for officers with technical skills appropriate to ensure that the Army can execute complex acquisition programs, adapt to a rapidly changing technological threat environment, and make informed investment decisions on DOD and Army resources?

Answer. I have been informed that the Army carefully manages its officer corps to ensure officers have the appropriate level of adaptability and technical expertise relevant to each career field. I have also been informed that the Army is presently growing its Acquisition Corps. If I am confirmed, I will study whether career paths for officers provide them with the technical skills and experiences to take on the responsibilities of our complex acquisition programs.

Question. If not, what will you do to address this deficiency?

Answer. As stated above, the Army is in the process of shaping and developing a more robust Acquisition Corps. If confirmed as the Assistant Secretary of the Army (Manpower and Reserve Affairs), I will have oversight of this process and will ensure that plans and strategies remain suitable and viable.

MID-CAREER OFFICER SHORTFALL

Question. The requirement stemming from Army modernization, in addition to the high tempo of operations, has created the need for significantly more officers in the grades of captain and major.

Do you agree that there is a significant shortfall of mid-career officers in the Army?

Answer. I have been informed that the Army is currently experiencing a shortfall of 4,000 captains and majors, which is a critical issue for the Army. If confirmed,

I will review the plans in place to ensure that this shortfall is being appropriately addressed in a timely manner.

Question. What is your understanding of the reasons for the shortfall?

Answer. It is my understanding that there are three primary reasons for this shortfall. First, during the post-Cold War drawn-down from an end-strength of 770,000 to 480,000 resulted in lower accession rates for officers in year groups in the 1990s. Second, the more recent transformation to a modular force structure increased the officer-enlisted ratio. Third, the increase in end strength to 547,400 increased the overall demand for officers.

Question. What is the Army doing to address this shortfall?

Answer. I have been informed that the Army has a number of initiatives designed to address this critical issue, which includes increasing accessions, incentives, and appropriate adjustments to the time-in-grade requirements. As noted above, if confirmed, I will carefully review all these initiatives.

Question. If confirmed, will you undertake a comprehensive review of the medical support requirements for the Army and the sufficiency of the plans to meet recruiting and retention goals in these specialties?

Answer. I appreciate the committee's concerns in this regard and, if confirmed, pledge to consider this matter with the seriousness of purpose it mandates. Medical support requirements are critical to the success of our All-Volunteer Force and I intend to pay special attention to health care requirements and needs. Recruiting and retention of health care professionals is a challenge across the country, and the Army is experiencing shortages in several specialties; however, even during these challenging times, I am pleased to have learned that Army medicine continues to attract and produce world-class physicians, nurses, and medics.

Question. What legislative and policy initiatives, including bonuses and special pays, do you think may be necessary to ensure that the Army can continue to meet medical support requirements?

Answer. I am not familiar with the full scope of the Army's program for recruiting and retaining military and civilian medical personnel; however, if confirmed, I will work closely with The Surgeon General to evaluate the Army's requirements and to support on-going programs and develop initiatives to enhance the Army's ability to recruit and retain care providers and support personnel with the requisite critical skills. Should legislative or policy changes be required, I will work with the Secretary of the Army, other Army leaders, the leadership of DOD, and Congress, to bring them to fruition.

REPORT OF THE DOD TASK FORCE ON MENTAL HEALTH

Question. The Department of Defense Task Force on Mental Health found that the stigma surrounding post-traumatic stress disorder and other mental health issues acts as a barrier to many servicemembers seeking the help that they need. Additionally, the Task Force found that there are significant issues with accessibility and numbers of mental health providers, stating that the "military system does not have enough fiscal or personnel resources to adequately support the psychological health of servicemembers and their families."

If confirmed, what actions will you take to ensure that appropriate numbers of mental health resources are available to soldiers in theater, and to the soldiers and their families upon return to home station?

Answer. It appears to me that the Army has made great strides in improving the number and accessibility of mental health care providers. If confirmed, I will continue this effort by reviewing the Army's current force structure and its retention and recruitment programs across all force components, military and civilian. I will endeavor to ensure that the beneficiaries of the Army health care system have access to mental health services of the highest possible quality.

Question. What actions should senior leaders take to erase the stigma associated with seeking mental health care in the Army?

Answer. The stigma associated with seeking mental health care is not unique to the military; it exists across the country. I perceive that the Army is working diligently to eliminate the stigma associated with seeking mental health care, although it appears that more needs to be done. If confirmed, I would review carefully the factors that contribute to the misperception that seeking mental health care is evidence of personal weakness or that seeking care will derail one's military career. I would continue to support broad-based positive communication, training, and outreach programs, and promote access to mental health services so as to minimize actual and perceived barriers to care.

ACTIVE-DUTY END STRENGTH

Question. The Army has increased its active-duty end strength to meet current and future operational requirements. The Army had planned to increase its end strength to 547,400 by 2010, but has already achieved this goal in 2009.

In your view, what is the appropriate Army Active-Duty end strength needed to meet the demand for deployed forces, increase nondeployed readiness, build strategic depth, and relieve stress on soldiers and their families?

Answer. If confirmed, I will review the Army's projections in light of the demands and ensure that any increases in end strength are well analyzed, coordinated across the Department, and fully justified.

Question. If Army end strength is projected to be above the authorized 547,000 in fiscal years 2009 or 2010, how would you propose, if confirmed, to fund the additional end strength above current authorized levels?

Answer. If I am confirmed, I would work closely with the Assistant Secretary for Financial Management, the Under Secretary of the Army, and the Secretary of the Army to identify appropriate funding sources.

Question. Do you believe that an end strength of 547,400 is sustainable in the long term?

Answer. Yes, given the appropriate level of resourcing.

MODULARITY

Question. Modularity refers to the Army's fundamental reconfiguration of the force from a large division-based to a brigade-based structure. The new modular brigade combat team is supposed to have an increased capability to operate independently based upon increased and embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as or more capable of full spectrum operations than the divisional brigades they replace.

What is your understanding and assessment of the manpower and personnel management requirements of the Army's modular design and implementation of this transformation strategy?

Answer. It is my understanding that the increased capabilities resident in the modular brigade combat teams have greatly enhanced their ability to meet current and projected Combatant Commander (COCOM) requirements. This increased capability places additional requirements on numerous skill sets, which are already in high demand. I believe it may take years to mature the full complement of senior officers and NCOs necessary to support these increased capabilities.

Question. In your view, what are the greatest personnel challenges, if any, in realizing the transformation of the Army to the modular design? If confirmed, what actions or changes would you propose, if any, relative to the Army's modular transformation strategy?

Answer. It is my understanding that the Army remains committed to fielding the best trained, most capable forces possible, and that the Army should not compromise on training to increase availability. The longer train/educate/mature times required by the Army's modular formations for the additional field grade officer and senior NCO personnel requirements may take us years to generate. If I am confirmed, I will assess whether any changes should be considered to address these challenges, and after careful study and deliberation, I will provide the Secretary with cogent advice regarding these changes.

ARMY FORCE GENERATION MODEL

Question. The Army relies on a force generation model (ARFORGEN) in which units are manned, equipped, and trained to appropriate readiness levels over time as they cycle through "reset and train," "ready," and "available for deployment" force pools.

What is your understanding and assessment of the manpower and personnel management requirements of the Army's force generation methodology?

Answer. ARFORGEN provides cyclic readiness for the force over a given time period. The current manpower processes and procedures support this cyclic readiness by providing the manpower required for next deployers and other high priority missions. If confirmed, I will work diligently to ensure that the Army's current manpower processes and procedures continue to support the ARFORGEN model.

Question. In your view, what are the greatest manpower and personnel management challenges, if any, in implementing ARFORGEN?

Answer. It is my understanding that the greatest challenge facing manpower and personnel management is that ARFORGEN and the Army are coping with shortfalls

of high-demand grades and skills, which results in a short dwell in the continental United States between deployments. High demand personnel are arriving at next deploying units on a Just-In-Time basis for training and deployment.

Question. If confirmed, what actions or changes would you propose, if any, to the design, implementation, or management of ARFORGEN?

Answer. It is my understanding that ARFORGEN significantly changed the way the Army generates forces to support Combatant Commanders' requirements, moving from tiered readiness to cyclic readiness. At this time I am unaware of any need to amend or modify the ARFORGEN model; however, if confirmed, I will fully assess the manpower processes and procedures that support ARFORGEN and make appropriate recommendations, if required.

STOP-LOSS

Question. How does the Army plan to implement the Secretary of Defense's recent direction to end the use of stop-loss without eroding unit manning and unit cohesion?

Answer. The Secretary of Defense has directed that the Army phase out the use of Stop-Loss over time in order to mitigate manning issues created by soldier separations and retirements. Further, I understand that adjustments to manning mechanisms are underway that are designed to replace separating soldiers in units scheduled to deploy; and that incentive programs have been developed to encourage soldiers who do not intend to reenlist to extend their service long enough to complete a deployment with their units.

OPERATIONAL AND PERSONNEL TEMPO

Question. Current DOD policy is that Active component personnel will have 2 years of dwell time for each year of deployment and that Reserve component members have 5 years of dwell time for each year they are mobilized.

What is your view of the achievability of this goal? What measures must be taken by the Army to be able to achieve it in 5 years or less?

Answer. It is my understanding that this is an important aspect of sustaining the All-Volunteer Force because it facilitates predictability for our soldiers and their families, allows for professional military development, and facilitates time for Army National Guard dual-use with the States. If confirmed, I will undertake a review of the Army's current personnel programs with a view of assessing the achievability of the DOD goal, and when necessary, I will make appropriate recommendations to the Secretary designed to maximize dwell time consistent with the DOD policy.

Question. In your view, how will shifting resources from Iraq to Afghanistan affect dwell-time ratios?

Answer. It is my understanding that the concept outlined by the President and the plan briefed to senior DOD leaders by Central Command (CENTCOM) will result in increases in the dwell-time ratios for many of the affected units.

Question. How will the end of the use of stop-loss affect dwell time ratios?

Answer. I have been informed that the reduction of the use of Stop Loss will not affect unit Boots-on-the-Ground (BOG) to Dwell Time ratios. It may, however, have a negative impact on the dwell times of individual soldiers with high demand skills.

Question. What is your assessment of the Army's ability to support scheduled troop rotation planning in 2009 and beyond, particularly in combat support and combat service support missions, given this goal?

Answer. I have been informed that based on the anticipated transition force demand in the CENTCOM AOR, the Army will be able to meet validated requirements—combat, combat support, and combat service support missions—while increasing dwell-time ratios across the force.

Question. What measures are being taken to respond to operational requirements for low-density/high-demand units and personnel whose skills are found primarily in the Reserve components, e.g., civil affairs, medical personnel, and truck drivers?

Answer. I have been informed that the Army assesses force capabilities and adjusts force unit capacity, as necessary, to respond to operational requirements in low-density/high-demand units. If confirmed, I would ensure that the Army continues to assess force mix across all three components to meet the strategic demands of conventional campaigns, irregular warfare operations and homeland defense/civil support missions, with a view towards balancing the force structure to minimize risk in availability of low-density/high-demand units.

Question. In your view, what will be the effect on recruiting, retention, and readiness of the Army of the current rates of operations and personnel tempo through 2010?

Answer. I have been informed that the Army has experienced no negative effects on recruiting and retention due to operational and personnel tempo. If confirmed, I will continue to monitor this critical area.

Question. In your judgment, what would be the impact on the current rates of operations and personnel tempo of assigning principal responsibility for support to civil authorities for consequence management of natural, domestic disasters to either our Active or Reserve component forces?

Answer. If confirmed, I would work with Department leaders, in coordination with appropriate members of the Joint Staff, to make a careful assessment of this issue and provide the Secretary with cogent advice that will fully consider the challenges of today's security environment.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. In the aftermath of the attacks of September 11, 2001, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness, monitoring, antiquated pay systems, limited transition assistance programs upon demobilization, and lack of access to members of the Individual Ready Reserve (IRR). Reserve Force management policies and systems have been characterized in the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Army Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. It is my understanding that since the beginning of Operations Enduring Freedom and Iraqi Freedom, the Army has made significant advances in improving mobilization and demobilization processes. Most importantly, the Army has achieved improved predictability and pre-mobilization readiness through the implementation of Army Force Generation (ARFORGEN) and through achieving earlier notification of sourcing (NOS) and Alert prior to mobilization.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. The implementation of ARFORGEN has been a significant change to the administration of the Reserve components and I believe helped to ensure readiness for future mobilization requirements.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. At this point, based predominantly on my personal experience as a member of the National Guard, I feel current statutory authorities are sufficient to support mobilization requirements. If confirmed, I will be in a better position to assess whether to recommend changes to applicable law and policy.

Question. Do you agree that National Guard and Reserve personnel should be mobilized to augment civilians deployed to Afghanistan?

Answer. Yes, I believe that National Guard and Reserve component personnel bring skills and experience that can be used to augment other executive branch agencies and their civilian employees. For example, Army Civil Affairs soldiers are currently employed in this capacity in Afghanistan.

Question. What are your views on the proper role of the IRR in Army force management planning?

Answer. It has been explained to me that the IRR is an available manpower pool consisting of individuals who have been trained and previously served in the active forces or in the Selected Reserve. The IRR has proven to be a steady and valuable asset for the Army. Even given my limited knowledge, it would appear that the IRR is serving an important role. If confirmed I will have the opportunity to look more closely at this issue.

Question. If confirmed, what changes, if any, do you foresee making to the Army's IRR recall policy?

Answer. At this stage of the confirmation process I cannot predict what changes may be required. However, I am informed that the Army continuously monitors and reviews its processes and procedures. If confirmed, I believe that my assigned duties would afford me the opportunity to further evaluate the processes and policies applicable to the IRR.

Question. What are your views about policies affecting continued service by officer and enlisted personnel in the Reserve components who have fulfilled their Military Service Obligation (MSO)?

Answer. It is my understanding that all Ready Reserve soldiers are retained for the entire period of their MSO or contractual obligation, or they may voluntarily remain in the IRR. Our soldiers are very loyal to their country and should be commended for their continuing service. If confirmed I will be in a position to review the relevant policies and better determine if they remain suitable.

Question. What is your assessment of the adequacy of the system in place for members in the IRR receiving orders to Active Duty to request a delay or exemption for that activation, including the procedures in place for appealing the Army's decision on that request?

Answer. I have been informed that the system in place to process requests from an IRR soldier for delay, exemption, or appeal of an order to Active Duty allows for appropriate consideration of the soldier's personal circumstances, together with consideration of the needs of the Army. If confirmed, I will undertake an assessment of this system to determine whether changes should be made.

Question. What is your assessment of the value of the IRR to the All-Volunteer Force?

Answer. It is my understanding that the value of the IRR is its ability to provide individual replacements for deploying units and to provide soldiers to support short-term missions throughout the Army. The IRR has allowed the Army to meet critical requirements within mobilizing Army Reserve and Army National Guard units.

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. First, let me say that I am extremely proud of our Reserve component servicemembers and their service to our Nation during this time of war and transformation. Based upon my own experience as an officer in the National Guard, I believe that all components of the total force must be prepared to deploy at any time. If confirmed I will assess the effectiveness of reporting on the medical and dental readiness and to evaluate the need for policy changes and increased oversight.

Question. How would you improve upon the Army's ability to produce a healthy and fit Reserve component?

Answer. I am advised that the Army has comprised a multi-disciplinary task force to address and promote Comprehensive Soldier Fitness across all components. If confirmed, I look forward to learning more about the Comprehensive Soldier Fitness program, particularly as it applies to the Reserve component, and working with leaders across the Army to implement it.

LESSONS LEARNED

Question. What do you believe are the major personnel lessons learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) which you would seek to address if confirmed as Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. Undoubtedly, lessons learned from throughout OEF/OIF will enhance the Army's ability to plan and execute ongoing and future missions. If confirmed, I will seek out and examine these lessons learned, with a focus on their application to manpower and Reserve affairs matters and apply them to the challenges and complexities of our ongoing contingency operations.

NATIONAL GUARD ORGANIZATION, EQUIPMENT, AND READINESS

Question. Legislative proposals introduced in recent years and recommendations of the Commission on the National Guard and Reserves have proposed numerous changes to the roles and responsibilities of the National Guard and Reserves. Several of the proposed changes have been implemented, and numerous others are under consideration.

How do you assess the changes in the roles, mission, and authorities of the Chief of the National Guard Bureau and the Director of the Army National Guard?

Answer. I believe that the changes that have been made thus far to enhance, clarify, and refine the roles missions and authorities of the Director of the Army National Guard (DARNG) have been effective. If confirmed, I will study the additional proposals under consideration and determine whether they are appropriate.

Question. In your view, do the current Army processes for planning, programming, and budgeting sufficiently address the requirements of the Army National Guard? What is the appropriate role of the Chief of the National Guard Bureau in this regard?

Answer. The Army National Guard is an integral part of the Army and has representation in all the Program Evaluation Groups (PEGs) that inform the process including Manning, Training, Organizing, Equipping, Sustaining, and Installations. The Army National Guard also has representatives in all Army staff sections to ensure that Army National Guard requirements and priorities are integrated into the budgeting process.

I believe that in his advisory role to the Secretary of the Army and the Chief of Staff of the Army, the Chief, National Guard Bureau (CNGB) supports the Army planning, programming, and budgeting process.

TRICARE FEE INCREASES FOR MILITARY RETIREES

Question. Secretary Gates recently told officers at the Air War College that "health care is eating the (Defense) Department alive."

Do you agree with the Secretary's assessment?

Answer. Yes.

Question. What is your view of the need for increased beneficiary payments in reducing overall health care costs to the Department?

Answer. I am advised that costs have grown due to many factors: increased utilization by a mobilized RC force, expansion of benefits to support basic health care needs and that of more severely wounded soldier and their families, increased use by retiree beneficiaries, health inflation, and finally no change in TRICARE premiums in the last 10 years. It is my understanding that a sound medical benefit program directly impacts retention of soldiers and their families. If confirmed, I would support a DOD review of the current beneficiary payment structure to ensure that future benefit costs are sustainable.

Question. What other reforms in infrastructure, benefits, or benefit management, if any, do you think should be examined in order to control the costs of military health care?

Answer. It is my understanding that to a great extent, the costs of military health care are subject to prevailing rates for labor, equipment and supplies within the health care industry. If confirmed, I will study this issue further and work with the other military departments and DOD to determine the best structure for the future.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel and related entitlement spending continues to soar and is becoming an ever increasing portion of the DOD budget.

If confirmed, what actions will you take to control the rise in personnel costs and entitlement spending?

Answer. I have been advised that the military departments have limited authority to reduce overall personnel costs and entitlement spending. If I am confirmed, I will ensure adequate oversight through processes/procedures and audit reviews to provide early warning regarding the costs and effects of proposed new military pays or benefits.

Question. If confirmed, what actions will you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. As is the case with regard to change in any large organization, military personnel changes take time to execute and implement throughout the force. In order to avoid unnecessary changes, if confirmed, I will work closely within the Army and DOD to accurately budget, and then will monitor execution, strength, and incentives, to ensure the Army remains in balance.

STRESS ON ARMY FAMILIES

Question. Army families have been under great stress since 2001 as a result of multiple and lengthy deployments in OIF and OEF.

In your view, what are the key indicators of the stress on Army families at this time?

Answer. I recognize that soldiers and their families have made and continue to make significant personal sacrifices in support of our Nation. If confirmed, I will ensure that the Army remains committed to providing soldiers and families with a quality of life commensurate with their service. It is my understanding that the Army monitors a number of indicators, and Army families continue to demonstrate how resilient they are. However, after experiencing soldier absences during deployments of varying duration and frequency, often with less time between them than needed to truly reset, families have indicated a need for: expanded support for their children; greater access to health care resources; more robust family programs and

services; additional education and employment opportunities; and available, quality housing.

Question. If confirmed, what will you do to address these key indicators?

Answer. It is my understanding that the Army Family Covenant formalizes senior leadership commitment and addresses the following key areas for families: standardizing and funding existing family programs and services; increased accessibility and quality of health care; improving soldier and family housing; ensuring excellence in schools, youth services, and child care; and expanding education and employment opportunities for family members. If confirmed, I would exercise oversight of the execution of the key soldier and family programs and services, keep an ear to the ground to ensure the Army meets the needs of its people, and identify funding requirements to continue efforts that are critical to the sustainment of an All-Volunteer Force.

Question. If confirmed, what will you do to address these key indicators?

Answer. If confirmed, I would exercise oversight of the execution of the key soldier and family programs and services, keep an ear to the ground to ensure the Army meets the needs of its people, and identify funding requirements to continue efforts that are critical to the sustainment of an All-Volunteer Force.

Question. What do you consider to be the most important family readiness issues in the Army?

Answer. Family readiness issues vary by family, but one commonality among all families is the need for information and communication. To meet this critical need, I am advised that Family Readiness Groups have been established to provide important support and assistance and a network of communication among the family members, the chain of command, and community resources.

Additionally, Army OneSource, the Army's online portal for family support information, programs, and services, provides a comprehensive multi-component approach for community support and services to meet the diverse needs of all soldiers and families.

FAMILY READINESS

Question. If confirmed, how would you address family readiness needs in light of global rebasing, BRAC, continuing deployments, and the growth of the Army?

Answer. Military families make extraordinary sacrifices as their loved ones advance the cause of freedom around the world. Military families have set aside careers, interrupted their education, and when living far from a military base, struggled to locate child care equal to the price and quality available at military installations. The Army must recognize those sacrifices and deliver quality programs and services that geographically dispersed and frequently relocating families must endure.

I am informed that on October 8, 2007, Secretary Geren unveiled the Army Family Covenant, a commitment to provide soldiers and their families—Active, Guard, and Reserve—a quality of life commensurate with their level of service and sacrifice to the Nation. I fully support the Covenant's commitment to soldiers and families and, if confirmed, will continue to improve family readiness through the Family Covenant.

Question. If confirmed, how would you ensure support for Reserve component families, particularly those who do not reside near an active-duty military installation, related to mobilization, deployment, and family readiness?

Answer. Family readiness is a very important issue to me. The Army Family Covenant commits the Army to improve family readiness—in both the Active and Reserve components—by standardizing family programs and services, increasing accessibility to health care; improving soldier and family housing; ensuring excellence in schools, youth and child services; and expanding education and employment opportunities for family members. The Soldier Family Action Plan provides the roadmap to implement the Army Family Covenant commitment and improve and/or address gaps in existing soldier and family programs and services.

Question. In your view, what progress has been made, and what actions need to be taken in the Army to provide increased employment opportunities for military spouses?

Answer. I am extremely appreciative of the undaunted support of military spouses to our soldiers and am aware of the importance of supporting employment opportunities for military spouses. If confirmed, I will continue to pursue the initiatives that have been set in place to benefit military families during this troubled economic era.

SUPPORT FOR THE SINGLE SOLDIER

Question. While the percentage of married soldiers has steadily increased, a substantial portion of soldiers, especially young soldiers, are single.

What are the unique support needs of single soldiers, especially those returning from combat?

Answer. It is my understanding that the needs of single soldiers, especially those returning from deployments, may differ from the needs of soldiers with spouses and children. I have been informed that in the past few years, the Army has made significant investments in single soldier barracks and programs to mitigate the stress of deployment and improve single soldier readiness.

Question. If confirmed, what would you do to address these needs?

Answer. If confirmed, I will review Army's soldier support programs designed to improve the quality of life for all soldiers—Active and Reserve component, single and married, with a view toward ensuring that these program are effective in meeting the specific needs of each group.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees. Senior DOD officials have stated that they do not intend to expand NSPS to include employees in bargaining units that are represented by employee unions.

What is your view of the NSPS system, as currently constituted?

Answer. I understand the NSPS's key features were to support a streamlined and flexible civilian compensation, staffing, classification, and performance management system essential to effective management of a mission-oriented and results-driven civilian workforce that are vital to the success of DOD missions. I understand that DOD and the Office of Personnel Management (OPM) are currently conducting a comprehensive evaluation of the NSPS system. If confirmed, I look forward to working with DOD and OPM to ensure an optimum system.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS system?

Answer. As a general principle, I support pay-for-performance; an employee's compensation should be based on contribution to mission. If confirmed, I look forward to seeing the results of DOD and OPM's comprehensive evaluation of NSPS in order to work toward addressing any identified concerns.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. I am advised that the Department is challenged to meet increased civilian labor requirements in critical occupations and to develop human capital strategies to respond to these challenges. It is my understanding that there are situations where specialized hiring authorities are required in order to provide sufficient qualified applicants to meet mission needs. However, before making recommendations for additional authorities, I would want to ensure that managers fully understand the flexibilities and authorities currently available. If confirmed, I will ask managers to creatively and actively use available authorities and will explore the need for and use of direct and expedited hiring authorities to assist in achieving the Department's human capital objectives.

Question. In your view, is it viable in the long run for DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. It is my understanding that DOD has a number of other personnel systems, such as Defense Civilian Intelligence Personnel System and that for non-appropriated fund personnel. If confirmed, I will work with DOD and OPM to assess the appropriate number and types of personnel systems for effective and efficient personnel management.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. It is my understanding that DOD, in conjunction with OPM, is planning to conduct a comprehensive evaluation of NSPS, as currently implemented. If confirmed, I would seek to ensure that the Army participates fully in this evaluation. Depending on the outcome of this evaluation, legislation and/or policy changes may be appropriate to ensure that NSPS is on track to achieve its full potential.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. It is my understanding that DOD, in conjunction with the Office of Personnel Management, is planning to conduct a comprehensive evaluation of NSPS, as currently implemented. If confirmed, I would seek to ensure that the Army participates fully in this evaluation. Depending on the outcome of this evaluation, regulatory changes may be appropriate to ensure that NSPS is on track to achieve its full potential.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. In recent years, DOD and the Army have become increasingly reliant on services provided by contractors. Over the past 8 years, DOD's civilian workforce has remained essentially unchanged in size. Over the same period, DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result of the explosive growth in service contracts, contractors now play an integral role in the performance of functions that were once performed exclusively by government employees, including the management and oversight of weapons programs, the development of policies, the development of public relations strategies, and even the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Federal employees.

Do you believe that the current balance between civilian employees and contractor employees is in the best interests of the Army?

Answer. The information set forth in the committee's question presents cause for concern and warrants comprehensive examination. I agree with President Obama's government contracting memorandum of March 4, 2009, directing the Federal Government to ensure that functions that are inherently governmental in nature are performed by executive agencies and are not outsourced. If confirmed, I would work with the Secretary of the Army, the Under Secretary, and leaders across the Army to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. In your view, has the Army become too reliant on contractors to perform its basic functions?

Answer. As set forth above, I agree fully with President Obama's memorandum of March 4, 2009, directing the Federal Government to ensure that functions that are inherently governmental in nature are performed by executive agencies and are not outsourced. If confirmed, I would work with the Secretary of the Army, the Under Secretary, and leaders across the Army to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. Do you believe that the current extensive use of personal services contracts is in the best interests of the Army?

Answer. As I understand it, the Army may use personal services contracts only in limited circumstances, when specifically authorized by law and policy. If confirmed, I would work with the Secretary of the Army, the Under Secretary, and leaders across the Army to ensure compliance with applicable law and policy.

Question. Do you believe that the Army should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. I support fully the principles and policies set forth in President Obama's memorandum of March 4, 2009. That memorandum directs the Office of Management and Budget, in coordination with the Secretary of Defense, among others, to develop and issue government-wide guidance to assist executive branch agencies in reviewing the propriety of existing contracts and to formulate corrective action when appropriate. I believe that any such review must include an appraisal of inherently governmental functions and other critical government functions and how they are performed. If confirmed, I will support any such review and corrective action, particularly as it relates to matters under the purview of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

Question. If confirmed, will you work with other appropriate officials in the Army to address these issues?

Answer. The issues you raise cross functional lines. Accordingly, I believe that a comprehensive effort involving stakeholders across the Army, DOD, the interagency, and Congress, will be required to address these issues in a comprehensive fashion. I pledge that if confirmed, I will work collaboratively with other Army officials on these matters, in furtherance of the best interests of the Army and DOD.

Question. One reason for the explosive growth in DOD's contractor workforce has been the continuing limitation placed on the number of civilian employees of DOD.

Rather than saving money as intended, this limitation has shifted all growth to contractor employees.

Would you agree that the balance between civilian employees and contractor employees in performing Army functions should be determined by the best interests of the Army and not by artificial constraints on the number of civilian employees?

Answer. Yes, I agree.

Question. If confirmed, will you work to remove any artificial constraints placed on the size of the Army's civilian workforce, so that the Army can hire the number of employees most appropriate to accomplish its mission?

Answer. I understand that by law, the Army is required to manage its civilian personnel solely on the basis of, and consistent with, the workload required to carry out the Army's functions and activities and the funds Congress appropriates to the Department. If confirmed, I would support all efforts to ensure compliance with the law and to remove inappropriate constraints on the size of the Army civilian workforce.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving soldiers in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the Army failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What is your understanding of the resources and programs the Army has in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. I have been advised that the Army goes to great lengths to ensure appropriate levels of support are available to our deployed soldiers, including medical, psychological, and legal support. While I have not been fully briefed on all Army initiatives, I understand that the Army has taken significant steps to improve the assistance to victims of all sexual assaults, with enhanced recognition of the special circumstances that apply to deployments. I have been advised, for example, that for the past 3 years, the Army has had in place a comprehensive Sexual Assault Prevention and Response Program. I am informed that under this program, the Army requires every unit, brigade-sized and higher, to appoint and train a deployable Sexual Assault Response Coordinator and requires every battalion to appoint and train two Unit Victim Advocates. If confirmed, I will study this matter in greater depth with a view to ensuring that the Army continues to take appropriate steps to aid victims of sexual assault, both in garrison and in deployed locations.

Question. What is your view of the steps the Army has taken to prevent additional sexual assaults at home stations as well as deployed locations?

Answer. In my opinion, the Army has taken several extremely important steps in its campaign to prevent sexual assaults both at home stations and deployed locations. For instance, I have been advised that the Army launched a new comprehensive sexual assault prevention campaign in 2008: the "I. A.M. Strong" program in which the letters I, A, and M stand for Intervene-Act-Motivate. The "I. A.M. Strong" program features soldiers as influential role models providing peer-to-peer messages to encourage other soldiers to take action to promote a positive command climate in which sexual assault is not acceptable. If confirmed, I will continue these vital initiatives and assess whether additional steps should be taken.

Question. What is your view of the adequacy of the training and resources the Army has in place to investigate and respond to allegations of sexual assault?

Answer. Based upon the information I have been provided to date, it appears that the Army is committed to ensuring that it has trained personnel and resources in place to investigate and respond to allegations of sexual assault. I have been advised that the Army continues to emphasize victim services and response capabilities. I have also been advised that the Army intends to hire and place additional special investigators and prosecutors at Army installations with the highest occurrences of sexual assault and to add examiners to the U.S. Army Criminal Investigation Laboratory. If confirmed, I will assess whether additional steps should be taken to support victims and hold offenders accountable.

Question. Do you consider the Army's current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. I have been advised that the Army has focused both on eliminating sexual assault from its ranks and on victim response—both key elements of an effective sexual assault program. I have been advised that part of the focus on victim response was the implementation of confidential reporting (also called "restricted" re-

porting), which I understand allows sexual assault victims to disclose confidentially the details of their assault to specified individuals and receive medical treatment and counseling, without triggering the official investigative process. If confirmed, I will work with knowledgeable professionals to assess and ensure the continuation of effective Army programs.

Question. What problems, if any, are you aware of in the manner in which the confidential reporting procedures have been put into effect?

Answer. Based on the information I have been provided to date, I am not aware of any problems with the manner in which confidential reporting procedures have been put into effect. If I am confirmed, I will closely monitor the Army's sexual assault response procedures to determine whether improvements are needed in the area of confidential reporting.

Question. If confirmed, what actions would you take to ensure senior management level direction and oversight of Departmental efforts on sexual assault prevention and response?

Answer. If confirmed, I will have an active role in the oversight and implementation of the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Program. I will work with the Secretary and the Chief of Staff to ensure the Army's SHARP program continues to receive the appropriate level of supervision and support.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Army regarding religious practices in the military?

Answer. I have been informed that the Army's policies support religious tolerance and respect. It appears that Army and DOD regulations provide commanders and other leaders with ample guidance regarding the free exercise of religion in the Army. Army policies provide detailed guidance on the important responsibilities of commanders and leaders in this regard. It is my understanding that these policies are consistent with the First Amendment.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular articles of faith?

Answer. I have been informed that the Army places a high value on the rights of soldiers to observe the tenets of their respective religious faiths. I have been advised that the Army will approve requests for accommodation of religious practice, to include the wear of particular articles of faith, unless the accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and health. It is my understanding that Army policies are consistent with the First Amendment.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I understand that Army policies require chaplains to support all unit personnel, regardless of their beliefs.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. I have been advised that, during mandatory official functions, chaplains are not compelled to offer prayers that are inconsistent with their faith, but are expected to remain sensitive to the pluralistic Army and society they serve. It is my understanding that these policies are consistent with the First Amendment.

UNITED STATES MILITARY ACADEMY

Question. What is your assessment of the policies and procedures at the United States Military Academy to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. I have been informed that the United States Military Academy continues to institutionalize prevention strategies designed to end sexual harassment and violence by providing consistent policy, removing barriers to victim reporting, ensuring accessible care, and providing comprehensive education and training to all personnel. I am advised that the Superintendent personally chairs the monthly Sexual Assault Review Board, which provides executive oversight of all aspects of the Academy's Sexual Harassment/Assault Response and Prevention program. If confirmed, I will continue these initiatives and assess whether any additional steps should be taken.

Question. What is your assessment of the policies and procedures at the United States Military Academy to ensure religious tolerance and respect?

Answer. It is my understanding that the Chief of Chaplains (CCH) is responsible for religious support activities Army wide, to include at the USMA, and that CCH policies and procedures support religious tolerance and respect. It is my understanding that these policies are consistent with the First Amendment.

SUICIDE PREVENTION

Question. The committee is concerned about the increasing rate of suicides in the Army.

In your view, what is the cause of this surge in suicides?

Answer. It is my understanding that the increase in suicides in the Army is likely not due to any single cause. Although there are recognized suicide risk factors, such as deployments, that are unique to Army life, it appears that risk factors such as relationship, financial, and legal problems also play a significant role.

Question. What is your assessment of the Army's response to this increase in suicides?

Answer. It is my understanding that the Army has taken a comprehensive, strategic approach to mitigating suicidal and high-risk behavior. In my view, this approach is the best way to address the problem of suicides by improving the mental, physical, and emotional health of soldiers, and by taking steps to reduce personal risk; a reduction in suicides should follow. If confirmed, I will fully support suicide prevention and intervention efforts.

Question. The Army recently signed an agreement with the National Institutes of Health to perform a 5-year study on suicides in the Army. If confirmed, what actions would you suggest the Army take to enhance its suicide prevention program while the study is ongoing?

Answer. I appreciate and share the committee's sense of urgency in addressing issues of suicide prevention and intervention. If confirmed, I will work with the leadership of the Army to assess all available options to enhance the Army's suicide prevention program while the National Institute of Health study is ongoing.

WOMEN IN COMBAT

Question. What is your understanding of the conclusions and lessons that have been learned about the feasibility of current policies regarding women in combat from Operation Iraqi Freedom and Operation Enduring Freedom and what is your assessment of the Army's compliance with the requirements of law relating to women in combat?

Answer. It is my understanding that the Army is in compliance with the requirements of law relating to women in combat. It is also my understanding that Army's transformation to modular units took into account and is in compliance with the current DOD assignment policy for women. Women have and will continue to be an integral part of our Army team, performing exceptionally well in all specialties and positions open to them.

Question. In your view, should the current policy prohibiting the assignment of women to ground combat units be revised to reflect changing roles for female soldiers and the changing nature of warfare?

Answer. If I am confirmed and after careful study and deliberation, that there is a need to seek a change to the policy, I will provide the Secretary with cogent advice regarding the changes sought and their potential impact on the manpower and Reserve affairs of the Army.

FOREIGN LANGUAGE PROFICIENCY

Question. A Foreign Language Transformation Roadmap announced by DOD on March 30, 2005, directed a series of actions aimed at transforming the Department's foreign language capabilities, to include revision of policy and doctrine, building a capabilities based requirements process, and enhancing foreign language capability for both military and civilian personnel. More recently, Congress authorized incentive pay for members of precommissioning programs to study critical foreign languages.

In your view, what should be the priorities of the Federal Government in expanding the foreign language skills of civilian and military personnel and improving coordination of foreign language programs and activities among the Federal agencies?

Answer. In my view, our Nation's current and future involvement in overseas contingency operations will rely heavily on both foreign language skills and cultural knowledge. The Army, as well as other government agencies, should focus on increasing foreign language and cultural awareness skills across their entire force as

well as in its language specialists (Foreign Area Officers, Civil Affairs, Special Forces, linguists, etc.). These skills will allow us to strengthen and multiply our forces' capabilities across the full operational spectrum. Further, I am aware that two of the best Foreign Language schools in the Federal Government exist in the Defense and State departments

Question. If confirmed, what steps would you take to identify foreign language requirements, and to design military and civilian personnel policies and programs to fill those gaps?

Answer. I have been advised that the Army is in the initial stages of conducting a Foreign Language Capabilities Based Assessment; this joint effort will analyze and identify critical capabilities required to support DOD operations in conventional and irregular warfare as well as contingency operations. If confirmed, I would ensure that policies involving recruiting, training and mobilization are reviewed and adjusted accordingly to meet the validated foreign language needs of the operational environment.

Question. What is your assessment of an appropriate time frame within which results can be realized in this critical area?

Answer. I have been advised that the timelines in the initial Defense Language Transformation Roadmap have already been met and fulfilled with exception of a couple initiatives. It is critical that the Army continues to look ahead to meet the needs of the operational commanders. These foreign language needs are ever changing, as the challenges of overseas contingency operations take us into regions of diverse and low-density languages. I have been advised that the Army is finalizing a Culture and Foreign Language Strategy that will outline a holistic approach to the development of cultural and foreign language training.

LEGISLATIVE FELLOWSHIP PROGRAM

Question. Each year, the Services assign mid-career officers to the offices of Members of Congress under the Legislative Fellows Program. Upon completion of their legislative fellowships, officers are required to be assigned to follow-on positions in their Services in which they effectively use the experience and knowledge they gained during their fellowships.

What is your assessment of the value of the Legislative Fellows program to the Army and the utilization of officers who have served as legislative fellows?

Answer. It is my understanding that the Fellowship program has been a valuable program that provides participants an understanding of the complexities of congressional operations and Congress's role in the process of government as a whole. Fellowships help participants gain an understanding and appreciation for the strategic relationship between the Army and Congress. I understand that the Army carefully evaluates fellows' post-fellowship assignment, taking into account each fellow's recent experience with Congress as well as duty specialty and past experiences. The Army has a large requirement for personnel with legislative experience at many levels of command and the fellows trained each year help fill those needs.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)

Question. The Department and the Services are moving toward adoption of DIMHRS as a cross-service, fully integrated personnel and pay system. Under the proposed timeline, the Army is the first in line to launch DIMHRS, with the Air Force, Navy, and Marine Corps to follow. Recent reports indicate technical difficulties will postpone the Army's launch date.

What is the status of the Army's implementation of DIMHRS? What is your assessment of the need for an integrated, cross-service personnel and pay system?

Answer. I have not been informed of the specific status of Army's implementation of the DIMHRS, however, it is my understanding that once fully implemented, this program will substantially improve the accuracy and efficiency of our ability to manage our personnel across DOD.

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place?

Answer. If confirmed, I will carefully review the implementation plan and associated milestones. If my review identifies any weakness, I will make appropriate recommendations, after cross-Service coordination, to the responsible officials.

GI BILL BENEFITS

Question. Last year, Congress passed the Post-9/11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on active duty since September 11. The maximum benefit

would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of the act on recruiting and retention of servicemembers?

Answer. It is my understanding that the new post-September 11 GI Bill is designed to enhance the Army's recruiting efforts in that it will assist the Army in targeting that population of young adults who desire to attend college but cannot afford to do so at the current time. This benefit will open up opportunities for them to achieve their educational goals. The impact of this benefit on retention will require careful monitoring, but the provision in the new program that allows career servicemembers to share or transfer their GI Bill benefits with immediate family members may mitigate any negative retention impacts.

Question. What is your understanding of the sufficiency of the implementation plan for the transferability provisions contained in the act?

Answer. I have been informed that the Army is working closely with DOD on the implementation of this new program and that DOD will publish its implementing policies in the near future. If confirmed, I will continue this important work and ensure that the Army's implementation of this program is well executed, consistent with published DOD guidelines.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. The Department recently completed work on the 10th Quadrennial Review of Military Compensation (QRMC), releasing Volume I of its report in February 2008 and Volume II in July 2008. Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employee Retirement System than the current military retirement benefit; increasing TRICARE fees for retirees; and the adoption of dependent care and flexible spending accounts for servicemembers.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. Reductions in current entitlements and benefits could impact the morale of the current force and weaken future recruiting and retention efforts. Proposed changes in military retirement entitlements and benefits must be thoroughly reviewed to fully understand these impacts. If I am confirmed, I will be mindful that our military forces, who are often called upon to fight under extremely arduous conditions, should receive the pay and entitlements promised them and that they deserve.

SENIOR EXECUTIVE WORKFORCE

Question. What is your vision for the management and development of the Army senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. The Army should carefully manage and develop the senior executive workforce to meet the evolving work force challenges facing the Department. With transformation, members of the senior executive service are increasingly being looked to as military replacements in critically important areas of acquisition, financial management, and the scientific and technical fields. To support this effort, I understand the Army's senior executive program focuses on the recruitment, assignment, and development of adaptive, multi-skilled senior civilian leaders and that the current senior executive program includes periodic education and development opportunities and performance based evaluations.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

DIRECT HIRE AUTHORITY AT ARMY LABS

1. Senator REED. Mr. Lamont, section 1108 of the National Defense Authorization Act for Fiscal Year 2009 permitted the defense demonstration laboratories to exercise direct hire for a limited number of senior level scientists and engineers. On December 16, 2008, that authority was delegated to the individual Services without restriction on further delegation. On March 3, 2009, the Navy had effectively delegated that authority to the laboratory directors and by mid-March one of the Navy laboratories had actually hired approximately a dozen senior scientists and engineers. To the committee's knowledge, the authority, which had been delegated to the Army, still remains unused within the office of the Secretary of the Army. This is a very valuable tool, permitting the laboratory directors to compete effectively with private industry in the hiring of senior people. If you are confirmed, do you intend to implement this statute and to delegate this authority to the laboratory directors?

Mr. LAMONT. Yes, I fully support the use of this authority. The authority provides an additional recruitment tool to fill critical scientific and engineering positions. The Secretary of the Army delegated this authority to me in late May. On June 2, 2009, I delegated the authority to the three Army Commanders (U.S. Army Materiel Command, U.S. Army Medical Command, and U.S. Army Corps of Engineers) with oversight of the six Army personnel demonstration laboratories and authorized further delegation of the authority directly to the Laboratory Directors.

ESTABLISHING PERSONNEL DEMO PROGRAMS AT ARMY LABS

2. Senator REED. Mr. Lamont, the laboratory personnel demonstration program has proven to be a successful personnel management system for the defense research laboratories. It is ideally suited to attract and retain the type of key personnel necessary if our defense laboratories are to maintain their technological preeminence. There are at least four Army laboratories that have indicated a desire to be part of the lab demo personnel program. Two (the Natick Soldier Research Development and Engineering Center and the Edgewood Chemical and Biological Center) have already made application and two others (Tank and Automotive Research Development and Engineering Center and the Armament Research Development and Engineering Center) would like to adopt the demo personnel system but are currently in the National Security Personnel System (NSPS). It is the committee's understanding the Army Research, Development and Engineering Command (RDECOM) supports these requests. If confirmed, would you expedite the movement of these Army laboratories into the demo system?

Mr. LAMONT. Yes, however, statutory relief is needed to expand beyond the five RDECOM subordinate elements covered by the current laboratory personnel demonstration program to include, not only the Tank and Automotive Research, Development and Engineering Center and the Armament Research, Development and Engineering Center; but also the Simulation and Training Technology Center and the RDECOM Headquarters. This will help eliminate several of the multiple personnel systems (NSPS, Acquisition Demo, General Schedule, and Wage Grade) currently affecting RDECOM civilian personnel scattered throughout the command. This will foster and promote the development and acceleration of innovative technology and sound engineering solutions. Any statutory relief that would permit RDECOM to fold its eligible personnel into laboratory demo personnel systems would promote efficiency and cost savings, and more importantly promote research, development, test, and evaluation and science and technology business processes to improve practices associated with getting technology to the field in a shorter period of time and in support of the War fighter.

EXCLUSION OF ARMY LABS FROM NATIONAL SECURITY PERSONNEL SYSTEM

3. Senator REED. Mr. Lamont, this committee, on a bipartisan basis, has continually been concerned that artificial limitations on the ability of our defense laboratories to discharge their mission be removed. It is essential that these laboratories be able to hire, compensate, and retain the employees they need to discharge their mission and to compete successfully with private industry for such talent. In this regard, would you support the permanent exclusion of the lab demos from possible inclusion in the NSPS?

Mr. LAMONT. I would not favor a permanent exclusion. The law pertaining to the Defense Laboratories' inclusion in NSPS states that the laboratories are excluded from coverage until October 1, 2011; and that after October 1, 2011, NSPS would apply only to the extent that the Secretary of Defense determines that the flexibilities provided by NSPS are greater than those the laboratories have under section 342 of the National Defense Authorization Act for Fiscal Year 1995, Public Law 103–337. As such, the Department and Army would prefer to retain the flexibility to apply NSPS to the laboratories, if NSPS provides greater flexibilities than currently provided under section 342. The Army recognizes the critical role the defense laboratories play in supporting the national security mission. As such, retaining the existing statutory language provides the maximum flexibility to ensure the laboratories have the authorities they need to attract, competitively compensate, and retain a high quality, high performing workforce.

[The nomination reference of Thomas R. Lamont follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 27, 2009.

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

Thomas R. Lamont, of Illinois, to be an Assistant Secretary of the Army, vice Ronald J. James.

[The biographical sketch of Thomas R. Lamont, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH BY THOMAS R. LAMONT

Thomas R. Lamont, Nominee for Assistant Secretary of the Army for Manpower and Reserve Affairs, Department of the Army, Department of Defense. He is the former Chair of University of Illinois Board of Trustees and a longtime Springfield attorney and resident partner for the Chicago firms of Gordon & Glickson and Altheimer & Gray, and the Springfield firm of Brown, Hay & Stephens. He concentrated his practice in Government Law and Legislative Affairs.

In the public arena, Mr. Lamont has served as executive director, Office of the State Attorney Appellate Prosecutor, Director of Civil Litigation in the Office of the Illinois Attorney General, executive director of the Illinois Board of Higher Education, and currently, as Special Counsel and Adjunct Professor of Law to the University of Illinois. In the mid-1970s, he served as a Counsel to the Speaker and the Illinois House Democratic Staff.

In 1990, Mr. Lamont was elected to the University of Illinois Board of Trustees. In addition, he has served as a trustee of the State University Retirement System, a member of the Illinois Board of Higher Education, and on U.S. Senator Carol Mosely Braun's Judicial Advisory Committee.

Mr. Lamont served in a variety of Judge Advocate positions in the Illinois Army National Guard for over 25 years. He culminated his career serving as the Illinois Staff Judge Advocate. He retired as a Colonel in 2007.

Mr. Lamont received his bachelor's degree from Illinois State University in 1969 and earned his law degree from the University of Illinois College of Law in 1972.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Thomas R. Lamont in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Thomas Ray Lamont.

2. **Position to which nominated:**
Assistant Secretary of the Army for Manpower and Reserve Affairs.

3. **Date of nomination:**
April 27, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 8, 1947; Jacksonville, IL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Bridget Anne Later (now Bridget L. Lamont).

7. **Names and ages of children:**
Michael Thomas Lamont, 28.
Jeffrey Stephen Lamont (deceased).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Virginia (IL) High School, 1961–1965.
Illinois State University, Normal, IL, 1965–1969, B.S., 1969.
University of Illinois, Urbana, IL, 1969–1972, JD, 1972.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Nov. 2005–present, Special Counsel and Adjunct Professor of Law, University of Illinois; Springfield, IL.
Aug. 2004–Nov. 2005, Executive Director (interim) Illinois Board of Higher Education; Springfield, IL.
Feb. 2002–Aug. 2004, Partner, Brown, Hay & Stephens, Attorneys at Law, Springfield, IL.
Feb. 1998–Feb. 2002, Partner, Altheimer & Gray, Attorneys at Law, Springfield and Chicago, IL.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Judge Advocate, Illinois Army National Guard, 1982–2007.
Member University of Illinois Board of Trustees, 1990–2003.
Chair, University of Illinois Board of Trustees 1992–1993, 1995–1997.
Trustee, State Universities Retirement System, 1992–1995.
Member, Executive Comm., Illinois State University Alumni Association, 2007–present.
U.S. Senator Alan Dixon's Military Academy Appointments Committee, 1985–1992.
U.S. Senator Carol Mosely Braun's Judicial Advisory Committee, 1992–1996.
Executive Director, State's Attorneys Appellate Prosecutor's Commission, 1979–1981.
Division Head, Illinois Attorney General's Office, 1983–1987.
Staff Attorney, Illinois Legislative Reference Bureau, 1972–1973.
Staff Attorney/Committee Counsel, Illinois State House of Representatives, 1973–1976.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Director, Academic Development, Inc. (non-compensated).
Member, Executive Committee, Illinois State University Alumni Association.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See Question 11 above. In addition, I hold the following memberships:

- Trustee, YMCA, Springfield, IL
- Member, Sangamon County Bar Association
- Member, Illinois State Bar Association
- Member, Military Law Committee, Illinois State Bar Association
- Member, Pritzker Military Library

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Democratic candidate and elected office holder to the position of Trustee, University of Illinois, 1990–2003.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

03/04	Committee to Elect Jay Hoffman	$150
03/04	Sangamon County Democrats	$200
05/04	Citizens for Londrigan	$100
06/04	Sangamon County Democrats	$150
08/04	Friends of Dick Durbin	$100
01/05	Sangamon County Democrats	$100
03/05	Friends of Dick Durbin	$100
04/05	Friends of Mike Madigan	$150
06/05	Friends of Dick Durbin	$250
06/06	Friends of Dick Durbin	$500
06/06	Friends of Tammy Duckworth	$100
08/06	Friends of Dick Durbin	$500
10/06	Friends of Dick Durbin	$150
10/06	Friends of Dick Durbin	$100
04/07	Sangamon County Chairman's Club	$150
04/07	Friends of Dick Durbin	$200
12/07	Joseph McMenimen for Congress	$500
01/08	Friends of Dick Durbin	$400
01/08	Obama for America	$250
06/08	Friends of Dick Durbin	$500
07/08	Obama for America	$250
09/08	Citizens for Callahan for Congress	$100
10/08	Sangamon County Democrats	$100
10/08	Obama for America	$250

10/08	Obama for America	$100
03/09	Douglas Whitley for Illinois Governor	$500

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Distinguished Alumnus—University of Illinois College of Law
Resolution of Distinguished Service—Illinois Board of Higher Education, 2004
Resolution of Distinguished Service—University of Illinois, 2006
Military Medals:

- Distinguished Service Medal (IL)
- Legion of Merit (IL)
- Meritorious Service Medal (1 OLC)
- Army Commendation Medal
- Army Achievement Medal (2 OLC)
- Army Reserve Components Achievement Medal
- National Defense Service Medal
- Armed Forces Reserve Medal
- Army Service Ribbon

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Power and Authority of the Attorney General's Office," Administrative Law Handbook, Illinois Institute for Continuing Legal Education (1986).

"Getting Involved In the Legislative Process," Small Business Reports, Vol. 13, no. 9; (November 1988).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

THOMAS R. LAMONT.

This 11th day of May, 2009.

[The nomination of Thomas R. Lamont was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

[Prepared questions submitted to Charles A. Blanchard by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of

the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. At this time I am unaware of any reason to amend the Goldwater-Nichols Act. If I am confirmed and I identify areas that I believe merit changes, I will propose those changes through the established process.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. See my prior answer.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Department of the Air Force?

Answer. The duties and functions of the General Counsel are determined and assigned by the Secretary of the Air Force. The General Counsel provides legal advice and guidance to the Secretary, the Under Secretary, the Assistant Secretaries, their staffs, and other offices within the Office of the Secretary, as well as to the Chief of Staff and the rest of the Air Staff. The General Counsel also provides legal services throughout the entire Department in a variety of disciplines including fiscal law, ethics, dispute resolution, contract law, environmental law, international law, intellectual property law, real property law, personnel law, labor law, and litigation. As the chief legal officer of the Department of the Air Force, the General Counsel determines the controlling legal positions of the Department of the Air Force. The General Counsel also serves as the Designated Agency Ethics Official, the Suspension and Debarring Official for the Department of the Air Force, and exercises oversight of intelligence and other sensitive activities and investigations.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe that my education and over 20 years of practice—in both public service and private practice—has well prepared me for the challenges of this office.

I received a Bachelors of Science degree (with honors) from Lewis & Clark College, where I was awarded the Rena Ratte Award given to the most outstanding graduating senior. After graduating from college, I attended Harvard Law School and the Harvard Kennedy School of Government, where I received both a J.D. and a Master of Public Policy in 1985. I graduated first in my class at Harvard Law School, and served as one of two Articles Editors at the Harvard Law Review. I clerked for Judge Harry Edwards of the U.S. Court of Appeals for the District of Columbia and Justice Sandra Day O'Connor on the U.S. Supreme Court.

After serving as an Associate Independent Counsel in the Office of Independent Counsel James C. McKay, in 1988, I returned to Phoenix, AZ, and joined the law firm of Brown & Bain, which subsequently merged with Perkins Coie, my present firm. I became a partner at the firm in 1996, and my practice has focused on complex commercial litigation, antitrust law, state constitutional law and election law.

My work in private practice has been interrupted by several years in public service. While still an associate at Brown & Bain, I served as a member of the Arizona State Senate from 1991–1995, where I chaired the Judiciary Committee and also served as Vice Chair of the Environment Committee. In 1997, I left the firm and became the Chief Legal Counsel for the White House Office of National Drug Control Policy, which was under the leadership of General (Ret.) Barry McCaffrey.

For purposes of the position for which I am nominated, my most relevant experience was as General Counsel of the Army from 1999 until 2001.

I returned to private practice in Arizona in 2001, where I also serve as Adjunct Professor of Law at the Arizona State University Sandra D. O'Connor College of Law, where I have taught National Security Law and Election Law.

I believe that my experience as the chief legal counsel for two government agencies, especially my service as General Counsel of the Army, as well as my experience in private practice at a national law firm, have prepared me for the challenging and diverse legal issues that will face the Department of the Air Force.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the General Counsel of the Department of the Air Force?

Answer. I believe I have the necessary legal training, experience and leadership abilities to be the General Counsel. This is especially true given my experience as the Army General Counsel for 2 years. I am also a firm believer, however, that the best lawyers work hard to completely understand the operations of their client. If

confirmed, I will benefit from the extraordinary talent, expertise and experience of the civilian and military lawyers in the Department as I broaden my understanding of the issues the Air Force faces every day.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. If confirmed, I anticipate Secretary Donley will expect me to provide timely, accurate, and candid legal advice and counsel, ensuring compliance with the law and the protection of the legal prerogatives of the Department. I expect the duties and functions of the office will cover the wide range of legal issues and responsibilities prescribed by the Secretary. I anticipate the Secretary would expect me to manage the General Counsel's Office efficiently and effectively. Additionally, I anticipate the Secretary would expect me to foster an atmosphere of professionalism and responsiveness regarding all legal matters and services while working with the Office of The Judge Advocate General, the General Counsels of the Department of Defense (DOD) and the other military departments, as well as the legal staffs of other government agencies.

Question. In carrying out your duties, how will you work with the General Counsel of DOD?

Answer. The General Counsel of DOD is the Chief Legal Officer and final legal authority for DOD. Although there is no direct reporting relationship to the General Counsel of DOD, Jeh Johnson has made clear in his testimony before this Committee and his actions in the Department, that he intends to work closely with the Service General Counsels. If confirmed, I anticipate having a close and professional relationship with Mr. Johnson, characterized by continuing consultation, communication, and cooperation on matters of mutual interest, in furtherance of the best interests of DOD.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the General Counsel of the Department of the Air Force?

Answer. The challenges facing the Department of the Air Force as a whole, as well as DOD, will largely determine the challenges that will confront the General Counsel of the Air Force. Certainly both President Obama and Secretary Gates have made clear that acquisition reform will be a priority in the near term, and I expect that to be a priority for the General Counsel of the Air Force as well. Although the current environment makes it difficult to anticipate all specific legal questions, I also expect to confront issues relating to operational matters, intelligence, privatization initiatives, military and civilian personnel policies, and compliance with environmental laws. In addressing these challenges, I think it will be critically important that the Office of the General Counsel and the Office of The Judge Advocate General have a cooperative and professional partnership.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan on working closely with the Secretary, the Chief of Staff, The Judge Advocate General, and the talented and dedicated attorneys in the Department of the Air Force to candidly evaluate the challenges and to ensure responsive and accurate legal services are provided to meet and address these challenges. In addition, if confirmed, I will work to adequately resource and expertly staff the Air Force legal community, in order to guarantee decision makers at all levels access to the best legal advice possible.

Question. What broad priorities will you establish in terms of issues which must be addressed by the Office of the General Counsel of the Department of the Air Force?

Answer. If confirmed, my foremost priority will be to provide the Air Force timely, accurate, and candid legal advice, ensuring compliance with the law and protection of the legal prerogatives of the Air Force. It is imperative that the Air Force has the legal support necessary to build and maintain the very best air, space and cyberspace capabilities possible.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL

Question. In carrying out your duties, if you are confirmed, how will you work with The Judge Advocate General of the Air Force?

Answer. As General Counsel of the Army from 1999 to 2001, I enjoyed an excellent working relationship with The Judge Advocate General's Corps that resulted in the delivery of high quality legal services to the Army leadership. I learned that civilian and military lawyers bring unique and vital experiences and expertise to the table, and that the final legal advice given to the client benefited greatly from our

close working relationship. If confirmed, I will work to establish a close professional relationship with The Judge Advocate General. Consultation on matters of mutual import and interest should characterize that relationship. It is imperative that the two offices work well together to provide the highest quality of legal support to the Department of the Air Force.

Question. How are the legal responsibilities of the Department of the Air Force allocated between the General Counsel and The Judge Advocate General?

Answer. My experience at the Army convinced me that it is critical that The Judge Advocate General and the General Counsel work as collaborative partners in proving the best possible legal services to our common client. If confirmed, I will make developing such a partnership a priority. The Secretary of the Air Force has designated the Air Force General Counsel as the chief legal officer of the Department of the Air Force. In recognition of the unique expertise and experiences provided by the Office of the General Counsel and The Judge Advocate General, both offices provide legal advice to the Secretary of the Air Force and other Department officials. In addition, The Judge Advocate General is responsible for the activities of The Judge Advocate General's Corps and is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice. The law expressly prohibits interference with the ability of The Judge Advocate General to give independent legal advice to the Secretary of the Air Force. Even in the absence of that statutory requirement, I would welcome the expression of independent views on legal issues by The Judge Advocate General.

Question. How will you ensure that legal opinions of your office will be available to Air Force attorneys, including judge advocates?

Answer. It is my understanding that the majority of legal opinions provided to Air Force attorneys and judge advocates are published through a cooperative General Counsel and TJAG process. Close professional cooperation between the civilian and uniformed members of the Air Force's legal community is absolutely essential to ensure appropriate legal opinions issued by the Office of the Air Force General Counsel will be available to all Air Force attorneys and Judge Advocates, and vice versa.

Question. In response to attempts within DOD to subordinate legal functions and authorities of The Judge Advocates General to the General Counsels of DOD and the Military Services, Congress enacted legislation prohibiting any officer or employee of DOD from interfering with the ability of The Judge Advocates General of the Military Services and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Chairman, Service Secretaries, and Service Chiefs. Congress also required a study and review by outside experts of the relationships between the legal elements of each of the military departments.

What is your view of the need for The Judge Advocate General of the Air Force to provide independent legal advice to the Secretary of the Air Force and the Chief of Staff of the Air Force?

Answer. The Judge Advocate General's ability to provide independent legal advice has been statutorily recognized as essential to the effective delivery of legal services. I share that view. Uniformed attorneys bring another perspective and can provide insight and advice shaped by years of service throughout the Air Force.

Question. What is your view of the responsibility of Air Force judge advocates to provide independent legal advice to military commanders?

Answer. Air Force Judge Advocates have a critical responsibility to provide independent legal advice to commanders, given the missions they perform. I think that this is well stated by The Judge Advocate General Corps mission statement, which emphasizes the importance of professional, candid and independent legal advice.

Question. If confirmed, would you propose any changes to the current relationships between the uniformed judge advocates and General Counsel?

Answer. If confirmed, I will make improving the relationship between the General Counsel and The Judge Advocate General a top priority, to ensure the effective delivery of legal services to the Department of the Air Force.

Question. Article 6 of the Uniform Code of Military Justice gives primary jurisdiction over military justice to The Judge Advocates General of the Army, Navy, and Air Force.

How do you view your responsibilities in the performance of military justice matters with regard to The Judge Advocate General of the Air Force?

Answer. The Judge Advocate General has the primary responsibility for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. Article 6 of the Uniform Code of Military Justice requires The Judge Advocate General or senior members of his staff to make "frequent inspections in the field" in furtherance of his responsibility to supervise the administration of military justice. I will, if confirmed, consult with The Judge Advocate General on matters of mutual interest or concern relating to military jus-

tice, recognizing his statutory duties and special expertise in this area, and will provide advice to the Secretary of the Air Force as needed.

ATTORNEY RECRUITING AND RETENTION ISSUES

Question. How do you assess your ability to hire and retain top quality attorneys and provide sufficient opportunity for advancement?

Answer. If confirmed, I plan to work to maintain the Air Force's ability to obtain and retain the highest quality civilian and military attorneys both in the General Counsel's Office and The Judge Advocate General's Corps. If confirmed, I want to make Federal service as a civilian attorney in the Air Force as attractive and professionally rewarding as possible. I will also work with The Judge Advocate General to ensure the Air Force has the tools we need to continue to recruit and retain the best attorneys available.

Question. In your view, does the Department of the Air Force have a sufficient number of attorneys to perform its missions?

Answer. If confirmed, I will, in consultation with The Judge Advocate General, evaluate the adequacy of the numbers of attorneys in the Department of the Air Force to accomplish the Air Force's missions.

Question. In your view, what incentives to successful recruiting and retention of attorneys, if any, need to be implemented or established?

Answer. While General Counsel of the Army, I worked closely with The Judge Advocate General to implement retention bonuses for military lawyers. My understanding is that this program was very effective in retaining outstanding military lawyers. I am not familiar with the full scope of the Air Force's programs for recruiting and retaining military and civilian attorneys, but if confirmed, in consultation with The Judge Advocate General, I will look at this area very carefully and support initiatives that enhance the Air Force's ability to recruit and retain the best legal talent available.

DETAINEE ISSUES

Question. What role do you expect to play, if confirmed, in helping DOD and the Department of the Air Force address legal issues regarding detainees?

Answer. The legal issues regarding detainees are of critical importance to DOD and the Department of the Air Force. These issues need to be handled with great care, and with a clear focus on the rule of law. I understand that the Air Force Office of the General Counsel and the Office of The Judge Advocate General have representatives assisting the DOD General Counsel in responding to the President's executive orders in this area. If confirmed, I will work closely with the DOD General Counsel in executing the President's directives. Additionally, in consultation with The Judge Advocate General, I will provide advice to the Secretary regarding detainee issues affecting the Air Force, with particular focus on our obligation to treat all detainees humanely.

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. Yes, this prohibition is in the best interest of the United States. Prohibiting the cruel, inhumane, or degrading treatment or punishment of individuals in our custody or under our physical control upholds our ideals and obligations, and reinforces our moral authority around the world.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. I understand that considerable attention is being given to this issue within DOD. If confirmed, I will play an active part in ensuring the Department's implementing directives make clear what conduct is prohibited.

Question. What role do you believe the General Counsel of the Air Force should play in the interpretation of this standard?

Answer. The appropriate role of the General Counsel is to provide advice to the Secretary of the Air Force and his staff on policies that implement this standard. If confirmed, I will ensure Air Force implementation is consistent with the law.

Question. What role do you believe The Judge Advocate General of the Air Force should play in the interpretation of this standard?

Answer. The Judge Advocate General provides advice on policies that implement this standard. The Judge Advocate General should also continue to train and super-

vise the judge advocates in the field, who are instrumental in maintaining this standard.

Question. If confirmed, will you take steps to ensure that all relevant Air Force directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. I will. The requirements of section 1403 and Common Article 3 of the Geneva Conventions remain essential to maintaining a disciplined Air Force, bound by the Rule of Law.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, DOD Detainee Program, dated September 5, 2006?

Answer. I do.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. This statute is intended to provide criminal sanctions for specific war crimes as provided under international law and also violations of the Uniform Code of Military Justice. Even apart from our obligations to prosecute these violations, however, the United States also has the obligation to "take all measures necessary for the suppression" of all other violations of the Geneva Conventions, even those that are not grave breaches, and I believe the Department must continue to hold military members accountable for violations of these standards as well. I think that this statute, in addition to robust and vigilant training of Airmen of our legal obligations, will protect against abusive treatment of foreign detainees in U.S. custody, as well as provide proper criminal sanctions against those who do not likewise secure reciprocal protection of U.S. detainees in foreign custody.

CONTRACTORS ON THE BATTLEFIELD

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. The extensive involvement of contractor employees in a broad array of activities—including security functions—has raised questions about the legal accountability of contractor employees for their actions.

Do you believe that current DOD and Department of the Air Force regulations appropriately define and limit the scope of security functions that may be performed by contractors in an area of combat operations?

Answer. It is my understanding that DOD instructions and procurement regulations that define the limit and scope of security functions are currently under review. Accordingly, it would be premature for me to offer an opinion at this time regarding whether current DOD and Department of the Air Force regulations on the subject are adequate.

Question. What changes, if any, would you recommend to such regulations?

Answer. I have been advised that the Office of Management and Budget is leading an interagency working group to write definitions and criteria for sorting out the blended workforce and that the DOD is reviewing certain instructions in this area. Accordingly, it would be premature for me to offer specific changes to DOD or Department of the Air Force regulations until the results of these reviews are known.

Question. Do you believe that current DOD and Department of the Air Force regulations appropriately define and limit the scope of contractor participation in the interrogation of detainees?

Answer. It is my understanding that current DOD policy appropriately limits contractor participation in the interrogation of detainees. If confirmed, I will examine the Air Force implementation of these policies.

Question. What changes, if any, would you recommend to such regulations?

Answer. I have no basis to propose any changes at this time.

Question. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons".

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. I understand that support services that require substantial discretion or prudent judgment are inherently governmental, and that the likelihood that an individual will be required to resort to force, especially deadly force, and the degree to

which an individual may be required to exercise force in public are important factors to consider in assessing whether a particular security mission is inherently governmental. Therefore, if I am confirmed, I am willing to examine this matter to ensure appropriate attention is given to the legal aspects of this issue.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. I understand that under DOD policy the direction and control of interrogations—to include the approval, supervision and oversight of interrogations, as well as the execution of those aspects of an interrogation that entail substantial discretion—are inherently governmental activities. Consequently, in my view, the Department should continue to assess the appropriateness of the contractor's role, if any, in interrogations.

Question. What role do you expect to play, if confirmed, in addressing the issue of what functions may appropriately be performed by contractors on the battlefield?

Answer. If confirmed, I will advise senior Air Force leadership regarding the functions that contractors may legally perform on the battlefield, and I will assist them in implementing policies regarding the use of contractors that are consistent with applicable law and DOD policy.

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of the U.S. courts to persons employed by or accompanying the Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I understand that MEJA was intended to address the jurisdictional gap in U.S. law regarding criminal sanctions, as applied to civilians employed by or accompanying the Armed Forces outside the United States, members of the Armed Forces, and former members of the Armed Forces, including their dependents. In my opinion, MEJA provides an effective means of exercising extraterritorial criminal jurisdiction over contractor employees in Iraq, Afghanistan, and other areas of combat operations who engage in conduct that would constitute a felony-level Federal crime in the United States.

Question. What changes, if any, would you recommend to MEJA?

Answer. If confirmed, I will study this issue and assess what changes to MEJA may be appropriate, if any.

Question. What role would you expect to play, if confirmed, in developing administration recommendations for changes to MEJA?

Answer. If confirmed, I expect to play an active role in the development of any proposals to change MEJA. I would also coordinate closely with The Judge Advocate General in the development of any such proposals given the complementary and sometimes overlapping availability of jurisdiction under the Uniform Code of Military Justice.

Question. Section 552 of the National Defense Authorization Act for Fiscal Year 2007 extended criminal jurisdiction of the military courts under the Uniform Code of Military Justice to persons serving with or accompanying an armed force in the field during time of declared war or a contingency operation, such as our current operations in Iraq and Afghanistan.

In your view, does the UCMJ provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. The UCMJ provides commanders the tools necessary to maintain good order and discipline and the morale, welfare and safety of all those under their jurisdiction during military operations. Because misconduct by contractors may undermine good order and discipline, Congress extended UCMJ jurisdiction over such individuals, and the Secretary of Defense, in turn, published guidance on the prudent exercise of such jurisdiction. This guidance ensures that the Department of Justice and the DOD each play an appropriate role in resolving whether, and under which system, jurisdiction might be better exercised in each potential case.

Question. What is your view of the procedures agreed upon by DOD and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I have not had an opportunity to review the procedures agreed upon by DOD and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ. If confirmed, I will, in coordination with The Judge Advocate General, assess the effectiveness of the procedures and whether further refinements of these procedures are necessary.

Question. What changes, if any, would you recommend to the UCMJ to ensure appropriate jurisdiction for alleged criminal actions of contractor employees?

Answer. At present, I am not aware of any specific provisions in need of change.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Air Force regarding religious practices in the military?

Answer. It is my understanding that the Air Force has supported policies of religious tolerance and mutual respect. If confirmed, I would continue the Air Force's commitment to upholding the constitutional tenets of the "free exercise" and "establishment" clauses, and review policies as necessary to assure continued compliance with the First Amendment.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I have not had opportunity to review the Air Force's policies regarding free exercise of religion and other beliefs. If confirmed, I will study this issue to determine if changes in policy are necessary under the law.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. I understand that chaplains are not compelled to offer prayers that are inconsistent with their faith, but are expected to remain sensitive to the pluralistic Air Force and society they serve. In my opinion, such an approach strikes an appropriate balance given the diversity of religious views in the Air Force. If confirmed, I am willing to study this issue further to determine if changes in policy are necessary under the law.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination.

If confirmed, what role, if any, would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. As General Counsel of the Army, I played a role in reviewing general officer nominations, and I understand that the role of the Air Force General Counsel is similar to that of the Army General Counsel. I understand that, for general officer promotions, the Office of the General Counsel reviews the following:

a. Memoranda of Instruction that govern the conduct of promotion selection boards and subsequent promotion selection board reports.

b. Adverse information that is not in an officer's official military personnel file that may be presented to the promotion selection board. I have been advised that this information is reviewed to ensure it is accurate and comports with the requirements of Title 10 such that the information is "substantiated, relevant information that could reasonably affect the deliberations of the selection board."

c. Adverse information related to general officers. In general officer cases, the standard for adverse information that must be presented to a promotion selection board is "any credible information of an adverse nature." I have been advised that the Office of the General Counsel participates in a detailed screening process in which all credible information related to officers whose records will be reviewed by a promotion selection board for promotion to a general officer grade. The process ensures that all adverse information is properly identified for presentation to the promotion selection board.

d. Adverse information that becomes available after a promotion selection board makes its recommendations. I have been advised that the Office of the General Counsel provides legal advice to the Secretary of the Air Force so that he may determine whether a promotion review board should be convened to consider whether to continue to support the promotion of the considered officer or take steps to remove the officer from the board report or promotion list.

Question. What is your understanding of the role of the General Counsel of the Department of the Air Force in ensuring the legal sufficiency of statutory selection board processes?

Answer. I understand that, prior to approval by the Secretary of the Air Force, all Memoranda of Instructions for officer promotion selection boards are reviewed by the Office of the General Counsel to ensure the Secretary's instructions conform to statutes and accurately reflect his guidance regarding attributes necessary for service in the next grade. All reports of promotion selection boards are reviewed by the Office of the General Counsel prior to final action on the report by the Secretary. The General Counsel must determine that the Air Force has met applicable statutory standards, DOD direction and Secretary of the Air Force guidelines and that individual selection board reports conform to the law. The General Counsel must advise the Secretary of the Air Force of any case in which a selection board report fails to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion. In advising the Secretary of the Air Force and the Office of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), the General Counsel helps to ensure that Air Force promotion policies properly implement applicable laws and regulations and are fairly applied.

Question. What is the role, if any, of the General Counsel of the Department of the Air Force in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. From my service as General Counsel of the Army, I understand the importance of ensuring that substantiated or potentially adverse information is reported to the Senate Armed Services Committee in a timely, accurate, and comprehensive manner. It is my understanding that under current Department of the Air Force practice, the General Counsel's office reviews each selection board report, as well as Departmental communications to the Committee, the President, and the Secretary of Defense concerning nominations, to ensure that the reports and communications comply in form and substance with law and regulation. If confirmed, I will ensure that the General Counsel's office gives special attention to cases of nominees with substantiated or potentially adverse information, in order to ensure that such information is reported to the Senate Armed Services Committee in a timely, accurate, and comprehensible manner.

MILITARY PERSONNEL POLICY AND CASES

Question. In your view, what role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the Board for Correction of Military Records?

Answer. If confirmed, I will work closely with the Secretary of the Air Force, the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), and other senior Department leaders to ensure that the Department of the Air Force military personnel policies are formulated and applied uniformly, fairly, and in accordance with applicable laws and regulations. If confirmed, it will be my duty to take appropriate action if I become aware of an individual case in which military personnel policies were not fairly and lawfully applied. If confirmed, I will coordinate with the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), who exercises overall supervision of the Air Force Review Boards Agency, regarding the legal sufficiency of the determinations made by the Air Force Board for the Correction of Military Records. In addition, I am aware of and fully respect the independent role that the Air Force Board for the Correction of Military Records plays in the correction of military records.

SEXUAL ASSAULT PREVENTION AND RESPONSE POLICY

Question. Numerous cases of sexual misconduct involving airmen and cadets have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the military failed to respond appropriately by providing basic services, including medical attention and criminal investigations of their charges.

What is your understanding of the resources and programs the Air Force has in place in deployed locations to offer victims of serious sexual assaults the medical, psychological, and legal help they need?

Answer. This is an extremely important issue for the Air Force and, if confirmed, I will focus significant attention on this area. I am not fully aware of all Air Force initiatives or resources, but I understand that the Air Force has recently taken steps to improve the assistance to all victims of sexual assaults, with enhanced recognition of the special circumstances that apply to deployments. If confirmed, in consultation with The Judge Advocate General and other senior leaders, I will study this matter in greater depth with a view to ensuring the Air Force continues to take

appropriate steps to provide medical, psychological, and legal help to airmen who are victims of sexual assault.

Question. What is your view of the steps the Air Force has taken to prevent additional sexual assaults on female soldiers at their home stations and when they are deployed?

Answer. I do not have sufficient information to evaluate the steps taken by the Air Force to prevent sexual assaults on female airmen. I understand the importance of this issue, however, and if confirmed, I will assess whether additional steps need to be taken. If confirmed, I look forward to working closely with Air Force leaders on all initiatives to prevent sexual assault.

Question. What is your view of the adequacy of the training and resources the Air Force has in place to investigate and respond to allegations of sexual assault?

Answer. Presently, I am not familiar with all of the Air Force training and resources to investigate and respond to allegations of sexual assault. If confirmed, I will become familiar with them and will assess whether additional steps should be taken to support victims and hold offenders accountable.

WHISTLEBLOWER PROTECTION

Question. Section 1034, title 10, U.S.C., prohibits taking retaliatory personnel action against a member of the Armed Forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command.

If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect servicemembers who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will work with The Judge Advocate General to ensure that military leaders are fully and accurately advised of the whistleblower protections accorded by law and regulation, and that they understand their legal responsibilities in this important area. In addition, if I become aware of any particular cases involving reprisals, I will ensure that they are addressed in accordance with the law. Whistleblower protections for military personnel are essential to the integrity of the Air Force, and merit serious attention by the General Counsel.

SUPPORT TO AIR FORCE INSPECTOR GENERAL

Question. What role, if any, do you think the General Counsel of the Air Force should have in reviewing the investigations and recommendations of the Air Force Inspector General?

Answer. If confirmed, I will establish and maintain a close, professional relationship with the Inspector General, and will provide candid, independent, and objective legal advice. As part of my responsibility to review legal and policy issues arising from the Air Force intelligence and counterintelligence activities, I will advise the Inspector General concerning proper reporting of the Air Force intelligence oversight activities. Of course, given the Inspector General's mandate for independence and candor in advising the Secretary as to his investigative findings and recommendations, the Inspector General has final authority over matters within his functional purview.

CIVILIAN ATTORNEYS

Question. Judge advocates in the Armed Forces benefit from an established career ladder, substantial training opportunities, and exposure to a broad spectrum of legal areas and problems. By contrast, civilian attorneys in the military departments normally do not have established career programs and may do the same work for many years, with promotion based solely upon longevity and vacancies.

In your opinion, does the personnel management of civilian attorneys need changing? If so, what do you see as the major problems and what changes would you suggest?

Answer. Comprehensive and deliberate professional development of career civilian attorneys and paralegals is an important building block to ensure the Air Force receives the highest quality legal services. I understand that in December 2006 the Air Force General Counsel and The Judge Advocate General formed a joint program to actively develop civilian legal personnel to meet current and future Air Force functional and leadership requirements. I am advised that, in accordance with the charter for this program, a Civilian Legal Community Policy Council composed of representatives of both organizations meets regularly to advance initiatives for the development of the Air Force civilian legal community. If confirmed, I will work closely with all of the entities affected by this issue to support the continuing and important efforts of the Policy Council and any other initiative deemed appropriate.

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of the Air Force?

Answer. The client of the General Counsel of the Department of the Air Force is the Department of the Air Force, acting through its authorized officials.

ACQUISITION ISSUES

Question. What role should the General Counsel play in ensuring that Air Force procurement programs are executed in accordance with the law and DOD acquisition policy?

Answer. If confirmed, I will work closely with the Secretary of the Air Force, the Assistant Secretary of the Air Force (Acquisition), and other senior officials to ensure the Department of the Air Force's acquisition and procurement programs are executed in accordance with applicable provisions of law, as well as DOD guidance. Participation by Air Force lawyers should start in the earliest stages of program development. They should seek out potential legal issues and, where appropriate, identify lawful alternative courses of action.

Question. What role should the General Counsel play in ensuring that ethics provisions on conflict of interest are followed both by Air Force personnel and by Air Force contractors?

Answer. Ethics training, acquisition ethics training, and fostering a culture of ethics throughout the Air Force are paramount in creating an organizational climate that is sensitive to the need of avoiding conflicts of interest and that reacts appropriately when such issues arise. If confirmed, I will work closely with the Secretary of the Air Force, the Assistant Secretary of the Air Force (Acquisition), The Judge Advocate General, and other senior officials to promote an organizational climate that is sensitive to the need to avoid conflicts of interest and that reacts appropriately when specific issues arise. This also extends to ensuring that Air Force personnel adhere to the letter and spirit of the law relating to post-employment restrictions. I believe Air Force lawyers can make a significant contribution to these endeavors through provision of training, through early and sustained involvement in the Department's acquisition programs and procurement activities, and through continued instructional outreach to industry.

Question. Allegations of fraud and abuse during contingency contracting in Iraq and Afghanistan have been wide-spread.

What role should the General Counsel play in ensuring that Air Force personnel are properly trained in contingency contracting and are supervised in the performance of their duties?

Answer. If confirmed, I will work closely with the Secretary of the Air Force, the Assistant Secretary of the Air Force (Acquisition), The Judge Advocate General, and other senior officials to ensure the legal community continues to fully support training, policy development, and an ethical climate to promote the highest technical and ethical standards in our contingency contracting operations. I strongly support initiatives to adequately resource, train and equip contracting personnel to properly conduct contingency contracting, assuring vigilant stewardship of taxpayer dollars. Lastly, I would promote increased collaboration between our acquisition professionals, investigators, fraud counsel, and other stakeholders to ensure that we are doing everything we can to limit the opportunity for fraud, waste, and abuse in the contingency contracting process, and to correct those situations where there has been a breach.

DETECTING ORGANIZATIONAL CONFLICTS OF INTEREST

Question. Organizational conflicts of interest have become a major concern with the growing use of private contractors being tasked to perform key functions that the services had formerly performed in-house. This has been seen in cases in which highly qualified individuals who expect to be hired as government employees need a salary pending completion of the hiring process.

What do you think the Air Force should do, and what should the General Counsel's role be, in ensuring that the Air Force identifies organizational conflicts of interests and takes the appropriate steps to avoid or mitigate them?

Answer. If confirmed to serve as the General Counsel, I will work with Air Force senior leadership to educate our personnel to understand the circumstances that can lead to an organizational conflict of interest and to identify those circumstances at the earliest opportunity. I will help ensure that all circumstances of potential organizational conflicts are promptly addressed in a manner consistent with appropriate guidance. Our goals need to include avoidance of conflicting roles that might bias

a contractor's judgment and prevention of circumstances that may result in an unfair competitive advantage.

Question. What is your understanding of steps the Air Force has taken to address the problems created by delays in the hiring process under circumstances in which the Air Force intends to hire an individual into government service?

Answer. I understand that Air Force leadership has engaged with the Office of Personnel Management, DOD and associated liaison offices to address factors which can delay hiring actions. If confirmed, I look forward to working with Air Force leadership to continue this effort to minimize or eliminate delays.

LEGAL ETHICS

Question. What is your understanding of the action a Department of the Air Force attorney or an Air Force Judge Advocate should take if the attorney becomes aware of improper activities by a Department of the Air Force official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. The attorney should immediately bring the matter to the attention of the attorney's supervisor and, if not satisfactorily resolved, to higher level supervisory lawyers or authorities in the chain of supervision or command.

Question. Do you believe that the present limits on pro bono activities of government attorneys are generally correct as a matter of policy or does the policy need to be reviewed?

Answer. I understand that government attorneys may participate in pro bono activities on their own time, consistent with statute, regulation, or other rule or guidelines. I also understand that specific guidance applicable to the JAG Corps permits pro bono work with supervisory approval so long as the representation does not occur on government time or at its expense, does not interfere with official duties, and does not create a conflict of interest or the appearance of a conflict of interest. Although I am not aware of the need to address pro bono activities, if confirmed, I would review the current policy with The Judge Advocate General.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of the Air Force provide adequate guidance?

Answer. I understand that all DOD lawyers are required to be members in good standing of a State Bar and are therefore subject to the rules of professional responsibility of their particular jurisdiction. Lawyers engaged in litigation must also comply with the rules of the court in which they appear. All military and civilian lawyers in The Judge Advocate General's Corps must comply with the specific rules applicable to them. If confirmed, I will review the rules of professional responsibility applicable to Air Force lawyers to assess if changes are required.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of the Air Force in ensuring the integrity and proper functioning of the officer promotion process?

Answer. I understand that, under title 10, U.S.C., the Secretary of the Air Force is responsible for the proper functioning of the Department of the Air Force promotion selection process. In addition to the legal review of memoranda of instruction and selection board reports to ensure they comport with statutory standards, DOD policy and Secretary of the Air Force guidance the Air Force General Counsel must also ensure the conduct of the board process conforms to all legal requirements. Additionally, the General Counsel must advise the Secretary of the Air Force of any case in which a selection board report or selection board process fails to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion. In advising the Secretary of the Air Force and the Office of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), the General Counsel helps to ensure that Air Force promotion policies properly implement applicable laws and regulations and are fairly applied.

LITIGATION INVOLVING THE DEPARTMENT OF THE AIR FORCE

Question. In your opinion, what is the relationship between the Department of the Air Force and the Department of Justice with respect to litigation involving DOD?

Answer. The Department of Justice represents the Department of the Air Force in civil litigation. If confirmed, I will work with The Judge Advocate General to ensure the continuation of a collaborative relationship with the Department of Justice with respect to litigation involving the Department of the Air Force.

Question. In your view, does the Department need more independence and resources to conduct its own litigation or to improve upon its current supporting role?

Answer. It is my understanding that the Air Force's interests in civil litigation are effectively protected and defended by the Department of Justice. If confirmed, I will work with The Judge Advocate General to ensure that adequate resources are available to ensure that the Air Force is able to provide the appropriate level of support to the Department of Justice and protect the Air Force's interests in civil litigation in which the department is involved.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR JOHN THUNE

TRAINING RANGE ENCROACHMENT

1. Senator THUNE. Mr. Blanchard, community encroachment has been an issue around Air Force bases for several years. As the size of surrounding communities increase, the number of complaints about aircraft operations often increases as well. The same can be said with respect to military training routes, military operations areas airspace, and training ranges. These complaints can instigate operational changes as well as airspace changes. While some of these changes make good common sense, others adversely affect aircrew training and combat readiness. In your opinion, does the Air Force have legal authority to prevent training range encroachment? If so, to what extent should the Air Force use this authority to help maintain its capacity for realistic training?

Mr. BLANCHARD. The safety of our Airmen while carrying out their training and combat readiness missions is critical. To further this end, the Air Force has at its disposal a number of tools to manage encroachment and noise issues. The cooperation and support of surrounding communities is always the first choice. Development restriction in the form of zoning by municipalities and counties surrounding an installation is the most common method to prevent land uses incompatible with the mission. The Air Force uses its Air Installation Compatible Use Zone process and Joint Land Use Studies as means to work with municipalities and counties to promote compatible uses surrounding installations and ranges. In addition, the Office of the Secretary of Defense makes funding available each year to military installations under the Readiness and Environmental Protection Initiative (REPI) to enter into agreements with eligible partners to purchase surrounding property rights from willing sellers to prevent encroachment and protect species habitat. The Air Force is currently using REPI program authority and funds at 10 different bases to acquire conservation or other restrictive easements to help address encroachment issues.

[The nomination reference of Charles A. Blanchard follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2009.

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

Charles A. Blanchard of Arizona, to be General Counsel of the Department of the Air Force, vice Mary L. Walker, resigned.

[The biographical sketch of Charles A. Blanchard, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF CHARLES A. BLANCHARD

Charles A. Blanchard is a partner at the Phoenix office of Perkins Coie Brown & Bain, with a practice that focuses on complex commercial litigation, antitrust, State constitutional law, and election law. In addition to his career at Perkins Coie, Blanchard's over 20 year legal career includes many years of public service, included positions as the chief attorney at two Federal governmental agencies.

Most recently, from 1999 until 2001, he served as General Counsel of the Army, where he acted as the top legal officer to the Department of the Army. From 1997 until 1999, he served as Chief Counsel to the White House Office of National Drug Control Policy during the tenure of Barry McCaffrey as Drug Czar. Other government experience includes two terms as a member of the Arizona State Senate, work as an Associate Independent Counsel in the Office of James C. McKay, law clerk for D.C. Circuit Judge Harry Edwards and law clerk for U.S. Supreme Court Justice Sandra Day O'Connor. He also served as the Interim Homeland Security Director for Governor Janet Napolitano in 2003.

Blanchard is a 1985 graduate of Harvard Law School (where he graduated first in his class) and the Harvard Kennedy School of Government (where he earned a Masters in Public Policy). He graduated with a Bachelor of Science from Lewis & Clark College in Portland, OR, in 1981. Blanchard is active in the community and has served on numerous Boards and Commissions, including the Governor's Regulatory Review Council, Children's Action Alliance, and the Arizona Foundation for Legal Services and Education. He lives in Phoenix, AZ, with his wife Allison and his 4 year old son Teddy.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Charles A. Blanchard in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Charles Alan Blanchard.

2. **Position to which nominated:**
General Counsel, U.S. Department of the Air Force.

3. **Date of nomination:**
April 30, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
April 14, 1959; San Diego, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to the former Allison Jo Major.

7. **Names and ages of children:**
Charles Edward Blanchard (Teddy); age 4.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard University (1981–1985), JD/MPP magna cum laude (June 1985).
Lewis & Clark College (1977–1981), Bachelor of Science (Chemistry) (June 1981).
Sprague High School (1974–1977), High School Diploma (June 1977).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Partner, Perkins Coie Brown & Bain, PA; Phoenix, AZ; (March 2001–present).
General Counsel, U.S. Army; Arlington, VA; (August 1999–January 2001).
Director, Office of Legal Counsel, Office of National Drug Control Policy; Washington, DC (August 1997–August 1999).

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Consultant (SGE), Department of Defense Pentagon Transition Office (April 14, 2009–present).
Council Member, Governor's Regulatory Review Council; Phoenix, AZ (February 2004–January 2009).
Interim Homeland Security Director (consultant) Office of Governor Janet Napolitano (January 2003–May 2003).
Arizona State Senator (1991–1995).
Associate Independent Counsel, Office of Independent Counsel James C. McKay; Washington, DC (June 1987–April 1988).
Law Clerk, U.S. Supreme Court Justice Sandra Day O'Connor (July 1986–June 1987).
Law Clerk, Judge Harry T. Edwards, U.S. Court of Appeals for the DC Court, Washington, DC (July 1985–July 1986).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Partner, Perkins Coie Brown & Bain PA
Adjunct Professor, Sandra Day O'Connor School of Law, Arizona State University

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Vice President, Florence Immigrant & Refugee Rights Project
Vice President, Children's Action Alliance
Board Member, Arizona Foundation for Legal Services and Education
Member, Arizona Bar Association
Member, Maricopa County Bar Association
Member, American Bar Association
Member, Nature Conservancy
Member, Arizona Town Hall

Member, Harvard Law School Alumni Association

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Candidate:

Arizona State Senate (Democrat) (1990, 1992); U.S. Congress (AZ CD1) (Democrat) (1994)

Officer:

State Committeeman, Arizona Democratic Party (1991–1995, 2003–2005).

Precinct Committeeman, Arizona Democratic Party (1988–1995, 2003–2005).

Delegate, Democratic National Convention (1992).

Rules Committee, Democratic National Convention (1996).

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

In addition to the offices listed in (a) above, I have been outside legal counsel for the following committees:

Arizona Democratic Party
Ellen Simon for Congress
Giffords for Congress
Harry Mitchell for Congress
Bob Lord for Congress

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Note: These are contributions made both by me and my wife:

Al Franken for Senate
01/10/2009; $100

Arizona Democratic Party
11/08/2005; $400
04/24/2006; $1,000
06/12/2007; $1,000
12/12/2007; $250
10/29/2008; $500

Arizona List
09/23/2004; $200
04/18/2007; $100
01/09/2008; $100
09/18/2008; $200

Arizona Senate 2006
06/08/2006; $2,000

Kerry Victory Fund
06/12/2004; $2,000

Committee to Elect Chad Campbell
04/26/2005; $370

Doug Allsworth for School Board
09/16/2006; $500

Bob Lord for Congress
02/14/2007; $500
12/22/2007; $500

Ellen Simon for Congress
09/21/2006; $1,000

Friends of Tom Umberg
03/10/2004; $500

Georgians for Meade (Howard Meade—Member running for judge of Court of Appeals)
03/14/2004; $500
09/23/2007; $250

Giffords for Congress
01/03/2006; $1,000
10/26/2006; $1,000
06/12/2007; $200
03/22/2008; $1,000

Harry Mitchell for Congress

09/22/2006; $1,000
10/27/2006; $1,000
04/05/2007; $1,000
03/27/2008; $500
07/02/2008; $1,000
10/27/2008; $500

Janet Napolitano (Governor) 2006
03/03/2006; $120

Keep It Clean
07/06/2004; $250

Kirkpatrick for Arizona
03/22/2008; $500
06/19/2008; $1,000
07/23/2008; $500
09/28/2007; $500
10/27/2008; $500

Kris Mayes 2004
03/17/2004; $110

Napolitano Office Account
07/28/2005; $120

Obama for America
02/04/2008; $2,000
03/26/2008; $300
05/28/2008; $1,000
09/04/2008; $2,300

Obama Fund
10/23/2008; $500

Jose Cerda for Clerk (Cook County Clerk)
12/24/2006; $500

Pederson for Senate
12/02/2005; $1,000
09/29/2006; $1,000

People for Grijalva
04/16/2004; $250
06/01/2005; $250

Spitzer 2006
06/01/2006; $500

Tim Nelson for County Attorney
05/08/2008; $780

Warshaw for County Attorney, Maricopa County
07/13/2004; $200

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Army Distinguished Service Award (2001)
ONDCP Directors Award for Distinguished Service (1999)
Governors Council on Highway Safety Awareness (1992)
Toll Fellowship (Council of State Governments) (1993)
Arizona Attorney General's Distinguished Service Award (1992)
Fay Diploma (Top Student), Harvard Law School (1985)
Rena Ratte Award (Top Student), Lewis & Clark College (1981)
Winning Team, Ames Moot Court, Harvard Law School (1984)
Marshall Scholar (1981) (declined)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

The New Deal Lawyer, 20 Harv. J. Leg. 678 (1983).

Note, Restrictions on Bank Underwriting of Corporate Securities: A Proposal for More Permissive Regulations, 97 Harv. L. Rev. 720 (1984).

"Exclusionary Rule—Good Faith Exception: Massachusetts v. Sheppard and United States v. Leon," 98 Harv. L. Rev. 108 (November 1984).

Report of Independent Counsel, In re Edwin Meese III (July 5, 1988) (co-author).

"Riparian Areas: Protect Them for Our Future," The Arizona Republic (February 2, 1992).

"We need a plan to deal with crime, its causes," The Arizona Republic (October 17, 1993).

"Education Reform: Charter Schools Better Serve Kids," The Phoenix Gazette (June 15, 1994).

"Make a Commitment to Cut Teen Drug Use," Arizona Republic (August 27, 1998) [modified versions of this oped also published in Deseret News, The Oregonian, Tacoma News Tribune and Spokane Spokesman].

"Drugs, Crime, Prison, and Treatment", Spectrum [quarterly publication of Council of State Governments] (Winter 1999).

"Boost Drug Treatment, Cut Crime: Failure to Invest Dooms Communities to Repeat Offenders," Arizona Daily Star (February 21, 1999).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

CHARLES A. BLANCHARD.

This 11th day of May, 2009.

[The nomination of Charles A. Blanchard was reported to the Senate by Chairman Levin on May 14, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 18, 2009.]

NOMINATIONS OF ADM JAMES G. STAVRIDIS, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, U.S. EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE; LT. GEN. DOUGLAS M. FRASER, USAF, TO BE GENERAL AND COMMANDER, U.S. SOUTHERN COMMAND; AND LTG STANLEY A. McCHRYSTAL, USA, TO BE GENERAL AND COMMANDER, INTERNATIONAL SECURITY ASSISTANCE FORCE AND COMMANDER, U.S. FORCES, AFGHANISTAN

TUESDAY, JUNE 2, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:36 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Bill Nelson, Webb, Udall, Hagan, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, and Collins.

Also present: Senator Murkowski.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Joseph M. Bryan, professional staff member; Ilona R. Cohen, counsel; Mark R. Jacobson, professional staff member; Jessica L. Kingston, research assistant; Michael J. Kuiken, professional staff member; Gerald J. Leeling, counsel; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Adam J. Barker, professional staff member; Richard H. Fontaine, Jr., deputy Republican staff director; Michael V. Kostiw, professional staff member; David M. Morriss, minority counsel; Richard F. Walsh, minority counsel; and Dana W. White, professional staff member.

Staff assistants present: Christine G. Lang and Brian F. Sebold.

Committee members' assistants present: James Tuite, assistant to Senator Byrd; Vance Serchuk, assistant to Senator Lieberman; Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Christopher Caple, assistant to Senator Bill Nelson; Patricia Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Jennifer Barrett, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Adam G. Brake, assistant to Senator Graham; Jason Van Beek, assistant to Senator Thune; Dan Fisk and Brian W. Walsh, assistants to Senator Martinez; Erskine W. Wells III, assistant to Senator Wicker; and Chip Kennett, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets this morning to consider three military nominations: Admiral James Stavridis, nominated to be Commander, U.S. European Command (EUCOM) and Supreme Allied Commander, Europe; Lieutenant General Douglas Fraser, nominated to be general and to succeed Admiral Stavridis as Commander, U.S. Southern Command (SOUTHCOM), marking the first time that an Air Force general would take command of SOUTHCOM, if confirmed; and Lieutenant General Stanley McChrystal, nominated to be General and Commander, North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF), and Commander, U.S. Forces, Afghanistan.

On behalf of the committee, we want to thank each one of you for your service to our country, your willingness to continue to serve. We also want to acknowledge the sacrifices that you and your families have made along the way. The support that our military families provide is critical, and we want to do all that we can to support them.

If confirmed, these three nominees will lead our military in meeting today's security concerns in their areas of responsibility, and preparing for tomorrow's. One of the most immediate challenges is implementing the President's new civil military strategy for Afghanistan and Pakistan. If confirmed, two of our witnesses, Admiral Stavridis and General McChrystal, will need to coordinate closely for that strategy to work. As Commander EUCOM and Supreme Allied Commander, Europe, Admiral Stavridis will need to work with our NATO and other European coalition partners to build the capabilities needed in Afghanistan and secure allied commitments to the NATO ISAF mission.

Our European allies continue to provide the majority of the nearly 35,000 non-U.S. troops in Afghanistan, but only a portion are in the fight where the fight mainly is, in the south and east of Afghanistan. The NATO contribution in Afghanistan remains inadequate, even as President Obama has approved increasing the U.S. presence by some 21,000 soldiers, to a total U.S. force of 68,000 by the end of this summer.

Moreover, Secretary Robert Gates testified recently that the NATO Afghan Army Trust Fund has received contributions of less

than one-tenth of its target of 1 billion Euros from our NATO allies. Admiral Stavridis, we'd be interested in any thoughts that you may have as to how to get NATO and our other allies in Europe to do their share for the Afghanistan mission, whether by providing additional military resources, additional trainers for the absolutely critical task of growing the Afghan security forces faster, financial contributions to defray the costs of Afghanistan reconstruction, or providing civilian technical expertise to build the country's governance capacity.

Another issue relative to European security relates to Russia. Vice President Joseph Biden and Secretary of State Hillary Clinton have called for resetting U.S.-Russian relations. I believe there are opportunities to find and build common security interests between the United States and Russia, including the development of a unified response to the threat of a nuclear-armed Iran.

The President, Secretary Clinton, Secretary Gates, and National Security Advisor General Jim Jones have all commented positively about the prospects of the United States and Russia working on a common missile defense as a way of deterring Iran's nuclear ambitions. Senators Bill Nelson, Susan Collins, and I recently explored that possibility on our visit to Moscow, Prague, and Warsaw, and came back with some positive possibilities worth exploring.

Admiral Stavridis, I invite your comments on whether a cooperative U.S.-Russian missile defense program could possibly change the overall dynamic in the region and might cause Iran to recalculate any nuclear weapons ambitions. We also would welcome comments that you might have on the potential for the NATO-Russia Council to serve as a useful forum for discussing such possible joint missile defense cooperation.

General McChrystal, if you're confirmed, you would bring what Secretary Gates called "fresh eyes" to the task of commanding NATO's ISAF and U.S. forces, Afghanistan. Implementing the counterinsurgency approach outlined in the President's strategy will require significant coordination, not only between two chains of command, one reporting up to the NATO Supreme Allied Commander, Europe, and the other through U.S. Forces, Afghanistan, to General David Petraeus at the U.S. Central Command, but also to coordinate between the military and civilian components of the effort in Afghanistan.

The next commander of ISAF and U.S. forces in Afghanistan will confront a myriad of challenges, including a resurgent Taliban, an effectively open border in the area between Kandahar, Afghanistan, and Quetta, Pakistan, over which border extremists come into Afghanistan and return to safe havens in Pakistan. In addition to that, there is crippling poverty and unchecked narcotics trafficking corrupting the government. All instruments of U.S. and coalition power, not just military force, but also diplomatic, economic, and legal tools, will be needed to turn the situation in Afghanistan around.

General McChrystal, I also invite you this morning to clarify your understanding of U.S. standards for the treatment of detainees and to comment on allegations of detainee mistreatment by units under your command during your tenure as Commander of the Joint Special Operations Command from 2003 to 2008. You

may want to address both that issue and the Tillman matter in your opening statement. Both subjects were discussed in executive session of the Senate Armed Services Committee last year in connection with your nomination to your current position as Director of the Joint Staff.

General Fraser, if confirmed, the challenges facing you in the western hemisphere may be different, but they are also complex. As a result of the relative success of Plan Colombia over the past decade, security has improved for Colombians; however, you will still be confronted by an illegal narcotics trade that is constantly adjusting its tactics in response to U.S. surveillance and counter-narcotics efforts. As Admiral Stavridis can attest, the violence that shook Bogota 10 years ago is now challenging governments across Central America and Mexico. Countries like El Salvador, Guatemala, and Panama have now become the focal point of territorial battles for production sites and trafficking routes for drugs. The committee will be interested in hearing your views on this situation and how you intend to address this burgeoning challenge.

In addition to addressing these issues, you'll also be in charge of developing our security relations with important allies. General Fraser, we look forward to hearing from you on these matters, and how you plan to build on the work of your predecessors.

Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman. I join you in welcoming Admiral Stavridis, General McChrystal, and General Fraser, and congratulating them on their nominations. The importance of each of these positions to our national security can't be overstated.

The recent fighting in Pakistan, coupled with our ongoing challenges in Afghanistan, underscore the high stakes our country faces in this theater. I support the long overdue change of course announced for Afghanistan earlier this year. The war there and in Pakistan is one that we can and must win. But, for years now we have been fighting without a clear strategy, with insufficient resources, and with less than total support of the Government of Pakistan. Now that we have a new strategy, I believe we must quickly follow up with the development of an integrated joint-agency civil-military campaign plan for all of Afghanistan and for the Pakistan border area.

We also need to ensure that General David Rodriguez has the staff and resources he will need to conduct operational planning similar to the activities conducted by the Multi-National Corps-Iraq.

Finally, we must take every possible step to accelerate the growth of the Afghan security forces. The Afghan army is too small, and, even with the current projected end strengths of 134,000, it will not be big enough to tackle the many security challenges at hand.

At a minimum, we need to more than double the current size of the Afghan army to 160,000 troops and consider enlarging it to 200,000. The costs of this increase should not be borne by the United States alone, but by the international community. I look

forward to hearing General McChrystal's thoughts on these aims, as well as your views on the need for a comprehensive civil-military campaign plan and for the establishment of a planning corps under General Rodriguez.

Admiral Stavridis, you will play a critical role in marshaling NATO's efforts in Afghanistan and elsewhere. While I believe the United States should continue to encourage European troop contributions and press for reductions of caveats on their use, I also believe we should move away from stressing what Washington wants Europe to give and more toward encouraging what Europe is prepared to contribute.

Many of our NATO allies, and other allies and partners outside NATO, including countries in Asia and the Gulf, are fully capable of contributing many badly needed resources. As Secretary Gates noted in remarks over the weekend, in many areas, noncombat-related contributions, from police training to a trust fund for the Afghan National Army (ANA), will be as critical to long-term success, as more European troops on the ground. Admiral Stavridis, we will look to you for new approaches in these areas that will increase NATO involvement.

America's future is fundamentally tied to the stability, prosperity, and security of our southern neighbors. The recent uptick in violence along our southern border is perhaps the chief example of the interplay between our own security and that of our southern neighbors.

Today, Phoenix, Arizona, is the kidnapping capital of America, and gangs that were born on the streets of El Salvador and Nicaragua wreak havoc on our Nation's cities and towns.

Through the Merida Initiative with Mexico and via our various SOUTHCOM security partnerships throughout the hemisphere, we must help our southern neighbors help themselves in a concerted effort to fight crime, stop drug trafficking, and provide security for their people. General Fraser, I look forward to hearing your thoughts on how SOUTHCOM is addressing these problems.

I thank our nominees for their service, and I look forward to their testimony today, and rapid confirmation.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Before we call on our witnesses for their opening statements and to introduce their families, one of our dear colleagues, Senator Murkowski, is here, and we will call on her to make an introduction.

Senator Murkowski.

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM THE STATE OF ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman, Ranking Member McCain. Thank you.

I am truly honored this morning to sit before you to introduce Lieutenant General Douglas Fraser. General Fraser is accompanied by his wife Rena, his son, Ian, and his daughter, Heather, and, I also understand, her husband, as well.

I have had the pleasure and the privilege to come to know, not only General Fraser, but his family, through the time that he has

spent up north in Alaska. He comes before the committee this morning for confirmation to the rank of general, capping off a 34-plus-year Air Force career. That career officially began in 1975, upon his graduation from the Air Force Academy. Following graduation, General Fraser served in Oklahoma, Arizona, New Mexico, Texas, Alabama, Idaho, Hawaii, Colorado, Washington, DC, in addition to Alaska. So, I think those children are certainly well traveled, there. He's also served in Germany and Japan. But, General Fraser calls Alaska home, and we certainly could not be prouder.

General Fraser served two memorable assignments in Alaska, the first from January 2000 to April 2002, when he commanded the 3rd Wing at Elmendorf Air Force Base there in Anchorage. It was during those years that I represented the airmen of Elmendorf in the Alaska legislature. I became familiar with General Fraser's leadership, both on base and off. General Fraser and his wife, Rena, were more than ambassadors for the Air Force, they were truly forces of good for our whole community.

In October 2005, General Fraser returned to Elmendorf after two assignments in Colorado. He headed up the Joint Alaskan Command, where he remained until April 2008. It was during this time period where our Armed Forces were really coming to grips with the challenge of treating men and women returning from Iraq with post-traumatic stress disorder and traumatic brain injuries. General Fraser was truly committed to addressing the challenges. He was involved in a roundtable that we had convened to discuss how we deal with the healthcare facilities, how our ability to deal with the challenges could be handled. At the time I learned about an innovative project that the Air Force medical wing at Elmendorf would undertake, it was called a Hometown Healing. The Air Force medical wing determined that it was capable of treating wounded warriors in Alaska. It sought out Alaskans who were recovering in the lower 48 hospitals, brought them back to Alaska, and this occurred under General Fraser's watch at the Alaska Command, and it's something that we are very proud of. That Elmendorf hospital was subsequently voted the best in the Air Force.

Alaska is known across the globe for the high level of support that it provides to members of the armed services that are stationed in our State. This doesn't happen by coincidence. It's the product of strong partnerships between the senior leaders on Alaska's installations and the leaders of our Alaska communities, partnerships that each senior leader improves upon during his tenure and passes along to his successors. The Air Force has sent to Alaska some of its very best, people like the current Air Force Chief of Staff, General Norton Schwartz; and the Commander of Pacific Air Forces, General Howie Chandler. I would say that, General Fraser, you stand shoulder-to-shoulder with these senior leaders, in terms of support for Alaska's military communities.

While I have to express some disappointment that General Fraser's next assignment is going to take him away from the Pacific, that's where the Nation needs him, and that's where he will go. Wherever General Fraser goes, I know that he will be an inspiration to the troops that he leads, a strong force in his community, and a military leader of the highest qualities. I strongly endorse his confirmation.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Murkowski. A very significant introduction. We're delighted you were able to join us today.

Let me now call on our three witnesses, in the following order, for their opening comments: Admiral Stavridis, General Fraser, and General McChrystal.

STATEMENT OF ADM JAMES G. STAVRIDIS, USN, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, U.S. EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE

Admiral STAVRIDIS. Chairman Levin, Ranking Member McCain, members of the committee, I'd like to begin by simply saying how proud I am to be here with General Fraser and General McChrystal. I couldn't ask for a better Army-context battle buddy, Air Force-context wingman, and the Navy would say shipmates. We're glad to be here together.

I'd just make the comment, as you look at the three of us here, it really is a joint Goldwater-Nichols kind of panel—Army, Navy, Air Force—and also, Skeet Fraser, nominated as the first airman to go to SOUTHCOM, I'm lucky enough to be nominated as the first admiral to go to Europe; Stan McChrystal, a product of real improvements in legislative quality built into special operations, all came out of this Congress, came out of Goldwater-Nichols. So, we're proud to be here, and I thank you for taking the time to hear us.

I'm here with my family—my wife, Laura, right here behind me, my childhood sweetheart. We lived together in Europe when we were both children, so the prospect of going back to Europe is extremely appealing to both of us. We have two daughters ourselves now, who are both here, Christina, a proud graduate of the University of Virginia, works out at Google in San Francisco, my daughter, Julia, makes us very proud by signing up, this year, for the Navy Reserve Officer Training Corps program, going to the University of Texas at Austin. I'm very proud and lucky to have the family here with me.

I am personally, obviously, very honored and humbled by the President's nomination and the Secretary's recommendation for this position. I have a fair amount of background in Europe. In addition to having lived there as a child, I've traveled throughout Europe extensively over the years. I've operated with NATO off of Haiti, the Balkans, in the Gulf; and studied NATO as part of my academic work that the Navy sent me to at the Fletcher School, years ago. I believe in the transatlantic alliance. I think it's an important one, and if confirmed, I hope to be a positive force, as Senator McCain was just talking about, and the Chairman, in convincing our allies to continue to stand shoulder-to-shoulder with us in important missions throughout the world, and, in particular, in Afghanistan.

My approach will be, as it has been at SOUTHCOM for the last 3 years, to be collegial, to be oriented toward international solutions, multilateral approaches, and, above all, interagency and whole of government. These are challenging times in Europe,

they're challenging times in Afghanistan and the world. If confirmed, I will do my best.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Admiral, thank you so much.

General Fraser?

STATEMENT OF LT. GEN. DOUGLAS M. FRASER, USAF, NOMINEE TO BE GENERAL AND COMMANDER, U.S. SOUTHERN COMMAND

General FRASER. Mr. Chairman, thank you very much for this opportunity. Senator McCain. I would like to also thank Senator Murkowski for her kind introduction and for her continued support of our men and women in uniform.

If I could, let me first introduce my wife, Rena, my partner for 11 years, who has eagerly learned about the Air Force and the joint community, and now steadfastly advocates for and supports military families around the globe.

Next, I'm joined by my son, Ian. He spent 4 years in the Air Force. He's a veteran of Operation Iraqi Freedom and now works with industry.

I'm also accompanied by my daughter, Heather, and her husband, Lieutenant Colonel Bruce Lyman, a businessman and member of the Air Force Reserve. Lieutenant Colonel Lyman, when performing duty with the Air Force Reserve, routinely travels forward to Iraq and Afghanistan to directly support our joint warfighters. Heather and Bruce have also blessed us with our first grandchild.

We're also joined today by Lieutenant Michael Dinmore, a U.S. Air Force Academy graduate who we sponsored while we were in Colorado Springs while he was attending the Academy, and he's now a third-year medical student at Bethesda, and he's essentially another son to us.

Finally, our daughter, Hannah Green, couldn't be with us today. She is, I'm sure, studying very hard and doing well in her final exams back in Honolulu.

Mr. Chairman, thank you for this opportunity to introduce my family. As you can see, we've grown very robustly, in our Air Force career and our time in the Armed Forces.

Distinguished members of the committee, it's my distinct privilege to appear before you today as the nominee for the Commander of United States Southern Command. I am both honored and humbled to be nominated by the President and the Secretary of Defense for this important role and for the opportunity to continue serving with the magnificent men and women who voluntarily defend this Nation.

I am no stranger to Latin America. I spent 3 years in high school in Bogota, Colombia, graduating there in 1971. During this time, I gained a lifelong appreciation and affection for Latin America. Since that time, I have visited several countries in the region on a couple of different occasions, and, if confirmed, I relish the opportunity to return to the wonderful lands of my childhood.

While I haven't spent much time in Latin America during my career, let me assure you that I will spend all my time and energy enhancing the role that United States SOUTHCOM plays with our partner Armed Forces in the region and continue Admiral

Stavridis' dedicated efforts to enhance the interagency cooperation and coordination.

Finally, as Admiral Stavridis mentioned, I am honored to share this venue with him and Lieutenant General McChrystal. I can't think of two better joint partners—battle buddies, wingmen, shipmates—I'd rather be with here today than these two distinguished gentlemen.

I've not had the pleasure of directly serving with Admiral Stavridis. As I have looked more closely at SOUTHCOM, I'm impressed by what SOUTHCOM has accomplished under his leadership, by his foresight and his innovation, and I look forward to the opportunity to build on his distinguished accomplishments.

Likewise, during my current duty as the Deputy Commander United States Pacific Command, I've shared some time with Lieutenant General McChrystal while he served as the Director of Joint Staff. I am equally impressed with his vision, intellect, and drive to improve the coordination and operation of our joint forces.

Mr. Chairman, thank you for the opportunity and the privilege to appear before you today. I look forward to your questions.

Chairman LEVIN. Thank you very much, General.

General McChrystal?

STATEMENT OF LTG STANLEY A. McCHRYSTAL, USA, NOMINEE TO BE GENERAL AND COMMANDER, INTERNATIONAL SECURITY ASSISTANCE FORCE AND COMMANDER, U.S. FORCES, AFGHANISTAN

General MCCHRYSTAL. Mr. Chairman, Senator McCain, members of the committee, thank you for the opportunity to appear before you.

I'd like to thank the Chairman of the Joint Chiefs of Staff and the Secretary of Defense for recommending me, and the President for nominating me to serve the team engaged in this important mission.

I'm accompanied today by my wife, Annie. Her love and support for more than 32 years have been extraordinary.

The President's new Afghanistan-Pakistan strategy outlines a path to attaining our strategic goal in the region through a fully resourced counterinsurgency campaign in Afghanistan. It is important for me to give you my perspective on where I believe we are and where we must go. I appreciate this opportunity.

First, I'd like to recognize the many Afghan civilians, soldiers, and police, who, along with young Americans and all our coalition partners, have sacrificed greatly to stand up and fight for Afghanistan. I honor the fallen, as I know do each of you on this committee.

You gave me the opportunity to discuss in detail one of those fallen, Corporal Pat Tillman, in closed session with this committee a year ago, in advance of my confirmation as Director of the Joint Staff, which I appreciated. I stand ready to answer any additional questions you may have.

I would like to express my deepest condolences to his fellow Rangers, who lost a comrade, and to his family, who lost a brother, a husband, and a son.

As a fellow soldier, I'd also like to recognize the service of General David McKiernan.

In Afghanistan, despite impressive progress in many areas since 2001, the situation is serious. Afghans face a combination of challenges: a resilient Taliban insurgency, increasing levels of violence, lack of governance capacity, persistent corruption, lack of development in key areas, illicit narcotics, and malign influences from other countries. Together, these challenges threaten the future of Afghanistan and regional stability.

The potential re-emergence of al Qaeda or other extremist safe havens in Afghanistan, as were present before September 11, and existing safe havens in Pakistan, are critical threats to our national security and to our allies.

Additionally, challenges to legitimate governance, like those underway in Pakistan, undermine an important partner and threaten regional stability.

Finally, I believe that providing the Afghan people, battered by 30 years of almost unbroken violence, an opportunity to shape their future requires our firm commitment and demonstrates the values that underpin America's credibility worldwide.

For all these reasons, we must succeed.

The challenge is considerable. This is not the environment we, along with our NATO allies and other international partners, envisioned 4, or even 2, years ago, but it is the environment we have today and the place from which we must navigate a way forward.

There is no simple answer. We must conduct a holistic counterinsurgency campaign, and we must do it well. Success will not be quick or easy. Casualties will likely increase. We will make mistakes. The commitment and continued support of this committee, Congress, and the American people will be vital. With the appropriate resources, time, sacrifice, and patience, we can prevail.

A key component of resourcing is people. More than 21,000 additional U.S. military personnel will have deployed to Afghanistan by October this year. You might properly ask if that is enough. I don't know. It may be some time before I do. What I do know is that military-centric strategy will not succeed. The Department of State and other members of the interagency are preparing to train and deploy additional civilian personnel with vital governance and development expertise. Development of an integrated civil-military plan with Ambassador Karl Eikenberry and his team to unite efforts across security, governance, and development is ongoing. It complements efforts by Ambassador Richard Holbrooke, General David Petraeus, and others to address issues across the region. I will support fully the completion and execution of that plan.

Counterinsurgency is difficult business and demands resources, courage, and commitment over time. Each step of the essential shape-clear-hold-build process offers challenges and pitfalls. We face serious challenges, but the insurgency threat and the Afghan people offer no vision for a better future and, thus, remain vulnerable to a government in Afghanistan that can provide one.

Central to counterinsurgency is protecting the people. Efforts to convince Afghans to confer legitimacy on their government are only relevant if Afghans are free to choose. They must be shielded from coercion while their elected government secures their trust through

effective governance and economic development at all levels. This must be Afghanistan's effort, with our committed support.

In counterinsurgency, how you operate, the impact of civilian casualties, collateral damage, cultural insensitivity, and the inherent complexities involved in separating insurgents from the population often determine success or failure. If defeating an insurgent formation produces popular resentment, the victory is hollow and unsustainable.

In Afghanistan, faced with a determined and unconstrained foe, precision and discipline are essential, from limited but necessary air strikes to small-unit search and detention operations. If confirmed, I would emphasize that how we conduct operations is vital to success. This is a critical point. It may be "the" critical point. This is a struggle for the support of the Afghan people. Our willingness to operate in ways that minimize casualties or damage, even when doing so makes our task more difficult, is essential to our credibility. I cannot overstate my commitment to the importance of this concept.

My experiences leading counterterrorist forces in Afghanistan, Iraq, and other locations did much to develop my strong belief in the importance of a holistic counterinsurgency campaign. While proud of the contributions of the forces I was honored to command, we were most effective when integrated with interagency and allied-nation partners in full-spectrum counterinsurgency campaigns. In Afghanistan, I believe intelligence-driven precision operations will remain critical, but must be subordinate to efforts that protect the population and set conditions for governance and economic advancement.

Although I expect stiff fighting ahead, the measure of effectiveness will not be enemy killed, it will be the number of Afghans shielded from violence. Securing the population is ultimately best done by Afghans. I consider the development of Afghan Security Forces, both the ANA and Afghan National Police (ANP), our highest-priority security task. If confirmed, I would work with our NATO, European Union, and Afghan partners to support this effort.

At this point, I also believe the Afghan National Security Forces will likely need to grow beyond the currently approved strengths to provide adequate security. Like you, I am keenly aware their efforts are part of a coalition, many of whom have sacrificed greatly and invested heavily to support Afghanistan. If we are both confirmed, I will have the honor of working for my friend Admiral Jim Stavridis, and my command will include approximately 59,000 servicemembers from 41 nations, all 28 NATO nations, and 14 NATO partner nations supporting Afghanistan. Presently, ISAF forces are conducting security and stability operations, providing senior leadership in all five regional commands, and are directly involved in the mentoring, training, and equipping of the ANA. I look forward to listening to, learning from, and leading, this team in our common challenge.

As this committee knows, since September 11 our forces have learned valuable lessons regarding the treatment of detainees, and made mistakes along the way. When I took command in 2003, I found our treatment of detainees followed existing guidance but

needed improvement. Our facilities were limited, our expertise in specialties like interrogation was insignificant—or, insufficient—and we lacked organizational experience at every level. In the months and years that followed, we invested considerable energy, developed expertise and experience, and improved continuously. If confirmed, I will strictly enforce the highest standards of detainee treatment consistent with international and U.S. law.

Our effort in Afghanistan demands expertise and continuity. Working within the realities of family needs and career development, we must develop a core of professionals who possess expertise in the theater, in its languages and culture. Assigned for repeated tours, remaining focused on Afghanistan when not deployed, these experts can significantly increase the effectiveness of our overall effort.

I'd like to thank the committee for their consistent support. Programs like the Commanders Emergency Response Program (CERP) offer critical flexibility. Robust intelligence, surveillance, and reconnaissance (ISR) assets facilitate unprecedented intelligence fusion. Equipment like the Mine Resistant Ambush Protected all-terrain vehicle save lives, and programs like the Afghan National Trust Fund build partner capacity. But, most important is our magnificent volunteer force. Seasoned by years and growing experience in counterinsurgency operations, they continue to inspire us with their courage and commitment. They are strong, but have given much.

Thank you for the unfailing support you have provided these tremendous professionals and their families.

I was honored to be nominated for this position, and, if confirmed, pledge to you and to the men and women for whom I would serve the best of which I am capable. With that, I look forward to answering your questions.

Chairman LEVIN. Thank you, General.

We'll have an 8-minute round. Before we begin with questions, let me ask the standard questions of each of you. We ask these of all of our nominees.

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

[All three witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[All three witnesses answered in the negative.]

Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[All three witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[All three witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[All three witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify, upon request, before this committee?

[All three witnesses answered in the affirmative.]

Do you agree to give your personal views, when asked before this committee to do so, even if those views differ from the administration in power?

[All three witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly-constituted committee, or to consult with the committee regarding the basis for any good-faith delay or denial in providing such documents?

[All three witnesses answered in the affirmative.]

I think there's going to be a vote at 11 o'clock, and if there is, we'll try to work right through it.

Let me ask both Admiral Stavridis and General McChrystal about the end strength of the ANA. General McChrystal, you made reference to it. The current goal, target end strength, for the ANA is 134,000. As of April, there are 86,000 troops assigned to the army. President Obama has approved the deployment, later this year, of 4,000 soldiers as trainers to embed and to work with the Afghan Security Forces. But, I'm very much concerned, as many of us are, about the size of that army and the lack of a higher end strength goal. I joined with Senator Lieberman and 13 other Senators in a letter to the President to urge him to support, now, the increase in the end strength levels for the Afghan army and the police to the higher ranges, which were recommended by the Afghan defense and interior ministers; and for the army, that range was between 250,000 and 300,000, which would mean double the current target.

Admiral, let me ask you first, because General McChrystal has already commented on it, but then I want to ask the General the same question. Do you believe that the realities on the ground in Afghanistan necessitate growing the Afghan National Security Forces beyond the currently planned end strengths?

Admiral STAVRIDIS. Mr. Chairman, my study of, sort of, classic counterinsurgency doctrine, looking at everything from T.E. Lawrence through David Kilcullen's "The Accidental Guerrilla" as I prepared for these hearings, would lead me to believe that we do need larger security forces in what Stan has correctly referred to as a classic counterinsurgency campaign.

Chairman LEVIN. That means larger than the current end strength?

Admiral STAVRIDIS. Yes, sir.

Chairman LEVIN. General, you said that we're likely to need them; in your judgment, will the Afghan Army need to have a significantly higher end strength than 134,000?

General MCCHRYSTAL. Yes, sir, that's my belief right now.

Chairman LEVIN. In terms of the Pakistan situation—and here, I think, General, you also made reference to this—would you agree with me that assistance to Pakistan will only be effective if the Pakistani Government is perceived by the people of Pakistan as taking the fight to the insurgents because of their own needs as a nation, not because of U.S. pressure?

General MCCHRYSTAL. Yes, sir, I do.

Chairman LEVIN. Admiral, do you want to give a quick comment on that?

Admiral STAVRIDIS. Yes, sir, I do.

Chairman LEVIN. All right.

General McChrystal, are you familiar with the National Solidarity Program in Afghanistan?

General MCCHRYSTAL. Yes, sir, I am.

Chairman LEVIN. Do you have an opinion as to its success and whether it's a good program?

General MCCHRYSTAL. Sir, at this point—and I want to learn more when I get on the ground, but, what I've seen from here, it's been very successful and very positive.

Chairman LEVIN. All right. Now, relative to the question of detainees—and you made brief reference to it, General—we have a letter from you, which I'll make part of the record—clarifying an answer which you provided for the committee in advance of the hearing today.

One line in your letter says that, "We must at all times adhere to our obligation to treat detainees humanely. Military necessity, as well—along with humanity or principles of—underlying the Law of War, military necessity does not permit us to derogate from those imperatives." I'll put the entire letter in the record, but it is an important clarification of your pre-hearing answer for the record.

[The information referred to follows:]

THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

1 June 2009

The Honorable Chairman Levin
Chairman, Committee on Armed
Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman,

It was brought to my attention that the committee expressed concerns related to my language "...to the extent appropriate and consistent with military necessity..." in response to an advanced policy question on treatment of detainees.

Let me be clear--It is my duty to ensure that all detainees are held in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions. We must at all times adhere to our obligation to treat detainees humanely. Military necessity, along with humanity, are principles underlying the law of war. Military necessity does not permit us to derogate from these imperatives. However, the principle of military necessity recognizes that under certain battlefield conditions it is infeasible to render certain benefits to detained individuals. For example, at the point of capture while still engaged in an uncertain situation it may be impossible for a temporary period to make provisions for the exercise of religious beliefs by detained persons. Once a detainee is processed into a controlled detention facility; such provisions are made readily available to detained persons.

Finally, I will ensure our Soldiers continue to provide custody with dignity and respect for every detainee with a dedication to modeling and maintaining world class standards.

Very respectfully,

STANLEY A. MCCHRYSTAL
Lieutenant General, USA
Director, Joint Staff

Copy to: Senator John McCain

Chairman LEVIN. Now, relative to the events that occurred, I want to just clarify your understanding and your awareness and knowledge of what occurred when you were the commander of special operations. How many special-mission unit task forces were there when you were the commander?

General MCCHRYSTAL. Sir, they were multiple. We had a task force at Afghanistan, which then had subordinate task forces, and sometimes it was as few as two, sometimes it was as many as four. In Iraq, similarly, we had a major task force, then later went to

two major task forces, and each of those had subordinate task forces.

Chairman LEVIN. All right.

General MCCHRYSTAL. I couldn't give you, off the top of my head, but it was—at times it was as many as 8 to 10 task forces, all under my command.

Chairman LEVIN. All right. Now, you were the commander of special operations, is that correct?

General MCCHRYSTAL. Sir, I was commander of part of special operations. There were theater special operations, as well.

Chairman LEVIN. All right. Now, you were not the task force commander?

General MCCHRYSTAL. Sir, I was the Joint Task Force Commander for Task Force 714.

Chairman LEVIN. But, in terms of those special-mission unit task forces, you were not the commander of those task forces?

General MCCHRYSTAL. Sir——

Chairman LEVIN. You were not a commander of one of those task forces?

General MCCHRYSTAL. Sir, those task forces made up my joint task force.

Chairman LEVIN. Did each of those task forces, those special-mission unit task forces, have a commander?

General MCCHRYSTAL. Yes, sir.

Chairman LEVIN. All right. Now, what was your understanding, your awareness of the treatment of detainees when you were the overall commander? The Inspector General of the Department of Defense (DOD) indicated that a memorandum of the Secretary of Defense which was approved on December 2, 2002—and that memorandum, relative to the interrogation of detainees, authorized the use of things like stress positions, sleep deprivation, and the use of dogs. The report of this committee showed how that memorandum of December 2, 2002, then went to, first, Afghanistan and then was transmitted verbatim to Iraq. In terms of the treatment of detainees—when you got there, tell us what you were aware of, what you did, relative to that subject.

General MCCHRYSTAL. Yes, Mr. Chairman.

I took over in October 2003, and I'd like to sort of start with three things, to begin with. First, I do not, and never have, condoned mistreatment of detainees, and never will. When we found cases where we thought there was an allegation of mistreatment, we investigated every one, and we punished, if, in fact, it was substantiated, and that was from the beginning.

That said, when I took command, I found the detainee facilities really insufficient for need. They were physically not prepared for that. We didn't have the right number of interrogators. We didn't have the right experience in the force, either. None of us had ever done this with the level of precision that we needed to, so we learned.

We stayed within all of the established and authorized guidelines. They were in them when I took command, and then, with each change in guidelines, we did a legal review, and stayed within those all the time. But as I outlined last year when we discussed it, it also was something that I believe continuously improved.

Each month, we got better at it, for lots of reasons. One, our experience got better. Two, the procedures got, just, constantly looked at and so that they were improved. So, I think the constant improvement is the thing that took us from what I think was acceptable and legal to something that I became much more proud of over time, in terms of the quality of the operation.

Chairman LEVIN. When you say "acceptable and legal," you mean that they were within the guidelines established by the Secretary of Defense.

General MCCHRYSTAL. Sir, they were within legally prescribed guidelines, that's right, the policy we were given.

Chairman LEVIN. The policy that you were given that you understood at that time was legal.

General MCCHRYSTAL. Yes, sir, that's right.

Chairman LEVIN. That policy included, at that time, under that December 2, 2002, memorandum of the Secretary of Defense—that policy included the aggressive acts that I described: stress positions, the use of dogs, and nudity. Is that correct?

General MCCHRYSTAL. Sir, it did. We did not use all of the things that were outlined there.

Chairman LEVIN. Were some of them used?

General MCCHRYSTAL. Some of them were used when I took over, sir, and then, we immediately began to reduce that.

Chairman LEVIN. You immediately began what?

General MCCHRYSTAL. To reduce those, sir.

Chairman LEVIN. Okay.

Senator McCain.

Senator MCCAIN. Go ahead if you want to——

Chairman LEVIN. No, I think that——

Well, I just want to make sure, when you say that you "improved" you meant that even though some of the actions relative to detainees, the aggressive interrogation techniques, had been approved by the Secretary of Defense in a memorandum, which you understood had been legally authorized, that, when you say you "improved them," you reduced the number of techniques which were utilized, even though they had been authorized, is that correct?

General MCCHRYSTAL. That's correct, Mr. Chairman.

Chairman LEVIN. All right. Now, were you uncomfortable with some of the techniques that you saw there?

General MCCHRYSTAL. When I took over, I was, Mr. Chairman.

Chairman LEVIN. All right. The direction of reduction of the use of those techniques, even though they had been authorized by the Secretary, nonetheless was something that you felt was appropriate and necessary?

General MCCHRYSTAL. That's correct, Mr. Chairman.

Chairman LEVIN. All right. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

I thank the witnesses for their excellent opening statements.

General McChrystal, General McKiernan reportedly had a request pending for the deployment of an additional 10,000 U.S. troops to Afghanistan in 2010. Do you expect to renew this request, alter it, or rescind it?

General McCHRYSTAL. Sir, I believe I'll have to make an assessment on the ground, and can't tell you right now whether I would do that.

Senator McCAIN. What is your initial assessment? Do we need the additional 10,000?

General McCHRYSTAL. Sir, I'm just not sure, at this point.

Senator McCAIN. How long do you expect the counterinsurgency effort in Afghanistan to last?

General McCHRYSTAL. Sir, I can't put a hard date on it. I believe that counterinsurgency takes time. I believe that we need to start making progress within about the next 19 to 24 months to know——

Senator McCAIN. But, you do comment, in your statement, that you believe that casualties will go up in the short term.

General McCHRYSTAL. Sir, I do.

Senator McCAIN. I think that's an important message that Members of Congress and the American people understand.

Roughly how many detainees are in prison in Bagram today? Roughly.

General McCHRYSTAL. Sir, I believe it's about 600, but I——

Senator McCAIN. Not all are from Afghanistan? Some are other foreign nationals?

General McCHRYSTAL. I don't know the detailed breakdown right now, sir.

Senator McCAIN. Do you expect that, as we saw in Iraq, fighters from other countries will be on the battlefield in Afghanistan?

General McCHRYSTAL. I do, Senator.

Senator McCAIN. We will probably be capturing some of those?

General McCHRYSTAL. I do, Senator.

Senator McCAIN. Then our problem with what to do with detainees from other countries will continue.

General McCHRYSTAL. I believe that it will.

Senator McCAIN. The death by friendly fire of Corporal Tillman was a great tragedy, as we all know, and the pain and the loss of this American hero to his family was compounded by the misinformation that quickly spread about the circumstances of his death, some of which were included in the recommended citation for the award of the Silver Star Medal that was forwarded by his commanding officer through you, as the commanding general of the Joint Special Operations Command, and approved by you on April 28, 2004. Can you describe what happened in April with respect to the information regarding the circumstances of Corporal Tillman's death, and why you forwarded the Silver Star recommendation in the form that it was in?

General McCHRYSTAL. Senator, I can. I appreciate the opportunity to do that.

Corporal Tillman was killed on April 22, and in the days following, as with the loss of any soldier, a number of things happened, administrative and just practical things that occurred. I particularly took part in two things. I arrived back into Afghanistan from a meeting in Qatar with General John Abizaid on about the 23rd, and I was informed, at that point, that they suspected that friendly fire might have been the cause of death, and they had initiated what we call a 15–6, or an investigation of that. We ini-

tially were waiting for the outcome of that initial review before we went forward with any conclusions. It was a well-intended intent to get some level of truth before we went up.

At the same time, we looked at his potential award for valor. Any lost soldier, they immediately look and determine whether an award was appropriate. In the case of Corporal Tillman, a Silver Star was recommended. I sat down with the people who recommended it. That was higher than some had been given, and we went over a whiteboard, and we looked at the geometry of the battlefield, and I queried the people to satisfy myself that, in fact, that his actions warranted that, even though there was a potential that the actual circumstance of death had been friendly fire.

I need to stress, here, we've had a number of famous people in American history killed by friendly fire—Stonewall Jackson, Leslie McNair, and the like—and I don't separate or I don't believe that the circumstance of his death detracts from his courage, commitment, or contribution.

So, I was comfortable recommending, once I believed that the people in the fight were convinced it warranted a Silver Star, and I was too, with forwarding that.

I also sent a message informing my chain of command that we believed it was fratricide, and we did that when we were told there were going to be fairly high-profile memorial services.

Now, what happens, in retrospect, is—and I would do this differently if I had the chance again—in retrospect, they look contradictory, because we sent a Silver Star that was not well written. Although I went through the process, I will tell you now I didn't review the citation well enough to capture or, catch that, if you read it, you can imply that it was not friendly fire. Also, when I sent the message, the intent entirely was to inform everybody up my chain of command so that nobody would be surprised.

If I had it to do all over again—and we subsequently changed Army policy after this, because the intent on awards at that time was to do an award rapidly so that it could be presented to the family at the memorial service for their comfort. What we have learned since is, it is better to take your time, make sure you get everything right with the award, and not rush it.

I say that, in the two things which I believe were entirely well intentioned on my part and, in my view, everyone forward that I saw was trying to do the right thing. It still produced confusion at a tragic time. I'm very sorry for that because I understand that the outcome produced a perception that I don't believe was at all intended, at least in the forces that were forward.

Senator MCCAIN. Do you believe that Corporal Tillman earned the Silver Star by his actions before he died?

General MCCHRYSTAL. Sir, I absolutely do. I did then, I do now.

Senator MCCAIN. Given your experience in Afghanistan, do you believe that the interrogation techniques that are provided in the Army Field Manual are sufficient to get the information to fight the battle that you need?

General MCCHRYSTAL. Yes, sir, I do.

Senator MCCAIN. Do you believe any additional techniques are necessary?

General MCCHRYSTAL. No, sir.

Senator MCCAIN. I interrupted you. You expect the counterinsurgency in Afghanistan to be dependent, to some degree, on Pakistan; therefore, unpredictable. Are you encouraged by the recent, perhaps temporary, success by the Pakistani Army in Swat and perhaps moving in to Waziristan?

General MCCHRYSTAL. Sir, I am encouraged.

Senator MCCAIN. How do you account for that?

General MCCHRYSTAL. Sir, I believe that, if you looked back several years, what appeared to the people of Pakistan as an American problem of terrorists that were transnational, some of whom happened to be in Pakistan, I believe that they now view it as an internal insurgency. They have an internal insurgency. The actions which they have taken over the last weeks have been resolute in going after that internal insurgency.

Senator MCCAIN. So, the situation isn't as bad as we had feared, but not as good as we hope, regarding the effectiveness or commitment of the Pakistani Government and military.

General MCCHRYSTAL. Sir, I think the situation is very serious, but they know it and are acting on it.

Senator MCCAIN. Aren't you concerned about the overall corruption problem in Afghanistan?

General MCCHRYSTAL. Sir, I am.

Senator MCCAIN. Are you worried that there's still not a joint strategy, or agreed-upon strategy, as far as the eradication or control of the poppy crops?

General MCCHRYSTAL. Sir, I believe that is critical, that we develop one.

Senator MCCAIN. Do you see any coherency in that policy?

General MCCHRYSTAL. Sir, I haven't been forward to look at it closely, but I know we need one.

Senator MCCAIN. As a result of your experience in Iraq, what lessons do you apply to Afghanistan? Briefly, since I think I'm out of time.

General MCCHRYSTAL. Sir, I believe a counterinsurgency campaign, a classic counterinsurgency campaign, well resourced, is going to be required. I think that's all——

Senator MCCAIN. Under very different circumstances.

General MCCHRYSTAL. It's different, sir, but many of the same requirements. We have to get governance, development, and security, or we won't make progress.

Senator MCCAIN. A large geographic area?

General MCCHRYSTAL. Sir, it is more limited than it was at some times in Iraq; it's mostly in the south and the east, but there are some problems in the west and popping up in the north, as well.

Senator MCCAIN. We will experience significant resistance as we move into the south of Afghanistan?

General MCCHRYSTAL. Sir, I believe that we will.

Senator MCCAIN. Am I out of time?

Chairman LEVIN. You are out of time.

Senator MCCAIN. I thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Thanks, to the three of you for your extraordinary careers of service to our country, and congratulations on these nominations.

I want to focus in on Afghanistan, for most of my questions, and say that, in nominating Admiral Stavridis and General McChrystal to the positions you're going to, it seems to me that the President has put in place here what I would call, not just a strong team, but really an all-star team. With Admiral Stavridis, for EUCOM, General Petraeus in Central Command, you now, General McChrystal, heading our operations, as you've described, in Afghanistan, with General Rodriguez, that, together with the diplomatic nonmilitary effort there with Ambassador Holbrooke, now Ambassador Eikenberry going into Kabul with crew of his own that will feature, I guess, several State Department personnel of ambassadorial rank, we're really concentrating our strength, here, because it's so important to win in Afghanistan. I suppose I want to ask you that, as a first question.

General McChrystal, do you believe this is a winnable war in Afghanistan for ourselves and our Afghan allies?

General MCCHRYSTAL. Sir, I believe it is winnable, but I don't think it will be easily winnable.

Senator LIEBERMAN. I think both of those points—very important to hear from you—that is, for Members of Congress and the American people to understand, that it's winnable, but it's not going to be easy; it's probably going to get worse before it gets better.

I know you're a general and not a political leader, but, I think, in these kinds of positions these days, you're going to probably be asked the kinds of questions that we're asked. So, let me ask you, Why do you think it is important that we succeed in Afghanistan?

General MCCHRYSTAL. Sir, I think the first and obvious thing is to prevent al Qaeda safe havens as were before September 11. I actually believe that the importance is much wider than that. I believe the regional stability of Afghanistan and Pakistan are linked, and a lack of stability in that area, I think, is going to cause geopolitical problems. Even if there were no al Qaeda, I think it would still be an important region.

Finally, I think our credibility in the world—we have the ability to support the people of Afghanistan and to move in to shape a better future that they want, and I think that that will make a difference in how we are viewed, worldwide.

Senator LIEBERMAN. You made some interesting statements in the question and answers you exchanged with the committee about the linkage between the Taliban and al Qaeda. There have been a lot of people, in recent months, who have been saying that it may be possible to break off the Taliban to cooperate with us. But, you've made some very strong statements here about your skepticism about our ability to do that, to break the Taliban away from al Qaeda, certainly not so long as they think they are winning. I want to ask you to speak a little bit to the Taliban/al Qaeda linkage, as you see it.

General MCCHRYSTAL. Yes, sir. I guess, first, I'd say that the al Qaeda linkage is somewhat to the Taliban, but it's also to other organizations there. They have, in fact, been there for many years now. They've intermarried, they've created connections that are beyond just organizational.

Insofar as with the Taliban, they do have a link with the Taliban, and I don't think that the Taliban have any reason, right now, to turn their back on al Qaeda. Therefore, I don't think there's a motivation to do that.

I think what is probably more important is, I don't believe that the Taliban is a single, cohesive organization. They are more a confederation of smaller entities, many of which are absolutely motivated by regional or financial or almost warlordism, so they do not have a large coherent structure, to the level it sometimes can look on a map or on an organizational chart. I think it might be easier to fragment the Taliban and separate the hardcore Taliban from the hardcore al Qaeda.

Senator LIEBERMAN. Thank you.

General, it's my understanding that, as of today, we still don't have the kind of integrated joint civil-military plan for Afghanistan that we have for, and had for some time now, in Iraq. Is that your understanding?

General MCCHRYSTAL. Sir, I know that planning is ongoing to develop that. Karl Eikenberry is an old friend of mine, and I have committed that, if confirmed, that would be something that we absolutely will complete as quickly as possible.

Senator LIEBERMAN. So, it's your statement, here, that you intend to work with Ambassador Eikenberry on a joint civil-military plan for Afghanistan.

General MCCHRYSTAL. Absolutely, sir.

Senator LIEBERMAN. Do you have a goal, a time by which you hope to complete that?

General MCCHRYSTAL. Sir, I hate to be pinned to goals, but I think we need to finish that this summer.

Senator LIEBERMAN. Soon. Okay, good.

Admiral, there's a lot of both appreciation for NATO involvement in Afghanistan, and also a dissatisfaction with how it's working, overall, and particularly those of us who are very committed to NATO, concern that this significant out-of-theater involvement by this great military alliance succeed. Of course, it's hard to run a war with this many nations, particularly if they come into the battlefield with individual caveats. As you assume this command, what are your thoughts about what we can do to improve NATO's involvement, here, in Afghanistan?

Admiral STAVRIDIS. Sir, thank you. First, if I could, I'd add to Stan's excellent list of why Afghanistan matters. The point precisely that you just raised, it matters because of the NATO engagement. How the Alliance performs there will bleed over into the future of the Alliance. I don't think it's a go/no-go for the Alliance, but it's certainly important and critical. In addition to all the excellent points Stan made, I would add that one, as well.

As I look at it—and, of course, I have not had any conversations yet with my military interlocutors in the world of NATO—I was very struck by what Ranking Member McCain said, that we need to think about asking our allies to do what they are willing to do and recognize where there are places they just cannot go. That runs the gamut of things, from money to civil-military actions, along the lines of the plan that General McChrystal and Ambassador Eikenberry are going to put together. It includes the trust

fund that we talked about because, as the Chairman said, the odds are high that we will need more Afghan security forces, at the end of the day. At the end of the day, all security is local. So we'll need funding for that. That's a potential zone of contribution for NATO.

Sir, I think there are many different avenues for me to pursue, if confirmed, and I look forward to those interactions with our allies, working with General McChrystal to hear what he needs, and attempting to facilitate that.

Senator LIEBERMAN. Thank you, Admiral. My time's expiring. I just want to state for the record, on a different matter, you have some very strong statements, in the question and answer with the committee, on the rising ballistic missile threat to Europe, and particularly that posed by Iran. As a consequence, you argue that—and I quote you, "the deployment of ballistic missile defense assets in Europe would make a significant contribution to the protection of the United States and Europe from a Middle-Eastern ballistic missile threat." You also very strongly said, "We need multi-layered missile defense capabilities stationed and operational in the region before a threat fully emerges to ensure our common European allies' and partners' security." In this vein, and quite specifically, warn that though the sea-based—basically the Aegis and THAAD Patriot programs are very important, they cannot defeat, and I quote you again, "the entire range of threats by themselves."

I want to thank you for those statements. I couldn't agree with you more, and I look forward to working with you on those and other matters related to your command.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

First of all, let me just state—which you're aware of, Mr. Chairman, but our guests may not be—that they always have a Senate Committee on Environment and Public Works meeting at the same time they have this, so that puts me in an awkward situation of having to go back and forth. Let me say, second, I can't think of any three people who are more qualified for the positions for which you're nominated than the three of you, and I am very excited about things to come.

Now, you may have covered this in my absence, but I want to mention, in fact, there was a great editorial in Investors Business Daily called "Iran Grows Bold." I'll just read a little bit of here and then I want to make it as part of the record—"That's why, knowing we've decided on appeasement as the best course, Iran's Mahmoud Ahmadinejad, on the very day of North Korea's demonstration of a nuclear bomb said that a "freeze" of Iran's own nuclear program was out of the question." It goes on and talks about some of the individuals from—here it is—"General Vladimir Dvorkin, head of Center for Strategic Nuclear Forces in Moscow, recently said, Iran is actively working on a missile development program, 1 or 2 years away from having a nuclear weapon."

[The information referred to follows:]

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Iran Grows Bold

By INVESTOR'S BUSINESS DAILY | Posted Tuesday, May 26, 2009 4:20 PM PT

Axis Of Evil: The U.S. has given Iran until year-end to clean up its act. Iran's making the most of its opportunity — shooting off missiles, sending ships into the Gulf of Aden and defying efforts to halt its nuclear program.

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As with North Korea, a problem allowed to fester until it set off a Hiroshima-sized nuke, we're now in the process of ignoring a potentially bigger problem as Iran develops its own nuclear weapon. How do such things happen? As they say: All that's required for evil to prevail is for good people to do nothing.

In this case, Iran has routinely made its aims clear — as did North Korea. Iran sees nuclear hegemony in the Mideast as its divine right.

That's why, knowing we've decided on appeasement as the best course, Iran's Mahmoud Ahmadinejad on the very day of North Korea's demonstration of a nuclear bomb said that a "freeze" of Iran's own nuclear program was out of the question.

The U.S., along with Russia, China, France, Germany and Britain, has asked Iran to discuss their differences. As part of President Obama's decision to "engage" with Iran, rather than threaten it, we've gotten a clear response from Iran: No. Diplomatic engagement lets Iran buy time while the world dithers, as with North Korea, and lets Iran's scientists finish their nuclear plans.

Iran already has in its possession workable plans for a bomb. It may only need bomb-grade uranium. Well, guess what? An Israeli report says Venezuela and Bolivia are supplying Iran with just that. This augments what Iran has already acquired by sending teams of engineers and top government officials to North Korea and Pakistan to tap their nuclear know-how.

Emboldened by the rest of the world's inability — or lack of will — to stop it, Iran is now flexing its muscles. Last week, Iranian Adm. Habibollah Sayyari said Iran had test-fired a new surface-to-surface missile with a 1,200-mile range. For the record, it can hit Israel. It can also hit U.S. bases in the region.

Iran isn't stopping there. It's developing missiles that will soon let it directly threaten the easily intimidated governments of the European Union, and all of the Middle East.

This week, it sent six warships into the Gulf of Aden, supposedly as an anti-pirate move. But sending ships to the Gulf, through which 7% of the world's oil is shipped, might also be a threat to oil producers in the region who are now at odds with Iran: Mess with us, and we cut off your oil.

We continue to pretend that Iran's intimidation of Europe and the rest of the Middle East would disappear if only Israel would agree to a Palestinian state on its border. On Sunday, a five-member U.S. congressional delegation in Israel bluntly said it was "skeptical" that Israeli leader Benjamin Netanyahu would be able to make peace.

But how can peace be made under a perpetual threat of annihilation? Iran has made it clear, repeatedly, that once it gets

the means, it will have the will to destroy Israel. The lack of a Palestinian state will only be a pretense — one the world will eagerly swallow.

Netanyahu seems to understand this all too well. Addressing Iran's growing nuclear threat, he said Sunday: "My job is first and foremost to ensure the future of the state of Israel . . . Who will eliminate it (the danger of Iranian nuclear weapons)? It is us or no one."

Two months ago, as the Obama administration contemplated dropping its missile shield for Europe, the U.S. got a warning. "Iran is actively working on a missile development program," said Maj. Gen. Vladimir Dvorkin, head of the Center for Strategic Nuclear Forces in Moscow, adding that Iran is "one or two years" away from having a nuclear weapon.

Yes, we've heard such warnings before — about North Korea, a country far less wealthy and technically sophisticated than Iran. Sitting on our hands and pursuing "diplomatic engagement" didn't work too well with them. It won't work any better with Iran.

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Senator INHOFE. I'm getting mixed signals here, because we're all very familiar with the capabilities that we need to protect western Europe, and maybe even the United States, from a missile coming from Iran, and it's necessary to have the radar in the Czech Republic, as well as the Poland opportunities. While they're for it, and they're ready to do it, and the Polish Parliament is even saying that they are hoping that "We don't regret our trust in the United States." I'd just like to have one of you respond to what is confusing to me, and that is why it is that we now have Russia saying that they don't want to participate in this, or they don't want to approve this until and unless they have certain conditions met on the Strategic Arms Reduction Treaty, and yet they turn around and say that, yes, it is necessary to have this. Where do you think Russia is, and how important do you think—let's start with you, Admiral Stavridis—to have that European site?

Admiral STAVRIDIS. Yes, sir, I think I'm probably the right one to answer the question, given that Russia is part of the EUCOM area of focus.

Sir, as you fully appreciate, and the Chairman alluded to this in his opening statement, any of these decisions really are a matrix of diplomatic and political activity that goes well beyond the purview of a military commander. My own view, at this point, looking at it from a distance and before I have an opportunity, if confirmed, to go and interact with the——

Senator INHOFE. Forget about the politics, just the importance of the European site, from a military perspective.

Admiral STAVRIDIS. From what I can see, at this point, I'd agree with the President's comments that he made at the NATO summit, which are that, as long as the Iranian threat persists, the system is effective, that the likelihood of proceeding forward is important.

Senator INHOFE. I would say it looks like the Iranian threat will persist. While I'm asking you a question, this is kind of off the wall—I've fought and lost the 3-year battle of Vieques a few years ago. I felt, at that time, that was the best integrated training opportunity that we had. We've been using it since 1941, we lost it, for political reasons, both Democrats and Republicans, because President Bush was in on this decision. Now the things that I said were going to happen, the adverse things, in terms of Roosevelt Roads and adversely affecting Puerto Rico, I'm getting people com-

ing back to me, saying, "Any possibility of reopening Vieques as a site?" Any thoughts on that?

Admiral STAVRIDIS. Sir, that would, of course, fall under the purview of my good friend, Chief of Naval Operations, Admiral Gary Roughead. I'll take that message back to Admiral Roughead and ask him to interact with you.

Senator INHOFE. Do you think the quality of training today is as good as it was when we had that integrated training at Vieques?

Admiral STAVRIDIS. Sir, I don't know the answer to that question. I have not operated——

Senator INHOFE. Okay, but maybe for the record we could do that.

[The information referred to follows:]

From my perspective as a combatant commander, the Navy has been providing me with highly trained personnel and units who have accomplished so much in the Southern Command area of focus. The Navy has made a huge and significant impact through exercises such as Unitas and Panamax, as well as Operation Continuing Promise and real world disaster relief efforts. So, as a user I am very satisfied with the training the Navy is providing its sailors under their mobile training concept, which was created following the closing of the Atlantic Fleet Weapons Training Facility in Vieques to meet the training needs of the Navy.

Senator INHOFE. General McChrystal, you and I talked about this, and I appreciate all of you visiting with me and giving me the time that you have. I know you've been very busy. The Nebraska—I don't see the Senator from Nebraska here—National Guard has been in Afghanistan on these agricultural programs, and then the Oklahoma Guard is going up to carry them on. Would you give a very brief assessment as to what successes or failures they're having up there on that?

General MCCHRYSTAL. Sir, my information, as we discussed, is secondhand, but all I've gotten is very positive, and I do know that the importance of the agricultural part of the development program is key. On the basis of what I know right now, it's very positive.

Senator INHOFE. Good, I'm glad to hear that. I've heard that from a lot of the commanders in the field, and others.

Let me get my three or four programs that are my favorites, just, for yes-or-no answers from the three of you. It would be on train-and-equip, sections 1206, 1207, and 1208, as it refers to Special Forces, the International Military Education and Training (IMET) program, the CERP program, and the Combat Commander Initiative Fund programs. I think those four programs are among the most significant programs that we have going for us right now. Do you agree?

General Fraser?

General FRASER. Yes, sir, I do agree, they're very important programs.

Senator INHOFE. Admiral?

Admiral STAVRIDIS. Yes, sir. Based on 3 years at SOUTHCOM, they approach indispensable.

Senator INHOFE. Good.

General MCCHRYSTAL. Yes, sir, I concur.

Senator INHOFE. All right. Well, what I'd like to have you do—and this would be for the record—Admiral, if you could respond. I have been told, over there, that, by spending no more money, but by handling the cashflow in the IMET program, that we would—

and maybe having a multiyear program—it would not be scored, and it would be immensely more beneficial to us for those partnerships with the other countries. If you could kind of answer that for the record, I'd appreciate it.

Admiral STAVRIDIS. Aye-aye, sir.

[The information referred to follows:]

The International Military Education and Training (IMET) program is one of the best and most cost-effective engagement tools for forging longlasting, military-to-military relationships with the current and future leaders of our hemisphere's security institutions. The funding flow for IMET is complex, with multiple government agencies participating in the budget planning process, and requiring a 3-year planning process. The complicated and time intensive planning process results in allocation occurring in the second half of the programmatic year. Because IMET is currently 1-year funding, this leaves little time for execution of funds before the end of the programmatic fiscal year. This would be a tight timeline for any program. However, IMET presents additional complications. Execution of the IMET program necessitates enrollment in the military institutions to which we bring our partner militaries. By the time we receive the budget allocations, enrollment in these institutions is sometimes full or closed, presenting additional challenges to execution of the program. For all of these reasons, it would be very useful if this was multi-year funding.

Senator INHOFE. All right. AFRICOM, I know this is not directly involved with what you would be doing in your case—I've been concerned that they're not getting their resources. I was one of them who, when the continent was divided into three different commands, said that it would make much more sense to have AFRICOM, and that's what's happening today, although it appears to me that they're not getting the resources. I'm talking about airlift resources and others. Do you think they are? If not, would you try to improve that?

Admiral STAVRIDIS. Sir, I don't have the answer to the question. I'll ask General Ward, who's a colleague and good friend. I would support the adequate resourcing of Africa Command. I agree it's important for unity of effort in that continent.

[The information referred to follows:]

In speaking to Africa Command, I understand that airlift is certainly a challenge, and some help may be coming. However, generally speaking, they are satisfied that they can conduct their missions within their resourcing.

Senator INHOFE. Okay, good.

Lastly, I'm getting it all in here—the concern that I have had for the aging fleet of everything that we're having right now—of course, the average of over 18 years old, the Navy aircraft averages 18 years; Marine Corps, over 21 years; refueling tankers, over 44 years. I'd like to ask each one of you what the impact on operating and maintaining 20- to 40-plus-year-old equipment has on combat readiness and if you have any thoughts about what we can do on this, the aging aircraft fleet.

Tinker Air Force Base, being in my State of Oklahoma, they're doing a great job on the KC–135s, but you know how old they are. If we are successful today and make a determination as to what kind of a tanker we would have, we would still be using them for another 30 years.

Let's start with you, General. Does that keep you up at night, concern about the aging equipment that we have?

General FRASER. Sir, it is a concern, and we need to keep our focus on it. I've really been on the outside as the Services have

really deliberated on this—as I look at my position currently, as the Deputy Commander, Pacific Command, we have the resources we need to do the job; it's one of those things we need to make sure we continue to focus on and enable us in the future.

Senator INHOFE. Admiral?

Admiral STAVRIDIS. I agree, sir.

Senator INHOFE. All right.

General McChrystal, I might go a little further, when I see your green uniform there, the Future Combat System is one of the first things—transformations in 50 years that we've had on the ground, and I know that it's very controversial. Many of these decisions are political decisions. But, I would still say that we're using some of the really outdated stuff. The Paladin was World War II technology. Recognizing the Paladin/FAASV Integrated Management (PIM) program is going to at least go forward to improve the Paladin, it's undergone two or three of these renovations already in the last 30 or 40 years. What do you think about the Army's aging equipment?

General MCCHRYSTAL. Sir, my expertise on much of the equipment is pretty thin, but I would say that I think tough decisions were made in the Secretary's budget recommendations for this year, particularly moving toward some of the irregular warfare. I think they've had to make tough tradeoffs. There are none that I've seen I didn't agree with——

Senator INHOFE. Yes. Well, I know that's not in your purview, but it's still you; you're Army.

Thank you very much.

Admiral STAVRIDIS. Sir, I just add, the Quadrennial Defense Review that Secretary Gates is doing now is looking very specifically at that issue, as well.

Senator INHOFE. Very good, thank you, Admiral.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Gentlemen, thank you for your service to the Nation, and the service of your families.

Admiral Stavridis, Senator Lieberman raised the question of the long-term NATO commitment to this effort. The NATO heads of states agreed to create these training missions and operational liaison and mentoring teams. They still haven't filled them.

Is that going to be a deficit that will continue forward, or are you confident they can fill that and continue for a long period of time?

Admiral STAVRIDIS. Sir, the Operational Mentoring and Liaison Teams (OMLTs) are in shortfall right now. There are 52 fielded; we need 64. The really bad news is, looking ahead, we're positioned to have 71, and need as many as 90-plus.

[The information referred to follows:]

During my testimony on June 2, 2009, I misspoke concerning the number of Operational Mentoring and Liaison Teams (OMLTs) in Afghanistan. I would like to take this opportunity to correct the record.

There are currently 54 OMLTs fielded; we need 66. I originally said there were 52 fielded and we needed 64. We are positioned to have 70 OMLTs, while I originally said we are positioned to have 71.

Thank you for the opportunity to correct the record.

Admiral STAVRIDIS. Sir, you've identified, I think, a crucial area. It's at the top of my priority list, if confirmed, to put an argument forward to our allies that this is the kind of thing they could perform very well in. The same discussion we were having earlier about, "Where are the comparative advantages?" these small teams could have tremendous effect and would be threaded into General McChrystal's civil-military campaign plan as a very central feature, because, at the end of the day, again, security is local; you have to train up these Afghans. That's what these so-called OMLTs would be very good at. Top of my list, sir.

Senator REED. Let me ask you another question, Admiral. With the exception of the British, who have combat brigades in-country—and, frankly, I think French commandos and a few other national units—what's the ability to generate brigade-sized forces comparable to an American brigade?

Admiral STAVRIDIS. Sir, it's limited. I think that, again, this is why we need to work with the allies to find the sizing of units that they could put in the field. The Canadians do terrific work, down south. They have, actually, the highest per-capita casualty rate; higher than our own in the United States, for example. The Dutch are doing terrific work. The French are doing terrific work, and so forth and so on. Of course, the British.

We need to find the right sizing units, and that's something that I'll be looking very much for General McChrystal's expertise, and also talking to General Petraeus, who has excellent experience at this type of coalition structuring on the Iraq side. I think, between the three of us, we need to find ways to generate combat effect if we can't have big standing combat formations.

Senator REED. Thank you.

General McChrystal, the command structure now with General Rodriguez, how do you propose to utilize General Rodriguez?

General MCCHRYSTAL. Sir, General Rodriguez has extraordinary operational experience, which most of you are aware of, both in Afghanistan and Iraq. I think that in almost any role, he's going to be value added.

What I would like to aspire to is that he would be in operational command of the regional commands, the five regional commands. That would allow me to look at the strategic level and the interface, and he would do the maneuvering. That requires NATO to agree to that. That is not yet done, so I don't want to get ahead of reality. But, that would be my aspiration.

Senator REED. There's another aspect to the questions that Admiral Stavridis and I have, and that is shifting away from a geographical base of operations to functional. That is, if NATO takes the training mission, if NATO takes logistical missions, then the geography of the fight could be up to those combat units. They're not all exclusively American, but mostly American. Is that a thought you're giving?

General MCCHRYSTAL. Sir, I just looked at that. I haven't studied it. It seems to make a lot of sense to me.

Senator REED. Okay. There is another aspect, too, here, which is very sensitive; that is, the civilian casualties. Like so many of my colleagues, I've been out there recently, and that is an issue that has a great political effect, manipulated for self-interested purposes

by all sides. How are you going to ramp up the battle as you intend to, particularly in the south, and then also minimize collateral civilian casualties?

General MCCHRYSTAL. Sir, I believe the perception caused by civilian casualties is one of the most dangerous things we face in Afghanistan, particularly with the Afghan people; the Pashtun, most likely. I think that we have to recognize that that is a way to lose their faith and lose their support, and that would be strategically decisive against us.

So, my intent, if confirmed, is to review all of our existing rules of engagement, review all of our tactical directives, get with all of our forces, with the goal of not putting ourselves in a position, except when we have to protect American or coalition or Afghan forces, actual survival, from positions where we create civilian casualties.

Now, I'm free to say, with the chaos of war, it's difficult to say "always" or "ever." But, certainly I think it has to be viewed as a critical requirement for us.

Senator REED. One of the aspects of your mission, not only to attack and disrupt the Taliban and the other elements there, but to minimize casualty, is the use of technology, like unmanned aerial vehicles. Do you think you have enough of those? Do you need more?

General MCCHRYSTAL. Sir, I have a history of saying, "I've never had enough," and I can't ever envision a day when I'd say that an operation I'm involved in has enough ISR. That said, there has been significant increase in Afghanistan this year, and by the end of this year it's going to be significantly more. But, every time you get more ISR, you get more precision. Every time you get more precision, then what you can do is, you can reduce civilian casualties, you can also reduce impact on civilian population. If you are going to an individual, and the operation goes after a single house or a single compound, and you don't affect the whole village, you don't have a negative impact on everyone else. So, while ISR is not a panacea for everything, the more you have, the smarter you are as a force, and the more precise you can be. I'm just a huge believer. Everything we can do to continue to increase that will be of value to us.

Senator REED. Thank you.

General Fraser, you have an area of the world which is very close to us. One of the lessons I think we've learned worldwide is that governmental capacity is such a critical element of stability. I wonder if you will undertake an assessment of the governmental capacity of the countries in your areas of operations as a leading-edge indicator of where problems might exist.

General FRASER. Senator, thank you for that question. As I understand it and as I've studied what SOUTHCOM is already doing, I think they already have a very robust program that looks to do that, a very interagency, very cooperative program. The issues we deal with in that region, I think, reflect that. It's a whole-of-government approach, it's an interagency approach, it's an international approach. So, yes, sir, if confirmed, I'll continue efforts along that line.

Senator REED. Thank you.

Thank you, gentlemen.

Chairman LEVIN. Thank you, Senator Reed.

Senator Thune is next.

Senator THUNE. Thank you, Mr. Chairman.

Let me echo what's already been said. You all are extremely qualified. I can't think of individuals who are better equipped to serve in the posts for which you're here this morning. I want to thank you for that service, and also add my appreciation to your families for the sacrifice that they make each and every day so that you can continue to serve our country with such distinction.

I also want to associate myself with the remarks that were made by Senator Lieberman earlier, and also Senator Inhofe, with regard to the third site in Europe and the danger imposed by the Iranian threat. Admiral Stavridis, you have made some fairly strong comments in that regard, and I also want to express my support for that view. I think it's just really important that we continue to pursue that undertaking.

General McChrystal, if I might—the core goal of the new AfPak strategy is to destroy the extremists and their safe havens within both Pakistan and Afghanistan, and you would imply from that, I think, that it's not necessary to form a coalition government or a reconciliation of political elements in Afghanistan, as General Petraeus did in Iraq. It seems, rather, that the goal requires only that an agreement be reached with the Taliban to block al Qaeda operations in Afghanistan.

My question is, is it acceptable, in your opinion, to have the Taliban once again in charge of Afghanistan if they agree to deny al Qaeda safe haven in Afghanistan?

General MCCHRYSTAL. Senator, I find it very unlikely that the Taliban would make a credible agreement to do that. So, I would have a difficult time even speculating.

That said, I think that the President's intent, and my belief, is that we need to create in Afghanistan a state that would not allow the return of safe havens. In my view, I think that means it's going to have to be a government that may be a working coalition that may have some former Taliban. But, right now, based upon Taliban statements, I can't see them being a credible official part of the government.

Senator THUNE. The Washington Post report, on April 29, that Pakistan's inability to slow Taliban advances has forced the administration to shift its Afghan-Pakistan strategy from a step-by-step process of greater engagement with Pakistan to a more accelerated approach. I'd be interested in knowing what that shift in strategy will do, in terms of affecting your job in Afghanistan.

General MCCHRYSTAL. Sir, I actually think it's positive. I think the degree to which Pakistan shows the resolve which they have shown lately, and their willingness to go after what they view as an important internal problem and let us partner and help them in any way possible, I think that's positive. If we can, in good faith, do that, I think we continue to build a strategic partnership that I think is important for the long haul.

Senator THUNE. I'd like to get at one other issue—and, again, I'd address this to General McChrystal—dealing with the issue of corruption in Afghanistan. There is, of course, a lot being written

about it. According to Sarah Chayes, who operates an economic cooperative in Kandahar and appeared as a witness before the Senate Foreign Relations Committee earlier this year, corruption so widespread that nearly every citizen interaction with the government results in some form of shakedown. Traveling along the roadways requires one to pay a bribe at each police checkpoint. According to Ms. Chayes, "To pay your electricity bill, you have to go to eight different desks in two different buildings, and you have to pay bribes in order to have the privilege of paying your electricity bill."

This sort of unchecked dishonest form of governance, I think, really is obstructing our progress in Afghanistan. As she has noted, people, in some cases, prefer probably to live under the Taliban because of the excruciating difficulty that they encounter with the corruption in the government. In fact, I think that's what brought the Taliban to power back in 1994.

My question is—if we don't work to clean up the corruption in the Afghan Government, we may not be able to win this war, and the question is, what, if confirmed, can you do, in terms of taking steps that would implement our new strategy there, that would lead to more honest government and end some of this corruption that is really plaguing the government and our ability, I think, to be successful there?

General MCCHRYSTAL. Sir, I concur with what both Sarah told you and also what you've stated, in terms of corruption. I think it has a corrosive effect that undermines the legitimacy of any government, particularly Afghanistan right now, where it is a real problem, and it is perceived by the people to be a real problem. I think we need to help them at every level, partnering with them to try to work out corruption. I don't think there is a way we can suddenly take a society that, after 30 years of war, has developed some bad habits, and wring it out suddenly. But, I do think constant pressure on it, at the ministerial level—and I would look to partner with Ambassador Eikenberry and his team to try to provide people at each level to work, and then, out more locally, things like Provincial Reconstruction Teams (PRTs) and our forces to put pressure on it to try to reduce it. I think it's one of the things that must be reduced for the government to be legitimate, and therefore, for the people to trust it.

Senator THUNE. Do you see us having any kind of success there, long term, absent a functioning—and "clean" is probably too much of a word to use, but at least a capable, accountable, and at least effective government in that country?

General MCCHRYSTAL. No, sir. It may not look exactly like a structure of our Government, but it has to be functioning, it has to be perceived by the people as legitimate.

Senator THUNE. Okay.

I want to come back to one other question, I think, that was asked earlier by Senator Reed, and it has to do with the issue of the command structure there, and how that sometimes has hampered our efforts, as well. Critics often point out that part of the problem in Afghanistan is the lack of unified effort among our allies, and that we managed to cripple our effort, because there's not broad coordination or vision, and that there's confusion about strat-

egy and tactics and operations and those sorts of things. You've touched on this already. I would direct this to you, General, and to Admiral Stavridis, as well, about what can be done to establish a more unified effort, especially as we contemplate pouring troops into Afghanistan.

General MCCHRYSTAL. Sir, I think the first point I'd make is, it's not as clean and as unified as we might like. On the other hand, the nature of coalition warfare is such that you bring a number of partners together with different values, different goals, different habits, and you get them to work together. At the end of the day, I think you have to judge whether you get more from fighting as a coalition than you give up by not having unity. I think, historically—and I think strongly—we get more out of being a coalition, and it's sort of like democracy, you pay for a certain lack of order, but the benefits are so great.

I think what we have to do is work through it by overcommunicating, just constantly staying wired. There are probably some things we can do, as I mentioned, with the aspiration for General Rodriguez's role that would make us more effective.

Admiral STAVRIDIS. I would agree, and I would add that the command relationships are complicated, but they are not, in any sense, unworkable. I believe that the communication, and indeed, the friendship between myself, General McChrystal, General Petraeus, Ambassador Eikenberry, all of us well known to each other, will be very effective in then turning and working with our allies to try and create a holistic approach, a pallet upon which we can all paint our different pictures, and yet, have it come out as the picture we want.

Senator THUNE. In your efforts with our allies——

Chairman LEVIN. Excuse me for interrupting, Senator Thune. I'm going to run and vote now. A vote has begun. After you, Senator Akaka would be next, and he will then identify whoever else is here.

Thank you. Excuse the interruption.

Senator THUNE. One final point I want to make on that is, in your efforts to—as you strengthen and build some of those relationships with our allies, this issue of caveats is really problematic. If you talk to troops or commanders, it continually comes up, and it really does undermine and hamstring our ability to be effective. I understand there are certain, as you noted, limitations when you're dealing with a coalition effort like this, but I really hope that you all can home in on that and see if perhaps we can provide some relief from some of these, just—the conditions and caveats that some of our allies impose on our ability to get the job done.

Admiral STAVRIDIS. Sir, if I could, we spoke earlier about the importance of these OMLTs, these teams that we're going to try and bring together. That's at the very top of the priority list for me. I would say caveats would be the next. I sat down, in the course of preparing for this hearing, and read every one of the 69 caveats that applied to the various nations involved in this. It is complicated. It's worth mentioning, 18 of the 41 countries are caveat-free, so there are examples, amongst the coalition, of nations, who do not place caveats upon themselves.

So, I think by working with our allies, and, again, as we've talked about, trying to find where the absolute redlines are, but getting close and close and closer to those every day, will reduce the caveats. Again, that's, I think, an area where Stan and I will be working very closely together.

Senator THUNE. Thank you all very much.

Mr. Chairman, thank you.

Senator AKAKA [presiding]. Thank you.

Thank you very much, to our panel, for being here. Welcome and aloha. Congratulations on your nominations, also, thank you to your families. I know families are great supporters of what you do, and I know your outstanding leadership is due to the support of your families. Thank you all for being here.

General Fraser, I would like to thank you very much for your steadfast leadership over the past year in the Pacific Command, under the leadership of Admiral Keating and yourself. The proud men and women of the Pacific Command have met the challenges of a very demanding region, and I want to thank you for your service out there as you move on to SOUTHCOM.

General, SOUTHCOM is critical to our U.S. strategic objectives. If confirmed, what would be your top priorities for that region?

General FRASER. Thank you, Senator. I see two basic issues that we need to work. One is, in my role there, it's the basic defense in defending the southern approaches to the United States. It is, and will remain, a key effort, but that's for the United States.

I think the big thing within the region is an international and interagency approach. The issues that are resident there require us to take that approach. If I'm confirmed, my goal is to continue what Admiral Stavridis has so aptly done, and that is engage with the militaries in the region, engage in the interagency, engage internationally to continue to address the problems in the region, primarily poverty and income distribution.

Senator AKAKA. Thank you, General, for that. I'm glad to also know that you did spend your young life in that area, and for me, being knowledgeable of the culture of these areas makes a difference in the command there.

General McChrystal, according to Secretary Gates, the goal in Iraq is to have a soldier in a medical facility within 1 hour of being wounded. In Afghanistan, the response time has been closer to 2 hours. I applaud the initiative of Secretary Gates, in his defense budget, to improve the medical evacuation capability in Afghanistan. General, what is your current assessment of the medical evacuation issues in Afghanistan?

General MCCHRYSTAL. Senator, thank you. You're exactly right, what they refer to sometimes as "the golden hour" is how quickly you can get a casualty to the right level of care, and the medical outcomes affected by that, always to the positive if it's lower.

Sir, we were behind in Afghanistan what we had in Iraq, just not nearly as many assets, plus not as many bases as distance to base. The Secretary directed some changes at the beginning of this calendar year. Many of those forces have already flowed in. Some of the others are still flowing, I believe, as part of the 82nd Combat Aviation Brigade. When all of those are on the ground, and some

of the additional new bases are established, I believe that that time will be down very close to or about what it is in Iraq.

If confirmed, one of the things I would look at closely is to make sure we maintain the ability to get our casualties—and that's all our casualties—coalition, Afghan, United States—to the right level of care quickly.

Senator AKAKA. Thank you.

Admiral, a major focus of EUCOM is building partnerships and its capacity within the region. There are several security cooperation programs dedicated to building relationships. These programs conduct peacekeeping and contingency operations, and help minimize conditions that lead to conflict. What is your assessment of the partner capacity-building efforts of EUCOM?

Admiral STAVRIDIS. Sir, let me begin by saying I'm in complete agreement that this kind of effort, which we in the military sometimes call "phase zero," meaning working very early on in the problem to build partnership capacity, is crucial to the security of our Nation, and indeed to global security.

I have used those programs very effectively. We alluded to them a few moments ago. Sometimes called 1206, 1207, 1208, building partnership capacity funds in SOUTHCOM. If confirmed, I'd like to take that same approach with me to EUCOM.

From what I can see at a distance, not having traveled forward, General Craddock is doing a very good job of using those funds, as well, particularly in Eastern Europe and in the Caucasus, and if confirmed, I would seek to build on his good work.

Senator AKAKA. Thank you.

General McChrystal, DOD has made significant progress caring for our returning warriors that have been diagnosed with mental health issues, but because of the stigma association, many don't seek assistance that is required. We must get the message to our warriors that one of the most courageous acts is reaching out for help.

General, if confirmed, what would you do to continue the efforts to tear down the stigma that deters many from seeking counseling?

General MCCHRYSTAL. Sir, I think primarily just talk to leaders. We've had some senior leaders who have very publicly sought help, and I thought that was hugely helpful. I would continue to talk to our leaders and try to convince them that, obviously, they don't have to pretend they need help if they don't need it, but to break down the walls on the stigma of it. It really begins with leadership at every level, all the way down to squad and team leader, to take that away.

Senator AKAKA. Thank you very much.

Senator Wicker.

Senator WICKER. Senator Akaka, I'm on the horns of a dilemma. I understand you haven't voted.

Senator AKAKA. No.

Senator WICKER. Neither have I. I'd have a lot more confidence that they'll hold the vote open if you could get some assurance from the Majority Leader. My questions may be brief, therefore. But, I certainly appreciate the hearing. It's been very educational.

Admiral Stavridis and Lieutenant General McChrystal, both of you said that you believe the Afghan army end strength will have to be higher than they are currently projecting. Is that correct?

Admiral STAVRIDIS. Based on very preliminary and from-a-distant look at everything, but that's my intuition.

Senator WICKER. Okay, so that's your intuition. I guess it's an intuition on the part of General McChrystal, too, because, General, you are not willing to speculate on your predecessor's request for an additional 10,000 American troops. So, square that with us, if you can. What's the estimate, from both of you gentlemen, on how much higher than 134,000 the Afghans might need to go, and how are you able to say that and not give us an estimate on the 10,000?

General MCCHRYSTAL. Yes, Senator. When you look at the Afghan requirement, I look at the police and the army together, because together they form the security that the government has. I think that it's about, I think, 80,000 policemen right now, a little bit more than that, approved already, about 82,000 to 84,000 military. You have about 160,000 total. I think we can literally just look at the size of Afghanistan and the size of the population, and you can extrapolate out, even without a significant insurgency, that would be a challengingly small number of security forces to have. With an insurgency, I think you factor it in.

I am reticent to speculate on U.S. forces, because I just want to get on the ground. We haven't even gotten the additional forces the President authorized there yet, so I'd like to see them on the ground, see the impact we're having before I feel comfortable giving that kind of estimate.

Senator WICKER. Okay. You are, all three, going to be involved in counternarcotics. Let me start with you, Admiral Stavridis. Are you proud of the 10-year history of Plan Colombia? Are there fewer drugs coming from Latin America, as a whole, because of this? What advice, based on that, will you have for General McChrystal in the field with the poppies, and for your successor in South America? Are we thinking outside the box enough, in terms of fighting the narcotics? I know we want them to go to alternative crops. Are we thinking outside the box, in terms of addressing the demand for narcotics, which we know will still be there, and thinking of ways to address that question, not only from the supply side, but the demand side?

Admiral STAVRIDIS. Senator, as I have testified on numerous occasions, any counternarcotics effort is composed of three interlocking tasks. One is the demand side, which you just alluded to. One is the supply side, which gets into crop substitution and those kinds of things. One is the interdiction piece, trying to understand the supply chain, reverse engineer it, and kill it. Those three things have to work together.

If I have advice for General McChrystal or advice for General Fraser, it would be to understand that you can't attempt to use precision-guided ideas, if you will, to go after one single part of a counternarcotics problem. You have to have a robust demand side. You have to have an enlightened supply-side approach, which, again, crop substitution, I think, is very central to, but really encompasses the entire realm of development. Finally, you have to have capability in the middle, in the interdiction piece. That's

where I think General Fraser will find great challenge in SOUTHCOM, because the distances are great, and I think General McChrystal will be working very hard on the supply side of this.

At the end of the day, the solutions are international, interagency, local security, and, I think, also with an additional component of strategic communications. It's very important to convince people not to use it, on the demand side, as you talked about, and also to convince them to quit growing and producing it, on the supply side. These are immense tasks.

Senator WICKER. Although we've made progress in Colombia.

Admiral STAVRIDIS. We have made progress.

Senator WICKER. Can you address the question about overall drug trafficking from Colombia and the neighboring region?

Admiral STAVRIDIS. There is still an extremely high level of drugs flowing through the region, Senator, as you well know.

To your point about, "Are we thinking out of the box enough?" I think that's an area where we need more creative thinking. To give you an example of the narcotic traffickers' innovative thinking, they're creating semisubmersible submarines to move cocaine from Colombia. This is a real innovation, a difficult challenge. We need to step up and take similar types of approaches on the interdiction side, as well as on the demand-and-supply sides.

Senator WICKER. Thank you, gentlemen.

Senator UDALL [presiding]. Gentlemen, welcome. I want to congratulate all three of you on your nominations. I know you're careful to say "if confirmed," but I'm confident that all three of you will be confirmed.

I'm glad to have a chance to ask some questions today. I'm going to start with General McChrystal. We had talked before the hearing again, and I mentioned, I had a chance to travel to Afghanistan and Pakistan with Senator Hagan, Senator Begich, Senator Shaheen, and Senator Carper last week. It's hard to see a lot in 5 days, but we had back-to-back meetings, and we were in forward operating bases in Kandahar and Helmand. We also visited Lahore, in Islamabad. We did cover a lot of ground. We met with people on the ground who are working tactically to deliver the new strategy. We also had a chance to meet with many of the Afghan and Pakistan leaders, plus key American and NATO leaders, as well.

General, I came up with the sense that the new strategy has a chance to work. No strategy can work if it doesn't have buy-in, but I really had the feeling that this one clearly does. We met State Department personnel who were coordinating the influx of citizens and civilians for the new PRTs to the senior commanders, who talked a lot more about good governance than they did about weaponry or military tactics. All in all, there was just a feeling that we're on the march. In particular, the Pakistani political leaders were evincing real concern about the western regions of their country, not the eastern border with India.

If I might, I'd like to just drill down into this concept of success. It's hard to define. Even a strategy with widespread support could fail. Could you talk about what success might look like in Afghanistan and Pakistan? You said you hope to see progress in 18 to 24 months. What might that look like?

General McCHRYSTAL. Sir, I think it would have several components. I think, first, it would be a reduction or, hopefully, a complete elimination of al Qaeda inside Pakistan, where they mostly are now, with occasional elements inside Afghanistan. But, it would be essentially reducing their ability to either operate transnationally or to cooperate with elements like the Taliban in either country.

Inside Pakistan, I think it's a return to stability and essentially their victory against their internal insurgency. They do have a functioning government with a strong history, so if they continue with their counterinsurgency campaigns and they get relative stability, then I think it sort of looks like that.

Afghanistan has much further to go, because after 30 years of war, their economic infrastructure is, I believe, fifth poorest in the world. There's just not much to build on physically so they have to start by doing that. I think we achieve a level of security that allows each of the areas, to include those currently challenged by the Taliban, to bring in governance that is maybe locally based, but it is linked to the national government. So, when they think of their governmental chain, they may think locally, and it may be tribal, in a village, but when it goes back up the chain, it is absolutely recognized as going up through the district province and then to the national government. They are not challenged to the point where they have a Taliban shadow government.

I think the other aspect of the Taliban, rather than destroyed—I'll steal a term that came from a bright young officer I worked with, he said, the challenge is to make them irrelevant, push them away from the population, and let them be irrelevant, a percentage of whom will, I believe, stop insurgency, and a percentage of them may not. Then, of course, you can allow actual governance and economic development to go. I don't expect a skyrocketing growth in the country, economically, but steady growth underpinned by solid governance is what I think success looks like.

Senator UDALL. I think, in a sense, you're distinguishing between the big-T Taliban and the little-t taliban. You talked about the hardcore Taliban elements that you believe are irredeemable, but you alluded to those Taliban who join the fight because that's what Afghans do in the spring, join the fight because it's the only way they can provide for their families.

General McCHRYSTAL. Absolutely, sir. Like Admiral Stavridis, I'm a friend of David Kilcullen's, and I think a lot of what he says about "the accidental guerrilla" is true. I think what we have to do is eliminate the people who do it for other than just absolutely strong ideological reasons.

Senator UDALL. This may be a rhetorical question, but I want to ask it anyway. The al Qaeda situation is a large part of the problem in Afghanistan and Pakistan. But, if we were to capture or kill Osama bin Laden tomorrow, which is a goal we all hold, would the job be done in Afghanistan and Pakistan?

General McCHRYSTAL. Sir, I don't believe it would. When I think of al Qaeda, I think that you cannot destroy al Qaeda, finally, until Osama bin Laden and Ayman al Zawahiri are gone. But, getting them gone doesn't conversely automatically cause al Qaeda to go away.

Senator UDALL. Yes.

General MCCHRYSTAL. I don't think it does.

Senator UDALL. An editorial comment from me. I know we've focused on Osama bin Laden a lot of the time, but his number-two in command, the Egyptian, I think, is a serious target for us, as well. We'll continue that work, I know. That's a goal we all hold.

We had a changing focus to the ANA and ANP, the Afghan Security Forces, in a meeting with Defense Minister Wardak. He agreed that the new strategy's stated goals of 134,000 ANA troops and 82,000 ANP personnel would not be sufficient. We had some additional conversations about the sustainability of a large Afghan force—how would we pay for it. Do you have any thoughts about that question that we face?

General MCCHRYSTAL. Sir, I agree, as I said earlier, I think a growth in the Afghan Security Forces, army and police, are likely to be required. I'd be surprised if we don't. Resourcing it, I think, is going to be a challenge, and I have not really seen a solid recommendation for that yet.

Senator UDALL. General Fraser, you have similar challenges on the counternarcotics front. Admiral Stavridis has to oversee all of this from his position in Europe. It would seem like there are some common lessons and approaches that we might be able to apply, both in Afghanistan and in the northern reaches of South America. Would you care to comment?

General FRASER. Thank you, Senator. I do think there are great similarities between it, and I think, if confirmed, one of the challenges that I will have, that we'll all have, is communicating between one another. I will endeavor to do that, to make sure that we communicate what's working in one region, how that applies to what would work in another region so that we're crossing the boundaries, we're decreasing the boundaries and enabling one another to use the best practices, wherever they are, to success in our regions.

Admiral STAVRIDIS. If I could add, Senator, it's worth noting that we're in conversations at SOUTHCOM with our Colombian friends about the possibility of Colombian military engagement in Afghanistan. If that comes to fruition, it is a very direct and personal venue to have soldiers who have had experience in both counterinsurgency and counternarcotics transferring some of those lessons learned. I think, also important to note in that context, we talk a lot about NATO's involvement in Afghanistan, there are 28 NATO nations, but 13 other countries that are also involved there. So, moving these lessons are very important.

Senator UDALL. Thank you. I see my time's expired. I would make one final comment—and, General McChrystal, you're well aware of this—that at one point before the last 30-year misadventure that's characterized Afghanistan, it fed much of the region; it has the potential to produce a lot of food. We did hear that, for example, the price of wheat can rival that of poppies. It's not as if we're trying to fight upstream when it comes to the markets there, but we do have to provide an alternative. We have to provide that security and that development opportunity for the farmers, particularly in the south of Afghanistan.

Thank you again.

Chairman LEVIN [presiding]. Thank you, Senator Udall.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

To each of you, having gotten to know all of you over the last many years, thank you for your leadership, thanks for your service, and Americans feel they're fortunate to have men like you in the roles that you are now. To your families, we say thanks.

General McChrystal, I think I've seen you probably in theater more than I've seen you out of theater here in recent years, and I note those bars on your sleeve indicate you've been gone from home a lot more often than you've been at home. To each of you, thank you for that.

Admiral Stavridis, I was in your ethnic home, over the last week, and had the opportunity to observe what's going on in Greece, particularly with regard to what's happening with the migration of folks out of Afghanistan and Pakistan through Turkey, through Greece, sometimes staying in Turkey, sometimes staying in Greece, causing some problems there. But, Turkey obviously is a very strategic country right now. Its European orientation, NATO membership, and enduring relationship make it a bridge of stability between the Euro-Atlantic community and the Nations of Central Asia and the Arabian Gulf. How would you describe our relationship with Turkey today? How has the situation in northern Iraq, with the Kurdistan Workers' Party and the Kongra-Gel, threaten that relationship?

Admiral STAVRIDIS. Thank you, Senator. Probably worth noting that, although I'm ethnically Greek, my grandfather was actually born in Turkey and came through Greece on his way to the United States. I think I have cultural understanding of both of those nations.

Turkey is an incredibly important friend and ally to the United States. I would categorize our relationship at the moment from what I can see before going to theater, if confirmed, and actually meeting with our Turkish military counterparts, it is a strong relationship. We are conducting a great deal of information and intelligence-sharing with our friends. We recognize the threat to Turkey posed by the Kurdish separatist movements. I believe it is both an important and a strong relationship, and one that I intend to focus on, if confirmed.

Senator CHAMBLISS. General McChrystal, Afghanistan obviously is so closely tied with what's going on in Pakistan that it's going to be a very difficult situation for us there. As you and I talked the other day, a military solution in Afghanistan is one thing, but, at the end of the day, it's going to have to require a political solution to ultimately solve the issues there. One of those political issues that we have is what is taking place in Pakistan. How do you see the relationship between what's going on in Pakistan right now having a direct impact on Afghanistan? After your confirmation and being put in place, what are your intentions with respect to Pakistan?

General MCCHRYSTAL. Senator, thanks for your question. I view Afghanistan and Pakistan as absolutely linked, but not one and the same. Sometimes people use the term "PakAf" or "AfPak," and I think that may do a disservice to both of those countries, because

both are very unique situations, unique people. I do believe, however, they suffer a very similar problem. In Pakistan, they now have what has become an internal insurgency. It's not strictly Taliban, although it uses that moniker. It's a collection of different groups that have essentially turned inward against the Government of Pakistan. Unless they can bring that insurgency under control and reestablish governance, I think that they will have tremendous problems. But, also it makes Afghanistan very difficult, because it offers a sanctuary, which any guerrilla force or insurgency benefits from, and makes it very difficult to defeat. A friend of mine used to use the analogy, it's like burning leaves in your backyard on a windy day; it just constantly will keep blowing over and causing problems. I think we have to see solution and progress in both countries almost simultaneously—the increase of governance, the reduction of the ability of elements like the Taliban to catch hold.

Senator CHAMBLISS. The 48th Brigade of the Georgia National Guard is back in Afghanistan. Again, you and I discussed this, and I look forward to visiting them and visiting you while they're over there. We continue to call on our Guard and Reserve on a very regular basis. It's no longer a volunteer service on their part, almost; it's a constant service. Not part-time, for sure. We've talked about the seamless integration of the Guard and Reserve. Can you talk for a minute about that? Any issues there that we need to be thinking about that you're prepared to implement that would change what's going on right now?

General MCCHRYSTAL. Sir, I think we've made a lot of progress in the last few years. As you and I discussed, I have a history with the 48th, back to about 1982, very close with that brigade. We do very well in the field. There is just not an issue in the field, and organizations work together. Sometimes we do have to employ organizations in smaller formations than they might like to be, the battalion or brigade level, and that's a challenge. But, it's a challenge, Active and Reserve component. I think it's legitimately looked at by all the commanders.

I think the chairman has done an awful lot. He has General Craig McKinley very integrated now, as the Chief of the National Guard Bureau, in what he does. I sense progress there.

Admiral STAVRIDIS. Senator, could I add something?

Senator CHAMBLISS. Sure.

Admiral STAVRIDIS. The State Partnership Program, which was mentioned earlier, is a Guard and Reserve program that is just of seminal importance, based on my 3 years in SOUTHCOM, and, I think, throughout these regions. It gets to Stan's point about how smaller formations can have tremendous impact, particularly in these counterinsurgency situations. It's a real strength of the Guard and Reserve, sir.

Senator CHAMBLISS. Not unlike what we saw in Iraq, the training of the military and the enlistment of folks into the military in Afghanistan has been on the rise, and it appears that we have some very capable fighters; they've been fighting all their lives, so they certainly know what they're doing. But, on the other side of that coin, the security police is an issue. It has been, in Iraq. I think that still remains our weakest link there. I saw, in my recent

trip to Afghanistan, the same thing in Afghanistan. General McChrystal, what's your direction, there? What's your thought with respect to how we continue, number one, to provide funding? Or, do we look to the Afghans for the funding? As far as the training, what about our partners? Are they stepping up and helping us like we need them to?

General MCCHRYSTAL. Sir, first, I absolutely agree with the assessment. I think that the army's come along well, although it has some challenges. The police are lagging a bit. We have not been able to put the level of mentoring or partnering with them out in as many locations, or the training down to as low a level, as will need to be to be effective. We'd like to see more help from our NATO partners. We are now going to do more with the deployment of the 4th of the 82nd, which actually goes, in late August and in September, that will essentially double our ability to do that. But, I think it's overdue. I think that will be progress. It may be all that's required to get them to the level needed.

Senator CHAMBLISS. General, Senator Levin and I serve on the board at the Western Hemisphere Institute for Security Cooperation (WHINSEC), and we've had a good working relationship with the admiral and folks at WHINSEC. We look forward to you being in place and continuing that strong relationship. We're doing good work down there. Again, just thank all of you for your willingness to serve and your great leadership.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

I just want to once again welcome our men here today and thank you so much for your commitment to our country, to our military, to the men and women serving in the military, and, in particular, to their families, too. Certainly, welcome to all of the family members, your wives, and children. I know it's so important for you to have them here. The ones who aren't here, in spirit, I'm sure they're watching.

But, as I'm sure Senator Udall said, he and I and several others just got back from a trip to Afghanistan and Pakistan, and it was certainly educational for me to be there, but to see the terrain that our military is working on, and obviously the heat, the need for equipment, the need for maintenance is also very important.

It was interesting, as I'm sure you've heard, too, we had an opportunity to meet with President Hamid Karzai and President Asif Ali Zardari, a number of the other ministers, as well as the people in both countries. I certainly enjoyed talking one on one to the troops that I could speak with from North Carolina, and they are certainly proud, serving and what a good job they're doing.

While we were there, it was interesting, too, Karzai, Zardari and Ahmadinejad actually had a joint meeting in Iran during that time, so it was interesting hearing Karzai's and Zardari's aspects on that meeting.

But, in our meeting with President Karzai—and this is to Admiral Stavridis and General McChrystal—in our meeting with President Karzai last week, he emphasized the importance of defining the mission in Afghanistan and to work with Pakistan on the other side of the border. The feeling that al Qaeda's presence in Afghani-

stan has really shifted to Pakistan's Federally Administered Tribal Area (FATA), and specifically in Waziristan, and the fact that they've pretty much moved into the FATA area, but compounding the problem is that the Afghan Taliban High Command dwells in Quetta inside Pakistan's Baluchistan Province. The increased U.S. ground strength in Afghanistan, coupled with the coordination with the Pakistan Army and Frontier Corps, are critical in depriving al Qaeda and the Taliban of safe havens in Pakistan and preventing the cross-border attacks.

My question has to do with keeping in mind Pakistan's sovereignty and reluctance for the United States to conduct operations inside Pakistan's FATA, what type of cross-border coordination strategy can we adopt with the Pakistan Army to deny the Taliban and al Qaeda safe havens there?

General MCCHRYSTAL. Yes, ma'am. I think that the idea that we would conduct operations in Pakistan in any extent is not valid, and nor do I think we would want to. I think the road to success in Pakistan is through the Government of Pakistan and through the Pakistani military and Pakistani police.

It gets to the building-partnership-capacity kinds of activities that we have done with Pakistan, and hopefully will do with increasing effectiveness over the years, or in the years in the future.

I think everything we can do to share intelligence with them, to share, in some cases, ISR assets, that sort of thing, to coordinate operations—there have been a number of coordination centers established—those are still growing in size and in scope. So, I think everything we can do to empower and increase their capacity is really the road we have to go inside Pakistan.

Admiral STAVRIDIS. I agree with General McChrystal completely.

Senator HAGAN. Another comment that we heard quite a bit about was in the Swat Valley, obviously the military operations going on there in Pakistan, and the number of the internally displaced people (IDPs) in Pakistan; it was numbering 2.4 million while we were there. I was just wondering about any of the humanitarian needs and aspects that are taking place right now within Pakistan to help those huge numbers of people. Can you give me an update? Are you aware of any activity going on in helping, from a humanitarian aspect?

General MCCHRYSTAL. Ma'am, in my role as Director of the Joint Staff, we were working to provide, through U.S. Central Command (CENTCOM), whatever the Government of Pakistan requested. It did request some support. Maybe not as much as we expected at the beginning, but they have requested it, and we provided it. I think, again, that's key. I think the number of IDPs, if they hold the government responsible for their plight, obviously offer the chance for greater unrest. I think, right now, the sense is, they hold the Taliban, the insurgents, responsible. But, I think that has to be worked hard by the Pakistani Government, with whatever help the world can give.

Senator HAGAN. In Afghanistan, I met with the Minister of Interior Mohammod Hanif Atmar, and he indicated—it was interesting—that the ANP was undergoing a pilot program to allow females to actually accompany, with members of their families, their fathers or their brothers—to come in as police recruits within the

ANP, in an effort to utilize family dynamics, to control violence, and to sustain order in the urban areas. Security checkpoints in Afghanistan are, in many cases, manned by men, and obviously there have been a number of female suicide bombers recently. What I understand, that the strategy of utilizing the women has been done effectively in Jordan, in performing security functions and countering female suicide bombers.

It was interesting, too, Minister Atmar said that it was within several months that the enemy targeted its first female officer, and she was killed. But, I was just wondering if you were aware of that or what your opinion is on this initiative to recruit the Afghan women.

General MCCHRYSTAL. Ma'am, I was not aware of it, but, on the sound of it, makes absolute sense. When we deal with the cultural realities or sensitivities of any area we're operating in, the ability to adapt and get to the right person—I mean, I would guess that a female police officer could question females much more effectively, certainly, than a foreign soldier could, but probably even better than a male Afghan policeman. So, theoretically, I think it makes absolute sense.

Admiral STAVRIDIS. I would just add, ma'am, that this is an example of a program in which our allies could potentially play a very good role. Many of their police forces have cultural sensitivities that are different than ours and might be adaptable to this region. A good example of the benefits of approaching the coalition in a way that they can participate in comfortable ways for them.

Senator HAGAN. Thank you.

General Fraser, multilateral cooperation on drug interdiction and cashflow and the smuggling of weapons is essential in maintaining stability in the SOUTHCOM region. It's also an area of significant overlap with U.S. Northern Command (NORTHCOM), particularly with regard to the smuggling of drugs, cash, cashflow, weapons across the border in El Paso to the Mexican state near there. To what extent do you foresee working with NORTHCOM on these issues? I know it's such a huge problem right now.

General FRASER. Yes, thank you, Senator.

A lot of the cocaine that flows into the United States flows through Central America into Mexico and then into the United States. SOUTHCOM has already initiated a very close relationship with NORTHCOM. They have liaison officers. They share a joint operating area with Joint Interagency Task Force South. They've had staff-to-staff talks. They continue that dialogue on a routine basis. I know Admiral Stavridis and General Renuart have a close working relationship.

I've had the pleasure of working for General Renuart before, so I anticipate, and, if confirmed, I look forward to, continuing and building on the relationship that Admiral Stavridis has already done.

Senator HAGAN. Thank each and every one of you for your comments, and I look forward to working closely with you.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

I, also, want to compliment you on your careers. I think you're excellent choices for the jobs that you're about to take on, and I'm sure you'll be confirmed by the Senate.

General Fraser, along the lines of what the Senator from North Carolina was asking, if you haven't had a chance to evaluate it, that's fine, but could you give me an opinion as to whether or not the fence we're building on the U.S.-Mexican border is helping, in terms of drugs and illegal immigration? Do you have a view of that?

General FRASER. Senator, I don't have a view on that. I have not studied that.

Senator GRAHAM. Could you take a look at it and give me an opinion about that?

General FRASER. Yes, sir. I'll take that and get back to you.

[The information referred to follows:]

Mexico is a part of the U.S. Northern Command (NORTHCOM) Area of Focus (AOF), as such the monitoring of the U.S.-Mexican border and the border fence issue fall under NORTHCOM responsibility. The border fence issue is not a situation directly monitored by U.S. Southern Command (SOUTHCOM). However, because of the shared linkages between Mexico and the SOUTHCOM AOF I am told that SOUTHCOM works closely with NORTHCOM on security in the region. I believe a border fence, while important, is just one aspect of the full spectrum of efforts required to secure the border. The requirement to monitor and enforce the sovereignty of not just the land portion of the border, but all domains that make up the border must be considered. Relying on a fence alone has the potential to simply drive illegal border traffic to other avenues which will in turn lead to border excursions via air, subterranean, and sea routes. It is my opinion that the greatest aid to protecting the sovereignty of the border is ensuring the prevalence and enforcement of law on both sides of the border.

Senator GRAHAM. General McChrystal, as I understand it, as we go forward, it's helpful to look back and see where we're at, a baseline in Afghanistan. Under the NATO operations, the Germans were supposed to train the police. Are they training the police now?

General MCCHRYSTAL. Sir, I'm not sure of their current role, but——

Senator GRAHAM. I think they're not. I think the U.S. Army, and particularly the National Guard, are training the police. We had several years lost, where one of our NATO allies who was primarily responsible for police training, and we, quite frankly, went nowhere. Now the U.S. military has taken over that job. The Phoenix Program seems to have a lot of potential, where you put mentors out in different regions to train the police.

The Italians, Admiral, were supposed to be in charge of the judiciary. How well did that work?

Admiral STAVRIDIS. Sir, I don't have the details on it, but I think the current state of the judiciary in Afghanistan needs improvement, as well.

Senator GRAHAM. I can tell you, I think it was a miserable failure and that we now are having to take that job upon ourselves.

Admiral, who was in charge of dealing with the drug eradication program originally?

Admiral STAVRIDIS. I believe the British were, sir.

Senator GRAHAM. I think we've had a different view of how to do it.

The reason I point out these things is not to be overly critical of our allies, but you have the police, which are key to us winning,

have gone nowhere for years; the judiciary, I think, has probably gone backwards; and when it comes to drug eradication, we're having to start all over again. So, both of you have a real challenge, here. We've lost time, money, and effort, and I want people in America to understand that you're taking over a NATO operation that has been less than successful.

Now, Admiral, you said the outcome in Afghanistan is important to the future of NATO, but it's not a go or no-go. In my view, it is, that if NATO fails in Afghanistan, it will never recover. Is that off-base?

Admiral STAVRIDIS. Again, sir, I think it's critically important, and I think we're going to have to succeed, for a whole host of reasons, both national and international.

Senator GRAHAM. I say this because I support what the President's doing. I want the American public to know that this has been a NATO operation all along. That was a positive. It could be a positive, but, quite frankly, when it comes to implementing the war plan, the way to stabilize Afghanistan, we have not gone forward; we've, quite frankly, gone backwards.

If we go to 160,000 Afghan-manned army, General McChrystal, how much will that cost, each year?

General MCCHRYSTAL. Sir, I don't have the figures. I can get them.

Senator GRAHAM. Okay. What's the entire budget for Afghanistan, their national government? How much money do they collect?

General MCCHRYSTAL. Sir, I don't have that figure right now either.

[The information referred to follows:]

The entire budget for the National Government of Afghanistan (expenditures) in 2008 was $2.7 billion and the total revenue was $887.5 million. Afghanistan also had $1.74 million which comes from unspent funds from the 2007 budget as well as new financing from various donors, including the Afghanistan Reconstruction Trust Fund, the Law and Order Trust Fund for Afghanistan, the World Bank, and Asian Development Bank. These figures come from the Defense Intelligence Assessment report, Afghanistan: Defense Economic Assessment.

Senator GRAHAM. Well, it's under $1 billion. So, the American people need to understand that we're about to build 150–160,000-man Afghan army, which I think is the key to getting home, but we're going to wind up paying for it. We're having to pay for our own Army, we're having to carry a lot of burdens in the world. We are the arsenal of democracy. But, Admiral, don't you think it's fair to ask our NATO allies that it's in their self-interest to build a larger Afghan army so we all can come home being safe? They've contributed a whopping $100 million to this effort, is that correct?

Admiral STAVRIDIS. Yes, sir, I agree with you. Again, I think this is an area where persuasion with the allies is crucial. The trust fund needs at least $1 billion, and we're at $100 million—10 percent, so we have a long way to go.

Senator GRAHAM. I may be wrong, but I think the cost of the Afghan Army at that level's going to be $3 or $4 billion, at the very minimum. I hope our allies understand that the outcome in Afghanistan is important to them, just as it is to us.

Now, everyone's asked about winning. Tell me the consequence of losing in Afghanistan or Pakistan.

General McChrystal, walk me through. What would happen if America lost in Afghanistan and Pakistan collapsed?

General MCCHRYSTAL. Sir, I think, in the near term, and it's speculation to predict the future, but I think that what would happen is, it would break down into civil war. I don't believe that the Taliban would take over Afghanistan. I think it would go back to what it was before 2001, and that would be an ongoing civil war between different factions. I believe that al Qaeda would have the ability to move back into Afghanistan. I cannot imagine why they would not do that. I think that if there was then that kind of safe haven in Afghanistan, with the ongoing problem in Pakistan, I think Pakistan would find winning its insurgency very difficult, if not impossible, because that is——

Senator GRAHAM. Would it probably lead to the collapse of the civilian government in Pakistan?

General MCCHRYSTAL. Sir, I think it's very likely. Of course, that's a nuclear-armed state, so you have nuclear weapons under questionable control at that point. Sir, I think, wider, the entire region is affected by that.

Senator GRAHAM. Admiral, do you agree with that assessment?

Admiral STAVRIDIS. I do. I would add, as you just alluded to, at a minimum, the extreme demoralization of the NATO Alliance for having failed. So I'd add that to the list of bad outcomes.

Senator GRAHAM. As Senator McCain and Chairman Levin indicated, the American people need to understand this is going to be difficult, it's going to be more expensive, more lives are going to be lost, but I hope we understand, as a Nation, the consequences of losing. The benefits of winning are real, but the consequences of losing are equally real. That's why I support President Obama's efforts to interject more troops.

Do you feel constrained at all, General McChrystal, to ask for more troops? Is there any political restrain upon you to ask for more troops if you think they're necessary? Do you think you could make that request without any concerns?

General MCCHRYSTAL. Sir, I'm not in the job yet, so I'm speculating on that. In a meeting yesterday, Admiral Mullen said if I was confirmed, to ask for what I need, that's almost a direct quote. He looked me in the eye and said that. So, I believe that, if I have a requirement, I can look Admiral Mullen in the eye and tell him, "That's what I need."

Senator GRAHAM. Do you think that's true of the administration, also?

General MCCHRYSTAL. Sir, I don't know.

Senator GRAHAM. Don't know. Fair enough.

Detainee policy. Senator Levin brought up an example of where we had gotten off script in Afghanistan. I think, General McChrystal, you've done a lot to put us back on script there. But, Senator McCain mentioned a dynamic that the country needs to get braced for. I think there's almost 700 detainees in Bagram. A percentage, under 100, but close to 100 percent, are foreign fighters that I don't think will ever be sent to the Afghan legal system, because they don't want to try them, and that we're not going to find a third country to repatriate them. Don't you think we need a comprehensive detainee strategy regarding Afghanistan, future detain-

ees who are foreign fighters, as well as what we do with the people in Guantanamo Bay, that it all goes together?

General MCCHRYSTAL. Sir, I think we need a comprehensive detainee strategy, not just Afghanistan, but worldwide, for anyone.

Senator GRAHAM. Yes, including Iraq.

General MCCHRYSTAL. Absolutely, sir.

Senator GRAHAM. Okay. Thank you all for your service. I look forward to working with you.

Chairman LEVIN. Thank you, Senator Graham.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

I appreciate all three of you individuals coming by my office and visiting with our staff and with me. We've been able to have a lot of good discussions. I regret that we are unable, because of the Senate schedule, to have individual hearings on each of you, although I'm not sure you share that regret. [Laughter.]

I remember when I went for my confirmation hearings, years ago, it was usually one individual in front of the entire committee.

General Fraser, I look forward to working with you in a very energetic way, following on some of the discussions that we had and I also had with Admiral Stavridis before, particularly focusing on the impact of these transnational gang operations emanating from the area that you are going to be responsible for, but back up into American cities. It's a huge problem, and it's one that we are only now beginning to address.

Admiral, I want to make a point for the record here, that I have some real concerns about what has happened to the NATO Alliance, not with respect to Afghanistan, but I guess the only phrase you can really use is international sprawl. If you look at the NATO that I worked with particularly when I was Assistant Secretary of Defense, I spent a lot of time in NATO, doing mobilization issues. It was really a different NATO. We have, on the one hand, I think, become a much more unilateral guarantor among the NATO countries for security issues, and, on the other, we have brought countries into the NATO Alliance, that traditionally could only be called "protectorates." They really don't add, quite frankly, to the security of the United States to have them as members of NATO. We add to their security. All we have to do is take a look at what happened in the situation in Georgia last year and to contemplate what that would have looked like if they had actually been a NATO member, to understand the implications of that. There's not time today to have a full discussion of that, but I want you to know that's on my radar screen, and I will look forward to discussing it with you further.

General McChrystal, first I would like to ask you—you commented that you would agree that our goal, in terms of increasing the ANA, would be higher even than is what is now proposed. Is that correct?

General MCCHRYSTAL. Sir, I believe that it would.

Senator WEBB. What would you say—I'm not asking you to pick a number out of the air, but would you agree with Senator Lieberman's approach on this?

General MCCHRYSTAL. Sir, I believe we have to look at it. I think some significant growth over what is already approved is probably

going to be required, but I'd like to get on the ground to get a better idea.

Senator WEBB. You and I had something of a discussion about this, but can you tell me the largest national army that the Afghans have ever had?

General MCCHRYSTAL. Sir, I——

Senator WEBB. In size? The numbers that I've see were approximately 80,000 to 90,000, with Soviet backing; and, of those, only a marginal percentage really effective as a valid national army. We are talking about more than doubling what they have been able to do at any time in their past. Are you comfortable that that actually is achievable?

General MCCHRYSTAL. Sir, I know that it would be a challenge, for lots of reasons. Afghanistan has about 34-million-person population, but it also is struggling with about 28-percent literacy. As you develop the leadership core, you have the challenge that you have to teach people.

Senator WEBB. But, also a national army is a component of a viable national government.

General MCCHRYSTAL. Sure.

Senator WEBB. We saw this in Lebanon, when I was a journalist there in the early 1980s, where they attempted to create a national army, but because of the strong factions that had their own militia, it was basically impossible to have a national government that had that sort of reach. Do you think you're going to be able to do that?

General MCCHRYSTAL. Sir, I think it's one of the things that must be done. I believe that one thing the ANA can do, it can be one of the leaders of creating a more national view of the government. Right now, one of the good things about it is, it is viewed as national, not as of a certain sect.

Senator WEBB. Do you have an idea about how these monies are going to be paid to this national army? I don't mean how they are going to be raised, but actually how we're going to transmit these monies in a situation where we all agree there's high-level corruption in the government—I'm speaking principally in terms of transparency, so that we know actually where our money is going?

General MCCHRYSTAL. Sir, I don't, but I absolutely agree with you on the importance.

Senator WEBB. Okay. General, you and I talked about another issue, and I want to address it here. It relates to Corporal Tillman's situation, and his family's situation. I know you would agree, with your background, that the definition of "leadership" goes well beyond battlefield competence, it goes to stewardship toward the people who have served under us. You would agree with that, would you not?

General MCCHRYSTAL. Absolutely, sir.

Senator WEBB. To their families?

General MCCHRYSTAL. Absolutely.

Senator WEBB. We have a situation here that I think is highly unusual in our history. I really mean that. You did mention other notable Americans who died of friendly-fire incidents on the battlefield—General McNair, Stonewall Jackson. I actually had an ancestor who fought under Stonewall Jackson and died at Chancellorsville. But, this is a situation where a very special Amer-

ican, with a unique intellectual and athletic background, forewent millions of dollars in order to serve his country, and there was a period where I believe the Army failed the family, when the knowledge was going up through the chain of command that this was a friendly-fire incident.

I've been contacted by their family again, once your name was forwarded. I'm going to read from a 2005 letter from Pat Tillman's father, who is an attorney. He is very learned in these matters. He had been briefed by the Army in 2005. He said, "No investigator worth a damn would have made the presentation I sat through unless they had an agenda different from the truth. The initial investigation was changed. Conflicting testimony was disregarded. Key evidence was destroyed and/or omitted. Witnesses, probably with supervision of superiors, changed their testimony. No one has been confronted with their conduct. The issue of importance is the integrity of the military"—this is from Pat Tillman's father, not from me, although I would agree—"from the lieutenant colonel on the ground all the way up and past General Jones."

The Inspector General of DOD acted on this. In their review, they said, "Corporal Tillman's chain of command made critical errors in reporting Corporal Tillman's death and in assigning investigative jurisdiction in the days following his death, and bears ultimate responsibility for the inaccuracies, misunderstandings, and perceptions of concealment. Army officials failed to properly update family members when an investigation was initiated into Corporal Tillman's death, and that the justification for his Silver Star contained inaccuracies."

His brother, who also served our country with great sacrifice, testified, after this finding, saying that, "The deception surrounding this case was an insult to the family, but, more importantly, its primary purpose was to deceive a nation. We say these things with disappointment and sadness. We have been used as props in a public-relations exercise."

Secretary Geren apologized. He said, "We, as an Army, failed in our duty to the Tillman family and the duty we owe to all families of our fallen soldiers."

You have not, to my knowledge, been on record in terms of how you personally feel about this incident, and I would like to give you the opportunity to do that.

General McCHRYSTAL. Thank you, Senator. I do appreciate that.

I would say up front, I agree with Secretary Geren, we failed the family. I was a part of that, and I apologize for it. I would say that there is nothing we can do to automatically restore the trust, which was the second casualty of April 22. The first was the loss of a great American, the second was the loss of trust with a family, and, wider than that, with some additional people.

I will say that it was not intentional, with the people that I saw. I didn't see any activities by anyone to deceive. That said, I do believe that the confluence of mistakes, either because they didn't know the policy or people just didn't line things up right—my own mistakes in not reviewing the Silver Star citation well enough and making sure that I compared it to the message that I sent—were mistakes. They were well intentioned, but they added to the doubt and the sense of mistrust, and we didn't get it right.

To provide context, as you remember, Senator, we were still in combat when we were doing all of that. So, we were in combat in the days after his death as we did this. We were in the first battle of Fallujah in Iraq at the same time, so we were making mistakes. But, I would say the people who made them also were in a situation where you sometimes do make mistakes.

That's not an excuse, but I would say that we've learned from it. I've learned from it.

Senator WEBB. First of all, I was at the Army Infantry School, giving a talk on lessons learned from Vietnam, the evening that we found out that Corporal Tillman had lost his life. I don't need to say to you the impact that had on the leadership. But, no matter what else is going on, with the enormity of that incident, in terms of national perceptions and the attention that it got nationally, and the fact that you were sending a private message, P4 message, up your chain of command warning about the potential impact of a friendly-fire incident, I regretfully say I think that the Army really failed the Tillman family. I appreciate your speaking about this today.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman.

General Fraser, you have some experience in China. What do you think is the growing influence of China in South America?

General FRASER. Sir, from my study there, what I see is that they have commercial interests, they have interests to gain access to natural resources. I see them working the same purposes in other parts of the world, also, not just influenced on and focused on Latin America. I do not see, from my study, that there is a military threat from that influence. All of it right now is focused commercially. I also see an interest on the part of Latin American Caribbean nations to gain access to markets in China, as well.

Senator BILL NELSON. As we discussed, when you kindly came by to visit, that SOUTHCOM is a great command, headed by a four-star who is not only a warrior, but is also a diplomat. Of course, Admiral Stavridis has perfected that role. It had been done before by General James T. Hill. It's been evolving over time. What kind of twist do you see, as you apply diplomacy, with being a commander? Just give me some of your ideas as you take over this command.

General FRASER. Sir, I think, from my standpoint, it's really about partnership-building throughout. That's partnership internationally, that's partnership with the interagency. From a specific SOUTHCOM standpoint, responsibility is for the military portion of that. But, it is working with the State Department, with the U.S. Agency for International Development (USAID), with the other Federal agencies involved there, also working with partner nations, armed forces, to build the capacities, build the capabilities that are there. So, if confirmed, I really look forward to engaging in all those arenas very robustly.

Senator BILL NELSON. I think we're going to have to perfect this role, wherever we are projecting United States force in the future. General McChrystal, you and I talked about it, even in a war zone

like Afghanistan, same thing. Now it's not just the United States military. The military can take the lead, but it's all the other agencies of government to work in projecting our power in order to secure the interests of the United States.

Now, one area in your future command that is just still a basket case—I thought I'd ask Admiral Stavridis to comment on this—is Haiti. Then let's pick up the conversation, General Fraser.

Admiral STAVRIDIS. Senator, of course, you and I have spent some time on the road together, including Haiti, and it is, indeed, a nation in extreme distress. It's the poorest nation in the Americas. It's among the poorest countries in the world. It was devastated last summer by three separate major storms; two of them, high-level hurricanes. It has severe problems with soil erosion. I could go on and on.

What am I encouraged by there? I'm encouraged by the United Nations peacekeeping force, which has done a superb job with very little U.S. military engagement. I'm encouraged by what our ambassador has done down there, Ambassador Janet Sanderson. I'm encouraged by the recent appointment of former President Bill Clinton. The situation is desperate, but not hopeless, is how I would categorize it at the moment, sir.

Senator BILL NELSON. I personally think that President René Préval is really trying. What faces him is what faces sufficiently motivated elected leaders elsewhere in the world, is, underneath him is so much corruption.

What do you want to do, General Fraser, since Haiti will be in your area of responsibility?

General FRASER. Senator, I think it's very much along the line that I talked about earlier, and that is, a lot of the capability-building within Haiti, I think really still involves with an interagency approach. There's a lot of USAID, there's the State Department role. From my role, if confirmed for SOUTHCOM, it is really going in, assisting those agencies in their capacities, as well as working with the armed forces in Haiti, although they are small, to improve their capacity. It's an overall ability to go at the poverty, to work on the distressed incomes, just the overall capacity of the Nation. It will be an international and an interagency approach.

I'm also, as Admiral Stavridis said, very encouraged by the continued presence of the United Nations mission there.

Senator BILL NELSON. Admiral Stavridis, the chairman and I and Senator Collins went to Russia, and then Poland and the Czech Republic, and we came away convinced that, for the future threat of an Iranian missile with a nuclear warhead against Europe, that, in the foreseeable future, our Standard Missile-3, and on ships placed in the Mediterranean, the Aegis system, and then upgraded over time, could take care of that particular threat. In the meantime, we want to make sure that our commanders in the field have the Standard Missile-3 and the Terminal High Altitude Area Defense system. Do you want to give us some of your ideas of this?

Admiral STAVRIDIS. I have, of course, talked to the chairman about this, as well as you in your office earlier. I'm very intrigued by the findings of the three of you, and I look forward, if confirmed, to immediately probing this, both from an Iranian-threat perspec-

tive and from the perspective of our military interlocutors in those countries and exploring this idea. Then if it makes sense, which it certainly seems to, pushing that forward as military advice to Secretary Gates, who would then take it into the interagency. At the end of the day, of course, this is a political/diplomatic decision that the administration would have to take. I think it's a very intriguing idea, as it's been outlined. I look forward, if confirmed, to doing the military piece of that along the lines you've described, sir.

Senator BILL NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

When you're referring to the possibility of the option as outlined, you're talking about the possibility of pursuing missile defense cooperation with Russia?

Admiral STAVRIDIS. I am. I think that's a very intriguing idea, sir.

Chairman LEVIN. Thank you.

There will be questions for the record. I know that I'll have some additional questions for you, General, particularly relative to the chronology of the detainee treatment issue in Iraq and Afghanistan, which we talked about briefly. There will be other questions, I assume, from other Senators, as well.

We will stand adjourned, with thanks, again, to you and your families that provide the great support that makes it possible for you and so many others like you to serve this country.

We stand adjourned.

[Whereupon, at 12:14 p.m., the committee adjourned.]

[Prepared questions submitted to ADM James G. Stavridis, USN, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Based on your experiences in U.S. Southern Command (SOUTHCOM), do you see the need for modifications of any Goldwater-Nichols Act provisions or the Special Operations reforms?

Answer. Yes, I do.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. The Goldwater-Nichols Act vastly improved the way our joint force operates. Today, our military functions extremely well in the joint world. I believe the next step toward increasing effectiveness of our national security apparatus is to institute similar provisions that encourage an interagency approach. Many working groups at the national level have been thinking through the possibilities for this kind of legislation, including the Project on National Security Reform. I believe this would increase efficiency in our whole-of-government initiatives. One of the ways to enable increased interagency cooperation is to incentivize interagency assignments throughout the government, and particularly within the military, similar to what Goldwater-Nichols did by incentivizing joint assignments.

Additionally, there may be benefit in amending the Goldwater-Nichols Act to encourage Professional Education in the civil service employee sector, as the original legislation did for military officers. As more of the force is civilianized, it is in the

Department's interest to promote joint educational opportunities for civilian employees of the Department of Defense (DOD).

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. European Command (EUCOM) and the North Atlantic Treaty Organization's (NATO) Supreme Allied Commander, Europe (SACEUR)?

Answer. The Commander of EUCOM is responsible for coordinating and conducting all U.S. military operations and activities across the 51 independent states in the EUCOM Area of Responsibility (AOR) in pursuit of U.S. national military objectives. This AOR includes all of Europe (including Turkey), the Caucasus Region, and Israel. He is also responsible for the health, welfare and security of the approximately 85,000 servicemembers forward deployed within that AOR. He coordinates the efforts of the Service component commands assigned to the European Theater.

The NATO Military Command Structure assigns specific roles and duties to SACEUR. These include:

- Strategic planning: Identifying and requesting forces for the full range of Alliance missions and contributing to crisis management and effective defense of NATO territory and forces.
- Operational leadership: Upon aggression, executes military measures within the capability of the command to preserve or restore the security of NATO nations.
- Transformation: Cooperates with the Supreme Allied Commander for Transformation (SACT) on integrating transformation efforts. Contributes to stability throughout Euro Atlantic area for developing contacts and participating in exercises and activities with NATO and Partnership for Peace (PfP) partners.
- Strategic Analysis: Conducts strategic level analysis to identify and prioritize type and scale of capability shortfalls. Manages NATO allocated operation and exercises resources to accomplish operational missions as directed by the North Atlantic Council (NAC).

The responsibilities of the Commander EUCOM and the SACEUR are complementary. The fact that they have traditionally been vested in one officer facilitates near-seamless coordination between the U.S. and NATO military command structures.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I am deeply honored by the President's nomination to be SACEUR and Commander, EUCOM. Over the past three decades, I have served in a wide variety of Navy and Joint Commands that I believe have prepared me well for the challenges ahead if confirmed by the U.S. Senate.

Operationally, I have served in several key operational command positions for the Navy, including destroyer and destroyer squadron command, and culminating in command as a Rear Admiral of a Navy Carrier Strike Group, which conducted operations in the SOUTHCOM AOR as well as in the Mediterranean and the Arabian Gulf. I have also served on the Joint Staff, the Secretary of Defense Staff, the Secretary of the Navy Staff, and Chief of Naval Operations Staff. During my time in each of these locations, I actively worked on issues involving EUCOM's AOR, as well as NATO military issues.

Most recently, I was the Commander of SOUTHCOM, an interagency oriented combatant command whose mission is to conduct military operations and promote security cooperation to achieve U.S. strategic objectives in the Americas. Although the issues are vastly different and unique in each region, there are some basic principles that are shared among geographic combatant command regions that I would bring to Europe, if confirmed.

- International - Building the capacity of our partners ensures stronger defense for the United States and our allies and takes some burden off of our troops.
- Interagency - Cooperation is important to address the complex spectrum of issues facing any region. I am a military officer, so if confirmed as SACEUR, I will ensure security of the United States and our allies. However, there is more to the region's stability than just defense. While State Department does Diplomacy and U.S. Agency for International Development (USAID) works on Development, we of course focus on Defense. I believe our success will depend on all of us working together in a robust interagency approach.

- Cultural understanding - In order to truly cooperate successfully with our allies, we must walk in their shoes and understand their culture. This is a lesson learned from my time at SOUTHCOM.
- Strategic communication - important in any part of the world - The United States must get our message out in a way that resonates with our international allies, as well as our own citizenry.
- Counternarcotics and Counterinsurgency - Dealing with the challenges of narcotics has clearly been a large part of my portfolio at SOUTHCOM and there are lessons learned that I could bring to Europe and Afghanistan. I do not believe in the term "war on drugs," but rather on a shared international, interagency, and even private-public approach to dealing with this issue.

Other specific experiences and background include:

- Ph.D. in International Relations from the Fletcher School of Law and Diplomacy at Tufts University, where my work was partially focused on NATO.
- I have been involved in multiple NATO operations throughout my career, including operations in Haiti, the Balkans, and Afghanistan.
- Working knowledge of Spanish and French, and am currently studying Portuguese.
- Lived in Europe for 3 years in my youth and have traveled extensively throughout the region.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, EUCOM, or NATO SACEUR?

Answer. If confirmed, I will engage with key officials and personnel within the executive and legislative branches of the U.S. Government to uphold and advance the national policies and interests of the United States for the region through the missions established and executed within the command. To this end, I will also engage with the governments and militaries of our allies to understand the magnitude and interdependent issues within the region. I will seek the cooperation of the Alliance leadership to work together to engage on vital regional issues. I will also continue to study the languages and culture of the region to better understand the populations with which I would be engaging.

RELATIONSHIPS

Question. Section 162(b) of title 10, U.S.C., provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, EUCOM/NATO SACEUR, to the following:

The Secretary of Defense.

Answer. The Secretary of Defense exercises authority over the Armed Forces through the EUCOM Commander for those forces assigned to the EUCOM AOR. The EUCOM Commander exercises command authority over assigned forces and is directly responsible to the Secretary of Defense for the performance of assigned missions and the preparedness of the command.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense is delegated full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary on any and all matters for which the Secretary is authorized to act pursuant to law. The EUCOM Commander coordinates and exchanges information with the Deputy Secretary on matters delegated by the Secretary. The Commander directly communicates with the Deputy Secretary on a regular basis.

Question. The Under Secretary of Defense for Policy.

Answer. A direct command relationship between the Under Secretary of Defense for Policy and the EUCOM Commander does not exist. However, the EUCOM Commander regularly interacts, coordinates and exchanges information with the Under Secretary of Defense for Policy on policy issues relating to NATO, European, and Eurasian affairs. The commander directly communicates with the Under Secretary of Defense for Policy on a regular basis.

Question. The Under Secretary of Defense for Intelligence.

Answer. There is not a direct command relationship between the Under Secretary of Defense for Intelligence and the EUCOM Commander. However, the EUCOM Commander regularly interacts with, coordinates and exchanges information with the Under Secretary of Defense for Intelligence on intelligence related matters.

Question. The Assistant Secretary of Defense for International Security Affairs.

Answer. There is not a direct command relationship between the Assistant Secretary of Defense for International Security Affairs and the EUCOM Commander. The EUCOM Commander and the Assistant Secretary of Defense for International Security Affairs work together on coordinating international security policy and strategy.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman functions under the authority, direction, and control of the National Command Authority. The Chairman transmits communications between the National Command Authority and the EUCOM Commander as well as oversees the activities of the EUCOM Commander as directed by the Secretary of Defense. As the principal military advisor to the President and the Secretary of Defense, the Chairman is a key conduit between the combatant commander, interagency, and Service chiefs.

The EUCOM Commander keeps the Chairman informed on significant issues regarding NATO and the EUCOM AOR. The Commander directly communicates with the Chairman of the Joint Chiefs of Staff on a regular basis.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of Military Departments are responsible for administration and support of forces that are assigned or attached to the EUCOM Commander. The Secretaries fulfill their responsibilities by exercising administrative control through the Service component commands assigned to EUCOM.

Question. The other combatant commanders, in particular Commander, U.S. Central Command.

Answer. Formal relationships between the EUCOM Commander and the geographic and functional combatant commanders derives from command authority established by title 10, U.S.C., section 164. Combatant commanders closely coordinate as necessary to accomplish all assigned missions.

Question. Commander, International Security Assistance Force.

Answer. The EUCOM Commander has no formal relationship with Commander, International Security Assistance Force (ISAF); however, COM ISAF is "dual-hatted": 1. As the Commander U.S. Forces in Afghanistan he reports to Commander, U.S. CENTCOM (national C2); 2. The SACEUR exercises command authority over the Commander ISAF via the Commander, Joint Forces Command Brunssum in the Netherlands (operational C2).

Question. The Supreme Allied Commander for Transformation.

Answer. Both NATO's Strategic Commanders, SACEUR and SACT, carry out roles and missions assigned to them by the NAC or in some circumstances by NATO's Defence Planning Committee. SACEUR and SACT work together to ensure the transformation of NATO's military capabilities and interoperability that support Allied Command Operations.

Question. The U.S. Permanent Representative to the North Atlantic Council.

Answer. There is not a direct command relationship between the U.S. Permanent Representative to the NAC and either the EUCOM Commander or the SACEUR. The NAC provides direction to NATO military authorities and the U.S. Permanent Representative is one of 28 members of the NAC. The EUCOM Commander works with the U.S. Permanent Representative on matters of mutual interest, such as EUCOM military operations and security cooperation activities that support U.S. objectives and military contributions to NATO.

Question. U.S. Chiefs of Mission within the U.S. EUCOM AOR.

Answer. There is not a formal command relationship between the EUCOM Commander and the U.S. Chiefs of Mission for the 51 independent states in the EUCOM AOR. In a foreign country, the U.S. Ambassador is responsible to the President for directing, coordinating and supervising all U.S. Government executive branch employees in the host nation, except those under the command of a United States area military commander. The EUCOM Commander coordinates and exchanges information with U.S. Chiefs of Mission regularly on matters of mutual interest, to include military operations and engagement activities that support the Ambassador's approved in-country U.S. strategy for engagement. In addition to the regular exchange of information with the U.S. Chiefs of Mission, past EUCOM Commanders have hosted regional conferences. If confirmed, I intend to continue this practice.

Question. U.S. Ambassador to Afghanistan

Answer. As the EUCOM Commander, I have no formal relationship with the U.S. Ambassador to Afghanistan. In my role as SACEUR, while no formal relationship exists, I would expect to periodically meet informally with the various NATO nations and partner nation ambassadors to Afghanistan—for which the U.S. Ambassador is 1 of 42—to garner their perspectives, as well as address their questions.

MAJOR CHALLENGES

Question. In your view, what are the major challenges and problems you would confront if confirmed as the next Commander, EUCOM, and SACEUR?

Answer. As SACEUR, one major challenge to be confronted is successfully conducting the Alliance military operations in support of Trans-Atlantic Security, including ISAF in Afghanistan, Kosovo Force (KFOR), Operation Active Endeavor, and Operation Allied Protector. All of NATO's forces, from Kosovo to ISAF to those conducting counter-piracy and other missions, deserve the best guidance and planning as well as the necessary resources and support to conduct operations. Of these operations, ISAF will likely prove to be most important to our security as well as pivotal to the Alliance's further adaptation of strategies, capabilities, and internal processes to address the myriad of 21st century risks and threats confronting our Nations. ISAF not only reflects the Alliance's will to address the instability in a country destabilized by extremism and terrorism, but it reflects the Alliance's will and capability to conduct operations at strategic distance outside the traditional NATO area. Success in Afghanistan will contribute to stabilizing a very important region and demonstrate that NATO in the 21st century is politically prepared and militarily capable of dealing successfully with risks and threats to Trans-Atlantic Security at strategic distances far from the borders of the U.S. or European members.

Second, we face the challenge of resetting the NATO-Russia relationship and building a predictable, mutually-beneficial relationship that strengthens security. Military cooperation with Russia should figure prominently in the reset of this strategic relationship. This relationship has been stressed by policy differences over the years, and continues to be a complex relationship given the comprehensive nature of U.S.-Russia engagement across the full spectrum of regional and global security matters. It is a strategic relationship that we must get right, and one that the Russians must demonstrate that they value in both words and deeds. There is great opportunity in the U.S.-Russia relationship as well as great challenge. In many cases we share common strategic challenges that present opportunities for beneficial engagement, such as countering the proliferation of weapons of mass destruction. I look forward to working in support of overall U.S. national security objectives to help forge a constructive, reliable, and predictable relationship with Russia.

Third, the Heads of State and Government tasked the NATO Secretary General to develop a new strategic concept for the Alliance. The last concept was developed in 1999. A new NATO strategic concept is crucially important to forging a common perspective on the regional and global security environment; the risks and challenges we face in the 21st century such as energy security, cyber defense, or counter proliferation; the role Alliance members want NATO to play in addressing these risks based on a common perception and common goals; and the strategies, capabilities, and internal processes necessary to successfully be prepared. The Alliance will engage in debate on these important issues. My initial assessment is that the military authorities will seek a balance of collective defense and global operations. Once the political leaders reach consensus, further development of military tasks and defining capabilities will be no easy task and must be done with a realistic understanding of the means available. I look forward to contributing my military advice to the development of a new NATO Strategic Concept, a concept that will drive and frame NATO's role in the international security sphere for years to come.

Finally, French reintegration into the NATO military structure would also be a key area of focus. As France has always been a very active partner in NATO's ongoing operations, their reintegration is nominally only a "formal" step to capture their current participation. Their further involvement in NATOs military command structure will provide an avenue for greater involvement—especially in the planning processes.

In addition to the above stated challenges, I believe there will be additional challenges facing the next EUCOM Commander such as defense cooperation in Eastern Europe and further progress in the Balkans, especially Kosovo.

As the focus of European security continues to shift from Central to Eastern Europe, EUCOM strategic plans and activities to address the challenges in Eastern Europe and Eurasia complement NATO efforts to strengthen new Alliance partner capability in this region. EUCOM efforts to stage U.S. forces in Bulgaria and Romania will focus on military-to-military activities that continue to build the military capacities of new NATO Alliance and prospective Alliance countries along with strategic partners in Eastern Europe and Eurasia. Ukraine and Georgia, considered exceptionally important countries in the EUCOM AOR, will continue the trend of bilateral relationships and capacity building. EUCOM continues to assist both countries with their NATO-oriented defense transformation and institution-building ef-

forts, which have begun to bear fruit with peacekeeping presences in Kosovo, Operation Active Endeavor, and Africa.

Question. If confirmed, what plans do you have for addressing these challenges and problems?

Answer. In the previously mentioned areas, the key to success will be proactive engagement and clear direction. The next SACEUR and EUCOM Commander must establish clear priorities and provide a strategic vision to guide transformation, foster relationships, and set the conditions for successfully implementing the full spectrum of measures necessary to contribute to security. Additionally, constant reassessment of these challenges and coupled with the ability to adjust will be critical enablers as we address evolving security challenges in the EUCOM AOR.

NATO has provided for peace and security in Europe for 60 years because of an unwavering commitment to the founding principles and the understanding that the best solution will always be found in working together. The strategic landscape is continually evolving and SACEUR must continually engage military and political leaders to understand the range of perspectives inherent in an Alliance of 28 members. He must effectively communicate key elements required for military success both today and in the future. It is imperative the SACEUR work closely with the 28 nations of the Alliance, Partnership for Peace nations, and other special partners to forge common understanding of the challenges we face together and the measures necessary to address them together.

If confirmed, my approach will be collegial, international, and interagency focused. I will also work hard to build effective strategic communications, which I believe are key to our work throughout the spectrum of challenges.

NATO COMMITMENT TO AFGHANISTAN MISSION

Question. The NATO ISAF has grown and will include some 68,000 U.S. troops by this fall and more than 32,000 soldiers from NATO and other allies. NATO ISAF is responsible for providing security throughout Afghanistan and assisting the Government of Afghanistan in extending its authority.

What challenges do you foresee for NATO ISAF as the administration's new strategy for Afghanistan and Pakistan is implemented?

Answer. The new U.S. strategy for Afghanistan and Pakistan has been briefed to the NAC on numerous occasions by senior U.S. political and military officials. It is clear that NATO Allies support the new U.S. strategy, welcome the increased resources to be provided by the United States, and want to work with the United States in a NATO-framework as well as bi-laterally to support the range of political and military initiatives associated with the new strategy. NATO nations recognize the importance of ISAF and its contribution to the overall efforts of the International Community in Afghanistan. Enhancing security in Afghanistan through both ISAF operations and further developing the capacity of the Afghan National Army (ANA) and Afghan National Police (ANP) is essential to all other efforts in Afghanistan and the region and will be the greatest initial challenge of implementing the strategy.

Question. How confident are you that NATO is prepared to sustain its long-term commitment to ISAF given the challenging security situation in Afghanistan? If confirmed, are there additional steps you would recommend in order to help sustain that commitment?

Answer. From all that I can see thus far—but without the benefit of actually speaking to any allies personally—I am confident that NATO is capable and willing to fulfill and sustain its commitment to ISAF. The NATO Alliance took a significant step when it decided to conduct military operations in Afghanistan. That it did so reinforces its commitment to wider security and NATO's belief that this effort is central to continued peace and stability in Europe. It was a decision made with deliberation and a significant commitment of resources. Thus far, NATO forces have shown determination and resilience. The Alliance has given no indication as having any doubt in their decision and I am confident that member nations will stay the course in providing Afghanistan the stability and security it needs to move forward. If confirmed as SACEUR, I will continue to devote a high priority to force generation working with NATO nations and partners to maintain the appropriate forces and resources for the ISAF operation.

Question. National caveats restricting the use of certain NATO members forces in Afghanistan continue to impede ISAF operations and are a source of friction within the alliance.

What is your assessment of the impact of national caveats on NATO ISAF operations and how can their impact be reduced?

Answer. In a perfect world, there would be no caveats, as they constrain the commander's ability to plan and limit capabilities to execute operations. Some caveats will reflect limitations imposed on a nation's forces by that country's constitution. Others reflect the military reality of a nation's inability to sustain its forces outside a particular geographical area, it is that inability which is the constraint, not the caveat that reflects it. Others apply to very small numbers of troops or personnel, contributions that show political commitment and solidarity, but which are at the limits of what some are capable of contributing. Where caveats have a sizeable effect on the commander's flexibility to achieve his mission, either through their content or the number and capabilities of the forces they affect, then we should devote all our efforts to addressing the issues which stimulated them in the first place, thereby removing them. I will work with national Chiefs of Defense individually and work with the NAC to explain the operational impact of national caveats and the importance of removing as many of them as possible.

COMMAND STRUCTURE IN AFGHANISTAN

Question. The Commander, ISAF, has been dual-hatted as Commander, U.S. Forces Afghanistan, and reports to both the SACEUR and the Commander, U.S. Central Command. In addition, Secretary Gates has recently created a three-star position of Deputy Commander, U.S. Forces-Afghanistan (USFOR–A) to handle day-to-day operations in theater.

What is your assessment of the command structure for ISAF and for USFOR–A?

Answer. In general, the current ISAF command structure combines the military doctrine of 'unity of command' with the special requirements arising from the multinational composition of ISAF—the key to successful allied operations. I support the Secretary of Defense and his recent decision to establish a three-star position of Deputy Commander, USFOR–A to handle day-to-day, tactical operations in theater. The operations in Afghanistan are complex for many reasons. The additional commander and headquarters will prove to be advantageous to the conduct of operations in theater. At the same time, this new structure will allow the ISAF Commander and Commander of USFOR–A to focus on the strategic level, working with other components of the Afghan Government and the organizations of the international community.

Question. What changes, if any, would you recommend to these command structures?

Answer. Without having witnessed ISAF operations first hand, but having been briefed numerous times, my initial reaction is that this new structure is about right. All military structures undergo minor changes and modifications with time to correspond to unique characteristics of specific operations. I am sure this new structure will be no exception. Naturally, if confirmed, I will assess it personally.

Question. In your view, should the three-star position of Deputy Commander, USFOR–A, also be dual-hatted within the NATO ISAF command?

Answer. The dual-hatting of a U.S. commander as a NATO commander should be based on the inherent operational benefits of such an approach, the impact of unity of effort, and the resource implications associated with this command arrangement. At the same time, these benefits must exist for both the United States and its allied forces in the operation and in the NATO chain of command. In the end, a decision on amending the NATO chain of command in Afghanistan is both a military decision and a political decision, and requires approval by the NAC. This can be one of the issues we look at in the future—how successful the structure has been in its initial setup and whether we believe it would increase synergy to expand/dual-hat the role to include NATO ISAF Command. Assessing this will be primary order of business for me if confirmed.

Question. As additional U.S. forces flow into southern Afghanistan, what adjustments, if any, should be made to the theater and regional command to take into account the larger U.S. presence?

Answer. NATO has a system which takes into account the composition of ISAF's command structure based on national contributions to combat forces. As U.S. forces increase, so will its representation in the ISAF command structure. However, we should take into account the multinational nature of this operation and should be cautious not to create the impression of a unilateral command structure. The significant increase of U.S. forces in Afghanistan will have an impact on the tempo of operations and the number of concurrent operations in-theater, along with the associated logistical and support aspects of the forces. I would not wish to pre-judge the situation on the ground or preempt the recommendations of tactical and operational commanders in the field—views and recommendations that may well be provided in the future from the tactical level to COMISAF to the strategic level. As SACEUR,

I would seek the advice and recommendations of subordinate commanders and work with the Nations individually and collectively in the military committee and NAC to gain their support.

BUILDING THE AFGHAN NATIONAL SECURITY FORCES

Question. The administration's new strategy calls for fully resourcing the growth of the ANA and the ANP to 134,000 and 82,000 personnel, respectively, by 2011. Some observers, however, believe that the currently planned end strength levels for the ANA and the ANP will be insufficient over the long-run to provide security throughout Afghanistan.

Do you believe that the realities on the ground in Afghanistan necessitate growing the Afghan National Security Forces beyond the currently-planned end strengths of 134,000 for the ANA and 82,000 for the ANP?

Answer. The administration's new strategy does call for a rapid build-up of the ANA and the ANP to 134,000 and 82,000 personnel respectively over the next 2 years. U.S. and NATO support to these approved strengths should be in our current focus. However, the new strategy also allows for additional enlargements as circumstances warrant. As Afghan Forces mature, we can work with the Afghan Government and our Allies to re-evaluate these end strengths.

Question. The Combined Security Transition Command Afghanistan (CSTC–A) has the mission to provide training, advice, and assistance to Afghan security forces.

What is your assessment of CSTC–A?

Answer. CSTC–A is a U.S.-led organization under the command of U.S. Forces—Afghanistan and subsequently U.S. Central Command. Therefore, I leave any judgment on improving their performance to those capable commanders. From all I can see thus far, I believe CSTC–A has been a critical part of the success achieved in Afghanistan in terms of both building a capable ANA and taking on the additional tasks of developing the ANP. Together the ANA and ANP contribute to current NATO-led and coalition-led operations. More importantly, they represent the future capacity of the Afghan Government to secure and protect its citizens from the threat posed by extremists without further international assistance.

Question. If confirmed, what plans do you have, if any, to improve the effectiveness or efficiency of the Combined Security Transition Command Afghanistan?

Answer. As CSTC–A is a U.S.-led program outside my remit as either SACEUR or EUCOM commander, I do not have specific plans for enhancing the effectiveness or efficiency of CSTC–A. However, I will work with great interest to see how NATO nations may wish to work more closely with CSTC–A in training the ANA and ANP. Heads of State and Government tasked NATO to develop proposals on a possible NATO Training Mission—Afghanistan, similar to the current NATO effort in support of U.S.-led coalition training in Iraq. NATO military authorities are examining options on how to proceed on the basis of determining what would be NATO's added value. I believe NATO does have added value in the training of ANA and ANP, and I believe this is a very important new tasking for the Alliance to consider. I will be working closely with General Petraeus on this specific issue, which is crucial to the overall effort in Afghanistan.

Question. Witnesses at committee hearings have cited a number of challenges impeding the acceleration of expanding the Afghan National Security Forces, including: 1) a lack of training or mentoring teams to embed with Afghan units; 2) a lack of equipment; and 3) developing leadership among officers and noncommissioned officers.

What do you view as the greatest challenge to accelerating the growth of the Afghan National Security Forces?

Answer. These are all major challenges impeding expansion. However, I share General Petraeus's opinion that the greatest challenge is the lack of training teams to embed with Afghan units. We currently have 54 Operational Mentor and Liaison Teams (OMLTs) in place, which does not meet the current requirement of 66 OMLTs. By December 2010, it is estimated that we will have 70 OMLTs in place, but actually require 91. The expansion of the Afghan National Security Forces over the next 2 years is directly tied to the number of partner nations we can get contributing to the fight. The sooner we can expand the Afghan National Security forces and build their capacity to secure Afghan territory, the sooner U.S. and allied forces can begin to withdraw. Additionally, the issues of illiteracy, lack of sufficient time to train effective leaders, and an operational tempo for the Afghan Army and Police all further impact the training and development of their military.

Question. If confirmed, how would you recommend addressing this challenge?

Answer. This is one area with opportunity for greater cooperation with our Allies and partners. If confirmed, I would work with the Allies and partners to find ways

in which they can contribute to the NATO Mission in Afghanistan, such as rapidly filling the remaining training teams (OMLTS) and developing the institutional military training schools necessary for the continued professional development of the Afghan military. A number of allies and partners are willing to contribute additional military forces to operations in Afghanistan, but lack the capability to operate safely and effectively with coalition forces. I would work to build the capacity of these countries to enable them to deploy interoperable and effective forces to Afghanistan. In addition, Furthermore, with the establishment of the NATO Training Mission-Afghanistan (NTM–A), Allied Command Operations will have an opportunity to play a greater role in supporting the training of the Afghan police—an area in critical need of improvement. There are excellent law enforcement capabilities in Europe like the Caribinieri and the Gendarmerie that could deploy to train the Afghan National Police. I will continue to work with Chiefs of Defense and leaders of Allied nations to fully resource the ISAF mission. EUCOM has a robust security cooperation program, including exercises, high-level visits, State Partnership Program, and component activities that can be leveraged to influence and enable further participation in ISAF as well.

Question. The European Union has launched the European Union Police Mission in Afghanistan (EUPOL) to contribute to establishing a sustainable and effective Afghan police force by providing mentoring, advising and training at the national, regional, and provincial levels.

In your view, what should be the relationship between CSTC–A and EUPOL for building the Afghan National Police?

Answer. Again, as CSTC–A is under the command of U.S. Forces-Afghanistan and subsequently U.S. Central Command, I leave any judgment on its activities to those capable commanders. While both organizations are valuable contributors to ANP development, I cannot speak to the details of their relationship. In general terms, all organizations and national efforts need to be integrated where possible and coordinated to the greatest extent. This is an area I will pursue if confirmed.

Question. What more should NATO and EUPOL do to improve the capabilities and effectiveness of the police?

Answer. I understand great effort is being made to find synergy between all national and international actors. While EUPOL is responsible to the EU, it is the responsibility of the ISAF mission to foster and maintain a productive relationship with all major security and sector reform actors in Afghanistan in order to bring coherency to all efforts. NATO leaders acknowledge that development of the ANP is a critical element of security and stability in Afghanistan, but police training is not identified as a key military task in the Operational Plan for ISAF operations. Some NATO nations are conducting police training on a bilateral basis. The EUPOL Mission mentors and advises the Afghan Ministry of Interior, but with only 400 personnel they have limited ability to assist the regions and provinces. NATO military authorities are examining options on how to contribute further, possibly through a NATO Training Mission-Afghanistan.

NATO TRAINING MISSION IN AFGHANISTAN

Question. At the NATO Summit in Strasbourg/Kehl in April, NATO Heads of State agreed to establish the NATO Training Mission in Afghanistan. However, there continues to be a shortfall in the number of Operational Liaison and Mentoring Teams (OMLTs) available to embed with Afghanistan units.

What should be done to encourage NATO allies to provide more OMLTs? Are there steps that NATO or the United States should take to assist NATO members in generating more training teams?

Answer. The United States should continue to work with Allies and partners to fully resource the ISAF mission, whether they provide OMLTs, forces, equipment, or funding. The United States should also be prepared to provide immediate assistance—be it training, equipment, or other forms of support—to partners and Allies that are willing to contribute OMLTs (and other forces) to Afghanistan. EUCOM will continue to leverage security cooperation activities to build partner capacity, enabling deployment of forces to ISAF. For example, through the State Partnership Program, EUCOM has arranged the augmentation of partner nation OMLTs with a limited number of National Guard personnel. This has proven to be a highly effective means of enabling Allies and partners to deploy additional OMLTs to Afghanistan. By expanding upon existing capacity-building programs and pursuing new and more agile ways of recruiting, training and equipping partners, we will enhance the contributions of all partner nations in Afghanistan.

COUNTERNARCOTICS

Question. What is your assessment of the current U.S. and NATO strategies for combating the production and trafficking of illegal narcotics in Afghanistan? What changes, if any, would you make in those strategies?

Answer. Clearly the illicit drug trade is a critical issue that must be addressed in order to reach our objectives in Afghanistan. This is a complex issue that requires significant resourcing and there is no singular solution. From what I have learned so far, the Afghan authorities are working closely with international partners to execute the Afghan National Drug Control Strategy. This five pillar approach includes efforts in institution building, judicial reform, law enforcement, alternative livelihoods, and demand reduction. My impression is that recent efforts to disrupt the flow of funds from the drug trade to insurgents, including NATO's expanded authority, will be beneficial. I am hopeful that my experiences in dealing with counternarcotic issues in the SOUTHCOM region may be helpful in allowing me to work with partners and develop new ideas and approaches.

Question. In December, Secretary Gates approved an expanded set of rules of engagement for U.S. forces combating narcotics in Afghanistan. NATO has reportedly approved a comparable expansion of the rules of engagement for NATO forces operating in Afghanistan.

Please discuss your understanding of the reasons behind these changes in the counternarcotics rules of engagement.

Answer. NATO Defense Ministers in October 2008 approved expanded authorities for ISAF to address both the illegal narcotics business and its facilitators because of the support rendered to the Taliban. Each year the narcotics trade provides $100 million directly to the insurgency, in addition to fueling corruption, undermining the rule of law, and impeding long-term economic growth of legitimate agriculture and business. Prior to the decision at the Defense Ministerials, ISAF assistance was primarily in-extremis support, while some nations provided additional support on a bilateral basis and through their Provincial Reconstruction Teams (PRTs). Recognizing the nexus between the narcotics trade and the insurgency, ISAF forces are now authorized to take direct and deliberate action against drug laboratories and traffickers providing support to the insurgents.

Question. What is the impact of these changes in the rules of engagement to the best of your knowledge?

Answer. Since the approval of enhanced ISAF counternarcotics (CN) authorities in early 2009, over 40 CN operations, the majority of which were Afghan-led, have been conducted. To date, several tons of drugs with an Afghan domestic value of over $4 million and over 50 tons of various precursor chemicals needed to process Opium have been seized and destroyed. Apart from these initial effects on the capabilities to produce and deal with drugs, CN operations in Afghanistan clearly underline the United States and NATO will and capability to effectively engage the narcotics network, which is fueling the insurgency.

Question. In March 2009, Iran, Afghanistan, and Pakistan carried out a joint counternarcotics operation. The operation was part of a U.N. initiative, called the Rainbow Strategy, aimed at getting the three countries to carry out joint patrols and share intelligence on the members of the drug trade that process opium poppy into heroin and smuggle the drug to markets in Europe. The NATO Secretary General has discussed his desire to boost these joint efforts to counteract the illegal drug trade and trans-border organized crime from Afghan territory.

What are your views on the possibility of NATO and U.S. opportunities to conduct joint efforts, including with Iran, to counter narcotics trafficking in Afghanistan?

Answer. The illegal narcotics industry is a transnational threat that reaches far beyond the borders of Afghanistan. With more than 90 percent of the world's opium originating in Afghanistan, countering the production and trafficking at the source is a key aspect of reducing the global impact of the drug trade. Most of the opium-producing areas of Afghanistan are along the Iranian and Pakistani borders, so joint efforts such as the Rainbow Strategy are encouraging and further similar efforts will be beneficial.

AFGHAN NATIONAL SOLIDARITY PROGRAM

Question. One program that contributes to enhancing development and empowering governance at the local level in Afghanistan is the National Solidarity Program (NSP). This program provides block grants directly to locally-elected Community Development Councils, which are responsible for identifying, planning and managing their own development projects. Funding for the NSP comes from the World Bank/International Development Association, bilateral donors, and through the Afghanistan Reconstruction Trust Fund. According to its website, the NSP has

provided more than $500 million in payments to 21,000 Community Development Councils, which have financed more than 39,000 subprojects to improve access to infrastructure, markets, and services.

Are you familiar with the National Solidarity Program in Afghanistan?

Answer. Yes, I am. The National Solidarity Program (NSP) is an effective tool enabling community councils to participate in decisions, planning, and management of local development projects. With funding from a variety of international sources, including the Afghan Reconstruction Trust Fund and bilateral national donations, combined with facilitating partners, the NSP has reached 34 districts and 359 provinces. With tangible benefits to the population, including the most impoverished and vulnerable, NSP builds local governance capacity and ultimately extends the reach of the government.

Question. Would you support expanding the National Solidarity Program as a means of building local governance and strengthening development?

Answer. The NSP is one of many valuable efforts to support reconstruction, development, and governance throughout Afghanistan. In my view, it makes sense to build on this success and continue the program from what I understand about it at this point.

CIVILIAN CASUALTIES

Question. What is your assessment of the impact of civilian casualties on the success of the coalition's counterinsurgency operations in Afghanistan?

Answer. U.S. and allied forces always try their very best to avoid civilian casualties through prudent planning and conducting operations with extreme care and the highest concern for innocent lives. In contrast, the extremists we combat in Afghanistan actually target innocent civilians as a means of terrorizing and intimidating the Afghan people to achieve their aims. Civilian casualties are inconsistent with our aims since the Afghan people are our center of gravity. Civilian casualties, however, are in fact a tactic deliberately employed by the Taliban to achieve their aims. The Taliban intentionally operates among civilians as part of its strategy to undermine public trust of coalition forces, and has frequently used innocent civilians as human shields. We will take all actions to avoid civilian casualties in what is an extremely complex operating environment.

Question. In your view, what additional steps, if any, need to be taken to address the issue of civilian casualties in Afghanistan?

Answer. ISAF takes every precaution to avoid civilian casualties and makes adjustments to the existing tactical directive as the situation on the ground permits and necessitates. Ultimately, reducing or eliminating ISAF caused civilian casualties requires a fully trained and equipped Afghan National Security Force capable of conducting operations and ensuring the security of the population. This is an issue I will work upon with great diligence, as any counterinsurgency effort must place the security and confidence of the people squarely at the center of the equation.

FRANCE

Question. What is your assessment of the impact of France rejoining the integrated military structure?

Answer. I believe that the full reintegration of France back into the integrated military structure of the Alliance is a very positive thing for NATO. France was a founding member of NATO and has contributed greatly throughout its history. France's full participation will only strengthen the Alliance and further build European defense capabilities.

Question. Do you support giving France the position of SACT? Why or why not?

Answer. As a major contributor to the Alliance's integrated military structure, France has been given a major command inside the Alliance—one of two NATO strategic commands. This decision, agreed to by Alliance members, reflects the contributions of France to the military structure in terms of manpower, resources, and budget as well as their contributions to NATO operations. I support the idea of Strategic Commander-Transformation as a French military officer and I understand the importance the French military accord to NATO's transformation policy and believe it will be a very good and effective arrangement.

NATO ENLARGEMENT

Question. What are your views on whether NATO would benefit from further rounds of enlargement?

Answer. This is a purely political issue, one that is the remit of the NATO nations. Heads of State and Government have reaffirmed that NATO's door remains

open, as reflected in Article 10 of the Washington Treaty. My understanding of the North Atlantic Treaty is that any European nation that is willing and capable of undertaking the commitments and obligations of being a member state is welcome to join the alliance, should all members agree. This was articulated in the Alliance's Declaration on Alliance Security, approved at the Strassbourg-Kehl Summit in April of this year.

Question. What criteria should the United States apply in evaluating candidates for future NATO enlargement?

Answer. NATO considers and accepts new members in accordance with the Washington Treaty, the Alliance's 1995 Study on NATO Enlargement, and the NATO Membership Action Plan. With careful consideration, they developed over 30 separate political, economic, defense, military, financial, security, and legal criteria, which each NATO aspirant is expected to meet. The United States, as a NATO member, uses these same criteria to evaluate candidates. The successful integration of new members and their contributions to the Alliance demonstrates this process is working. In the end, new NATO members must be contributors to security—not consumers of security—as well as meet all the criteria as outlined above that provides for a country to enter the Alliance.

Question. In your view, is there a limit to how far NATO can be enlarged and still be an effective military organization capable of making decisions and acting in a timely fashion?

Answer. Expansion of the Alliance is a result of deliberate action taken by each member's government, which follows a collective decision of the Heads of State and Government to accept new members. NATO maintains an open door policy according to all of the documentation and study I have undertaken thus far; in particular, Article 10 of the Washington Treaty states clearly that NATO membership is open to all European nations. Democratic reform, defense reform, and interoperability all play a key role in a country's eligibility to be a member.

GEORGIA

Question. In your view, how should the United States and NATO proceed on the issue of NATO membership for Georgia?

Answer. NATO has clearly stated that Georgia and the Ukraine will become NATO members, though the timing and path have not been determined. Georgia is currently in a process of Intensified Dialogue with NATO, and continues to participate in PfP activities and supports NATO military operations. Based on the political decisions in the NAC, the NATO military will have a supporting role in advancing defense reforms in Georgia and developing interoperability. EUCOM, as guided by U.S. Government policy, will work in concert with NATO Allies, to assist with the military and security related part of this reform. This is an important part of advancing Georgia's partnership with NATO.

Question. Would you support further U.S. military assistance to Georgia to help it rebuild its military?

Answer. I think it is reasonable for Georgia to possess a capable military for its own defense and to participate in coalition operations. I agree with current, prudent policy to focus our security cooperation with Georgia on fundamental intellectual issues like training, doctrine, and personnel management—the recent PfP exercise in Georgia was an example of this. This provides a measured and meaningful way to help a country that has helped us in Iraq and has voiced its willingness to assist the United States in Afghanistan.

Question. In your view, is there a way to implement military assistance in a manner that does not provoke Russia and do you consider that to be advisable?

Answer. As we discussed earlier when we were speaking about cooperation with Russia, the key to this will be to pursue common interests with Russia, while being transparent concerning our cooperation with Georgia. Prudent transparency concerning our assistance to Georgia would help Russia to see that ultimately we are merely trying to help catalyze regional stability and enable Georgia to do its part in working against many of the same transnational threats that worry both Russia and the United States The NATO-Russia Council, for example, is a good mechanism to provide this kind of transparency.

RUSSIA

Question. How do you see the NATO-Russia relationship evolving in the future?

Answer. The conflict between Russia and Georgia last year led NATO to temporarily suspend the NATO-Russia council but has since been reinstated. Decisions about NATO-Russia relations, and subsequent military engagements, are made at the political level. However, I believe that the NATO-Russia relationship will be a

high priority for the Alliance at both the political and military levels. NATO and Russia have numerous arrangements in place to discuss a broad security agenda, enhance confidence and mutual security, as well as build the capability for joint military operations. Since the end of the Cold War, the relationship has been marked with successes like the joint operations in Stabilization Force (SFOR), Kosovo Force (KFOR), and Operation Active Endeavor, and political differences such as those over Kosovo, Georgia, Conventional Armed Forces in Europe (CFE) Treaty, and Missile Defense. The relationship will continue to evolve at a pace determined by the success in breaching these differences and forging common perspectives and ultimately common approaches to security. I do believe that both NATO and Russia believe that the relationships with one another are vital, and see utility in the restarting of the relationship to address common concerns.

Question. What steps, if any, should NATO take to help mitigate Russian concerns about further enlargements of NATO?

Answer. It is expected that Russia will continue to voice concerns about further enlargement of NATO. NATO's leaders have made clear they desire a constructive partnership with Russia. NATO does not see enlargement as a choice between good relations or poor relations with Russia. NATO enlargement is not a zero-sum security equation, accomplished at the expense of Russia's or other countries' security. It is designed to support the expansion of the community of democracies and market economies, and strengthen regional security. However, the Russian government has a different view. NATO clearly wants to use the full range of cooperation and partnership under the NATO-Russia framework to build a constructive relationship with Russia, and use this very same framework to address the issues where NATO and Russia have different perceptions.

Question. What do you believe are appropriate objectives for U.S.-Russian security relations, and what do you believe are the areas of common interest between the United States and Russia in the security sphere?

Answer. The United States and Russia share many areas of common interest. We have ample opportunity to engage with the Russians on strategic arms reduction and arms control, military-to-military engagement, energy security, humanitarian assistance, counterterrorism, counterpiracy, counterproliferation, and counternarcotics. Interoperability is a fundamental requirement for successful operations, and the U.S./NATO and Russia should be prepared for missions our political leaders may task us to conduct jointly or within the same framework of an action by the international community. NATO-Russia military activities have evolved since the Rome Summit and have incrementally increased in terms of the number and complexity of events. These events include exercises, seminars, academic exchanges, and technical conferences. These activities will play an important part in developing common approaches with Russia as well as the trust and confidence in these approaches to addressing a wide variety of risks and threats together.

Furthermore, if confirmed as EUCOM Commander, I envision EUCOM's objectives for engaging Russia to be two-fold. First, we want to ensure compliance with national policy in anything we plan to do with respect to military-to-military engagement with Russia. The EUCOM staff has already taken steps in developing a plan intended to re-invigorate the military-to-military programs, albeit at a cautious and measured pace. Second, and probably more important, we want to address those areas of mutual understanding that support the interests of both the United States and Russia.

EUROPEAN MISSILE DEFENSE OPTIONS

Question. The Obama administration is currently reviewing the previously proposed deployment of missile defenses in the Czech Republic and Poland, and is also considering a variety of options and possible alternatives to that proposed deployment, to include using the Standard Missile-3 (SM–3) interceptor either on Aegis BMD ships or on land. One consideration is that the proposed deployment in Poland and the Czech Republic, which neither nation has yet ratified, would not provide coverage of Southeastern portions of NATO Europe, some of which are already within range of Iranian missiles. Such incomplete coverage would be inconsistent with the central NATO principle of the indivisibility of security of all NATO members. Another consideration is the desire to have cost-effective and operationally effective missile defense systems.

Do you agree that it is in our security interests to explore the full range of options and alternatives for possible future missile defense capabilities in Europe that would meet the security interests of NATO and our other allies and partners in the region?

Answer. Yes, based on what I know at this time and without the benefit of actually discussing this with allies, I do agree. Rogue states in the Middle East and Southwest Asia possess a current ballistic missile capability that threatens a major portion of Europe. Iran is aggressively expanding the range and sophistication of its ballistic missiles and is pursuing nuclear capabilities that dramatically expand the threat to the entire European region. The deployment of ballistic missile defense assets in Europe would make a significant contribution to the protection of the United States and Europe from a Middle Eastern ballistic missile threat. Ballistic missile defense must remain a priority so that we are postured to counter threats to the United States, deployed forces and allies. Ballistic missile defense is directly linked to the other theater priorities such as deterring/defeating the use of missiles and WMD as a means of terrorism, defending against cruise missiles, and protecting peacekeeping forces from these threats.

United States ballistic missile defense assets are dedicated not only to defense of the U.S. Homeland, but also to the defense of deployed forces and allies from the growing ballistic threat from rogue states. Sea-based (Aegis with SM–3) and transportable land-based assets (THAAD and Patriot) are integral components of a comprehensive ballistic missile defense system, but cannot defeat the entire range of threats by themselves. Sophisticated sensors are required for early acquisition and target discrimination and ground based interceptors are needed to defeat longer range missiles. In addition, The United States is working towards synergistically integrating its ballistic missile defense capabilities with current and emerging NATO missile defense capabilities and concepts. We need multi-layered missile defense capabilities stationed and operational in the region before a threat fully emerges to ensure our common European allies and partners' security.

MISSILE DEFENSE COOPERATION WITH RUSSIA

Question. Secretary of Defense Gates has stated his interest in pursuing cooperation with Russia on missile defense relative to potential future Iranian missile threats, including the possibility of Russia sharing radar data from its Gabala and Armavir radars. NATO communiqués have repeatedly expressed support for missile defense cooperation between the United States and Russia.

Do you agree that it is in our security interests to pursue missile defense cooperation with Russia relative to potential future Iranian missile threats?

Answer. Yes, I do, based on my preliminary understanding of the situation. I believe Missile Defense is a potential area of cooperation with Russia that is well worth exploring.

Question. Do you believe that such cooperation could help in our efforts to dissuade Iran from pursuing nuclear weapons and long-range ballistic missiles?

Answer. Yes, I do believe the potential exists to achieve such an effect, although this of course is a diplomatic issue outside of my specific purview.

NATO-RUSSIA COUNCIL

Question. The NATO-Russia Council (NRC) has served as an important venue for discussions and cooperation between NATO and Russia, including missile defense cooperation such as the Theater Missile Defense exercise program. Recent NATO communiqués have expressed support for expanded cooperation through the NATO-Russia Council, including on missile defense.

Do you believe the NATO-Russia Council has valuable potential as a forum for NATO-Russian cooperation, including cooperation on missile defense?

Answer. Yes, I do. The NRC's role is to provide a forum for consultation, cooperation, and consensus building between NATO and Russia. The NRC has facilitated discussion and cooperation on a broad range of issues over the past years. The NATO-Russia program of cooperation has included activities in the past in the sphere of theater missile defense cooperation. This area has been a long standing priority activity for both NATO and Russia. I believe that the NRC will continue to play an important role as a vehicle for discussion and cooperation in this sphere and in other areas of mutual interest.

Question. Do you support continuation of the Theater Missile Defense exercise program within the NRC?

Answer. NATO nations approve the NATO-Russia annual work plan, including all aspects of cooperation—civilian and military—between NATO and Russia. The Alliance is restarting the relationship with Russia after a lengthy suspension and the NATO nations will be making decisions on the priority areas of work and cooperation. I would not want to make a judgment on the role and place of a specific exercise program until the appropriate political authorities had determined the political scope, breadth, timing, and objectives for restarting the relationship. Clearly, mili-

tary cooperation will have a role, but it will be a supporting role and one that serves the overall objectives of the U.S. national security policy and Alliance decisions.

PATRIOT BATTERY TO POLAND

Question. The United States and Poland have agreed that the United States will deploy a U.S. Patriot air and missile defense battery to Poland, although the terms and details remain to be worked out.

Do you believe that it could be of benefit to NATO nations for the United States to deploy a Patriot battery to Poland, potentially on a rotating basis, as a NATO training battery, to improve the skills of NATO forces on the Patriot system?

Answer. Yes, from what I currently understand and without the benefit of speaking to our allies, I do believe that deploying U.S. Patriot battery rotations to Poland for training and exercises could benefit NATO nations, assuming Poland continues with its planned future acquisition of a Patriot system.

KOSOVO

Question. What do you see as the major challenges in Kosovo, including in connection with the stand down of the Kosovo Protection Corps and the establishment of the Kosovo Security Force?

Answer. The security situation in Kosovo remains calm and the progress and success in Kosovo has led NATO to decide to move to the next stage in the mission, Deterrent Presence, which includes a significant reduction of forces in place. The UN Interim Administration Mission in Kosovo (UNMIK) is drawing down, and the European Rule of Law Mission (EULEX) has now achieved full operating capability. Following its deactivation in January, the Kosovo Protection Corps remains on track for its official stand-down in June and the Kosovo Security Force is on schedule to reach Initial Operating Capability in September with an effective strength of around 1,500. An extensive training program is in place which includes the first 400 civilian recruits. However, shortages in the trust fund and donations will have a tangible impact on delivering a force equipped to carry out its tasks and we may have a trained force that remains incapable of fulfilling its role in Kosovo.

NATO-EUROPEAN UNION

Question. The NATO-European Union (EU) relationship is viewed by some as competitive and by others as complementary.

How would you characterize the NATO–EU relationship today?

Answer. This matter is largely a political issue outside the purview of the role of the SACEUR. My understanding is that NATO has an established arrangement with the EU for supporting EU military operations called "Berlin Plus". This has worked effectively and has improved EU–NATO coordination. The political level relationship also has improved, but probably not to the level of expectations by some countries. I understand this matter is seen as an important priority at the political level. If confirmed, I intend to explore areas for cooperation in the military sphere in a complementary way.

Question. In your view, what should be NATO's position with regard to European efforts to strengthen the European Security and Defense Policy and build military capacity within the European Union?

Answer. NATO's position will be decided at the political level. Without detailed information on existing capabilities, I am not prepared to take a position on development of EU military capacity. From a purely military perspective, however, every initiative strengthening or improving the military capabilities of our European allies should be welcomed; and if confirmed, this is an area in which I would seek to develop complementary activities.

Question. What is your view of the future of NATO–EU cooperation in areas relating to security, defense, and crisis management? Should NATO do more to institutionalize cooperation between the two organizations?

Answer. Future cooperation in these areas first depends on further development of the political relationship between NATO and the EU. It is my understanding that the "Berlin Plus" arrangement has been effective and I would prefer to Reserve judgment about future possibilities until I have the benefit of experience in the European theater and NATO. As I mentioned earlier, this is an interest area of mine and if confirmed I would pursue it in a collegial and complementary way.

BUILDING PARTNER CAPACITY WITHIN THE EUCOM AREA OF RESPONSIBILITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include

the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207). Some have argued that security assistance has traditionally been a State Department responsibility and that these programs ought to be transferred from DOD to the Department of State.

What should be our strategic objectives in building the capacities of partner nations?

Answer. In the Guidance for Employment of the Force (GEF), the President has established theater strategic objectives for the EUCOM AOR. Building partner capacity is one of many means through which EUCOM achieves its Theater Objectives, while supporting US national objectives in the AOR. In general, capable, well-resourced Allies and Partners are critical enablers for all eight of EUCOM's Theater Objectives. Specifically, building partner capacity in the EUCOM AOR supports the following objectives:

- NATO is capable and willing to conduct out-of-area operations
- Partner nations have the capacity to provide for their own security and to sustain regional stability
- Local crises are prevented from becoming regional conflicts

Do these objectives differ by region, e.g. do our objectives within the EUCOM AOR differ from those in the SOUTHCOM AOR?

Answer. Yes, each Geographic Combatant Command has specific theater strategic objectives outlined in the GEF and its own theater strategy. The GEF objectives for the EUCOM AOR and EUCOM's theater strategy are specifically tailored to the opportunities and challenges found in Europe and Eurasia.

Question. What is your understanding of the purpose of the section 1206 global train and equip authority?

Answer. The purpose of section 1206 is to provide combatant commanders the ability to respond to urgent and emergent threats or opportunities in their AORs by building the capacity of allies and partners to conduct counterterrorism operations or support stability operations in which U.S. military forces are participating. The law requires the Secretary of Defense to coordinate with the Secretary of State when executing global train and equip authority.

Question. What is the relationship of the global train and equip authority to other security assistance authorities, such as DOD counternarcotics assistance and foreign military financing?

Answer. Global train and equip authority complements other security assistance authorities. It enables combatant commanders to respond to urgent situations or opportunities in the near-term and render assistance to allies and partners that cannot be provided under other authorities. When appropriate, it can and should be used in combination with other security assistance authorities as part of a comprehensive approach to building partner capacity.

Question. What should be done to ensure that the global train and equip authority does not duplicate the efforts of these other assistance programs?

Answer. Avoiding duplication of effort with other assistance programs involves two key measures. The first is adherence to the criteria of the global train and equip authority established in the law and DOD policy. The second is robust internal and interagency coordination in the development of proposals for funding under the global train and equip authority.

Question. What is your understanding of the purpose of the security and stabilization assistance authority (section 1207)?

Answer. The purpose of section 1207 is to facilitate non-military, interagency support to reconstruction, stabilization and security activities in foreign countries. It is an important tool in EUCOM's efforts in the Balkans and the developing Eastern European countries.

INTERAGENCY ORGANIZATION MODEL

Question. While you were the Commander of U.S. SOUTHCOM, the SOUTHCOM command structure was reorganized into an interagency model, where officials detailed from other agencies, such as the State Department, USAID, and the Federal Bureau of Investigations (FBI), are embedded as staff members within the command. U.S. Africa Command has adopted a similar organizational structure.

What were the reasons behind the decision to alter the command structure of U.S. SOUTHCOM and the lessons learned after a little more than a year of operation under this model?

Answer. As a Combatant Command, warfighting will always be the core competency at SOUTHCOM. However, SOUTHCOM reorganized to become a more interagency-oriented organization to address the specific challenges and opportunities in Latin America and the Caribbean.

The Secretary of Defense authorized this reorganization in September 2007, and SOUTHCOM's efforts were also highlighted as one of the Top 25 DOD Transformation Priorities. A principal driver for the reorganization stemmed from my assessment of the regional security environment, based upon the underlying conditions that foster the security challenges of the SOUTHCOM area of focus, such as narco-trafficking and other illicit-trafficking activities, and organized crime and gangs. Exacerbated by conditions of poverty, income inequality, and social exclusion, these security challenges are transnational in terms of impact and manifestation, and cross roles and mission lines of U.S. Government departments and agencies.

I am a strong supporter of the "3 D" approach—State does Diplomacy, AID does Development, and DOD does Defense. I believe that our ability to work together, and for us in DOD to be helpful to our partners, is a key element in providing security for our country. Our approach at SOUTHCOM is designed to ensure we do that in the best and most efficient way.

In this regard, the new SOUTHCOM organizational structure is designed to allow the command to collaborate proactively with the U.S. Government interagency community and with partner nations in the region—ultimately improving collective responses to regional and transnational security challenges.

Question. What staffing support did you receive from other government agencies?

Answer. SOUTHCOM has received a reasonable level of support from the interagency. There are 22 interagency personnel assigned to and working full-time at SOUTHCOM headquarters. Additionally, there are 13 part-time liaison officers with full access and to the headquarters building and use of SOUTHCOM credentials for email, data sharing and web page browsing. Beyond these 35 personnel, there are some 40 interagency personnel (in Miami; Washington, DC; and elsewhere) that have habitual relationships with SOUTHCOM via assignments by their home agencies (and many have either visited the headquarters or conducted brief 1–2 week orientation assignments).

The Department of State continues to take an active role in SOUTHCOM's transformation. Ambassador Paul Trivelli has been assigned as the Civilian Deputy to the Commander and retains the role of Political-Military Advisor. USAID has also assigned a Senior Development Advisor to the command. The SOUTHCOM Security and Intelligence Directorate is led by a two-star U.S. Coast Guard Admiral.

Question. Based on your experience with this new interagency command structure, if confirmed, what changes, if any, would you consider regarding the command structure for EUCOM? What metrics would you use to make a determination?

Answer. Although some principles associated with the concept of functioning with an interagency approach have universal applicability and utility, every command and region of the world is unique. The changes my team and I made at SOUTHCOM to the command structure may not necessarily be the best approach for operations in the European theater. If confirmed, I would assess the security environment and challenges in that region and take a hard look at the current command structure at EUCOM to ensure that it is maximized for effectiveness and efficiency. At this point, and based on what I know now, I do not anticipate undertaking significant organizational changes at EUCOM.

NATO TRANSFORMATION

Question. What is your assessment of the role of Allied Command Transformation in effecting positive change among NATO member nations?

Answer. The role of SACT is to identify, facilitate and advocate the continuous improvement of Alliance capabilities to maintain and enhance the military relevance and effectiveness of the Alliance. SACT leads the transformation of NATO's military structure, forces, capabilities, and doctrines to improve interoperability and the military effectiveness of NATO. SACEUR and SACT work in cooperation, not competition, to realize effective change across the alliance.

Question. What will you do, if confirmed, to ensure that military capability and interoperability remain top priorities for NATO?

Answer. Military capability and interoperability should remain top priorities for NATO. Without the necessary military capabilities, armed forces will not be able to provide an effective contribution to whole-of-government efforts. From the Alliance's perspective, interoperability is the key to any multinational operation because in today's world, armed forces can no longer operate in an isolated manner, but have to share a very dynamic battle space and critical information. Ongoing operations in Afghanistan, Iraq, and Kosovo provide "real world" experience upon which to base our future plans. If confirmed, I would ensure that our ability to work together will be enhanced by these experiences.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. Like the Chairman of the Joint Chiefs of Staff and the Chief of Naval Operations, I support U.S. accession to the Convention on the Law of the Sea.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. As the CNO has testified, the Law of the Sea Convention provides a robust legal regime for global operations by U.S. Armed Forces. It codifies navigation and overflight rights and high seas freedoms that are necessary for mobility of our forces. It is completely in line with and supports the U.S. National Security Strategy. To date, 157 nations are signatories to the convention and I believe it is in our national security interests to do the same. Our current non-party status constrains our efforts to develop enduring maritime relationships with Partner Nations. It also inhibits our efforts to expand the Proliferation Security Initiative and elevates the level of risk for our Sailors as they undertake operations to preserve navigation rights and freedoms. We need to eliminate seams as much as possible when we operate in difficult circumstances in the maritime environment with like-minded partners—the Law of the Sea Convention would allow us to do that.

U.S. MILITARY BASING IN EUROPE

Question. Current DOD plans provide for the drawdown of U.S. Army forces in Europe to 32,000 U.S. soldiers by no later than 2013. However, General Craddock, the Commander, EUCOM, has recommended that the two brigades currently scheduled for redeployment back to the United States remain in Europe, keeping U.S. forces based there at a force of around 42,000.

Do you support maintaining the current U.S. force presence in Europe beyond 2013? Why or why not?

Answer. EUCOM and its forces have undergone significant transformation in recent years, transformation that was necessary in light of the changing geopolitical and security environment. That transformation continues today and will continue in the future as we continue to monitor and assess the security environment and U.S. requirements to ensure our safety, security, and protection of our national interests.

The decisions that were made in the past regarding U.S. force presence in Europe were made based on an assessment of the geopolitical and security realities at the time. It would be prudent of me, if confirmed as the EUCOM Commander, to conduct a fresh assessment of the security environment and make recommendations to the Secretary of Defense on the best mix of U.S. forces in Europe now and in the future.

QUALITY OF LIFE PROGRAMS FOR MILITARY FAMILIES

Question. The top three quality of life issues in the EUCOM AOR include obtaining quality living accommodations; gaining predictable access to health care to include family member dental support; and ensuring high-quality dependent education programs provided by the DOD Dependent Schools. Commanders in the EUCOM region have emphasized their support for and reliance on EUCOM resources to provide crucial morale programs, enhance retention, and foster esprit de corps.

What do you see as the most significant long-term challenges for EUCOM in preserving and enhancing the quality of life for assigned personnel while force redeployments to the United States proceed?

Answer. We are demanding a great deal from our force today and must remain focused on our warriors and their families. As we adjust our basing posture in Europe to become more operationally effective, we must also take the opportunity to address and enhance our Quality of Life posture as well. If confirmed, I will support existing EUCOM programs and processes that leverage our partnership with supporting agencies and Service components to build effective quality of life programs for our military families, and continue to focus on improving support to sustain our military personnel and their families. EUCOM servicemembers and their families (some facing their second or third deployments) deserve a quality of life commensurate to the Nation they serve. If confirmed, quality of life programs is one of the first topics I will discuss with the component commanders.

Question. If confirmed, what steps would you take to ensure the adequacy of support services for military families during the transition to ensure that vital support mechanisms, such as DOD schools, morale, welfare and recreation services, family

housing, and commissary and exchange facilities continue to serve military personnel?

Answer. Every year EUCOM hosts a DOD renown Quality of Life conference to discuss Quality of Life requirements and shortfalls with military members of all ranks and their families. If confirmed, I will continue the practice of listening directly to the men and women of the command on what we are doing right and where we need to improve. I would continue to work closely with our Quality of Life Partners to focus resources where needed. For example, I am aware that EUCOM has worked extensively with DODEA to ensure that our military families' dependents are receiving a quality education, and to substantially improve school investment to restore our aging school infrastructure. It is essential we retain and sustain this level of effort in the coming years. The EUCOM team, comprised of Service component and HQ EUCOM policy and technical experts, will continue to partner to ensure full support for our warriors and their families.

SEXUAL ASSAULT PREVENTION AND RESPONSE IN EUCOM

Question. Numerous cases of sexual misconduct involving military personnel have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate investigations and emotional support. Assertions have been made that their Command failed to respond appropriately by providing basic services, including medical attention and timely disposition of their charges.

What is your understanding of the resources and programs in place in EUCOM to offer victims of sexual assault the medical, psychological, investigative, and legal help that they need?

Answer. I am not aware of any shortfalls or deficiencies in command leadership, personnel, or training to prevent or respond to sexual assault in the EUCOM AOR. I will certainly look at the totality of these programs as a significant command responsibility.

I understand the entire EUCOM AOR has robust resources and programs in place to offer victims of sexual assault the medical, psychological, investigative, and legal help required. If confirmed, I will work with Service component commanders to ensure they continue to have the appropriate resources and support to manage sexual assault prevention and response training programs. In addition, I will ensure every measure is in place to support victims.

Question. What is your view of steps the command has taken to prevent sexual assaults in EUCOM?

Answer. From the briefings I have received, I believe that EUCOM works directly with Service components and their leadership in building robust training programs to prevent sexual assault. All military and civilian members across the command have mandatory training requirements on an annual basis focused on prevention. Education has proven to be critical in preventing sexual assault, therefore EUCOM will continue to educate all of our military and civilian members annually.

Question. What is your view of the adequacy of the training and resources in EUCOM to investigate and respond to allegations of sexual assault?

Answer. Across the EUCOM AOR, I am told there are adequate training and resources in order to investigate and respond to allegations of sexual assault. If confirmed, I will work with the component commanders to ensure we continue to emphasize the importance of training and resources to investigate and respond to allegations of sexual assault.

Question. Do you consider the current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. I am not aware of any problems with current sexual assault policies and procedures.

Question. What problems, if any, are you aware of regarding the manner in which the confidential reporting procedures have been put into effect?

Answer. I am not aware of any problems in this regard.

MENTAL HEALTH OF SERVICEMEMBERS AND STRESS ON THE FORCE

Question. The committee is concerned about the stress on military personnel resulting from lengthy and repeated deployments and their access to mental health care to deal with this increased stress. The Chairman of the Joint Chiefs of Staff recently said that the shooting of five servicemembers at a stress control clinic by a troubled Army sergeant in Iraq speaks to "the need . . . to redouble our efforts" and "the issue of multiple deployments" and increasing dwell time "to try to improve to relieve that stress." This tragic incident, as well as increasing suicide rates in every Service, are clear reminders that servicemembers, particularly those who have

been deployed multiple times, are under tremendous stress and need access to mental health care.

In your view, are there sufficient mental health assets in EUCOM to address the mental health needs of the military personnel and their families?

Answer. I understand there is a shortfall in health care professionals to assist military personnel and their families. However, this shortfall is being addressed in the fiscal year 2010 budget under the Warrior and Family Mental and Behavioral Health Support Program. EUCOM has requested $12.5 million in fiscal year 2010 for additional mental health care professionals to evaluate and counsel military and family members.

Question. If confirmed, what actions will you take to address the mental health needs of military personnel and their families in EUCOM?

Answer. Following budgeting actions, I would ensure all mental health professionals are hired in an expeditious manner.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I do.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, U.S. EUCOM and SACEUR?

Answer. Yes, I do.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes, I do.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

BASING OF FORCES IN EUROPE

1. Senator MCCAIN. Admiral Stavridis, the Department of the Army announced today the cancellation of plans to build three Brigade Combat Teams (BCTs) at Fort Bliss, TX; Fort Stewart, GA; and Fort Carson, CO, as well as announcing that White Sands Missile Range, NM, will no longer receive a BCT from Europe in fiscal year 2013 as originally planned. This is the latest decision in a 5-year process by the Department of Defense (DOD) to realign the military's global force posture in order to respond to emerging threats and missions. In your opinion, how many Army BCTs should be stationed in Europe?

Admiral STAVRIDIS. From what I have seen so far, the Army cancellation of plans to build three BCTs is not directly tied to the delay in a BCT moving from Europe to New Mexico. I am aware of a proposal within the Department to review the earlier decision to move two BCTs from Europe to the continental United States (CONUS), in light of the realization that the strategic landscape has changed between the time of the original decision to return those two BCTs to CONUS and present day. However, I also understand that the ongoing Quadrennial Defense Review (QDR) has a focus group looking specifically at Ground Forces in Europe as a directed issue. The results of this study will validate what is the correct number of BCTs to station in Europe in order to work within the resource constraints of the Department while facilitating an acceptable amount of strategic risk.

Some of the decisions that were made in the past regarding U.S. force presence in Europe and have yet to be completely realized were made based on an assess-

ment of the geopolitical and security realities at the time. Should I be confirmed as the European Command (EUCOM) Commander, I will look forward to working with the Secretary of Defense on the best mix of U.S. forces in Europe now and in the future.

2. Senator MCCAIN. Admiral Stavridis, what is the military rationale for this number?

Admiral STAVRIDIS. As I stated in my response to Question #1, should I be confirmed as the EUCOM Commander, I will look forward to working with the Secretary of Defense on the best mix of U.S. forces in Europe now and in the future.

However, the current rationale to review EUCOM ground force requirements is predicated on the projected security environment unique to the EUCOM AOR. The demand signal is to have a force in Europe capable of deterring, dissuading, and engaging adversaries from a position of U.S. strength in Europe. This forward presence assures our allies and sustains the U.S. leadership in NATO. It also maintains strong relationships with key alliance partners in Europe and Eurasia which is important to enabling global access and strategic reach. Moreover, forward stationed U.S. forces fulfill an expeditionary mission just as CONUS based forces do as part of the general global force management pool. However, their persistent forward presence in Europe affords them an inherent capability to conduct theater security cooperation in the margins of their Global Force Management (GFM) rotations, thereby increasing the capability of European partner nations to export security from Europe for missions in ISAF and Iraq.

If confirmed, I plan to coordinate with the ongoing efforts of the QDR to adequately assess the right defense posture to maintain in Europe, particularly with respect to ground forces, in order to ensure that EUCOM has the forces it needs to meet mission requirements.

3. Senator MCCAIN. Admiral Stavridis, do you agree with the current DOD plan to relocate two BCTs in 2012 and 2013 from Europe to locations in the United States?

Admiral STAVRIDIS. I am aware of a proposal within the Department to review the earlier decision to move two BCTs from Europe to CONUS, in view of the opinion that the strategic landscape has changed between the time the original BCT decision was made and today. However, I also understand that the ongoing QDR has a focus group looking specifically at Ground Forces in Europe as a directed issue. The results of this study will validate the correct number of BCTs to station in Europe in order to work within the resource constraints of the Department while facilitating an acceptable amount of strategic risk.

If confirmed, I plan to continue to work with the Department of the Army, the Joint Staff, and the Office of the Secretary of Defense efforts on the directed issue for Ground Forces in Europe as part of the ongoing QDR.

4. Senator MCCAIN. Admiral Stavridis, do you concur with the recent decision by the Air Force to remove tactical fighters from Europe?

Admiral STAVRIDIS. I support the Defense Department's plan to sustain U.S. air superiority through the program as articulated in the Secretary's Defense Budget recommendation announcement. This plan includes a retirement of tactical aircraft from among the oldest in the U.S. Air Force inventory, as well as significant investment in a fifth generation tactical fighter capability.

From what I have seen so far, I do not believe the fighter reductions have been ultimately decided to the particulars of how many should be stationed at each location. If confirmed, I intend to fully coordinate any fighter modernization program with the U.S. Air Forces Europe component, as I believe it is important to find the right balance between sustainment of current capability and delivery of future systems.

5. Senator MCCAIN. Admiral Stavridis, in your opinion, what major military units and at what locations in Europe would you need to successfully carry out the missions of EUCOM?

Admiral STAVRIDIS. I believe military units in Europe need to be of sufficient capacity and capability to conduct missions across the spectrum of military operations: from 'Phase 0' engagement and security cooperation activities to major combat operations. Military forces in Europe provide a critical layer to the strategic depth and defense of the homeland forward, and remain available to the DOD global force management pool for out-of-area operations. These military units need to remain on the leading edge of technological capability in order to effectively lead our partners and allies. Our locations in Europe should continue to support not only these for-

ward assigned forces but should reinforce our critical partnerships with European nations committed to the global security effort. These locations are visible demonstrations of U.S. commitment to our host nations and enable the global access and strategic reach the United States requires in order to support other geographic regions from the position of stability and strength in Europe. Additionally important are the support units and facilities required to provide high quality of life for European soldiers, sailors, airmen, and marines.

6. Senator McCAIN. Admiral Stavridis, concerning basing of forces in Europe, United States Army Forces in Europe is planning to spend over $320 million to relocate its headquarters from Heidelburg, Germany, to Weisbaden, Germany. If confirmed, will you take a look at this plan to ensure it is in the best interest of your forces in Europe and the U.S. taxpayers? Please report back to this committee whether, in your professional opinion, this is a wise and prudent investment.

Admiral STAVRIDIS. I am aware that the ongoing QDR has a focus group looking specifically at Ground Forces in Europe as a directed issue and that options regarding the Wiesbaden consolidation are being examined. The results of the QDR study on this issue will validate the way ahead in light of operational requirements and considering the fiscal constraints the Department faces regarding the basing of our forces in Europe.

If confirmed, I will ensure we adequately steward our Nation's resources while improving efficiencies in our organizational construct. I will also report back to the committee following the completion of the QDR study.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

RUSSIAN TRANSFORMATION

7. Senator COLLINS. Admiral Stavridis, despite a recession and massive cuts throughout his government, Russian President Dmitri Medvedev has vowed to increase defense spending by nearly 26 percent to about $37 billion, and to transform Russia's Soviet-era defense industry into a modern technological power. Media reports indicate Medvedev intends to cut Russia's officer corps from 355,000 to 150,000, and dismiss more than 200 generals, 15,000 colonels, and 70,000 majors. How will Russia's transformation factor into the upcoming QDR?

Admiral STAVRIDIS. Regardless of media reports of Russian transformation, the fact of the matter is that the European and Eurasian security environment is in complicated transition—coping with anxiety associated with the perception of unpreparedness to address 21st century challenges, coupled with unresolved 20th century security problems, and a global economy suffering the worst crisis in almost 100 years. The August 2008 Russia-Georgia conflict drew into question not only the vision of a post-Cold War Europe, but the fundamental post-Cold War approach to security. Russia is an international prestige-seeking state focused on economic growth. It wants to solidify its economic progress and strives to be perceived as a modern great power. Our relationship, and those of our allies and partners, with Russia is a significant security determinant on the continent. Prudent policy dictates that we conduct a strategic review of those relationships and our role within them, within the NATO Alliance, and on the continent.

If confirmed, I plan to coordinate with ongoing efforts of the QDR to ensure the Europe and Eurasia security environment is sufficiently addressed and that EUCOM is properly positioned in that environment.

[The nomination reference of ADM James G. Stavridis, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 12, 2009.

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

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Admiral

ADM James G. Stavridis, 0000.

[The biographical sketch of ADM James G. Stavridis, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

APR 21 2009

Dear Mr. Chairman:

The President, under the provisions of Section 601, Title 10, United States Code, has submitted to the Senate the nomination of Admiral James G. Stavridis, United States Navy, for reappointment to the grade of admiral.

Admiral Stavridis is presently serving as Commander, United States Southern Command. He will be assigned as Commander, United States European Command and Supreme Allied Commander, Europe. He is 54 years of age.

This action will not result in the Navy exceeding the number of authorized four-star positions.

For the information of the Committee, I am enclosing a career resume on Admiral Stavridis which includes a summary of his joint duty assignments.

Most respectfully,

R. S. ERSKINE
Director, Flag Officer
Management and Distribution

The Honorable Carl Levin
Chairman, Senate Armed Services Committee
United States Senate
Washington, DC 20510

cc: The Honorable John McCain
Ranking Member
Senate Armed Services Committee
United States Senate
Washington, DC 20510

RÉSUMÉ OF ADM JAMES GEORGE STAVRIDIS, USN

15 Feb 1955	Born in West Palm Beach, FL
01 Jun 1976	Ensign
02 Jun 1978	Lieutenant (junior grade)
01 Jul 1980	Lieutenant
01 Oct 1984	Lieutenant Commander
01 Nov 1990	Commander
01 Jun 1997	Captain
08 Jan 2001	Designated Rear Admiral (lower half) while serving in billets commensurate with that grade
01 Mar 2002	Rear Admiral (lower half)

01 Jan 2005	Rear Admiral
01 Sep 2004	Vice Admiral
19 Oct 2006	Admiral, Service continuous to date

Assignments and duties:

	From	To
U.S. Naval Academy (Instructor)	June 1976	Aug. 1976
Naval Amphibious Base, Coronado, San Diego, CA (DUINS)	Aug. 1976	May 1977
Service School Command, Naval Training Center, Great Lakes, IL (DUINS)	May 1977	June 1977
USS *Hewitt* (DD 966) (Anti-Submarine Warfare Officer)	July 1977	Apr. 1979
Surface Warfare Officers School Command Newport, RI (DUINS)	Apr. 1979	Aug. 1979
USS *Forrestal* (CV 59) (Electrical Officer)	Aug. 1979	Mar. 1981
Office of the CNO (Strategic Concepts Group) (OP–603)	Mar. 1981	Aug. 1981
Tufts University (Student)	Aug. 1981	Oct. 1983
Surface Warfare Officers School Command Newport, RI (DUINS)	Oct. 1983	May 1984
Combat Systems Engineering Development Site, Moorestown, NJ (DUINS)	May 1984	Sep. 1984
USS *Valley Forge* (CG 50) (Operations Officer)	Oct. 1984	Aug. 1987
Office of the CNO (Assistant for Long Range Requirements)	Sep. 1987	July 1989
Surface Warfare Officers School Command Newport, RI (DUINS)	July 1989	Oct. 1989
XO, USS *Antietam* (CG 54)	Oct. 1989	July 1991
National War College (Student)	July 1991	July 1992
Office of the Secretary of the Navy (Special Assistant and Speechwriter)	July 1992	Mar. 1993
Ships Material Readiness Group, Newport, RI (DUINS)	Mar. 1993	June 1993
CO, USS *Barry* (DDG 52)	June 1993	Dec. 1995
Joint Staff (Branch Chief, Force Policy Branch) (J5)	Dec. 1995	Nov. 1997
Commander, Destroyer Squadron Two One	Nov. 1997	Dec. 1998
Office of the Secretary of the Navy (Executive Assistant)	Jan. 1999	Mar. 2001
Office of the CNO (Deputy Director for Requirements Assessment, N81D/Director, CINC Liaison Division, N83).	Mar. 2001	Jan. 2002
Office of the CNO (Director, Naval Operations Group)	Jan. 2002	Aug. 2002
Commander, Cruiser Destroyer Group 12	Aug. 2002	July 2004
Office of the Secretary of Defense (Senior Military Assistant to the Secretary of Defense)	July 2004	Oct. 2006
Commander, U.S. Southern Command	Oct. 2006	To date

Medals and awards:

Defense Superior Service Medal
Legion of Merit with four Gold Stars
Meritorious Service Medal with two Gold Stars
Navy and Marine Corps Commendation Medal with three Gold Stars
Navy and Marine Corps Achievement Medal
Joint Meritorious Unit Award with Bronze Oak Leaf Cluster
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon with "E" Device
Navy Expeditionary Medal
National Defense Service Medal with one Bronze Star
Armed Forces Expeditionary Medal with two Bronze Stars
Southwest Asia Service Medal with one Bronze Star
Global War on Terrorism Expeditionary Medal
Global War on Terrorism Service Medal
Armed Forces Services Medal with two Bronze Stars
Sea Service Deployment Ribbon with three Bronze Stars
NATO Medal
Kuwait Liberation Medal (Kingdom of Saudi Arabia)
Kuwait Liberation (Kuwait)
Expert Rifleman Medal
Expert Pistol Shot Medal

Special qualifications:

BS (English) U.S. Naval Academy, 1976
Designated Surface Warfare Officer, 1978
Ph.D. (Foreign Affairs) Tufts University, 1984
Graduate of Naval War College, 1985
Graduate of National War College, 1992
Designated Joint Specialty Officer, 1999
Capstone, 2001–2

Personal data:

Wife:
Laura Elizabeth Hall of Ann Arbor, Michigan.
Children:
Christina A. Stavridis (Daughter), Born: 20 August 1985.
Julia E. Stavridis (Daughter), Born: 14 February 1991.

Summary of joint duty assignments:

Assignment	Dates	Rank
Joint Staff (Branch Chief, Force Policy Branch) (J5)	Dec. 1995–Dec. 1997	CDR/CAPT
Office of the Secretary of Defense (Senior Military Assistant to the Secretary of Defense).	July 2004–To date	VADM
Commander, U.S. Southern Command	Oct. 2006–to date	ADM

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by ADM James G. Stavridis, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James G. Stavridis.

2. **Position to which nominated:**
Commander, United States European Command and Supreme Allied Commander Europe.

3. **Date of nomination:**
May 12, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 15, 1955; West Palm Beach, FL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Laura Elizabeth Stavridis (maiden name: Hall).

7. **Names and ages of children:**
Christina, 23.
Julia, 18.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

U.S. Naval Institute, Surface Navy Association, Council on Foreign Relations.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMES G. STAVRIDIS.

This 2nd day of April, 2009.

[The nomination of ADM James G. Stavridis, USN, was reported to the Senate by Chairman Levin on June 9, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 10, 2009.]

[Prepared questions submitted to Lt. Gen. Douglas M. Fraser, USAF, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. No.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I do not have any recommendations for modifications to the Goldwater-Nichols provisions. If confirmed and if I see a need for modifications, I will not hesitate to make appropriate recommendations.

RELATIONSHIPS

Question. Section 162(b) of title 10, U.S.C., provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Southern Command (SOUTHCOM), to the following:

The Secretary of Defense.

Answer. The Commander is responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to him and exercising command authority over forces assigned to him by the Secretary of Defense.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs duties as delegated by the Secretary and exercises the duties of the Secretary in his absence. The Commander communicates regularly with the Deputy Secretary and provides the information and support the Deputy Secretary needs to accomplish his job.

Question. The Under Secretary of Defense for Policy.

Answer. The Commander does not have a direct command relationship with the Under Secretary of Defense for Policy. The Commander routinely interacts with, exchanges information, and coordinates with the Under Secretary on strategic policy issues.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Commander does not have a direct command relationship with the Under Secretary of Defense for Intelligence. The Commander does interact with, exchange information, and coordinate with the Under Secretary as needed to set and meet intelligence requirements for the command's area of focus.

Question. The Assistant Secretary of Defense for International Security Affairs.

Answer. The Commander does not have a direct command relationship with the Assistant Secretary of Defense for International Security Affairs, but routinely exchanges information and coordinates on issues of mutual concern.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities.

Answer. The Commander does not have a direct command relationship with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. The Commander routinely exchanges information and coordinates on issues of mutual concern.

Question. The Assistant Secretary of Defense for Homeland Defense and America's Security Affairs.

Answer. The Commander does not have a direct command relationship with the Assistant Secretary of Defense for Homeland Defense and America's Security Affairs but routinely exchanges information and coordinates on homeland defense matters.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman serves as the principal military advisor to the President and the Secretary of Defense and is a key communication link between the combatant commanders and the President. The SOUTHCOM Commander keeps the Chairman apprised of significant events and issues in his area of focus to enable the Chairman to perform his critical role.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the Military Departments are responsible for organizing, training, and equipping forces in their departments for assignment to the combatant commanders. They are responsible for the administration and support of these forces. The commander does not have a direct command relationship with the Service Secretaries, but routinely exchanges information and coordinates on issues of mutual concern.

Question. The Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps and Chief of Staff of the Air Force.

Answer. The Service Chiefs are responsible for organizing, training, and equipping forces for assignment to the combatant commands. The Commander routinely discusses issues and concerns with the Service Chiefs and works closely with them to understand service capabilities, discuss combatant command requirements, and effectively employ service capabilities in conducting the U.S. SOUTHCOM mission.

Question. The other combatant commanders, particularly U.S. Northern Command.

Answer. The Commander, SOUTHCOM maintains a close relationship with the other combatant commanders, especially U.S. Northern Command (NORTHCOM), closely coordinating issues of mutual concern, maintaining frequent contact, and exchanging information. When directed or specified by the Secretary of Defense, the relationship between combatant commanders becomes formal for the planning and execution of specific operational plans.

Question. U.S. Chiefs of Mission within the SOUTHCOM area of responsibility.

Answer. The Commander does not have a formal relationship with the Chiefs of Mission. The respective U.S. Ambassador is responsible for directing and supervising all U.S. Government activity in the host nation, with the exception of those military activities under the combatant commander's direction. The Geographic Combatant Commander routinely discusses and coordinates issues and concerns of mutual interest with the Chief of Mission within the host nation. The combatant commanders direct and coordinate U.S. military activity throughout their areas of responsibility, negotiating force protection arrangements with Chiefs of Mission, as appropriate. If confirmed, I intend to maintain close coordination and contact with the Chiefs of Mission throughout the SOUTHCOM area of focus. In addition, I will continue to host annual subregional conferences with the Chiefs of Mission to exchange regional information and perspectives.

Question. Director of National Drug Control Policy, Executive Office of the President.

Answer. The Commander does not have a direct command relationship with the Director of the Office of National Drug Control Policy. The Commander interacts with, exchanges information, and coordinates with the Director as needed to set and meet counternarcotics requirements and policy for the command's area of focus.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, SOUTHCOM?

Answer. The Commander, SOUTHCOM is responsible for directing the missions assigned by the President and the Secretary of Defense, to include conducting military operations, logistical support, and joint training of assigned military forces. The Commander, SOUTHCOM is responsible for conducting these operations within his assigned area of focus which includes 31 nations and 10 territories.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I am honored the President nominated me to be the Commander, SOUTHCOM. Over the past 3½ decades, I have served in a variety of Air Force and joint assignments, in both operational and staff positions. If confirmed, these experiences have prepared me well to meet the challenges and opportunities of commanding SOUTHCOM.

I commanded a fighter squadron in the Pacific, a combined air operations group in the United States, including periods of combat operations during Operation Southern Watch, a combined air wing supporting worldwide airlift and providing forces for combatant command operations, the Space Warfare Center, and simultaneously commanded four organizations in Alaska, including a binational NORAD region, a PACOM subunified command, a NORTHCOM joint task force, and a USAF numbered air force. My current position has given me the experience and insight of helping to direct the operation of a geographic combatant command. In addition to this experience, I served in various staff positions on the Headquarters, U.S. Air Force staff, the Office of the Secretary of Defense staff, the U.S. Pacific Command staff, and the Air Force Space Command staff. These jobs have enabled me to observe and participate in joint, international, and interagency strategy and policy development as well as have given me the opportunity to engage with international partners across the Asia Pacific, to include military engagement with representatives from Chile and Mexico.

In addition to military experience, I lived in Bogota, Colombia, for 3 years and graduated from high school there. While I need to regain proficiency, I have a working level knowledge of Spanish. As a result of my time in Colombia, I have maintained a life-long interest in and affinity for Latin America and the Caribbean. I also visited Central America while assigned to 12th Air Force in the mid-1980s and visited Central and South America in early 2002 as part of a Capstone trip.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, SOUTHCOM?

Answer. If confirmed, I will engage with key leaders and personnel within the executive and legislative branches of the U.S. Government to better understand United States policies and interests in the SOUTHCOM area of focus. I will engage with government and military leaders of the Nations throughout the region to understand their perspectives and concerns. I will engage with experts in academia, the media, and think tanks around the United States and in Latin America and the Caribbean to understand the complexities of the issues impacting the region. I will engage with the commanders of other U.S. combatant commands to better understand operational integration across combatant command seams. Finally, I will continue to study and enhance my proficiency in Spanish and familiarize myself with Portuguese.

MAJOR CHALLENGES

Question. If confirmed as the Commander of SOUTHCOM, you will be responsible for all military operations in that region. These include operations supporting homeland defense and security, the Department's counternarcotics efforts in the source nations and transit zone, detainee and interrogation operations at Guantanamo Bay, security of the Panama Canal, and development of democratic values within the military organizations of the region. If confirmed, you will be pursuing these missions amidst an economic downturn and the threat of a pandemic, and at a time when the region appears to be moving away from democracy in some nations and growing increasingly unstable in other nations.

In your view, what are the major challenges and problems you would confront if confirmed as the next Commander, SOUTHCOM?

Answer. I do not foresee any imminent conventional military threat to the United States in the region. However, other security challenges are present, including narcoterrorism, illicit trafficking, crime, and natural disasters. In addition, transnational radical extremist organizations in the region are actively engaged with fundraising and logistics support for their parent organizations.

Narcoterrorist networks are active throughout the region. These networks include domestic narco-terrorists, such as the FARC in Colombia and the Shining Path in Peru. These groups undermine democratic governments, terrorize populations, impede economic development, and hinder domestic and regional stability.

Global illicit trafficking remains a significant transnational security threat in the region. Illicit trafficking undermines domestic and regional stability in much the same manner as narco-terrorism.

Islamic radical terrorist networks are also active, primarily involved in fundraising and logistical support for parent organizations based in the Middle East, such as Hizballah and Hamas.

Still another challenge to watch is the nexus between these two groups in which well resourced narco-traffickers coordinate their activities with terrorist networks and vice versa.

Underlying the security challenges mentioned above, poverty, income inequality, and lack of opportunity drive social unrest and corruption, fostering many of the region's public security challenges. These conditions make societies vulnerable to the influence of illicit activity—such as drugs, crime, gangs, and illicit immigration. Such conditions are aggravated by the region's economic downturn.

Question. If confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed, I will work with the U.S. interagency and partner nations to enhance our mutual capability to address the region's security challenges. The challenges we face affect all the Nations in the region and require collaborative, interagency and international solutions. I will continue to evaluate, assess, and execute SOUTHCOM's comprehensive regional plan to address the illicit trafficking problem plaguing the region. I will continue to reach out to the militaries in the region, encourage regional engagement and train, exercise, and partner as appropriate, to address regional security concerns. In addition, I will continue to reach out to those militaries in countries that have been distancing themselves from the United States to encourage military engagement.

Finally, if confirmed, I will maintain a command focus on the detention facility in Guantanamo Bay to ensure all laws, regulations, and policies are followed until the last detainee departs the facility and the detention facility is closed.

Question. What actions would you propose to counter the growing threat to democracy in the region?

Answer. I think the key to countering the threat to democracy in the region is continuing to improve the security, stability, and adherence to the rule of law by nations in the region. SOUTHCOM can improve security and stability in the region

by continuing to build partner nation security capacity consistent with the command's Theater Security Cooperation program. Improving security and stability creates the conditions necessary for improving adherence to the rule of law, which in turn fosters and preserves democracy. SOUTHCOM is only a part of the solution, however, because effectively countering threats to democracy requires the United States to continue a whole-of-government approach. If I am confirmed, I will work closely with the other Federal agencies and our regional partners to support and encourage the continued growth of democracy in the region. In addition, I will constantly evaluate and assess the command's Theater Security Cooperation program, adjusting it as required, to support U.S. and regional efforts to support democracy. My intent, if confirmed, will be to continue the command's efforts to make SOUTHCOM an indispensable regional partner.

Question. What is your assessment of the strengths and weaknesses of military-to-military exchange programs and contacts in the SOUTHCOM area of responsibility (AOR)?

Answer. I think SOUTHCOM maintains a strong military-to-military exchange program. They use the full set of available tools to conduct their program, including a robust State Partnership program, an innovative Partnership of the America's maritime engagement operation, and continuing military exchanges, totaling 845 events in 2008. If confirmed, I will work hard to enhance and increase these important military-to-military programs.

INTERAGENCY ORGANIZATION MODEL

Question. The SOUTHCOM structure was reorganized into an interagency model, where officials detailed from other agencies, such as the State Department, U.S. Agency for International Development (USAID), and the Federal Bureau of Investigations (FBI), are embedded as staff members within the command. U.S. Africa Command has adopted a similar organizational structure.

Please discuss your views of this new command structure model.

Answer. From my understanding, SOUTHCOM reorganized to become a more interagency-oriented command in order to better meet its mission. Many of the underlying challenges in the region fall under the lead of other U.S. agencies and the complexity of coordinating and working to address these challenges only reinforces the need for coordinated interagency solutions.

As I understand it, this new organization enables SOUTHCOM to collaborate proactively with U.S. executive branch agencies and departments and with partner nations in the region—improving collective responses to regional and transnational security challenges. The new structure also created the position of Civilian Deputy to the Commander, who is a Senior Foreign Service Officer from the State Department and a former Chief of Mission from the area of focus.

In my view, this new command structure assists SOUTHCOM in synchronizing its activities with ongoing whole-of-government approaches in the region, and ensures it continues to conduct military operations with an unbroken and capable military chain of command and authority.

Question. Based on your understanding of this new interagency command structure, if confirmed, what changes, if any, would you consider making regarding the command structure and what metrics would you use to make a determination?

Answer. If confirmed, I will examine the organization closely to understand its operation and assess its effectiveness. My study of SOUTHCOM indicates the command, through a directorate specifically designed to assess its processes and activities, regularly evaluates its effectiveness and makes changes as needed to improve its capability to direct its operations.

COUNTERNARCOTICS EFFORTS

Question. Each year the Department of Defense (DOD) spends several hundred million dollars to counter the flow of illegal drugs into the United States, yet the availability of drugs on the street has not been significantly reduced, and some countries continue to face internal security challenges in responding to this threat. Much of these funds are executed within the SOUTHCOM AOR, and some have questioned the effectiveness and focus of our counternarcotics programs.

What is your assessment of the ongoing counternarcotics operations within the SOUTHCOM AOR?

Answer. As I understand it, while many challenges remain, counternarcotics operations in the SOUTHCOM area of focus are providing a positive impact on the comprehensive U.S. Government program.

If confirmed, what changes, if any, would you propose?

Answer. If confirmed, I will regularly assess the situation and evaluate ways to improve SOUTHCOM's role in the program. Based on my initial impression, I will continue SOUTHCOM's work to strengthen its already strong coordination and communication with U.S. Federal agencies and with partner nations. I will continue to engage with our partner nations and help them improve their counternarcotics capabilities. I will continue to build on command successes to date, continue to enhance our national and international efforts to anticipate and adjust to changes in illicit drug activity, and continue to improve counternarcotics cooperation and focus across the region, as well as with other combatant commands.

Question. How would you recommend that the success of the Department's counternarcotics programs be measured?

Answer. No single DOD measure can effectively gauge the success of a counternarcotics program which encompasses diverse elements from across the U.S. and international governments. As the lead agency for counternarcotics detection and monitoring in the source and transit zones, the DOD concentrates on successful detection of illicit drug activity and, as appropriate, supports resultant endgame operations. Last year, for example, SOUTHCOM's Interagency Task Force stopped more than 228 metric tons of cocaine and helped facilitate the capture, by U.S. law enforcement or partner nation organizations, of 317 drug traffickers. In addition, the DOD trained and provided logistical support to partner nations' militaries and law enforcement agencies, substantially improving their counternarcotic capabilities. While such efforts are only part of a comprehensive program, they demonstrate the positive impact the DOD is making in regional counternarcotics efforts.

Question. Do you believe that the current programs that the Department is pursuing are the most effective for the region, or should the Department's efforts focus elsewhere?

Answer. DOD constantly evaluates its programs and seeks ways to improve results. DOD's focus is on detection and monitoring operations. Its programs complement other U.S. programs, such as the Department of State's eradication and economic development programs. All these programs must complement and support each other to work across the entire illicit narcotics enterprise—production, transportation, consumption, treatment, and education—to produce effective results. I think the current DOD programs are appropriately synchronized with other agency efforts, but if confirmed, I will continue to explore ways to improve coordination and increase DOD's efficiency and effectiveness working across interagency requirements.

Question. Compared to other missions that you would be responsible for as Commander, SOUTHCOM, if confirmed, where would you rank counternarcotics in terms of its contribution to our national security and the ability of DOD to make a meaningful contribution?

Answer. One of my top priorities, if confirmed, will be supporting the broad U.S. struggle against violent extremism. My understanding is that some of the drug trafficking networks in Latin America have extremist group affiliations, and at least a portion of drug trafficking profits may be transferred by extremist network members to their parent terrorist groups. Because of this, the counternarcotics mission and the struggle against violent extremism are intertwined. I think the Defense Department should continue to support U.S. and partner nation drug enforcement efforts, working to deny narco-traffickers the capability to maintain terrorist group affiliations through their narcotics trade.

Question. West Africa has emerged as a key player in the trafficking of drugs from Latin American to Europe. Latin American drug cartels are taking advantage of poor countries like Guinea Bissau that have weak central governments, as well as corrupt and inept law enforcement agencies, that are unable to control their coasts and ports.

In your view, what is the most effective way for U.S. Africa Command and SOUTHCOM to collaborate along this seam between your respective Commands?

Answer. From what I've studied, over the past year the Joint Interagency Task Force-South (JIATF–S) worked closely with U.S. Africa Command to share information and help them build an effective counternarcotics organization. Additionally, in an effort to directly improve the coordination between SOUTHCOM and U.S. Africa Command, the two commanders and staffs recently held staff talks that brought together all levels of both commands, from action officer through senior leadership, to discuss this issue along with several other topics. Staff counterparts across the commands work on a one-to-one basis on everything from actionable drug interdiction information to collaborative papers. If confirmed, I intend to continue this close collaboration and information sharing, and where it makes sense, coordinate activities between the two combatant commands.

Question. There has been a surge in drug-related violence in Mexico over the past year, which has increased the risk of cross-border violence into the United States. Much of the drug supply comes into Mexico across its southern border. While Mexico is in the NORTHCOM AOR, the rest of Latin America is in the SOUTHCOM AOR. So the security situation in Mexico is an example of the need for a well-coordinated effort between NORTHCOM and SOUTHCOM.

What is your vision of how SOUTHCOM and NORTHCOM could work together in a fully coordinated and seamless fashion with respect to Mexico and other security challenges?

Answer. The drug-related violence in Mexico remains unsettling. As indicated, the flow of drugs starts in South America and passes through Central America. I'm told that SOUTHCOM and NORTHCOM collaborate regularly to deal with this and other security issues. For example, the two commands held a major coordination conference last year, use liaison officers for daily collaboration, have a Joint Operating Area through JIATF–S where they collaborate in real time on illicit trafficking interdiction, and share information on countries of mutual interest under the new Unified Command Plan. If confirmed, I will continue the close coordination between SOUTHCOM and NORTHCOM to address illicit trafficking and other security challenges.

Question. The United States and Mexico announced in 2007, the start of a multiyear, bilateral security agreement called the Mérida Initiative. This Initiative aims to combat drug trafficking and other criminal activity along the U.S.-Mexican border, as well as in Central America. The U.S.-Mexican border is viewed as especially important for U.S. counternarcotics efforts because Mexico is currently the primary point of entry for cocaine and other drug shipments smuggled into the United States.

What is your understanding of the Mérida Initiative as it relates to Central America and the role of SOUTHCOM?

Answer. My understanding is that in addition to providing assistance to Mexico, Mérida provides assistance to Central America, Haiti and the Dominican Republic. The Central America portion of the Merida Initiative is a comprehensive public security package that works to tackle insecurity in Central America by more effectively addressing criminal gangs, improving information sharing between countries in the region, modernizing and professionalizing the police forces, expanding maritime interdiction capabilities, and reforming the judicial sector in order to restore and strengthen confidence in those institutions by the citizens in the region. The SOUTHCOM's specific role in Mérida is improving maritime security capacity with such things as improved radios and interceptor speed boats. If confirmed, I will continue to support these programs to help build the capacity of partner nations to improve regional security and counter illicit trafficking activities.

U.S. assistance has focused mainly on four strategic pillars: (1) eradication of coca and opium poppy crops, (2) illegal drug interdiction, (3) alternative development to provide coca and opium poppy farmers other sources of income, and (4) institution-building to train security forces and to strengthen democratic governance capacity. Supporters of the program argue that U.S. assistance has been vital to building foreign government counternarcotics capacities. Critics often question the program's effectiveness to reduce the amount of cocaine and heroin entering the United States, because the Andean region still accounts for the production of virtually all of the world's cocaine and increasing amounts of high-quality heroin. Some also criticize the program for excessively emphasizing supply-side eradication and interdiction, especially in Colombia, without sufficient focus on economic development, institution building, and public and private sector reform.

Question. What is your assessment of this issue and, if confirmed, where do you believe the funds dedicated to combating the narcotics trade in the SOUTHCOM AOR can most effectively be used?

Answer. The counternarcotics effort requires a whole-of-government approach; no one pillar alone can accomplish the job. While SOUTHCOM through JIATF–S and its other components is responsible for counternarcotics detection and monitoring throughout its area of focus, other U.S. Government agencies have the lead on supply-side eradication, interdiction, economic development, institution building, and public and private sector reform. I think the United States should continue this multi-pronged approach and continue pursuing coordinated efforts.

Question. If confirmed, how would you work with respective Chiefs of Mission to accomplish your objectives?

Answer. If confirmed, I will communicate often and coordinate closely with the Chiefs of Mission to accomplish U.S. objectives in the counternarcotics effort.

BUILDING PARTNER CAPACITY WITHIN THE SOUTHCOM AREA OF RESPONSIBILITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207). Some have argued that security assistance has traditionally been a State Department responsibility and that these programs ought to be transferred from DOD to the Department of State.

What should be our strategic objectives in building the capacities of partner nations?

Answer. U.S. strategic objectives in building partner capacity are to increase the capacity of the armed forces in our partner nations to address the security challenges within their territories, increase their capability to help each other solve cooperative security challenges and promote security cooperation among all partner nations in the region.

Question. Do these objectives differ by region, e.g., do our objectives within the PACOM AOR differ from those in the SOUTHCOM AOR?

Answer. In my view, while the specific capacities desired for specific countries or subregions within each command's AOR may differ, the objectives of both programs are the same.

Question. What is your understanding of the purpose of the section 1206 global train and equip authority?

Answer. I understand that section 1206 authority enables combatant commanders, in coordination with U.S. Ambassadors to host nations in which specific 1206 activities are proposed, to build partner nation capacity by rapidly training and equipping their armed forces to conduct counterterrorism or stability operations against urgent or emergent threats.

Question. What is the relationship of the global train and equip authority to other security assistance authorities, such as DOD counternarcotics assistance and foreign military financing (FMF)?

Answer. In my view, section 1206 authority is one of many tools available to combatant commanders to use in a whole-of-government approach to their region's security challenges. All these tools are used together to enhance regional security. The DOD counternarcotics assistance program builds partner nation capacity and coordinates regional counternarcotic activities to counter illicit drug trafficking. FMF helps build long-term relationships that provide access and cooperation in the region. Section 1206 builds operational capability in the armed forces of partner nations to enable them to conduct effective counter-terrorism operations within their borders and with other nations to counter emergent threats. In my view, SOUTHCOM uses its various authorities to coordinate multiple activities with other Federal interagency partners and Chiefs of Mission to build an effective whole-of-government approach to regional security challenges.

Question. What should be done to ensure that the global train and equip authority does not duplicate the efforts of these other assistance programs?

Answer. Host country funding and FMF plans are included when combatant commanders build a section 1206 proposal. These proposals are coordinated directly with each host nation U.S. Ambassador to deconflict the activities of various assistance programs. If confirmed, I will continue this close coordination between the Defense Department and the State Department to provide safeguards against duplicating efforts.

Question. What is your understanding of the purpose of the security and stabilization assistance authority (section 1207)?

Answer. I understand that section 1207 provides authority for the Defense Department to transfer to the State Department up to $100 million per fiscal year in defense articles, services, training or other support for reconstruction, stabilization, and security activities in foreign countries.

TERRORISM THREAT FROM CARIBBEAN AND CENTRAL AMERICA

Question. In your view, what is the extent of the current threat of terrorist extremists from the Caribbean and Central America?

Answer. Terrorist activity in the Caribbean and Central America is generally limited to fundraising and logistics. While terrorism emanating from the region is rare, the presence of individuals with operational terrorism experience is cause for concern. Such concern is further justified in light of the impending New York trial of individuals from Trinidad and Tobago and Guyana, who allegedly plotted to blow up gas pipelines into JFK Airport. If confirmed, I will keep SOUTHCOM vigilant to detect and defend against terrorist threats to the United States and our partners.

Question. How would you broadly characterize the terrorism threat—low, medium, or high?

Answer. I understand that extremist organizations are active in Latin America and the Caribbean, primarily focused on fundraising and logistics support for parent organizations in the Middle East. However, as the alleged plot described in the answer above indicates, there are individuals in the region who are interested in doing harm to the United States. For that reason, I would characterize the threat as low to medium.

HAITI

Question. The United Nations (U.N.) Security Council voted unanimously on October 14, 2008, to extend the U.N. peacekeeping mission in Haiti for 1 year. Haiti continues to experience turmoil and instability.

How would you characterize the current military, economic, and political situation in Haiti?

Answer. Haiti remains relatively calm, but security challenges continue to impact this fragile democracy. The 2008 hurricane season decimated Haiti with four consecutive tropical weather events. Recovery has been slow, and another such hurricane season could be devastating for the country. The U.N. Stabilization Mission in Haiti (MINUSTAH) continues to perform well and is the major force keeping criminal elements in check. My understanding is that several nations in the region have participated, are actively participating, or are interested in participating in this important U.N. mission.

Question. How do you assess the security situation in Haiti now, and what is your estimate of how the situation will look in 6 months?

Answer. The potential for violence remains present in Haiti, but because of the successes of the MINUSTAH forces, violence will remain in check. As I understand it, the 7,000 plus MINUSTAH troops and 2,000 U.N. civilian police fill the gap left by inadequate force levels and capabilities of the Haitian National Police. As long as MINUSTAH remains in country while police forces are being recruited and trained, violence will remain manageable.

Question. What conditions or indicators do you consider important in determining whether there will be another wave of Haitian emigration?

Answer. In the first quarter of calendar year 2009, I understand that migration from Haiti increased when compared to the same period of 2008. This increase in migration was caused primarily by the downturn in the global economy and the ravages of last year's hurricane season. The potential for mass migration from Haiti is largely conditioned by Haitian perceptions of how quickly they will be interdicted and repatriated by the U.S. Coast Guard and/or other U.S. authorities. If they perceive they will be quickly interdicted and repatriated, mass migration, as I understand it, will be lower. Another condition that reduces potential mass migration is Haiti's capability to ensure individual safety and provide jobs.

CUBA

Question. Recently, President Obama announced authorization for unlimited travel and money transfers for Americans with relatives in Cuba and an easing of restrictions on telecommunications.

What is your view of the need for review and, potentially, revision of U.S. policies regarding Cuba?

Answer. I think U.S. policy, including our policy toward Cuba, should be periodically reviewed. As appropriate, if confirmed, I will be ready to implement any changes to U.S. policy.

Question. What is your opinion about the need for, and the pros and cons of, military-to-military contact with Cuba?

Answer. In general, I think military-to-military engagement with any nation's armed forces is valuable, consistent with U.S. law and policy. Under current Helms-Burton legislation, any significant military engagement with Cuba must be met with Cuban willingness to discuss Defense Policy, military subordination to democratically elected leadership, and military disengagement from domestic economic policy. Currently, the only military-to-military contacts I am aware of with Cuba are administrative "fence-line" meetings conducted by the Commanding Officer, U.S. Naval Station Guantanamo Bay and his Cuban military counterparts. If confirmed, I will continue to assess the value of military engagement with Cuba, consistent with U.S. law and policy.

GUANTANAMO BAY

Question. If confirmed as Commander of SOUTHCOM, what do you see as the major operational challenges to implementing the President's January 22, 2009, executive order directing the closure of the Guantanamo Bay detention facility?

Answer. From what I've studied, logistics and security are the major operational challenges of closing the detention facility. The specifics of the logistical and security challenges will be worked as the final placement of detainees is determined. If confirmed, I will ensure SOUTHCOM continues close coordination with the joint community, the interagency, and multinational partners to provide the safe and humane care, custody, and transport of detainees as directed by the Secretary of Defense, consistent with U.S. law and policy.

Question. Regardless of the outcome of ongoing discussions on closing the Guantanamo Bay detention facility, what is your assessment of the value of this military base? Is it a strategic asset for SOUTHCOM?

Answer. The U.S. Naval Station, on which the detention facility is located, is a separate command with a separate mission from that of the detention facility. For example, the Naval Station supports the Department of Homeland Security in the event of a mass migration. The Naval Station, with its airfield and port, remains an important strategic facility for the United States and should remain open long after the detention facility closes.

VENEZUELA

Question. U.S.-Venezuelan relations have continued to be strained as President Chavez continues to propagate anti-American rhetoric, import increasing amounts of military armament, politicize the Venezuelan military forces, and export his brand of populism to the region.

What is your view of President Chavez's intentions in the region?

Answer. I think President Chavez seeks to establish Venezuela as the leader of a broad anti-U.S. populist movement throughout the region and is working to limit U.S. influence and engagement.

Question. How would you characterize the current state of military-to-military relations between the United States and Venezuela?

Answer. I understand military-to-military relations with Venezuela are minimal, despite SOUTHCOM efforts to maintain interaction and dialogue. SOUTHCOM invites Venezuela to regional military events, including international and regional military forums, but they have not attended lately. JIATF–S maintains an opening for a Venezuelan liaison officer; however, Venezuela has chosen not to fill that position for over a year. If confirmed, I will continue to seek engagement opportunities with the Venezuelan military.

Question. What role do you see President Chavez playing in national elections throughout the SOUTHCOM's area of operations?

Answer. I think President Chavez will continue to support political parties, grassroots organizations and anti-U.S. candidates throughout the region who support his populist program and his anti-U.S. stance. Currently, lower oil prices have limited the Government of Venezuela's ability to support this effort.

Question. How would you assess Venezuelan relations with China, Cuba, Iran, and Russia vis-á-vis the national interests of the United States?

Answer. I think Venezuela is strengthening its ties with Cuba, China, Iran, and Russia. President Chavez recently visited China, during which the PRC leadership recognized Venezuela as a "strategic partner." In addition, Iranian President Ahmadinejad has made a number of visits to Venezuela, signing an agreement on military cooperation and agreeing to establish several multi-billion dollar investments. Russia has also been active with Venezuela. During a visit to Venezuela last year, Russian Navy ships conducted a naval exercise of limited scope with the Venezuelan Navy. If confirmed, I will monitor developments in Venezuelan relations closely, particularly as they relate to U.S. national security interests.

BOLIVIA

Question. In the past few years, Bolivia has experienced extreme political unrest and, lately, President Morales has taken some positions that could complicate U.S. relations with Bolivia.

How do you assess the situation in Bolivia and, if confirmed, how would you seek to accomplish the goals of combating drug trafficking and enhancing military engagement goals?

Answer. In October 2008, President Morales declared the U.S. Ambassador persona non grata and also evicted U.S. DEA representatives from Bolivia. Under

President Morales, U.S. relations with Bolivia continue to erode while Bolivia's relations with Venezuela, Cuba and Iran improve. In addition, despite earlier cooperation with the United States in the interdiction of narcotics, Bolivia is now the world's third largest producer of coca. My understanding is that military-to-military relations with Bolivia continue to deteriorate despite SOUTHCOM and country team efforts to remain engaged. If confirmed, I will promote limited military-to-military relationships with the Bolivian armed forces, to include educational programs, conferences, and seminars in line with U.S. Government policy towards Bolivia.

PANAMA

Question. How do you assess the current political and economic situation in Panama?

Answer. Panama is a stable country with a strong economy.

Question. To what extent do you assess that the Panamanian Government attempts to interdict the drug flow out of South America through Panama?

Answer. My understanding is that Panama, within the constraints of their resources, actively cooperates with U.S. counter-drug efforts to stem the flow of drugs through their country.

Question. What is your assessment of how Panama is protecting and maintaining the Panama Canal?

Answer. The Panama Canal is a significant strategic waterway and plays a significant role in global trade. The complex endeavor of operating and protecting the Canal is a top priority of the Panamanian government. Addressing this challenge, I understand that Panama continues investing in technology and security training to enhance its defensive ability and continues working with regional allies to protect the Canal. SOUTHCOM annually conducts Exercise PANAMAX, a joint, multinational training exercise focused on defending the Panama Canal. Last year, PANAMAX was SOUTHCOM's largest and most comprehensive exercise to date with 20 participating nations.

Question. How vulnerable is the Panama Canal to attack by terrorists, and what would be the consequences of an attack to U.S. national security interests?

Answer. The Panama Canal is the most important infrastructure in SOUTHCOM's area of focus. The Canal is economically important to the world and critical to the people of Panama. Two-thirds of the goods that pass through the Canal are moving to or from U.S. ports. The disruption of Canal operations would create a significant impact on global commerce as well as the U.S. economy.

Securing the Canal is a complex challenge. The Panama Canal Authority Security Division is responsible for securing the Canal. In addition, SOUTHCOM and many of the armed forces in Latin American work together to ensure the Canal's security. Annually, SOUTHCOM conducts a multinational exercise, Panamax, providing a critical training exercise focused on defending the Canal. It is the primary example of the regional cooperative security efforts focused on keeping the Canal secure.

FORWARD OPERATING LOCATIONS

Question. One of the elements of the regional counternarcotics strategy is the SOUTHCOM's establishment of forward operating locations (FOLs) in the source and transit zone.

In your view, what is the role that these FOLs play in the Department's counternarcotics efforts?

Answer. Now called Cooperative Security Locations (CSLs), my understanding of SOUTHCOM's CSLs is that they provide strategic basing for the conduct of regional counternarcotic detection and monitoring operations. Because forward bases are closer to the narcotic operation source and transit areas, CSLs increase the mission effectiveness of detection and monitoring operations because they significantly reduce aircraft transit time to and from the search areas. The CSLs in Curacao and Aruba, Netherlands Antilles, and in Comalapa, El Salvador remain critical to the success of the detection and monitoring mission.

Question. In your view, does current use continue to justify the costs of sustaining these locations?

Answer. I think the cost of supporting the CSLs is justified. As I mentioned earlier, SOUTHCOM's task force stopped more than 228 metric tons of cocaine in 2008. In my estimate, if SOUTHCOM were asked to provide the same results without operating from CSLs, the cost of operations would be significantly higher because the number of aircraft and the number of flight hours required to accomplish the mission would be much higher.

Question. What assurances do we have from host nations that these locations will continue to be available to us, and under what conditions?

Answer. Beyond the current 10 year agreements, there are no assurances from any of the host nations. My understanding is that our relationships with host countries, the Dutch Government (in the case of Aruba/Curacao), the El Salvadoran Government (in the case of Comalapa), and the Honduran Government (in the case of Soto Cano, JTF–B) are strong. These agreements provide mutual benefit. If confirmed, I support continuing these operating agreements.

Question. Since 1999, the United States has operated an Air Force counter drug unit out of a Forward Operation Location in Manta, Ecuador. However, last year, the Government of Ecuador decided the U.S. military was no longer welcome. According to the U.S. Ambassador in Ecuador, all U.S. personnel and equipment must be out of the country before November. At present, no new location for a similar base has been confirmed.

What is your understanding of the status of our transition from Eloy Alfaro Air Base in Manta, Ecuador to an alternative location?

Answer. It is my understanding that the Government of Ecuador fulfilled its agreement allowing the United States to conduct counterdrug operations out of Manta through 2009. They chose not to renew that agreement. If confirmed, I'll ensure SOUTHCOM acts as a good tenant and leaves Manta in improved condition. From my understanding, the current turnover plan calls for a cessation of operations by mid-July to allow for an orderly turnover of facilities by the end of September 2009.

I'm told that the base at Manta provided a unique set of capabilities that are difficult to replace in a single location. I understand SOUTHCOM is looking at several options to mitigate the loss of Manta and, if confirmed, I will review the results of this assessment and work to find the best solutions.

Question. What is your assessment of whether maintaining a presence on the Pacific Coast is critical to U.S. counternarcotics activities?

Answer. As I understand it, the loss of operational reach provided by Manta will impact the detection and monitoring in the Eastern Pacific. Some operations can be conducted from other facilities in the region and will mitigate some of the loss of Manta. However, operating from different locations creates new problem sets, such as increased transit times and operational costs. If confirmed, I will continue to analyze the options to offset the loss of Manta and work towards the best possible solutions.

COLOMBIA

Question. Plan Colombia has enabled the Colombian Government to make significant gains against the Revolutionary Armed Forces of Colombia (FARC) and other paramilitary forces in Colombia, as well as enabled the government to secure many of its previously ungoverned areas. In recent months, there has been much discussion about the impact of the global economic downturn on Latin America. Over the past decade, the United States has provided over $6 billion to help the Colombians secure their country and eliminate domestic terrorist groups. As planned, this funding is declining in the coming fiscal years.

What are your views regarding the current situation in Colombia focusing upon: (1) the current military and political situation in Colombia; (2) the ability of the Colombian military to regain control of its territory; and (3) ongoing DOD programs, including the effects of the caps on U.S. troops and contractor personnel?

Answer. From what I see, Colombia has made a great deal of progress in its fight against narco-terrorists. The Uribe administration has instilled a sense of hope and pride in the country and Colombia is a strong, thriving democracy. Statistics show terrorist attacks, homicides and kidnappings have dropped considerably and the Colombian military is effectively prosecuting their war against the FARC. The FARC has been pushed back and the Government of Colombia now has security representation throughout its 1,098 municipalities. Despite this success, the FARC and other Illegal Armed Groups still remain a threat. While I think U.S. support to Colombia can start moving towards a more "smart power" approach, I think the United States should continue strong support to ensure Colombia's success.

Question. Do you believe the Colombian Government is capable of sustaining the last decade's gains during this economic downturn and the scheduled decline in U.S. security assistance?

Answer. In 2007, the Government of Colombia launched "Plan Consolidation," a whole-of-government approach to establish control of the territory and provide social and economic development to all Colombian citizens. To be sure, the current global economic downturn will impact Colombia's ability to fund this plan, but I think they are capable and committed to sustaining their hard fought gains. If I am confirmed, I look forward to working with the committee to continue U.S. support to Colombia.

Question. When the United States began providing increased support through Plan Colombia for efforts to significantly reduce or eliminate narcotics organizations operating in their country, many expressed concern about the Colombian military's human rights record.

What is your assessment of the record of the Colombian military with regard to respect for human rights over the past 3 years?

Answer. I am told that, today, the Colombian military is one of the most respected institutions in Colombia and continues to improve its human rights record. The Ministry of Defense established a comprehensive human rights and International Humanitarian Law (IHL) program. Colombian military forces are required to receive mandatory human rights training, for every officer and soldier at every stage of their military careers. The Colombian military continues to partner with civil society groups, universities, and international organizations to strengthen their human rights programs. These programs have been instrumental in reducing the number of human rights complaints against the Colombian military.

Colombia continues to aggressively address human rights infractions. Recently, the Colombian Army dismissed 27 Army personnel, including three generals, for not conforming to human rights standards. I think Colombia will continue to aggressively pursue and tackle human rights issues, and if confirmed, I will keep human rights as a key element of SOUTHCOM's interaction with Colombia.

Question. What remains to be done and how would you approach the issue of respect for human rights in the Colombian military?

Answer. If confirmed, I will continue to keep human rights as a key element of SOUTHCOM's interaction with Colombia.

WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

Question. The Western Hemisphere Institute for Security Cooperation (WHINSEC), which replaced the School of the Americas in 2001, has the mission of contributing to theater cooperation activities through the education and training of students in the Western Hemisphere from Canada to Chile.

What is the relationship between SOUTHCOM and WHINSEC?

Answer. WHINSEC does not fall under SOUTHCOM's authority but is one of many valuable tools available to strengthen military-to-military relations in the region. I also understand the Commander of SOUTHCOM is a member of WHINSEC's Board of Visitors. If confirmed, I look forward to joining this distinguished group.

Question. In your view, does WHINSEC promote the national security interests of the United States in the Western Hemisphere?

Answer. WHINSEC provides important training, education, and relationship building opportunities that are absolutely vital to advancing security cooperation in the Western Hemisphere. These objectives support the U.S. goal of building lasting partnerships and promoting broad national security interests. In my view, Congress was correct when it wrote in section 1257 of the National Defense Authorization Act for Fiscal Year 2008 that WHINSEC "is an invaluable education and training facility which the DOD should continue to utilize in order to help foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations." If confirmed, I will continue SOUTHCOM's support of WHINSEC.

Question. In your view, how does SOUTHCOM participate in command oversight and curriculum development?

Answer. SOUTHCOM regularly reviews the curriculum to ensure it matches and supports SOUTHCOM theater security cooperation objectives and regional priorities. I understand the command recommends changes, as required.

Question. In your view, what more, if anything, does WHINSEC need to do to emphasize human rights in its curriculum?

Answer. From what I understand, WHINSEC has a very comprehensive human rights program and maximizes the quality and quantity of human rights instruction in its curriculum. If confirmed, I will continue to monitor and assess the human rights curriculum, stressing the value of WHINSEC attendance for Western Hemisphere militaries and police forces.

Question. In your view, how can WHINSEC improve its outreach efforts to individuals or groups interested in its activities, particularly those who have accused the school of contributing to human rights violations by former students?

Answer. From all accounts, WHINSEC is a very transparent institution. In my view, WHINSEC should maintain this transparency and continue its open program of encouraging individuals and groups to visit the school whenever desired. Maintaining a transparent, open program can help minimize accusations against the school.

IRANIAN INFLUENCE IN LATIN AMERICA

Question. In testimony before the Senate Armed Services Committee in January 2009, Secretary Gates expressed real concern about Iranian "subversive activity." He went on to say "[t]hey're opening a lot of offices and a lot of fronts behind which they interfere in what is going on in some of these countries."

What do you assess to be the intent of Iranians in Latin America and are governments in Latin America welcoming the Iranians?

Answer. Like Secretary Gates, I am concerned about Iran's meddling in Latin America. Iran is a state sponsor of terror. I'm told that Iran has increased its diplomatic efforts in the region and has initiated trade relations with many countries in the region. I think Iran's goal is to decrease U.S. influence in the region and support those countries with an anti-U.S. message.

Most of the governments in the region appear to welcome Iran as a potential economic partner. For example, President Ahmadinejad has had numerous visits to Venezuela, and there have been numerous multi-billion dollar investments between the two countries in recent years.

Question. In your view, is there a connection between the Iranians and the drug trade?

Answer. I have not been told of any direct connection between Iran and the drug trade in the SOUTHCOM area of focus.

SEXUAL ASSAULT PREVENTION AND RESPONSE IN U.S. SOUTHERN COMMAND

Question. Numerous cases of sexual misconduct involving military personnel have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They assert that their command failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What is your understanding of the resources and programs in place in SOUTHCOM to offer victims of sexual assault the medical, psychological, and legal help that they need?

Answer. I am told that SOUTHCOM has an active Sexual Assault Prevention and Response program in place that affords victims all the help they need. The command has a Zero Tolerance Policy and ensures all incidents are handled using the exact procedures outlined in DOD directives and policy, which promote sensitive care, confidential reporting for victims of sexual assault, and accountability for those who commit these crimes.

SOUTHCOM has a dedicated Sexual Assault Response Coordinator (SARC) who is trained to respond to allegations of sexual assault and provide victim advocacy. The SARC is knowledgeable of reporting requirements and victims' rights regarding medical care, investigation, legal assistance and restricted reporting, and maintains direct personal contact with all military assistance providers. Because SOUTHCOM is located in a large urban area, the SARC also maintains contacts with local social services agencies.

Question. What is your view of steps taken to prevent sexual assaults in SOUTHCOM?

Answer. From my perspective, SOUTHCOM has a positive command climate that emphasizes civility and mutual respect. The command took specific action to prevent incidents of sexual assault, including establishing a sexual assault prevention training and awareness program, encouraging victims to report incidents of sexual assault without fear, ensuring leaders understood their roles and responsibilities regarding response to sexual assault incidents, and establishing a toll-free help line for reporting Sexual Assault and Harassment. In regards to victim care and response, the command ensures sensitive and comprehensive treatment to restore victims' health and well-being, thoroughly investigates allegations of sexual assault, and takes appropriate administrative and disciplinary action. If confirmed, I will continue SOUTHCOM's zero tolerance policy, actively support its programs, and regularly monitor and assess its operations and resources.

Question. What is your view of the adequacy of the training and resources in SOUTHCOM to investigate and respond to allegations of sexual assault?

Answer. I am told that SOUTHCOM provides its personnel the resources needed to investigate and respond to sexual assault allegations. The Army, as the Headquarters executive agent, uses a comprehensive Sexual Assault Prevention and Response Program Training Support Package to provide training to all military personnel, which is further enhanced by senior leader emphasis. SOUTHCOM recently participated in the Army's 2009 Sexual Assault Prevention Summit in Washington, DC, ensuring that key people received world-class training during the summit.

Do you consider the current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. Yes. I am told that the policies and procedures, outlined above, are effective.

Question. What problems, if any, are you aware of regarding the manner in which the confidential reporting procedures have been put into effect?

Answer. In my view the policies and procedures in place are strong.

MENTAL HEALTH OF SERVICEMEMBERS AND STRESS ON THE FORCE

Question. The committee is concerned about the stress on military personnel resulting from lengthy and repeated deployments and their access to mental health care to deal with this increased stress. The Chairman of the Joint Chiefs of Staff recently said that the shooting of five servicemembers at a stress control clinic by a troubled Army sergeant in Iraq speaks to "the need . . . to redouble our efforts" and "the issue of multiple deployments" and increasing dwell time "to try to improve to relieve that stress." This tragic incident, as well as increasing suicide rates in every Service, are clear reminders that servicemembers, particularly those who have been deployed multiple times, are under tremendous stress and need access to mental health care.

In your view, are there sufficient mental health assets in SOUTHCOM to address the mental health needs of the military personnel and their families?

Answer. As I understand it, the majority of forces that deploy within the SOUTHCOM region rely on their parent service for medical care during post-deployment, including the very important post-deployment monitoring of mental health. During deployment, the SOUTHCOM Surgeon closely monitors all command mental health issues and helps ensure that SOUTHCOM provides necessary immediate support.

The approximately 1,500 personnel assigned to the SOUTHCOM Headquarters have their medical needs met through a small U.S. Army Health Clinic. I have been told that no organic mental health professionals are assigned to this clinic and that patients are referred to civilian providers to address their mental health needs.

Question. If confirmed, what actions will you take to address the mental health needs of military personnel and their families in SOUTHCOM?

Answer. If confirmed, I will continue the emphasis on ensuring that military personnel and their families have adequate access to mental health services, including programs on suicide prevention and substance abuse prevention and treatment. I will work to improve the coordination between headquarters SOUTHCOM's military doctors and local civilian providers to ensure that we understand and address the mental health needs of our personnel.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate.

What are your views on U.S. accession to UNCLOS?

Answer. As an official policy matter, I defer questions associated with the U.N. Law of the Sea Convention to the Chief of Naval Operations. However, as a joint officer, I support the U.S. accession to the Convention.

Question. From a national security standpoint, what do you see as the advantages and disadvantages to being a party to UNCLOS?

Answer. The Law of the Sea Convention codifies navigation and overflight rights and high seas freedoms that are essential for the global mobility of our Armed Forces. From a national security standpoint, UNCLOS does not hinder military forces; rather, it directly supports our National Security Strategy. It is my understanding that as a matter of customary law the United States is already in compliance. I also understand that Article 298 of the Convention permits the United States to completely exempt its military activities from dispute resolution.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I do.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, SOUTHCOM?

Answer. Yes, I do.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes, I do.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

DRUG TRAFFICKING

1. Senator COLLINS. General Fraser, media reports indicate the Revolutionary Armed Forces of Colombia and other Colombian traffickers are shipping more drugs from Colombia overland across Panama to avoid tighter control of the Pacific and Caribbean coastal waterways by the Panamanian and U.S. naval forces, further suggesting that Panama could become the next narcotics battleground. If confirmed, will you have the resources you need in order to counter these adversarial efforts to shift from sea to shore lines of communications?

General FRASER. I am very concerned about the change in illicit trafficking patterns through Panama and, for that matter, the rest of Central America. Drug trafficking organizations look for the paths of least resistance and are finding them in Central America. They exploit borders and under-governed areas. To counter their activity, the United States can work with nations in the region to build and pursue a comprehensive regional approach that includes international partnerships and a U.S. "whole-of-government" effort. I understand that U.S. Southern Command (SOUTHCOM) actively supports U.S. Government and international counter-narcotics efforts in the region by building partner nation capacity and capability. If confirmed, I will continue this approach and look for ways to enhance SOUTHCOM's support to U.S. and international programs.

While I need more time to study this issue, I'm told that SOUTHCOM could make a relatively significant impact on trafficking in Panama and Central America with nominal increases in resources, including greater support for partner nation Maritime Patrol Aircraft, enhanced support for Joint Combined Operations Centers in the region and further development and support for vetted host nation response forces.

2. Senator COLLINS. General Fraser, increased enforcement activity on both sides of the southwest border may be prompting the Mexican drug cartels to exploit maritime coastal smuggling routes. In recent months, the Coast Guard and the Drug Enforcement Agency have successfully made drug interdictions in the Brownsville ship channel (two undocumented men on a raft with 240 pounds of marijuana), as well as Corpus Christi and remote portions of South Padre Island. What actions are being taken to deny the cartels' use of these coastal smuggling routes?

General FRASER. While Mexico is a part of the U.S. Northern Command (NORTHCOM) area of focus, I understand that SOUTHCOM works closely with NORTHCOM to counter illicit trafficking and its effects in Mexico. Central America is facing similar challenges because it is used by traffickers as the major transit-zone for moving narcotics into Mexico. I'm told that SOUTHCOM is engaged with NORTHCOM to integrate partner nation and U.S. surveillance and communication assets in ongoing efforts to counter illicit trafficking. Additionally, SOUTHCOM is working with Partner Nations to train and equip security forces in the region. If confirmed, I will continue these efforts. In addition, I will continue to seek congressional support for many of the regional initiatives, such as the Merida Initiative and ongoing SOUTHCOM efforts to build partner nation capabilities.

[The nomination reference of Lt. Gen. Douglas M. Fraser, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2009.

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

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General.

Lt. Gen. Douglas M. Fraser, 0000.

[The biographical sketch of Lt. Gen. Douglas M. Fraser, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. DOUGLAS M. FRASER, USAF

Lt. Gen. Douglas M. Fraser is Deputy Commander, U.S. Pacific Command, Camp H.M. Smith, HI.

General Fraser earned his commission upon graduation from the U.S. Air Force Academy in 1975. His operational assignments include Europe, the Pacific, Air Combat Command and Air Force Space Command. Prior to this current assignment, he was Commander, Alaskan Command, U.S. Pacific Command; Commander, 11th Air Force, Pacific Air Forces; and Commander, Alaskan North American Defense Region, with headquarters at Elmendorf Air Force Base, AK.

The general is a command pilot with more than 2,700 flying hours, primarily in the F–15A/B/C/D, F–15E, and the F–16.

RÉSUMÉ OF CAREER SERVICE OF LT. GEN. DOUGLAS M. FRASER, USAF

Education:

1975 Bachelor of Science degree in political science, U.S. Air Force Academy, Colorado Springs, CO.

1979 Squadron Officer School, Maxwell Air Force Base, AL.

1987 Air Command and Staff College, Maxwell Air Force Base, AL.

1987 Master's degree in political science, Auburn University at Montgomery, AL.

1992 National War College, Fort Lesley J. McNair, Washington, DC

2005 Joint Flag Officer Warfighting Course, Maxwell Air Force Base, AL.

Assignments:

August 1975–July 1976, student, undergraduate pilot training, Vance Air Force Base, OK.

September 1976–March 1977, F–15 student, 405th Tactical Training Unit, Luke Air Force Base, AZ.

June 1977–May 1980, F–15 pilot, 36th Tactical Fighter Wing, Bitburg Air Base, West Germany.

June 1980–June 1983, F–15 squadron weapons officer, 405th Tactical Training Wing, Luke Air Force Base, AZ.

July 1983–June 1985, flight commander, 49th Tactical Fighter Wing, Holloman Air Force Base, NM.

July 1985–July 1986, aide to the Commander, 12th Air Force, Bergstrom Air Force Base, TX.

August 1986–June 1987, student, Air Command and Staff College, Maxwell Air Force Base, AL.

July 1987–July 1989, fighter programmer, Directorate of Programs and Resources, Headquarters U.S. Air Force, Washington, DC.

July 1989–May 1991, member, Chief of Staff of the Air Force Staff Group, Headquarters U.S. Air Force, Washington, DC.

July 1991–June 1992, Commander, Weapons and Tactics Flight, 18th Operations Support Squadron, Kadena Air Base, Japan.

June 1992–October 1992, Director of Operations, 44th Fighter Squadron, Kadena Air Base, Japan.

October 1992–July 1993, Commander, 12th Fighter Squadron, Kadena Air Base, Japan.

August 1993–June 1994, student, National War College, Fort Lesley J. McNair, Washington, DC.

July 1994–July 1996, analysis assistant, Office of Assistant Secretary of Defense for Strategy and Requirements, Washington, DC.

July 1996–June 1997, Director, Chief of Staff of the Air Force Operations Group, Headquarters U.S. Air Force, Washington, DC.

July 1997–January 1999, Commander, 366th Operations Group, Mountain Home Air Force Base, ID.

February 1999–January 2000, executive assistant to the Commander in Chief, U.S. Pacific Command, Camp H.M. Smith, HI.

January 2000–April 2002, Commander, 3rd Wing, Elmendorf Air Force Base, AK.

April 2002–June 2003, Commander, Space Warfare Center, Air Force Space Command, Schriever Air Force Base, CO.

May 2003–October 2005, Director of Air and Space Operations, Headquarters Air Force Space Command, Peterson Air Force Base, CO.

October 2005–April 2008, Commander, Alaskan Command, U.S. Pacific Command; Commander, 11th Air Force, Pacific Air Forces; and Commander, Alaskan North American Defense Region, Elmendorf Air Force Base, AK.

April 2008–present, Deputy Commander, U.S. Pacific Command, Camp H.M. Smith, HI.

Flight information:

Rating: Command pilot
Flight hours: More than 2,700
Aircraft flown: F–15A/B/C/D, F–15E, and F–16

Major awards and decorations:

Distinguished Service Medal
Defense Superior Service Medal with oak leaf cluster
Legion of Merit
Meritorious Service Medal with three oak leaf clusters
Air Force Commendation Medal with oak leaf cluster
Air Force Achievement Medal

Effective dates of promotion:

Second Lieutenant - June 4, 1975
First Lieutenant - June 4, 1977
Captain - June 4, 1979
Major - Oct. 1, 1986
Lieutenant Colonel - April 1, 1990
Colonel - Feb. 1, 1995
Brigadier General - July 1, 2001
Major General - Aug. 1, 2004
Lieutenant General - Oct. 11, 2005
(Current as of May 2008)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Lt. Gen. Douglas M. Fraser, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Douglas M. Fraser.

2. **Position to which nominated:**
Commander, United States Southern Command.

3. **Date of nomination:**
April 23, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
April 16, 1953; Casper, WY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Rena Kate Fraser (maiden name: Doty).

7. **Names and ages of children:**
Heather C. Lyman, 31.
Ian D. Fraser, 28.
Hannah E. Green, 17.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member - Air Force Association
Member and local Flight Captain (2001–2003) - Order of the Daedalians
Member - National War College Alumni Association
Member - Air Force Academy Association of Graduates
Member - Command Bar Stool Association (1984–1993)

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?
Yes.
13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DOUGLAS M. FRASER.

This 23th day of March, 2009.

[The nomination of Lt. Gen. Douglas M. Fraser, USAF, was reported to the Senate by Chairman Levin on June 9, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 10, 2009.]

[Prepared questions submitted to LTG Stanley A. McChrystal, USA, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Commander, North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF)?

Answer. Commander, ISAF is responsible for executing NATO's strategy in Afghanistan as delineated in OPLAN 10302. Commander, ISAF's responsibility is to ensure that ISAF forces are utilized in the most effective manner possible in order to accomplish its objectives under U.N. mandate as well as meet the reporting requirements of Supreme Allied Commander, Europe (SACEUR) (as Commander of NATO Operations).

Question. What is your understanding of the duties and functions of the Commander, U.S. Forces-Afghanistan (USFOR–A), and how do those duties and functions relate to those of the Commander, NATO ISAF?

Answer. The Commander of the United States Central Command (CENTCOM) is my immediate commanding officer in the U.S. chain of command. Pursuant to title 10, U.S.C., section 164, he exercises combatant command authority which includes the command functions of giving authoritative direction over all aspects of military operations, joint training and logistics, over all U.S. forces in Afghanistan, less those under NATO Operational Control to ISAF. Commander, CENTCOM provides the national level logistics and administrative support to USFOR–A to accomplish its mission as the National Support Element (NSE) for U.S. forces under NATO Operational Control to ISAF.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. My operational experience in Afghanistan, Iraq, and other locations from 2002–2008 have provided me extensive experience in the region—and this conflict. While the operational focus of my most recent command (JSOC) focused primarily on counterterrorist operations, our integration with wider counterinsurgency efforts provided me almost continuous interaction with units and commands of every type and at every level.

At the strategic level, my assignments (2002–2003 and 2008-present) on the Joint Staff as the Vice Director, J–3 and then Director, Joint Staff have provided me insights into strategic issues and decisionmaking processes.

Finally, since 2001 I have had unique opportunities for extensive interaction with a wide range of U.S. Government interagency partners and had British Forces in my Joint Task Force in Iraq for almost 5 years.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, ISAF, and/or Commander, USFOR–A?

Answer. Yes, I need to better understand the NATO construct and the nuances of being a NATO commander. As for USFOR–A, I need to better understand the NSE and NCE responsibilities.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Commander, ISAF/Commander, USFOR–A, to the following:

NATO Supreme Allied Commander, Europe.

Answer. Commander, ISAF is a subordinate commander, through Joint Forces Command Brunssum, to NATO's Supreme Allied Commander, Europe (SACEUR). SACEUR is one of NATO's two strategic commanders and is the head of Allied Command Operations. As such, he is responsible for the command and control of all NATO military operations, to include identifying forces required for the mission and requesting those forces from NATO countries, as authorized by the North Atlantic Council and as directed by NATO's military committee.

Question. NATO Supreme Allied Commander, Transformation.

Answer. As the other strategic commander within NATO, Supreme Allied Commander Transformation (SAC–T) and SACEUR work in tandem to promote the evolution of NATO's military capabilities and the requisite interoperability of those capabilities. Commander, ISAF coordinates with SAC–T to leverage the expertise of ACT in order to maximize the effectiveness of pre-deployment training efforts and capture lessons learned of our NATO forces once in theater.

Question. NATO Military Committee.

Answer. The Military Committee (MC) is charged with providing the North Atlantic Council (NAC) military advice on policy and strategy. As such, there is not a direct command relationship between Commander, ISAF and the MC. However, it is critical that Commander, ISAF provide honest and timely assessments of the situation so that the MC can make informed recommendations for the NAC.

Question. Commander, U.S. Central Command.

Answer. The Commander of CENTCOM, as my immediate commanding officer in the U.S. chain of command, exercises combatant command authority over USFOR–A and provides the national level logistics and administrative support for USFOR–A to accomplish its mission as the NSE for forces under NATO Operational control to ISAF.

Question. Commander, Combined Joint Task Force 82, Afghanistan.

Answer. Operational control of forces assigned to ISAF is exercised through Regional Commanders. The United States is the designated lead for Regional Command (RC)-East, and as such, Commander, ISAF exercises control over U.S. forces assigned to RC-East via Combined Joint Task Force–101. The 82nd Airborne Division is currently transitioning with the 101st Airborne Division and is expected to complete Transfer of Authority (TOA) by 1 June 2009. The COMUSFOR–A functions as the National Command and NSE for all forces under the command of CJTF–82.

Question. Commander, Combined Special Operations, Joint Task Force, Afghanistan.

Answer. Commander, ISAF has no command relationship, other than a coordinating role through the DCOS Operations. However, as Commander of USFOR–A, the forces assigned to CJSOTF fall under the command of Combined Forces Special Operations Component Command-Afghanistan (CFSOCC–A) which falls under the tactical control of USFOR–A. This allows Commander of USFOR–A to integrate the Foreign Internal Defense (FID) tasks planned and executed by CFSOCC–A with the counterinsurgency (COIN) plans and tasks executed by ISAF. Since counterterrorism, FID and counternarcotics (CN) must be integrated with COIN for operations in Afghanistan to be successful, having CFSOCC–A under the tactical control of USFOR–A helps him synchronize the COIN fight successfully.

Question. Commander, Combined Security Transition Command-Afghanistan (CSTC–A).

Answer. CSTC–A is responsible for planning, programming, and implementing the generation and development of the Afghan National Security Forces (ANSF). CSTC–

A is operationally controlled by and receives tasks and orders from USFOR–A. CSTC–A also has coordinating authority with ISAF in order to synchronize ANSF development with the COIN mission.

Question. United Nations Special Representative in Afghanistan.

Answer. Commander, ISAF and the United Nations Special Representative work together in close coordination and partnership. The role of Commander, ISAF is to create a security environment that enables government capacity building and development efforts by UNAMA and other international agencies that ultimately will benefit the Afghan Government and its people.

Question. U.S. Ambassador to Afghanistan.

Answer. The U.S. Ambassador to Afghanistan is the President's Senior Representative in the country. Commander, USFOR–A serves as the senior military advisor to the U.S. Ambassador. Commander, USFOR–A and the Ambassador work closely together to integrate civilian-military efforts across all lines of operation.

AFGHANISTAN-PAKISTAN STRATEGY AND MAJOR CHALLENGES

Question. What role, if any, did you play in the formulation of the administration's new strategy for Afghanistan and Pakistan announced in March?

Answer. In my position as the Director of the Joint Staff, I supervised and provided guidance to Joint Staff directorates and offices to ensure the Joint Staff effectively coordinated with OSD, Services, combatant commands, and the interagency in the development of the new Afghanistan-Pakistan strategy. I also provided my inputs to the Chairman of the Joint Chiefs of Staff during the formulation of the new strategy as he formulated his best military advice for the President.

Question. Do you agree with the strategic goals set out in the new strategy?

Answer. I agree with the strategic goal and associated strategic objectives outlined in the new Afghanistan-Pakistan strategy.

They dovetail closely with the assessment that the Chairman provided to the President through the Secretary of Defense.

Increasing the strategic calculus to include Pakistan assesses the region as a whole in order to address common transnational challenges that face both Afghanistan and Pakistan, namely al Qaeda and other terrorist organizations.

The United States has a vital national interest in addressing the current and potential security threats posed by extremists in Afghanistan and Pakistan. The strategy identifies a realistic and achievable strategic goal and strategic objectives in the near- to mid-term in order to reduce the threat.

The strategic goal to disrupt, dismantle, and defeat al Qaeda and its safe havens in Pakistan, and to prevent their return to Pakistan or Afghanistan is essential to the long-term security of the United States, our allies, and the region.

The strategy calls for the resources necessary for a fully-resourced counterinsurgency. It promotes a whole-of-government integrated counterinsurgency approach to address challenges in the region. As a result, significantly more resources will be devoted to the civilian efforts in both Afghanistan and Pakistan. It also calls for a regional approach requiring increased international engagement and participation as the international community must work with Pakistan to help disrupt the threats to security along Pakistan's western border.

Question. Has NATO adopted those goals?

Answer. During the recent 60th Anniversary Summit in Strasbourg/Kehl, NATO Heads of State reiterated the four principles of NATO's strategic vision for Afghanistan: long-term commitment, Afghan leadership, a comprehensive approach and regional engagement. The U.S. strategy includes these principles and in particular it calls for a "whole-of-government" methodology to achieve a comprehensive approach.

Question. What are the major challenges and problems you foresee, if confirmed as the next Commander, ISAF/Commander, USFOR–A, in the implementation of that strategy?

Answer. I believe we face three major challenges. The first of these is to secure the population and separate them from the insurgents. Only where we can prevent insurgents from controlling the population through intimidation and coercion can we provide an opportunity for the Government of Afghanistan, with our support, to establish full legitimate governance and stability.

Second, we must work to improve governance at every level in order to facilitate development and other activities that will strengthen the legitimacy of, and popular support for, the Government—and reduce insurgent control or influence.

The third major challenge is to increase the capacity of ANSF (Army and Police). Ultimately, security in Afghanistan must be provided by a combination of military and police forces of sufficient strength in personnel, equipment, and training to cover security missions ranging from national defense to local policing.

Question. If confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed it would be my intent to review current assessments and strategy, ensuring we produce an Integrated Civilian-Military Plan to fully integrate efforts. Within that plan, I would anticipate designating development of ANSFs as our highest priority task, and focusing all our forces on effective execution of counterinsurgency operations.

SECURITY SITUATION IN AFGHANISTAN

Question. What is your assessment of the security situation in Afghanistan and the nature, size, and scope of the anti-government insurgency?

Answer. The Afghanistan insurgency is Taliban dominated, but comprised of multiple groups including al Qaeda pursuing various short and long term goals. Their common goals are to expel foreign forces from Afghanistan, undermine local and international perceptions of security and to ultimately undermine the authority of the Afghan Government. There is some operational cooperation between the Taliban and other insurgent networks. However, insurgent group identities are often blurred by overlapping operating areas and cooperation amongst tactical commanders in some areas of Afghanistan. Since 2004, the Taliban-led insurgency has continued to increase in scope, and its influence has expanded in some geographic areas despite significant losses in leadership and military engagements. In addition to the increasing quantity of attacks, insurgents have increased tactical proficiency and have adapted to coalition countermeasures.

Violence levels have increased significantly over the last year. The increased U.S. force deployments in RC-South will likely result in higher violence levels in 2009 because of ISAF initiated operations against Taliban controlled areas. While some insurgents will choose to directly engage coalition forces in contested areas, most will either reintegrate into the local population or relocate to more permissive areas in Afghanistan.

Question. What is the nature and extent of the al Qaeda threat in Afghanistan?

Answer. Reports indicate that the scale and scope of al Qaeda's operational presence on-the-ground in Afghanistan has increased—but remains limited in size. However, their partnership and support to Taliban insurgents cannot be discounted. Despite significant leadership losses and increased pressure on its safe havens in Pakistan's Federally Administered Tribal Areas (FATA), al Qaeda maintains the capability to plan, direct, and support attacks against coalition forces in Afghanistan in 2009. Even with these losses, several Afghanistan-focused operatives and trainers remain at large and al Qaeda's senior leadership structure is largely intact. Al Qaeda exploits multiple lines of facilitation (handlers) routes into the FATA, relying on facilitation networks for recruits' travel to the region.

Question. What is your understanding of the extent to which the Taliban and al Qaeda cooperate in Afghanistan?

Answer. Despite occasional tensions between Pakistan-based al Qaeda senior leaders and the Quetta-based Taliban Senior Shura council, the two organizations maintain a mutually beneficial relationship characterized by tactical-level cooperation between al Qaeda operatives and Taliban commanders in Afghanistan. The nature of their relationship is unlikely to change. This relationship, based on historical ties (Osama Bin Laden), and overlapping regional goals, is durable—although continuing differences over strategic goals persist and intermittently provoke tensions between the two groups. Al Qaeda also continues to provide tactical expertise and training to Afghan insurgents, focused on suicide bombings, IEDs, Vehicle-Borne Improvised Explosive Devices, and some logistical support.

COALITION CAPABILITIES

Question. Do you believe that the current level of ISAF troops and equipment in Afghanistan is sufficient to carry out the ISAF mission? If not, what are the current shortfalls in troops and/or equipment required for that mission?

Answer. The Combined Joint Statement of Requirements (CJSOR) established the total force requirements for ISAF. Shortfalls exist which hamper ISAF's ability to carry out the mission to the full extent possible. Current shortfalls include various HQ elements, rotary wing support, lift and medical evacuation (MEDEVAC) capabilities, and airborne Intelligence, Surveillance, and Reconnaissance (ISR) assets. If confirmed and once in theater, I will be in a better position to review the specific requirements for the mission and recommend adjustments to the CJSOR as appropriate.

Question. Do you believe our NATO allies should be doing more to eliminate the shortfall in resourcing the NATO ISAF mission requirements?

Answer. I appreciate the contributions and sacrifices of our allies and partners in this complex mission. Having stated that, I do believe that our allies could do more to meet the requirements in the CJSOR. If confirmed, one of my roles as Commander, ISAF will be to actively campaign for capabilities and forces through the chain of command and when the opportunity presents itself with allied leadership.

Question. If NATO members are unable to contribute additional military resources to the ISAF mission, do you believe those countries should contribute to the Afghanistan mission in other ways, and if so, how?

Answer. By accepting the mission in Afghanistan, the Nations that comprise NATO have agreed to share the burden of the mission and each one contributes military and civilian resources. Where nations are unable to contribute additional military resources to the CJSOR, I would ask that they contribute civilian advisors and assistance such as police trainers and governance mentors, as well as financially, through such mechanisms as the ANA Trust Fund. These aspects of the mission are just as critical to the overall success of the strategy in Afghanistan.

COMMAND STRUCTURES IN AFGHANISTAN

Question. What is your assessment of the current command structures for ISAF and for USFOR–A? What changes, if any, would you recommend to those command structures?

Answer. I provide the following response without the benefit of having served inside the ISAF command structure. However, I believe that one area in which the current command structure falls short is the ability of Commander, ISAF to concentrate on strategic and higher-level operational tasks, due to his direct role in providing day-to-day tactical-level direction to the Regional Commands.

I would recommend, in coordination with SHAPE, a relook of this command arrangement, with a possible three-star level headquarters within the ISAF command structure to assume the role of directing the counterinsurgency operations of the regional commands. Such a headquarters would allow Commander, ISAF to concentrate on strategic level tasks, the complexities of the civil-military integration, and engaging with the Afghan Government, UNAMA, and the international community.

Question. What is the justification for a U.S. chain of command separate from the NATO chain of command?

Answer. A U.S. chain of command separate from NATO provides unified command and control of U.S. efforts outside the NATO mandate, such as ANSF development, detention operations, and counter-terrorism operations. A separate U.S. command in theater provides unified execution and oversight of Title 10 responsibilities and national support for logistical, administrative, and intelligence activities.

Question. Is it your understanding that if you are confirmed as Commander, USFOR–A, all U.S. forces in Afghanistan would be under your command?

Answer. Yes, with very few exceptions the details of which are classified, all U.S. forces are under my command. However, the command relationships are varied depending on the unit and its mission. For instance, while the majority of the combat forces conducting counterinsurgency operations are under the Operational Control of ISAF, I would still have Administrative Control (funding, justice, logistics, and intelligence activity supervision) over those units. Some units conducting operations under OEF mandate would be under my Operational Control. In addition, I would have Tactical Control of select counterterrorism elements; while, CENTCOM retains Operational Control over them.

Question. The position of a three-star Deputy Commander, USFOR–A, has been established to oversee the day-to-day operations in Afghanistan.

Do you believe there is a need to dual-hat the Deputy Commander, USFOR–A, within the ISAF command structure to ensure proper coordination of ISAF forces throughout Afghanistan?

Answer. I believe the optimal solution is to dual-hat the Deputy Commander, USFOR–A as the commander of a NATO, 3-star operational headquarters. This solution would allow one commander to direct ISAF tactical operations and ensure unity of effort where appropriate with USFOR–A/OEF operations. I recognize that this is a NATO decision and currently under consideration.

BUILDING THE AFGHAN NATIONAL SECURITY FORCES

Question. The administration's new strategy calls for training and equipping the Afghan National Army to a level of 134,000 and the Afghan National Police to a level of 82,000, by 2011.

In your view will the currently-planned end strength levels for the ANA and ANP be sufficient to provide security and stability in Afghanistan or should these end

strength levels be increased? If so, what levels would you recommend for the ANA and the ANP?

Answer. The ANSF today (approximately 86,000 ANA and 82,000 ANP) is not of sufficient size to provide long-term security and stability for the people of Afghanistan. While I would need to make an on-the-ground assessment, at this time I do not believe the current authorized ANSF force levels (134,000 ANA and 86,800 ANP) are sufficient to provide this security.

There are two ongoing studies that will help inform our recommendations and decisions regarding the future size and capabilities of the ANSF. The European Community (EC) has commissioned a study, expected to be complete in mid-summer 2009, to assess the required capabilities of the Afghan National Police. The Secretary of Defense also directed that a detailed analysis, led by CENTCOM and the Joint Staff, be conducted in order to help us make informed recommendations on options for future end-strength and capabilities for both the ANA and the ANP. This study with assessed courses-of-action is due back to the Secretary by mid-June 2009. If confirmed, I will use the results of both of these studies and my own assessment to make recommendations to Secretary Gates on the future size and capabilities of the ANSF.

Question. Traditionally, Foreign Internal Defense (FID) and the security force assistance mission have been the responsibility of Special Operations Forces (SOFs). Army and Marine Corps general purpose forces (GPFs), however, have provided the bulk of the troops advising and assisting Afghan National Army and Police forces.

What is your assessment of the differences between SOF and GPFss in performing the security force assistance mission?

Answer. Both SOF and GPFs have a role in the development of the ANSF. Both must be involved in the training, partnering, and mentoring of ANSF at the appropriate unit level. Effective and steady ANSF development focused on bringing Afghan forces to a level where they can operate across the shape, clear, hold, build continuum with minimal to no U.S./coalition support is a critical and essential aspect of the new strategy.

The specialized nature of SOF in the FID role provides unique and focused skills and training needed by ANSF as they become more advanced in their development as a security and COIN force. GPFs bring an order of magnitude of capacity to the security force assistance mission that does not exist within our SOF. The skills and expertise of GPFs along with the larger size of these units provides the opportunity to ensure the ANSF are grounded in the essential basics of a professional military force as well as the opportunity to engage across a larger footprint of ANSF units on a sustained basis.

I believe the first foundation of any quality COIN force is a well-trained and disciplined soldier/policeman who understands the basics of his profession. GPF and SOF forces together provide that building block approach for ANSF development.

Question. If confirmed, what plans do you have, if any, to employ SOFs and GPFs to advise and assist the Afghan National Army and Police?

Answer. I support the current employment of both SOF and GPF in training, partnering, and mentoring the ANSF. SOF provides mentors for the Afghan National Army Commando Kandaks (battalions) as well as some infantry kandaks. They also provide mentors for the Afghan Public Protection Force (APPF), a pilot program. GPFs provide mentors for the Afghan National Army and mentors along with civilian police experts for the Afghan National Police. Combined Security Transition Command-Afghanistan (CSTC–A) coordinates the efforts of SOF and GPF in order to ensure unity of effort.

Question. If confirmed, what changes would you recommend, if any, with respect to the organizational, training, equipping, or deployment policies of GPFs performing the security force assistance mission?

Answer. If confirmed I would work with CENTCOM, SHAPE, CJCS and our Service chiefs to ensure that all units that deploy to Afghanistan can conduct the full range of counter insurgency tasks as well as support ANSF development. As of this year, all U.S. maneuver units are deploying with this dual capability. I would work to ensure that our allies and partners prepare and deploy their maneuver forces to do the same.

I would encourage increased language and cultural awareness training for all forces. I would seek 1 year tours for ministerial-level mentors and trainers like their ANA and ANP counterparts in order to establish the necessary relationships with their Afghan partners.

Question. There remains a shortfall in the number of Operational Mentoring and Liaison Teams (OMLTs) for training the Afghan National Army and for similar embedded training teams for building the capabilities of the Afghan National Police.

What should be done to encourage NATO allies to provide more OMLTs?

Answer. I believe that there is already progress on the part of NATO to increase the number of OMLTs being provided. At the recent NATO Summit, Allied Heads of State and Governments all agreed on the importance of providing mentoring teams for Afghan security forces. There are several Allies, as well as non-NATO partners, who have pledged additional OMLTs to fill shortfalls, and although we don't have as many as we need yet, we're heading in the right direction.

Question. What is your assessment of the Afghan National Police? What more should be done to build the ANP?

Answer. The Afghan National Police continue to be challenged by corruption, lack of training, and overall capability. Minister of Interior Atmar recognizes these shortcomings and has identified acceleration of training, elimination of corruption, and force growth as his top priorities for the police. I recognize that Police training and reform is a joint effort between the U.S. Departments of State and Defense, and the European Union Police Mission—Afghanistan (EUPOL). If confirmed I will work closely with Ambassador Eikenberry to support Minister Atmar's priorities to ensure that police training, reform and growth are properly aligned with other larger rule of law and security efforts.

The most critical shortcoming for ANP training has been the shortage of trainers and mentors. President Obama's decision in March to deploy 4,000 additional trainers to Afghanistan will help to address this shortfall. We must also continue to encourage our NATO partners to provide police mentors—especially in the districts where they are the battlespace owners and where we can create a real synergy of effort to develop a quality, respected police force. The United States is already adopting this strategy with our COIN Brigade Combat Teams (BCTs) in the east and south providing additional police mentors.

Question. What more can NATO and the European Union Police Mission in Afghanistan do in your judgment to improve the effectiveness of the police?

Answer. Reports indicate EUPOL has to date done well in the training of police forces and staffs on a provincial level. We must continue to support the organization and encourage greater capacity as they bring law and order, rule of law, and other police expertise to this effort. However, it is readily apparent that the true front lines of this conflict are on the district and urban police levels; Afghan police officers are suffering a much higher casualty rate at the hands of the insurgent forces than their Army counterparts. NATO recognizes this and recently approved the concept of a NATO Training Mission-Afghanistan (NTM–A) geared towards the police force. This concept will allow nations to contribute police trainers, and in fact some Allies have already pledged personnel even though the details of this concept are still being vetted. I completely concur with the U.S. recommendation for NTM–A to take on police institutional training and will aggressively encourage its application and development.

CHALLENGES FOR ACCELERATING THE GROWTH OF THE AFGHAN NATIONAL SECURITY FORCES

Question. Witnesses at committee hearings have cited a number of challenges impeding the acceleration of expanding the ANSFs, including: (1) a lack of training/mentoring teams to embed with Afghan units; (2) a lack of equipment; and (3) the challenge of developing leadership among officers and noncommissioned officers.

What in your assessment is the greatest challenge to accelerating the growth of the ANSFs?

Answer. I concur that the greatest international community challenge to accelerating the growth of the ANSF is the requirement for mentors for these forces. I also concur that the greatest Afghan challenge is the development of leadership for the expanded forces.

Question. If confirmed, how would you recommend addressing this challenge?

Answer. The President's decision in March to deploy the 4/82 BCT to provide additional mentors for the ANSFs will allow us to meet our ANA embedded training team requirements for the 134K Army and will significantly increase the number of ANP police mentor teams. U.S. COIN BCTs are also assuming responsibility for police mentors in districts within their battlespace. We must continue to encourage our NATO partners to provide additional district mentors in order to build synergy for security within the battlespace and increase the number of districts with police mentor coverage. I also recommend encouraging NATO to use the proposed NTM–A as an opportunity to enhance its training and mentoring of the ANP.

Expanding the leadership capacity of the ANSF requires training and experience. Both the ANA and ANP have leadership development programs in place and if confirmed I will work with CSTC–A and the Ministries to identify efficiencies in both programs and also identify other ways to mitigate their leadership challenges. How-

ever, we must also recognize that leader development requires time and we must balance the pressing need for additional growth and progress in leadership with this reality in order to build forces that are self-sustaining over the long-term.

AFGHAN PUBLIC PROTECTION PROGRAM

Question. A pilot program called the Afghan Public Protection Program (APPP) has been launched in Wardak Province to empower local communities to provide for their own security, reportedly modeled on the Sons of Iraq program. Some experts have expressed concern, however, that the program risks strengthening local warlords.

What is your assessment of the APPP?

Answer. As mentioned, and as a pilot program, the APPP is still in its early stages but assessments of the APPP up to this point have been positive. This pilot program has been closely coordinated among the Afghan Ministries of Interior and Defense, USFOR–A, and local Afghan authorities and community leaders. If confirmed, I would assess this program as part of the overall efforts to improve security.

Question. What concerns, if any, do you have about the program? If confirmed, how would you seek to address those concerns?

Answer. Connection to and the ability to secure the local population are key to the success of the program. We must ensure, without creating new tensions, the Ministry of Interior has the capability to provide the proper level and quality of oversight, the appropriate selection and training of the APPP, and the mutual commitment of community leaders and local authorities. Currently, the APPP is deployed in one district under the direct control of the local police chiefs with guidance and management provided by the MOI as well as the district and provincial governors. U.S. forces continue to provide oversight and mentoring to the pilot program. Further, all members of the APPP are carefully selected through a collaborative community vetting process that involves not only village elders and shura leaders but key stakeholders from Government of Afghanistan. Ensuring the APPP is and remains connected to ANP at the local level is critical to avoid a return to 'armed bands of warlords'. If confirmed I would review this process, and if it is effective, intend to continue it.

COUNTERNARCOTICS

Question. What is your assessment of the current U.S. and NATO strategies for combating the production and trafficking of illegal narcotics in Afghanistan? What changes, if any, would you make in those strategies if you are confirmed?

Answer. The U.S. and NATO military strategies and actions to combat the production and trafficking of illegal narcotics in Afghanistan are more robust now than before, but we clearly need to continue to improve. The corrosive effects of narcotics undermine all efforts to improve security, governance, and development in Afghanistan. A nexus exists between narcotics and the insurgency as well as corruption and criminality. Recent decisions by the NATO Defense Ministers and the Secretary of Defense, at the request of the Afghan Government, provided the guidance and authorities for both ISAF forces and the U.S. military to target the trafficking and production of narcotics where the nexus exists. Additionally, the recent change to DOD's international counternarcotics policy enabled more robust support and integration of capabilities with civilian law enforcement agencies operating in Afghanistan.

I understand the U.S. Government's intent to rebalance its counternarcotics strategy and I support this effort because I don't think that crop eradication alone is the right approach. I believe we need a multi-pronged approach that targets laboratories, traffickers and movement of drugs, and facilitators at the same time we work to provide alternative income opportunities for farmers.

Question. In December, Secretary Gates approved an expanded set of rules of engagement for U.S. forces combating narcotics in Afghanistan. NATO has reportedly approved a comparable expansion of the rules of engagement for NATO forces operating in Afghanistan.

What is your understanding of the reasons behind these changes in the counternarcotics rules of engagement and the impact of these changes in the rules of engagement?

Answer. It is clear that a nexus exists between the insurgency and the narcotics trade in Afghanistan. Prior to fall 2008, the U.S. military's rules of engagement made it problematic to target those engaged in the drugs trade and providing support to insurgents. Also, military support to host nation and civilian law enforcement agencies was restricted by military commanders' interpretation of DOD's coun-

ternarcotics policy. The refinement of that policy was requested by the CENTCOM commander and in December 2008 a new policy was signed out that now fosters the integration of military support to law enforcement activities against the narcotics trade in Afghanistan. The guidance from the NATO Defense Ministers' meeting in November of 2008 resulted in the refinement of ISAF's Operational Plan (OPLAN) counternarcotics annex (Annex RR) rules of engagement to "take action in concert with the Afghans against facilities and facilitators of the narcotics trade supporting the insurgency."

Question. When recently asked about what U.S. and NATO forces had done to stop the flow of opium and heroin, the Afghan Minister for Counternarcotics reportedly said "nothing." This response is deeply concerning particularly in light of the significant investment the American people have made in training Afghan counternarcotics forces.

Please discuss your assessment of U.S. and NATO operations to stop the flow of opium and heroin.

Answer. In 2009 year to date, the Afghan security forces supported by ISAF and USFOR–A have made progress interdicting the narcotics trade with respect to last year. Destruction of labs, seizures of drugs and precursor chemicals, and targeting of facilitators have increased. However, the full impact of these interdiction efforts is not yet known. Our multi-pronged approach to CN must include a comprehensive assessment process.

Question. In March 2009, Iran, Afghanistan, and Pakistan carried out a joint counternarcotics operation. The operation was part of a U.N. initiative, called the Rainbow Strategy, aimed at getting the three countries to carry out joint patrols and share intelligence on the members of the drug trade that process opium poppy into heroin and smuggle the drug to markets in Europe. The NATO Secretary General has discussed his desire to boost these joint efforts to counteract the illegal drug trade and trans-border organized crime from Afghan territory.

Please discuss your views on the possibility of NATO and U.S. opportunities to cooperate with Iran in countering the narcotics trade in Afghanistan.

Answer. Counternarcotics in Central Asia is a regional problem. In addition to Afghanistan, the negative effects of the drug trade are felt in Iran and Pakistan. The United Nations Office on Drugs and Crime (UNODC) has cited the Iranians as being the most successful at interdiction in the region, seizing more than one-third of the opium smuggled out of Afghanistan through Iran (Source—UNODC report and recent comments by the UNODC Executive Director). These and other successful lessons could be shared between the Iranian and Afghan border security and law enforcement officials. This could be positive development and help improve stability in the region. As Commander, ISAF I would work through Afghan officials to find opportunities to support the Afghanistan's participation in this type of regional cooperation.

MISSION FOCUS OF SPECIAL OPERATIONS FORCES

Question. Some observers have contended that U.S. Special Forces operations and resources have been focused on "direct action" strategies aimed at killing or capturing insurgents, while foreign internal defense efforts emphasizing the protection of the Afghan people and training the Afghan security forces have taken a back seat.

What do you believe should be the proper balance between U.S. Special Forces operations and resources committed to direct action versus foreign internal defense, including intelligence, force levels, and logistics?

Answer. Striking the appropriate balance between direct and indirect actions is critical. SOF is often wrongly perceived as focused on direct action, when in fact a top priority role for SOF in Afghanistan has always been its foreign internal defense role in partnering and training ANSFs. SOF is one contributing element to that goal, along with CSTC–A and our international partners. We work "by, with, and through" the Afghan Government, because that is the only way to build necessary and sustainable capacity.

Question. In your view, what should be the role of direct action operations in Afghanistan? Do you believe that direct action operations can defeat the Taliban?

Answer. Disruption of terrorist and extremist groups relies in part on direct and focused counterterrorism actions. SOF units are trained and equipped to be the most lethal and precise operators in achieving this mission. Direct action remains an important aspect of disrupting our enemies, but it is neither the only role, nor the most important role, of SOF in Afghanistan. SOF is agile and adaptive, with unique skills in engaging indigenous and tribal groups, enabling our strategic communications through psychological operations, and targeting developmental and eco-

nomic improvements through civil affairs officers. Direct action operations alone can not defeat the Taliban but is crucial to the overall COIN strategy.

Question. Do you believe that U.S. Special Forces have enough experts in the foreign internal defense mission in Afghanistan and are being used fully to train Afghan security forces to protect the population and win "hearts and minds"?

Answer. By their very nature, SOF units are comparatively small in size and scope. They are specially trained to build and partner with indigenous security forces and to operate independently under austere conditions. We must optimize the limited SOF resources available to maximize their impact in theatre by ensuring that they are used for those activities that support our strategic priorities and capitalize on SOF specialties.

In February 2009, a new one-star SOF command was established to plan and synchronize direct and indirect activities to achieve a balanced approach to COIN across Afghanistan.

Combined Forces Special Operations Component Command Afghanistan (CFSOCC–A) operates at the strategic-operational level and brings important resources and capacity to efforts in Afghanistan. These include high-level strategic guidance, synchronization of SOF throughout the Afghan theatre, enhanced support to SOF units, liaison with ISAF, the U.S. Embassy, and other key elements of our national and international effort.

RECONSTRUCTION EFFORTS AND PROVINCIAL RECONSTRUCTION TEAMS

Question. If confirmed, what would be your role as Commander, ISAF, and COMUSFOR–A in reconstruction efforts in Afghanistan?

Answer. I would work to establish an integrated "whole of international community and whole of U.S. Government approach" to reconstruction. I would work to establish comprehensive linkages between all lines of effort (security, governance, development, and strategic communications) the Government of Afghanistan, the Afghanistan National Development Strategy (ANDS) and the priorities of the Afghan people. I would ensure the efforts of our military forces are linked to those of the Afghan Government, UNAMA, USAID, other national development agencies, and NGOs. I would also work to ensure that our efforts are sustainable, meaning that they are Afghan led and maintained, and respond to Afghan priorities. This requires capacity building at all levels of the Afghan Government and must include constant engagement with local Afghan leaders and communities.

Question. What is your assessment of the performance of the Provincial Reconstruction Teams (PRTs) in Afghanistan?

Answer. I believe that the PRTs are of tremendous value and that they are making a difference across Afghanistan, many working with extremely limited resources. I'm aware that Congress legislated a report on measuring progress in the U.S. PRTs in the 2009 NDAA and that this report is still in final coordination within the interagency. I look forward to its submission in order to help us better refine measures of effectiveness. If I am confirmed, assessing PRTs is one of my highest priorities with the intent of determining how we can improve on a concept that has had some remarkable successes.

Question. What improvements, if any, do you believe need to be made in the operations or coordination of the U.S. and NATO PRTs in Afghanistan?

Answer. As outlined earlier, if confirmed I need to conduct an assessment. My current belief is that we need to improve collaboration among all stakeholders to better synchronize our collective efforts. This collaboration includes the PRTs, the United States and other partner embassies, the Government of Afghanistan, and international aid/development organizations. I believe the most immediate need is linking these capacity building efforts down to the local level in partnership with the increases in forces this year. These efforts must operate in parallel so that capacity building and development efforts can be executed as soon as clearing operations permit.

Question. What improvements, if any, do you believe need to be made in the coordination of military and civilian efforts to provide reconstruction relief and development and to enhance the governance capacity of the Afghan Government?

Answer. There is an ongoing effort within the interagency to increase the number of civilian experts to build capacity in governance and development. I am also aware that the international community, the Government of Afghanistan, and the interagency are currently looking at the overall requirements for increased civilian capacity from the national down to the local levels. We are working with the interagency on how best to support and employ these civilian experts on the ground. We will not succeed if all we do is establish security and a strong military and police. The most crucial component is to get international and U.S. civilian experts on the

ground to improve capacity in governance and development where we've made gains in security.

NATIONAL SOLIDARITY PROGRAM

Question. One program that contributes to enhancing development and empowering governance at the local level in Afghanistan is the National Solidarity Program (NSP). This program provides block grants directly to locally-elected Community Development Councils, which are responsible for identifying, planning and managing their own development projects. Funding for the NSP comes from the World Bank/International Development Association, bilateral donors, and through the Afghanistan Reconstruction Trust Fund. According to its website, NSP has provided more than $500 million in payments to 21,000 Community Development Councils, which have financed more than 39,000 subprojects to improve access to infrastructure, markets, and services.

What is your understanding of the value of NSP in Afghanistan?

Answer. The Government of Afghanistan created the National Solidarity Program (NSP) to allow local populations to identify, plan, manage and monitor its own development projects. As an important means of promoting rural development, the NSP empowers rural communities to make livelihood-effecting decisions. Its goal is to reduce poverty by strengthening a national network of self-governing community institutions which plans and implements development projects against local priorities.

The value of the NSP, as I understand it, is that it builds capacity at the community level and elevates and improves base competencies of local communities in financial management, procurement, technical skill, and transparency. Additionally, the Community Development Councils include and integrate women and other traditionally marginalized groups into the decisionmaking cycle at the local level. I believe its greatest value is that it strengthens society, empowers communities, and establishes trust and confidence in the government's ability to assist the people of Afghanistan.

Question. Would you support expanding NSP as a means of building local governance and strengthening development?

Answer. Yes, I would support expanding NSP as a means of building local governance and strengthening development, primarily because the Government of Afghanistan, as a sovereign nation, has implemented this initiative to address internal challenges. Since its inception in mid-2003, the NSP has become the Government of Afghanistan's main instrument for restoring and reconstructing the village social and economic infrastructure and is operating (or being established in) 359 of 364 districts and provincial centers throughout the 34 provinces in Afghanistan.

One of the U.S. strategic objectives is to promote a more capable, accountable, and effective central government in Afghanistan that serves the Afghan people and can eventually function, particularly with regard to providing internal security, with limited international support. This program appears to be an effective method to help achieve that end.

CIVILIAN CASUALTIES

Question. In your view, what can be done to reduce the levels of civilian casualties resulting from operations by coalition forces?

Answer. In addition to the tragic loss of life, I am acutely aware of the negative repercussions resulting from civilian casualties. Any time an innocent person is killed our mission becomes harder and our men and women in Afghanistan fully understand this dynamic. We have procedures in place to make every effort to avoid civilian casualties because our purpose is to protect the population. However, we are fighting an enemy who conducts operations specifically designed to produce casualties that can be attributed to coalition forces. If confirmed, I intend to reiterate guidance on the use of force—emphasizing the importance of not alienating the population—and to continue to review ways to avoid civilian casualties.

Question. What more needs to be done to address the level of civilian casualties in Afghanistan?

Answer. As stated above, if confirmed I intend to continually refine our ways to avoid civilian casualties. In the event that they do occur, I believe it essential to rapidly engage Afghan Government and local community leaders, make rapid compensation where appropriate and conduct joint investigations with Afghan authorities to ensure that the local population sees us as a responsible partner in their security and progress and that we have a common understanding of the events and how we can work together to avoid them.

TREATMENT OF DETAINEES

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

If confirmed, will you take steps to ensure that all relevant Department of Defense directives, regulations, policies, practices, and procedures applicable to U.S. forces in Afghanistan fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, I will. The United States has treated, and will continue to treat enemy combatants humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of international law and Common Article 3. They are provided with proper shelter and medical care. Each is allowed to exercise his religious beliefs, and is provided food consistent with his religious requirements.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?

Answer. I do support the standards outlined in the documents you quote and I will ensure that we continue to operate a safe, humane, legal, transparent and professional enemy combatant detention operation that adheres to our obligations under U.S. and international law, and reflects the highest standards and values of the American people.

U.S. policy requires that all detainees—at all times—be treated humanely and, to the extent appropriate and consistent with military necessity, in accordance with the principles of the Third Geneva Convention of 1949.

Question. How would you ensure a climate that not only discourages the abuse of detainees, but that encourages the reporting of abuse?

Answer. U.S. policy condemns and prohibits torture and abuse of detainees. U.S. personnel are required to follow this policy and applicable law. All credible allegations of illegal conduct by U.S. personnel will be taken seriously and investigated.

Unfortunately criminal acts take place on the battlefield, just like they do in normal society. Fortunately, through improved training and education, substantiated allegations of abuse have decreased over time.

When new allegations arise in the future, I will continue to hold individuals accountable, investigate fully, and take appropriate disciplinary action. I will ensure that all in my chain of command understand they have a duty to report suspected abuse.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

Are you familiar with these changes in detention operations for conducting counterinsurgency operations "inside the wire"? If so, what do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. The primary reason why we have been successful with "inside the wire" detention operations over the last few years is because of your support with the large increase in resources made available for our detention operations. Over the past year, the Department of Defense has constructed a Theater Internment Facility Reintegration Center (TIFRIC), which incorporates a detainee work program to teach valuable, marketable skills to enable detainees to reintegrate into Iraqi society. We have used detention facilities to learn why Iraqis join the insurgency so that the insurgents can be rehabilitated and turned into allies instead of enemies. We segregated extremists, nurtured moderates, and ensured first-rate care and custody for every detainee. We set out to counteract the motivations to join al Qaeda or the insurgency—such as cash incentives and fears of reprisal—and provide detainees with an alternative.

The TIFRIC and other detention facilities now provide rehab programs offering real skills and education like carpentry, textile manufacturing (sewing Bucca Bears and Cropper camels), painting, and limited use of automation, reinforced with moderate clerics messaging has made the difference. In addition our enhanced family visitation programs take advantage of the detainees' web of relatives, friends, and tribesmen who then also benefit from his rehabilitation.

The critical first step in this successful program is to identify extremists and separate from moderates to enable rehabilitation of moderates and their eventual re-

integration into society. We use military intelligence trained experts to analyze the detainee population and identify the radicals.

Once separated from extremists, we empower and rehabilitate moderates through education, vocational training, and paid work programs to give them the incentive and means to reintegrate into society.

Question. If confirmed, what steps would you take to incorporate those lessons learned into detention operations in Afghanistan?

Answer. Although Afghan society is in many respects different than Iraqi society, I believe many of the lessons learned from conducting Iraqi detention operations can be applied to Afghanistan.

If confirmed, I will establish, or where already in place, strengthen rehabilitation programs to:

- Separate and segregate the extremists.
- Develop a moderate understanding of Islam.
- Impart basic education and vocational skills.
- Continue family visitation and the use of extended family members and tribal associations to aid in a released detainee's abstention from violence.

I will establish a new review process to determine more quickly which detainees do not pose a substantial threat to U.S. forces and can be released immediately

I will work to provide increased transparency to media and international organizations, the Government of Afghanistan, the International Committee of the Red Cross, the U.N., and families so they can see at first hand the high standard of care, the humane conditions, and the rehabilitation programs in order to actively counteract misperceptions and propaganda about our detention facilities.

Finally, I will continue to provide care and custody with dignity and respect for every detainee with a guard force and staff dedicated to modeling and maintaining world class standards.

SAFE HAVENS IN PAKISTAN

Question. The Intelligence Community assesses that Pakistan's FATAs along the border with Afghanistan provide a safe haven for al Qaeda and other extremists supporting the Taliban-led insurgency in Afghanistan.

What should be done to prevent cross-border incursions by al Qaeda and the Taliban from Pakistan into Afghanistan?

Answer. Preventing all incursions is difficult due to the length and porous nature of the border. However, practical cooperation between Afghan, Pakistani, and international forces improves border security. Effective military operations in the Pakistani tribal areas are key to disrupt and eventually deny safe havens to al Qaeda and the Taliban from which to launch these incursions.

ISAF and USFOR–A must continue to enhance the practical cooperation among ANSF, Pakistani military and international forces and increase the effectiveness of our counterinsurgency operations. Effective programs like Border and Joint Coordination Centers, regular tripartite engagements at all levels, and counterinsurgency training are essential to continued progress.

Question. What role should ISAF forces play in countering this threat?

Answer. ISAF operations are restricted to the country of Afghanistan. However, ISAF conducts extensive tripartite coordination at all levels from national command to local tactical units, which contribute to disrupting insurgents operating from safe havens in Pakistan. Despite political constraints from operating in Pakistan, ISAF should and is planning improvements in border security, ISR capacity, and tripartite coordination to interdict and disrupt cross-border operations by insurgents based in Pakistan.

Question. What role should the Afghan National Army play in preventing cross-border attacks by extremist militants from Pakistan into Afghanistan?

Answer. The Afghan Border Police (ABP) have primary responsibility for border security. The Afghan National Army provides direct support and support in depth to the ABP. Operational Coordination Centers are currently being established at the Regional and Provincial levels to improve information sharing and synchronization of efforts.

Question. In your view, should the Pakistan Government be doing more to prevent these incursions?

Answer. The Pakistani military is currently conducting operations against extremist elements in Pakistan. We must continue to support their efforts, encourage operations in the tribal areas against insurgent safe havens, and persuade them to improve their military counterinsurgency capability.

AFGHANISTAN-PAKISTAN COOPERATION

Question. What is your assessment of the current level of cooperation between Afghanistan and Pakistan in confronting the threat of militant extremists in the border region?

Answer. There are encouraging signs that the Pakistani Government's most recent efforts against extremists in Western Pakistan are, in part, facilitated by expanded cooperation with Afghanistan and international forces. This coordination has expanded at political and military levels and if confirmed, I will make every effort to maintain positive momentum.

Question. If confirmed, what recommendations would you have for improving security cooperation between Afghanistan and Pakistan?

Answer. I will continue to support the mechanisms we already have in place such as the Tripartite Commission, border security meetings, the Border and Joint Coordination Centers and other relationships that enhance the cooperation of all parties involved in this fight. I will also support other cooperative mechanisms where appropriate and the efforts of the international community to build regional security. More specifically, I would like to see an expansion in information and intelligence sharing; conduct pre-planned operations that are mutually supporting; and continue to build on the foundation of political cooperation which is maturing every day.

SEXUAL ASSAULT PREVENTION AND RESPONSE IN AFGHANISTAN

Question. Numerous cases of sexual misconduct involving military personnel in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They assert that the Command failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What is your understanding of the resources and programs in place in Afghanistan to offer victims of sexual assault the medical, psychological, and legal help that they need?

Answer. The military Services have primary responsibility to ensure sexual assault response personnel deployed to Afghanistan (Sexual Assault Response Coordinators, Victim Advocates, medical and mental health providers, and criminal investigation personnel) are well trained to support victims and investigate and respond to allegations of sexual assault. If resources are not readily available where the alleged incident occurred, victims are transported to a facility were there is appropriate victim advocate support, medical and psychological care (regardless of service) and investigative/legal support.

I am aware that a number of recommendations were made to CENTCOM in the Department of Defense Fiscal Year 2008 Report on Sexual Assault in the Military, released in March. These included deploying Sexual Assault Response Coordinators and Victim Advocates and outfitting larger field hospitals with Sexual Assault Forensic Examination kits for evidence collection. Initial, independent Service responses to these recommendations may have created areas where duplicative support structures exist. In these instances, opportunities may exist to better pool and employ resources to optimize coverage and improve response. If confirmed, I will look more closely at available resources and find ways to improve support to sexual assault victims.

Also, the Defense Task Force on Sexual Assault in the Military Services is currently evaluating how effectively the Services are implementing the DOD sexual assault policy and procedures. They interviewed key sexual assault responders currently deployed in Afghanistan, including chaplains, counselors, medical and legal personnel, and Criminal Investigations Division agents regarding how they handle cases of sexual assault. In addition, the Task Force has surveyed Sexual Assault Response Coordinators and Victim Advocates in Afghanistan regarding the level of resources and support they have, and regarding the effectiveness of restricted reporting in the deployed environment. Their findings and recommendations will be reported to Secretary of Defense later this year. If confirmed, I will ensure that all of the recommendations are considered for implementation within Afghanistan.

Commanders at all levels must remain committed to eliminating sexual assault within our forces by sustaining robust prevention and response policies; by providing thorough and effective training to all assigned servicemembers, by identifying and eliminating barriers to reporting; and by ensuring care is available and accessible.

Question. What is your view of steps the Command has taken to prevent sexual assaults in Afghanistan?

Answer. If I am confirmed, I will need to assess this. I am aware that a congressionally mandated DOD Task Force on Sexual Assault is currently reviewing sexual assault to include an assessment of response capabilities in Afghanistan. I look forward to their report.

Currently, it is my understanding that DOD policy guidance is in place in theater for the prevention of sexual assault which includes reporting procedures and command responsibilities. As we increase our presence in the area, I will ensure that our Sexual Assault resources are sufficient to respond to any incidents that may occur. But my primary objective will be to implement preventive measures through training and leadership involvement.

Question. What is your view of the adequacy of the training and resources in Afghanistan to investigate and respond to allegations of sexual assault?

Answer. The military Services have primary responsibility for the sexual assault response personnel deployed to Afghanistan to ensure they are well trained to investigate and respond to allegations of sexual assault. My expectation is that Sexual Assault Response Coordinators (SARCs) and Victim Advocates are designated for every operating area and are committed to providing the best care possible for deployed victims.

Additionally, each of the military Services have identified investigative resources in deployed areas. However, as you may imagine, the combat environment and deployed operations are very dynamic. The investigative resources are often strained by other mission requirements. Access to resources may be complicated by remoteness of locations, availability of transportation to and from those areas or the level of ongoing operations. I believe the DOD training network in place now prepares them and investigators to handle sexual assault cases in a caring, responsive and professional manner. Our ability to respond and support victims is paramount.

Question. Do you consider the current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. I believe current policies and procedures have improved care to victims of sexual assault. However, restricted reporting limits a commanders' ability to support the victim, investigate and/or hold alleged offenders accountable.

Restricted reporting allows a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process. Personnel may make a restricted report to the SARC, Victim Advocate or health care professional. Communications with chaplains also are confidential.

Unrestricted reporting supports a sexual assault victim who desires medical treatment, counseling but also provides for official investigation of his or her allegations within existing administrative reporting channels (such as their chain of command, law enforcement or through the Sexual Assault Response Coordinator (SARC).

Although the use of restricted, or confidential, reporting doesn't allow a commander to investigate alleged assaults, it does allow a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process.

As our military members' confidence in the reporting and investigative policies and procedures improve, I believe more alleged offenders can be held accountable. The greatest effect still lies in preventive measures and eliminating sexual assaults.

Question. What problems, if any, are you aware of regarding the manner in which the confidential reporting procedures have been put into effect?

Answer. In Afghanistan, I suspect that privacy for restricted and unrestricted reporting becomes a challenge in a deployed environment where units are small communities where accountability of personnel is a critical task for units. It becomes more difficult for the victim to reach out to the SARC or a victim advocate because of the need to keep track of all personnel movements within the theater and that support resources may not be co-located with the victim. The joint deployed environment could present additional difficulties in case management, delivering care and tracking services due to differences among Service programs. It is my understanding that the DOD Sexual Assault Prevention and Response Office is working to field a Joint Sexual Assault Database to improve our ability to communicate between the Services. The database is currently projected for fielding in 2010.

MENTAL HEALTH OF SERVICEMEMBERS AND STRESS ON THE FORCE

Question. The committee is concerned about the stress on military personnel resulting from lengthy and repeated deployments and their access to mental health care to deal with this increased stress. The Chairman of the Joint Chiefs of Staff recently said that the shooting of five servicemembers at a stress control clinic by

a troubled Army sergeant in Iraq speaks to "the need . . . to redouble our efforts" and "the issue of multiple deployments" and increasing dwell time "to try to improve to relieve that stress." This tragic incident, as well as increasing suicide rates in every Service, are clear reminders that servicemembers, particularly those who have been deployed multiple times, are under tremendous stress and need access to mental health care.

In your view, are there sufficient mental health assets in theater to address the mental health needs of the military personnel who are serving in Afghanistan?

Answer. Trying to assign a number or percentage of fill to define the sufficiency of assets does not accurately portray the complexity of the mental health issues or the individual needs of our forces on the ground as we continue to support operations in Afghanistan. I am aware of multiple efforts across the DOD that are looking at the issue of mental health assets in theater and most have shown that we need to have a change in both provider quantity and distribution, favoring increasing providers and stationing them closer to the line troops. Additionally, we must continue to evaluate and increase the availability of care for our servicemembers assigned to CSTC–A, who are traditionally not going to be co-located with or near our U.S. bases. I can assure you that I will work to make resilience training and mental health care available to every man and woman under my command and I will leave no stone unturned to get those capabilities to them as soon as possible. The DOD has made huge strides in our combat capabilities leveraging advanced technologies and I see no reason why we cannot bring those lessons learned into the medical and behavioral health arena, such as expanding our telemedicine capabilities to address the needs of our more remote outposts. Without a doubt, these issues will need to be handled with great care and respect for the sacrifices and incredible work of our brave men and women who deploy to this very challenging environment.

Question. If confirmed, what actions will you take to address the mental health needs of military personnel serving in Afghanistan?

Answer. First, let me say that the responsibility for the mental health and fitness of the forces under my command will fall on me and my subordinate commanders. This issue is not simply a medical matter but a complex topic that requires a team response and a coordinated effort. Commanders must set the right command climate, not only to remove the stigma of asking for and receiving care for psychological injury, but to build cohesive teams, recognize the need for prevention and identification of problems—as well as having the right resources in place when problems do arise. When behavioral health problems do surface, as they do in any population of human beings—not just in combat troops—we should be ready to address those. I am aware of the multiple efforts underway within the DOD to increase the number of behavioral health providers in theater. I support these efforts. In addition, it is critical to point out that mental health is not simply a numbers issue but an asset distribution issue as well. We need to make sure everybody gets taken care of and not just the people on the large bases. That means pushing behavioral health assets forward to embed with the line units; in other cases, it may involve leveraging our telecommunications assets to get to those very small and remote operating bases. If I have to make more bandwidth available to support those remote locations with mental health access then that is what I am going to do. In any case, I plan to look at the problem carefully and not simply go with the path of least resistance or most conventional choice—I'll do whatever it takes to maintain a fit and ready force both in body and spirit.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the ISAF Commander/Commander, USFOR–A?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

AFGHANISTAN PROGRESS

1. Senator COLLINS. General McChrystal, I have long advocated for a mechanism for measuring our progress in Afghanistan. The President has announced his strategy; however, it is still unclear just how we intend to measure success in Afghanistan. How do you intend to measure progress in Afghanistan?

General MCCHRYSTAL. I intend to use the core goal and objectives articulated in the President's strategy announced at the end of March as my guide for measuring progress in Afghanistan. Currently, under the lead of the National Security Council, work is being done through interagency policy coordination processes to develop benchmarks and metrics for measuring progress against the President's strategy for both Afghanistan and Pakistan. My responsibilities as the USFOR–A Commander requires me to provide input into that process through CENTCOM. I will ensure the metrics and benchmarks developed for Afghanistan measure progress with respect to the principles of counterinsurgency.

COMMANDERS EMERGENCY RESPONSE PROGRAM

2. Senator COLLINS. General McChrystal, General Petraeus has stated Commanders Emergency Response Program (CERP) funds provide maximum capability to the U.S. mission in Afghanistan. These funds are used on reconstruction projects that build goodwill and presumably reduce the threat to U.S. forces. Do you believe that CERP funds should reside with DOD or the State Department? Who should have oversight of these funds?

General MCCHRYSTAL. The oversight of these funds should remain with DOD. The impact of the ability of the commander on the ground to use his discretion in allocating these funds to support local projects is vital. The credibility that it brings to our efforts to secure the population also pays huge dividends by establishing a sense of trust and loyalty which can often lend itself to developing important intelligence on insurgents in the area, which if verified and acted upon quickly, exponentially increases security for the population. The close relationship between our commanders on the ground and the PRT's allows for significant input from DoS on how and when the funds should be used.

TALIBAN FUNDING

3. Senator COLLINS. General McChrystal, can you comment on what portion of the funding for the Taliban comes from wealthy individuals and "charitable" organizations in the Middle East versus narcotics?

General MCCHRYSTAL. Based on available information we can assess that both funding streams are major sources of significant and consistent levels of funds to the Taliban, and will continue to do so for the foreseeable future, based on the established networks specific to each source. We believe that targeting one source will not be enough to significantly disrupt the Taliban's ability to conduct operations.

NORTH ATLANTIC TREATY ORGANIZATION

4. Senator COLLINS. General McChrystal, we discussed the role of the North Atlantic Treaty Organization (NATO) during our meeting in my office last month. Do you think NATO will embrace the counterinsurgency strategy?

General MCCHRYSTAL. Militarily, I think in many ways NATO is already embracing the counterinsurgency (COIN) strategy through the various missions their

forces, and those of our non-NATO partners, execute. At the same time, the political reality in NATO is such that the phrase 'counterinsurgency' is problematic. During the Strausborg/Kiel Summit in April, the NATO Heads of State and Governments (HOSGs) reaffirmed their commitment to Afghanistan with a Declaration, which included the following statement: 'We will fill ISAF's military requirements and provide our commanders with the maximum possible operational flexibility for the use of our forces.' As the Commander, ISAF, I view that as an implied acceptance of the COIN mission, even as it avoids using that term. Within NATO there are ongoing discussions about codifying the term 'asymmetric warfare' to embody what we would consider COIN; should it be agreed upon, I would consider that a sufficient compromise.

5. Senator COLLINS. General McChrystal, has any progress been made toward removing some of the rules of engagement (ROE) caveats that our NATO allies operate under?

General MCCHRYSTAL. In the past 6 months, there was a modest decrease in the number of total caveats reported by our allies and partners, from 76 to 69. Regarding ROE caveats, there are currently 26 in place by 9 nations, mainly due to national laws and/or policies pertaining to the use of force and detention guidelines. As part of my initial assessment once in country, I will review the caveat list to look for potential areas where my staff can apply effort, as well as where NATO leadership can engage with capitals to lift or reduce caveats.

[The nomination reference of LTG Stanley A. McChrystal, USA, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 18, 2009.

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

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General.

Lt. Gen. Stanley A. McChrystal, 0000.

[The biographical sketch of LTG Stanley A. McChrystal, USA, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LTG STANLEY A. MCCHRYSTAL, USA

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF LEGISLATIVE LIAISON
1600 ARMY PENTAGON
WASHINGTON DC 20310-1600

REPLY TO
ATTENTION OF

MAY 21 2009

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear ~~Mr. Chairman~~: Sir,

The President has forwarded to you under separate cover the following nomination.

For appointment to the grade of General:
Lieutenant General Stanley A. McChrystal, Director, The Joint Staff, Washington, DC, as Commander, International Security Assistance Force/Commander, United States Forces, Afghanistan.

For the information of the Committee, I am enclosing a military career resume for this officer showing his assignments and grades held.

Sincerely,

Bernard S. Champoux
Major General, U.S. Army
Chief of Legislative Liaison

Enclosure

RÉSUMÉ OF CAREER SERVICE FOR LTG STANLEY A. MCCHRYSTAL, USA

Source of commissioned service: USMA.

Educational degrees:
United States Military Academy - BS - No Major.
United States Naval War College - MA - National Security and Strategic Studies.
Salve Regina University - MS - International Relations.

Military schools attended:
Infantry Officer Basic and Advanced Courses.
United States Naval Command and Staff College.
Senior Service College Fellowship - Harvard University.

Foreign languages: Spanish.

Promotions:

Promotions	Date of Appointment
2LT	June 2, 1976
1LT	June 2, 1978
CPT	August 1, 1980
MAJ	July 1, 1987
LTC	September 1, 1992
COL	September 1, 1996
BG	January 1, 2001
MG	May 1, 2004
LTG	February 16, 2006

Assignment:

From	To	Assignment
Nov. 1976	Feb. 1978	Weapons Platoon Leader, C Company, 1st Battalion, 504th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC
Feb. 1978	July 1978	Rifle Platoon Leader, C Company, 1st Battalion, 504th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC
July 1978	Nov. 1978	Executive Officer, C Company, 1st Battalion, 504th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC
Nov. 1978	Apr. 1979	Student, Special Forces Officer Course, Special Forces School, Fort Bragg, NC
Apr. 1979	June 1980	Commander, Detachment A, A Company, 1st Battalion, 7th Special Forces Group (Airborne), Fort Bragg, NC
June 1980	Feb. 1981	Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, GA
Feb. 1981	Mar. 1982	S–2/S–3 (Intelligence/Operations), United Nations Command Support Group-Joint Security Area, Korea
Mar. 1982	Nov. 1982	Training Officer, Directorate of Plans and Training, A Company, Headquarters Command, Fort Stewart, GA
Nov. 1982	Sep. 1984	Commander, A Company, 3d Battalion, 19th Infantry, 24th Infantry Division (Mechanized), Fort Stewart, GA
Sep. 1984	Sep. 1985	S–3 (Operations), 3d Battalion, 19th Infantry, 24th Infantry Division (Mechanized), Fort Stewart, GA
Sep. 1985	Jan. 1986	Liaison Officer, 3d Battalion, 75th Ranger Regiment, Fort Benning, GA
Jan. 1986	May 1987	Commander, A Company, 3d Battalion, 75th Ranger Regiment, Fort Benning, GA
May 1987	Apr. 1988	Liaison Officer, 3d Battalion, 75th Ranger Regiment, Fort Benning, GA
Apr. 1988	June 1989	S–3 (Operations), 3d Battalion, 75th Ranger Regiment, Fort Benning, GA
June 1989	June 1990	Student, Command and Staff Course, United States Naval War College, Newport, RI
June 1990	Apr. 1993	Army Special Operations Action Officer, J–3, Joint Special Operations Command, Fort Bragg, NC, and Operations Desert Shield/Desert Storm, Saudi Arabia
Apr. 1993	Nov. 1994	Commander, 2d Battalion, 504th Parachute Infantry Regiment, 82d Airborne Division, Fort Bragg, NC
Nov. 1994	June 1996	Commander, 2d Battalion, 75th Ranger Regiment, Fort Lewis, WA
June 1996	June 1997	Senior Service College Fellowship, John F. Kennedy School of Government, Harvard University, Cambridge, MA
June 1997	Aug. 1999	Commander, 75th Ranger Regiment, Fort Benning, GA
Aug. 1999	June 2000	Military Fellow, Council on Foreign Relations, New York, NY
June 2000	June 2001	Assistant Division Commander (Operations), 82d Airborne Division, Fort Bragg, NC, to include duty as Commander, Combined Joint Task Force-Kuwait, Camp Doha, Kuwait
June 2001	July 2002	Chief of Staff, XVIII Airborne Corps and Fort Bragg, Fort Bragg, NC, to include duty as Chief of Staff, Combined Joint Task Force-180, Operation Enduring Freedom, Afghanistan
July 2002	Sep. 2003	Vice Director for Operations, J–3, The Joint Staff, Washington, DC
Sep. 2003	Feb. 2006	Commanding General, Joint Special Operations Command, Fort Bragg, NC
Feb. 2006	June 2008	Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, NC
Aug. 2008	Present	Director, The Joint Staff, Washington, DC

Summary of joint assignments:

Assignment	Date	Grade
S–2/S–3 (Intelligence/Operations), United Nations Command Support Group-Joint Security Area, Korea.	Feb. 1981–Mar. 1982	Captain
Army Special Operations Action Officer, J–3, Joint Special Operations Command, Fort Bragg, NC, and Operations Desert Shield/Desert Storm, Saudi Arabia.	June 1990–Apr. 1992	Major/Lieutenant Colonel

Assignment	Date	Grade
Chief of Staff, XVIII Airborne Corps and Fort Bragg, Fort Bragg, NC, to include duty as Chief of Staff, Combined Joint Task Force-180, Operation Enduring Freedom, Afghanistan.	June 2001–July 2002	Brigadier General
Vice Director for Operations, J–3, The Joint Staff, Washington, DC	July 2002–Sept. 2003	Brigadier General
Commanding General, Joint Special Operations Command, Fort Bragg, NC	Sept. 2003–Feb. 2006	Brigadier General/ Major General
Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, NC.	Feb. 2006–June 2008	Major General/ Lieutenant General
Director, The Joint Staff, Washington, DC	Aug. 2008–Present	Lieutenant General

Summary of operations assignments:

Assignment	Date	Grade
Army Special Operations Action Officer, J–3, Joint Special Operations Command, Operations Desert Shield/Desert Storm, Saudi Arabia.	June 1990–Mar. 1991	Major
Commander, Combined Joint Task Force-Kuwait, Camp Doha, Kuwait	Apr. 2001–June 2001	Brigadier General
Chief of Staff, Combined Joint Task Force-180, Operation Enduring Freedom, Afghanistan.	May 2002–July 2002	Brigadier General

U.S. decorations and badges:
Defense Distinguished Service Medal
Defense Superior Service Medal (with Oak Leaf Cluster)
Legion of Merit (with two Oak Leaf Clusters)
Bronze Star Medal
Defense Meritorious Service Medal
Meritorious Service Medal (with three Oak Leaf Clusters)
Army Commendation Medal
Army Achievement Medal
Expert Infantryman Badge
Master Parachutist Badge
Ranger Tab
Special Forces Tab
Joint Chiefs of Staff Identification Badge

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by LTG Stanley A. McChrystal, USA, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Stanley A. McChrystal.

2. **Position to which nominated:**
Commander, International Security Assistance Force/Commander, United States Forces Afghanistan.

3. **Date of nomination:**
May 18, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 14, 1954; Fort Leavenworth, KS.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Annie McChrystal (Maiden name: Cocoran).

7. **Names and ages of children:**
Sam McChrystal, 25.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Council on Foreign Relations.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

STANLEY A. MCCHRYSTAL.

This 13th day of May, 2009.

[The nomination of LTG Stanley A. McChrystal, USA, was reported to the Senate by Chairman Levin on June 9, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 10, 2009.]

NOMINATIONS OF GORDON S. HEDDELL TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE; DR. J. MICHAEL GILMORE TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE; ZACHARY J. LEMNIOS TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING; LT. GEN. DENNIS M. MCCARTHY, USMC (RET.) TO BE ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS; DR. JAMES M. MORIN TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER; AND DANIEL B. GINSBERG TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS

THURSDAY, JUNE 11, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, McCain, Hagan, Begich, and Burris.

Other Senators present: Senators Conrad and Leahy.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Richard W. Fieldhouse, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Roy F. Phillips, professional staff member; and Arun A. Seraphin, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Paul C. Hutton IV, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Paul J. Hubbard, Christine G. Lang, and Breon N. Wells.

Committee members' assistants present: Gordon L. Peterson, assistant to Senator Webb; Roger Pena, assistant to Senator Hagan; and Jason Van Beek, assistant to Senator Thune.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everyone. The committee meets today to consider the nominations of Gordon Heddell to be the Department of Defense (DOD) Inspector General (IG), Michael Gilmore to be Director of Operational Test and Evaluation (OT&E), Zachary Lemnios to be Director of Defense Research and Engineering (DDR&E), Dennis McCarthy to be Assistant Secretary of Defense for Reserve Affairs, Jamie Morin to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and Daniel Ginsberg to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

We welcome our nominees and their families to today's hearing. As senior defense officials put in long hours every day, we appreciate the sacrifices that they and their families are willing to make to serve our country.

Each of our nominees has a distinguished background. Gordon Heddell has served in law enforcement positions since he completed his service as an Army helicopter pilot in December 1969. In December 2000, Mr. Heddell was confirmed as IG of the Department of Labor, and in 2008 he became acting IG of DOD.

The DOD IG plays a vital role in ensuring the integrity and efficiency of DOD programs and activities. If confirmed, Mr. Heddell will continue the job of restoring the reputation of this important office, which has been shaken in recent years. We need an IG that we can rely upon to dig into the department's problems, and to tell the truth about what he finds.

Michael Gilmore has served in national security positions for the last 20 years, first in DOD's office of Program Analysis and Evaluation where he rose to be Deputy Director in 2001, and more recently at the Congressional Budget Office where he has served for the past 8 years as Assistant Director for National Security.

The Director of OT&E plays a key role in ensuring that our weapons systems perform as intended. The Director of OT&E, like the DOD IG, must be able to tell the truth to power. If confirmed, it will be Dr. Gilmore's job to tell DOD and Congress whether we have gotten what we paid for in our major defense acquisition programs. A successful Director of OT&E will not be popular within DOD, and plays a vitally important role in protecting both the troops and the taxpayers.

Zachary Lemnios is a scientist and engineer who has spent most of the last 2 decades in various positions at the Massachusetts Institute of Technology's (MIT) Lincoln Lab where he now serves as chief technology officer. His qualifications are only enhanced by his status, and I say very proudly he is a graduate of the University of Michigan. If confirmed as DDR&E, Mr. Lemnios will be the top science and technology officer of DOD, responsible for guiding the advanced research that will keep our military ahead of its competitors for the next generation.

In addition, the Weapon's System Acquisition Reform Act, which we enacted just last month, gives the DDR&E the important new

responsibility of assessing the technological maturity of key technologies to be used in major defense acquisition programs to ensure that we won't try to build systems that we haven't sufficiently tested.

I'm going to save my brief comments about the nominees on the second panel until we finish questioning the first panel. We do have one Senator, one of our colleagues who is here to introduce one of the nominees on the second panel, and we expect Senator Leahy, at any moment, to make an introduction for the second panel as well. Both our colleagues, who are great friends as well as colleagues, have other obligations and so we're going to take care of the introductions by those Senators who have nominees on both panels as soon as Senator McCain finishes his opening statement.

Senator McCain.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you, Mr. Chairman. I join you in welcoming our nominees this morning, and I welcome their families as well. They will all play an important role in achieving the positions for which they are nominated, and as far as I can tell will certainly be confirmed by the U.S. Senate.

They possess impressive backgrounds in both the public and private sectors. I consider all the nominees today to be well qualified for the positions for which they are being considered, and I thank them for their willingness to serve the Nation in these difficult times in the new administration. Without question, the position of DDR&E and Director of OT&E are key to maintaining superiority in technology, wisely spending billions of defense dollars for vital scientific research, and most importantly, in protecting and empowering our combat forces in the current fight.

Dr. Gilmore and Mr. Lemnios, I look forward to hearing how you intend to make positive contributions in achieving these goals, and in helping to correct the Department's dismal record in weapons systems development.

General McCarthy and Mr. Ginsberg, I know you'll appreciate that our national security has never been more dependent on the willingness of patriotic young men and women to voluntarily serve in the Armed Forces. It depends on the willingness of combat tested noncommissioned officers, officers, and their families to choose careers and continue serving. This is as true for active duty personnel as it is for members of the National Guard and Reserve. I look forward to hearing how you intend to improve the lives of our military personnel and their families.

Mr. Heddell, there are very few positions in DOD that I consider to be more important than that of IG. Regrettably for several years, the Office of the DOD IG has been lacking in resources and talented leadership with predictable problems emerging in performance and morale. This has to change.

I've expressed on numerous occasions my concern about corruption in government, and in DOD in particular. The contracting and procurement scandals in Iraq are one manifestation of this problem. The Department's troubled acquisition programs and the incentives that exist for individuals who know better than to aban-

don their principals to achieve an end are well known. The manner in which Congress, in a regrettable bipartisan fashion, has allowed the appropriations process to evolve has contributed greatly to these problems and presents one reason why Congress has such low grades in public opinion. The American people are fed up with the system that breeds corruption and will not continue to tolerate it.

Transparency and knowledge of the truth are the antidotes to the corruption that is bred by earmarks and abuse of authority. The IG of DOD must be an independent leader in providing that transparency and knowledge, and I know we will receive that leadership from you.

Dr. Morin, I view the DOD and the Service Comptrollers as individuals who can facilitate business as usual or make a very positive difference in the programs and policies of the Department. We face a number of challenges including enhancing the transparency of Air Force financial management activities, and improving acquisition processes. I trust you will advise the Air Force leadership accordingly to ensure that these issues are appropriately addressed. I again, welcome the witnesses and congratulate them, and look forward to working with them in the future. Thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT BY SENATOR JOHN MCCAIN

Thank you, Senator Levin. I join you in welcoming our nominees this morning. They possess impressive experience in both the public and private sectors. I consider all of the nominees today to be well qualified for the positions for which they are being considered, and I thank them for their willingness to serve in the new administration.

Without question, the positions of Director of Defense Research and Engineering and Director of Operational Test and Evaluation are key to maintaining superiority in technology, wisely spending billions of Defense dollars for vital scientific research, and, most importantly, in protecting and empowering our combat forces in the current fight. Dr. Gilmore and Mr. Lemnios, I look forward to hearing how you intend to make positive contributions in achieving these goals and in helping to correct the Department's dismal record in weapons system development.

General McCarthy and Mr. Ginsberg, I know you appreciate that our national security has never been more dependent on the willingness of patriotic young men and women to voluntarily serve in the Armed Forces. It depends on the willingness of combat-tested noncommissioned officers, officers, and their families to choose careers and continue serving. This is as true for active duty personnel as it is for members of the National Guard and Reserve. I look forward to hearing how you intend to improve the lives of our military personnel and their families.

Mr. Heddell, there are few positions in the Department of Defense (DOD) I consider to be more important than that of the Inspector General. Regrettably, for several years the Office of the DOD Inspector General has been lacking in resources and talented leadership with predictable problems emerging in performance and morale. This has to change.

I have expressed on numerous occasions my concern about corruption in government and in DOD in particular. The contracting and procurement scandals in Iraq are one manifestation of this problem. The Department's troubled acquisition programs and the incentives that exist for individuals who know better to abandon their principles to achieve an end are well known. The manner in which Congress in a regrettable bipartisan manner has allowed the appropriations process to evolve has contributed greatly to these problems and presents one reason why Congress has such low grades in public opinion. The American people are fed up with a system that breeds corruption and will not continue to tolerate it.

Transparency and knowledge of the truth are the antidotes to the corruption that is bred by earmarks and abuse of authority. The Inspector General of DOD must

be an independent leader in providing that that transparency and knowledge, and we expect that leadership from you.

Dr. Morin, I view the DOD and the Service Comptrollers as individuals who can facilitate business as usual or make a very positive difference in the programs and policies of the Department. You face a number of challenges, including enhancing the transparency of Air Force financial management activities and improving acquisition processes. I trust you will advise Air Force leadership accordingly to ensure that these issues are appropriately addressed.

Chairman LEVIN. Thank you so much, Senator McCain.

Senator Kennedy if he were here would have been introducing Mr. Lemnios. He obviously is not with us, but he has asked that a statement of introduction be placed on the record. We are joined by two of our dear friends and colleagues. Senator Leahy, you're here I believe to introduce Mr. Ginsberg, and so we'll start with you, and then Senator Conrad to introduce Dr. Morin.

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT BY SENATOR EDWARD M. KENNEDY

Mr. Chairman and Senator McCain, it is a privilege to have the honor to introduce Zachary J. Lemnios of Massachusetts Institute of Technology's Lincoln Laboratories who has been nominated to be Director of Defense Research and Engineering, and I commend President Obama and Secretary Gates for selecting him for this important position in the Department of Defense (DOD).

Zach has a distinguished record of public service. He has broad and extensive experiences, and has a solid understanding and vision of the national security technology challenges facing DOD and the Nation.

Most recently, Zach has been Chief Technology Officer at The Lincoln Laboratory, where he was responsible for developing, coordinating and overseeing the implementation of the Laboratory's strategy, including establishing relationships with DOD and reaching out to academic and industrial communities for technology innovation.

In his impressive career, Zach has held major positions in the Defense Advanced Research Projects Agency, and has worked closely with DOD and the Intelligence Community. In recognition of his significant contributions to national security, he was awarded the Office of Secretary of Defense Medal for Exceptional Public Service.

Zach's leadership in developing new defense technologies has significantly benefited our military systems, and has also significantly strengthened the Nation's industrial technology base.

I'm confident that Zach will carry out his responsibilities as Director of Defense Research and Engineering with the same skill and dedication that he has brought to his past assignments. I urge the committee and the Senate to act quickly on his nomination, so that Zach can begin working to implement the provisions of the Weapon Systems Acquisition Reform Act, recently signed by the President, and help us meet the major technology challenges facing DOD in protecting our national security. Thank you Mr. Chairman.

STATEMENT OF HON. PATRICK J. LEAHY, U.S. SENATOR FROM THE STATE OF VERMONT

Senator LEAHY. Thank you, Mr. Chairman. Thank you, Senator McCain.

It's somewhat unusual to be on this side of the table, but I'm glad to see so many friends here. I just wanted to be here to express my strong support for Daniel Ginsberg. He has been nominated by the President to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs, and I welcome he and his wife Jessica, his parents, Rhonda and Jerry, and other family members who are here with him today.

Daniel had worked for former Senator Sam Nunn, and for the past 9 years has served as my Defense Policy Adviser. He has been fantastic in that area. We've had an emphasis on the Guard and

Reserves because as the two of you know better than anyone in this room, they have become a keystone for our military operations, particularly in Iraq and Afghanistan. The support for homeland duties has been at all time high, everything from natural disasters such as Katrina to floods and fires and so on, as well as Homeland Security. We've done some updated policies for them. We have a 95 member U.S. Senate National Guard caucus. I co-chair that with Senator Kit Bond of Missouri. It has worked in a, I was going to say a bipartisan fashion, actually a nonpartisan fashion, and Daniel Ginsberg as my senior adviser helped coordinate the caucus and develop detailed legislation and far-reaching strategies that enacted strong changes expeditiously. At a time when we've had increasing interparty rank on the Hill, he forged a bipartisan consensus and the need to better support the efforts of the Guard and in turn the Reserves. He worked with the General and the Governors of the State, so I'll put my full statement in the record praising him, but I just want to say that it's a bittersweet moment for me. I have benefited so much from Daniel's work in my office. I joked a couple weeks ago when I was in Afghanistan, Iraq, and Pakistan, something the two of you have done so many times, and I joked that I was going to put a hold on his nomination until that trip was over because I, so vitally, needed him, and it was just emphasized one more time as he met with generals, ambassadors, and leaders of coalition forces. His depth of knowledge, his breadth of knowledge, and his caring for the United States of America. Mr. Chairman, I can't think of a better person to fill this position. With that I'll put my full statement on the record.

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT BY SENATOR PATRICK LEAHY

Mr. Chairman, I am pleased to be with you this morning to express my strong support for Daniel Ginsberg who has been nominated by President Obama to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs. I want to welcome his wife Jessica, parents Rona and Jerry, and other family members who are here with him today.

For the past 9 years, Daniel has served as my defense policy advisor and has excelled in his duties, particularly in the area of manpower and reserve affairs issues.

Over the past decade, our country has relied on our Guard and Reserves more than any other time in recent history. Reservists became a keystone to our military operations, particularly in Iraq and Afghanistan, and stepped forward repeatedly to answer the call-to-duty at a tempo not seen in decades. At the same time, the Guard and Reserve support for homeland duties was at an all time high. The Guard has provided crucial support to our Governors and states during natural disasters such as Katrina. In addition the Guard has assumed additional roles in homeland security as our country adopted new policies after the attacks on September 11, 2001.

This new era for the Guard and Reserves prompted Congress and the Department of Defense to review many existing and frankly outdated policies for this part of our Armed Forces. The 95-member U.S. Senate National Guard Caucus, which I co-chair along with Senator Kit Bond of Missouri, played an integral role in that review and implementation of new policies. It was Daniel Ginsberg who helped coordinate the Caucus' successful efforts in this area.

As my senior advisor, Daniel helped me develop detailed legislation and design the far-reaching strategies that would enact these changes expeditiously. At a time of increasing inter-party rancor on the Hill, we forged a bipartisan, bicameral consensus on the need to better support the efforts of the Guard and, in turn, the Reserves. He has helped the Caucus achieve an unheralded relationship with the Nation's Governors and the Adjutants General, bringing in key leaders at every stage of the legislative process.

This is a bittersweet appearance for me today. While I am glad to support this nomination, I am disappointed that it will result in the departure of such a fine in-

dividual from my policy staff. President Obama and Secretary Gates will be well served by Daniel. I hope the committee will report this nomination favorably and that the full Senate will soon send the nomination to the President.

Chairman LEVIN. Thank you so much, Senator Leahy. We really appreciate your getting here today for that introduction. I know that Mr. Ginsberg does as well. Now for Jamie Morin, I think I pronounced his name correctly. We'll call upon Senator Conrad.

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator CONRAD. Thank you, Mr. Chairman and Ranking Member McCain. Thank you so much for your very positive statement. We appreciate that very much. Senator Hagan, Senator Begich.

I'm here to strongly support the nomination of Dr. Jamie Morin to be the Assistant Secretary of the Air Force for Financial Management. Many of you know Jamie because he has been the Senior Defense Analyst on the Budget Committee since 2003, very well regarded on both sides of the aisle. He really is an exceptional nominee, and has an absolutely encyclopedic knowledge of military affairs. His mom, Bridgette who is with us here today, told me this morning that at age four Jamie was looking in the encyclopedia reading about the military services, and that he has had an interest and a devotion to military matters ever since. That's probably why he has such an extraordinary knowledge of military affairs, an intense interest in that subject.

More than that, he has good judgment, really exceptional judgment, and that will serve him well in this position. He also has a very strong academic background, a Ph.D. from Yale, M.S. from the London School of Economics. He has a B.S. in foreign service from Georgetown. A very good background for the position he'll be moving into. He also, I might add, has a strong devotion and interest in the United States Air Force. I know members of this committee are aware that we have two major Air Force bases in North Dakota, and he has followed the Air Force very closely during his entire career.

I believe the Obama administration is extremely fortunate to be able to track somebody of Dr. Morin's character and quality. He is absolutely first rate. He served the Committee on Budget well. I believe he served the country well, and I believe we're fortunate to have people of his ability come forward and be willing to serve in public service. With that, I'll put my full statement in the record, and I thank you very, very much for listening.

[The prepared statement of Senator Conrad follows:]

PREPARED STATEMENT BY SENATOR KENT CONRAD

Mr. Chairman, members of the committee, I come here today to offer my full backing to President Obama's nomination of Dr. Jamie Morin to serve as the next Assistant Secretary of the Air Force for Financial Management.

Many of you already know Jamie quite well from his work as the Senior Defense Analyst for the Senate Budget Committee, where he has served since 2003. He has always provided outstanding analysis and guidance on defense budget issues.

Without question, Jamie is an extraordinary nominee. His encyclopedic knowledge of military issues, keen judgment, and collegiality have been of great benefit to me as chairman, to the Committee as a whole, and to our country. Jamie's background in academia has also prepared him well for this position. In researching and writing as a fellow at the University of Virginia and at the Center for Strategic and Budg-

etary Assessments, and while earning his Ph.D. at Yale, Jamie proved his ability to pore over data and interpret it in a meaningful way.

In these tough economic times, responsible budgeting is more important than ever. The Obama administration is extremely fortunate to attract someone of Jamie Morin's quality and character to such a critical post. The American people are fortunate to have someone of his talent willing to continue in public service. I believe that Jamie is the perfect fit for this position. He has repeatedly demonstrated the experience, judgment, and character necessary to be an extremely successful Assistant Secretary. I fully support his nomination and urge the committee and the full Senate to act quickly to confirm his nomination.

Chairman LEVIN. Thank you very much, Senator Conrad. Thank you for leaving for me the choice tidbit that Dr. Morin went to high school in Detroit, graduated at the University of Detroit High School, is a Michigan native. I appreciate you allowing me to make that important significant addition.

Senator CONRAD. Also you know Mr. Chairman, as a Senator from North Dakota, I have not spent a lot of time talking to my constituents about his checkered background.

Chairman LEVIN. Well, in that case you're not excused. I think you need to stay here for the additional questions. Thanks so much for coming.

Okay. We now will call our first panel forward, please. We ask you first, each of you to answer the following questions. These are standard questions we ask of all nominees that come before us.

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

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. GILMORE. No.

Mr. HEDDELL. No.

Mr. LEMNIOS. No.

Chairman LEVIN. Will you ensure your staff complies with deadlines established for requested communications including questions for the record and hearings?

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Do you agree if confirmed to appear and testify upon request before this committee?

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding any of the basis for any good faith delay or denial in providing such documents?

Dr. GILMORE. Yes.

Mr. HEDDELL. Yes.

Mr. LEMNIOS. Yes.

Chairman LEVIN. Thank you very much. I think we'll call first on Mr. Heddell, and the other witnesses and nominees can, of course, be free to introduce any family or guests that you might have if they are with you. Mr. Heddell.

Mr. HEDDELL. Thank you, sir. I have an opening statement. May I do that?

Chairman LEVIN. Please.

STATEMENT OF GORDON S. HEDDELL, NOMINEE TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Mr. HEDDELL. Chairman Levin, Senator McCain, distinguished members of the Senate Armed Services Committee, I am honored to appear before you today as the nominee to serve as the DOD IG.

Being nominated for this position is a remarkable opportunity, and I am prepared to meet the challenges ahead, if confirmed. The responsibility of this position is of great importance to ensure the health, the safety, and the welfare of DOD personnel, and to make sure that the taxpayer receives a good return on their investment. As an IG with over 8 years experience, I know that the DOD IG has exceptional responsibility. I am committed to ensuring that this office of IG serves as a model of integrity and dedicated service as well as a highly respected organization. If confirmed, I will accept the duties of the office with appreciation, humility, and a commitment to doing what is right while always honoring the principal of independence. I am truly grateful for the support and partnership of this committee and Secretary Gates in ensuring that there is effective oversight of the department.

On a personal note, I want to acknowledge the love and support of my family who have truly been the inspiration behind any successes that I have had in my life or in my career. I thank you, Mr. Chairman and members of this committee, for your time and attention. I look forward to answering your questions.

Chairman LEVIN. Thank you very much, Mr. Heddell.

Dr. Gilmore.

STATEMENT OF DR. J. MICHAEL GILMORE, NOMINEE TO BE DIRECTOR OF OPERATION TEST AND EVALUATION, DEPARTMENT OF DEFENSE

Dr. GILMORE. Mr. Chairman, Senator McCain, members of the committee it's an honor to appear here today. I thank President Obama for having the confidence in me to nominate me to be Director of OT&E in DOD, and I thank Secretary Gates for supporting that nomination.

My wife, Ai-Chi Liu, is here today, and suffice it to say that without her support and encouragement, I would not be here today.

Mr. Chairman, I believe that the Weapons Systems Acquisition Reform Act that the President recently signed into law demonstrates his commitment, as well as DOD's to working with Congress, and in particular with this committee to solve the many problems that have arisen in developing, producing, and fielding weapons systems. If I am confirmed, I pledge that I'll do my best to help that important effort, and I'll do that by providing this committee, the Secretary, and Congress with independent objective evaluations of the effectiveness, suitability, and survivability of weapons systems based on realistic operational testing. My goal would be to ensure that the men and women in uniform are provided weapons that they can be confident will work. Thank you.

Chairman LEVIN. Thank you so much, Dr. Gilmore.

Finally Zachary Lemnios. Mr. Lemnios.

STATEMENT OF ZACHARY J. LEMNIOS, NOMINEE TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Mr. LEMNIOS. Thank you, Mr. Chairman, Senator McCain, and members of the committee.

I'm honored by the opportunity to appear before you today as the President's nominee for the position of DDR&E. I'd like to thank my wife, Stephanie, who is with me today, and my children, Melanie, Grace, Sarah, and Jonathan. My parents, William and Angela, are watching on the committee's webcast. They are my foundation, and I could not have considered this opportunity without their love and support.

In fact, public service is deeply routed in our family. My wife Stephanie works at a nonprofit organization, Science Club for Girls, inspiring young girls to be in appreciation of science and technology. My brother, Phil, was in the Peace Corp for several years in Africa, later became the town manager of Hull, MA. My daughter, Grace is a special education teacher in Woodbridge, VA, not too far from here. I'd like to recognize my father's service to the Nation as an 18-year-old private first class and later sergeant in the 20th Army Division, his unit fought across Europe during World War II. On April 29, 1945, his was one of three U.S. Army Divisions that took part in the liberation of the Dekalb Concentration Camp.

My career is focused on opening new technology frontiers to guarantee our Nation's advantage over those who threaten us. I have seen the power of invention and innovation firsthand, and have had the opportunity to participate in opening new fields of study in industry, academia, and the Federal Government. Rapidly evolving technology such as robotics, cognitive, bio, and nanotechnologies will have profound implications for our country to go well beyond our understanding today. We simply must lead in these and other critical areas to ensure our national security.

The Department of Science and Technology Investment serve three critical functions in my view. First they preserve the technological age of our current forces by extending the capabilities of our current war fighting systems. They offer the opportunity for breakthrough capabilities allowing us to chose those capabilities on our timelines, and finally they provide a hedge against the uncertain future with a set of scientific and engineering options to counter-

strategic surprise. For the 21st century, the most critical capabilities that defense, science and technology can deliver to the war fighter and to the American taxpayer would be systems that can adapt to changing applications and environments, systems that scale flexibly with demand, and capabilities that react faster than our adversaries with minimal support and logistics. We simply owe it to our soldiers, sailors, airmen, and marines to rapidly accelerate those breakthroughs from the laboratory to the field. I fully support the important accusation elements outlined in the Weapons System Acquisition Reform Act of 2009 draft by this committee, and recently signed by the President.

A renewed focus on systems engineering and more frequent technology assessments will significantly reduce program risk, and the cost of major defense acquisition programs. If confirmed, I look forward to working across the Department, and with this committee and others to strengthen our core competencies to deliver state of the art capabilities to our forces on time and within budget.

In closing, I want to thank again the President for nominating me, the Secretary of Defense for his support, and to this committee for your time today. I'm honored to be before you, and if confirmed, I look forward to working with this committee and your staff, and I look forward to your questions.

Chairman LEVIN. Thank you so much, Mr. Lemnios. Why don't we try an 8-minute first round of questioning for this panel. We do have two panels.

First Mr. Heddell, let me ask you about the DOD IG report on the use of retired military officers as surrogates to make the former administration's case in the media. The report was totally inadequate, and 4 months after it was released the IG withdrew this report noting that the report was using inaccurate and incomplete data, did not meet the accepted quality standards for an IG work product, but you as the acting IG also stated that the additional investigative work will not be taken to reissue a new report, and that raises the question as given all the flaws in the withdrawn report why not redo it.

Mr. HEDDELL. Sir, I do currently have a review ongoing, and two of the points of that review have to determine what findings we can, in fact, report back to you and this committee on, and also for the future, what judgments we could make about such a program. So, in spite of the feeling that we may not be able to redo that investigation because people that manage that program are no longer in positions at the Department, and because certain members of the retired military analyst group would not allow themselves to be interviewed, as well as other former DOD officials, it's difficult if not impossible to provide the answers that you have asked for. However, I'm committed to meeting the request that you have made of me to determine what I can determine from that report. I think it's an important review, and I have committed to you to get back to you on that, and to tell you what I think we can about that program.

Chairman LEVIN. I appreciate that answer. First of all you have certain limits obviously. The IG doesn't have subpoena powers, and that is a limitation which needs to be addressed. We're going to use this situation where you are not getting the cooperation of people

who you must talk to as the example that we're going to take one of them to the Homeland Security and Governmental Affairs Committee, where I also serve, that has the responsibility generically relative to the powers of the IGs because we can't permit an IG to be thwarted by the failure to have access to documents and to people.

So does the lack of subpoena power apply both to documents and to people, or just to people?

Mr. HEDDELL. The IG has the authority to subpoena documents but not testimony.

Chairman LEVIN. All right. So we're going to take this shortfall to the other committee that has jurisdiction, but in the meantime this committee has power to subpoena, and we are going to support our IG. So if there are people who need to be subpoenaed for testimony in order to get their information, who refuse to show up voluntarily, we would appreciate your notifying them that you again request their testimony, and if not, that you would make a request for this committee to hold a hearing where we will subpoena them to a hearing of the committee. Hopefully if the committee will issue a subpoena, which we hope it would in support of our IG. Will you do that?

Mr. HEDDELL. You have my commitment to do that, sir.

Chairman LEVIN. Thank you. There's another report which is due, overdue actually for 3 years now, and that's the IG's review of allegations that senior Air Force officials had improperly steered contracts for publicity in connection with Thunderbird air shows, and that they had allegedly steered those contacts to friends and insiders. The DOD IG concluded this investigation and issued a report early last year. The report raised serious questions about the role played by senior Air Force officials, but the report avoided making any findings or recommendations with regard to the conduct of the senior officials.

So Senator McCain and I sent a letter to the then IG more than a year ago asking that he review the conduct of current and former senior Air Force officials named in the report. Not only possible improper conduct, criminal conduct theoretically or possibly, but also for possible ethical violations and failures of leadership and provide specific findings and recommendations to the Secretary of the Air Force and to the committee. These allegations have been out there for 3 years. The review has still not been completed apparently, and my question, Mr. Heddell is when can we expect to see a completed report on this matter?

Mr. HEDDELL. Sir, that's one of the top senior official investigations that I'm reviewing. I believe that we can give you relatively good assurance that within 4 weeks we will have a report to you.

Chairman LEVIN. Thank you.

Dr. Gilmore, let me ask you a question relative to the independence of the office to which you've been nominated, which is so critical, and you made reference to it in your opening statement.

How will you ensure the independence of that office, particularly if you're challenged by DOD officials or contractors?

Dr. GILMORE. By exercising leadership, Senator. I think that the key to maintaining independence is having a director who is willing to be straightforward in their assessments to both the Secretary

and Congress, and that is what I would be. I would provide you the best information that I could if I were confirmed, about the performance of these systems.

Chairman LEVIN. One question relative to the test and evaluation that's occurred of the ground-based midcourse defense system, which is a missile defense system, you're very familiar with this. The Director of OT&E reported to us last December that the ground-based midcourse defense system, the flight testing to date will not support a high degree of confidence in its limited capabilities. Do you believe that it's important that our ballistic missile defense (BMD) systems and its elements like other systems should undergo OT&E, and that any elements to be deployed should be operationally effective, suitable, and survivable?

Dr. GILMORE. Yes, sir, I do. I think the information on that is required for operational decisionmakers to make proper decisions about how to employ the systems.

Chairman LEVIN. Mr. Lemnios, I believe you're a graduate of the University of Michigan, and I'm tempted to ask you how that training and experience qualifies you for the office for which you've been nominated, but I'm going to resist temptation because I may assure my vote but lose a few others around here, so I'm not going to do that, but you've been appointed to, or nominated to an extraordinarily important position. You're going to have responsibility for the departments of science and technology programs which play such a critical role in helping the United States maintain the advantage over competitors and adversaries, current and potential adversaries around the world.

The department's 2010 budget request reduces funding for these accounts by nearly 10 percent relative to the 2009 request, and I'm just wondering whether that concerns you as to whether we are adequately investing in the research and engineering programs that are essential to develop new capabilities, and to help train the next generation of scientists and systems engineers to work on our problems.

Mr. LEMNIOS. Mr. Chairman, first of all, it was a delight to go to the University of Michigan in Ann Arbor. I'm now at the MIT in Cambridge. It's a different institution but, in fact, these schools and many others have an enormous impact in training scientists and engineers, and a whole quandrant of people who will serve our Nation in very important areas.

I fully support the President's 2010 budget as submitted, and certainly in my role if confirmed, the critical part of that is shaping the science and technology portfolio that is shaped over the near-term and long-term requirements of the department, and takes in opportunities to invest in whatever technologies that come out of the universities and many other areas to support our warfighting needs.

Chairman LEVIN. Okay. My time is up.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman. I want to welcome all of you gentlemen here today, and I certainly want to say welcome to your families and especially your wives for being here because I know how critical and important your support is, so I thank each and every one of you.

Mr. Lemnios, I had one question for you. I'm impressed with your credentials, and I think that it's a very important role that you bring to DOD. I think that science and cutting edge technology is absolutely critical in our weapons systems and our security. I think that in your comments you stated that research and engineering is the first step in the overall acquisition process. I'm concerned about two particular issues, and one is the continued threat of improvised explosive devices (IEDs) that are killing and maiming our troops, I wanted to know your comments, and what you think from a technological standpoint we can do, I know we've done a lot, but I think that it's still a huge threat. What you see in the future about that, and then taking it another step further with cyberspace and cyber protection is also a very critical element in protecting the country today, and some comments that you might have on that.

Mr. LEMNIOS. Senator, those are two very important issues that are very high on the priority list of the current research portfolio of the department. The IED threat has been a particularly troublesome one to date. The number of military folks that have been killed or wounded is enormous, and it concerns all of us. The initial response was to try to build a set of capabilities to improve force protection. There are technologies involved in that, and those have found their way into the field. The next response was to try to build systems that would help counter the triggering mechanisms of the IED, and those have also found their way into the field, but at a tempo perhaps not at the same rate that they're being developed, and that's a concern as well. The third piece, the one that's really sort of in the science and technology regime is to try to understand the entire chain or events that occurs, not just in building the IED and deploying it, but what are the precursors up front that could be detected. In fact, there's a rich research community that's working through that to try to identify those and transition those, and in fact, organizations like the Joint IED Defeat Office, the Armory Rapid Equipping Force, the Air Force Rapid Capability Office, all of those are working to quickly transition those concepts to field.

With regard to cyberspace, I read the Cyber Policy Review that was issued by the White House about 2 weeks ago. It was a policy review, and there's a compendium of technology underpinnings that support those policy positions. That's an area that I think we're going to need to learn a lot. There's a community that's understanding what the threat is. The Defense Advanced Research Projects Agency is standing up a national cyber test range. There are other ranges that exist that will allow us to test techniques, to protect networks, and protect information on those networks. I see both of those areas, both the IED threat as it emerges, and certainly the cyber threat, as we're better understanding that threat, are both important areas to couple with the research community.

Chairman LEVIN. Senator, I wonder if I can just interrupt you for a minute because of your interest in the IED. I was with a bunch of Michigan National Guardsmen and there was a colonel there who actually was in Iraq with his unit deployed, out in a vehicle and they thought they saw an IED on the road, and they actually thought they saw the people who were trying to control it on top

of a building, sent out a robot to that IED and watched the robot actually dismantle an IED. So we talk a lot about science and new technologies, that was an example where he actually saw it, was in the vehicle that would have been hit by that IED. I want to thank you for raising this question. It has been a major concern, and I appreciate it, and your time will not be deducted by my intrusion here.

Senator HAGAN. You certainly have that pleasure. Thank you.

Mr. Heddell, I had a question for you concerning the contracting companies. A few weeks ago, I attended a policy committee hearing that was chaired by Senator Dorgan. Senator Dorgan examined $83 million in bonuses that was paid by DOD to the contractor Kellog, Brown, & Root (KBR) in 2007 and 2008 despite this company's poor electrical work in Iraq, which resulted in the deaths of at least three U.S. soldiers killed by electrocution while showering, and then others who have been injured or killed in other electrical incidents. Witnesses at the hearing described how KBR failed to hire qualified personnel, how they performed electrical work in a matter that continues to place our troops in danger, and failed to make repairs once the hazards were identified. Moreover, an electrical inspector that was hired by the U.S. Army to review the U.S. run facilities in Iraq indicated that 90 percent of KBR's wiring in the newly constructed buildings in Iraq was not properly done. But despite all these concerns, KBR was awarded a $35 million contract earlier this year for a project in Iraq that included electrical work.

My question is, can you comment on the status of this investigation as well as explain how you propose to work with the Department of the Army and other departments to ensure that they have qualified personnel to oversee the contract management, especially regarding the services performed in theater in support of our troops.

Mr. HEDDELL. Yes, Senator Hagan. I appreciate that question. It's an extremely important issue to the Office of IG. We've been working on the issue of accidental electrocution since April or May of last year. The most prominent case that you're referring to involved Sergeant Ryan Maseth who died while taking a shower on January 2, 2008, and that was the catalyst for beginning to take a look at this entire situation. We are very close to completing our work regarding how that could have happened to Sergeant Maseth as well as an additional 17 other accidental electrocutions that have occurred. We have had teams working in southwest Asia, both Iraq and also in Afghanistan, to work with the commanders to determine whether or not the lessons that we have learned are being passed on to them. We don't believe that this is an area that anyone should wait for a final report; it's too critical. So we, in fact, sent a team to Afghanistan just a few months ago to see what was happening over there to hopefully preempt any kinds of issues. So we're getting ahead of the game. We're finding that the commanders are responding. They're taking great steps to conduct inspections for safety, both from electrical and fire hazards, but there's a lot more to do. So the report that you're asking about should be out within 4 weeks. We have actually three reports. One is on Sergeant Maseth's death, the other is on the other 17 elec-

trical accidents, and the third one is on electrical status and safety in Afghanistan.

Senator HAGAN. Do you feel that it is more secure today than it was in recent past?

Mr. HEDDELL. We see improvements, Senator Hagan, but there's still a long way to go. I personally visited the building in the Radwaniyah Palace Complex where Sergeant Maseth died. I looked at the shower. I went up on the roof to see where the generator was that had not been properly grounded, and the reason I point that out is because it was made clear to me that this is a tremendous challenge for our commanders. These are buildings that were in existence before 2003. They were wired using different electrical codes and standards than we use in this country, and so we are in a very dangerous, very hazardous environment, but commanders are taking steps to conduct inspections. In one case in Afghanistan they bought containers to house 300 troops because they were in hazardous housing at the time. It's a hazardous environment no matter how you look at it, but I think it has certainly improved over the last 6 to 9 months.

Senator HAGAN. It's definitely hazardous, but you certainly hope nobody is electrocuted while taking a shower, obviously.

Mr. HEDDELL. Of course we hope that, but we still have a ways to go to give assurance to this committee or to anyone that our troops are 100 percent safe from those kinds of hazards.

Senator HAGAN. I'm sure you'll get right on that.

Mr. HEDDELL. Yes, ma'am.

Senator HAGAN. Thank you.

Chairman LEVIN. Thank you Senator Hagan.

Senator Begich.

Senator BEGICH. Thank you very much, Mr. Chairman. I appreciate the opportunity to ask you all a few questions, and I do want to echo the comments by the other Senators that thank you for your willingness to serve, but also thank you to the families and the support team that you have to support you through this process as well as in your service. Thank you for doing that.

My questions are for Dr. Gilmore. I just want to read something from your testimony just to reiterate a point to make sure it's still consistent here, and let me just read it if I could. Modeling and simulation can contribute to the assessment of system performance, particularly to explore the full range system operations or live open air testing would be unsafe or impractical. Model simulation is also useful as a tool to help plan the test program. However, model simulation should be utilized to compliment rather than replace operational testing in a realistic environment. Additionally, sufficient operational testing should still be performed to adequately validate and accredit any models used. Assuming that was in your written testimony, you still agree with that.

Dr. GILMORE. Yes, sir.

Senator BEGICH. Acknowledge that?

Dr. GILMORE. I wouldn't have written it if I didn't think it was correct.

Senator BEGICH. I just wanted to make sure. I appreciate the Chairman's question regarding operational testing, especially on the ground-based, Ground Missile Defense (GMD) System. The rea-

son I wanted to restate that, and again I appreciate the chairman's question because you emphasized the point operational testing is important in order to make any system reliable. In regards to the GMD System, from the information in the discussions that we've had with the Missile Defense Agency the briefings that we have had, based on the budget and what they're proposing in 4 years, the actual live testing will cease, and they will move to simulation as the way they believe, or at least they've stated to us that they will maintain readiness and reliability, but that seems inconsistent with your comments, the two should compliment each other. Can you comment on that?

Dr. GILMORE. I'm not aware of the specifics of this plan they're developing, and I hadn't heard of what you just said, but I would reiterate that modeling and simulation are important as a compliment to actual testing.

In the case of the GMD system, it's clear that modeling and simulation will be needed because live testing isn't going to be able to explore all of the potential modes of operation of the system in the real word. But again, those models and those simulations have to be verified, validated, and accredited by using operational tests that explore as much of that environment as is possible.

Senator BEGICH. I appreciate that because, to be frank with you, I think anyone who comes in front of this committee have brought up the GMD System, and simulation by itself. Modeling you've reconfirmed it is not the only way you do testing or the only way you consider reliability but to compliment each other, and you have emphasized it again.

Let me ask, in your advanced questions you state rigorous testing and robust program flight testing, ground testing should be conducted on the GMD System. How do you describe that, because right now they have planned two missiles, two tests a year, and the question that I have is that enough? If it's enough, is it because we have limitations in the capacity to do the testing beyond two per year, or is the system just designed to do no more than two. That's adequate for testing of this system to ensure it's reliability, and improving its efficiency which I know I was in Fairbanks about 10 days ago or so with Secretary Gates reviewing the GMD, and he made the comment that he believes the system is fairly accurate, but robust testing is necessary. So how do you define robust testing?

Dr. GILMORE. Robust testing is the testing that's needed to provide operators with a high confidence that they understand what the system will do and will not do, and exactly what that means is something that I would expect to be involved in if I'm confirmed in the context of GMD. But there needs to be a sufficient number of tests, open air tests, live tests as well as the use of verified, validated, and accredited models in order to generate high confidence that if you use the system, you understand what it will do. If you rely on it, that's an appropriate thing to do.

Senator BEGICH. If I can just probe a little bit further. You may not be able to answer this right now, and maybe a little more time might give you some thought on it. Is two tests a year, live tests adequate?

Dr. GILMORE. That is obviously something that I would look into.

Senator BEGICH. Okay.

Dr. GILMORE. There would be a total number of tests that are required, accomplished over what ever period of time they can be accomplished over. I think that another ingredient here is what's realistic in terms of accomplishing testing given the problems that they've had, particularly with the targets. But to look at what the total number of tests are that would be required, and to determine what a reasonable schedule is for conducting those tests given the situation that exists with respect to the targets program as well as all the other ingredients that flow into the test program, is something I would obviously be very involved in if I were confirmed.

Senator BEGICH. I appreciate that. Let me ask one more, and I apologize to the other two. Maybe you appreciate that I'm not asking you questions, I don't know.

How will you, if appointed to this position, again OT&E is very important to the systems that we have. How will you deal with the conflicts that might occur when a budget constraint is put on you in regards to testing? From your experience, professionalism, and knowledge of the necessity of testing, live testing is important to ensure the reliability of the systems. How will you deal with that conflict internally?

Dr. GILMORE. I would inform the Under Secretary for Acquisition, the Secretary, and Congress in testimony if it was requested what my view was regarding the adequacy of the test program, and what budget constraints would mean with regard to the adequacy of the test program.

Senator BEGICH. I appreciate that. I know sometimes as a former mayor and executive, we always had folks as we moved up the budgets and got to Home B, Home B was its own world and decided certain things, and then something would pop and operationally sometimes it would not be exactly what the operational people would want. So I appreciate your candor there, and I'm looking forward to your confirmation, but also as we deal with the GMD how do we ensure that we continually have the robust testing and inventory. My concern is that based on the current budget we have been presented, that robust testing will be very limited because of the production line and the budget constraints that are now in place with regards to additional missiles that will be utilized for testing. So I look forward to your candor in that arena in committee or in meetings, and so again thank you for your willingness to answer the questions.

To the other two I have no questions for you, so you are relieved of any list I might have created while I was sitting here thinking, but thank you very much for your testimony. I appreciate your candor.

Chairman LEVIN. Thank you, Senator Begich, and if you have second thoughts about questions for the other two witnesses, you can provide those for the record so you don't leave them out. I know they have a sense of loss of not being asked questions by any of us.

Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman. I express my sentiments as well as my colleagues to these three distinguished Americans who are willing to serve. Certainly I express my thanks to

their families for going along with them and serving, and to Mr. Heddell who is currently in the position as Acting IG.

Are any of you other gentleman familiar with the responsibility, Mr. Lemnios or Dr. Gilmore that you're going into now, or do you have any experience in the position that you're going to right now?

Mr. LEMNIOS. Senator Burris, I certainly don't have any experience in the position. I certainly have had discussions with the former DDR&E, and many technology leaders across the defense science and technology activities.

Senator BURRIS. What have you been doing? Are you still in your current position now, or in are you in limbo now waiting to get confirmed?

Mr. LEMNIOS. Senator, I'm currently the Chief Technology Officer of MIT Lincoln Laboratory. We are a federally funded research and development (R&D) center, and in that role I interact with many universities, including the University of Michigan.

Senator BURRIS. How about the University of Illinois (UofI)?

Mr. LEMNIOS. The UofI. I know UofI very well.

Senator BURRIS. Your colleague to the right has also attended the UofI in Springfield.

How about you, Dr. Gilmore?

Dr. GILMORE. No, I have not served in this position before, but I believe that my previous experience in government and the things that I have done, and my technical training prepares me well for it. Yes, I agree it will be a very challenging position.

Senator BURRIS. Mr. Heddell, you're currently in the position now as Acting IG. So how long have you been in that role, for over a year? You didn't come up for confirmation in the previous administration, or what was the circumstances surrounding that?

Mr. HEDDELL. The previous IG, who was Senate confirmed, left that position unexpectedly. This was on July 13, and I became the Acting IG on July 14 to serve in an interim capacity, and during that process I was asked to consider staying longer in that position.

Senator BURRIS. Mr. Lemnios, could you explain to me in terms of the research and engineering are you overseeing outsourcing contracts with universities and all the research, or do you have a staff that's also doing the research and the engineering over these weapons systems? Just give me a brief explanation of how that works.

Mr. LEMNIOS. Sir, in my current position, or if confirmed?

Senator BURRIS. If confirmed.

Mr. LEMNIOS. Sir, as DDR&E, my critical role would be to work technology strategy across DOD, to identify those key areas where the department needs to strengthen and drive its technology strategies and technology efforts.

Senator BURRIS. Excuse me. You're saying that the various Services have their own research laboratories going with research military personnel, or outside contracting personnel?

Mr. LEMNIOS. I've seen combinations of both. Some examples include the Naval Research Laboratory not too far from here, which include certainly government employees as well as some contractors on site. The Air Force Wright Patterson Laboratory, which again include many government researchers and outside contractors.

Senator BURRIS. So all those people there would report to you, is that correct?

Mr. LEMNIOS. Sir, the laboratories report up through the Service structure, and the DDR&E establishes a technology portfolio across the department in concert with a service executive across the department.

Senator BURRIS. Is there any outside contracting that is done? Do you have to oversee, award any contract for this project, or would the DOD be taking bids on that?

Mr. LEMNIOS. Senator, my understanding is that the DDR&E is a direct source selection authority for those contracts, but there would certainly be activities across the department that rely upon the technical strategies that we put in place.

Senator BURRIS. To your knowledge there are contacts that are awarded, but you would not have jurisdiction or interest over those contracts?

Mr. LEMNIOS. I wouldn't have direct jurisdiction, direct source selection authority.

Senator BURRIS. Same to you, Dr. Gilmore, in terms of tests and evaluation. Do you know whether or not the testing is done primarily with military and staff personnel, or are the weapons systems and all other various devices awarded out for testing to those contract awards?

Dr. GILMORE. Operational testing is done in an operationally realistic environment by government personnel using people who would actually have to use the equipment in the field.

Senator BURRIS. I'm sorry?

Dr. GILMORE. The testing that is done, the operational testing, is done by government personnel using government facilities and using military people, the military people who would actually have to use the equipment in the field. Otherwise, it would not be operationally realistic.

Senator BURRIS. So you're not using outside contracts for operational testing?

Dr. GILMORE. Not for operational testing.

Senator BURRIS. Thank you very much, Mr. Chairman. I appreciate it.

Chairman LEVIN. Thank you very much, Senator Burris.

Just another question or two for you, Mr. Lemnios. First we worked hard to increase the department's participation in the development of new energy technologies as well as making the department an early adopter of new technology such as solar cells, biofuels, and hybrid engines. What is your view of the role that DOD should play in energy research and the adoption of new energy technologies?

Mr. LEMNIOS. Senator, there are broad challenges across the department and elsewhere to quickly draw innovations that are coming out of the private sector and out of the research community into problem sets that the department could quickly adapt. I've seen early examples of this that have worked very well. The Army recently completed with the DDR&E a challenge problem that brought many small businesses together to try to identify new technologies for providing power to the dismounted solider in very small form factor. This would have an enormous impact in the lo-

gistic supply in providing power for soldiers without increased weight. The private sector has a big role in this area, and I think one of the ways that the department can leverage this is to strengthen those interactions with the private sector. Certainly the National Aeronautics and Space Administration Research Laboratories, in particular the laboratory in Cleveland has a strong research base in solar and high performance energy systems. The department should and, in fact does, couple with these other laboratories.

Chairman LEVIN. The DOD labs are precious resources for us. One of those world class labs or facilities is the Tank Automotive Command Research, Development, and Engineering Center (TARDEC) outside of Detroit. The vehicle R&D for military is focused at that facility. It's part of the tank and automotive command Detroit arsenal. I'd like to get you up there to visit, and a good time to do that would be soon after your confirmation. We expect to be breaking ground on the new energy lab that is going to be opening up at TARDEC, but this is where our military vehicles and research are developed. Where energy for them is researched and new energy sources tested, and your reference to working with the private sector—there's a real synergy between the military vehicle research and the research on commercial vehicles in the private sector nearby. The General Motors tech center is nearby. Ford's research facility, Chrysler's research facility, and there's a lot of joint development of technologies going on, not just between TARDEC and those three entities and those three institutions, but also a lot of other places around Michigan and the country that they work with. So, we will be trying after you're confirmed to get you up there for that particular important moment when that energy lab has the ground broken or for some other purpose. I assume that getting back to Michigan would be something you would look forward to.

Mr. LEMNIOS. Sir, I would, and I would also point out that I visited TARDEC about a month ago, we're building a robotics activity through TARDEC as an implementer. I previously stated that, earlier in my career, I had spent a lot of time at the Ford research laboratories in Dearborn. I know that facility very well, so I look forward to that.

Chairman LEVIN. That would be great.

Any other questions we have. Senator Burris all set?

Senator BURRIS. All set.

Chairman LEVIN. Okay. We will excuse you. We thank again you and your families, your support teams for getting you here, supporting you in the future which they will be called upon to do, and we congratulate you. We look forward to a speedy confirmation. Thank you all.

We'll now move to our second panel of nominees. First, Dennis McCarthy retired as Lieutenant General in 2005 after a distinguished career in the Marine Corp Reserves. Since that time he has served as Executive Director of the Reserve Officers Association (ROA) of the United States. If confirmed, General McCarthy will play a leading role in addressing the challenges and stresses facing the National Guard and Reserves at a time when we're rely-

ing heavily on our Reserve elements to support ongoing military operations in Iraq and Afghanistan.

Jamie Morin is a Michigan native who graduated from the University of Detroit (UofD) Jesuit High School before leaving Michigan to attend such lesser institutions as Yale, Georgetown, London School of Economics. It was all downhill from UofD I know. He served since 2003 as a professional staff member on the Senate Budget Committee where he has been the committee's lead analyst for the Defense Intelligence and Foreign Affairs Budgets. We know him best for his role in helping to enforce the budget rules.

When our bill is on the Senate floor, we're not going to hold that against you, I want you to know, Dr. Morin.

Dr. MORIN. Thank you.

Chairman LEVIN. We will miss the patience, and the good humor, and the thoughtfullness that Jamie has always shown in working with us, but we're confident that DOD is going to benefit in equal measure from your service.

Daniel Ginsberg has served as a legislative assistant to Senator Patrick Leahy, as we've heard, since 1999. He has assisted Senator Leahy in his work on the Defense Appropriation Subcommittee, and is co-chair of the Senate National Guard Caucus. Some of us still remember that before joining Senator Leahy, Danny served as a research assistant here in the Senate Armed Services Committee. I believe also that he is a music critic, and I have a hunch that if some of the people whom you've written critical reviews about had a chance to vote on your confirmation that you might not be confirmed.

Mr. GINSBERG. I'm glad some of them don't have a vote, Sir.

Chairman LEVIN. Classical music buff, that is something which is a relevant addition to your vitae I want you to know.

I congratulate all of the witnesses on their nominations. We look forward to your testimony, and when we call upon you you'll be free if you have family members with you to introduce them. Let me start before I call on you for any opening statements to ask you the standard questions which some of you have heard before.

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

General MCCARTHY. Yes.

Dr. MORIN. Yes.

Mr. GINSBERG. Yes.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. MORIN. No.

Mr. GINSBERG. No.

General MCCARTHY. No.

Chairman LEVIN. Will you ensure that your staff complies with deadlines established for requested communications including questions for the record and hearings?

Dr. MORIN. Yes.

Mr. GINSBERG. Yes.

General MCCARTHY. Yes.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Dr. MORIN. Yes.
Mr. GINSBERG. Yes.
General MCCARTHY. Yes.
Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?
Dr. MORIN. Yes.
Mr. GINSBERG. Yes.
General MCCARTHY. Yes.
Chairman LEVIN. Do you agree if confirmed to appear and testify upon request before this committee?
Dr. MORIN. Yes.
Mr. GINSBERG. Yes.
General MCCARTHY. Yes.
Chairman LEVIN. Do you agree to provide documents including copies of electronic forms of communication in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?
Dr. MORIN. Yes.
Mr. GINSBERG. Yes.
General MCCARTHY. Yes.
Chairman LEVIN. Thank you, and I think General McCarthy we're going to start with you.

STATEMENT OF LT. GEN. DENNIS M. MCCARTHY, USMC (RET.), NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS

General MCCARTHY. Thank you, Mr. Chairman. I would say to Senator McCain and to all the members of the committee it goes without saying that I'm honored and humbled to be sitting here this morning. I'm extremely appreciative of the confidence the President has expressed by nominating me to be an Assistant Secretary of Defense for Reserve Affairs, and now to the Secretary of Defense for supporting that nomination.

When I took off my uniform in 2005, I did not expect ever to be in this position again, but I will tell you without hesitation that I'm extremely pleased that I may have another opportunity to serve. It's especially meaningful to me to have that opportunity come in the area of Reserve Affairs. Not only has much of my military service been connected with the Reserve components, but my wife Rosemary and I are the proud parents of two Reserve component families.

Our son Sean is a captain in the Ohio National Guard. He and his wife Theresa and their three children live the life of the citizen warrior in Columbus, OH, where Sean is also an Assistant County Prosecutor.

Our son Michael is a Major in the Marine Corp Reserve. After a number of years on active duty he left to attend law school, and he's now working on Capitol Hill for a year as a legislative fellow, but in short order he and his wife Brittany will be living back in Ohio balancing their time between their commitments to the civilian community and his to the Marine Corps. Having lived that life myself, and watching these two great families live it today is all

the inspiration I will need to focus my energies on the demands and opportunities of this office if I'm confirmed.

I'm very thankful to have Rosemary, Sean, Michael, and Brittany here with me today. Theresa is at home in Columbus doing what the mother of three young children has to do.

As the committee knows very well, the All-Volunteer Force could not have fought the sustained combat of the last 8 years without the augmentation and reinforcement of over 700,000 men and women of the National Guard and Reserve. If the Senate sees fit to confirm me, I'll commit myself entirely to the service of those great men and women, to their families, and their employers, and to all those who will follow them. Again, I thank you and I will do my best to respond to your questions.

Chairman LEVIN. Thank you so much, General. Next I think we'll call on you, Jamie. Dr. Morin.

STATEMENT OF DR. JAMES M. MORIN, NOMINEE TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Dr. MORIN. Thank you, Chairman Levin. I'm delighted to be here before the Armed Services Committee today, and I would ask if I could give you a full statement for the record, and compress it.

Chairman LEVIN. That would be fine, thank you. It will be made part of the record.

Dr. MORIN. Thank you for the opportunity to appear. I'm grateful for the confidence that President Obama has placed in me by nominating me for this position as Assistant Secretary and Chief Financial Officer for the Air Force. It's a real challenge, and it will require the work and support of my family and friends. I'm grateful to have here today my mother, Bridget Morin and my son Liam, and I'm also very grateful for the support and love of my wife Megan who has lived the life of the Senate staff spouse, the sort of unpredictable schedule and challenges that poses, and has balanced that with her own career in public service.

Chairman LEVIN. I tell my wife the spouse life is a glamorous life. She laughs every time I try it.

Dr. MORIN. I haven't had much luck with that either, sir. I also want to thank Senator Conrad for the very generous, overly generous introduction he offered this morning. I can promise the committee that if I am confirmed I will seek to follow his example as a very faithful steward of the taxpayer's resources.

Chairman LEVIN. There is no better example that I know of.

Dr. MORIN. As a participant in a minor level in the defense budgeting process, and as a former scholar of the defense budgeting process, I deeply understand the challenges that DOD faces both in matching resources to the many claimants, and also building financial systems and business systems that adequately take care of the taxpayer's resources.

Senator McCain said this morning, and I'll take this as a charge, that business as usual is not acceptable. I believe that very firmly. The department has a goal of achieving a clean audit opinion by 2017. Even though that is, in many people's estimations and many expert's estimation, perhaps unachievable. It is not satisfactory for the public to have that sort of level of responsiveness. So I will take

this responsibility very seriously if I'm confirmed, and I look forward to a rich dialogue with the committee, this committee that I've had such pleasure working with and have such respect for. Thank you.

[The prepared statement of Dr. Morin follows:]

PREPARED STATEMENT BY DR. JAMIE MORIN

Chairman Levin, Senator McCain, members of the Armed Services Committee—I am delighted to come before the committee today as the President's nominee for Assistant Secretary of the Air Force for Financial Management. Thank you for the opportunity to appear.

I am grateful for the confidence that President Obama has shown in me by nominating me to be the Air Force's Chief Financial Officer, as well as the support of Secretaries Gates and Donley. If your committee and the Senate consent, I would be honored to serve in that position.

I also wanted to thank Senator Conrad for his introduction today. He has been a tremendous mentor. I will always be grateful for his willingness to pluck me from the halls of academia and give me the opportunity to work for the Budget Committee for the last 6 years. I can promise the Armed Services Committee that if confirmed, I will seek to follow Senator Conrad's example as a careful steward of the taxpayer's resources.

I am glad to have family members here to support me today. My 4-year-old son, Liam, is in the audience today, along with my mother Bridget Morin, who was able to come in from Michigan to be here. I appreciate their love and support.

I especially want to thank my wife, Megan, who has put up with the uncertainty and chaotic schedule that comes with a spouse working in the Senate while pursuing her own demanding career in public service.

The responsibilities of the Air Force Comptroller are serious ones. As a former scholar of the defense budget process, I am well aware of the challenges the Comptroller faces in developing the budget during a time when our troops are in harm's way and the Nation faces huge deficits. Like almost all of the Department of Defense, the Air Force has a challenging road ahead, providing Congress and the Nation with a clean accounting for taxpayer funds.

If I am confirmed as Air Force Comptroller, my top priority will be to ensure that our Airmen get the resources they need while also improving the Air Force's financial management to protect the taxpayers hard-earned dollars. Only by improving the transparency and fidelity of the Department's financial processes can we ensure that senior leadership can make the best possible decisions about prioritization among military requirements.

Additionally, if I am confirmed I am committed to working closely with Congress to make sure that our military needs are clearly articulated and that the defense committees have all the information they need to exercise their role in authorizing and appropriating funds for Air Force activities. As someone who studied the role of Congress in the defense budget process as an academic and now a minor participant for the last several years, I have a real appreciation for the role of this committee and Congress as a whole.

In closing, I would like to again thank President Obama, Secretary Gates, and Secretary Donley for selecting me. If confirmed, I will make every effort to live up to the confidence they have placed in me.

Chairman LEVIN. Thank you so much, Dr. Morin.

Mr. Ginsberg.

STATEMENT OF DANIEL B. GINSBERG, NOMINEE TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS

Mr. GINSBERG. Thank you, Mr. Chairman, Ranking Member McCain, and members of the committee. I have a full statement that I would ask to be included in the record.

Chairman LEVIN. It will be.

Mr. GINSBERG. It is a deep honor for me to sit before you as President Obama's nominee to serve as the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. One of my most

significant early work experiences was to serve on the committee staff during the chairmanship of former Senator Sam Nunn, who is one of my great mentors and heroes. I have seen what a critical role the committee plays in caring for our men and women in uniform.

I would like to introduce my lovely wife Jessica Rose, and my wonderful parents Jerry and Mona Ginsberg. I owe them a debt of gratitude I can never repay. I also thank my mother-in-law Marilyn Coleman and my sister-in-law Jennifer Rose for being here.

Thank you, Senator Leahy for that extremely kind introduction. It has been a great privilege to assist you in your work as a tireless champion for Vermont and the men and women of the National Guard. When it comes to Guard issues, Senator Leahy and Senator Bond have been true partners, and I would like to express my gratitude to Senator Bond and his staff, particularly James Pitchford and Mike DeBois for their professionalism, generosity, and friendship.

Recently I was fortunate enough to be able to travel with Senator Leahy to Kuwait, Iraq, and Afghanistan. We saw many incredible airmen and many other servicemembers working long hours in challenging and dangerous conditions. If confirmed, I will work with the Air Force team to insure that the Air Force's policies are worthy of our airmen whether from the Guard, the Reserve, or the Active Force. I thank you for the opportunity to appear before you today, and I look forward to your questions.

[The prepared statement of Mr. Ginsberg follows:]

PREPARED STATEMENT BY DANIEL GINSBERG

Thank you Chairman Levin, Ranking Member McCain, and members of the committee. It is a deep honor for me to sit before you as President Obama's nominee to serve as the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. I am humbled by the opportunity to work with this committee and serve in the civilian leadership of the United States Air Force under the direction of the President, Secretary of Defense Robert Gates, and Air Force Secretary Michael Donley.

One of the most formative experiences of my professional life was to serve on this committee's staff under then-Chairman Sam Nunn. In that time, I saw first-hand Senator Nunn's and the committee's abiding commitment to our soldiers, sailors, marines, and airmen. That dedication translated into far-reaching pay and benefit initiatives that have helped maintain the fundamental strength of the Armed Forces—its people.

Thank you, Senator Leahy, for that extremely kind introduction. It has been a great privilege to assist you in your work as a tireless champion for Vermont and—in your leadership role as the co-chair with Senator Bond of the Senate's National Guard Caucus—a stalwart supporter of the Citizen-Soldiers and Citizen-Airmen of the Guard. It has been a singular and unforgettable experience to be able to play a supporting role in your efforts to help strengthen this critical component of the Total Force.

Senator Leahy and Senator Bond have been partners at every turn, and I would like to express my gratitude to Senator Bond and his staff—particularly James Pitchford and Mike Dubois—for their professionalism, generosity and friendship.

I would also like the committee to know the debt of gratitude that I owe to my lovely wife Jessica Rose, who is with us today. I am grateful that my parents Jerry and Rona have flown up from Atlanta to be here. In my younger years they indulged my utter fascination with military aviation and, later, my desire to work in the defense policy realm. I also thank my mother-in-law Marilyn Coleman and my sister-in-law Jennifer Rose for making the effort to be here.

Over the Memorial Day Congressional Recess, I was fortunate to be able to travel with Senators Leahy, Warner, and Whitehouse to Kuwait, Iraq, Afghanistan and

Pakistan. We saw so many incredible airmen, and all of our uniformed men and women, working long hours in the most challenging conditions to carry out Coalition military operations. The members of the United States Air Force are investing every ounce of their will, their skill, and their energy. For every one of these dedicated professionals, there are loved ones who are waiting and sacrificing at home.

This committee knows, and I assure you that I know, that the Air Force's unequaled and indispensable asset is its people. If confirmed as the Assistant Secretary of the Air Force for Manpower and Reserve Affairs, I will work with the entire Air Force team to help ensure that policies and practices of the Air Force are worthy of our airmen's efforts. I will also remain committed to the ability of the National Guard and the Air Reserves to bring their specialized capabilities to bear in any situation.

I look forward to working with this committee, which has helped shape the Department of Defense into the world's premiere defense organization. I thank you for the opportunity to appear before you today and look forward to having the chance to serve with and for the proud men and women of the United States Air Force.

Chairman LEVIN. Thank you so much. We'll try 8 minute rounds for questioning.

First, General McCarthy, let me ask you about the recommendations of the commission on the National Guard and Reserves. They determined that Reserve component personnel are called upon to serve in 29 different duty statuses, which are confusing and frustrating to Reserve component personnel and to their commanders. The commission recommended a reduction of the number of duty statuses from the current 29 to 2. Do you have an assessment of that recommendation?

General MCCARTHY. Yes, sir, I do. I concur entirely with the recommendation that 29 is way too many. I'm not quite sure I would go down to two, but I believe that the number of duty status or pay statuses can be very sharply reduced, and I know the Department is working on that right now, and I'll continue to support those efforts.

Chairman LEVIN. The commission also made a number of recommendations to improve the healthcare benefits available to Reserve component members and their families in order to recognize its importance as an element of an enhanced compact with employers of Reserve component members. Can you give us your thoughts about that proposal to improve the healthcare benefits for National Guard and Reserve personnel and their families?

General MCCARTHY. Again, Senator, I think that is a very supportable recommendation primarily because we need to enhance the continuity of medical care so that families when the servicemember moves on and off of active duty don't have a break from the healthcare providers, and I believe we can do that. I think steps have already been made. I think there are further steps that can be made, and I look forward to working on that.

Chairman LEVIN. General, you've served with distinction as the Executive Director of the ROA for the past few years. Now you're going to, when confirmed, owe your dedication to the DOD and to the taxpayers and that may put you in an unusual situation where you might have to instead of advocating for the ROA. You may need to be actually declining to support a recommendation of theirs or other organizations that represent the Guard and Reserve. Are you going to have difficulty doing that? Are you up to it?

General MCCARTHY. Sir, I'm up to it. I think people who know me know I'm a person who speaks and acts his mind. In this office,

my mind will be that of the Secretary, the administration, and DOD.

Chairman LEVIN. Thank you. Now, Dr. Morin, you're going to be in a position where we're going to have some extraordinarily difficult budget decisions to make. You're used to that, so you're probably a perfect fit for where you're going. The Government Accountability Office (GAO) reported earlier this year that cost overruns on the Department's 97 largest acquisition programs alone total almost $300 billion over the original program estimates, and Air Force programs account for a significant share of those overruns. What steps can you envision to deal with this kind of problem?

Dr. MORIN. Well, Senator, I think there's a couple sets of steps that you can take. One, if I'm confirmed, would be in dealing with the programs that currently exist. The second would be in dealing with the new programs that are developing and being base-lined. On the first category the challenge, as I understand it, a Comptroller faces in dealing with acquisition programs is first and foremost providing stability to those programs in the face of all of the unending pressures for late breaking changes in order to yield savings for what end up being more urgent priorities, and that's a managerial challenge. I do know that Secretary Donley and General Schwartz have been very articulate in their focus on restoring acquisition excellence in the Air Force, and that they have made clear in the conversations that I've had with them, frankly both in my current job and as I've talked to them about potentially coming onboard at the Air Force, that they want to do better. So my job would be to support the Air Force corporate process and that budget decisionmaking to provide the maximum stability. The second set is going forward as new programs are developed, baselined, and the cost estimating role, which this committee made a big focus on in the Weapons System Acquisition Reform Bill, is part of the financial management function. I would intend, if confirmed, to place significant importance and significant focus on building the skills of the Air Force cost estimation team. The Acquisition Workforce Development Fund is already, as I understand it, paying significant dividends in terms of better training and expanding the size of that workforce. But also, empowering those cost estimators, encouraging the best possible communication between the Air Force cost estimators and the Office of the Secretary of Defense (OSD), because I think that dialogue is critical, getting those multiple views, and the independence that this committee places so much importance on. So I would work to facilitate that process if I was confirmed and empower the people there.

Chairman LEVIN. A major headache is the one that you just addressed which we seek to address in that reform legislation that was just passed and signed, is the financial management problems, the effort to obtain a clean financial statement. Any thoughts on how you're going to tackle that issue? You make reference to it, I think in terms of what the goal is to achieve it, but any thoughts on how to move towards that goal?

Dr. MORIN. Yes, sir. Let me start by saying I take the GAO's reports and recommendation on this very seriously. I found their work to be excellent in my time on Capitol Hill. I would work closely with them and pay very careful heed to their analysis and their

high risk series. My understanding is that Secretary Hale is making a complete review of the Financial Improvement and Audit Readiness (FIAR) Plan, the FIAR plan, and that he is looking at making some changes in the strategy underlying that plan in order to create stronger incentives by focusing the audit deliverables on products which will most improve the overall immediate financial management of the Department. So not just working our way one by one through line items or elements of the financial statements, but picking the highest impact ones that will most improve the day-to-day financial management. I think that's great from an incentive perspective because that gives the senior leadership of the department immediate practical deliverables that help them do their job, and audit readiness is the law. We're behind schedule, but having those day-to-day managerial incentives I think will help it to rise higher and higher on the Department priority list.

Chairman LEVIN. Thank you.

Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman. To our distinguished panel I also extend to you my congratulations for your willingness to continue in government service and to your families I also extend my thanks and the American people are grateful for your service. General McCarthy, I think I have one of your reservists that just joined my staff, a young man by the name of James Freeman, and he wanted to make sure that I stood here and gave you a tough time. I don't think I'll do that.

General MCCARTHY. Thank you, sir.

Senator BURRIS. But we're very fond of the young man, and he speaks very highly of you. To the whole panel, I would just like to know for my own information we're now in the month of June, when did you get the nomination from the President? Could you each tell me what date you were nominated, and how long the process has been for you to get to this point?

General MCCARTHY. Senator, although there were a number of discussions, I believe my nomination was actually made on the first of June.

Senator BURRIS. The first of June, okay.

How about you, Dr. Morin?

Dr. MORIN. Senator, as I recall it was May 11. I couldn't swear to that.

Senator BURRIS. Okay, and you, Mr. Ginsberg?

Mr. GINSBERG. I can't swear to the date either, Senator, but it was a similar time to General McCarthy, a few weeks ago.

Senator BURRIS. How has the process been? Have you all completed all your documentation, and how many forms have you filled out, do you want to answer that?

General MCCARTHY. Speaking for myself, it's a lot of forms, and whether they've all been filled out properly remains to be seen.

Chairman LEVIN. There's a real test for Dr. Morin, by the way, as the Comptroller. Do you know precisely how many forms you filed out?

Dr. MORIN. Senator, at the Budget Committee we historically round to the nearest tenth of a billion, so I can tell you it was zero-tenths of a billion.

Senator BURRIS. To Dr. Morin, my understanding of the Comptroller is limited, you have to give me some background. I read your response to the questionnaires in terms of financial management and comptroller for the Air Force, would you also be putting together the budgeting process for that, or would you just be overseeing the spending process?

Dr. MORIN. The Assistant Secretary for Financial Management has responsibility over both. The responsibility in the budget formulation process is as the principal staff assistant to the secretary in the budget formation. The day-to-day budget formation and development process is the responsibility of one of the three Deputy Assistant Secretaries that works for the Assistant Secretary for Financial Management, and that's traditionally a military officer serving in a civilian secretariat job, so that would be one of the direct reports to my office if I was confirmed.

Senator BURRIS. Do you have an understanding of how this would work? Will you actually be preparing any of the financial records and looking at the financial statements for the Air Force in conjunction to preparing documents that would be audited by GAO, or how do you perceive that as working?

Dr. MORIN. Yes, sir. I would sign the financial statements. Another one of the three Deputy Assistant Secretaries under the financial management functional organization is the financial operations, and that is a large group of people that handles the actual accounting which is also decentralized among many units. Ultimately, the responsibility both for setting the policies and for asserting the validity of what we put on paper would fall to me if I was confirmed.

Senator BURRIS. As a freshman Senator, I'm trying to get my arms around how that financial system works because I'm a former State Comptroller.

Dr. MORIN. Yes, sir.

Senator BURRIS. Many years ago, when I was president of the National Association of State Auditors, Controllers and Treasurers we were definitely concerned not only about our states, but our Federal Government was making financial expenditures and oversight of financial expenditures, and we came up with a concept that the current auditor general for GAO, I'm sorry, current comptroller for GAO would become what we call an auditor general, and then we would have a comptroller general that would oversee all the department's financial records and statements. We compromised with them and a comptroller would be put in the Office of Management and Budget (OMB) and another comptroller then placed in the bigger agencies. Do you know in DOD I would assume there is a comptroller for the whole department, is that correct?

Dr. MORIN. Yes, sir. There's the Under Secretary of Defense Comptroller, the Honorable Robert Hale——

Senator BURRIS. Okay.

Dr. MORIN.—confirmed by this committee a few months ago, he is the Comptroller and Chief Financial Officer of DOD. He sets the broad policies for the department, and then each of the individual Military Services has an assistant secretary for financial management who serves as the Comptroller for that department.

Senator BURRIS. Do you report in to him? Do you create statements to turn into the combined statement reporting for DOD?

Dr. MORIN. Yes in an ultimate sense. DOD, the OSD rolls up the Service reports, and rolls up the reports from the independent defense agencies and some of the other activities, TRICARE, many other agencies all have their own individual financial statements, and those are rolled up into the OSD level reports, but both the Services and the OSD submit their reports individually to OMB and to Congress.

Senator BURRIS. So your statements go in separately, individually you said?

Dr. MORIN. They go in both individually and as part of the combined product.

Senator BURRIS. Okay. Do you know whether any of those statements, and maybe this is a bad word in the Federal Government, but in State government it has to be in accordance with generally accepted accounting principles. Do you all use the Governmental Audit Principles (GAP) standard here?

Dr. MORIN. OMB circular A123 sets GAP, and the principles are not exactly the same.

Senator BURRIS. Not auditing standards, financial.

Dr. MORIN. Yes, and we do not apply precisely the generally accepted accounting principles of the private sector, but there is a parallel generally accepted governmental accounting principles.

Senator BURRIS. What you want to do and when you want to do it.

Dr. MORIN. Well, the Comptroller General at GAO has a great deal of influence in setting those standards, and standards are set by OMB for the executive agencies. The details of how much flexibility there are in those standards I can't comment on yet. I just don't know.

Senator BURRIS. My time is up. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Burris.

Mr. Ginsberg just a few questions for you. Two of the issues that you're going to be faced with immediately are the problems of sexual assaults of servicemembers. It's a huge issue. It continues to be a huge issue. Rather than to press you now for your assessment of the problem, I would just ask that you make a commitment to address this issue as one of your first orders of business.

Mr. GINSBERG. Absolutely, Senator. My understanding is that Air Force does take this issue very seriously.

Chairman LEVIN. They do.

Mr. GINSBERG. Yes.

Chairman LEVIN. It's essential that they do so. Second is suicide prevention. We have a growing number of suicides in all of the Services including the Air Force. Suicides in the Active Duty Air Force, Air National Guard, Air Force Reserve increased from 37 to 44 from 2007 to 2008, and I would make the same request, the same point relative to suicides.

Mr. GINSBERG. Absolutely, Senator. Again a very serious issue.

Chairman LEVIN. In your response to advance policy questions, Mr. Ginsberg, you indicated that the most critical shortcoming in the Air Force is wounded warrior care and retaining wounded air-

men on active duty who want to remain on active duty to ensure that they can continue to be productive members of the Air Force.

Do you have any thoughts as to how you're going to address that?

Mr. GINSBERG. Senator, my understanding is the Air Force has a very deep commitment of taking care of its wounded warriors. They have a very good program that matches wounded warriors with oversight personnel. In terms of how to keep them engaged, keep them in the Service if that's what they desire, it's a matter of close attention. Again, making sure that there are personnel who are assigned to oversee their recovery so that they can fulfill their full potential given their state and given their health condition. Again, I think it's a matter of assigning personnel, assigning manpower, assigning people to be involved. One of the things I'd love to do is look at whether there are any policies that are needed, whether there are so many cases across the Services that there might be some kind of regulation or guidance that needs to be issued. I would, of course, do that working, if confirmed, with the entire Air Force team and with the Secretary, of course.

Chairman LEVIN. When Senator Burris asked you when your nominations came here, I think he was perhaps surprised, and perhaps some members of our audience were surprised by the speed with which we've handled your nominations. He did not ask you how long it took to get your nominations, which would probably be an embarrassing question for you to answer because that takes often an unseemly length of time, but we're very proud of the speed with which we handle nominations, yours being good examples of it. That's tremendous staff work that takes on the part of our staff. Both the majority and Republican staff do a phenomenal job with nominations, and we don't often have an opportunity to express appreciation publically for them to them for that service, but since Senator Burris asked the question, that triggered that possibility.

We are again grateful to you for your service in the past, for your service in the future. We're going to move these nominations, all six of them as quickly as we can. That depends on our being able to get together a quorum, and that usually takes a little while to put that in place, and then for the Senate to act which usually can be done fairly quickly. So it is surely hopeful that these nominations will be acted upon by the Senate within the matter of a week or two.

We thank your families for their support, and particularly want to single out your son, Dr. Morin, Liam. I understand he is 4 years old, is that correct? He has just been absolutely superb.

Dr. MORIN. Thank you, Senator.

Chairman LEVIN. I have a grandson who is a little older than that, and I'm sure when my grandson was four, he would have done an equally superlative job of looking interested in what his father had to say, and at being extraordinarily patient with this process. His grandmother, who I think is smiling absolutely mightily here, my wife is a grandmother as well, and I can just imagine her sitting there with her grandson, our grandson, during this process how proud she must be of you and him.

Do you have other children may I ask?

Dr. MORIN. Liam is my only.

Chairman LEVIN. Liam is your only.

Dr. MORIN. He has the blessing of being the first grandchild on both sides of the family.

Chairman LEVIN. I can see the look in the grandma's eyes how proud she is of both of you.

Thank you all. Thank your families. We'll stand adjourned.

[Whereupon, at 11:14 a.m., the committee adjourned.]

[Prepared questions submitted to Gordon S. Heddell by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Based on your experience as the acting Inspector General (IG) for the Department of Defense (DOD), do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. At this time, I do not know of the need for any modifications to the Goldwater-Nichols Act. It has led to enhanced jointness, increased readiness, and created a higher standard of warfighting efficiency. However, if confirmed I will notify Congress if the Office of Inspector General identifies the need for modifications to the act.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Please see response above.

QUALIFICATIONS

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

What background and experience do you possess that you believe qualifies you to perform the duties of the DOD IG, particularly in the area of oversight, audit and investigation?

Answer. I have 8 years of experience as an IG and was responsible for the conduct of audits and investigations related to matters at the Department of Labor. I have extensive experience as an investigator with the United States Secret Service. Additionally, I have been serving as the acting IG for DOD since July 2008 and am responsible for the conduct of audits, evaluations, and investigations related to matters at the DOD.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. I believe that learning is a life long and continuing process. I learned a great deal during my tenure as Inspector General at the Department Labor. I will take those 8 years of experience and build upon them as the IG of DOD, if confirmed.

Question. Based on your background and experience, are there any changes that you would recommend with respect to the current organization or responsibilities of the DOD IG?

Answer. Since arriving at the DOD IG in July 2008, I've recognized the need to make certain adjustments to the organization as well as a need for additional resources. Those include an establishment of an Office of Professional Responsibility, a Deputy IG for Administrative Investigations, and the Ombudsman. If confirmed, I will continue to assess the current organizational alignment and will make further changes, as needed.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of Defense.

Answer. Section 8(c) of the IG Act of 1978, as amended (the IG Act) states that the IG shall "be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department . . ."

If confirmed, I will continue to consult directly with the Secretary of Defense as necessary and appropriate, especially with respect to matters governed by section 8(b)(1) of the IG Act. I will seek to maintain a strong and effective relationship with the Secretary that enables me to carry out my statutory duties with the independence required under the IG Act, while enabling the Secretary to exercise his statutory supervisory authority.

Question. The Deputy Secretary of Defense.

Answer. Section 3(a) of the IG Act states that "each IG shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head." DOD Directive 5106.01, dated April 13, 2006, states that "the IG of the DOD shall report to and be under the general supervision of the Secretary of Defense and the Deputy Secretary of Defense. . ." Accordingly, if confirmed, my relationship with the Deputy Secretary of Defense will be similar to my relationship with the Secretary of Defense.

Question. The Under Secretary of Defense (Comptroller/Chief Financial Officer) (USD(C/CFO)).

Answer. If confirmed, I will continue to work with the USD(C/CFO) to formulate the IG's portion of the annual President's budget for submission to Office of the Secretary of Defense (OSD) and Office of Management and Budget (OMB), as well as request required resources to conduct the IG's mission. I will work with the USD(C/CFO) on areas of concern within the financial management arena which the IG has identified as a major management challenge for the Department. I will conduct and supervise audits and investigations relating to the programs and operations of the establishment in order to promote economy, efficiency, and effectiveness.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).

Answer. The office of the DOD IG has also identified acquisition processes and contract management as a major management challenge for DOD. It is therefore essential for the IG to maintain an effective working relationship with the USD(AT&L). If confirmed, I anticipate working closely with the Under Secretary concerning the allocation of IG resources in the acquisition area, and how best to implement audit recommendations pertaining to acquisition processes. As IG, I would also recommend policies, in coordination with the USD(AT&L) and the USD(Comptroller), to ensure that audit oversight of contractor activities and financial management are coordinated and carried out in an efficient manner to prevent duplication.

Question. The Assistant Secretaries of Defense.

Answer. We have and will continue to work with the various Assistant Secretaries of Defense in managing challenges faced by the Department, as outlined in our Semiannual Report to Congress. For example, recent interactions have involved the Assistant Secretary of Defense (Health Affairs) pertaining to our work on TRICARE fraud.

Question. The General Counsel of DOD.

Answer. If confirmed, I will continue to work with the General Counsel of DOD who serves as the Chief Legal Officer of DOD.

Effective September 23, 2008, an Office of General Counsel within the Office of Inspector General was established outside of the authority, direction and control of the General Counsel of DOD. The establishment of this independent Office of Counsel ensures that the IG receives independent legal advice and is in accordance with the provisions of the National Defense Authorization Act of 2009 and the IG Reform Act of 2008.

Question. The Director of Operational Test and Evaluation (DOT&E).

Answer. The IG and the DOT&E have a common interest in ensuring that equipment and weapons systems allocated to the warfighter perform effectively and as planned. If confirmed, I would expect to consult as appropriate with the Director concerning the initiation of oversight efforts in these areas.

Question. The Director of Cost Assessment and Program Evaluation.

Answer. The IG and the Director of Cost Assessment and Program Evaluation will have a common interest in ensuring that acquisitions made by the Department un-

dergo cost assessments and program evaluations. I will seek to establish a cooperative working relationship with this new office.

Question. The IGs of the Military Departments, Defense Agencies, and the Joint Staff.

Answer. Section 8(c)(2) of the IG Act states that the IG of DOD "shall . . . initiate, conduct, and supervise such audits and investigations in the DOD (including the military departments) as the IG considers appropriate. . ." Section 8(c)(9) adds that the IG "shall . . . give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and ensuring effective coordination and cooperation. . ."

If confirmed, I will ensure that the DOD IG continues to coordinate and avoid duplicative efforts. The DOD oversight community uses internal coordination mechanisms to deconflict potential duplicative efforts. In addition, DOD directives govern certain programs in which the IGs of the military departments participate.

Question. The IGs of subordinate commands.

Answer. My relationship with the IGs of subordinate commands will be based on the IG role described above in part I. If confirmed, I will work closely with the other DOD IGs to carry out applicable policies and guidance; avoid duplication, overlapping, and gaps; and work to build a strong team.

Question. The Criminal Investigative Services of the Military Departments.

Answer. Under the IG Act, the IG has the authority to initiate, conduct, and supervise criminal investigations relating to any and all programs and operations of the DOD. In addition, the IG is statutorily authorized to develop policy, monitor and evaluate program performance, and provide guidance regarding all criminal investigative programs within the Department. The DOD IG works frequently in close coordination with the Military Criminal Investigative Organizations (MCIOs) on joint investigations.

If confirmed, I will continue to work closely with each of the MCIOs to ensure that investigative resources are used effectively.

Question. The Audit Agencies of the Military Departments

Answer. Section 4(a) of the IG Act establishes broad jurisdiction for the IG to conduct audits and investigations within DOD, and section 8(c)(2) states that the IG "shall . . . initiate, conduct, and supervise such audits and investigations in the DOD (including the military departments) as the IG considers appropriate."

If confirmed, I will continue to work with the audit agencies of the military departments.

Question. The Defense Contract Audit Agency (DCAA).

Answer. If confirmed, I will continue to work with DCAA, as prescribed in the IG Act. Although DCAA reports to the Under Secretary of Defense (Comptroller), it operates under audit policies established by the IG.

Question. The Defense Acquisition Regulatory Council.

Answer. The DOD IG regularly provides comments to the Defense Acquisition Regulatory Council on proposed changes to the Defense Federal Acquisition System and also recommends changes as a result of DOD IG work.

If confirmed, I would expect to continue these practices.

Question. The Director of Defense Procurement and Acquisition Policy.

Answer. The Director of Defense Procurement and Acquisition Policy is responsible for oversight of a large segment of the Defense Department's acquisition and contracting operations and, accordingly, is a major recipient of reports provided by the IG. If confirmed, I would expect to continue the current practice of working with the Director.

Question. The Comptroller General and the Government Accountability Office (GAO).

Answer. The DOD IG works very closely with the Comptroller General and the GAO to coordinate planned and ongoing audits and inspections to avoid any duplication of efforts. The DOD IG GAO liaison office serves as the central liaison between GAO and DOD management during GAO reviews of DOD programs and activities.

If confirmed, I would work to maintain these cooperative relationship with the Comptroller General and GAO.

Question. The Special IG for Iraq Reconstruction (SIGIR).

Answer. The DOD IG has supported the operations of the SIGIR and its predecessor, the Coalition Provisional Authority IG. In accordance with the IG Act and Public Law 108–106, title 3, section 3001(f)(4), the DOD IG coordinates activities with the SIGIR as well as other oversight community members, to avoid duplicating oversight efforts and to minimize disruption to military operations. The DOD IG scope of oversight authority encompasses all DOD funded operations and activities in Iraq and elsewhere. The SIGIR focuses his oversight effort only on funds designated for Iraq reconstruction. If confirmed, and in keeping with the IG Act, I will

work to ensure that the DOD IG collaborates effectively with the SIGIR to ensure that we protect the public expenditures in Iraq for which we have oversight.

Question. The Special Inspector General for Afghanistan Reconstruction (SIGAR).

Answer. The DOD IG scope of oversight authority encompasses all DOD funded operations and activities in Afghanistan and elsewhere. The SIGAR focuses his oversight effort only on funds designated for Afghanistan reconstruction. If confirmed, and in keeping with the IG Act, I will continue to ensure that the DOD IG collaborates effectively with the SIGAR to ensure that we protect the public expenditures in Afghanistan for which we have oversight.

Question. The Commission on Wartime Contracting in Iraq and Afghanistan.

Answer. Since its inception, we have worked with the Commission in support of its mission. We have briefed the Commission and its staff and, recently, the Principal Deputy IG testified at the initial hearing held by the Commission. We are providing the Commission copies of reports that address contracting issues in Southwest Asia. We plan to initiate a review of construction of the new Kabul compound in response to a recent Commission request.

Question. The President's Council on Integrity and Efficiency (PCIE).

Answer. On October 14, 2008, the President signed Public Law 110–409, which established the Council of Inspectors General on Integrity and Efficiency (CIGIE), replacing the PCIE. In my role as Acting IG, I am a member of the Executive Council, serve as the chair of the IT committee, and am a member of the Audit Committee. If confirmed, I plan to continue to be a very active participant in the CIGIE

Question. The Defense Council on Integrity and Efficiency (DCIE).

Answer. Sections 2 and 3 of the DCIE Charter state that, in accordance with section 2(2) of the IG Act, the DOD IG, who is the DCIE Chairman, is responsible to provide "leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in such programs and operations." If confirmed, I would organize meetings with the established members of the DCIE to discuss issues of common interest and reinforce close working relationships within the DOD oversight community.

Question. The OMB.

Answer. If confirmed, I will work with the Deputy Director for Management of the OMB, who is the Chairperson of the CIGIE.

MAJOR CHALLENGES, PROBLEMS AND PRIORITIES

Question. In your view, what are the major challenges and problems facing the next DOD IG?

Answer. We have challenges related to both our workforce and the complexity of our work. Among the human capital challenges are the retirement of experienced senior leadership and developing succession planning and retention within a highly competitive environment for the audit professionals. Further challenges are identified in our Semiannual Report to Congress and some of those challenges involve conducting audits and investigations in a combat environment as well as oversight involving highly technical subjects, such as weapons acquisitions and cyber security.

Question. If you are confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed, I will continue to focus on the IG strategic human capital plan which among other goals, addresses succession planning and leadership development. I will focus audit, investigative, and inspection efforts on the challenges identified in the Semiannual Report, recognizing the complexity of some of those challenges. I will also work with senior DOD officials and Congress to identify emerging issues that the Department faces.

Question. If you are confirmed, what broad priorities would you establish in terms of issues which must be addressed by the DOD IG?

Answer. Promoting efficiency and preventing fraud in defense acquisitions is obviously a high priority—as well as effective support for the men and women of our armed services and the operations in Iraq and Afghanistan. I will also ensure that the IG pursues aggressive oversight of contracting issues. If confirmed, I look forward to consulting with senior officials of the DOD and with Congress, in establishing broad priorities.

Question. If you are confirmed, what changes, if any, would you expect to make in the organization, structure, and staffing of the Office of IG?

Answer. Since arriving at the DOD IG in July 2008, I've recognized the need to make certain adjustments to the organization as well as a need for additional resources. Those include an establishment of an Office of Professional Responsibility, a Deputy IG for Administrative Investigations, and an Ombudsman.

Question. If confirmed, I will continue to assess the current organizational alignment and will make further changes, as needed.

DUTIES

Question. What is your understanding of the duties and functions of the DOD IG?

Answer. The duties and functions of the DOD IG are those specified in sections 3, 4, and 8 of the IG Act. Additional duties and responsibilities of the IG are specified in DOD Directive No. 5106.01, which was signed by the Deputy Secretary of Defense on April 13, 2006.

By statute, the IG conducts and supervises audits and investigations relating to the programs and operations of DOD. The IG also provides leadership and coordination, and recommends policy, for activities designed to: (1) promote economy, efficiency, and effectiveness in the administration of DOD programs and operations; and (2) combat fraud, waste, and abuse. In addition, the IG is responsible for keeping both the Secretary of Defense and Congress fully and currently informed about problems and deficiencies in defense programs, the need for corrective action, and the status of such action.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. The Secretary of Defense has prescribed the duties and functions of the IG in two DOD publications: DOD Directive 5100.1, "Functions of the Department of Defense and Its Major Components," and DOD Directive 5106.01, "Inspector General of the Department of Defense." These publications delineate that the IG DOD provides staff assistance and advice in accordance with the responsibilities specified in the IG Act. Significantly, these publications reinforce that the IG remains an independent and objective unit within DOD. If confirmed, I will consult directly with the Secretary to identify specific areas of concern and emphasis.

Question. Section 2 of the IG Act of 1978 states that its purpose is to create independent and objective units to conduct and supervise audits and investigations; to provide leadership and coordination and recommend policies designed to promote economy, efficiency, and effectiveness; to prevent and detect fraud and abuse; and to provide a means for keeping Congress and agency heads fully and currently informed about problems and deficiencies relating to the administration of programs and operations and the necessity for and progress of corrective action.

Question. Are you committed to maintaining the independence of the DOD IG, as set forth in the IG statute?

Answer. If confirmed, I will maintain the independence of the IG consistent with the provisions of the IG Act.

Question. Are you committed to keeping the Committee on Armed Services "fully and currently informed," and, if so, what steps will you take, if confirmed, to ensure that this responsibility is carried out?

Answer. Yes. If confirmed, in accordance with section 2(3) of the IG Act, I will remain committed to keeping the Committee on Armed Services "fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action." I will do so through the dissemination of IG products such as the Semiannual Report to Congress and audit reports. In addition, I will provide briefings for Members and staff, and testimony at hearings, when requested, with the intent of maintaining a close relationship.

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

Question. What is your understanding of the supervisory authority of the Secretary of Defense over the DOD IG with respect to audits and investigations, in view of the independence provided by sections 2 and 3?

Answer. Section 2 of the IG Act creates independent and objective units . . . to provide a means for keeping the head of the establishment and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

Section 3 states that each IG shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, to the office next in rank below such head, but shall not report, or be subject to supervision by, any other officer of such establishment. Moreover, neither the head of the establishment nor the office next in rank shall prevent or prohibit the

IG from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

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

Answer. If the action was taken outside the authority of the Secretary of Defense in section 8 of the IG Act, I would notify the Secretary and request his assistance in ensuring compliance with the IG Act by the senior official involved. Failure to resolve the issue, would, in my view, constitute a "particularly serious or flagrant problem, abuse, or deficiency" under section 5(d) of the IG Act. Under this section, the IG is required to report the matter to the head of the establishment, who is then required to transmit the IG's report to Congress within 7 days.

Question. Section 8 of the IG Act of 1978 states that the DOD IG shall be under the authority, direction, and control of the Secretary of Defense with respect to certain audits or investigations which require access to information concerning sensitive operational plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of DOD related to national security, or other matters, the disclosure of which, would constitute a serious threat to national security. What is your understanding of the procedures in place to effect the authority and control of the Secretary of Defense over matters delineated in section 8 of the act?

Answer. To my knowledge the procedure in place is to follow the IG Act. Under 8(b)(1) or 8(b)(2) of the IG Act, the Secretary has the "authority to stop any investigation, audit, or issuance of subpoenas, if the Secretary determines that such a prohibition is necessary to preserve the national security interests of the United States." I am informed that this provision has never been exercised. However, in the event that the Secretary exercises this authority, I would submit an appropriate statement within 30 days to this committee and other appropriate committees of Congress, as required under section 8(b)(3).

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

Answer. It is my understanding that the practice of the DOD IG with respect to the initiation and conduct of audits and investigations covered by section 8 is the same as for other audits and investigations.

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

Answer. None to my knowledge.

Question. Sections 4 and 8 of the IG Act of 1978 set forth various duties and responsibilities of IGs beyond the conduct of audits and investigations.

What is your understanding of the supervisory authority exercised by the Secretary of Defense with regard to these issues?

Answer. Beyond the conduct of audits and investigations, section 4 of the IG Act directs the IG to "review existing and proposed legislation and regulations" and make related recommendations in semiannual reports; recommend policies to promote economy and efficiency in the administration of Department programs and operations, and to prevent and detect fraud and abuse; keep the Secretary of Defense and Congress fully and currently informed about fraud and other serious problems, abuses, and deficiencies; recommend corrective actions for such problems, abuses, and deficiencies; and report on the progress made in implementing such corrective actions. Section 8(c)(1) adds that the IG shall "be the principal advisor to the Secretary of Defense for matters relating to the preventing and detection of fraud, waste, and abuse in the programs and operations of the Department." The duties and responsibilities specified in sections 4 and 8 come within the general supervisory authority of the Secretary of Defense established under section 3(a).

INDEPENDENCE

Question. The DOD IG must ensure that the independence of the Office of the IG is maintained, that investigations are unbiased, particularly those involving senior military and civilian officials, and promptly and thoroughly completed, and that the highest standards of ethical conduct are maintained.

Under what circumstances, if any, do you believe it would be appropriate for the DOD IG to consult with officials in the OSD (or other DOD officials outside the Office of the IG) before issuing a report, regarding the findings and recommendations in the report?

Answer. In regards to audits and inspections, it is the current practice for the IG to offer officials in the OSD, or other DOD officials, an opportunity to comment be-

fore issuing a report to ensure that the information in the report is factually accurate and to resolve or acknowledge disagreements on conclusions, findings, and recommendations. However, for criminal investigations, it is not appropriate to discuss the results of ongoing investigations.

Question. To the extent that you believe such consultation is appropriate, what steps, if any, do you believe the IG should take to keep a record of the consultation and record the results in the text of the report?

Answer. I believe it is necessary to consult with all parties to gather the facts to develop findings and recommendations. The facts that are relevant should be included in the text of the report, and that a written record of all interviews and consultations are maintained in the working papers. The procedures are in place to redact certain information from reports in the appropriate circumstances.

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

Answer. Under section 8 of the IG Act, the Secretary of Defense has the authority to prohibit the IG from initiating, carrying out, or completing any audit or investigation. That authority may be exercised when the audit or investigation requires access to information concerning: sensitive operational plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of DOD related to national security, or other matters the disclosure of which would constitute a serious threat to national security. As noted previously, the Secretary of Defense has never exercised his authority under section 8.

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

Answer. No one has the authority to ask the DOD IG not to issue a report on a particular matter unless it is the Secretary of Defense, under the provisions delineated in section 8.

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

Answer. In the course of conducting audits and inspections, the IG practice is to offer officials in the OSD, or other DOD officials, an opportunity to comment before issuing a report to ensure that the information in the report is factually accurate and to resolve or acknowledge disagreements on conclusions, findings, and recommendations. Additionally, in cases where an administrative investigation substantiates allegations involving a senior DOD official, the senior official is given an opportunity to comment on findings and conclusions as part of fairness and due process. Those comments may request that we alter our findings and are considered before we issue a final report. However, for criminal investigations, it is not appropriate to discuss the results of ongoing investigations. The final decision on the content of reports rests with the IG.

Question. If confirmed, how would you react to a request, which you believed to be inappropriate, to not investigate a particular matter, not issue a report on a particular matter, or alter findings, recommendations, or other pertinent material in a report on a particular matter?

Answer. With respect to the initiation or completion of an audit or investigation, if the request was inappropriate and made outside the authority of the Secretary of Defense in section 8 of the IG Act, I would reject the proposal. If and when necessary, I would notify the Secretary and request his assistance in ensuring compliance with the IG Act by the senior official involved.

Failure to resolve the issue, would, in my view, constitute a "particularly serious or flagrant problem, abuse or deficiency" under section 5(d) of the IG Act. Under this section, the IG is required to report the matter to the head of the establishment, who is then required to transmit the IG's report to Congress.

CONGRESSIONAL REQUESTS

Question. The Office of IG frequently receives requests from congressional committees and Members of Congress for audits and investigation of matters of public interest.

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

Answer. The DOD IG receives many requests from congressional committees and Members of Congress for oversight reviews, but adheres to the same principles of independence in responding to those requests.

Question. If confirmed, will you ensure that the Office of IG continues to respond to congressional requests for audits or investigations in a manner consistent with past practice?

Answer. Yes.

Question. Under what circumstances, if any, do you believe it would be appropriate for the Office of the IG to redact the contents of any information contained in a report it provides to Congress?

Answer. Consistent with the Freedom of Information Act and Privacy Act, it is the practice of the DOD IG to provide unredacted copies of reports to oversight committees of Congress. Additional releases, including those to the public, are redacted in accordance with applicable laws.

Question. In recent years, a number of audits and investigations conducted by the DOD IG in response to congressional requests have taken excessively long periods of time to complete. In some cases, the individuals who have been the subject of such investigations have left office by the time the DOD IG has completed its work.

What is your view of the timeliness and responsiveness of the DOD IG's recent work in response to congressional requests?

Answer. In some very important respects we have not been timely. We are, however, striving to improve our timeliness and responsiveness to congressional requests. Recent examples of timely and responsive work in response to congressional requests include our work regarding testing requirements for body armor and the cost, oversight, and impact of congressional earmarks. If confirmed, I will continue to improve on the timeliness of our responses to congressional requests.

Question. What steps, if any, would you take, if confirmed, to ensure the timeliness and responsiveness of such audits and investigations?

Answer. If confirmed, I will ensure that we continue to improve interaction with congressional members and staff to better define and scope reviews that are responsive and have realistic timelines. I have already initiated actions to improve the timeliness of key audits and investigations and have plans to do more in that regard.

SENIOR OFFICIAL INVESTIGATIONS

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

If confirmed, what steps will you take to ensure that the investigations relating to senior officials are completed in a timely and thorough manner and that the results of investigations are promptly provided to this committee?

Answer. If confirmed, I will continue efforts I began over the past months to increase staffing significantly in the DOD IG senior official investigations unit to improve the timeliness of investigative work. I am in the process of substantially increasing the authorized number of positions in our senior investigation unit and am convinced that we will be able to recruit highly capable individuals to these positions under the new National Security Personnel System (NSPS) pay setting guidelines. I will further ensure that investigations relating to senior officials who are subject to Senate confirmation are promptly provided to the committee.

Question. Do you believe that the current allocation of responsibilities between the DOD IG and the IGs of the military departments is appropriate to ensure fair and impartial investigations?

Answer. If confirmed, I will ensure that the current allocation of responsibilities between the DOD IG and the IGs of the military departments is appropriate to ensure fair and impartial investigations. Currently, the DOD IG assumes investigative jurisdiction in any senior official case where allegations cross service lines or where the Service IG may encounter an impediment to independence or be perceived as having such an impediment.

Question. What additional steps, if any, do you think the DOD IG should take to ensure that investigations carried out by the IGs of the military departments are accurate and complete?

Answer. If confirmed, I will increase both the frequency and the breadth of interaction between my office and the IGs of the military departments. In doing so, I would hope to enhance both the relationship and the information that is provided by the military IGs. I will ensure the reports of investigation completed by the military department IGs continue to receive a vigorous oversight review for independence, thoroughness, and accuracy. I will not hesitate to assume investigative juris-

diction over cases where appropriate; particularly if the subject of the allegations is a political appointee, outranks the Service IG, or the allegations cross service lines. Additionally, when deficiencies are identified in a report of investigation, I will direct my staff to complete any additional work to ensure timely resolution of the case, while maximizing the independence of the ultimate conclusions.

Question. At what point in an investigation and under what criteria would you initiate action to ensure that a "flag," or suspension on favorable personnel action, is placed on a military officer?

Answer. If confirmed, I will ensure that all senior officials who are under investigation or inquiry are properly reported to the Service IG to ensure they are "flagged" and not eligible for any favorable actions. In cases where an officer is pending nomination for promotion or reassignment, I will also notify the Under Secretary of Defense (Personnel and Readiness) so that that nomination may be placed on hold pending outcome of the investigation.

Upon receipt of any allegation involving a senior official, my office conducts a review of the complaint to determine if the allegations are credible, if the alleged conduct violated an established standard, and if there is sufficient information to conduct a focused inquiry. If these questions are affirmatively answered, we will open an investigation and notify appropriate authorities.

RESOURCES AND AUTHORITIES OF THE DOD IG'S OFFICE AND INVESTIGATORS

Question. Do you believe that the DOD IG's office has sufficient resources (in personnel and dollars) to carry out its audit and investigative responsibilities?

Answer. If confirmed, I will attempt to ensure that the DOD IG's office has sufficient resources to carry out its audit and investigative responsibilities.

I believe that the growth in DOD budget and contracts over the last several years, coupled with the complex operating environment in wartime, has placed the Department at increased risk for fraud waste, and abuse. Providing adequate oversight is a key element in mitigating this increased risk. The resource requirements to provide such oversight have been addressed in our March 31, 2008, report, "Department of Defense Inspector General Growth Plan for Increasing Audit and Investigative Capabilities, Fiscal Years 2008–2015." If confirmed, I will continue to work to ensure that the DOD IG's office has sufficient resources to carry out its oversight responsibilities.

Question. If confirmed, will you communicate any concerns that you may have about the adequacy of resources available to the Office of IG to Congress and this committee?

Answer. If confirmed, I will continue to communicate my concerns regarding the adequacy of our resource requirements.

Question. Some Federal agencies have reacted to limited IG resources by using contractors to perform some audit and investigative functions.

What is your understanding of the DOD IG's role in determining whether the use of contractor resources to perform audit or investigative functions is appropriate?

Answer. For the audit function, the IG Act, section 4(b)(1)(B) establishes the authority of each IG to establish guidelines for determining when it shall be appropriate to use non-Federal auditors. In addition, section 4(b)(1)(C) of the IG Act states that the IG shall take appropriate steps to ensure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General.

With regard to the criminal investigative function, it is considered inherently governmental and therefore contractors do not perform such functions.

Question. Under what circumstances, if any, do you believe that the use of contractor resources to perform such functions would be appropriate?

Answer. There is specific guidance in DOD Directive 7600.2 on when it is permissible to use contractor resources to perform audit functions. It specifically permits DOD components to contract for audit services when applicable expertise is unavailable, if augmentation of the audit staff is necessary to execute the annual audit plan, or because temporary audit assistance is required to meet audit reporting requirements mandated by Public Law or DOD regulation. However, the directive includes an approval process to ensure the appropriate use of non-Federal auditors and that they comply with the Government Auditing Standards issued by the Comptroller General of the United States.

Question. In recent years, the DOD IG has sought and obtained increased authority to issue subpoenas, carry weapons, and make arrests.

Do you believe that the authorities of the Office of IG and its agents are adequate in these areas, or would you recommend further changes in the law?

Answer. The DOD IG supports the National Procurement Fraud Task Force Legislation Committee June 2008 White Paper proposals to improve prosecution and adjudication of procurement crimes. The proposals to expand the authority of Inspectors General, to include expanded subpoena authority, will provide the IG community additional tools to conduct investigations and audits.

CIVILIAN PERSONNEL MANAGEMENT

Question. The DOD IG's office has operated under the NSPS since 2007.

If confirmed, how would you assess the effectiveness of NSPS in creating an accountable personnel system within the DOD IG's office?

Answer. Since the Defense Business Board is currently conducting an assessment to determine the overall effectiveness of NSPS, I am very interested in the results of the Board's review. While I agree with the overall concept of pay for performance, I am interested in finding out more about the system design and its impact on fairness and equity. The Board's assessment of the system should provide critical information as we plan our own review of our effectiveness in implementing NSPS throughout the DOD IG. We are entering our third year under NSPS and I believe that after this performance cycle, we will have enough information and trend data to conduct a comprehensive review of NSPS and determine its effectiveness as an integrated and accountable personnel system within the DOD IG. Therefore, if confirmed, I plan to direct such an internal review.

Currently, members of my staff are conducting a barrier analysis to determine if there are any implementation factors that lead to different outcomes for any of a broad spectrum of employee groups and categories. I am also keenly aware that there are trials and errors associated with the implementation of any new system and I want to ensure that we minimize the negative impact on our workforce; so we are continuously assessing and taking advantage of lessons learned.

Question. What experience have you had with personnel systems other than the general schedule and the senior executive service?

Answer. While my personal experience is limited to the General Schedule, I have a team of human resource professionals who have extensive experience with other personnel systems. I regularly confer with these professionals to ensure that as we implement the provisions under NSPS, we do so with a focus on fairness and equity, and a vision of improving both individual and organizational performance.

Question. What, in your opinion, are the strengths and weaknesses of alternative systems which link pay with performance?

Answer. As previously stated, I agree with pay for performance in concept. Those who perform the best should see rewards through higher pay. To achieve this result, it is imperative that performance management systems and the pay systems be linked in a way that is clearly transparent and easily understood by employees. Pay for performance systems work best where individual performance is valued and accurately measured. If implemented well, these systems reward and encourage superior performance. If not implemented well, these systems can discourage teamwork and can inadvertently de-link pay from performance if the system can be manipulated or the system design is flawed.

DOD FINANCIAL ACCOUNTING AND AUDITS

Question. The performance of mandatory statutory duties, such as the performance of financial audits, has consumed a growing share of the resources of the IG's office, crowding out other important audit priorities.

What is your view of the relative priority of financial audits, and the resources that should be devoted to such audits?

Answer. Financial audits will continue to be a high priority consistent with the President's Initiatives, the Secretary of Defense's top priorities, the Chief Financial Officers Act of 1990, and the Federal Financial Management Improvement Act of 1994. It is my understanding that the IG has received sufficient resources to conduct financial statement audits under the current departmental approach. However, as the Department improves audit readiness and the requirements for financial statement audits increase, a reevaluation may be necessary. If confirmed, I will work with the Department and Congress to ensure that the appropriate level of resources continues to be dedicated to financial audits. I will also seek to ensure that resources committed to financial audits do not come at the expense of other audit priorities.

Question. What is your view of the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002, regarding resources directed to the audit of financial statements?

Answer. Section 1008 directs the IG to significantly reduce the level of audit work when the Department has asserted that the financial statements are not reliable and do not meet accounting standards. This allows the IG flexibility to redirect audit resources to other areas within the Department. If confirmed, I will continue to work with the Department and Congress to ensure that the appropriate level of resources is dedicated to audit the Department's financial statements. As the level of audit readiness increases across the Department, we will focus more audit resources on those financial statements.

Question. Do you see any need for legislative changes to give the IG greater flexibility to target audit resources?

Answer. If confirmed, I will work with the Department and Congress to assess whether legislation in this area is appropriate.

Question. What is your view of the role of the DOD IG in evaluating and contributing to improvements made in the Department's financial management processes?

Answer. The role of the DOD IG is to serve as a catalyst for improvements in the Department's financial management processes. That role should be consistent with the Department's top priorities, and statutory requirements. If confirmed, I will ensure that the DOD IG continues this vital function.

OVERSIGHT OF ACQUISITION PROGRAMS

Question. Problems with procurement, acquisition, and the ability of the Department and the military departments to effectively oversee acquisition programs have called into question the capability of existing DOD oversight mechanisms.

What role, if any, do you believe the Office of the IG should play in achieving acquisition reform?

Answer. The role of the DOD IG is to serve as a catalyst for improvements in the Department's acquisition processes and contract management. That role should be consistent with the President's Initiatives, the Department's top priorities, and statutory requirements. If confirmed, I will ensure that the DOD IG continues this vital function.

Question. Over the last 15 years, the DOD IG has gone from having one auditor for every $500 million on contract by DOD to one auditor for every $2 billion on contract.

Do you believe that the DOD IG has the resources it needs to conduct effective oversight over the Department's acquisition programs?

Answer. If confirmed, conducting effective oversight over the Department's acquisition programs will be one of my top priorities in the IG office. The men and women of our Armed Forces, and our Nation's taxpayers, have a right to expect that the funds appropriated by Congress for defense acquisitions are being utilized with cost-efficiency and integrity.

Based on the information made available to me thus far, I am concerned that the audit resources of the IG have not kept pace with the growth in contract expenditures for defense acquisitions. I am also concerned that the current trend, if unchecked, will significantly increase the risk of fraud, waste, and abuse in acquisition programs. Therefore, if I am confirmed, it will be vital for the IG, the Department, and Congress to work together in a timely way to assess whether the IG has adequate resources to conduct this essential oversight.

Question. The DOD IG has played an important role in advising DOD and Congress on the sufficiency of management controls in the Department's acquisition programs and the impact that legislative and regulatory proposals could have on such management controls.

How do you see the DOD IG's role in this area?

Answer. The DOD IG has an important role in helping the Department to effectively and efficiently manage acquisition resources dedicated to the support of the Department's mission, and in accounting for the management of those resources to the taxpayer. If confirmed, I will ensure that the DOD IG continues its important advisory role.

OVERSIGHT OF DOD ACTIVITIES IN IRAQ AND AFGHANISTAN

Question. What is your understanding of the responsibilities and activities of the Office of the DOD IG in investigating and preventing fraud, waste, and abuse in the course of DOD operations in Iraq and Afghanistan?

Answer. The DOD IG has, in accordance with its legislatively mandated mission, conducted audits aimed at identifying and preventing fraud, waste, and abuse of funds appropriated to the DOD for its operations in Iraq and Afghanistan. In theater, we are looking at the planning and execution of contracts in support of the operations of coalition forces. The purpose of these reviews is to determine that the

forces are receiving the right equipment and support to conduct successful operations. We are also looking at the accountability of equipment provided to coalition forces, contractors, and the Iraq and Afghan security forces. Additionally, audits are also being conducted in the continental United States (CONUS) on contracts awarded and funds expended in the United States that provide significant resources to support the warfighter, for military services materiel and equipment, and for other purposes in Iraq, Afghanistan, and in Southwest Asia.

The Defense Criminal Investigative Service (DCIS), the law enforcement arm of the DOD IG, and its military criminal investigative counterparts, in particular the U.S. Army Criminal Investigative Command (Army CID), investigate major frauds, corruption, thefts, and other compromises of DOD assets in Afghanistan, Iraq, and other countries in that theater. Currently, 13 DCIS agents and one administrative specialist are deployed to Iraq, Afghanistan, and Kuwait, collocated with Army CID, to conduct operations and investigations that primarily involve procurement fraud and public corruption. In addition, the DCIS European office and DCIS CONUS offices, along with the investigative partners (e.g., FBI), continue to investigate Iraq-related matters and travel into theater to conduct investigative operations, such as gathering evidence and conducting interviews, when crimes are reported. However, the bulk of DCIS's investigative activities occur in CONUS where corporate headquarters of DOD contractors, key evidence, and Department of Justice prosecutorial support are located.

Also, DCIS is a participant in the International Contract Corruption Task Force, a formalized partnership between Federal agencies to investigate and prosecute cases of contract fraud and public corruption related to U.S. spending in Iraq. The Task Force has established a Joint Operations Center specifically to formally coordinate investigations and develop a criminal intelligence capability to successfully prosecute fraud. DCIS has dedicated a special agent to the Joint Operations Center on a full-time basis.

If confirmed, and in keeping with the IG Act, I will ensure that the DOD IG continues to focus oversight efforts to investigate and prevent fraud, waste, and abuse of U.S.-provided resources for reconstruction and other purposes in Southwest Asia.

Question. If confirmed, what changes, if any, would you plan to make to the DOD IG's oversight activities in Iraq and Afghanistan?

Answer. If confirmed, I would ensure that DOD IG activities in Southwest Asia remain a top priority. I will also assess the current level of oversight to ensure that adequate resources are being devoted to this mission and that those resources are being allocated appropriately.

Question. If confirmed, what would be your goals with respect to the oversight, audit, and investigation of ongoing U.S. activities in Iraq and Afghanistan?

Answer. If confirmed, it is my goal to ensure that the oversight provided by the DOD IG of ongoing DOD activities in Iraq and Afghanistan is consistent with the responsibilities in the IG Act and is sufficient to provide assurance to Congress, the Secretary of Defense, and to both the American taxpayer and the warfighter that funds supporting DOD activities are expended appropriately and effectively.

Question. The SIGIR and the SIGAR have jurisdiction over contracts for the reconstruction of Iraq and Afghanistan. However, the SIGIR and the SIGAR do not have jurisdiction over contracts to support our troops in Iraq and Afghanistan.

What role do you believe the DOD IG should play in the oversight, audit and investigation of such contracts?

Answer. The DOD IG office should play an active role in ensuring stewardship of taxpayers' dollars and effective contract support for our troops through diligent oversight of the contracting function. This would include audits, inspections, and investigations, as required. Also, we chair the Southwest Asia Joint Planning Group, which is a forum for oversight agencies to coordinate audit efforts in Southwest Asia.

Question. Do you believe that a significant on-the-ground presence in Iraq is necessary to perform this role?

Answer. The DOD IG has expanded its presence in Southwest Asia, from 16 permanent positions in September 2008 to 30 permanent positions in June 2009, with plans to add an additional 6 permanent positions, for a total of 36. We now have offices in Iraq, Afghanistan, Kuwait, and Qatar. As the draw down in U.S. troops in Iraq proceeds, we must continually assess personnel needs based on the nature and scope of DOD operations and adjust our on-the-ground presence as appropriate.

Question. What is the relationship of the DOD IG to the SIGIR and the SIGAR?

Answer. See responses to "Q." and "R." under the previous section regarding "Relationships."

OVERSIGHT OF MEDICAL FUNCTIONS, INCLUDING OUTPATIENT ADMINISTRATION AND HEALTH CARE FRAUD

Question. Reports of medical cases from military treatment facilities involving tragic outcomes and allegations of medical malpractice have raised questions about the adequacy of existing reporting, investigatory, and readiness systems within the Defense Health Program and military treatment facilities. The ability of those outside the military medical system to fairly evaluate individual cases and overall quality of care is affected by such factors as the tort claim laws and adversarial litigation against the United States, reliance on privileges from the release of documents and information associated with such litigation and separate quality assurance systems, patient privacy requirements, and concern about the reputations of individual providers. In 2007, deficiencies in the housing and administration of severely injured soldiers and Marines in a medical hold status at Walter Reed Army Medical Center raised questions about the adequacy of oversight into the care of outpatients and members involved in the disability evaluation system. In 2008, a Federal judge found that DOD's health care program had been cheated out of $100 million due to payment of fraudulent health care claims in the Philippines.

Do you have any views about the role the DOD IG should play in improving visibility into and objective assessments of the quality of care provided through the military medical system?

Answer. I believe the DOD IG has a major role to play in ensuring that the military servicemembers and their dependents should receive the health care they and their families have a right to expect. Accordingly, the DOD IG has identified healthcare as a major management challenge in the most recent DOD Agency Financial Report as well as the last DOD IG Semiannual Report to Congress. In particular, we noted that the frequency and duration of military deployments further stresses the military health system in both the active and Reserve components. If confirmed, I will ensure that the DOD IG continues to provide the independent review and oversight necessary of the military health system. Oversight is needed in several areas including cost containment, quality of care, access to care, and medical readiness.

The DOD IG audit component plays a defined role in quality areas. By defined, I mean that the audit component focuses on processes that affect or are indicators of quality of care without directly evaluating the professional opinion of health care providers. However, DOD IG auditors are involved in issues such as credentialing of medical staff, the reporting of adverse medical events, patient safety, and utilization management that improve systemic effectiveness and increase the visibility of quality of care. In addition, much of the DOD IGs work on cost, access, and readiness also impacts medical quality. For example, work in the medical fraud area will help free up resources that can be used to provide needed health care and will help ensure that qualified physicians are providing care to DOD beneficiaries. Additionally, audits of medical equipment used to support operations in Southwest Asia and healthcare provided by military treatment facilities to contractors in Southwest Asia will assist the network supporting our combat medical system and identify additional resources that will allow for more efficient care to our wounded warriors.

As Acting IG, I have directed the expansion of the DOD IG's coverage of healthcare quality issues. Our Inspections and Special Plans and Operations groups bring a focus on health care quality issues. For example our inspections staff has looked at issues to improve the transition from the Military Health System to the Department of Veterans' Affairs (VA) system. DOD and VA should be working hand-in-hand to ensure that the transition between the DOD and VA health care systems is seamless. DOD should work with VA to ensure that the best possible treatment and care continues for veterans throughout recovery and in some cases, throughout the life of the veteran.

Question. What resources and expertise does the DOD IG currently have—or lack—to play a more prominent role in assessing the performance of health care providers, including identifying and preventing health care fraud against the DOD?

Answer. We have limited resources in our audit and investigative components that address health care fraud. Accordingly, we have leveraged our resources and have jointly worked with the Office of the U.S. Attorney, Western District of Wisconsin, on the $100 million Philippine healthcare fraud case that resulted in a successful prosecution. To help maintain our expertise, a number of the audit staff have become Certified Fraud Examiners. DCIS possesses significant expertise in the investigation of health care fraud. Prior to September 11, 2001, DCIS devoted greater resources to these types of investigations. Currently, health care fraud investigations comprise about 9 percent of the 1800+ DCIS cases in our inventory. I recognize the importance of protecting America's warfighters and families from poor quality

of care and fraudulent activity and I remain committed to pursuing these audits and investigations.

INTELLIGENCE

Question. What is the role of the DOD IG with regard to intelligence activities within DOD?

Answer. The IG, through the Deputy IG for Intelligence, has responsibility for oversight of DOD intelligence activities and components as identified in DOD Directive 5240.01, "DOD Intelligence Activities," dated August 27, 2007. These include all DOD components conducting intelligence activities, including the National Security Agency/Central Security Service, the Defense Intelligence Agency, the military department intelligence and counterintelligence activities, and other intelligence and counterintelligence organizations, staffs, and offices, or elements thereof, when used for foreign intelligence or counterintelligence purposes.

Other organizations and components under the IG's oversight not specifically identified in DOD Directive 5240.01 include the Office of the Under Secretary of Defense for Intelligence (USD(I)), the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. Responsibilities and functions of the IG as outlined in DOD Directive 5106.01, "Inspector General of the Department of Defense," include the responsibility to audit, evaluate, monitor, and review the programs, policies, procedures, and functions of the DOD Intelligence Community to ensure that intelligence resources are properly managed. The DOD IG performs an oversight and coordination role through the Joint Intelligence Coordination Working Group (JIOCG). The JIOCG is a DOD working group chaired by the Deputy Inspector General for Intelligence and includes representatives from the Service audit agencies, military department IGs, and the IGs of the Defense Intelligence Agencies. The primary goal of the JIOCG is to avoid duplication of effort and enhance coordination and cooperation among IGs and Auditors General inside the DOD, and promote information-sharing among IGs whose functions include audits, inspections, evaluations, or investigations of their respective departments and agencies.

Question. What is the relationship of the DOD IG to the Special Assistant to the Secretary of Defense for Intelligence Oversight?

Answer. DOD Directive 5106.01 requires that intelligence-related actions be coordinated, as appropriate, with the Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) to determine respective areas of responsibility in accordance with DOD Directive 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight," dated May 21, 2004. (DOD Directive 5148.11 contains similar language for the ATSD(IO) to coordinate with the IG, as appropriate.) I am advised that the ATSD(IO) is a charter member of the JIOCG, and that the IG has a long history of coordination and cooperation with the ATSD(IO).

Question. What is the relationship of the DOD IG to the IG of the Office of the Director of National Intelligence (DNI)?

Answer. The DOD IG's primary relationship with the DNI IG involves participation in the Intelligence Community (IC) IG Forum. The IC IG Forum promotes information-sharing among the IGs of the departments and agencies of the IC whose functions include audits, inspections/evaluations, or investigations of their respective departments and agencies. The IC IG Forum also strives to avoid duplication of effort and enhance effective coordination and cooperation among IC IGs. The DNI IG chairs the IC IG Forum.

In addition to the IC IG Forum relationship, the DOD IG participates in various projects and initiatives undertaken by the DNI IG. The DNI IG also coordinates with the Office of the Deputy IG for Intelligence on all ongoing projects relating to DOD organizations and activities. The DNI IG is an Ex-Officio member of the JIOCG.

Question. What is the role of the DOD IG with respect to detainee matters?

Answer. The DOD IG has statutory responsibility for oversight that extends to oversight of detainee and interrogation matters. Consistent with that responsibility, the IG issued two final reports regarding detainee abuse.

Question. What is the role of the DOD IG with respect to interrogation matters?

Answer. Please see my answer to the previous question.

INVESTIGATION INTO ALLEGATIONS INVOLVING DOD PUBLIC AFFAIRS OUTREACH PROGRAM

Question. On January 14, 2009, the Office of the IG issued a report on its examination of allegations involving the DOD public affairs outreach program. On May 5, 2009, the report was withdrawn, due to inaccuracies in data and methodology, and insufficient evidence to support the findings of the report.

What was your role in the issuance and withdrawal of this report?

Answer. Shortly after the report was issued on January 14, 2009, I became aware of inaccuracies in the data concerning Retired Military Analyst (RMA) relationships with Defense contractors that appeared in Appendix K and elsewhere in the report. The discovery of those inaccuracies resulted in my decision to initiate an independent internal review of the report and its supporting documentation.

The report was reviewed by two DOD IG components, the Office of the Assistant IG for Audit Policy and Oversight (APO), and the Quality Assurance, Policy and Electronic Documentation Division from the Office of Auditing. The APO review dated May 1, 2009, and the Auditing review of April 29, 2009, both came to the same conclusions and determined that the evidence compiled was insufficient to support the findings and conclusions of the report. As a result, both recommended that the report be withdrawn.

I concurred with those recommendations and on May 5, 2009, directed that the report be withdrawn.

Question. What is your assessment of the problems that led to the withdrawal of this report?

Answer. The internal reviews concluded that the report did not meet accepted quality standards for an IG work product. They found that the methodology used to examine the relationships of RMAs with Defense contractors such as searches of public websites would not reasonably yield evidence needed to address the issue that the outreach program conveyed some financial advantage to RMAs who participated in the program. Additionally, the reviews noted that the findings relied, in part, on a body of testimonial evidence that was insufficient or inconclusive. In particular, former senior DOD officials who devised and managed the outreach program refused requests for an interview. Furthermore, the judgmental sample of RMAs interviewed was too small—7 out of 70 RMAs—to allow that testimonial evidence to be used to support conclusions.

Question. In your view, are the problems that led to the withdrawal of this report unique to a single investigation, or are they symptomatic of broader problems in the Office of the IG?

Answer. I believe the circumstances involved in this report are unique. In this particular case, the group responsible for conducting this review was comprised of personnel from different DOD IG departments. As a result, competing priorities and lack of clearly defined procedures and objectives resulted in a product that, based upon internal review, did not meet accepted quality standards.

Question. What steps have you taken to address these problems, in your capacity as Acting IG? What additional steps do you plan to take, if confirmed?

Answer. Recommendations contained in the internal reviews will be implemented by the Assistant IG for Inspections and Evaluations to include the:

- Development and establishment of formal internal quality controls for ensuring report accuracy prior to draft report issuance;
- Development and establishment of written policies and procedures for internal controls of the inspection and evaluation process and work, in order to provide reasonable assurance of conformance with the PCIE/Executive Council on Integrity and Efficiency Quality Standards for Inspections, January 2005, the "Blue Book."

I also directed on May 28, 2009, a Special Administrative Review that is being headed by the Deputy IG for Intelligence. That review will examine a variety of issues, such as:

- Can findings be made regarding the structure and policies that governed the Public Affairs Outreach Program and the type of access given to RMAs?
- Can judgments be made, or are there lessons learned, regarding the establishment of a similar program in the future?

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the IG of DOD?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

DEPARTMENT OF DEFENSE INSPECTOR GENERAL RESOURCING

1. Senator MCCAIN. Mr. Heddell, do you believe that the Department of Defense (DOD) Inspector General's (IG) office has sufficient resources—in qualified personnel and funding—to carry out its investigative and auditing functions?

Mr. HEDDELL. The resource requirements to carry out our oversight functions are addressed in the DOD IG March 31, 2008, report, "DOD IG Growth Plan for Increasing Audit and Investigative Capabilities, Fiscal Years 2008–2015."

The growth in DOD budget and contracts over the last several years, coupled with the complex operating environment in wartime, has placed the Department at increased risk for fraud waste, and abuse. Providing adequate oversight is a key element in mitigating this increased risk, and the personnel and funding levels identified in our growth plan were formulated with this in mind.

We have received support from both the Congress and the Department in resourcing the growth plan. The increase in resources in fiscal year 2008 and fiscal year 2009 has allowed us to increase personnel; establish new offices to meet mission requirements; and expand our permanent presence in Southwest Asia. If confirmed, I will continue to work to ensure that the DOD IG's office has sufficient resources to carry out its oversight responsibilities.

2. Senator MCCAIN. Mr. Heddell, what do you consider to be the major challenges you will face, if confirmed, in ensuring that the IG's office is fully capable of timely performing its responsibilities?

Mr. HEDDELL. The DOD IG faces significant challenges related to both our workforce and the complexity of our work. Among the human capital challenges are the retirement of experienced senior leadership and developing succession planning and retention within a highly competitive environment for the audit professionals. Further challenges are identified in our Semiannual Report to Congress and some of those challenges involve conducting audits and investigations in a combat environment as well as oversight involving highly technical subjects, such as weapons acquisitions and cyber security.

As Acting IG, I initiated the development of a Human Capital Strategic Plan which has as its goals to develop: (1) world class leaders, (2) a mission ready workforce that is fully engaged, (3) a culture that positively impacts the public trust, and (4) integrated talent management. Strategy Development Teams have been established and charged with developing, and monitoring the implementation of, strategies that support the achievement of the agency's human capital goals.

I am also concerned that we allocate resources appropriately. In this regard, I recently directed an increase in the staff that conducts senior official investigations, military reprisal investigations, and civilian reprisal investigations from their current level of 35 to 57 personnel.

In some very important respects we have not been timely in responding to requests from Congress and the Department. If confirmed, I will ensure that we continue to improve interaction with congressional members and staff to better define and scope reviews that are responsive and have realistic timelines.

FINANCIAL AUDITING IN THE DEPARTMENT OF DEFENSE

3. Senator MCCAIN. Mr. Heddell, in April 2009, the head of the Financial Improvement and Audit Readiness (FIAR) Plan indicated that it took a total of 300 auditors to complete the audit of the Army Corps of Engineers. There were 200 auditors on site at one time. An audit of the Defense Information Systems Agency required 67 people. Given that the Army Corps of Engineers has $54 billion in as-

sets and liabilities, it is unimaginable how many auditors it will take to complete an audit of DOD with a total of $3.8 trillion in assets and liabilities. The head of the FIAR Plan was a former audit partner at Price Waterhouse Coopers, and she believes that DOD Office of the IG (DOD OIG) doesn't have the capability or audit expertise to conduct an audit of the entire DOD. What is the current capability of your audit staff in performing a financial audit for DOD?

Mr. HEDDELL. The DOD IG currently has the expertise and capacity with the assistance of independent public accountants (IPA) firms to audit those segments of DOD whose financial statements are audit ready. The audit-ready segments include the USACE and two trust fund accounts that represent approximately 38 percent of the assets and liabilities reported on the DOD Agency-wide Financial Statements. The USACE audit was conducted with the assistance of an IPA firm and DOD IG provided the oversight required by audit standards and issued the audit opinion. The financial statement audits of the Military Trust Fund and Medicare Eligible Retiree Health Care Fund are both contracted with IPA firms and overseen by DOD OIG. However, given the wide range of audit responsibilities we currently have, the sheer number of auditors that would be needed to audit the financial statements of the entire Department precludes the DOD IG from conducting these audits without contractor assistance. Based on the FIAR plan estimates, current audit efforts, and known future audits, we estimate that by the year 2018, we may need at least 1,400 auditors (DOD IG auditors and IPA auditors) to audit the financial statements of the entire Department. This estimate does not include other audits of smaller components not tracked by the FIAR. Currently, the Defense Business Operations Directorate of the DOD OIG has approximately 300 auditors on staff, not nearly the number needed for the audits included in the FIAR. We recognized this issue in fiscal year 2003 and determined at that point the DOD IG would need to contract IPA firms to complete this work. Since fiscal year 2005, we have been effectively utilizing this approach and providing the necessary oversight to the IPA firms to meet audit standards.

4. Senator MCCAIN. Mr. Heddell, to what extent is the DOD OIG staffed with people who have sufficient experience in performing financial audits?

Mr. HEDDELL. DOD IG does have the necessary experience to conduct financial statement audits. In developing our audit approach in 2003, the DOD IG realized it would take both government auditors with extensive knowledge of DOD's complex financial management operations and numerous IPA firms with financial statement expertise to audit the DOD Financial Statements. The issue we are confronted with is the volume of auditors needed to complete these large-scale audits within Congressionally-mandated timeframes. Even if we were to decide today that we should hire additional auditors to complete these audits, there would not be a sufficient pool of experienced auditors to pull from. The best option is for the DOD IG to hire and oversee IPA firms to complete these audits. This option gives us not only the flexibility of expanding and contracting the workforce based on demand, but also allows the DOD IG to maintain responsibility over the audit work that is being done so all of that work can eventually be rolled into a DOD Agency-Wide opinion.

5. Senator MCCAIN. Mr. Heddell, what is your long-term plan for staff in that regard, i.e., to what extent does the OIG intend to ramp up its auditing capability by the 2017 deadline?

Mr. HEDDELL. The DOD IG each year reviews its financial statement audit strategy including the progress that DOD is making to improve its financial management and move toward auditability. DOD IG recognizes the financial statements are byproducts of having well defined financial management processes and procedures. Continued improvements in DOD financial management including enhanced internal controls and processes will ultimately lead to DOD producing financial information that is reliable and statements that are auditable. At this time, DOD IG is devoting a significant portion of its resources to auditing various internal controls and financial processes in the Military Department's and a few agencies. These audits provide an in-depth review of the entity's financial operations and allow us to make recommendations that, once fully implemented, will significantly improve DOD financial management. As DOD implements our recommendations and further improves its financial management operations, the Department will become more auditable. Consequently, the DOD IG will shift its resources to auditing the financial statement rather than focusing on the processes that produced the financial statements. The DOD IG has a growth plan that will increase the staff by 34. That plan, if funded, will allow us to grow as needed to support the large contracting effort.

6. Senator MCCAIN. Mr. Heddell, within a reasonably foreseeable period, will the DOD OIG be capable of conducting the audit for DOD or would DOD be better served by having independent external auditors conduct the audit?

Mr. HEDDELL. The current plan for the DOD IG does not include the DOD IG conducting the DOD Agency-wide financial statement audit without contracting with multiple IPA firms. Our experience has shown that using IPA firms to perform much of the financial statement audit work under DOD IG oversight is an efficient and effective way of accomplishing this challenging task. The current DOD IG strategy is for our auditors to oversee multiple IPA firms that would conduct the various financial statement audits making up the DOD Agency-wide financial statement audit. This approach allows us to use our current and forecasted audit resources to audit the DOD financial statements and meet our other mission requirements efficiently and effectively.

HEALTH CARE FRAUD

7. Senator MCCAIN. Mr. Heddell, you indicated in your response to the committee's advance policy questions that you were involved in investigating the recent case involving $100 million in fraudulent claims against the TRICARE program in the Philippines. What is your assessment of the extent of potential fraud and abuse on the Department's $47 billion a year health care program?

Mr. HEDDELL. The Defense Criminal Investigative Service (DCIS), the criminal investigative arm of DOD OIG, conducted the referenced investigation. As a result of DCIS' efforts, Health Visions Corporation was ordered to liquidate assets and pay over $101 million in fines and penalties. Thomas Lutz, Health Vision's chief executive officer, was sentenced to 60 months incarceration and was ordered to pay fines in excess of $99 million. At present time, this criminal judgment represents the single largest TRICARE-related recovery in the history of the Department of Justice (DOJ).

It is difficult to estimate the extent to which fraud and abuse impact the Department's health care program; however, Americans spend more than $1 trillion each year on health care, and according to the Federal Bureau of Investigations (FBI), 3 to 10 percent of total public and private health care program expenditures consist of fraudulent billings (FBI Financial Crimes Report to the Public, Fiscal Year 2007).

If confirmed as IG, I will continue to dedicate resources to countering fraud, waste, and abuse impacting the TRICARE system.

8. Senator MCCAIN. Mr. Heddell, is this an issue that has received appropriate management attention within the Department and if not, what would you propose to do differently if confirmed as the IG?

Mr. HEDDELL. As previously mentioned, Audit and Investigative components within the DOD IG devote resources to counter fraud that impacts the TRICARE program. IG representatives continue to work closely with TRICARE's Management Activity to strengthen program controls in an attempt to significantly reduce waste and abuse.

Additionally, representatives from the DOD IG and the DOJ continue to work closely with the Assistant Secretary of Defense for Health Affairs in an attempt to strengthen TRICARE program controls.

DOD management is focused on the challenge of delivering improved health care while attempting to control costs. Preventing and detecting the impact of health care fraud on the TRICARE system will continue to be a major part of this challenge. If confirmed as IG, I will make every effort to ensure the DOD IG is capable of meeting this significant challenge.

[The nomination reference of Gordon S. Heddell follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 1, 2009.

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

Gordon S. Heddell, of the District of Columbia, to be Inspector General, Department of Defense, vice Claude M. Kicklighter, resigned.

[The biographical sketch of Gordon S. Heddell, which was transmitted to the committee at the time the nomination was referred, follows:]

SUMMARY OF QUALIFICATIONS

Over 8 years experience as a Presidentially appointed, Senate confirmed Inspector General leading Inspector General offices of two Cabinet level departments within the Executive branch. Proven record of excellence in leading and implementing programs to make government more open, transparent and accountable. Over 27 years of experience in executive level management positions; became a member of the Senior Executive Service in 1991.

EXPERIENCE

Acting Inspector General, Department of Defense, 2008 - present
• Manage the audit, investigative, and inspections activities in the largest Federal office of Inspector General with a workforce of over 1,600 and a yearly budget of $268 million.
• Provide oversight to prevent fraud, waste and abuse in the over $600 billion appropriated to the Department of Defense. • Leader in the inspector general community as a member of the Executive Council of the Council of Inspectors General for Integrity and Efficiency (CIGIE) and Chair of the CIGIE Committee on Information Technology. • Direct oversight efforts that helped to achieve $1 billion in monetary benefits, $450 million in investigative recoveries (FY 2008). • Communicate the results of oversight efforts to the Secretary and Deputy Secretary of Defense and other senior DoD civilian and military leaders as well as to the Congress.

Inspector General, Department of Labor, 2001- present
• Direct audits, evaluations, and investigations to promote the effectiveness, efficiency, economy and integrity of all Department of Labor (DOL) programs. • Manages oversight efforts that, since 2001, have identified over $593 million in questioned costs; achieved $1.5 billion in investigative recoveries; resulted in 3,180 convictions. • Successfully led investigative efforts to combat labor racketeering in the workplace and fraud against the Foreign Labor Certification program. • Led audit efforts to identify weaknesses in the oversight of the Mine Safety and Health Administration and ensure miner safety.

United States Secret Service

Assistant Director, Office of Inspection, Senior Executive Service (SES) III, 1998- 2001; Deputy Assistant Director, Office of Inspection, 1989-1991
• Managerial oversight for internal affairs investigations and office inspections worldwide.
• Assess the quality of management, the effectiveness of operations and the adherence to policies, regulations and procedures within field offices and divisions of the Secret Service.
• Managerial oversight for investigations of a highly sensitive nature involving employee misconduct, and investigations and surveys involving the role of the Secret Service in major criminal cases.

Special Agent in Charge, Vice Presidential Protective Division, SES III, 1995-1998; Deputy Special Agent in Charge, Vice Presidential Protective Division, SES III, 1993-1995
• Managed the physical protection of the Vice President of the U.S. and his family. • Daily

interaction with the Vice President, his family, and other high-ranking U.S. officials and foreign government representatives. • Responsible for many classified and sensitive security enhancements at the Vice Presidential Residence Complex and USSS Command Center. • Directed the design and implementation of security measures needed for major Presidential and Vice Presidential events to include Inaugurations, Economic Summits, United Nations Anniversaries, and International Olympic events. • Directed the implementation of security measures at locations where a significant hostile foreign military or terrorist threat existed. • Traveled extensively outside the United States, conducting sensitive negotiations with senior foreign government and military officials in a variety of countries to include Russia, China, Israel, Egypt, and Japan.

Deputy Assistant Director, Office of Training, SES III, 1991-1993
• Principal executive responsible for the curriculum, methodology and content of training programs for over 4,800 Secret Service employees. • Managed budget allocation, on-going master plan design, renovation, and utilization and program justification for the Service's 493 acre, multi-million dollar, state-of-the-art training academy.

Assistant Special Agent in Charge, Philadelphia Field Office, 1987-1989

Assistant to the Special Agent in Charge, Washington Field Office, 1985-1987

Assistant Special Agent in Charge, Office of Administration, 1982-1985

Special Agent, 1971-1982

Chief Warrant Officer, U.S. Army Helicopter Pilot, 1966-1970

MAJOR ACCOMPLISHMENTS

• Presidential Meritorious Rank Award (1997)
• Numerous Outstanding Performance Awards
• Selected as one of five most outstanding graduates in the 80 year history of Festus, MO Public High School (1996)
• Woodrow Wilson Public Service Fellow (1994 - 2000)
• Creator of major partnerships with two inner city Washington, D.C. public Schools (1993 - 1998)
• Directed the study to identify and procure the Secret Service's first high capacity semiautomatic 9mm handgun
• Administrative Coordinator for the Summer Olympics in Los Angeles, CA (1984)
• Graduated "First" in Treasury Federal Law Enforcement Training Academy Class (1971)

EDUCATION AND TRAINING

University of Missouri, B.A., Political Science
University of Illinois, M.A. Legal Studies
The Wharton School, University of PA, Effective Executive (1989)
The Brookings Institute, Executive Seminars in Practical Leadership and the U.S. Economy
Executive Excellence, and Understanding Business Policy and Operations (1985 - 1989)
University of Maryland, Center for Creative Leadership, extensive Law Enforcement, Public Safety, and Management Development Training (1971 - present)

References available upon request

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Gordon S. Heddell in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Gordon S. Heddell (nicknames: Gar, Gordie).

2. **Position to which nominated:**
Inspector General, Office of Inspector General, Department of Defense.

3. **Date of nomination:**
June 1, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 13, 1943; St. Louis, MO.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married (but separated) to Jana K. (West) Heddell.

7. **Names and ages of children:**
Kerri E. Dudley, 33; Anthony S. Heddell, 30; Gordon W. Heddell, 28; Katie A. Heddell, 23.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Illinois (formerly Sangamon State University), Springfield, Illinois, Masters Degree, 1975.
University of Missouri, 1961–1965 and 1970–1971, BA Political Science.
Forest Park Community College, St Louis, MO, 1965–1966.
Washington University, St Louis, MO, 1965–1966.
Festus R–6 Public High School, Festus, MO, 1957–1961.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Acting Inspector General, Office of Inspector General, U.S. Department of Defense, Arlington, VA, July 2008–Present.
Inspector General, Office of Inspector General, U.S. Department of Labor, Washington, DC, 2001–Present.
Assistant Director, Office of Inspection, U.S. Secret Service, Washington, DC, 1998–December 2000.

Entered U.S. Secret Service in September 1971.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Positions with the U.S. Secret Service:

Special Agent in Charge, Vice Presidential Protective Division, 1995–1998.

Deputy Special Agent in Charge, Vice Presidential Protective Division, 1993–1995.

Deputy Assistant Director, Office of Training, 1991–1993.

Deputy Assistant Director, Office of Inspection, 1989–1991.

Assistant Special Agent in Charge, Philadelphia Field Office, 1987–1989.

Assistant to Special Agent in Charge, Washington Field Office, 1985–1987.

Assistant Special Agent in Charge, Office of Administration, 1982–1985.

Senior Special Agent, Liaison Division, 1981–1982.

Senior Special Agent, Vice Presidential Protective Division, 1976–1981.

Special Agent, Springfield Field Office, 1971–1976.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Professional: International Association of Chiefs of Police, Office held (none), 1990–2006 (intermittent).

Civic and Charitable: Created active partnership with Dunbar High School and Deal Junior High School to Assist Washington, DC, Inner city public schools, 1993–1998, Office held (none)

Fraternal: Delta Upsilon Fraternity, Office Held (Vice President) 1964–1965, Member: 1962–Present.

Alumni Association: University of Illinois, Springfield, IL, Office held (None), 1980–Present (Intermittent).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Presidential Meritorious Rank Award (1997).

Woodrow Wilson Public Service Fellow (1994–2000).

Numerous Outstanding Annual Performance Ratings—U.S. Secret Service.

Graduated "First" in Treasury Federal Law Enforcement Training Academy Class (1971).

United States Army: Awarded Aviator Wings, Good Conduct Medal and Army Commendation Medal.

Outstanding Graduate Award—Festus High School (1996).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Journal of Public Inquiry, Editor in Chief, July 2008–Present (a publication of the Inspectors General of the United States); article in Journal (c) 2004 regarding labor racketeering and organized crime.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

As the acting Department of Defense Inspector General:

Speeches:

"All Hands Audit Employee Meeting" in the Doubletree Hotel, Arlington, VA, on October 14, 2008.

Fiscal Law Course at Wallace Theater, Fort Belvoir, VA, on January 13, 2009.

National Conference Center, Lansdowne, VA, January 26, 2009.

Emil Kabban's promotion ceremony, February 27, 2009.

Colonel Donald F. Thompson retirement ceremony on March 2, 2009.

Closing Remarks: Combatant Command and Joint IG Course at Fort Belvoir, VA, March 27, 2009.

COCOM IG Conference on March 30, 2009.

DOD IG employees at the Annual Awards Ceremony, May 7, 2009.

Opening remarks at the Legion of Merit Award Ceremony for LTC John Taylor, May 28, 2009.

Defense Acquisition University, June 2, 2009.

Retirement ceremony of Thomas F. Gimble, June 3, 2009.

Hearing Statements:

Gordon S. Heddell Acting Inspector General Department of Defense before the Subcommittee on Defense Committee on Appropriations United States House of Representatives on "Department of Defense Outsourcing February 26, 2008.

Gordon S. Heddell Acting Inspector General Department of Defense before the Senate Homeland Security and Governmental Affairs Committee on Expediency Versus Integrity: Do Assembly Line Audits at the Defense Contract Audit Agency Waste Taxpayer Dollars? September 9, 2008.

Gordon S. Heddell Acting Inspector General Department of Defense before the House Oversight and Government Reform Committee on "Maintenance of Electrical Systems in Facilities Occupied by Military and Contractor Personnel in Iraq", July 30, 2008.

Gordon S. Heddell Acting Inspector General Department of Defense before the Senate Appropriations Committee on "The effectiveness of U.S. efforts to combat corruption, waste, fraud, and abuse in Iraq", July 23, 2008.

Gordon Heddell Acting Inspector General Department of Defense before the Domestic Policy Subcommittee of the Oversight and Government Reform Committee on "DOD's experience with Circular A–76 competitions and the specific context of the A–76 competition which privatized Military Retired and Annuitant Pay functions, July 16, 2008.

As the Department of Labor Inspector General:

Speeches:

Los Angeles Audit Managers Conference, April 15, 2004.

Awards Dinner—Monday, May 17, 2004.

Managers Conference Philadelphia, PA, May 17, 2004.

OLRFI All Hands Meeting, San Diego, CA, July 12, 2004.

Managers Conference Phoenix, AZ, August 3, 2005, Leadership Accomplishments Dinner

Closing Remarks Managers Conference, August 2005.

Association of Government Accountants Philadelphia, PA, November 16, 2005.

Welcoming Remarks by Gordon Heddell Inspector General, U.S. Department of Labor to PCIE, 2005.

IG Forum at the National Academy of Public Administration, January 2006.

AGA Speech, February 2, 2006.

African-American History, February 27, 2006.

Closing Remarks by Department of Labor Inspector General Gordon S. Heddell Inspectors General Symposium: Federal Employees' Compensation Act (FECA) Program Building a Coordinated Approach to the IG Community's FECA-Related Work, Wednesday, March 22, 2006.

Managers Conference, Dallas Leadership Accomplishments Dinner, May 8, 2006.

Opening Remarks, Gordon S. Heddell Inspector General OIG Leadership and Training Conference Dallas, TX, May 8, 2006.

Managers Conference, August 2006.

Steven Law Farewell Reception, 2007.

Andrews Trucking Indictment, February 2007.

Gordon S. Heddell Inspector General Managers' Conference Washington, DC, Leadership Accomplishments Reception, May 19, 2008.

Gordon S. Heddell Inspector General Managers Conference Washington, DC, May 20, 2008.

Briefing to the PCIE.

Peer Review Update and Training.

Speech, University of Illinois.

Articles:

Gordon S. Heddell, Inspector General, U.S. Department of Labor. The Evolution of Organized Crime and Labor Racketeering Corruption Fall/Winter 2004–2005. The Journal of Public Inquiry.

Hearing Statements:

Statement of Gordon S. Heddell, Inspector General, U.S. Department of Labor, before the Committee on Government Reform Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, U.S. House of Representatives, May 9, 2002.

Statement of Gordon S. Heddell, Inspector General, U.S. Department of Labor, before the Committee on Ways and Means, Subcommittee on Human Resources, U.S. House of Representatives, June 11, 2002.

Department of Labor Fiscal Year 2004 Budget Request, Statement for the Record for Office of Inspector General House Subcommittee on Labor-HHS-Education Appropriations, Gordon S. Heddell, Inspector General.

Office of Inspector General, U.S. Department of Labor Fiscal Year 2005 Budget Request, Statement for the Record of Gordon S. Heddell, Inspector General for the Subcommittee on Labor, Health, and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. House of Representatives, February 26, 2004.

U.S. Department of Labor, Statement by Gordon S. Heddell, Inspector General, on Top Management Challenges Facing the U.S. Department of Labor, Office of Inspector General, March 5, 2002.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GORDON S. HEDDELL.

This 8th day of June, 2009.

[The nomination of Gordon S. Heddell was reported to the Senate by Chairman Levin on June 18, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 10, 2009.]

[Prepared questions submitted to Dr. J. Michael Gilmore by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Director of Operational Test and Evaluation (DOT&E)?

Answer. In my view, the principal responsibility of the DOT&E is to ensure that the weapons and protective systems our men and women in the Military Services must depend on will work in combat. I believe every director must regard that responsibility as a special trust they assume.

More specifically, the duties of the DOT&E are covered by statute. I understand that, if confirmed, I would serve as the principal advisor to the Secretary of Defense and Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) for all operational test and evaluation (T&E) within the Department.

I would formulate and implement policy for operational T&E and provide oversight of the operational testing of major defense programs, major automated information systems and other systems as I designate. I would be required to provide Congress an Annual Report summarizing operational T&E activities that includes comments and recommendations on operational T&E resources, facilities, and funding. In addition to the Annual Report, I would provide Beyond Low Rate Initial Production Reports, Early Fielding Reports for systems that are urgently needed and deployed before completion of initial operational testing, live-fire Reports, an Annual Report on Ballistic Missile Defense (BMD) and respond to requests from Congress. My duties would include responsibility for prescribing policies and procedures for the conduct of live-fire T&E and for monitoring, reviewing, and reporting on all operational and live-fire T&E within the Department. I would also be responsible for coordinating joint operational testing. I would review and provide recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational and live-fire T&E, including test facilities. In recent years, the authorities of the DOT&E have been expanded to allow the assessment of the Ballistic Missile Defense System (BMDS), the testing of Information Assurance vulnerabilities, and oversight of Body Armor and other critical Force Protection equipment being provided to our deployed forces.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have 24 years of experience working with and for defense industry, the Defense Department, and the Congressional Budget Office (CBO) analyzing the key drivers of operational effectiveness and costs of defense programs. This experience, as well as my education and training in science and engineering, give me the requisite perspective and skills to provide Congress and the Secretary of Defense factual, accurate assessments of the operational testing and evaluation of our weapons systems, as well as objective recommendations derived from those assessments. Furthermore, my experiences with the Defense Department's Cost and Analysis Improvement Group and the CBO have given me a strong appreciation of the value of independent, objective analysis and reporting.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the DOT&E? If so, what are they?

Answer. If confirmed, I would increase my familiarity with the capabilities and limitations of the T&E infrastructure within the Department of Defense (DOD) and with the many programs that DOT&E oversees. I would establish productive and cooperative relationships with the USD(AT&L), the new Director, Developmental Test and Evaluation (D,DT&E), the new Director, Systems Engineering, the Director of Defense Research and Engineering (D,DR&E), the Director, Cost Analysis and Program Evaluation, the Director, Test Resource Management Center (TRMC), the Military Departments' Operational Test Agencies and the Service Acquisition Executives. I would visit test facilities and witness the conduct of operational testing and live-fire testing to increase my understanding of the complexities and difficulties inherent in conducting testing. I would work with the test community, the acquisition community, the Joint Staff, and the combatant commanders to help ensure effective and suitable weapons systems are provided as quickly as possible to the warfighter.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense will assign to you?

Answer. If confirmed, I expect Secretary Gates would assign me all of the duties, functions, and responsibilities currently mandated by law and specified in the Department's directives for the position of DOT&E.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the DOT&E?

Answer. I believe there are at least three important challenges that the DOT&E currently faces. First, the office must continue to strengthen the relationships it has established with rapid fielding organizations. Strong relationships with these organizations will enable DOT&E to provide oversight of and advice on testing that helps—not hinders—the fulfillment of their objectives to provide immediate help to our soldiers, sailors, marines, and airmen in the field. Second, to implement the Weapons System Acquisition Reform Act of 2009, DOT&E must establish a productive relationship with the new D,DT&E to assure that office is effective and robust. Third, DOT&E must help assure that adequate resources—both personnel and modern infrastructure—are available to the testing community to support the goals of the Reform Act, including its provisions regarding organizational conflicts of interest (OCIs).

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would review the results of the oversight that DOT&E has conducted of rapid fielding organizations and make adjustments to it, as necessary, in consultation with each organization's leadership. The extent to which DOT&E's oversight has improved each organization's ability to accurately and quickly characterize both the strengths and weaknesses of the capabilities they field will be key to determining any changes that may be needed. I would work with the D,DT&E to develop the practices that will institutionalize the Department's new policy for conducting integrated developmental and operational testing—that effort should provide a natural mechanism for ensuring that office is effective and robust. Finally, I would work with the USD(AT&L), the Under Secretary for Personnel and Readiness, the D,DT&E, the Director of the Test Resources Management Center, and the Director of Cost Assessment and Program Evaluation to assess resource needs for T&E as part of the development of the Future Years Defense Program (FYDP).

Question. What do you consider to be the most serious problems in the performance of the functions of the DOT&E?

Answer. The assessments that DOT&E prepares and the test planning in which it participates can be accomplished only if requirements for systems are realistic, relevant, and testable. A recent Defense Science Board Report identified deficient program requirements and inadequate systems engineering plans as major contributors to poor acquisition performance. Getting the requirements right and starting with a good systems engineering plan that is executable are essential for successful development and testing. Although DOT&E has implemented initiatives in this area, more should be done.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I plan to engage early in the requirements and acquisition processes to address the above issues. Early on, I would meet with the Joint Staff and the new Director, Systems Engineering to assess current practices and develop appropriate recommendations for change.

RELATIONSHIPS

Question. If confirmed, how will you work with the following:

The Secretary of Defense.
The Deputy Secretary of Defense.
The Under Secretary of Defense for Acquisition, Technology, and Logistics.
The Under Secretary of Defense for Personnel and Readiness.
The Director of Defense Research and Engineering.
The Assistant Secretary of Defense for Networks and Information Integration.
The Inspector General of the Department of Defense.
The General Counsel of the Department of Defense.
The Service and Agency officials responsible for major acquisition programs.
The Directors of the Services' Test and Evaluation organizations.
The Joint Requirements Oversight Council.
The Director of the Defense Test Resource Management Center.
The Director of Developmental Test and Evaluation.
The Director of the Joint Improvised Explosive Device Defeat Office.
The Assistant Secretary of Defense for Health Affairs.

Answer. The Director's relationship with many of the foregoing individuals is described or defined in regulation or policy documents. If confirmed, I intend to follow those descriptions and develop strong working relationships with all these officials. Particular examples of how I would work with selected individuals include the following: To help implement the Weapon System Acquisition Reform Act of 2009, as well as to develop practices that institutionalize the conduct of integrated developmental and operational testing, I anticipate that I would be working particularly closely with the USD(AT&L), the new D,DT&E, the executives of the Service acquisition organizations, and the commanders of the Operational Test Agencies. I would also work with these individuals, as well as the Director of the Defense TRMC, the Director for Cost Assessment and Program Evaluation, the Under Secretary for Personnel and Readiness, and the Deputy Secretary of Defense, to assess resource needs for operational T&E during development of the FYDP. I would work with the Director of Cost Assessment and Program Evaluation to provide data on system reliability, availability, and maintainability, and any other data derived from operational testing needed to assist in the preparation of life-cycle cost estimates for ac-

quisition programs. I would work with the Director of the Joint Improvised Explosive Device Defeat Office to assist in conducting rapid testing confirming the effectiveness of concepts and systems for use in ongoing operations.

INDEPENDENCE AND OBJECTIVITY

Question. Congress established the position of DOT&E as an independent and objective evaluator of the performance of major systems. Report language accompanying the National Defense Authorization Act for Fiscal Year 1984 (P. L. 98–94), which was codified as section 139 of title 10, U.S.C., states that "the Director [is] to be independent of other DOD officials below the Secretary of Defense" and "not circumscribed in any way by other officials in carrying out his duties." In describing the Director's duties, the report also noted an expectation that the Director "safeguard the integrity of operational testing and evaluation in general and with respect to specific major defense acquisition programs."

Can you assure the committee that, if confirmed, you will be independent and objective in your evaluations, and that you will provide your candid assessment of Major Defense Acquisition Programs to Congress?

Answer. Yes. I believe the credibility and effectiveness of the organization depends upon both independence and objectivity. If confirmed, I assure you that I will be independent and objective in my evaluations and that I will provide candid assessments of the oversight I conduct to Congress.

Question. In your view, does the DOT&E have the necessary authorities under sections 139 and 2399 of title 10, U.S.C., and applicable departmental regulations to carry out the duties prescribed?

Answer. Yes.

Question. Section 2399 of title 10, U.S.C., establishes certain requirements regarding the impartiality of contractor testing personnel and contracted for advisory and assistance services utilized with regard to the T&E of a system. What is your view of these requirements?

Answer. I fully support the need for impartiality of testing personnel. Section 2399 bars personnel employed by a contractor involved in development or production of a system, from participating in the operational testing of that system. Further, it prevents such personnel from advising or providing assistance services, including planning and subsequent data analysis, for the operational testing and evaluation. The participation of contractors is only appropriate if they are specifically intended to be part of the long-term system support structure. Section 2399 allows for this exception. In my view, section 2399 allows the flexibility to properly structure operational testing and also properly provides for impartial contracted advisory and assistance service.

Question. How will you maintain independence from the often conflicting goals of the acquisition community and the mandates for necessary operational testing?

Answer. The DOT&E authorities and responsibilities for operational T&E and live-fire T&E set out in Title 10 USC, including direct reporting of assessments to Congress and the Secretary of Defense, are key to the office's ability to maintain its independence. If confirmed I will faithfully meet those requirements. Maintaining DOT&E as an independent organization with an independent budget is also essential.

TEST AND EVALUATION FUNDING

Question. Concern over long-term support for and viability of the Department's test ranges and facilities led to creation of the Defense TRMC in 2002 and a requirement for direct funding of T&E facilities.

In your view, how are these changes working to address funding and sustainability concerns at the department's test ranges and bases?

Answer. I do not now have insight to accurately evaluate how well these changes are working. I am aware, however, that the TRMC is responsible for determining the adequacy of the Service investment budgets for T&E infrastructure. I understand that the Director of the TRMC has generally, but not always, certified the adequacy of those budgets. The services have the responsibility within the Department's planning, programming, budgeting, and execution system to provide funding for T&E facilities. I understand that proposals have been made in the past to change where the budgeting authority resides. If confirmed, I will explore the need for additional changes in the methods the Department uses for managing its T&E facilities.

Question. Do you believe that the Department's T&E capabilities, including infrastructure and workforce, are adequately funded?

Answer. I do not now have sufficient insight into the details of the T&E budgets and current and projected needs for conducting T&E to make an informed assessment of the adequacy of current funding. I am concerned, however, that historical budget and policy trends, and increasing demands for testing, may have caused shortfalls in testing resources relative to needs. If confirmed, I would examine this issue carefully and work within the Department's planning, programming, budgeting, and execution system to assess the adequacy of funding for T&E and to develop alternatives for consideration as part of the preparation of the FYDP.

Question. Do you believe that the Department's T&E capabilities, including infrastructure and workforce, are adequate to perform the full range of T&E responsibilities of DOD weapons systems and equipment?

Answer. The DOT&E fiscal year 2008 Annual Report suggests that further investment is necessary to modernize T&E capabilities. More generally, I am concerned that historical budget and policy trends, and increasing demands for testing, may result in shortfalls in testing capabilities relative to needs. If confirmed, I would work within the Department's planning, programming, budgeting, and execution system to assess the adequacy of T&E capabilities and to develop alternatives for consideration as part of the preparation of the FYDP.

Question. What are your views about the importance of accurately projecting future test facility resource requirements and budgeting for these needs?

Answer. In my view, T&E needs should be accurately reflected in the TRMC's DOD Strategic Plan for T&E Resources. If confirmed, I will work to ensure early involvement of DOT&E in identifying these needs for inclusion in that Strategic Plan, and later in the T&E strategies and Master Plans prepared for individual programs. Accurately defining these resources is essential in ensuring a program is executable at inception. Such projections also support and justify Service planning, programming, and budgeting for T&E assets and are needed by DOT&E and other members of the test community in developing program alternatives for consideration during preparation of the FYDP.

Question. How will the sufficiency of investments in test resources and workforces be factored into your assessments and review of proposed test plans and schedules for acquisition programs?

Answer. If confirmed, I would ensure that adequate test resourcing was always a consideration in every test program and any shortfalls are identified in test documentation. My approval of Test and Evaluation Master Plans (TEMP) and Test Plans would be contingent upon the availability of adequate test resources. Should a test resource shortfall impose unacceptable limitations on test adequacy, I would ensure it was corrected or would objectively report on the inability to adequately test the system.

Question. How do you plan to evaluate and improve the operational testing workforce in DOD especially in light of the growing numbers of new technologies embedded in weapon systems and the desire to speed the acquisition and deployment of systems to the battlefield?

Answer. If confirmed, I will work with the Director, TRMC, and the Component Operational Test Agencies to evaluate workforce issues, including the adequacy of the size of the operational testing workforce and the skills resident in its members. Based on the results of that evaluation, I would make recommendations for consideration within the Department's planning, programming, budgeting, and execution system.

OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION

Question. How would you assess the adequacy of resources provided to the Office of the DOT&E given the missions and responsibilities of the office?

Answer. I am aware DOT&E has added personnel in response to its increasing workload. If confirmed, I would review the total responsibilities of the office in light of the recent acquisition reform legislation—including its provisions regarding OCIs—and the Secretary's direction to speed fielding of critical equipment to the combat forces. After this review, if additional personnel and funding are needed, I would work within the Department's planning, programming, budgeting, and execution system to address those needs.

Question. In your view, does the DOT&E have sufficient support from federally-funded research and development centers (FFRDCs) and other contractors to support designated missions?

Answer. I have not had the opportunity to familiarize myself with any deficiencies or other problems that DOT&E may be experiencing with contractor support. However, I understand from DOT&E's annual reports that its workload has been increasing. For example, the Secretary has delegated to DOT&E responsibility to pro-

vide oversight of the testing of critical equipment, such as body armor, being provided to our forces currently deployed in the field. The potential for increased workload within DOT&E to implement the Department's revised policies for integrated developmental and operational testing also exists because those policies require DOT&E to be involved earlier and more substantively in planning and monitoring testing. If confirmed, I will review DOT&E's current and projected workloads in each of its functional areas to determine if shortfalls in manpower exist that could be filled either by contractor support or government personnel. If shortfalls exist, I would consider whether additional contractor support would be the best method to fill them and what type of contractor support would be appropriate. However, with the consolidation of the Defense industrial base since the Cold War, I understand it has become increasingly difficult to identify contractors without either real or perceived OCIs.

Additionally, the provisions of the Weapon Systems Acquisition Reform Act regarding OCIs (which I strongly support) could make identifying such contractors even more difficult, requiring greater reliance on either government personnel or FFRDCs. Thus, in deciding on the best method to fill support shortfalls, I would need to consider the extent to which the manpower ceilings currently imposed by law on FFRDCs and increasing demand for using that constrained set of resources might limit the availability of FFRDC support to DOT&E.

Question. In your view, does the DOT&E's current workforce represent the correct mix between government and contractor personnel?

Answer. The Secretary has decided that the Department should increase its use of government personnel providing in-house expertise and rely less on contractors. Moreover, I understand the need for DOT&E to deal appropriately with real or perceived OCIs, which also affects the mix of government and contractor personnel appropriate for use by the office. If confirmed, I will review the balance among DOT&E's government personnel and its use of contractors and FFRDCs, in the context of the office's future workload, its need to deal appropriately with OCIs, and its need to have in-house, government expertise.

Question. Does the DOT&E need any special personnel authorities, such as those available to Defense Advanced Research Project Agency (DARPA), medical personnel, service academies, or defense laboratories, to attract, recruit, and retain the workforce needed to perform designated missions?

Answer. I am unaware of any special personnel authorities needed by DOT&E at this time. If confirmed, I will consider the potential need for such authorities in conjunction with reviewing DOT&E's needs for both contractor support and government personnel.

OPERATIONAL AND DEVELOPMENTAL TESTING

Question. What are your views on the appropriate point in concept development of a new acquisition program for incorporation of T&E planning and integration of testing requirements?

Answer. The T&E community should be involved with both the requirements community and the system developers during early stages of the Materiel Solution Analysis to develop an evaluation strategy that can be reflected in the request for proposals. These relationships should continue during technology development, with emphasis shifting to evaluation of competitive prototypes, refinement of T&E strategies, and review of technology readiness assessments. During this phase, detailed T&E activities should be planned, resourced, and documented in a TEMP that is reviewed and approved by both the USD(AT&L) and DOT&E.

Question. What steps, if any, do you believe the Department should take to ensure that testing takes place early enough in the program cycle to identify and fix problems before it becomes prohibitively time-consuming and expensive to do so?

Answer. If confirmed, I look forward to working with the acquisition community—in particular the new D,DT&E—to develop the practices needed to institutionalize the Department's guidance to conduct integrated operational and developmental testing. Conducting integrated testing as early as possible will foster earlier discovery and learning, and less costly correction of the deficiencies that are discovered. I also believe that implementing the provision in the Weapon Systems Acquisition Reform Act of 2009 requiring the D,DR&E to work with the D,DT&E to demonstrate technology readiness prior to making major program commitments (that is, before Milestone B) will reduce risks. If confirmed, I will seek opportunities to work with those two officials to assist them in developing the practices needed to implement the act's provision, including incorporating operational realism in testing conducted prior to Milestone B.

Question. Acquisition programs continue to complete developmental testing satisfactorily, but perform poorly on operational testing suggesting that developmental testing lacks sufficient rigor or realism to adequately characterize the technical performance of a system under test.

What are your views on the current relationship between developmental and operational testing?

Answer. Recent changes to testing policy require Integrated Testing, which is the collaborative planning and execution of testing, with independent evaluation of test data. I believe that with Integrated Testing, the operational test community can help add rigor and operational realism to developmental T&E. This will help make developmental testing a period of discovery and operational testing a period of confirmation.

Question. Do you believe there is value in involving the operational T&E community in providing input into developmental testing and, if so, at what point should that process begin?

Answer. I see tremendous value in involving the operational T&E community in both developmental testing and requirements generation. I applaud the recent Integrated Testing efforts the Department has initiated to make testing as seamless as possible throughout the acquisition process. It is my understanding that DOT&E played a key role in this initiative. The operational T&E community should help make early testing as realistic as possible, allowing identification and correction of deficiencies earlier in the design process when those deficiencies are less expensive to correct.

Question. When is it appropriate for developmental and operational testing to be combined?

Answer. It is appropriate to combine developmental and operational testing when the objectives of both evaluations can be reasonably met. This may provide shared data at a reduced cost and on a shorter schedule.

ADAPTATION OF T&E TO EVOLVING ACQUISITION STRATEGIES

Question. If confirmed, how would you propose to achieve an appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate testing and evaluation?

Answer. It is my understanding the time consumed by operational testing is usually only a small percentage of the overall acquisition cycle time. Program delays in readying for operational testing usually are much longer than the time frame of the operational test itself. Because operational testing occurs near the end of the acquisition cycle, there can be great pressure to rush such tests. I feel that the early involvement of operational testers can contribute to reducing cycle time by identifying issues early in the development cycle when the problems can be solved with less impact on the program and at less cost.

Question. What requirements and criteria would you propose to ensure an effective T&E program is established for an evolutionary acquisition program?

Answer. An evolutionary acquisition strategy requires a T&E process incorporating a distinct set of testable objectives for each phase of the evolutionary program. If the system resulting from completion of a phase will be used in the field, those objectives should be related directly and clearly to how operators will use it; that is, to operational requirements. In my view, it is very important that the progress achieved in completing each phase of an evolutionary acquisition program (or, for that matter, of any program) be judged based upon rigorous testing incorporating appropriate operational realism, not dictated by a pre-set schedule. If a system that results from the completion of a particular evolutionary phase is to be deployed for use in the field, it should undergo operational testing and live-fire testing and evaluation before it is produced and fielded in large quantities. An evolutionary T&E process recognizes the results of developmental and operational testing conducted for previous spirals can be incorporated in testing subsequent spirals, as appropriate, thereby potentially reducing the time and effort needed to test later spirals. Thus, it is important that provisions be made for archiving data resulting from testing each spiral to allow for that data's re-use.

Question. Recent equipment problems have brought to light potential testing deficiencies resulting from the fielding of systems that fell below the thresholds established for oversight by the DOT&E. In many cases, such as with body armor, helmets, vehicle armor kits, and ammunition, the materiel involved is crucial to the everyday mission effectiveness and survivability of our military forces.

If confirmed, how would you ensure that critical equipment being fielded is effective, safe, and suitable for our military to take into combat?

Answer. Title 10, via delegation from the Secretary of Defense, now gives the DOT&E authority to designate any program for live-fire T&E oversight. I understand that DOT&E is working with the Services to compile a list of critical equipment programs that should be made subject to oversight under this authority. If confirmed, I would complete the compilation of this list and exercise oversight over the programs on it to assure critical equipment is adequately tested and objectively evaluated for effectiveness, suitability, and survivability. I would provide my independent assessments of those tests to Congress and the Department's leadership in a timely manner. The equipment's safety would be a key criterion determining my assessment of its suitability. I would periodically review the list of programs placed on this list for completeness and continued need for DOT&E oversight and adjust the list, as appropriate.

Question. What are your views on the testing and evaluation of systems under spiral development?

Answer. I view the needs for effective T&E of systems under spiral development as similar to those for effective T&E of an evolutionary acquisition program. It is important that systems under spiral development have an early T&E strategy and complementary T&E processes that identify a distinct set of testable objectives for each spiral. Each spiral can then be tested against those objectives and progress in development, including whether the program should proceed to the next "spiral," determined using the results of those tests. As in all programs, testing of systems under spiral development should incorporate as much operational realism as soon as possible in a robust developmental testing program. If a system that results from the completion of a particular "spiral" of development is to be deployed for use in the field, it should undergo appropriate operational testing and live-fire testing and evaluation before it is produced and fielded in large quantities. The results of developmental (and any operational testing) conducted for previous spirals can be incorporated in testing subsequent spirals, as appropriate, potentially reducing the time and effort required for testing later spirals. Thus, it is important that provisions be made for archiving data resulting from testing each spiral to allow for that data's re-use.

Question. Do you believe that follow-on operational testing and evaluation should be required for each program spiral?

Answer. In my view, the significance of the changes made to a system's capability should determine the need for follow-on operational testing and live-fire testing. Substantial enchancements in combat capability would require follow-on operational testing and assessment. If follow-on testing is conducted, it should take advantage of data collected from testing done for previous spirals, as appropriate.

Question. How should Service and Agency test organizations project future resource requirements given the uncertainty of testing demand given urgent operational needs and rapid fielding and development initiatives?

Answer. The Services should integrate resource requirements for T&E into their projected program plans for rapid fielding and development initiatives. Because resource demands may change rapidly and unexpectedly as the size and character of ongoing operations evolves, the Services will need to re-evaluate their plans on a continual basis. Accomplishing these re-evaluations will require close consultation among operators, developers, and the Service Operational Test Agencies. If confirmed, I will help facilitate this consultation.

Question. How will you improve the oversight that the DOT&E has over the activities of the Joint Improvised Explosive Device Defeat Office, the Intelligence, Surveillance, and Reconnaissance Task Force, and other rapid fielding organizations?

Answer. I regard DOT&E involvement in assisting these organizations as a high priority. I believe that DOT&E must provide early advice to and conduct continual consultation with these organizations to provide oversight that helps—not hinders—the fulfillment of their objectives. I understand that DOT&E has established interfaces with these organizations and is using those interfaces to oversee their testing activities. If I am confirmed, I will review the results of that oversight and make adjustments to it, as necessary, in consultation with each organization's leadership. The extent to which DOT&E's oversight has improved each organization's ability to accurately and quickly characterize both the strengths and weaknesses of the capabilities they field will be key to determining any changes that may be needed.

COMBINATION OF TESTING WITH TRAINING EXERCISES

Question. Some hold the view that the most representative operational testing would be to allow operational forces to conduct training exercises with the system under evaluation.

In your view, should testing be combined with scheduled training exercises for efficiency and effectiveness?

Answer. I believe that testing should be combined with scheduled training exercises in selected instances when it is feasible and when careful, advance planning can and has been conducted. Combined testing and training events can benefit testing through the presence of more realistic friendly and threat forces conducting operations in a broader, more varied context than would otherwise be the case in standalone testing. This additional realism can be used to simultaneously exercise modes of equipment operation that might not be possible or would be difficult to arrange on test ranges. For example, testing combined with joint force training exercises can offer unique opportunities to discover interoperability problems. Live, virtual, and constructive environments should all offer opportunities for combined testing and training.

Question. What are the barriers, if any, to doing so?

Answer. There may be differences in the needs and goals of the testing and training communities that prevent both groups from achieving their objectives with a single event. Synchronizing schedules can be a problem, as training events are usually scheduled well in advance, and test events, although scheduled in advance, have a history of slippage due to development delays. I understand that the test community often requires that data be collected using methods not normally associated with a training exercise; in some cases those methods could be disruptive to achieving training objectives. Combining testing and training can also introduce the need to train military personnel from the field who are participating in an exercise to operate the new equipment under development to be tested while using tactics they are unfamiliar with. This can increase the cost and complexity of planning and execution for both the testing and training communities.

Question. How can training and testing ranges be used more jointly and efficiently?

Answer. My review of publicly available DOT&E reports indicates that the Services frequently share the use of test ranges and other testing and evaluation infrastructure. Additionally, those reports indicate that testing is often conducted on ranges that are also utilized for training. I also understand that there is increasing competition for the use of both types of ranges. This trend, in conjunction with the concerns expressed in DOT&E's annual reports regarding shortfalls in both capability and capacity at the Department's testing ranges, indicates that more efficient, joint use of both types of ranges is needed whether or not additional resources are provided to modernize these ranges. If confirmed, I will work with the Service Operational Test Agencies and the Joint Staff to determine how test and training ranges can be used more efficiently and jointly and make appropriate recommendations.

"SYSTEM OF SYSTEMS" TESTING

Question. What inherent challenges exist for operational testing with regard to DOD programs that are a part of an overall "system of systems"?

Answer. The large number of individual components of a "system of systems" and the wide span of military capabilities those components provide pose challenges to operational testing. For example, the Army's Future Combat Systems (FCS) program was to be composed of 14 individual systems (ranging from manned ground vehicles to robotic vehicles to unmanned aerial systems) linked together by an information network. Considering the network, a realistic operational test would exercise all the potential linkages among all fourteen systems simultaneously. The information flow across the linkages would be realistic only if it were as large as would be expected if all fourteen elements were deployed and operating in numbers consistent with their employment in a brigade combat team. Testing would need to incorporate the network interruptions, dynamic establishment and dis-establishment of communications links, and other complications expected during combat in complex terrain. Adding consideration of the testing needs for other elements of FCS indicates that realistic operational testing of this "system of systems" would present unprecedented challenges in test planning, assembly of equipment, training of operators, simultaneous presentation of the multiple, disparate threats needed to stress each FCS element, and simultaneous collection of multiple flows of data. The use of modeling and simulation might mitigate these challenges somewhat (the development and verification of the simulations would also be complex), but would not eliminate them. These challenges are present in testing the BMDS and any other "system of systems."

Question. How should a "system of systems" be tested to assess the effectiveness of the whole system?

Answer. Constraints on the environments that can be created in test ranges will probably require that operational testing of systems of systems comprise a combination of "open air" testing of the system's components on ranges—alone and in combination—in conjunction with modeling and simulation. Careful planning of "open-air" tests will be required so that selected aspects of the performance of individual components can be demonstrated and all the data needed to verify, validate, and accredit the models to be used is collected. The combination of open-air testing and modeling should be constructed to stress and exercise all the system's components under the full set of operational conditions to be expected. According to recent testimony to Congress by DOT&E, this is the approach that the Director of the Missile Defense Agency (MDA) is attempting to use in planning the testing conducted on the BMDS "System of Systems."

TESTING OF INFORMATION SYSTEMS

Question. What are the major unique challenges to the testing of information systems?

Answer. I believe the major challenges to testing information systems can be grouped into three areas: interoperability, information assurance, and sustainment. The overwhelming majority of the Department's information systems are expected to exchange information, or network, with a variety of other systems. Development and testing of systems that can all be simultaneously evolving poses configuration management challenges. For example, a data link system may have to operate with an aircraft's mission computer and display systems as well as with the decision and display systems in command centers ashore or afloat. Second, realistic information assurance testing must account for the rapidly maturing and the ever-changing cyber threat. Even with a modular architecture, introduction of new software code can potentially introduce new system vulnerabilities. Third, the rapid pace at which industry has upgraded the commercial hardware and software that underpin DOD systems, challenges the Department's ability to successfully integrate, test, and field updates.

Question. What role do you believe DOT&E should play in testing of major automated information systems and other enterprise information systems?

Answer. I believe that DOT&E should continue to exercise oversight of the testing of major automated information systems and enterprise information systems to help ensure that users are delivered the systems they need to accomplish their missions around the world. DOT&E should ensure that these systems are operationally effective and suitable when operated by typical users in an operationally realistic environment. Among other considerations, this means that testing should exercise under realistic loading all the linkages among these systems expected in operational use. According to DOT&E's annual reports, testing of linkages between new and legacy systems under realistic loads has a history of revealing unanticipated problems; thus, this testing should be accomplished as early as possible in the development of these systems.

Question. Are you satisfied with the Department's capabilities to test and evaluate information systems, including embedded software?

Answer. I have not had the opportunity to carefully review all of the Department's capabilities to test and evaluate information systems. If confirmed, I will review this area carefully to ensure adequate testing and evaluation is being performed.

Question. What role, if any, should commercial sector testing play in the Department's testing and evaluation of commercial information systems that are being modified to support defense needs?

Answer. I believe that commercial sector testing can make a significant contribution in the overall T&E process. The use of third party commercial testing could be particularly useful in development, where it might offer test resources that are not available within the Department.

Question. Recent defense authorization legislation provided the DOT&E with oversight responsibility for information assurance (IA) evaluations of fielded systems. There has reportedly been an increased focus on IA as an evaluation issue for systems on the operational T&E oversight list and a group of acquisition programs have been identified for an expanded review of the adequacy of IA evaluation planning.

Does the T&E community of the Department possess adequate expertise, staffing, and funding to carry out its IA responsibilities?

Answer. I currently do not have sufficient insight into the information assurance capabilities of the T&E community to provide an accurate and objective assessment of the adequacy of those capabilities. I am concerned, however, that the same trends in funding and policy that led Secretary Gates to direct that additional government

civilian employees be hired might have adversely affected the government's T&E workforce overall, as well as in this particular area. The adequacy of the Department's expertise and staffing in information assurance is of particular concern to me because of the competition for people with these skills across the government, as well as in the private sector. If confirmed, I will examine this issue carefully in order to make an informed assessment and recommendation.

Question. What are the major challenges that you see in operational testing of information assurance systems?

Answer. My impression is that there are two related challenges in the operational testing of information assurance for both development and fielded systems. For systems in development, a key challenge is to adequately emulate the operational environment in a secure test facility so that developers can assess the system's performance when it is exposed to realistic, sophisticated threats. For fielded systems, significant operational and security challenges arise in portraying realistic threats against live systems on networks being used for operational and training missions.

LIVE-FIRE TESTING

Question. The live-fire testing program is a statutory requirement to assess the vulnerability and survivability of platforms, while also assessing the lethality of weapons against the required target sets.

Do you believe that the Department's current live-fire testing program is accomplishing its purpose?

Answer. I believe so. The recent testing of the Mobile Gun System, mine resistant ambush protected (MRAP) vehicles, and Body Armor overseen, assessed, and independently reported by DOT&E illustrate the value of robust live-fire testing. DOT&E reports also indicate live-fire testing plays an important role in assessing a system's overall effectiveness and suitability.

Question. What are the major challenges facing the live-fire testing program?

Answer. I believe that conducting adequate testing early enough to improve a system's design without the need for costly changes and retrofits is a key challenge for both operational testing, as well as live-fire testing. Specific examples of challenges related to live-fire testing of which I am aware appear in the DOT&E annual report. That report expresses a concern with the elimination of vulnerability reduction features on the Joint Strike Fighter made to reduce weight during trade space analysis conducted on the aircraft's systems. If this reaction to weight growth in aircraft design foreshadows a more widespread trend, it would be extremely troubling. Similarly, I understand that full-ship shock trials of Navy ships are increasingly constrained by environmental considerations.

Question. What is the Department's role, if any, in the research, development, and acquisition process with respect to live-fire testing for Preliminary Design Model tests, First Article Tests, and Lot Acceptance Tests?

Answer. The Department's role in these tests normally associated with Personal Protection Equipment varies by the nature of the test. Preliminary Design Model tests, typically utilized to screen viable systems before making contract awards, are a responsibility of the acquisition or program manager. In my view, First Article Testing is inherently governmental, as it qualifies a design and leads to full rate production contracts and fielding of equipment. The authorities contained in 2009 National Defense Authorization Act enable the Department to exercise oversight of this testing in a manner similar to the DOT&E authorities for operational testing. Lot Acceptance Testing is in many respects an extension of First Article Testing, in that it supports the acquisition of specific lots of the design qualified in First Article Testing. In my view, government oversight of these tests should focus on ensuring that common standards are used to conduct them.

Question. Is live-fire testing to determine if weapons systems, vehicles, or personal protective equipment meets military and contract specifications for procurement an inherently governmental function, a function that can be outsourced, or a function that can use a mix of government and commercial facilities?

Answer. I believe testing that leads to production decisions is inherently governmental and should be conducted by the Services at government facilities. This is the norm and typically a requirement for all major acquisition programs. This fundamental practice should also be applied to critical personal equipment such as body armor and helmets. The Services must be provided sufficient resources to conduct this level of testing. I note the recent Army policy letter that requires all body armor testing to be conducted by their operational test agency. This is a reasonable policy and does allow for the use of commercial facilities if needed for subsequent lot testing. I agree with the recent report by the defense Inspector General that doc-

umented the need for adequate government oversight if testing is conducted at commercial facilities.

MODELING AND SIMULATION

Question. Advances in modeling and simulation have provided an opportunity to streamline the testing process, saving time and expense.

What do you believe to be the proper balance between modeling and simulation and actual testing of the developed product?

Answer. Modeling and Simulation (M&S) can contribute to the assessment of system performance, particularly to explore the full range of system operation where live, "open-air" testing would be unsafe or is impractical. M&S is also useful as a tool to help plan the test program. However, M&S should be utilized to complement, rather than replace, operational testing in a realistic environment. Additionally, sufficient operational testing should still be performed to adequately validate and accredit any models used. This is often the greatest challenge.

Question. Are there areas in modeling and simulation that need to be advanced in order to improve its utility as a tool for operational and developmental testing?

Answer. I am not aware of any specific areas at this time. However, if I am confirmed I will review the use of modeling and simulation in operational testing and make recommendations for improvements to the testing community, as appropriate.

T&E SCIENCE AND TECHNOLOGY

Question. What are your views on the appropriate level of investment in the science and technology (S&T) of testing?

Answer. I believe strongly in the need for a robust S&T effort to support T&E. This effort should be a part of and consistent with the overall S&T investment strategy of the Department.

Question. What mechanisms will you employ to ensure the S&T portfolio is responsive to the Department's future test instrumentation needs?

Answer. If confirmed, I look forward to working with the USD(AT&L) and his subordinate organizations, such as the Director of the TRMC, to ensure that the projects funded in the S&T portfolio support the Department's future instrumentation needs. I am particularly interested in assuring that the S&T program supports the development and fielding of embedded instrumentation that can be used by testers, trainers, and operator maintainers. Therefore, I would work with AT&L to develop alternatives that provide adequate resources for the associated S&T activities as part of the development of the FYDP.

Question. What areas should the Department's S&T program be investing in to improve the quality of current and future testing capabilities?

Answer. The emerging concepts the Department is pursuing involving urban operations, directed energy, chem-bio, chemical weapons effects, hypersonics, netcentric systems, and unmanned/autonomous systems will all likely require advances in test range instrumentation and other capabilities for conducting both developmental and operational testing. The need for these advances may already be included in the TRMC's strategic plan for the Department's T&E resources. If confirmed, I would work closely with the Director of TRMC in this area.

OPERATIONAL TEST AGENCIES

Question. Operational Test Agencies (OTAs) are tasked with conducting independent operational testing and evaluation of acquisition programs. Recent demands on these organizations have increased to meet rapid acquisition initiatives, to demonstrate joint and advanced concept technology programs, and to evaluate information assurance, information operations, and joint T&E requirements.

In your view, are these agencies sufficiently staffed to perform the required functions?

Answer. I am not aware of any specific staffing shortfalls at this time. I am concerned, however, that the long-term trends that caused Secretary Gates to direct that the government workforce be increased, in conjunction with increasing workload, may have created shortfalls. If confirmed, this is an area that I will explore in greater detail.

Question. How would you propose to arbitrate shortfalls between program managers' limited funding and OTAs independent test requirements?

Answer. Title 10 and DOD Directives require DOT&E to assess the adequacy of operational testing. Service leadership retains the responsibility to ensure programs are managed and funded to meet testing requirements. If confirmed, I will only approve TEMPs and test plans that are executable within available resources.

Question. Do you have any concerns about the independence of the OTAs?

Answer. There will always likely be concerns regarding the independence of the OTAs. If confirmed, I will be vigilant to protect their independence. I believe that the OTAs should report to the top of their Service leadership, independent of the Service acquisition organizations.

Question. Should policies and procedures of the OTAs be standardized across DOD?

Answer. Each of the component OTAs has processes for the conduct of OT&E that are tailored to their organizational construct and the kinds of systems they must evaluate. As long as these processes lead to robust operational T&Es, I do not believe DOT&E should dictate standard processes that may limit component flexibility. I do, however, believe the capability to develop, test, train, and experiment with complex systems in a Joint operational environment needs improvement. If confirmed, I will work with the combatant commands, Joint Forces Command, Service Leadership, and the component OTAs to improve our abilities to test and evaluate in a realistic joint operational environment and make appropriate recommendations for any changes needed in policies and procedures.

BALLISTIC MISSILE DEFENSE

Question. The United States is developing and fielding a BMDS that is intended to defend the United States, its allies, and friends against rogue nation ballistic missiles of all ranges in an operationally effective and cost-effective manner.

Can you assure the committee that, if confirmed, you will evaluate the testing of the BMDS, and that you will make a determination of whether the system and its elements that are tested are effective, survivable, and suitable for combat?

Answer. Yes. DOT&E provides an annual report covering all DOD oversight programs, including the BMDS, as well as a separate annual assessment report of the BMDS to Congress. If confirmed, I will continue to assess BMDS system operational effectiveness, suitability, and survivability and test adequacy in these reports.

Question. If you determine that such testing and evaluation is not adequate, or does not demonstrate that the BMDS or its elements are effective and suitable, or survivable, will you inform Congress of that determination?

Answer. Yes. If confirmed, I will provide my frank and objective assessments of test adequacy and BMDS system and element effectiveness, suitability, and survivability.

Question. According to title 10, U.S.C., Major Defense Acquisition Programs are required to complete Initial OT&E before proceeding beyond low-rate initial production. This is to ensure that weapons systems work effectively before they are produced in large numbers and at great expense. DOD had previously exempted the BMDS from this requirement, saying that there will be only one BMDS, and thus no question of proceeding beyond low-rate initial production. There were also no plans or requirements for operational test and valuation of the BMDS or its elements.

Do you believe that any BMDS we deploy should be operationally effective, suitable, and survivable?

Answer. Yes. I believe that the MDA and operational test community should demonstrate through rigorous testing and verified, validated, and accredited modeling and simulation, that the elements to be deployed are operationally effective, suitable, and survivable.

Question. Do you believe that the BMDS and its elements should undergo operational T&E?

Answer. Yes. As with all major defense acquisition programs, I believe that the BMDS and its elements should undergo operational T&E to demonstrate its capabilities. This is particularly true given the strategic importance of the BMDS. Independent operational testing should be included in the overall program and should occur once the incremental development of a given element or group of elements has been completed.

Question. What do you believe is the appropriate role for the office of the DOT&E in providing an independent and objective assessment of the operational effectiveness, suitability, and survivability of the BMDS?

Answer. I believe it is the role of DOT&E to ensure adequate test planning, oversee the conduct of testing in accordance with approved test plans, independently assess the operational effectiveness, suitability, and survivability of the BMDS using all relevant and appropriate test data, and report our findings to the congressional defense committees and the Secretary of Defense.

MASTER TEST PLAN FOR BMDS

Testing and evaluation of Major Defense Acquisition Programs is normally implemented according to a TEMP, which must be approved by the DOT&E. However, this has not been the case for the Ballistic Missile Defense System or its elements.

Do you believe that the T&E of the BMDS and its elements should be implemented according to a TEMP, or its equivalent, and that this plan should include such features as goals and objectives, methodologies, criteria for evaluation, planned infrastructure, and schedule?

Answer. Yes. Historically, well-prepared and resourced TEMPs have not only promoted disciplined testing of the Department's acquisition programs but also fostered successful assessments of operational effectiveness, suitability, and survivability. In 2002, the Secretary of Defense relieved the MDA from the requirement to produce a TEMP for the BMDS. Instead, the Agency has produced a similar document known as an Integrated Master Test Plan (IMTP). It is my understanding that Agency's IMTP does contain such features as goals and objectives, methodologies, criteria for evaluation, planned infrastructure, and schedule.

GROUND-BASED MIDCOURSE DEFENSE

Question. Concerning the Ground-based Midcourse Defense (GMD) system, the DOT&E annual report for 2008 states that, "GMD flight testing to date will not support a high degree of confidence in its limited capabilities."

Do you agree that our objective should be to have a high degree of confidence in the capabilities of the GMD system, and do you believe that our T&E program for the GMD system should be designed and implemented to provide a high degree of confidence in the system?

Answer. Yes. I believe that it is essential that operational decisionmakers have the greatest possible understanding of the capabilities and limitations of the GMD system, as well as the entire BMDS. In particular, those decisionmakers need high confidence in the accuracy of the performance estimates that underpin the determination of those capabilities and limitations.

Question. Do you agree that it is essential to conduct testing of the GMD system that will allow the validation, verification, and accreditation of the models and simulations necessary to predict and understand the performance of the system?

Answer. Yes. Modeling and simulation, anchored by a robust program of flight and ground testing, and exercised over the battlespace using operationally realistic threat, mission scenario, and environmental models, is necessary to develop high confidence assessments.

Question. The January 2009 DOT&E "2008 Assessment of the BMDS" states that, for the GMD system, "all intercepts have occurred within a small portion of the threat battlespace and under nearly the same intercept conditions." It also reports that the GMD system "has not demonstrated interceptor performance in a salvo defense (multiple interceptors against a single target) or in a multiple simultaneous engagement (multiple interceptors against multiple targets) in a flight test."

Do you agree that flight testing for the GMD system needs to be rigorous and operationally realistic, in order to demonstrate capability in a more representative portion of the possible operational conditions?

Answer. Yes. I believe there should be robust, operationally-realistic testing of, not only the GMD, but all the constituent elements of the BMDS, so that we fully understand the systems' capabilities and limitations. The modeling and simulation used to evaluate the full capabilities of the BMDS must be verified and validated before the BMDS OTA Team can accredit it for use in assessing BMDS performance. The flight test program must be carefully designed to collect the required performance data that can then be used to verify and validate the models and simulations.

Question. Do you agree that the system testing should include such operationally realistic features as salvo testing, multiple simultaneous engagement testing, and an intercept test using the Cobra Dane radar as the operational sensor, if possible?

Answer. Yes. I support previous DOT&E recommendations and testimony to the Defense Committees that the MDA should perform salvo testing and multiple simultaneous engagement testing of the GMD. I also support the proposal to conduct a GMD intercept test using the Cobra Dane radar as the operational sensor; however, I understand General O'Reilly has testified that there are unique challenges associated with the need to conduct such a test from within or nearly adjacent to the Russian Flight Information Region. If an intercept test is not feasible, alternatives, such as a target fly-by, should be investigated.

MEDICAL TECHNOLOGIES

Question. What role should the DOT&E play in the testing and evaluation of medical technologies such as combat casualty care technologies, drugs, vaccines, and other medical technologies before their operational use by DOD?

Answer. I understand DOT&E has been overseeing the operational T&E of automated information systems that support medical care delivery, such as the Composite Health Care System, the Armed Forces Health Longitudinal Technology Application, and the Theater Medical Information Program. I believe that this is an appropriate role. On the other hand, medical technologies such as combat casualty care technologies, drugs, and vaccines are highly specialized and clinical in nature. The T&E of these medical technologies is probably better suited for specially trained medical professionals with expertise in this area. I am not aware that DOT&E has this expertise.

ENCROACHMENT AND ENVIRONMENTAL ISSUES.

Question. As is the case with military training, DOD T&E efforts can be hampered by encroachment and constrained by environmental regulations, both on land and at sea.

To what extent do you believe encroachment and environmental requirements on and around T&E ranges are affecting the quality and quantity of DOD's T&E programs?

Answer. I understand the importance of these issues. Based on the recent DOT&E Annual Reports and other reports to Congress, it appears that the Department has been able to conduct its test operations adequately while making compensating adjustments to address environmental issues where necessary. However, those reports also raise concerns regarding limitations that testing is experiencing due to encroachment and other related problems. If confirmed, I will monitor this area carefully.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the DOT&E?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[The nomination reference of Dr. J. Michael Gilmore follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 1, 2009.

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

J. Michael Gilmore of Virginia, to be Director of Operational Test and Evaluation, vice Charles E. McQueary.

[The biographical sketch of Dr. J. Michael Gilmore, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. J. MICHAEL GILMORE

Dr. Gilmore has served most recently as the Assistant Director for National Security within the Congressional Budget Office (CBO). In that capacity he was responsible for CBO's National Security Division, which performs analyses of major policy and program issues in national defense, international affairs, and veterans affairs.

His previous government employment includes serving within the career Senior Executive Service in the Office of the Secretary of Defense, first as leader of a division performing independent cost analyses of defense acquisition programs, and later as the Deputy Director for General Purpose Programs within the Office of Program Analysis and Evaluation (PA&E). In the latter position, Dr. Gilmore was responsible for developing, formulating, and implementing Secretary of Defense policies on all aspects of Department of Defense general purpose programs, including analyzing the operational effectiveness and costs of U.S. conventional military forces and supporting programs.

Dr. Gilmore also served within PA&E as an analyst for command, control, and communications programs, as well as missile defense programs. Prior to his government service, Dr. Gilmore worked as a Defense Department contractor, analyzing the effectiveness of missile defense and command and control programs for the McDonnell Douglas Corporation and later at Falcon Associates in McLean, VA. Dr. Gilmore has also worked as a scientist conducting research on fusion energy at Lawrence Livermore National Laboratory.

He holds a Ph.D. and M.S. in nuclear engineering from the University of Wisconsin and a B.Sc. in physics from the Massachusetts Institute of Technology.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. J. Michael Gilmore in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James Michael Gilmore.

2. **Position to which nominated:**
Director, Operational Test and Evaluation.

3. **Date of nomination:**
June 1, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 24, 1954; Richmond, VA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Ai-Chi Liu.

7. **Names and ages of children:**
Christopher Kenneth Gilmore, born June 6, 1988.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
09/1976–12/1980, University of Wisconsin-Madison, Ph.D. in Nuclear Engineering, 12/80.
09/1972–05/1976, Massachusetts Institute of Technology, B.Sc. in Physics, 05/1976.
09/1968–06/1972, Salem Senior High School (Salem, OH), Diploma, 06/1972.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
09/2001–Present: Assistant Director for National Security, Congressional Budget Office, Second and D Streets SW, Washington, DC.
11/1994–09/2001: Deputy Director for General Purpose Programs, Office of the Director, Program Analysis and Evaluation, Office of the Secretary of Defense, 1800 Defense Pentagon, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
01/1993–11/1994: Division Director, Office of Deputy Director for Resource Analysis, Office of the Director, Program Analysis and Evaluation, Office of the Secretary of Defense, 1800 Defense Pentagon, Washington, DC.
05/1990–01/1993: Operations Analyst, Office of the Deputy Director for Strategic Programs, Office of the Director, Program Analysis and Evaluation, Office of the Secretary of Defense, 1800 Defense Pentagon, Washington, DC.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.
Presidential Rank Award—Meritorious Executive in 1998.
Secretary of Defense Medal for Meritorious Civilian Service in 1996.
Secretary of Defense Medal for Distinguished Civilian Service in 2001.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
A.A. Mirin, S.P. Auerbach, R.H. Cohen, J.M. Gilmore, L.D. Pearlstein and M.E. Rensink, "Radial Transport Calculations for Tandem Mirrors," Nucl. Fusion 23 (1983), 703.

S.P. Auerbach, R.H. Cohen, J.M. Gilmore, A.A. Mirin and M.E. Rensink, "Plasma Transport Caused by Ion-Neutral Atom Collisions-I. Slab Model," Nucl. Fusion 24 (1984), 1251.

"Federal Budget Trends and the Outlook for the Defense Program" in Defense Strategy and Forces: Setting Future Directions, Proceedings of the Ruger Workshop, 13–15 November 2007, Naval War College, Newport, RI.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have delivered no formal speeches, however I have participated in a number of panel discussions and have given presentations and briefings regarding defense programs and budgets. I have also testified before congressional committees regarding CBO's work on defense issues. Below is a list of my testimony before Congress and Commissions:

"CBO Testimony: The 2009 Future Years Defense Program: Implications and Alternatives," Hearing before the Committee on the Budget, U.S. House of Representatives, February 4, 2009.

"CBO Testimony: The Navy's 2008 Shipbuilding Plan and Key Ship Programs," Hearings before the Subcommittee on Seapower and Expeditionary Forces, Committee on Armed Services, U.S. House of Representatives, July 24, 2007.

"CBO Testimony: The Navy's DD(X) Destroyer Program," Hearings before the Subcommittee on Projection Forces, Committee on Armed Services, U.S. House of Representatives, July 19, 2005.

"CBO Testimony: Issues That Affect the Readiness of the Army National Guard and Army Reserve," Hearing before the Commission on the National Guard and Reserves, May 16, 2007.

"CBO Testimony: The Army's Future Combat Systems Program," Hearings before the Subcommittee on Tactical Air and Land Forces, Committee on Armed Services, U.S. House of Representatives, April 4, 2006.

"CBO Testimony: Potential Costs of the Navy's 2006 Shipbuilding Plan," Hearings before the Subcommittee on Projection Forces, Committee on Armed Services, U.S. House of Representatives, March 30, 2006.

"CBO Testimony: Estimating the Costs of Military Operations in Iraq," Hearing before the Committee on the Budget, United States Senate, February 6, 2007.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

J. MICHAEL GILMORE.

This 8th day of June, 2009.

[The nomination of Dr. J. Michael Gilmore was reported to the Senate by Chairman Levin on August 4, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 21, 2009.]

[Prepared questions submitted to Zachary J. Lemnios by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Director of Defense Research and Engineering (DDR&E)?

Answer. The DDR&E is the principal staff advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) and to the Secretary and Deputy Secretary of Defense for Research and Engineering matters. The DDR&E serves as the Chief Technology Officer (CTO) for the Department of Defense (DOD).

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have over 30 years of professional experience as an engineer. During my career, I have served in both industry and government, and am currently in an academic laboratory. I have also served on many Defense Science Boards and other advisory committees. If confirmed, I believe that my background and experience will enable me to discharge the DDR&E's responsibility to develop technologies that enhance the operational capabilities required by our armed forces.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the DDR&E?

Answer. I believe that I have the necessary background, skills, and ability to perform the duties of the DDR&E.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense will assign to you?

Answer. If confirmed, I expect the Secretary to assign me duties and functions commensurate with those of a CTO, and any others as he may deem appropriate.

RELATIONSHIPS

Question. Section 139a of title 10, U.S.C., and DOD Directive 5134.3 discuss the responsibilities and functions of the DDR&E. Other sections of law and traditional practice also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the DDR&E with the following:

The Deputy Secretary of Defense.

Answer. If confirmed, I will work closely with the Deputy Secretary to provide advice and assistance commensurate with the role of a CTO, including rapidly transitioning technology to the field, prioritizing science and technology (S&T) investment funding levels, and enhancing current and future military capabilities.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. The DDR&E is subject to the authority, direction, and control of the USD(AT&L). If confirmed, I expect to provide the Office of USD(AT&L) with technology insight and leadership across the research and engineering community.

Question. The Under Secretary of Defense for Intelligence.

Answer. If confirmed, I will work to foster a close working relationship with the Under Secretary of Defense for Intelligence to ensure our research and engineering needs are synchronized across the Department. I believe intelligence on potential adversary capabilities is important for sharing among the defense programs.

Question. The Under Secretary of Defense (Comptroller/Chief Financial Officer) (USD(C/CFO)).

Answer. If confirmed, I will work closely with the USD(C/CFO) to ensure investment in research and engineering meets the overall priorities of the Department.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. If confirmed, I will work to foster a close working relationship with the Under Secretary of Defense for Personnel and Readiness to ensure the current and future research and engineering workforce priorities are balanced across the Department, and to ensure that technologies necessary for the readiness of our forces are in the DOD portfolio.

Question. The Service Secretaries.

Answer. If confirmed, I will work to foster a close working relationship with the Service Secretaries to ensure their research and engineering priorities and technology investments are supporting the overall Department goals and are in balance.

Question. The Service Acquisition Executives.

Answer. Research and Engineering is the first step in the overall acquisition process, so I view the Service Acquisition Executives as a primary customer of defense research and engineering. If confirmed, I will work closely with the Service Acquisition Executives on research and engineering matters to provide technology leverage for their missions.

Question. The Service Science and Technology Executives.

Answer. The Service S&T Executives are responsible for developing and executing the programs for their respective Service. If confirmed, I intend to provide technical insight and work closely with them to ensure the overall DOD S&T investment is coordinated and provides the best possible payoff for taxpayer investment.

Question. The Directors of Department of Defense Laboratories and Research Centers.

Answer. If confirmed, I intend to work closely with the Directors of Defense Laboratories and Research Centers to provide them with the necessary resources to deliver technology in support of DOD needs. I also believe it is the responsibility of the DDR&E to establish standards for lab performance.

Question. The Director of the Defense Advanced Research Projects Agency (DARPA).

Answer. If confirmed, I will work closely with the Director of DARPA to ensure that DARPA continues to open new technical fields and create new technologies that have a profound impact on national security.

Question. The Director of the Defense Threat Reduction Agency.

Answer. If confirmed, I will work with the Director of the Defense Threat Reduction Agency on research and engineering matters pertaining to weapons of mass destruction.

Question. The Joint Staff.

Answer. Research and Engineering provides new operational capability options to the warfighter. I view the Joint Staff as another primary customer of research and engineering products. If confirmed, I will work closely with the Joint Staff on issues relating to research and engineering with the goal of understanding the requirements process and specific capability needs in order to ensure our warfighters are affordably equipped with superior warfighting capabilities.

Question. The Director, Defense Test Resource Management Center.

Answer. If confirmed, I will work with the Director, Defense Test Resource Management Center to consider technology options and alternate procedures for enhancing the test and evaluation of DOD systems.

Question. The Director, Operational Test and Evaluation (OT&E).

Answer. If confirmed, I will work with the Director, OT&E to consider technology options and alternate procedures for enhancing the test and evaluation of DOD systems.

Question. The Director of the Joint Improvised Explosive Device Defeat Office.

Answer. If confirmed, I will work with the Director of the Joint Improvised Explosive Device Defeat Office to identify technical and system solutions for defeating current threats and countering future anticipated threats.

Question. The Assistant Director of Defense for Networks and Information Integration.

Answer. If confirmed, I will work closely with the Assistant Director of Defense for Networks and Information Integration to ensure enhanced communication and network capabilities and cyber protection.

Question. The Director of the Business Transformation Agency.

Answer. If confirmed, I will work with the Director of the Business Transformation Agency on issues regarding research and engineering business practices and efficiencies.

Question. The Director of the White House Office of Science and Technology Policy.

Answer. If confirmed, I will work closely with the Director of the White House Office of Science and Technology Policy to ensure DOD research and engineering goals and priorities are aligned with the administration's goals and priorities.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the DDR&E?

Answer. The first major challenge is to preserve the technological edge of current U.S. forces, by extending the capabilities of our warfighting systems—through better intelligence, greater speed, longer range, higher precision, and more effectiveness. The second major challenge is to identify breakthrough capabilities, allowing the U.S. to leapfrog potential adversaries. Finally, the third major challenge is to provide a hedge against an uncertain future via a set of scientific and engineering options that provide technological depth to U.S. capabilities and deterrence against strategic surprise.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will develop plans that address these challenges by enhancing the capability of defense S&T to deliver to the warfighter and to the American taxpayer technologies and systems that provide increased agility or the ability to adapt to changing applications and environments, the ability to scale flexibly with demand, and the ability to react faster than adversaries with minimal support and logistics infrastructure.

Question. What do you consider to be the most serious problems in the performance of the functions of the Office of the DDR&E?

Answer. I do not believe I can fairly answer this question from my current vantage point.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I do not believe I can fairly answer this question from my current vantage point, but if confirmed, I will develop a plan to assess any problems that may exist and then implement actions to correct them.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the DDR&E?

Answer. If confirmed, I will work with the USD(AT&L) and the Joint Chiefs of Staff to more fully understand the technology opportunities and needs of the warfighter and Department Acquisition Programs. In general, I would expect the priorities would be consistent with the priorities defined by Defense Secretary Gates in the last two budget cycles. Last year, the Secretary specifically directed an increase in spending for Defense Basic Research, and has indicated this remains a priority. I would expect the other broad priorities would be consistent with the three priorities laid out by the Secretary in his April 2009 budget rollout speech. In that speech, the Secretary said DOD would:

1. Take care of our people.
2. Develop capabilities to fight today's war and prepare for future wars.
3. Reform the way we acquire weapons systems.

If confirmed, I would expect my priorities to be consistent with these broad priorities of Secretary Gates.

Question. What defense technologies do you consider the highest priorities for development in order to enhance DOD's ability to prosecute its designated missions?

Answer. In general, I believe it is difficult to provide a single list of technologies that have "highest priority." It has been my experience that an effective S&T program balances near and long term activities and balances incremental change with revolutionary technologies. The highest priorities should develop or deliver a capability advantage for our deployed forces. During my two tours at DARPA, I saw significant technologies such as the internet, unmanned aerial vehicles, stealth, and others emerge from DOD investments in advanced technologies. Prospectively, I believe we should understand where the state-of-the-art is in science, and understand how to apply these technologies, and create opportunities through investment.

Question. What will be your strategy for developing these technologies in a manner to support needed defense capabilities in a timely and cost effective way?

Answer. If confirmed, I will look at all available strategies and evaluate them against the constraints of being timely and cost effective.

INVESTMENT IN SCIENCE AND TECHNOLOGY

Question. If confirmed, what metrics will you use to assess the size and portfolio of investments made under the defense S&T program?

Answer. Determining a sufficient level of S&T investment is not a precise science; rather, it is a strategic decision. The goal should be to fund S&T at a level adequate to ensure the technological superiority of our armed forces. A strong S&T program is required to provide options for responding to a full range of military challenges both today, and into the future.

Question. What role should the DDR&E play in the detailed development and coordination of service and agency S&T investment strategies, programs, and budgets?

Answer. Each Service and agency has a responsibility to plan, program, and execute S&T programs to meet their specific component's needs. The DDR&E should provide investment and management guidance that integrates Service and agency efforts to provide a full spectrum of DOD capabilities. Each of the Services' and agencies' S&T programs should leverage and complement each others' efforts.

Question. What, in your view, is the role and value of S&T programs in meeting the Department's transformation goals and in countering irregular, catastrophic, traditional, and disruptive threats?

Answer. The Department's investment in S&T develops the technological foundation necessary for our modernization effort, and fosters the development of "leap ahead" technologies that produce transformational capabilities on our terms. DOD must continue to invest broadly in defense-relevant technologies as a hedge against technological surprise and as a counter to future threats.

Question. Are there any S&T areas that you view as underfunded by the Department?

Answer. I do not know of any S&T areas that are underfunded. If confirmed, I will perform an assessment of the entire DOD S&T portfolio, and make an assessment at that time.

Question. In your judgment, will the funding levels in these areas affect the Department's ability to meet the threats of the future?

Answer. I am not aware of any specific science or technology areas that are underfunded.

Question. Do you feel that the Department's current S&T investment strategy strikes the appropriate balance between funding innovative, disruptive technologies and addressing near-term operational needs and military requirements?

Answer. A strong S&T program is required to provide options for responding to a full range of military challenges both today, and into the future. DOD must continue to invest broadly in defense-relevant technologies and strive for a balance between high-risk/high-payoff, disruptive technologies, and technologies that address near term operational needs. I know that the Department is making investments in both these areas and, if confirmed, I will make an assessment of the balance.

BASIC RESEARCH

Question. A 2005 National Academy of Sciences study entitled Assessment of Department of Defense Basic Research noted that "the need for discovery from basic research does not end once a specific use is identified, but continues through applied research, development, and operations stages. . . . DOD should view basic research, applied research, and development as continuing activities occurring in parallel, with numerous supporting connections throughout the process. . . . Senior DOD management should support long-term exploration and discovery and communicate this understanding to its research managers."

Given the continuing nature of basic research and the broad implications and applications of discovery-focused and innovation-focused sciences, what criteria would you use, if confirmed, to measure the success of these programs and investments?

Answer. The potential rewards of basic research are generally long-term, and hence short-term quantitative metrics are difficult to apply effectively. If confirmed, I will evaluate success on the quality of the researchers and the research we are able to attract to our programs, and how DOD-sponsored research guides, influences, and is influenced by the scientific and engineering fields in which it invests. With the input of the universities, laboratories, and independent expert panels, I expect to establish guidance in scientific priorities for the Department's basic research activities.

Question. If confirmed, how would you determine whether there is an adequate investment in basic research to develop the capabilities the Department will need in 2020?

Answer. It is not easy to accurately gauge the adequacy of investment in basic research, given the uncertainty of the results and its long term nature. However, because of basic research's amply demonstrated transformative potential in the Nation's warfighting capabilities, I believe that the DOD should remain a major contributor to the Nation's basic science activities. This is consistent with the stated policy of Secretary Gates to strengthen Defense Basic Research.

Question. The National Academies study also found that "A recent trend in basic research emphasis within DOD has led to a reduced effort in unfettered exploration, which historically has been a critical enabler of the most important breakthroughs in military capabilities."

If confirmed, what steps, if any, will you take to address this concern?

Answer. If confirmed, I will direct the Director of Under Secretary of Defense (Laboratories and Basic Sciences) to study and report to me on the state of scientific exploration under DOD basic research, and if the flexibility of scientific research has been unduly hampered.

Question. The JASON 2008 study "S&T for National Security" observed that:

- "DOD is not adhering to its own definition of basic research in its use of 6.1 funds"
- "Basic research funding is not exploited to seed inventions and discoveries that can shape the future. . ."

- "The portfolio balance of DOD basic research is generally not critically reviewed by independent, technically knowledgeable individuals"

Have you reviewed the findings of the JASON study?

Answer. I have read the JASON study, but if confirmed, I plan to review it in detail against the broad context of basic research across the Department.

Question. If confirmed, what steps, if any, will you take to address the concerns raised by the JASON review?

Answer. I believe in the importance of basic research to the DOD mission and if confirmed, I will carefully review the JASON study and other related studies to assess the program.

CHIEF TECHNOLOGY OFFICER

Question. If confirmed, as DDR&E, you will be the CTO of DOD.

What do you see as the role of the CTO of DOD?

Answer. The role of the CTO of the Department is defined in the DDR&E charter. The charter defines the role of the DDR&E as the Principal Staff Assistant to the USD(AT&L) and the Secretary on all technical matters. The DDR&E should provide guidance to shape the DOD S&T program and to develop technology options for the Department. The CTO should also contribute significantly to ensuring that major acquisition programs are conducted with acceptable technological risk.

Question. What lessons have you learned as CTO of Massachusetts Institute of Technology (MIT) Lincoln Laboratory that will enhance your ability to serve as CTO of DOD?

Answer. My lessons as the CTO at Lincoln Lab highlighted the importance of building partnerships and alliances. If confirmed, I will attempt to apply my lessons learned to the DOD.

Question. What authorities do you currently possess as CTO of MIT Lincoln Laboratory that you find most useful in exercising you responsibilities as CTO?

Answer. My open access to the MIT leadership and the tremendous collaboration across the MIT technical community has opened new technical frontiers and rapidly transitioned key ideas from research to end use.

Question. Do you believe you will have those same authorities if confirmed as DDR&E?

Answer. Yes, I believe the same authorities will exist as DDR&E.

TECHNOLOGY READINESS ASSESSMENT PROCESS

Question. Have you participated in or observed the development of Technology Readiness Assessments (TRAs) to support Milestone Decisions for defense acquisition programs?

Answer. I have not yet had the opportunity to participate or observe any TRAs.

Question. What is your assessment of the value, strengths, and weaknesses of the current process?

Answer. My current understanding of TRAs is that they offer substantial value from cost, schedule, and performance perspectives by causing the DOD acquisition process to confront technology maturity issues in a rigorous and timely fashion. Among the greatest strengths of the DOD TRA process are its focus on independent review teams of technology experts, and the requirement for hard evidence to prove technology readiness ratings. Another strength of the process is standardization throughout the military components, through the DOD TRA Deskbook and frequent DOD-wide training and workshops. I believe, consistent with the Weapons Systems Acquisition Reform Act of 2009, that the process could be strengthened by adding greater emphasis on system integration issues.

Question. Would you recommend any changes to the processes used for the assessment of technological maturity and integration risk of critical technology elements?

Answer. Before recommending any changes to the current process, I believe I would need to observe and participate (as a reviewer) in the DOD TRA process. If confirmed, I intend to do so.

Question. Are you satisfied that the DDR&E is properly staffed and resourced to support decisionmakers in complying with the technology certification and assessment requirements that are its responsibility?

Answer. From my current vantage point, I am unable to make this determination.

Question. What changes, if any, would you anticipate making, if confirmed, in this process as a result of the enactment of the Weapon Systems Acquisition Reform Act of 2009?

Answer. If confirmed, I will carefully consider changes that may be needed. I believe it is likely that the requirement to conduct "periodic" reviews of technology maturity, the addition of integration risk, and the requirement to conduct assessments

in consultation with the Director of Developmental Test and Evaluation (D,DT&E) will lead to changes in the current process.

COORDINATION OF DEFENSE S&T WITH OTHER AGENCIES

Question. Do you believe the mechanisms of coordination between Federal civilian agencies and the Department are adequate to ensure that the military can best leverage the advances of agencies such as:

National Science Foundation on defense needs for basic science, especially in social sciences?

Answer. From my current vantage point, I am unable to definitively make this determination, but, adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with the Department and the National Science Foundation is open and transparent.

Question. National Aeronautics and Space Administration (NASA) on hypersonics and other space research and the viability and availability of testing facilities?

Answer. From my current vantage point, I am unable to definitively make this determination, but adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with the Department and NASA is open and transparent.

Question. National Institutes of Health (NIH) on areas in which military medical research and vaccine development overlap with civilian medical needs?

Answer. From my current vantage point, I am unable to definitively make this determination, but adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with the Department and NIH is open and transparent.

Question. Intelligence Community in setting defense research priorities to prepare for future threat environments?

Answer. From my current vantage point, I am unable to definitively make this determination, but adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with the Department and the Intelligence Community is open and transparent.

Question. Department of Homeland Security on homeland defense and national security-related science?

Answer. From my current vantage point, I am unable to definitively make this determination, but adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with the Department and Department of Homeland Security is open and transparent.

Question. If confirmed, how would you work with other Federal agencies and the Office of S&T Policy to improve coordination?

Answer. From my current vantage point, I am unable to definitively make this determination, but adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue with other Federal agencies and the Office of S&T Policy is open and transparent.

TECHNOLOGY STRATEGY

Question. What weaknesses, if any, do you see in the current Defense S&T strategic planning process?

Answer. I do not have enough insight into the internal DOD Strategic planning process to judge this activity.

Question. What do you believe are the key attributes for a good strategic plan that can be effectively utilized for programming and budgeting purposes?

Answer. I believe a good strategic plan should be simple, clear, realistic, and widely disseminated. Additionally, a strategic plan should be linked to higher goals and provide guidance for subordinate organizations.

Question. If confirmed, how would you work to ensure that strategic plans are utilized during the budget planning and programming process?

Answer. Before recommending how I would do this, I need to participate in the DOD budget planning and programming process and will do so if confirmed.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. The Department's fiscal year 2010 budget proposes increases across a spectrum of technology transition programs. Challenges remain, however, in successfully transitioning new technologies into existing programs of record, fielded systems, and major weapons systems and platforms.

What challenges exist in technology transition within the Department?

Answer. Based on my experience, lack of funding flexibility and the extended timelines of DOD requirements and budget processes are challenges to technology transition. Successful transition requires an appropriately mature technology, a user need, an insertion window in the program of record, and budgeted resources for implementation. This alignment is hard to achieve and maintain, and the gap between S&T and acquisition often needs bridge funding in the execution year.

Question. What would you do, if confirmed, to address these challenges?

Answer. If confirmed, I will review the mechanisms and processes that are in place and determine if improvements are needed.

Question. What is the role of the DDR&E in facilitating communication between technical communities, acquisition personnel, and end users to speed technology transition?

Answer. I believe one key factor to successful technology transition is early engagement. If confirmed, I will foster relationships among these communities by understanding the needs of the warfighter and by interpreting those needs in a manner that allows the acquisition system to respond.

Question. Do you believe that we need to change the manner in which we fund technology transition in DOD? If so, what changes would you recommend?

Answer. I am aware that the 2009 National Defense Authorization Act mandates the Department to develop an assessment of various technology transition programs within DOD, and that an assessment is being performed by the DDR&E staff. If confirmed, I will ensure that the assessment goals meet the intent of the language, and that appropriate action is taken to balance our technology transition portfolio with the needs of the warfighter.

SYSTEMS ENGINEERING AND PROTOTYPING

Question. Do you feel that DOD has sufficient systems engineering expertise in its current workforce or contractor base?

Answer. I am aware that some aspects of prior acquisition reform initiatives may have removed technical capability from the government workforce and delegated them to the contractor base.

Question. What changes do you anticipate will be made in the Department's systems engineering organization and practices as a result of the enactment of the Weapon Systems Acquisition Reform Act of 2009?

Answer. The Weapon Systems Acquisition Reform Act of 2009 identifies a key role for systems engineering in the acquisition process. I believe there will be opportunities to strengthen systems engineering in response to this act.

Question. What is the value of competitive prototyping in increasing the success of DOD acquisition efforts?

Answer. I regard prototyping as a critical path to enhanced technology development and reduced technical risk. Through competitive prototyping we should be able to achieve more predictable cost, schedule and performance outcomes leading to increased success with our DOD acquisition programs.

Question. What impact do you expect the Weapon Systems Acquisition Reform Act of 2009 to have on competitive prototyping efforts by DOD?

Answer. I expect the Weapon Systems Acquisition Reform Act of 2009 to have a positive impact by adding significant authority to the DOD's competitive prototyping policy. The competitive prototyping clarification, combined with the systems engineering emphasis provided by the legislation, offer the opportunity to identify, scope, resource and execute the pre-milestone B activities collaboratively between the requirements and the acquisition communities to develop the data required to fully inform the milestone B.

Question. If confirmed, how will you work to increase the amount of systems engineering projects and competitive prototyping efforts that are undertaken by DOD and its contractor base?

Answer. If confirmed, I will facilitate communication between the S&T community and the systems engineering community to engage with programs early in the acquisition lifecycle, and work to ensure maturity and integration issues of critical technologies are fully addressed.

VENTURE CAPITAL STRATEGIES

Question. In recent years, some components of DOD have attempted to follow the lead of the intelligence community by using venture capital firms to make investments in developing technologies.

What role do you believe that venture capital firms should play in DOD's investments in developing technologies, including in the Small Business Innovation Research (SBIR) program?

Answer. Venture capital firms can provide access to innovative companies that might not normally gain exposure to DOD. If confirmed, I will explore opportunities within DOD guidelines to capitalize on the ability of venture capital firms to reach companies to identify technology solutions of interest to DOD within legal authorities.

Question. What advantages and disadvantages do you see in the use of venture capital strategies?

Answer. The advantage of venture capital strategies is that they provide windows to companies that are not traditional DOD partners. The disadvantage to venture capital strategies is that small firms are not often fully cognizant of government practices.

Question. When DOD does decide to use venture capital strategies, what steps do you believe the Department should take to ensure that DOD funds are invested in technologies and companies that properly reflect national defense priorities, avoid the potential for conflicts of interest by industry partners, and ensure that the Department's investments are not diluted?

Answer. I believe before investing in a venture capital opportunity, the project should be reviewed to ensure it will meet a military requirement and is not duplicating the work that is already being supported through other programs. The review should include the full participation of interested parties and potential users within DOD.

Question. What other strategies do you intend to employ, if confirmed, to ensure that the nation's most innovative companies work on DOD research and engineering programs?

Answer. If confirmed, I will conduct a review of existing mechanisms that allow innovative companies to work with DOD and identify any obstacles that prevent innovative companies from working with DOD.

INTERNATIONAL RESEARCH COOPERATION

Question. In your view, how should increased globalization of defense technology affect DOD's research and technology development and investment strategy?

Answer. The increased globalization of defense technology impacts the DOD on several levels. First, the intellectual capital advantage the U.S. once enjoyed is being eroded as other nations' R&D investments increase. The U.S. no longer enjoys a monopoly in some technologies. Finally, the non-U.S. science and engineering labor force continues to expand at a greater rate than that of the U.S. Because technology is becoming a global commodity, I believe the Department should look to expand, within policy guidelines, international S&T awareness. If confirmed, I will work towards that goal.

Question. What is your assessment of the value of cooperative research and development programs with international partners?

Answer. From my current vantage point, I understand the value of cooperative research and development with international partners. This value needs to be balanced with national security factors to maximize research and development output without security risk. If confirmed, I will review international cooperative agreements in this light.

Question. In your view, what are the obstacles to more effective international cooperation, and, if confirmed, how would you address those obstacles?

Answer. From my current vantage point, I am unable to assess obstacles to more effective international cooperation, but if confirmed, I will work hard to balance the benefits of international cooperation, which I believe exist, with the risks, and take appropriate action.

Question. How will increased international technology cooperation affect our domestic defense industrial base?

Answer. My experience has shown me that a case-by-case assessment of the impact of any proposed international technology cooperation includes the impact on the domestic industrial base.

Question. How should DOD monitor and assess the research capabilities of our global partners and competitors, and of the global commercial sector?

Answer. I am aware all of the Services have offices around the globe to assess the research capabilities of our global partners. Since global technology is important, if confirmed, I will examine the output of these offices and take steps to strengthen their capability if needed.

TEST AND EVALUATION

Question. What are your views on the adequacy and effectiveness of the Department's development and OT&E activities?

Answer. From my current vantage point, I am not able to comprehensively assess the adequacy of the Department's developmental or OT&E activities. I do know that a properly defined test plan should improve technology development, and, if confirmed, I would be responsible as CTO for demonstrations, and would review test plans accordingly.

Question. What changes do you anticipate will be made in the Department's developmental testing organization and capabilities as a result of the enactment of the Weapon Systems Acquisition Reform Act of 2009?

Answer. From my reading of the Weapons Systems Acquisition Reform Act of 2009, I understand that the statute requires creation of a position entitled D,DT&E. Since such a position does not currently exist, I believe the new statute will drive change to D,DT&E.

Question. What modifications would you recommend to the test and evaluation processes in DOD to more efficiently and quickly develop and deliver operationally effective and suitable technologies to the warfighter?

Answer. I believe it is important that equipment and technology acquired by the Department be subject to robust Systems Engineering, comprehensive Developmental Test and Evaluation, and realistic OT&E. If confirmed, I would enforce the provision of the Weapons Systems Acquisition Reform Act of 2009 that addresses the technology maturity issue through the activities of the DDR&E, in consultation with the D,DTE.

SMALL BUSINESS ISSUES

Question. If confirmed, how would you work to ensure that the SBIR program serves a useful purpose in meeting the Department's research goals?

Answer. The DOD SBIR program represents a substantial augmentation to the Department's core tech base research funds. SBIR research topics and contracts should support DOD priority needs, and be complementary to core research investments. If confirmed, I will review the current DDR&E process for coordinating the SBIR program and will work to ensure that this process yields a valuable contribution to the Department's research investments.

Question. What guidance or direction do you consider necessary regarding transition of the research results of SBIR programs to major weapons systems and equipment?

Answer. If confirmed, I will work with the DOD Office of Small Business Programs, and other appropriate offices, to develop mechanisms to improve the visibility of SBIR technologies to major weapons programs, as well as with the Services SBIR program managers to make sure the SBIR research is as relevant as possible.

Question. What emphasis would you place, if confirmed, on participation by the acquisition community in setting research priorities for the SBIR and in accepting new solutions into existing programs of record?

Answer. I do not know the current process for balancing SBIR priorities, but I believe that acquisition programs should be a source of SBIR research topics, and should be an interested and willing customer for SBIR products. Topics for new SBIR competitions should be informed by acquisition community needs and shortcomings. If confirmed, I will encourage Service Acquisition Executives to play a vigorous role in developing new SBIR research topics, and in fostering adoption of mature SBIR technologies into programs of record.

Question. In your judgment, are modifications needed to the Department's SBIR program to ensure it meets the Department's goals and is updated to support research costs of the small business community?

Answer. In general, I believe that the Department is best served by an SBIR program that enables contracts in each SBIR phase to be properly scaled for anticipated costs of the intended research, and that the size limit on SBIR-eligible firms should be strictly applied so as to encourage maximum participation by small firms. If confirmed, I will examine the SBIR program in more detail to determine if modifications are needed.

DEFENSE LABORATORIES

Question. What is your overall assessment as to the technical capabilities and quality of Defense laboratories relative to their Department of Energy, FFRDC, industry, academic and foreign peers?

Answer. I believe that a robust and rigorous S&T program, which includes high-performing DOD laboratories, is important to our national security. The DOD laboratories provide a unique and dedicated array of capabilities for the military. The DOD labs, working in partnership with other agency and university laboratories, have historically played a major role in our military's technology superiority. How-

ever, based on recent assessments, there may be a need for improvement. If confirmed, I will place a priority on examining our Defense laboratories and workforce. We will study comparisons between the Department of Energy national laboratories, NASA research centers, the National Institute of Standards and Technology, as well as universities and industry. If necessary improvements are identified, a plan will be developed for their implementation.

Question. What are your views on the most effective management approach for personnel at these facilities?

Answer. The ability of the DOD laboratories to support the Department's missions through research and technology development is important for our national security. The keys to a productive laboratory are its workforce and providing a state-of-the-art technical environment in which scientists and engineers have the opportunity to develop innovative concepts. Providing laboratory directors flexibility in their ability to hire, train, and retain a talented technical workforce and providing them with facilities conducive to scientific discovery are essential. If confirmed, I will study which management practices have yielded good results and work towards expanding their use.

Question. A review of defense laboratories operations shows various deficits in personnel management, infrastructure renewal, physical plant recapitalization rate, support services adequacy, etc. Some analyses have indicated that these deficiencies result from excessive centralized control.

Do you support significantly increased delegation of operating authority to the lab director?

Answer. I believe in aligning responsibility at the lowest possible level needed to execute. Consequently, I support, in principle, delegating increased operating authority to laboratory directors. If confirmed, I will direct the Deputy Under Secretary of Defense for Laboratories and Basic Sciences (USD(LABS)) to review personnel management, infrastructure recapitalization, and other lab issues, and provide recommendations to address identified problems. I will then work towards developing the necessary authorities for lab directors based upon these recommendations.

Question. If confirmed, what steps, if any, will you take to improve the quality, technical capabilities, and mission performance of the Defense laboratories?

Answer. The first step to take towards improving any enterprise is to assess objectively the current state of the enterprise. Before delineating specific steps to take to improve the DOD labs, if confirmed, I would take steps to fairly assess their quality, technical capabilities, and so forth. In general, I believe the labs are a critical element in addressing identified warfighting capability needs, both current and future, as well as developing technology to meet potential threats in the future. I believe it is important to preserve this capability.

Question. Would you support transitioning certain laboratory capabilities into Federally-Funded Research and Development Centers or Government Owned-Contractor Operated facilities?

Answer. If confirmed, I will ask the Deputy USD(LABS) to study these options, and provide recommendations.

LABORATORY PERSONNEL MANAGEMENT

Question. The Department's research and development laboratories perform unique functions in serving national security missions and do not readily fit into the general operational management structure. The JASON study observed that "civilian career paths in the DOD research labs and program management are not competitive to other opportunities in attracting outstanding young scientists and retaining the best people." Congress has enacted legislation granting special authorities to the Secretary of Defense for flexible management and personnel demonstration experiments at the laboratories and has exempted the demonstration laboratories from inclusion in the National Security Personnel System until 2012.

Would you support making the laboratories' exemption from NSPS permanent and enabling them to make full use of the flexibilities inherent in the laboratory demonstration program's enabling statutes?

Answer. Based on recent news articles, I believe DOD is currently assessing the implementation of NSPS and is also assessing flexible hiring authorities. The result of that assessment would be a factor in any decisions about further implementation of lab management.

Question. What particular workforce challenges does the Office of the DDR&E have?

Answer. A technically skilled and competent workforce is essential to the success of technology development and acquisition programs. Attracting, hiring, training,

and retaining a technical workforce is a pressing challenge facing many organizations. If confirmed, I would take steps to attract and retain the best possible personnel. Such steps include but are not limited to ensuring effective outreach programs to students, offering competitive salaries to employees, training personnel to ensure they maintain their skills, and providing an environment which stimulates innovative thinking and risk taking.

Question. If confirmed, how will you go about making the resource assessment required by section 104(b) of the Weapon Systems Acquisition Reform Act of 2009?

Answer. If confirmed, I will ask my Director of Plans and Programs to work with the Deputy USD(LABS), the Director of the Test Resource Management Center, and the Deputy Under Secretary of Defense for Acquisition and Technology to develop an analytical estimate of the resources required.

TECHNICAL AND ACQUISITION WORKFORCE ISSUES

Question. In your view, does the Department have adequate technical expertise within the government workforce to execute its designated acquisition and technical development missions?

Answer. Based on my current vantage point, any assessment of the adequacy of the DOD technical workforce would be an opinion, not an analytical assessment. Because of the importance of people to the technical product, I believe such an assessment needs to be based on hard facts and data. If confirmed, I would require the DDR&E staff to develop the data needed for an analytical assessment before providing an opinion or taking any actions.

Question. What efforts will you undertake, if confirmed, to improve the technical capabilities of DOD in critical areas, such as systems engineering, information assurance, social and cultural sciences, and software engineering?

Answer. I am aware that the DDR&E is responsible for the overall Department's Science, Technology, Engineering, and Mathematics (STEM) education oversight. If confirmed, I would first review existing programs to assess adequacy of the technical workforce, then seek to adjust the programs designed to develop new scientists and engineers to match the supply to the demand.

DEFENSE SCIENCE BOARD STUDY ON THE ROLES AND AUTHORITIES OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Question. Have you reviewed the report of the 2005 Defense Science Board Task Force on the Roles and Authorities of the DDR&E?

Answer. I have read the 2005 Defense Science Board Task Force on the Roles and Authorities of the DDR&E.

Question. If so, what are your views of this report and, if confirmed, how would you plan to utilize the findings of the Defense Science Board Task Force?

Answer. If confirmed, I will review the report in detail to determine which recommendations remain relevant, and work with leadership of DOD on determining what findings and recommendations should be implemented and how best to implement these recommendations.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Question. What is your view of the appropriate relationship between the DDR&E and the Director of DARPA?

Answer. The Director of DARPA reports to the DDR&E per DOD Directive 5134 and I have no reason to believe that changes should be made to this relationship.

Question. What do you believe is the proper research mission for DARPA?

Answer. DARPA has a long and storied history of being an engine of innovation for the U.S. DARPA's ability in being able to tackle some of the most difficult problems facing the DOD, and apply very innovative solutions is unique. I believe the proper role for DARPA is to conduct the high-risk, high-payoff research for the Department, and to share that work with the Services and others within the government.

Question. What adjustments do you expect to make, if confirmed, to the current style of DARPA research program management and investment strategy?

Answer. If confirmed, I intend to work closely with DARPA, as well as the Services, to provide a balanced technology approach for the Department. If confirmed, I will closely examine the current DARPA and Service management processes to determine if adjustments are required, and if they are, how to provide the best possible, but balanced product to meet current and future needs of DOD.

Question. What do you believe are the key characteristics of an effective DARPA Director?

Answer. I believe the DARPA Director should have the skills to effectively communicate the value of the DARPA product, have an ability to build teams outside of DARPA, and finally, be infused with a spirit that does not accept that something cannot be done.

Question. What, in your view, is the appropriate relationship between DARPA and the Service S&T programs?

Answer. The appropriate relationship between DARPA and the Services should be complementary. DARPA pushes the far side to develop the big leap-ahead advances, while the Service S&T programs draw upon these technological advancements to develop products. Any S&T program that does not balance these two forces is, I believe, suboptimal. If confirmed, I will work to maintain this balance.

Question. What, in your view, is the appropriate relationship between DARPA and the Service laboratories?

Answer. The laboratories and DARPA are partners in developing technology solutions for the warfighter.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION

Question. Do you believe that DOD specifically and the Nation as a whole is facing a crisis in STEM education?

Answer. Based on recent blue ribbon studies and my own experience, I believe both the DOD and the Nation have a challenge in STEM education, and our ability to educate, train, and retain students and workers in the STEM fields. This is a particular challenge for DOD, which manages a large part of the Federal science and engineering workforce and 35,000 at the DOD laboratories.

Question. In your view, how will this affect DOD's ability to prosecute its missions?

Answer. The ability of the Department in carrying its missions depends on an educated and talented STEM workforce; consequently, if confirmed, maintaining STEM personnel will be important to me.

Question. What role do you think DOD should play in supporting STEM education?

Answer. I believe the Department should be actively engaged at all levels across the STEM education continuum—pre-college through graduate—and, more importantly, work with the Office of S&T Policy, the National Science Foundation and other Federal components involved in national security, to generate a "whole of government" approach to workforce development.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the DDR&E?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[The nomination reference of Zachary J. Lemnios follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 18, 2009.

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

Zachary J. Lemnios, of Massachusetts, to be Director of Defense Research and Engineering, vice John J. Young, Jr.

[The biographical sketch of Zachary J. Lemnios, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ZACHARY J. LEMNIOS

Zachary J. Lemnios is Chief Technology Officer at the Massachusetts Institute of Technology (MIT) Lincoln Laboratory. He is responsible for coordinating technology strategy across the laboratory and for establishing and growing strategic external relationships to support current and future laboratory missions. These strategic technology efforts include collaboration with MIT Campus to develop and leverage research projects in support of defense and related activities. He is a member of the Director's Office Staff and Laboratory Steering Committee.

At Lincoln Laboratory, Mr. Lemnios has served as Assistant Division Head of the Solid State Division, a member of the Senior Management Council, and co-chair of the New Technology Initiatives Board. As a Senior Staff member in the Solid State Division, he led efforts to develop novel system applications for a broad range of materials including CMOS/SOI, SiC, GaN, AIGaN and GaAs. He also developed and inserted advanced microelectronics technology into performance-driven Department of Defense (DOD) applications.

During 2003–2005, Mr. Lemnios was Director of the Defense Advanced Research Projects Agency (DARPA) Microsystems Technology Office, responsible for developing and implementing the strategic vision and technical plans for the office and for transitioning those elements to the DOD. From April 2002 to July 2003, he was the Deputy Director of the Information Processing Technology Office, where he was instrumental in developing and launching a new DARPA direction in cognitive systems.

Prior to joining Lincoln Laboratory, Mr. Lemnios was Assistant Director of the Electronics Technology Office, also at DARPA, and led the development and insertion of advanced microelectronics into many DOD systems. In addition to launching national research initiatives in advanced microelectronics, he sponsored the development of the first 250 nm CMOS/bulk and SOI manufacturing technology base. His further support of wideband and high linearity analog-to-digital converters resulted in key system insertions for critical DOD applications.

Within industry, Mr. Lemnios has held various positions at Hughes Aircraft Company, Westinghouse Electric Corporation, and Ford Microelectronics, Inc. He has served on numerous DOD, industry, and academic committees, including various Defense Science Board studies, the DARPA Information Science and Technology Study Group, and the DARPA Defense Science Research Council.

He holds a BSEE degree from the University of Michigan and an MSEE degree from Washington University in St. Louis, and attended the Harvard Kennedy School of Government Program for Senior Executives in National and International Security. He is also a Senior Member of the IEEE, has authored over 40 papers, holds 4 patents, and has been awarded the Office of the Secretary of Defense Medal for Exceptional Public Service.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Zachary J. Lemnios in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Zachary J. Lemnios.

2. **Position to which nominated:**
Director, Defense Research and Engineering.

3. **Date of nomination:**
May 18, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 21, 1955; Cambridge, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Stephanie Bicoulis.

7. **Names and ages of children:**
Melanie, 29; Grace, 26; Sarah, 24; Jon, 22.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Michigan, 1972–1976, Bachelor of Science in Electrical Engineering Washington University in Saint Louis, MO, 1977–1979, Masters of Science in Electrical Engineering.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
08/06 to present, Special Government Employee, Defense Advanced Research Projects Agency.
08/06 to present, Chief Technology Officer, MIT Lincoln Laboratory, Lexington, MA.
03/05 to 08/06, Assistant Head, Solid State Division, MIT Lincoln Laboratory, Lexington, MA.
06/03 to 03/05, Director, Microsystems Technology Office, Defense Advanced Research Project Agency, Arlington, VA.
04/02 to 06/03, Deputy Director, Information Processing Technology Office, Defense Advanced Research Project Agency, Arlington, VA.
03/97 to 04/02, Senior Staff, MIT Lincoln Laboratory, Lexington, MA.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Defense Science Board Study Participant, 2006 to present.
DARPA Defense Science Research Council, Red Team, 2008 to present.
DARPA Information Science and Technology, Red Team, 2008 to present.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

I am a Senior Member of the Institute of Electronic and Electronics Engineers (IEEE).

I am currently serving as Parish Council President for the Hellenic Orthodox Association, Inc. This is the nonprofit corporation that was established to operate the St. Nicholas Greek Orthodox Church of Lexington, MA.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

February 2005 - Awarded Office of Secretary of Defense Medal for Exceptional Public Service.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

See Attachment 1.

[Attachment retained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Z. Lemnios, "Creating Capability Surprise," Keynote Speaker for NDIA/DOD Science & Engineering Technology Conference/DOD Tech Exposition, Charleston, SC, April 2009 (included in attachment).

[Attachment retained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ZACHARY J. LEMNIOS.

This 8th day of May, 2009.

[The nomination of Zachary J. Lemnios was reported to the Senate by Chairman Levin on June 18, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 19, 2009.]

[Prepared questions submitted to Lt. Gen. Dennis M. McCarthy, USMC (Ret.), by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Yes. I believe the act can be made even more valuable.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Expand application of the act to more Reserve component personnel, and ensure that educational opportunities are available to enable Reserve component personnel to meet applicable requirements.

DUTIES

Question. Section 138 of title 10, U.S.C., provides that the Assistant Secretary of Defense for Reserve Affairs shall have "as his principal duty the overall supervision of Reserve component affairs of the Department of Defense (DOD)."

If confirmed, what duties do you expect that the Secretary of Defense will prescribe for you?

Answer.

(1) Travel widely to meet with Citizen Warriors, their families and employers to ensure I can provide an accurate assessment of the state of this important triad.

(2) Be an advocate for the effective use and long-term sustainment of the Reserve components.

(3) Meet with combatant commanders and other gaining force commanders to ensure I understand their views of the effectiveness of Reserve component policy and funding to meet their requirements.

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. Forty-one years total Marine Corps service; command and staff assignments in both Active and Reserve units; service as a traditional reservist, balancing employment, family, and military demands; service as a Reserve component chief; service as the Marine component commander of U.S. Northern Command (NORTHCOM); service on the Reserve Forces Policy Board; leadership of the Reserve Officers Association of the United States; a wealth of friendships and relationships with people both in and out of uniform who are interested in the success of the National Guard and Reserves.

Question. What actions will you take to enhance your ability to perform the duties of the Assistant Secretary of Defense for Reserve Affairs?

Answer.

(1) Ensure that I understand the intent of the Secretary of Defense;

(2) keep the Deputy Secretary of Defense and the Under Secretary of Defense (USD) for Personnel and Readiness fully informed in whatever ways they require;

(3) maintain close personal contact with both military and civilian stakeholders to keep up my situational awareness of the status and capabilities of the Reserve components; and

(4) make every effort to ensure that the Office of the Assistant Secretary of Defense Reserve Affairs (OSD(RA)) team understands my intent and is empowered to take appropriate action.

Question. In carrying out these duties, what would be your relationship with the following officials:

The Secretary of Defense.

Answer. Since this position reports directly to the USD Personnel and Readiness, my relationship would be through the USD to the Secretary of Defense. I'm sure there will be "other duties as assigned" and I will carry them out to the best of my ability.

Question. The Deputy Secretary of Defense.

Answer. The same will hold true for Deputy Secretary Lynn.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. I intend to work within whatever framework is established by the Under Secretary. I will encourage a transparent information flow both in and out.

Question. The Principal Deputy Under Secretary of Defense for Personnel and Readiness .

Answer. I intend to have a collegial relationship with the Principal Deputy Under Secretary of Defense and support his/her efforts to support the USD, even though this position is not in the reporting chain.

Question. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

Answer. A key partner. Developing a collaborative relationship with Assistant Secretary Stockton will be an immediate priority if I am confirmed.

Question. The General Counsel of DOD.

Answer. I intend to seek his advice, concurrence, and counsel on matters that fall under the purview of that office.

Question. The combatant commanders, particularly the Commander, NORTHCOM.

Answer. I view them as "customers" whose principal interest regarding the Reserve component is having capable Reserve component forces when and where they are needed. I would seek to leverage my prior service with both NORTHCOM and U.S. Joint Forces Command to meet their needs.

Question. The Assistant Secretaries in the military departments responsible for Reserve matters.

Answer. As I understand it, the office has an open communication with the Assistant Secretaries at all levels. I would certainly continue to encourage that.

Question. The Chief of the National Guard Bureau (NGB).

Answer. A key partner. OSD(RA) must provide service that enhances his ability to provide forces as required, and to sustain those forces. It is essential that I understand his needs and that I effectively communicate the Secretary of Defense's intent to him.

Question. The Chiefs of Reserves of each of the Services.

Answer. Same as Chief, NGB.

Question. The Assistants to the Chairman of the Joint Chiefs of Staff for Guard and Reserve Matters.

Answer. Achieve an open and transparent relationship in order to leverage their insights into the Chairman's thinking and the status of Joint Staff initiatives.

Question. The Reserve Forces Policy Board.

Answer. Achieve a collaborative relationship that reinforces the Board's ability to fulfill its role as an independent information resource for the Secretary on matters and issues assigned by him to the Board.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Assistant Secretary of Defense for Reserve Affairs?

Answer. I believe that our country is in an era of persistent conflict that requires our military forces to fulfill a broad range of missions. Success in this struggle will continue to require the contributions of Reserve component forces, which provide operational capabilities and strategic depth to meet U.S. defense requirements across the full spectrum of conflict. A key challenge, from my perspective, is to sustain the Reserve component as an integral part of the All-Volunteer Total Force.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I intend to work with all interested and affected parties in working toward successful solutions. I anticipate focusing on maintaining a balance for servicemembers among Military Service, families, and employers. I expect to emphasize the continuum of service as a means to sustain the All-Volunteer Force with flexible service options that are attractive to a broad population. It is my perspective that the implementation of the Department's utilization rules that govern the frequency and duration of activations provides predictability for servicemembers and effectively manage the expectations of our servicemembers, their families, and employers.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of Defense for Reserve Affairs?

Answer. If confirmed, I would have to take the time to ascertain what if any problems there are. It would be presumptuous of me to make a judgment one way or the other. My predecessor, Tom Hall, is a great leader and probably left me an outstanding organization. It is, however, safe to say that effective communication up and down the chain of command is an ongoing challenge for every organization. If confirmed, I will work hard on that issue.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I won't know until I get my marching orders from the Secretary, the Deputy, and the Under Secretary, and until I've had some time to meet the people in OSD(RA).

RECRUITING AND RETENTION

Question. Some have expressed concern that use of the Reserve component as an operational force and the current mobilization of Reserve component members for lengthy deployments will have an adverse effect on recruiting and retention in the Reserve components.

If confirmed, what actions will you take to enhance recruiting and retention of experienced members of the Reserve components?

Answer. All of the recent figures I have seen indicate that overall recruiting and retention goals are being met. OSD(RA) should support effective implementation of currently successful efforts that enhance recruiting and promote retention. Supporting families and enhancing partnerships with employers are two of the most effective, albeit indirect, ways to influence retention because they can reduce home and job stress.

Question. Historically, the Reserve components have successfully recruited prior service personnel as they leave active duty. With the increased retention of Active-Duty Forces, the pool of prior service personnel available to the Reserve components is shrinking. Additionally, servicemembers who have been deployed multiple times may be less interested in continuing service in the Reserve components because of the potential for mobilization and additional deployment.

If confirmed, what actions will you take to assist the recruiting efforts of the Reserve components?

Answer. Primarily, I will listen to the Reserve Chiefs and their leaders to ensure I understand what they need to succeed in these areas. I also believe that OSD(RA) can be a "think-tank" for new ideas and approaches. For example, changes in the over-all mix of prior service and non-prior service personnel may indicate that new programs are required to provide noncommissioned officers, warrant officers, and company grade officers in some components. OSD(RA) should support service experimentation efforts to address new challenges that emerge in this era of persistent conflict.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. Much of the medical infrastructure for DOD is in the Reserve components. DOD has significant shortages in critically needed medical personnel in both the Active and Reserve components. The committee is concerned that growing medical support requirements will compound the already serious challenges faced in recruitment and retention of medical, dental, nurse, and behavioral health personnel.

If confirmed, will you undertake a comprehensive review of the medical support requirements in the Reserve components and the sufficiency of plans to meet recruiting and retention goals in these specialties?

Answer. I will continue to support the joint, collaborative effort, known as the Medical Recruiting and Retention Working Group, co-led by Personnel and Readiness leaders from Reserve Affairs, Military Personnel Policy and Health Affairs. Their charter is to review and evaluate total force (Active and Reserve) health professions personnel recruitment and retention policies, programs and procedures with an eye toward optimizing tri-service, multi-component cooperation in meeting recruiting and retention requirements.

Question. What legislative and policy initiatives, including greater involvement personnel in recruiting and enhanced bonuses and special pays, do you think may be necessary to ensure that the Reserve components can continue to meet medical support requirements?

Answer. The National Defense Authorization Act for Fiscal Year 2008 included the consolidation of special and incentive pay authorities. The consolidation provides the Department with the increased flexibilities needed to better target recruiting

and retention dollars to specific skills, and enables the Department to more effectively and efficiently manage our personnel. At OSD(RA) they have begun the adaptive planning process for transitioning the bonuses and special pays that meet all the Reserve components' health professions long-term recruiting and retention needs.

USE OF GUARD AND RESERVES

Question. Today's total force concept relies heavily on National Guard and Reserve Forces for both day-to-day and contingency operations. The role of the Reserves is so integral in the total force that military operations involving major, extended missions are required to include Reserve participation. Members of the National Guard and Reserve Forces are performing more and more duties that have been traditionally performed by active duty forces. The Commission on the National Guard and Reserves concluded that "for the foreseeable future, there is no reasonable alternative to the Nation's continuing increased reliance on its Reserve components for missions at home and abroad, as part of an operational force."

In your view, is such extensive use of National Guard and Reserve personnel for duties that have historically been performed by members of the Active components the best use of Reserve component personnel?

Answer. Yes. My experience tells me that the vast majority of Reserve component personnel will rise to meet any challenge, if they are provided the resources to succeed in the field and the supportive services to care for their families and provide employment security. Every member of the National Guard and Reserve serving today has made a conscious decision to do so, knowing full well the demands their service would entail.

Question. If confirmed, what actions will you take to enhance the support of civilian employers of members of the Guard and Reserves?

Answer.

(1) Expand the Army Reserve's current employer partnership initiative to a joint service program;

(2) support the National Committee for Employer Support of Guard and Reserves and Defense Advisory Board for Employer Support in expanding their efforts to make themselves more relevant and responsive to both employers and employees;

(3) use all means available to gauge the level of satisfaction and support for the Operational Reserve by private and public sector employers;

(4) maintain close liaison with the Department of Labor on issues pertaining to the Uniform Servicemembers Employment and Re-employment Rights Act and the Family and Medical Leave Act;

(5) review existing policies and programs in the areas of healthcare, family support, and veterans assistance to streamline the transition of Reserve component members between periods of military service and employment; and

(6) strive to act as a channel of communications between DOD and employers regarding Reserve component employment issues.

HOMELAND DEFENSE AND HOMELAND SECURITY

Question. What do you see as the appropriate role of the National Guard and Reserves in homeland defense and homeland security?

Answer. I believe that homeland defense and homeland security is a Total Force responsibility. However, experience has shown that the Nation needs to focus on better use of the extensive competencies and capabilities of the National Guard and Reserves in support of priority missions. If confirmed, I will update my understanding of the roles, missions, and capabilities of the National Guard and the Reserves and will work to ensure that they have the equipment, training, and personnel to accomplish their missions, both at home and abroad. As stated earlier, I intend to work collaboratively with the Assistant Secretary for Homeland Defense and to support the Commander, NORTHCOM, as directed by the Secretary of Defense.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. In the aftermath of the attacks of September 11, 2001, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness monitoring errors caused by antiquated pay systems, limited transition assist-

ance programs upon demobilization, and lack of access to members of the Individual Ready Reserve (IRR). Reserve force management policies and systems have been characterized as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. It is my understanding that advances have been made in increasing the alert and notification times prior to mobilization. This provides predictability to servicemembers, their families and employers. Additionally, this allows the units identified for mobilization to receive increased funding for training and readiness. Servicemembers receive TRICARE medical benefits in advance of mobilization, increasing their fitness for duty and reducing the time to mobilize. The standardization of procedures at home station allows the mobilization station to certify deployment readiness. Pay systems and duty statuses still suffer from antiquated divisions between Active and Reserve components and need improvement.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. It is my understanding that one of the most significant enduring changes is the implementation of Service force generation plans that enables units to train and deploy on a more predictable time line.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. I am not currently aware of any need for changes in these authorities. If confirmed, I intend to study this issue.

Question. Do you agree that National Guard and Reserve personnel should be mobilized to augment civilians deployed to Afghanistan?

Answer. The Department currently has Reserve component members deployed in Provincial Reconstruction Teams and Army National Guard volunteers in Agriculture Development Teams. It is my understanding that the Department of State and United States Agency for International Development have had contact with DOD in their efforts to fill requirements in Afghanistan. Should they require DOD capacity, I have been told that the Secretary has directed the Under Secretary of Defense for Personnel and Readiness to identify civilian employees capable of deploying to Afghanistan in support of U.S. Government initiatives; and should available DOD civilian employees not meet immediate needs, we will work to identify members of the Reserve components available for voluntary deployment, on military orders and in uniform, to fill the requirement.

Question. Do you believe that Reserve personnel should be subject to involuntary call to active duty to respond to national or manmade disasters and other emergencies?

Answer. Homeland Defense and Defense Support to Civil Authorities are Total Force missions. I believe a change to the law would have to occur to allow this. If I am confirmed I will look into all the ramifications involved.

LESSONS LEARNED

Question. What do you believe are the major personnel lessons learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) which you would seek to address if confirmed?

Answer.

(1) The advisability of adopting a "train-mobilize-deploy" strategy that increases the flexibility of Reserve component forces, but puts greater emphasis on pre-mobilization readiness in all areas;

(2) the importance of maintaining unit integrity wherever possible to permit Reserve component units to mobilize, deploy, and return as whole units with their own leaders;

(3) the critical importance of permitting units to maintain their unit integrity and resume normal activities (including training) as soon as possible after returning from combat;

(4) the critical importance of fielding modern equipment to units to train with before mobilization. The Services must find ways to "horizontally field" some amount of the most modern equipment to Reserve component units for training prior to mobilization. A "train-mobilize-deploy" force cannot see modern equipment for the first time after mobilization.

OPERATIONAL AND PERSONNEL TEMPO

Question. Current DOD policy is that Reserve component members should have 5 years of dwell time for each year they are mobilized.

What is your view of the achievability of this goal? What measures must be taken to be able to achieve it in 5 years or less?

Answer. I believe the 1 to 5 dwell-time ratio is achievable and progress is being made toward that goal. We must ensure that continuing efforts to rebalance Active and Reserve component units in high-demand/low-supply capabilities are completed and set the conditions to comply with the Department's 1-year involuntary mobilization policy.

Question. In your view, how will shifting resources from Iraq to Afghanistan affect dwell-time ratios?

Answer. I am not currently knowledgeable about specifics on this shift. My goal would be to continue policies that support the attainment of the 1 to 5 dwell goal for all Reserve components.

Question. How will the end of the use of stop-loss affect dwell-time ratios?

Answer. I do not expect the end of stop-loss to have an effect on dwell-time ratios due to the small number of servicemembers affected.

Question. What measures are being taken to respond to operational requirements for low-density/high-demand units and personnel whose skills are found primarily in the Reserve components, e.g., civil affairs, medical personnel, and truck drivers?

Answer. I am told the Services are expanding capacity in selected areas, continuing to rebalance the Active component/Reserve component mix where appropriate, and using joint solutions.

Question. In your judgment, what would be the impact on the current rates of operations and personnel tempo of assigning principal responsibility for support to civil authorities for consequence management of natural, domestic disasters to Reserve component forces?

Answer. I am not sufficiently well informed to express a judgment. However, I believe that we need to guard against "double-counting" units. Given the current operations tempo, a unit assigned principal responsibility for support to civil authorities could not be expected to respond to an overseas deployment mission within the same timelines as a unit not so assigned.

STRESS ON FAMILIES

Question. National Guard and Reserve families have been under great stress since 2001 as a result of multiple and lengthy deployments in OIF and OEF.

In your view, what are the key indicators of the stress on Reserve component families at this time?

Answer. Our Reserve component families do have stress . . . this is a part of life and certainly part of military service. More than ever before we are working to understand and manage these stresses. There are particular indicators of stress on our reservist families that we must stay aware of and among others these include:

(1) Readiness—how prepared are families to support their military member's service?

(2) Satisfaction . . . how satisfied is the family with being part of their particular Service?

(3) Stress . . . What is their reported level of stress?

(4) Retention . . . What is the family's attitude toward their member staying in the Service?

These key indicators of the stress on our families and how they are coping are monitored every 6 months by excellent surveys by the Defense Manpower Data Center.

Question. If confirmed, what will you do to address these key indicators?

Answer. OSD(RA) should emphasize two key essentials of support for our families:

1. Reasonable and predictable deployments and dwell-time ratios

2. Effective means to deliver support information and resources. Additionally, enhancing employer-employee partnerships will mitigate a key source of stress—concern about employment security.

Question. What do you consider to be the most important family readiness issues in the National Guard and Reserves?

Answer.

(1) Providing as much predictability as possible;

(2) effectively communication between the unit and all family members;

(3) effectively educating family members about their benefits and about the predictable consequences of military service;

(4) providing supportive services;
(5) providing employment security; and
(6) ensuring that the Nation realizes that families are essential to military success.

Question. If confirmed, how would you ensure support for Reserve component families, particularly those who do not reside near an active-duty military installation, related to mobilization, deployment, and family readiness?

Answer.

(1) Ensure I understand the Reserve component chiefs' requirements and support them as much as I can;
(2) continue to support Military OneSource;
(3) continue to support the Yellow Ribbon program; and
(4) get as much personal feed-back as possible from Reserve component families to enable me to assess the effectiveness of existing programs, and consider new ones.

Question. If confirmed, what additional steps would you take to ensure that family readiness needs, including child care, are addressed and adequately resourced?

Answer. This is another area where we must not become "installation minded." Rather, we must continually reach out to community partners such as the National Association of Child Care Resource and Referral Agencies. Other resources are well developed and developing by the Department of Veterans Affairs (VA) and the State Directors of VA, as well as the Governors and the resources they provide to their citizens.

I also believe we need to increasingly emphasize the one-stop approach to resources that has developed through Military OneSource. This clearinghouse of information and resources needs to become a household name to all Reserve families. We will continue to increasingly encourage its use by Reserve families in order to link them to the broad array of support services in the areas where they are located. We must identify where there are service gaps in communities and build community capacity.

STOP-LOSS

Question. How will DOD implement the Secretary of Defense's recent direction to end the use of stop-loss without eroding unit manning and unit cohesion?

Answer. I expect the Department to maintain our unit manning and unit cohesion through our existing assignment procedures and increasing use of incentive pay to stabilize units prior to deployment.

The U.S. Army is the only remaining component that utilizes stop-loss to meet manning shortfalls. In order to implement the Secretary of Defense's guidance to end the use of stop-loss, U.S. Army has set deadlines for the termination of the program. Active Army units deploying on or after January 1, 2010, will not be subject to stop-loss policies. Army Reserve units deploying on or after August 1, 2009, and Army National Guard units deploying on or after September 1, 2009, will not be subject to stop-loss policies.

Incentive programs such as Deployment Extension Incentive Pay for soldiers assigned to deploying units that do not have sufficient obligated service remaining will be used to meet manning requirements.

Question. What is your understanding of the risk the Army must absorb to end reliance on stop-loss, and what criteria would you apply in creating financial incentives for soldiers to extend on active duty for deployments?

Answer. I believe the Army can manage without stop-loss through the use of incentives and other personnel management policies.

INDIVIDUAL READY RESERVE

Question. DOD established a policy in 2005 mandating the discharge of officers in the IRR who are beyond their military service obligations (MSO) unless the officer positively elects to remain in the IRR. Meanwhile, the Commission on the National Guard and Reserves has found that accessing the IRR as a viable source of manpower for the war has been problematic and that using the IRR as a solution for unit manning is a failed concept.

What are your views on the proper role of the IRR in force management planning?

Answer. The IRR provides the Military Services with depth in force management planning in both operational and strategic roles. This pool of pre-trained individuals can, if actively managed, significantly enhance a Service's flexibility to surge as force requirements dictate.

Question. If confirmed, what changes, if any, do you foresee making to the IRR recall policy?

Answer. IRR recall policy is a Service option, utilized as manpower requirements necessitate. I am not presently aware of a need for DOD to significantly affect the Services IRR recall policy or process.

Question. What are your views about policies affecting continued service by officer and enlisted personnel in the Reserve components who have fulfilled their MSO?

Answer. The established DOD policy is a necessary force management tool. Officers and enlisted who have fulfilled their MSO should be evaluated by their respective Services for mobilization potential. Officers shall be advised to resign, request transfer to the Standby Reserve, or actively participate in the Reserves. Enlisted shall also be required to participate or be denied reenlistment. Leveraged technology and enhanced training opportunities will improve readiness for those who remain active participants.

Question. What is your assessment of the adequacy of the system in place for members in the IRR receiving orders to active duty to request a delay or exemption for that activation, including the procedures in place for appealing the decision on that request?

Answer. My understanding is the current system of delay/exemption has worked well. I do not anticipate making significant changes unless circumstances dramatically change.

Army IRR mobilizations were capped at 6,500 in January 2004. Marine Corps IRR mobilizations were capped at 2,500 in August 2006. No more than 6,500 soldiers or 2,500 marines can be on orders at any one time.

Question. What is your assessment of the value of the IRR to the All-Volunteer Force?

Answer. The IRR is fundamental to the All-Volunteer Force and an important manpower asset. The nation needs a strategic, as well as an Operational Reserve. The IRR provides the primary source of pre-trained individual manpower for the Strategic Reserve.

MEDICAL AND DENTAL READINESS OF NATIONAL GUARD AND RESERVE PERSONNEL

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. I would review the medical and dental readiness programs across the Services, to include command emphasis that is a cornerstone for success. Success of medical and dental readiness is based on three factors: (1) accurate reporting of readiness statistics; (2) fixing minor medical and dental problems; and (3) command emphasis to ensure timely evaluation of members. An electronic readiness record for the Reserve component is vital to this process and linkages must be made with the Active component systems for efficiency and continuity. Additionally, incentives should be in place to motivate members to maintain readiness, a challenge that cannot be accomplished without a commitment from the Services' leadership. To succeed in improving medical and dental readiness reporting, policies must include standardized reporting capabilities with emphasis placed on command accountability for unit readiness.

Question. How would you improve upon the ability to produce a healthy and fit Reserve component?

Answer. Recognizing the value of preventative health practices and providing individuals access and incentives to participate in such practices are the cornerstones for a healthy and fit Reserve component. Encouraging members to maintain optimal health, implementing policies that enable them to do so, and authorizing leadership to provide the means to enforce such policies is critical to a lifetime of fitness for our operational Reserve Forces.

HEALTH CARE FOR RESERVISTS

Question. Members of the Reserve and National Guard who are ordered to active duty for more than 30 days are eligible for the same health care and dental benefits under TRICARE as other active duty servicemembers.

What are your views on the adequacy of Reserve health care?

Answer. Great strides have been made towards the improvement of health care across the Reserve components. TRICARE Reserve Select (TRS) is now available to the Selected Reserve and their families, the exception being those members who are eligible for the Federal Employee Health Benefits Plan. This, however, has not re-

solved all of the health problems our Reserve and Guard members face during their continuum of service. There are gaps in care for those members who have service-connected illness or injuries that are not diagnosed until their TRICARE eligibility has expired. There are also gaps in health care for IRR who are mobilized or volunteer for service. This group is not currently eligible for TRICARE plans other than dental when not on active duty orders, yet they are expected to maintain their medical and dental readiness in order to be eligible to participate.

Question. Do you have any suggestions for improving continuity of care for Reserve members and their families?

Answer. Since the inception of the Total Force and now an Operational Reserve, the fragmented health care system has impacted not only our members, but also their families. Many continuity of care gaps have been bridged through the expansion of TRS, but gaps still remain. Selected Reserve members and their families now have the option of a continuum of care through the TRICARE network as long as the member participates in the Selected Reserve. Members of the IRR and their families do not have this option. We need to look at the feasibility of somehow filling this gap in coverage for the small group of IRR members who actively participate.

We must expedite in the development of an electronic health record to provide adequate care for our Reserve component members. This record should follow the members from enlistment through retirement with a mechanism for transferring the information to the Veterans Administration for follow on care.

We must also look for ways to expand the number of health care providers who will accept TRICARE.

Question. TRS authorizes members of the Selected Reserve and their families to use TRICARE Standard military health care program at a subsidized rate when they are not on active duty.

What is your assessment of TRS?

Answer. TRS, established in 2005, has been enhanced to provide nearly universal coverage to most members of the selected Reserve. Yet studies have shown that the number of uninsured reservists has not significantly changed. Further, there is no evidence that the increase in health care coverage has improved medical readiness or had an effect on recruiting and retention. So far, very few Reserve members have enrolled in TRS—less than 4 percent of those eligible.

At the beginning of January 2009, the monthly premiums for TRS were significantly reduced, dropping from $81 to $47.51 for single coverage and from $253 to $180.17 for family coverage. It remains to be seen whether this reduction in premiums will have a significant impact on the number of members electing to purchase TRS. However, I understand the enrollment in TRS continues to increase, so this change seems to be helping. We need to evaluate how to leverage this valuable program to improve the health and readiness status of our Reserve component members. I believe we need to do a better job of educating leaders about TRS so they can better inform their troops.

Question. Will TRS enhance recruiting for the Reserve components?

Answer. What we have seen with TRS is that it has not been successfully used as either a recruiting or retention tool. I understand that the enrollment rate has been steadily increasing, especially since the premiums were reduced significantly in January. Rather than discount the value of TRS as a recruiting or retention tool, we need to re-evaluate TRS in the current economic light. With the high rates of unemployment and the increase in the number of uninsured in the general population, TRS may be regarded as a tangible incentive to a prospective recruit and may provide an affordable continuum of health for the member who might otherwise consider separating. We need to re-energize a communication plan to educate our members and potential members about the value of TRS for our members and their families. We should also explore the best ways to use TRS in connection with our efforts to collaborate more effectively with employers.

NATIONAL GUARD ORGANIZATION, EQUIPMENT, AND READINESS

Question. Legislative proposals introduced in recent years and recommendations of the Commission on the National Guard and Reserves have proposed numerous changes to the roles and responsibilities of the National Guard and Reserves. Several of the proposed changes have been implemented, and numerous others are under consideration.

How do you assess the changes in the roles, mission, and authorities of the Chief of the NGB and the Army and Air National Guard?

Answer. Positive. The 2008 DOD directive codified the organization, management, responsibilities and function, relationships and authorities of the Chief, NGB. As

this new relationship matures, I am sure this will enhance the effectiveness of the Department.

Question. In your view, do the current Army and Air Force processes for planning, programming, and budgeting sufficiently address the requirements of the Army and Air National Guard?

Answer. I am not sufficiently well informed to answer this question.

Question. What is the appropriate role of the Chief of the NGB in this regard?

Answer. The role of the Chief, NGB is that of advisor to the Secretary of the Army and Secretary of the Air Force in addition to the combatant commanders. This should ensure that the Chief, NGB is well positioned to fully engage in the program-planning-budgeting system process to identify NGB and National Guard requirements.

RESERVE FORCES POLICY BOARD

Question. What is your view of the appropriate role, function, and membership of the Reserve Forces Policy Board (RFPB)?

Answer. I believe the Secretary's recent report to Congress regarding the RFPB laid out an extremely effective proposal for organizing and utilizing the RFPB.

EMPLOYMENT OF FULL-TIME SUPPORT PERSONNEL

Question. Active Guard and Reserve personnel providing full time support are not authorized to perform State active duty missions even in emergencies or disaster situations. On occasion, this can deny an important resource, e.g., aviation capability, to a State Governor in need of assistance.

Do you think that, as a matter of policy, Active Guard and Reserve members should be prohibited in all cases from performing State active duty missions?

Answer. If the law prohibits Active Guard and Reserve personnel providing full-time support from performing State active duty missions even in emergencies or disaster situations, I would expect the DOD to follow the law.

Question. Under what circumstances, if any, do you believe such use should be authorized?

Answer. If confirmed, I would look forward to examining this issue more closely and, if appropriate, providing the Under Secretary of Defense for Personnel and Readiness and the Secretary of Defense with recommendations for change.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. Last year, the Department completed work on the 10th Quadrennial Review of Military Compensation (QRMC), releasing Volume I of its report in February 2008 and Volume II in July 2008. Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employee Retirement System than the current military retirement benefit.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. While similar proposals were entertained by the Defense Advisory Committee on Military Compensation (DACMC), my concern is that any proposed retirement alternative replicates the experience mix of personnel in the current system and the desired career lengths determined by the RC force management plans.

Question. What recommendations, if any, would you propose that Congress implement?

Answer. If Congress chooses to consider the QRMC's recommendations for a defined benefit and contribution retirement plan, it should also agree to conduct the QRMC-proposed multiyear demonstration project prior to force-wide implementation, in order to reduce the uncertainties and risks associated with a transition to a new retirement system.

Question. Are the pay and benefits for Reserve personnel appropriate for the types of service they provide?

Answer. Although we have seen significant enhancements in military pay and benefits in the past 7 years, I plan to continue ongoing efforts to achieve equity in Reserve compensation.

Question. If confirmed, would you recommend any changes to Reserve personnel compensation policies and statutes?

Answer. A few perceived inequities are still a matter of concern for certain Reserve component members. I will conduct a close review of certain basic allowances and reimbursements. The actions Congress has taken with regard to Reserve retirement have been positive.

GI BILL BENEFITS

Question. Last year, Congress passed the Post-September 11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on active duty since September 11. The maximum benefit would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of this act on recruiting and retention in the Reserve components?

Answer. I believe it is too early to assess the post-September 11 effects on recruiting and retention, but I will be closely monitoring its implementation and corresponding RC enrollment.

Question. What is your understanding of the sufficiency of the implementation plan for the transferability provisions contained in the act?

Answer. I understand that the implementation of the transferability provisions of the post-September 11 GI Bill have been coordinated within the DOD and are in the final stages of interagency coordination. Also, the proposed policies and procedures have been furnished to the field and fleet and DOD expect the final results to mirror those provisions. The Reserve components have been integral in the development of these polices and are poised to implement.

Question. Montgomery G.I. Bill educational benefits for members of the Selected Reserve under chapter 1606 of title 10, U.S.C., are an important recruiting and retention incentive. However, the level of the monthly benefit has not risen proportionately over time with that of Montgomery G.I. Bill benefits payable to eligible veterans under chapter 30 of title 38, U.S.C.

What is your view of the adequacy of the current monthly benefit levels under the Selected Reserve Montgomery G.I. Bill?

Answer. Educational assistance benefits under chapter 1606—the Montgomery G.I. Bill-Selected Reserve—have not kept pace with the rising cost of college education; in 2008 the monthly benefit level of $317 covered only 22 percent of tuition, fees, room and board.

Question. Would you recommend any changes to this program?

Answer. I believe that an increase in the monthly benefit is necessary to maintain the attractiveness of the Montgomery G.I. Bill-Selected Reserve as a force management tool.

SCIENCE AND TECHNOLOGY ACADEMIES REINFORCING BASIC AVIATION AND SPACE EXPLORATION (STARBASE) PROGRAM

Question. The DOD STARBASE program is an effective community outreach program that operates under the oversight of the Assistant Secretary of Defense for Reserve Affairs. The goal of the DOD STARBASE program is to raise the interest and improve the knowledge and skills of at-risk youth in math, science, and technology by exposing them to the technological environment and positive role models found at military bases and installations. It currently operates at 54 locations throughout the United States.

What are your views about the STARBASE Program?

Answer. The President has taken a position to make math and science education a national priority. The program supports this effort. I have had an opportunity to read the DOD STARBASE Program Annual Report and agree with my predecessor that "the strength of the program lies in the three-way partnership between the military, the local communities and the school districts. . . . In the end, the success of the program depends on the student experience and the quality instruction delivered by DOD STARBASE Program staff and military volunteers." General Renuart, Commander, North American Aerospace Defense Command and NORTHCOM stated "The partnership among local military installations, school districts, and the surrounding communities created by participation in the DOD STARBASE Program ensures all are valued and equal stakeholders in the education of our children and that we are all accountable for the product: well-educated, articulate young men and women who are ready to take on the environment they will see in their future."

Question. Do you believe that Guard and Reserve personnel should be involved in the STARBASE program?

Answer. Yes, because the students benefit by becoming exposed to our military culture which values knowledge, opportunity, and diversity. In the report, General Renuart also stated that military personnel get the chance to act as a role model, to teach responsibility and leadership, and to shape the lives of these young students. In addition, exposing the students to our wonderful role models, they become embraced to core values like service, integrity, and pursuit of excellence.

Question. Do you believe that it is appropriate to fund this program through the DOD budget?

Answer. Yes, for the reasons stated in my answers to the previous questions. Furthermore, in the report General Chilton, Commander of U.S. Strategic Command, stated that DOD STARBASE is a DOD program that provides opportunities where young students can learn, pursue their dreams, and make them come true. Students get to see and do, experiencing first hand the wonders of learning, and get them interested in science, technology, math and engineering.

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

Question. In 1993, the National Guard, as part of their community mission, established the Youth Challenge Program to help at-risk youth improve their life skills, education levels, and employment potential. In 1998, the Federal share of funding for this program was reduced to 75 percent, with a subsequent annual decrease of 5 percent each year through 2001, so that the Federal share is now 60 percent. Advocates for Youth Challenge have urged that the Federal Government fund 100 percent of the costs during the first 2 years of operation of a State program and restoration of the 75 percent Federal and 25 percent State cost sharing after 2 years in order to increase the number of youths who are able to participate and to facilitate more states offering programs.

Question. What are your views about the National Guard Youth Challenge Program?

Answer. The President has taken a position to address the high school dropout crisis. General McKinley, Chief of the NGB, acknowledged that the National Guard Youth Challenge Program helps address this dropout crisis. It has been reported that over 84,700 students have successfully graduated from the program, with 80 percent earning their high school diploma or general education degree. On average, 26 percent go on to college, 25 percent enter the military, and the remainder join the work force in career jobs. A longitudinal study conducted by MDRC reported that the early results of their evaluation suggests that partway through the cadets Youth Challenge experience, they are better positioned to move forward in their transition to adulthood.

Question. Do you believe this Program should be funded through the DOD budget, or through some other means?

Answer. The National Guard Youth Challenge Program should be funded and managed by the DOD and the NGB because of the strong military linkage which is a key element to the program's success.

Question. What is your recommendation regarding the appropriate level of Federal (versus State) funding of this program?

Answer. The change to the Federal share is appropriate and similar to other cost share requirements. In addition, reducing the State cost share burden would make the continued viability of the National Guard Youth Challenge Program more likely during these economic conditions.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I agree.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Reserve Affairs?

Answer. Yes, I agree.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this committee and its staff and other appropriate committees?

Answer. Yes, I agree.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, I agree.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

STRESS ON RESERVE COMPONENT FAMILIES

1. Senator MCCAIN. Lieutenant General McCarthy, you discussed key indicators of stress on reservists' families in your responses to the committee's advance policy questions. You stated that efforts are being made to understand and manage these stresses. What do you consider to be the most significant indicators of stress as a result of deployments?

General MCCARTHY. I am responding with a personal opinion, rather than a professional one, because I am not trained in this area. The most obvious indicators of family stress seem to me to be: changes in overall divorce rates; increase in incidents of domestic discord; declines in school performance by the children of Reserve component members; and increase in suicides involving Reserve component family members. Again, speaking as someone without training in sociology and related fields, precisely assessing these issues would seem very difficult unless one had baseline measurements that were drawn at some period shortly before partial mobilization began in 2001.

2. Senator MCCAIN. Lieutenant General McCarthy, please elaborate on the surveys that are being conducted and how accurate you consider them to be and what actions you will take, if confirmed, to gauge the well-being of Reserves and their families.

General MCCARTHY. If confirmed, I will rely heavily on professional collection and analysis of data by agencies such as the Defense Manpower Data Center. Its "2008 Survey of Spouse Perceptions of Deployment Support" was the primary study to which I referred in my previous responses. However, I also believe strongly in listening to troops, their commanders and family members in attempting to assess their morale and level of satisfaction. As Secretary Gates has said, there is no substitute for first-hand contact with our forces and their families.

APPLICATION OF GOLDWATER-NICHOLS ACT TO RESERVISTS

3. Senator MCCAIN. Lieutenant General McCarthy, you have expressed the view that the requirements of the Goldwater-Nichols Act should be expanded to apply to more reservists and that greater educational opportunities need to be made available to reservists and guardsmen. Please explain your thinking in this regard.

General MCCARTHY. (a) I generally concur with the recommendations of the Commission on National Guard and Reserves in this area, and I believe Secretary Gates' directive on implementing these recommendations is the correct way ahead. (b) The active component was significantly improved by the original congressional mandates for joint education and qualification. The Reserve component will be similarly improved if those mandates are extended to the Reserve components in an achievable manner. (c) Extending the requirement for Reserve component personnel to become "joint qualified" will require expansion and improvement of the way "joint" education is delivered. DOD should be authorized to make greater use of distance learning in this area for both Active and Reserve component personnel. Doing so will increase accessibility, and I believe it can be done without reducing the quality of the educational experience. Assessment and calculation of "joint service credit" will also require some adjustment to comport with the reality of Reserve component assignment and service patterns.

4. Senator MCCAIN. Lieutenant General McCarthy, where are the deficiencies today, and what do you consider to be the most pressing changes that should be made?

General MCCARTHY. As stated above, I believe accessibility to joint education, and opportunities for Reserve component personnel to serve in joint assignments should both be expanded.

5. Senator MCCAIN. Lieutenant General McCarthy, while there are many calls today for greater opportunities for Reserve and Guard personnel to serve in senior leadership positions, I have concerns about the adequacy of general officer development in the Guard and Reserve and whether the Services and the Office of the Secretary of Defense can predictably produce a pool of officers with the necessary experience and qualifications to assume the most senior command and staff positions. Can you comment on your experience and on what steps should be taken?

General MCCARTHY. I am confident that the talented men and women who serve as flag and general officers in the Reserve components will rise to meet any challenge. Given the education, training and experience, they will match the development of their age and grade peers in the active component. We need a human capital strategy that views the most senior officer and enlisted personnel as "talent resources" to be used where they can best contribute to national defense and security, without regard to the component from which they are drawn.

TRICARE FOR RESERVES

6. Senator MCCAIN. Lieutenant General McCarthy, there has been a recent surge in enrollment in the program created by Congress to allow reservists in a non-active status and their families to enroll in the TRICARE program. Has this program met the goals of improving retention in the Reserves as well as improving continuity of health care services and if not, how would you seek to improve it, if confirmed, as Assistant Secretary?

General MCCARTHY. I have been told that, at present, retention in all services within the Reserve component is meeting desired levels. I am sure that TRICARE Reserve Select (TRS) is one factor in a Reserve component member's decision to remain in uniform. How much any one factor influences such a complex decision probably cannot be stated with absolute certainty. TRS does contribute significantly to "continuity of health care" in that in enables the family of a servicemember to remain in the same healthcare network whether the sponsor is on or off active duty. I believe we still need to improve the awareness of servicemembers and their families about how TRS works. I also believe we should look for ways to expand the network of health care providers who will accept TRICARE, and that we should find a cost-effective way to extend TRS to members of the Individual Ready Reserve. Lastly, I believe we should engage in discussions with the Nation's employers to find out whether TRS can be one element of a "win-win" relationship between them and their Reserve component employees.

[The nomination reference of Lt. Gen. Dennis M. McCarthy, USMC (Ret.), follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 1, 2009.

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

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense, vice Thomas Forrest Hall.

[The biographical sketch of Lt. Gen. Dennis M. McCarthy, USMC (Ret.), which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. DENNIS M. MCCARTHY, USMC, (RET.)

Since 2005, Dennis McCarthy has been Executive Director of the Reserve Officers Association of the United States. This 67,000 member organization is chartered by Congress to "support and promote . . . a military policy for the United States that will provide adequate national security." He has written extensively on Reserve and National Guard issues, and worked closely with the Commission on National Guard and Reserves and other groups studying Reserve component policy.

Lieutenant General McCarthy began his military service in combat in Vietnam, and remained on active duty until 1978. He then served as an infantry officer in the "traditional Reserve," and was recalled to active duty for Operations Desert Shield/Desert Storm and on several subsequent occasions.

During the course of his career in uniform, he commanded eight different Marine or joint organizations for more than 160 months. Among these commands was the 3rd Marine Division where he was the first Reserve General Officer to command an active duty Marine Division.

He also served as a senior staff officer in a number of Marine headquarters and unified commands. He served on the Secretary of Defense Reserve Forces Policy Board. During Operations Desert Shield and Desert Storm he was recalled to active duty to lead significant pre-deployment training programs at the Marine Corps Air Ground Combat Center at Twentynine Palms, CA. He was Vice Director of Operations at the Atlantic Command during parts of Southwest Asia Operations Desert Thunder I and II, Operation Desert Fox and during U.S. operations in Kosovo. He was Atlantic Command's Director of Operations and Plans in that campaign's immediate aftermath.

He assumed command of Marine Forces Reserve in June 2001 and led the Force throughout the first 4 years of what would become the largest mobilization of Reserves in Marine Corps history. General McCarthy is a graduate of St. Ignatius High School in Cleveland, the University of Dayton, and the Capital University Law School. While serving as a traditional reservist from 1978 to 1999, he practiced law in Columbus, OH, as a civil litigator. He was also actively involved in legal education as a lecturer and adjunct faculty member.

Since his retirement from the Marine Corps, General McCarthy has served on several corporate boards, and is a "Leader in Residence" at the Franklin University Leadership Center in Columbus, OH.

He has been married for almost 42 years to Rosemary Bednorz McCarthy of St. Paul, MN, and Springfield, OH. They have two sons, both of whom are military officers (one in the Army National Guard and one in the Marine Corps Reserve) and three grand children. Mrs. McCarthy is widely recognized as a leader and innovator in developing and supporting family readiness programs for the Marine Corps and its Reserve.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lt. Gen. Dennis M. McCarthy, USMC (Ret.), in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Dennis M. McCarthy.

2. **Position to which nominated:**
Assistant Secretary of Defense for Reserve Affairs.

3. **Date of nomination:**
June 1, 2009.

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

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 1, 1945; Cleveland, OH.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Rosemary Bednorz McCarthy.

7. **Names and ages of children:**
Sean V. McCarthy, 40; Michael D. McCarthy, 33.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
St. Ignatius High School (Cleveland) 1959–1963; Diploma (1963).
University of Dayton (Ohio) 1963–1967; BA (1967).
Capital University Law School (Ohio) 1972–1975; JD (1975).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1988–2000, McCarthy, Palmer Volkema and Thomas, Co. LPA (Partner).
1999–2001, U.S. Marine Corps (Director, Reserve Affairs Division, HQMC).
2001–2005, U.S. Marine Corps (Commander, Marine Forces Reserve and Marine Forces North).
2005–present, Reserve Officers Association (Executive Director).
2006–present, Medifast Incorporated (Indep. Director and Vice Chairman of the Board).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1967–2005, USMC.
1997–2001, Reserve Forces Policy Board, Department of Defense.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Reserve Officers Association (Executive Director).
Rivada Networks LLC (Board Member).
Medifast Inc. (Board Member).
Smoothie Sailing LLC, Franklin University Leadership Center (consultant).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Reserve Officers Association (Life Member).
Marine Corps Reserve Association (Life Member).
Ohio State Bar Association.
Columbus Bar Association.
Franklin University Leadership Center.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
None.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
Military: DSM, JSSM, MSM, NCM (with V), CAR, unit and campaign decorations.
ROA Minuteman Hall of Fame.
Ohio Academy of Trial Lawyers Distinguished Service Award.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
"The Officer" ROA Editorials (10/year) since August 2005.
"Continuum of Service," Joint Forces Quarterly, Vol 36, (Quarter 1, 2005).
"A Continuum of Service," Armed Forces Journal (September 2008).

"We need another 'Greatest Generation,'" Naval Institute Proceedings (March 2004).

"Combat Arms Warrant Officers," Marine Corps Gazette (June 2008).

"Commander's Intent," Marine Corps Gazette (est. Sept. 2001).

Numerous legal articles and book chapters, all published before 1999.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Reserve Officers Association Testimony: "Fiscal Year 2009 Reserve Component Budget" Hearing before the Subcommittee on Defense Appropriations, Appropriations Committee, U.S. Senate, June 4, 2008.

Reserve Officers Association Testimony: "Fiscal Year 2008 Reserve Component Budget" Hearing before the Subcommittee on Defense Appropriations, Appropriations Committee, U.S. Senate, May 16, 2007.

Reserve Officers Association Testimony: "The Reserve Components of our Armed Forces" Hearing before the Subcommittee on Defense Appropriations, Appropriations Committee, U.S. Senate, May 24, 2006.

Reserve Officers Association Testimony: TRICARE" before the Subcommittee on Military Personnel, Senate Armed Services Committee, U.S. Senate, March 14, 2006.

United States Marine Corps Reserve Commander, Marine Forces Reserve Testimony: "Reserve Matters" before the Subcommittee on Personnel, Senate Armed Services Committee, U.S. Senate, 13 April 2005.

United States Marine Corps Reserve Commander, Marine Forces Reserve Testimony: "Fiscal Year 2005 National Guard & Reserve Budget" before the Subcommittee on Defense Appropriations, Appropriations Committee, U.S. Senate, April 7, 2004.

United States Marine Corps Reserve Commander, Marine Forces Reserve Testimony: "Reserve Component Transformation and Relieving the Stress on the Reserve Component" before the Subcommittee on Total Force, House Armed Services Committee, U.S. House of Representatives, March 31, 2004.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DENNIS M. MCCARTHY.

This 10th day of June, 2009.

[The nomination of Lt. Gen. Dennis M. McCarthy, USMC (Ret.), was reported to the Senate by Chairman Levin on June 24, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 25, 2009.]

[Prepared questions submitted to Dr. Jamie M. Morin by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delin-

eated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I am familiar with the history of the Goldwater-Nichols Act and strongly support its intent. The Act has been extremely successful to date, and has also benefitted over the years from periodic incremental changes to reflect lessons learned and the changing world situation.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. At present, I do not see any needs for modifications. If I am confirmed and I identify areas that I believe merit changes, I will propose those changes through the established process.

DUTIES OF THE ASSISTANT SECRETARY OF THE AIR FORCE (FINANCIAL MANAGEMENT)

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force (Financial Management)?

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) is principally responsible for the exercise of the comptrollership functions of the Air Force, including all financial management functions. Additionally, this individual is responsible for all financial management activities and operations of the Air Force and advising the Secretary of the Air Force on financial management.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. For the last 6 years, I have served as the senior defense analyst at the Senate Budget Committee, with lead responsibility for the committee's work on the defense, foreign affairs, and intelligence budgets. Budget Committee Chairman Senator Kent Conrad has been particularly interested in Air Force matters, and directed me to devote particular effort to reviewing the Air Force budget request. This experience has familiarized me with many Air Force programs and has also allowed me to get to know many of the senior Air Force leaders, both civilian and military. Additionally, given the committee's interest in overall Federal spending and financial management, I have been exposed to many of the financial management challenges which exist throughout the Department of Defense (DOD). Earlier in my career, I worked as an economist and strategy consultant. I have also held fellowships from various public policy and defense think tanks and spent 4 months during graduate school working in the Office of the Secretary of Defense.

My academic preparation includes a Ph.D. in political science, where I focused my research on congressional involvement in the defense budgeting process, as well as an M.Sc. in public administration. My training included econometric methods and similar rigorous quantitative work that will help me oversee the Air Force's economics and cost estimation operations, if I am confirmed. These specialized graduate studies complement my undergraduate work in national security policy.

Question. Do you believe that there are any actions that you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Financial Management)?

Answer. Although I have some insight into Air Force financial operations, if confirmed I will need to develop a much deeper understanding of the operational challenges facing the Air Force financial management organization, particularly when it comes to information technology development and audit readiness projects. As a general matter, I believe strongly in the need for managers to understand the operational processes of their organizations, so if confirmed I would intend to devote a portion of my time to familiarizing myself with those processes.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Assistant Secretary of the Air Force (Financial Management) and each of the following?

The Secretary of the Air Force.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) is the principal advisor to the Secretary of the Air Force on financial management matters and performs other duties as the Secretary may prescribe.

Question. The Under Secretary of the Air Force.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) is also the principal advisor to the Under Secretary of the Air Force on financial management matters and performs other duties as the Under Secretary may prescribe.

Question. The other Assistant Secretaries of the Air Force.

Answer. It is my understanding that the Assistant Secretary (Financial Management) works closely with the other Assistant Secretaries of the Air Force by providing advice and input on financial matters, as well as financial management policy leadership, guidance, implementation and coordination, as appropriate.

Question. The General Counsel of the Air Force.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) has a close working relationship with the General Counsel of the Air Force and Air Force fiscal counsels to assure an understanding of any and all legal implications in Air Force financial matters and compliance with the appropriate rules and regulations.

Question. The Director of the Air Force Business Transformation Office.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) works with the Air Force Chief Management Officer and Air Force Business Transformation Office (BTO) in support of their business transformation initiatives. These initiatives align with the mission of the Business Transformation Agency (BTA) of executing enterprise level business transformation for DOD.

Question. The Under Secretary of Defense (Comptroller).

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) works closely with the Under Secretary of Defense (Comptroller) in the development and execution of financial, budgetary, and fiscal policies as they relate to the Air Force.

Question. The Deputy Chief Management Officer of DOD.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) would support the Deputy Chief Management Officer of DOD in close coordination with the Air Force Chief Management Officer in their responsibilities to manage the business operations of the Department as they relate to and support the business operations of the Air Force.

Question. The Director of the BTA.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) works with the Director of the BTA to accomplish the BTO mission of executing enterprise level business transformation.

Question. The Assistant Secretary of Defense for Networks and Information Integration/Chief Information Officer.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) works closely with the Assistant Secretary of Defense (Networks and Information Integration) to ensure that Department of the Air Force's diverse and extensive information technology systems are properly managed and resourced to accommodate and perform the full spectrum of financial management functions and reporting which is required to achieve the Air Force's financial management reporting goals.

Question. The Director, Office of Program Analysis and Evaluation.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) would work with the Director, Program Analysis and Evaluation to ensure the program priorities of the Air Force are well understood and thorough Air Force program reviews are conducted within the framework of the Planning, Programming, Budgeting, and Execution process and timetables. Additionally, the Assistant Secretary of the Air Force (Financial Management) works closely with the Deputy Chief of Staff for Strategic Plans and Programs to convey and communicate the results to Air Force leadership, and ensures the results of the program reviews are in line with overall DOD strategy.

Question. The Chief of Staff of the Air Force.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) would work closely with the Chief of Staff to provide support required in order to execute his duties and responsibilities to achieve the overall mission of the Air Force.

Question. The Assistant Secretaries for Financial Management of the Army and the Navy.

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) works closely with the Assistant Secretaries of the Army and Navy in the area of financial management in an effort to facilitate integrated and coordinated decisionmaking at all levels and achieve the strongest cooperation between the Services possible. A cordial and productive working relationship with

these colleagues and the Under Secretary of Defense (Comptroller) is essential to successfully supporting the efforts of the Secretary of Defense.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Air Force (Financial Management)?

Answer. In my opinion, the primary challenge the Assistant Secretary of the Air Force (Financial Management) will face is the need to help develop and implement a balanced Air Force budget at a time when our Nation faces a serious fiscal situation and must provide the resources needed to meet wartime requirements. Improving the transparency and fidelity of the Department's financial processes is essential to ensure that senior leadership can make the best possible decisions about prioritization among military requirements.

Question. Assuming you are confirmed, what plans do you have to address these challenges?

Answer. If confirmed, I will work closely with the Air Force senior leadership to develop workable budgets which rebalance Air Force programs to address our Nation's commitment to our uniformed servicemembers, provide the capabilities needed in the wars we are fighting today, and prepare for the uncertain conflicts of the future.

Additionally, I will work with Air Force and DOD leadership to enhance our efforts to improve business processes and systems, and will seek to ensure that the Air Force can recruit, train, and retain a work force that can meet defense financial management needs into the 21st century. I will play an active role in the Air Force's part of the Financial Improvement and Audit Readiness (FIAR) and Enterprise Transition Plan (ETP) programs and will provide aggressive leadership and support for my staff in these critical efforts.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force (Financial Management)?

Answer. The Secretary and Chief of Staff of the Air Force have indicated that their top five priorities are to reinvigorate the Air Force nuclear enterprise, to partner with the joint and coalition team in winning today's fight, to develop and care for airmen and families, to modernize equipment, organizations, and training, and to recapture acquisition excellence. If confirmed, my intention would be to work within the Air Force corporate process to ensure that these priorities are appropriately resourced. Within the Financial Management organization itself, I would intend to focus on three main priorities: improving the transparency and fidelity of the Department's financial processes in order to provide senior leaders with a clearer picture of the Air Force's fiscal situation, developing and empowering financial management professionals across the Air Force, and enhancing Air Force cost estimation capabilities as part of the Department's commitment to improving the defense acquisition processes.

CIVILIAN AND MILITARY ROLES IN THE AIR FORCE BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Air Force (Financial Management) and the senior military officer (the Director, Air Force Budget) responsible for budget matters in the Air Force Financial Management office in making program and budget decisions, including the preparation of the Air Force Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program (FYDP)?

Answer. It is my understanding that the Assistant Secretary of the Air Force (Financial Management) has the responsibility and authority for all budget matters within the Air Force. The Deputy Assistant Secretary for Budget, the senior military officer responsible for Air Force budget matters in the Financial Management office, reports directly to the Assistant Secretary of the Air Force (Financial Management). As the primary advisor to the Assistant Secretary on program and budget issues, the Deputy Assistant for Budget is responsible for the formulation, justification and execution of the Air Force budget, including the preparation of the Air Force Program Objective Memorandum and the FYDP.

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and attempts at efficiencies, problems with financial management and data continue.

What do you consider to be the top financial management issues that must be addressed by the Department of the Air Force?

Answer. The most recent Air Force financial statements include 3 pages of discussion of material weaknesses or significant deficiencies in General Fund financial reporting. Many audit reports confirm these weaknesses. Continued improvement in business processes and operations is the top priority, followed by continued improvements in business systems (though some critical business systems are joint) and addressing the organizational culture to embrace and support these system and process improvements.

Question. If confirmed, how would you plan to ensure that progress is made toward improved financial management in the Air Force?

Answer. If confirmed, my initial plan to ensure financial management progress continues would be to: evaluate, support and enhance the Air Force efforts to improve business processes and operations (including to support the Air Force's compliance with the FIAR and ETP programs); communicate the benefits of process and systems improvements; enhance training and education across the financial management spectrum; and work with other parts of the Department to benefit from best practices and exploit synergies.

Question. If confirmed, what private business practices, if any, would you advocate for adoption by DOD and the Department of the Air Force?

Answer. Although DOD and the Department of the Air Force are different from the private sector in their mission and in many operational aspects, there are certainly a number of financial and management practices which are similar to the private sector and could benefit from best practices being used elsewhere. If confirmed, I would encourage the sharing of best practices with the other Services, agencies, and departments in the Federal Government, but would also strongly advocate awareness and adoption of private sector practices where the Air Force would benefit from emulating them.

Question. What are the most important performance measurements you would use, if confirmed, to evaluate changes in the Air Force's financial operations to determine if its plans and initiatives are being implemented as intended and anticipated results are being achieved?

Answer. Performance metrics play a significant role in the success of any financial operation. I am not sufficiently familiar with the current financial performance metrics to judge whether they are fully appropriate. If confirmed, I will work to understand and manage the current financial performance metrics the Air Force is employing and also will work with the Under Secretary of Defense (Comptroller) to ensure the financial performance metrics the Air Force uses in the future will support the financial operations success of both DOD and the Department of the Air Force.

Question. The Business Tranformation Agency (BTA) was established in DOD to strengthen management of its business systems modernization effort.

What is your understanding of the mission of this agency and how its mission affects the responsibilities of the Assistant Secretary of the Air Force (Financial Management)?

Answer. It is my understanding that the mission of the BTA is to be responsible for executing enterprise level business transformation and that it therefore works with the functional leaders and components to accomplish its mission. Given the stated mission of the BTA and the tiered accountability approach to execution, it is my understanding that the Assistant Secretary of the Air Force (Financial Management) will be allowed the flexibility to direct the requirements for the Air Force financial management mission, while continuously coordinating and integrating with the BTA to ensure meeting enterprise level mission requirements as well.

Question. What is your understanding of the role of the Assistant Secretary of the Air Force (Financial Management) in providing the Air Force's views to the Agency, or participating in the decisionmaking process of the agency, on issues of concern to the Air Force?

Answer. It is my understanding that the implementation of BTA mission within DOD divides governance and accountability for business modernization initiatives between Military Services and the Secretary of Defense. The Assistant Secretary of the Air Force (Financial Management) continuously coordinates and integrates with the BTA to ensure the BTA is aware of the ongoing Air Force issues, as well as to understand the challenges and issues at the enterprise level.

Question. Section 904 of the National Defense Authorization Act for Fiscal Year 2008 designated the Under Secretary of the Air Force as the Chief Management Officer of the Air Force. Section 908 of the National Defense Authorization Act for Fiscal Year 2009 required the establishment of a Business Transformation Office (BTO) within the Air Force to assist the Chief Management Officer in carrying out his duties.

If confirmed, what would your role be in the Department's business modernization effort?

Answer. If confirmed, I believe my role as the Assistant Secretary of the Air Force (Financial Management) would be to work closely with the Air Force BTO and the Air Force Chief Management Office to ensure Air Force financial management mission and requirements are coordinated and integrated with the enterprise business operations, plans, and modernization efforts of both the Air Force and DOD.

Question. What is your understanding of the relative responsibilities of the Chief Management Officer, the Air Force BTO, and the Assistant Secretary of the Air Force (Financial Management) in Air Force business systems modernization and improvements in financial management?

Answer. Public Law 110–417, section 908 required the Secretary of the Air Force to establish a BTO to develop and implement a business transformation plan with measurable performance goals and objectives to achieve an integrated management system for the business operations of the Air Force. If confirmed as the Assistant Secretary of the Air Force (Financial Management), I would work closely to coordinate and integrate the requirements of the financial management mission within this framework and to support the Air Force Chief Management Officer and BTO in the accomplishment of their business transformation responsibilities.

Question. Do you believe the organizational structure of the Department of the Air Force is properly aligned to bring about business systems modernization and improvements in the financial management of the Air Force?

Answer. At this point, I am not sufficiently familiar with how the specifics of the Air Force's organizational structure affect efforts at the business systems modernization and desired improvements in the financial management of the Air Force. As with any large, complex organization the Air Force has multiple stakeholders with sometimes competing equities in any business system or process modernization effort.

Question. If not, how do you believe the Department should be restructured to more effectively address these issues?

Answer. At this point, I do not have a sufficient understanding of how the Air Force organizational structure affects these modernization efforts to make recommendations. If confirmed, I would work to assess whether the current organizational structure of the Air Force is properly aligned to accomplish business systems modernization and improvements in Air Force financial management. If I identify shortfalls, I would intend to raise them with the Chief Management Officer and the BTO in order to develop a consensus on any necessary restructuring.

Question. Section 2222 of title 10, U.S.C., requires DOD to develop a Business Enterprise Architecture and Transition Plan to ensure that the Department's business systems are capable of providing timely, accurate, and reliable information, including financial information, on which to base management decisions. The Department also prepares an annual FIAR plan aimed at correcting deficiencies in DOD's financial management and ability to receive an unqualified "clean" audit. Section 376 of the National Defense Authorization Act for Fiscal Year 2006 required that the FIAR plan be systematically tied to the actions undertaken and planned pursuant to section 2222.

If confirmed, what role would you expect to play in the formulation of the Air Force's contribution to the Business Enterprise Architecture and Transition Plan and the FIAR plan?

Answer. If confirmed, I expect to work closely with the Air Force Chief Management Officer and BTO to continuously coordinate and integrate Air Force financial management requirements with the Business Enterprise Architecture and Transition Plan to ensure they are linked and consistently executed with the FIAR Plan.

Question. What steps would you take, if confirmed, to ensure that the Air Force's contribution to the FIAR plan is systematically tied to actions undertaken and planned in accordance with section 2222?

Answer. If confirmed, I would work closely with the Office of the Under Secretary of Defense (Comptroller) to ensure Air Force FIAR initiatives are closely coordinated and integrated with the FIAR Plan and Business Enterprise Architecture and Transition Plan to ensure we focus on the business and financial information needed to manage the department and the Air Force.

Question. The Comptroller General has testified that DOD should fix its financial management systems before it tries to develop auditable financial statements. He explained that: "Given the size, complexity, and deeply ingrained nature of the financial management problems facing DOD, heroic end-of-the-year efforts relied on by some agencies to develop auditable financial statement balances are not feasible at DOD. Instead, a sustained focus on the underlying problems impeding the development of reliable financial data throughout the Department will be necessary and is the best course of action."

Do you agree with this statement?

Answer. I agree with the judgment of former Comptroller General David Walker that a focus on financial systems and underlying problems standing in the way of reliable financial data must take precedence. Additionally, I believe that the complex interdependency between department-wide, Service-level, and other financial systems means that a "big bang" type approach to auditability is unlikely to succeed.

Question. What steps need to be taken in the Air Force to achieve the goal stated by the Comptroller General?

Answer. In general, compliance with the FIAR and ETP programs (as they relate to the Air Force) are going to be significant contributors to achieve the goals the Comptroller General is proposing.

LEASING MAJOR WEAPON SYSTEMS

Question. What is your opinion of leasing versus buying major capital equipment?

Answer. In both the private sector and the Federal Government both options have value, but the best choice is strictly contingent upon the financial and operational variables involved, and each situation is unique. The Federal Government's lower cost of capital will often tip the balance against leasing major capital equipment in cases where the government anticipates an enduring need for the items in question. However, decisions have to be made on a case-by-case basis. If confirmed, I will ensure that the Air Force adheres to OMB guidance and pursues the option that most benefits the taxpayer.

Question. Is leasing a viable and cost-effective option for procuring Department of the Air Force equipment, and if so, in what situations?

Answer. If I am confirmed, I would intend to investigate the specifics of any major leasing proposal before consulting with the functional experts and this Committee to arrive at a financial management recommendation on the option which is the highest, best and most proper use of the taxpayer's dollars.

INCREMENTAL FUNDING

Question. Both the executive and legislative branches have traditionally followed a policy of full funding for major capital purchases such as aircraft.

What is your view of the incremental funding of major capital investments?

Answer. As I understand it, the Office of Management and Budget has long had a policy that programs be fully funded upfront. I believe that the full funding principle is appropriate as a matter of policy. It protects the taxpayer and helps to ensure the government does not waste resources on projects that cannot be supported in future years. There may, however, be limited circumstances in which it is appropriate to waive that policy or find workarounds such as phasing of projects in order to best serve the interests of the Air Force and the taxpayer.

SUPPLEMENTAL FUNDING AND ANNUAL BUDGETING

Question. Since September 11, 2001, DOD has paid for much of the cost of ongoing military operations through supplemental appropriations. The fiscal year 2010 budget includes a full-year request for overseas contingency operations.

What are your views regarding the use of supplemental appropriations to fund the cost of ongoing military operations?

Answer. As a congressional staffer, I was active in efforts to reduce DOD's reliance on supplemental appropriations for expenses that could reasonably be anticipated. My personal view is that the Department should include predictable costs in the base budget request to the maximum extent possible. At times, the dynamic nature of these operations will surely require short notice requests for funding, but this should be the exception, not the norm. Where supplementals are needed, their negative aspects can be minimized by subjecting them to a level of scrutiny similar to that applied to regular budgets, within the time constraints imposed by operational needs.

Choices about how to request the funding for overseas contingency operations will be made by the President through OMB. Ultimately the decision about how to pro-

vide this funding will be made by Congress. If confirmed, I will work with the Air Force, Department leadership and Congress to support the presentation of the budget in which ever fashion is chosen.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of Title 10, U.S.C., is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by DOD?

Answer. Yes. I recognize situations do occur where funds have been appropriated but not authorized in the Department, and it is my understanding it is the Department's practice to work with all the oversight committees to communicate and resolve these situations. If confirmed, I will work closely with the oversight committees to achieve a resolution of the situation, if it arises, and will respect the views and rights of the committees.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force (Financial Management)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee of Congress, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN MCCAIN

SUPPLEMENTAL FUNDING AND ANNUAL BUDGETING

1. Senator MCCAIN. Dr. Morin, what are your views about the feasibility of elimination of wartime supplemental appropriations?

Dr. MORIN. My personal view is that the Department should include predictable contingency costs in the base budget request to the maximum extent possible. Doing so should help reduce the frequency and the size of any future supplemental appropriations requests. At times, the dynamic nature of overseas contingency operations could certainly require short-notice requests for funding, but this should be the exception, not the norm.

QUESTION SUBMITTED BY SENATOR JOHN THUNE

AIR FORCE FINANCIAL SERVICE CENTER

2. Senator THUNE. Dr. Morin, the Air Force Financial Service Center opened in 2007 at Ellsworth Air Force Base. The Air Force is leading the way when it comes to financial transformation to serve our Nation's airmen. Not only is the Center important to South Dakota, but it also provides the Air Force with a vital service. The Center currently employs over 500 people and, in this fiscal year alone, the Financial Service Center has processed close to a half a million Air Force pay and travel documents. Are you familiar with the Air Force Financial Service Center and do you support the Air Force financial service transformation efforts that are being undertaken at Ellsworth Air Force Base?

Dr. MORIN. Yes, I am familiar with the Air Force Financial Services Center and I support the effort to modernize the provision of financial services in the Air Force. The success of the financial service transformation effort would increase efficiency and yield significant savings. If confirmed, I will ensure Financial Services within the Air Force continues to support our Nation's airmen.

[The nomination reference of Dr. Jamie M. Morin follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 11, 2009.

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

Jamie Michael Morin, of Michigan, to be an Assistant Secretary of the Air Force, vice John H. Gibson, resigned.

[The biographical sketch of Dr. Jamie M. Morin, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. JAMIE M. MORIN

Since 2003, Jamie Morin has been a member of the professional staff of the U.S. Senate Committee on the Budget. In this capacity, he has served as the committee's lead analyst for the defense, intelligence, and foreign affairs budgets, responsible for drafting the relevant sections of the congressional budget resolution and advising the Senate on enforcement of budget rules. Additionally, he advises Budget Committee Chairman Kent Conrad on the full range of national security issues.

Dr. Morin has previously worked in the Office of the Secretary of Defense and as an economic development strategist with the firm J.E. Austin Associates, where he performed contract research for the US Agency for International Development. He has held in-residence fellowships at the University of Virginia's Miller Center for Public Affairs and at the Center for Strategic and Budgetary Assessments, where he conducted research for the Pentagon's Office of Net Assessment. He also served as a policy advisor on President-elect Obama's defense transition team.

Dr. Morin received a Ph.D. in Political Science from Yale, an M.Sc. in public administration and public policy from the London School of Economics, and a B.S. in Foreign Service from Georgetown. His academic research focused on U.S. national security policy, particularly the role of Congress in defense budgeting and policy making.

A native of Michigan, Dr. Morin currently lives with his wife and son in Washington, DC.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Jamie M. Morin in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jamie Michael Morin.

2. **Position to which nominated:**
Assistant Secretary of the Air Force for Financial Management and Comptroller.

3. **Date of nomination:**
May 11, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
May 23, 1975; Southfield, MI.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Megan Anne Baker-Morin.

7. **Names and ages of children:**
William (Liam) Morin, 4.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Yale University, 1998–2003:
Ph.D. in Political Science, 2003.
M.Phil, in Political Science, 2001.
M.A. in Political Science, 2001.

London School of Economics, 1997–1998, M.Sc. in Public Administration and Public Policy, 1998.

Georgetown University School of Foreign Service, 1993–1996, B.S.F.S in International Security and Diplomacy, 1996.

University of Detroit Jesuit High School 1989–1993, High School Diploma, 1993.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Senior Defense Analyst, U.S. Senate Committee on the Budget, Washington DC (July 2003 to present).

National Fellow in Public Affairs, Miller Center for Public Affairs, University of Virginia, Charlottesville, VA (July 2002 to July 2003).

Various Teaching Fellowships in International Relations and American Politics, Yale University Department of Political Science, New Haven, CT (January 1999 to June 2002).

Visiting Fellow, Center for Strategic and Budgetary Assessments, Washington DC (June 2001 to September 2001).

Economist and Strategy Specialist, J.E. Austin Associates (international economic development consultancy), Arlington, VA (May 2000 to September 2000; previously worked for this firm from October 1995 to September 1997).

Intern (GS–9), Office of the Secretary of Defense (Directorate of Requirements, Plans, and Counterproliferation Policy), Arlington VA (June 1999 to September 1999).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

As a visiting fellow at the Center for Strategic and Budgetary Assessments, I assisted with research and writing of a study for the Department of Defense's Office of Net Assessment on the British Royal Navy's response to technological change during the late 19th and early 20th centuries.

As a consultant with J.E. Austin Associates, I supported several USAID economic development projects, primarily related to private sector and agricultural development in African and Latin American countries.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member of Yale, Georgetown, and University of Detroit Jesuit High School alumni associations.

Member of National Military Family Association.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Volunteer advisor on defense budget policy, Obama for America, 2007–2008.

Volunteer, Virginia Campaign for Change, November 2008.

Volunteer, Jim Webb for Senate, November 2006.

Volunteer, John Kerry for President, November 2004.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

$250 - Barack Obama (General Election), October 22, 2008

$200 - Barack Obama (Primary), July 9, 2008

$200 - Barack Obama (Primary), January 8, 2008 (estimated).

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Dirksen Center - Congressional Research Award (2003)

Miller Center (UVA) - National Fellow in Public Affairs (2002–2003)

Yale University - Yale University Fellowship (1998–2002), Dissertation Fellowship (2002–2003)

Smith-Richardson Foundation - Research Fellowship (2001, 2002)

Nominated by students for the Yale College Teaching Prize (1999)

DACOR Bacon House Foundation - Tutthill Fellowship (1997)

Krogh Scholar, Georgetown University School of Foreign Service (1995–1996)

Eagle Scout, Boy Scouts of America (1992)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Squaring the Pentagon: The Politics of Post-Cold War Defense Retrenchment, Ph.D. Dissertation, Yale University Department of Political Science, (2003).

"The Politics of Post-Cold WarDefense Retrenchment," Paper presented to the NewFaces in International Security Conference, Triangle Institute for Security Studies, (2003).

"Did Congress Shape America's Post-Cold War Defense? Measuring the Politics of Budgetary Retrenchment," Paper presented to the American Political Science Association's 2003 annual conference.

"Explaining the Shape of the Post-Cold War U.S. Military," Paper presented to the Miller Center Fellows Conference, (May 2003).

"Congressional Assertion in Defense Budgeting During Retrenchment," Presentation to the Miller Center Fellows Kick-off Conference (2002).

"Comment on Josef Joffe's 'Who's Afraid of Mr. Big,'" The National Interest (Fall 2001).

"European Economic and Monetary Union and Trans-Atlantic Security Relations," International Security Review (London, RUSI: 1999).

"EMU and U.S. Troops in Europe," Royal United Services Institute Newsbrief (London, RUSI: April 1998).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMIE M. MORIN.

This 15th day of May, 2009.

[The nomination of Dr. Jamie M. Morin was reported to the Senate by Chairman Levin on June 18, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 19, 2009.]

[Prepared questions submitted to Daniel B. Ginsberg by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. The Department of Defense (DOD), working with Congress, should continually assess the law in light of improving capabilities, evolving threats, and changing organizational dynamics. There have been legislative initiatives from Congress in recent years to clarify the role of the National Guard in DOD's organization but I am currently unaware of any reason to fundamentally amend Goldwater-Nichols. If confirmed, I will have an opportunity to assess whether the challenges posed by today's security environment require broad amendments to the legislation with a view to continuing the objectives of defense reform.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. At this time, I am unaware of any reason to fundamentally amend the Goldwater-Nichols Act. If I am confirmed and I identify areas that I believe merit changes, I will propose those changes through the established process.

DUTIES

Question. Section 8016 of title 10, U.S.C., provides that the Assistant Secretary of the Air Force for Manpower and Reserve Affairs shall have "as his principal duty the overall supervision of manpower and Reserve component affairs of the Department of the Air Force."

If confirmed, what duties do you expect that the Secretary of the Air Force will prescribe for you?

Answer. The principle duties of the Assistant Secretary of the Air Force are to support the tasks assigned by the Secretary of the Air Force. These duties include providing guidance, direction, and oversight for Air Force military and civilian manpower/personnel programs; medical readiness and health care; plus Reserve component affairs. The Assistant Secretary is also responsible for oversight of the operation of the Air Force Review Board Agency and its component board.

Question. What actions will you take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force for Manpower and Reserve Affairs?

Answer. If confirmed, I look forward to immersing myself into the Air Force's mission, organizations and its people, to maximize the duties expected of me and to support the Total Force. I will work hard to understand the Air Force's challenges and the resources necessary to sustain yet continue to transform the Total Force. To that end I will seek advice and counsel from the many and diverse stakeholders dedicated to the success of the Air Force.

Question. In carrying out these duties, what would be your relationship with the following officials:

The Secretary of the Air Force.

Answer. If confirmed, I will meet and communicate with the Secretary of the Air Force on a regular and as required basis. I will provide him with my honest assessment and advice and support him in the implementation of his decisions and policy.

Question. The Under Secretary of the Air Force.

Answer. If confirmed, I will work closely with the Under Secretary and communicate on a regular basis.

Question. The other Assistant Secretaries of the Air Force

Answer. If confirmed, I will establish and maintain close and professional relationships with each of the Assistant Secretaries and seek to foster an environment of cooperative teamwork, working together on the day-to-day management and long-range planning needs of the Air Force.

Question. The General Counsel of the Air Force.

Answer. The Air Force General Counsel has a significant role to play in virtually all policy decisions in the Air Force. If confirmed, I expect to have a strong relationship with The General Counsel to provide consistent and sound legal advice.

Question. The Inspector General of the Air Force.

Answer. If confirmed, I will establish and maintain a close and professional relationship with the Inspector General as this office has an important role in inquiring and reporting on matters that are the cornerstone of our readiness (such as efficiency, training, discipline, and morale).

Question. The Chief of Legislative Liaison of the Department of the Air Force.

Answer. If confirmed, I will establish and maintain a close and professional relationship with the Director of Legislative Liaison who plays an integral role in ensuring that the Air Force maintains positive relations with Congress and coordinates the Air Force's legislative strategy.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. If confirmed, I plan to foster a harmonious working relationship with all my civilian contemporaries in the Office of the Secretary of Defense (OSD). I will communicate openly and directly with the Under Secretary of Defense for Personnel and Readiness in articulating the views of the Department of the Air Force.

Question. The Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Answer. If confirmed, I would expect to establish the same harmonious relationship that I intend to establish with the Under Secretary of Defense for Personnel and Readiness.

Question. The Chief of Staff of the Air Force.

Answer. The Chief of Staff of the Air Force, except as otherwise prescribed by law, performs his duties under the authority, direction and control of the Secretary of the Air Force and is directly responsible to the Secretary. If confirmed, I would, as the senior civilian charged with policy decision for manpower and Reserve affairs work hand in hand with the Chief of Staff to carry out the duties prescribed by the Secretary of the Air Force.

Question. The Deputy Chief of Staff of the Air Force for Manpower and Reserve Affairs.

Answer. Much of the day-to-day operations involving Air Force personnel are actually handled by the staff members of the Deputy Chief of Staff for Manpower, Personnel, and Services. As such, this office implements the policies approved by the Office of the Secretary of the Air Force. I understand that the Secretary of the Air Force has clarified that relationship through recent revisions to mission directives.

Question. The Surgeon General of the Air Force.

Answer. If confirmed, it will be my priority to ensure that our airmen continue to receive quality medical support. I will work closely with the Surgeon General of the Air Force to ensure the Air Force medical system supports a medically ready force.

Question. The Judge Advocate General of the Air Force.

Answer. I expect to establish a relationship with the Judge Advocate General of the Air Force as the Air Force's senior military legal counsel and senior leader of the Air Force Judge Advocate Corps.

Question. The Chief, National Guard Bureau.

Answer. I have a history of working successfully with the National Guard Bureau on a range of issues. If confirmed, I expect to maintain a close working relationship with the Chief on matters relating to the National Guard and the Air National Guard. It will be my priority to ensure that our National Guard meets requirements whether in Federal or State status.

Question. The Director of the Air National Guard.

Answer. The Air National Guard is one of the two Air Reserve components with which, if confirmed, I expect to be in close, constant communication. I understand Air National Guard issues and challenges well and know that the Reserve components are key to Air Force mission success.

Question. The Chief of Air Force Reserve.

Answer. If confirmed, I expect that my relationship to the Chief of Air Force Reserve to be virtually identical to that of the Director of the Air National Guard. However, because the Air Force Reserve is limited to the Federal mission, I would expect some differences in challenges and issues.

Question. The Reserve Forces Policy Board (RFPB).

Answer. I understand that the RFPB is the principal policy adviser to the Secretary of Defense on matters relating to the Reserve components. If confirmed, I will be a member of the RFPB. I will use that role to ensure that the Air Force communicates its Reserve component issues and priorities with the other Service RFPB members and the Secretary of Defense.

Question. The Air Force Reserve Forces Policy Committee.

Answer. The Air Force Reserve Forces Policy Committee advises the Secretary of the Air Force on major policy matters directly affecting the Reserve components and the mobilization preparedness of the Air Force. If confirmed, I will fully support the Air Force Reserve Forces Policy Committee in its statutory role and provide such other support as directed by the Secretary of the Air Force.

Question. Airmen and their families.

Answer. Ultimately, the individual airmen and their families will determine whether the Air Force is successful in any endeavor. If confirmed, I will devote the necessary energies to improving the policies, processes, and programs under my purview that will ensure our airmen mission success and the quality of life they deserve.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. The United States Air Force and our Airmen have remained a lifelong concern, personally, intellectually, and professionally. I have spent more than a decade working directly on military personnel, readiness, and Reserve issues in the United States Senate, which has constitutionally derived oversight responsibilities over DOD. With the Senate Armed Services Committee during the chairmanship of Sam Nunn of Georgia, I saw how Congress made providing for the men and women in uniform a paramount concern to the basic functioning and strength of the armed services. As an adviser on defense, veterans, and national security to Senator Patrick Leahy of Vermont, I directly assisted the Senator is his role as a senior member of the Defense Appropriations Subcommittee and as cochair of the Senate's National Guard Caucus, which has worked successfully to pass far-reaching legislation to improve the benefits, equipment, and organization of the reserves, including the Air National Guard and the Air Reserves. I provided direct support and helped coordi-

nate—among others—efforts to provide affordable health insurance to members of the Select Reserve, provide more uniform housing allowances, and improve the Department's ability to carry out domestic operations in support of civilian authorities. I have recently traveled with Senator Leahy to Kuwait, Iraq, and Afghanistan saw first-hand some of the contributions and challenges facing our deployed U.S. airmen.

Second, military personnel policy, the relationship between the military and its civilian leadership, and the historical development of the Air Force has been a special focus of my education, whether in my undergraduate studies at the University of Michigan and the London School of Economics or in my graduate work at the Johns Hopkins Nitze School of Advanced International Studies and the University of Chicago. Finally, the United States Air Force has been a lifelong interest to me. Before my eyesight deteriorated and my interests and goals evolved, I dreamed of flying the F–15 Eagle, the Air Force's longtime, main air superiority fighter. In my childhood and teen years, I read about the Service intensely, visited many U.S. Air Force bases across the globe, and took private pilot lessons to begin to build basic flying skills.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Assistant Secretary of the Air Force for Manpower and Reserve Affairs?

Answer. I believe the Air Force's ability to prevail in current operations and to sustain global commitments is critical. The Air Force must balance the employment of the Regular forces with those of the Guard and Reserve. If confirmed, I will lead and partner on efforts to formulate policies that will help facilitate our airmen's ability to provide a continuum of service.

Family support programs are more important than ever in light of continued deployments and the related stress, both on the members of the armed services and their families. I understand the Air Force is establishing a first class Wounded Warrior program to provide high standards of care in a compassionate and supportive way.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would be honored to do all that I can to work with the rest of the Department and the Department of Veterans Affairs (VA) to promote a high standard of care for our Wounded Warriors and to ensure our families receive the support they require.

ACTIVE-DUTY END STRENGTH

Question. The Air Force has requested an active-duty end strength of 331,700 for fiscal year 2010—an increase of about 15,000 from last year's authorization. This follows several years of declining Air Force end strength.

What is your view of the required Air Force active-duty end strength?

Answer. The 331,700 active-duty end strength should allow the Air Force to fund its most pressing requirements, such as robusting its nuclear forces as well as supporting new and emerging missions. If confirmed, I look forward to reviewing and assessing the Air Force end strength requirement.

OFFICER MANAGEMENT ISSUES

Question. As the Assistant Secretary of the Air Force for Manpower and Reserve Affairs you would have significant responsibilities with regard to officer management policies, the promotion system, and recommending officers for nomination to positions of authority and responsibility.

If confirmed, what changes, if any, would you make to the officer management system?

Answer. It's well known that the Air Force has an exceptionally talented and highly trained officer corps supporting not only the mission of the Air Force but also the joint warfighting mission as well. If confirmed, I look forward to reviewing officer management processes and policies to ensure the optimal development of the officer corps.

Question. Do you believe the current Air Force procedures and practices for reviewing the records of officers pending nomination by the President are sufficient to ensure the Secretary of the Air Force, the Secretary of Defense, and the President can make informed decisions?

Answer. Based on my conversations with the Service, I believe that Air Force officer promotion procedures are sufficient and ensure the Air Force selects only the best qualified officers for promotion. Should I be confirmed, I will ensure the promotion selection procedures continue to be sufficiently rigorous to ensure officers

meet the statutory requirement of exemplary conduct both before and after the convening of a promotion selection board.

Question. In your view, are these procedures and practices fair and reasonable for the officers involved?

Answer. It is my understanding that the Air Force's promotion system is fair and reasonable for all eligible officers. Officers are considered based on a "whole-person" concept that gives ultimate consideration to their demonstrated potential to serve in the next higher grade. If confirmed, I will continuously monitor board processes to ensure fairness and legal compliance.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in OSD prior to nomination.

If confirmed, what role would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. The Secretary of the Air Force is directly involved in the General Officer nomination process working with the Chief of Staff. If confirmed, I look forward to working with senior Air Force leadership to execute the duties of the office of the Assistant Secretary for Manpower and Reserve Affairs

Question. What is your assessment of the ability of the Services to timely document credible information of an adverse nature for evaluation by promotion selection boards and military and civilian leaders?

Answer. While I have not made a complete assessment, it is my understanding that under current Department of the Air Force practice, the adverse information presented to promotion selection boards is culled from numerous Air Force organizations that maintain relevant data, and generally has been found to be accurate and timely. Certainly, if confirmed, this will be a key area to explore.

Question. If confirmed, what steps will you take to ensure that only the best qualified officers are nominated for promotion to general and flag officer rank?

Answer. As previously stated, the Secretary of the Air Force works directly with the Chief of Staff on this matter, however, if requested by the Secretary, I stand ready to advise, if confirmed.

TECHNICAL TRAINING OF GENERAL OFFICERS

Question. In your view, do a sufficient number of Air Force general officers have advanced training and degrees in scientific and technical disciplines?

Answer. At this time I cannot answer definitively, however, if confirmed, I will engage and advise where necessary.

Question. Are the career paths for officers with technical skills appropriate to ensure that the Air Force can execute complex acquisition programs, adapt to a rapidly changing technological threat environment, and make informed investment decisions on DOD and Air Force resources?

Answer. I have been informed that the Air Force carefully manages its officer corps to the appropriate level of adaptability and technical expertise relevant to each career field. I also understand that the Air Force is presently studying its Acquisition Corps to insure career paths for officers provide them with the technical skills and experiences to take on the responsibilities of our complex acquisition programs. If confirmed, I look forward to the results.

Question. What actions would you take, if confirmed, to ensure that Air Force officers can capably perform these missions?

Answer. As I mentioned, the Air Force is in the process of studying its Acquisition Corps to ensure that the Air Force better develop our officers to meet our Acquisition requirements at the general officer level. If confirmed, I look forward to engaging with the Assistant Secretary for Acquisition to rectify any deficiencies.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. The Air Force is facing significant shortages in critically needed medical personnel in both the Active and Reserve components. The committee is concerned that despite authorizing large bonuses for critically short medical specialties, serious challenges remain in recruitment and retention of medical, dental, nurse, and behavioral health personnel.

If confirmed, will you undertake a comprehensive review of the medical support requirements for the Air Force and the sufficiency of the plans to meet recruiting and retention goals in these specialties?

Answer. I appreciate the committee's concerns regarding this issue, and if confirmed, I pledge to consider this matter with the seriousness it requires. Medical

support is critical to the success of our All-Volunteer Force, and I intend to pay special attention to the Air Force's medical personnel requirements. Recruiting and retention of healthcare professionals is challenging in all areas of the country at this time, and the Air Force is experiencing shortages in several medical specialties and disciplines. However, even during these challenging times, I am pleased to note that Air Force continues to attract and produce world-class physicians, dentists, nurses, and medics.

Question. What legislative and policy initiatives, including increased involvement of Air Force medical personnel in medical recruiting and bonuses and special pays, do you think may be necessary to ensure that the Air Force can continue to meet medical support requirements?

Answer. If confirmed, I plan to review the Air Force's programs for recruiting and retaining military and civilian medical personnel. I will also work closely with the Air Force Surgeon General and the Deputy Chief of Staff for Manpower, Personnel, and Services to evaluate requirements and support ongoing programs and develop initiatives to enhance the Air Force's ability to recruit and retain health care providers and support personnel with the requisite critical skills. Should legislative or policy changes be required, I will work with the Secretary of the Air Force, other Air Force leaders, the leadership of DOD, and Congress to bring them to fruition.

LESSONS LEARNED

Question. What do you believe are the major Air Force personnel lessons learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) which you would seek to address if confirmed as Assistant Secretary of the Air Force for Manpower and Reserve Affairs?

Answer. From what I have observed, two major themes stand out from lessons derived from OEF and OIF:

In interviews, senior leaders expressed the view they could not distinguish between Active, Guard, and Reserve Forces. We need to maintain a "total force" by sustaining equal training and inspection standards, and recognizing the contribution of the Reserve component by improving health, education, pay and retirement benefits for our airmen when they return home.

Airmen supporting OEF and OIF from continental United States locations are providing critical space and cyberspace capabilities to overseas forces. These airmen are seeing substantial increases in mission requirements with no proportional increase in manning, which is putting great strain on the force. The Air Force must recruit, train, support, and retain these highly skilled individuals to fulfill these vital missions.

If confirmed, I will continuously monitor and seek out other lessons learned and apply them to the personnel challenges and complexities of our contingency operations.

TRICARE FEE INCREASES FOR MILITARY RETIREES

Question. Secretary Gates recently told officers at the Air War College that "health care is eating the (Defense) Department alive."

How do you interpret this statement and do you agree with the Secretary's assessment?

Answer. As I understand it, healthcare costs in DOD and the civilian sector have increased disproportionately due to many factors. I believe that over the past 10 years, the Air Force worked diligently to streamline medical infrastructure and capitalize on advancements in the field of medicine. This resulted in rightsizing many of our facilities without compromising care provided to our airmen and their families. The Air Force currently leverages strategic partnerships with civilian trauma centers, university medical centers, Veterans Affairs, and other DOD facilities to provide quality care and the broadest range of clinical opportunities for our entire medical team. If confirmed, I will optimize the use of our assets and those of our partners to ensure the greatest return on our investments.

Question. What is your view of the need for increased beneficiary payments in reducing overall health care costs to the Department?

Answer. I am advised that costs have grown due to many factors including increased utilization by a mobilized Reserve component force, expansion of benefits to support basic healthcare needs of severely wounded and their families, increased retiree healthcare utilization, healthcare inflation, and the same TRICARE premiums for the past 10 years. I believe that a sound medical benefit program directly impacts the retention of airmen and their families. If confirmed, I will support a DOD review of the current beneficiary payment structure to ensure that future benefit costs are sustainable.

Question. What other reforms in infrastructure, benefits, or benefit management, if any, do you think should be examined in order to control the costs of military health care?

Answer. Military health care is critical to our force and if confirmed, I will study this issue further and work with the other Services and DOD to determine the best structure for the future.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel, and related entitlement spending continues to soar and is becoming an ever increasing portion of the DOD budget.

If confirmed, what actions will you take to control the rise in personnel costs and entitlement spending?

Answer. If confirmed, I will work closely with our finance community to strike a balance between appropriate personnel costs and military pay or benefits.

Question. If confirmed, what actions will you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. As is the case with regard to change in any large organization, military personnel changes take time to execute and implement throughout the force. In order to avoid unnecessary changes, if confirmed, I will work closely within the Air Force and with DOD to accurately project requirements, and will then monitor execution, strength, and incentives, to ensure the Air Force remains in balance.

FAMILY READINESS

Question. If confirmed, how would you address family readiness needs in light of global rebasing, base realignment and closure, and continuing deployments for both Active and Reserve component Air Force personnel?

Answer. To use a quote from Air Force Chief of Staff General Schwartz, "We are committed to ensuring that we not only address the needs of the military member, but recognize the fact that families make sacrifices, too. It's this larger acknowledgement of a sense of community, a sense of family—that the United States Air Force isn't just machines, it's people, it's families."

In that spirit, if confirmed, I will continue to identify and address the needs of the Total Force and the Total Family with deliberate attention directed toward the ongoing improvement in the quality of their environment.

Question. If confirmed, how would you ensure support for Reserve component families, particularly those who do not reside near an active-duty military installation, related to mobilization, deployment, and family readiness?

Answer. Family readiness is a very important issue to me. Geographically separated families are entitled to all of the programs and services necessary to enhance and maintain their family readiness. Standardized programs across the Air Force benefit both Active and Reserve components. The Yellow Ribbon Reintegration program can also play an important role in helping relieve some of the stresses that grow out of military service and frequent deployments. That being said, if confirmed, I will address and bridge any gaps that may exist for the Total Force and will continue to focus on providing child care and youth program options for geographically separated airmen and their families.

Question. In your view, what progress has been made, and what actions need to be taken in the Air Force to provide increased employment opportunities for military spouses?

Answer. I understand that the Air Force has made continuing progress in addressing the needs of military spouses. If confirmed, I will continue to pursue the initiatives that have been established and develop new initiatives as needed, to benefit military families.

Question. If confirmed, what additional steps would you take to ensure that family readiness needs, including child care, are addressed and adequately resourced?

Answer. If confirmed, I would continue to support childcare space growth and recapitalization. I would provide support for expanded childcare aid subsidy programs and work to increase the availability of childcare for the Air National Guard and Air Force Reserve. I would also review the ability to expand childcare options for families with children who have special needs (respite care).

QUALITY OF LIFE

Question. In May 2004, DOD published its first Quadrennial Quality of Life Review, which articulated a compact with military families on the importance of key quality of life factors, such as family support, child care, education, health care, and morale, welfare, and recreation services.

How do you perceive the relationship between quality of life improvements and your own top priorities for military recruitment and retention?

Answer. I understand that the Air Force prides itself on its commitment to quality of life, a strong point in recruiting and retention efforts. If confirmed, I will continue to make quality of life a priority in the Air Force, just as I have worked in the past to promote quality of life in the Reserve components.

Question. If confirmed, what further enhancements to military quality of life would you make a priority, and how do you envision working with the other Services, combatant commanders, family advocacy groups, and Congress to achieve them?

Answer. If confirmed, I will continue to work with family advocacy groups and all of the Air Force quality of life providers in their transformation efforts aimed at improving airmen and their families' quality of service. Additionally, joint basing has forced all of the armed services to work together to find ways to improve the delivery of quality of life to our troops and their families. Fortunately, there is support both from Congress and the President, who are committed to taking care of military families.

SUPPORT FOR THE SINGLE AIRMAN

Question. While the percentage of married servicemembers has steadily increased, a substantial portion, especially young servicemembers, are single.

What are the unique support needs of single airmen, especially those returning from combat?

Answer. It is my understanding that the needs of single airmen differ from those of the married airmen. Recognizing those differences led to the development of programs and services that targeted the single airman and their parents, siblings and significant others and their ability to stay connected.

Question. If confirmed, what would you do to address these needs?

Answer. It is my understanding that support programs for single airmen are being reviewed and improved, with determinations as to what will be kept, altered and appropriately discontinued to better meet the needs of single airmen. If confirmed, I will review these programs designed to improve the quality of life for all airmen—Active and Reserve component, single and married, with a view toward ensuring that these programs are effective in meeting the specific needs of each group.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees. Senior DOD officials have stated that they do not intend to expand NSPS to include employees in bargaining units that are represented by employee unions.

What is your view of the NSPS, as currently constituted?

Answer. I understand that the key features of NSPS (i.e. flexible civilian compensation, staffing, classification, and performance management systems) were designed to provide effective management of a mission-oriented and results-driven civilian workforce that is vital to the success of DOD missions. I understand that DOD and the Office of Personnel Management (OPM) are conducting a comprehensive evaluation of the NSPS system. If confirmed, I look forward to seeing the results of DOD and OPM's comprehensive evaluation of NSPS in order to work toward addressing any identified concerns.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. As a general principle, I support pay-for-performance; an employee's compensation should be based on contribution to mission. If confirmed, I look forward to seeing the results of DOD and OPM's comprehensive evaluation of NSPS in order to work toward addressing any identified concerns.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. I am advised that the Department is challenged in meeting increased civilian labor requirements in critical occupations and developing human capital strategies to respond to these challenges. It is my understanding that there are situations where specialized hiring authorities are required in order to provide sufficient qualified applicants to meet mission needs. If confirmed, I will review creative and active use of available authorities and will explore the need for and use of direct

and expedited hiring authorities to assist in achieving the Department's human capital objectives.

Question. In your view, is it viable in the long run for the DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. It is my understanding that DOD has a number of other personnel systems, such as Defense Civilian Intelligence Personnel System. If confirmed, I will work with DOD and OPM to assess the appropriate number and types of personnel systems for effective and efficient personnel management.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation? What changes, if any, would you recommend to the NSPS regulations?

Answer. It is my understanding that DOD, in conjunction with OPM, is conducting a comprehensive evaluation of NSPS, as currently implemented. If confirmed, I would seek to ensure that the Air Force participates fully in this evaluation. Depending on the outcome of this evaluation, legislation and/or policy changes may be appropriate to ensure that NSPS is on track to achieve its full potential.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. In recent years, DOD and the Air Force have become increasingly reliant on services provided by contractors. Over the past 8 years, DOD's civilian workforce has remained essentially unchanged in size. Over the same period, the DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result of the explosive growth in service contracts, contractors now play an integral role in the performance of functions that were once performed exclusively by government employees, including the management and oversight of weapons programs, the development of policies, the development of public relations strategies, and even the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Federal employees.

Question. Do you believe that the current balance between civilian employees and contractor employees is in the best interests of the Air Force? In your view, has the Air Force become too reliant on contractors to perform its basic functions?

Answer. I agree with President Obama's government contracting memorandum of March 4, 2009, directing the Federal Government to ensure that functions that are inherently governmental in nature are not outsourced. If confirmed, I would work with the Secretary of the Air Force, and leaders across the Air Force to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. Do you believe that the current extensive use of personal services contracts is in the best interests of the Air Force?

Answer. As I understand it, the Federal Acquisition Regulation restricts the use of personal services contracts. If confirmed, I would work with the Secretary of the Air Force, and leaders across the Air Force to ensure compliance with applicable law and policy.

Question. Do you believe that the Air Force should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. I support fully the principles and policies set forth in President Obama's memorandum of March 4, 2009. That memorandum directs the Office of Management and Budget, in coordination with the Secretary of Defense, among others, to "develop and issue by July 1, 2009, Government-wide guidance to assist branch agencies in reviewing, and creating processes for ongoing review of, existing contracts in order to identify contracts that are wasteful, inefficient, or not otherwise likely to meet the agency's needs and to formulate appropriate corrective action in a timely manner." I believe that any such review must include a review of inherently governmental functions and other critical government functions and how they are performed. If confirmed, I will support any such review and corrective action, particularly as it relates to matters under the purview of the Office of the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

Question. If confirmed, will you work with other appropriate officials in the Air Force to address these issues?

Answer. If confirmed, I will work collaboratively with other Air Force officials to ensure these matters are addressed in the best interest of the Air Force and DOD.

Question. One reason for the explosive growth in DOD's contractor workforce has been the continuing limitation placed on the number of civilian employees of DOD. Rather than saving money as intended, this limitation has shifted all growth to contractor employees.

Would you agree that the balance between civilian employees and contractor employees in performing Air Force functions should be determined by the best interests of the Air Force and not by artificial constraints on the number of civilian employees?

Answer. Yes, I agree.

Question. If confirmed, will you work to remove any artificial constraints placed on the size of the Air Force's civilian workforce, so that the Air Force can hire the number of employees most appropriate to accomplish its mission?

Answer. If confirmed, I would support all efforts to ensure compliance with the law, and if modifications are determined to be necessary, to work with Congress as necessary.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving servicemembers in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the Military Services have failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What is your understanding of the resources and programs the Air Force has in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. I am aware of recent congressional testimony on this matter and understand that the Air Force goes to great lengths to ensure appropriate levels of support are available to our deployed Airmen. I understand that the Air Force deploys a fully trained Sexual Assault Response Coordinator (SARC) to each of our Air Expeditionary Wings and is posturing to support an additional location. While deployed, it is vital to have a robust sexual assault training and awareness program to ensure all personnel, regardless of military branch, know that the SARC is there to support them. I understand the Air Force's SARCs must complete a mandatory training before they can assume the role and responsibility. Combined with strong base leadership support, SARCs provide a 24/7 response capability. Responsibilities include conducting weekly in-processing briefings to newly arrived personnel and monthly case management team meetings to review ongoing cases. Air Force SARCs also address process improvements with representatives from Medical, Office of Special Investigations, Security Forces and Judge Advocate and Chaplain communities and provide outreach and prevention programs across their installation and supported Geographically Separated Units. If confirmed, I will continue to study this matter in greater depth with a view to ensuring that the Air Force continues to take appropriate steps to aid victims of sexual assault, both in garrison and in deployed locations.

Question. What is your view of the steps the Air Force has taken to prevent additional sexual assaults at home stations as well as deployed locations?

Answer. In my opinion, the Air Force has taken several extremely important steps in its campaign to prevent sexual assaults both at home station and deployed locations. For instance, I have learned that from the beginning of the Air Force's institutional program in 2005, prevention approaches have been included with our awareness and response efforts. Most prominent has been the inclusion of bystander awareness and how each Airman has a role in preventing sexual assaults. Part of the Air Force's continuous improvement to our training has been a long-term project to develop specific bystander intervention training modules for men, women, and leaders. If confirmed, I will continue these vital initiatives and assess whether additional steps should be taken.

Question. What is your view of the adequacy of the training and resources the Air Force has in place to investigate and respond to allegations of sexual assault?

Answer. I have been informed that from the time when the Sexual Assault Prevention and Response (SAPR) Program was created just 3 years ago, the Air Force believes they have implemented a sound response capability at the installation level. Since 2006, all airmen entering Basic training and all precommissioning programs are educated about sexual assault, their reporting options, and how to seek assistance if they have been a victim of this crime. Education and training courses have been designed and are ready to implement across the Air Force this year to reach airmen throughout their time in the Air Force regardless of the length of their service. If confirmed, I will assess whether additional steps should be taken to support victims and hold offenders accountable.

Question. Do you consider the Air Force's current sexual assault policies and procedures, particularly those on confidential, or restricted, reporting, to be effective?

Answer. Since the Air Force's program formally launched in 2005, I understand great progress has been made in policies and procedures, however, if confirmed, I will work with knowledgeable professionals to assess and ensure the continuation of such progress.

Question. What problems, if any, are you aware of in the manner in which the restricted reporting procedures have been put into effect?

Answer. While not extensively familiar with restrictive reporting problems, we must always be aware of what victims are experiencing and recognize that many will not report for a multitude of reasons. Many of those barriers are similar to what civilian victims endure who have no association with the military, as well as, some very unique challenges to those who are in the military. If I am confirmed, I will constantly engage to determine whether improvements are needed in the area of restrictive reporting.

Question. If confirmed, what actions would you take to ensure senior management level direction and oversight of Departmental efforts on sexual assault prevention and response?

Answer. If confirmed, I will have an active role in the oversight and implementation of the Air Force's SAPR Program. I'm committed to creating a culture of zero-tolerance regarding the crime of sexual assault. I recognize the importance of sustained partnerships with DOD, and with national subject matter experts and advocacy groups to get it right.

UNITED STATES AIR FORCE ACADEMY

Question. What is your assessment of the policies and procedures, including the frequency and use of surveys, at the United States Air Force Academy to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. I understand the Academy has institutionalized a comprehensive program of both prevention and response to sexual assault and sexual harassment, and that surveys are a necessary and important part of that program. I am not familiar exactly with the extent to which surveys are currently used at the Academy. If confirmed I will ensure vigilant oversight of this critical issue and, if necessary, adjust policies and resources.

Question. What is your assessment of the policies and procedures at the United States Air Force Academy to ensure religious tolerance and respect?

Answer. It is critical that one consistent set of guidelines that are fair to everyone be applied equally across the board because the Air Force Academy cannot be an institution unto itself but must be part of the larger Air Force. If confirmed, I expect the Air Force Academy to remain in full compliance with OSD and Air Force-wide policy.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Air Force regarding religious practices in the military?

Answer. It is my understanding that the Air Force has supported policies of religious tolerance and mutual respect. If confirmed, I would continue the Air Force's commitment to upholding the Constitutional tenets of the "free exercise" and "establishment" clauses, and review policies as necessary to assure continued compliance with the First Amendment.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular articles of religious significance?

Answer. Like other religious practices, I would expect that the principles of "free exercise" would be balanced against the interests of the Air Force in standardized uniform wear. If confirmed, I will review these policies, as required.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I have not had an opportunity to review in depth the Air Force's policies regarding free exercise of religion and other beliefs. If confirmed, I will study this issue to determine if changes in policy are necessary.

Question. In your opinion, do existing Air Force policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. I understand that chaplains are not compelled to offer prayers that are inconsistent with their faith, but are expected to remain sensitive to the pluralistic Air Force and society they serve. In my opinion, such an approach strikes an appropriate balance given the diversity of religious views in the Air Force. If confirmed, I am willing to study this issue further to determine if changes in policy are necessary.

SUICIDE PREVENTION

Question. The committee is concerned about the increasing rate of suicides in all of the Services.

In your view, what is the cause of this increase in suicides in the Air Force?

Answer. I understand the Air Force has experienced an upward trend in suicides in 2008 compared to 2007. I believe that deployments and heavy operational tempo place a heavy strain on airmen and their families. If confirmed, I will aggressively work with other Air Force leaders, DOD and outside agencies to give this our full attention.

Question. What is your assessment of the Air Force's response to this increase in suicides?

Answer. It is my understanding that Air Force leadership has aggressively responded to the increase in suicides. The Air Force continues to look at many successful initiatives to build on an established Suicide Prevention Program. In my view, the Air Force has a benchmark program that we can continue to improve on to provide a comprehensive and collaborative approach to enhancing the psychological health and resiliency of airmen. If confirmed, I will fully support and build upon the Air Force Suicide Prevention Program.

Question. What is your assessment of the adequacy of Air Force programs in place to reduce or eliminate the incidence of suicides in the Air Force?

Answer. While one suicide is too many, I believe the Air Force Suicide Prevention Program has been an effective program. The program engages leadership at all levels; incorporates suicide prevention into Air Force education and training programs; utilizes recurrent mental health screening; and fosters a cross-functional approach to enhance our "Wingman" culture and strengthen the psychological health and resiliency of airmen.

FOREIGN LANGUAGE PROFICIENCY

Question. A Foreign Language Transformation Roadmap announced by DOD on March 30, 2005 directed a series of actions aimed at transforming the Department's foreign language capabilities, to include revision of policy and doctrine, building a capabilities based requirements process, and enhancing foreign language capability for both military and civilian personnel. More recently, Congress authorized incentive pay for members of precommissioning programs to study critical foreign languages.

In your view, what should be the priorities of the Federal Government to expanding the foreign language skills of civilian and military personnel and improving coordination of foreign language programs and activities among the Federal agencies?

Answer. In my view, our Nation's current and future involvement in overseas contingency operations will rely heavily on both foreign language skills and cultural knowledge. I recommend that all Federal agencies develop and incentivize organic foreign language capability within their respective organizations. These skills will allow us to strengthen and multiply our forces' capabilities across the full operational spectrum.

Question. If confirmed, what steps would you take to identify foreign language requirements, and to design military and civilian personnel policies and programs to fill those gaps?

Answer. I have been advised that the Air Force is currently participating in a DOD-directed, Joint Chiefs of Staff-led Capabilities Based Assessment; this joint effort is tasked to address the issue of foreign language requirements and the shortfalls we currently have in the Department. If confirmed, I would continue to assess and monitor this process and impact Air Force policy to ensure that we best utilize our resources to make up the shortfalls and continue to grow this high-demand capability within in the Air Force for the benefit of the Nation's defense.

Question. What is your assessment of an appropriate time frame within which results can be realized in this critical area?

Answer. I have been advised that the Air Force is in compliance with the requirements outlined in the Defense Language Transformation Roadmap (DLTR) and we are in close coordination with the Defense Language Office in the preparation of goals and action plans for the next phase of the DLTR which will provide a more

focused approach to build out foreign language capability. If confirmed I will continue to monitor compliance and closely coordinate with necessary agencies throughout DOD.

LEGISLATIVE FELLOWSHIP PROGRAM

Question. Each year, the Services assign mid-career officers to the offices of Members of Congress under the Legislative Fellows Program. Upon completion of their legislative fellowships, officers are required to be assigned to follow-on positions in their Services in which they effectively use the experience and knowledge they gained during their fellowships.

What is the total number of Air Force personnel currently assigned as legislative fellows, and what grades are these officers in?

Answer. I have been told that for academic year 2008–2009, the Air Force has 35 participants in the Air Force Legislative Fellowship Program. They have 32 officers in the O–4 grade and three DOD civilians in the Pay Band 2/GS–12/13 range attending.

For academic year 2009–2010, the Air Force has 36 individuals projected to start in July 2009. All military members are in the grade of O–4 (28 are active duty officers, 2 are Air National Guard members, and 2 are Air Force reservists). The remaining four are DOD civilians, again in Pay Band 2/GS–12/13. Describe how the Air Force selects individual officers for participation in its legislative fellows program.

As I understand the process, the Air Force Personnel Center advertises for nominations during the annual Intermediate and Senior Developmental Education selection process. Air Force Legislative Fellows are initially recommended by their senior Air Force leadership and then vectored by their Air Force Developmental Team to the Air Force Developmental Education Designation Board for selection.

Civilian Fellows meet an internal Civilian Developmental Education Board from which they are selected and forwarded to the Developmental Education Designation Board.

Question. What is your assessment of the value of the Legislative Fellows program to the Air Force and the utilization of officers who have served as legislative fellows?

Answer. I am familiar with the Air Force Legislative Fellows program and many other agency programs from my time spent on the Hill. I'm an advocate of these fellows programs as they provide participants a comprehensive understanding of the complexities of legislative operations and Congress's role in the process of government as a whole. As a development opportunity for our Airmen, fellowships enable first-hand understanding of legislative branch functions and how congressional decisions affecting Federal agencies' programs are made. This exposure provides participants the opportunity to learn how legislation is crafted, as well as enabling a fundamental understanding of the legislative role in military requirements and procurement. This is an experience that will serve these officers well as they progress into senior leadership roles. If confirmed I look forward to working with the Air Force personnel community to ensure optimum utilization of the Fellows' recent experience with Congress.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. The Department and the Services have been moving toward adoption of Defense Integrated Military Human Resources System (DIMHRS) as a cross-service, fully integrated personnel and pay system. Under the proposed timeline, the Army is the first in line to launch DIMHRS, with the Air Force to follow. Recent reports indicate technical difficulties will postpone the Army's launch date.

What is the status of the Air Force's implementation of DIMHRS? What is your assessment of the need for an integrated, cross-service personnel and pay system?

Answer. I understand that DOD is in the process of transitioning the core DIMHRS software to the Services for completion of tailored operational systems. The Air Force is establishing an acquisition program office to complete the solution, and will use the core software to the maximum extent practical and if confirmed, will aggressively engage to ensure fielding of the system.

Question. What is your understanding of the Air Force's evaluation of the adequacy of DIMHRS and other alternative personnel management systems for the Air Force?

Answer. If confirmed, I will carefully evaluate the adequacy of DIMHRS and other alternative personnel management systems for the Air Force?

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place?

Answer. If confirmed, I would review the assessment and implementation plan to ensure it reflects best practices and is supported by a solid business case. If I discover deficiencies in the plan, I will make appropriate recommendations, after cross-Service coordination.

GI BILL BENEFITS

Question. Last year, Congress passed the Post-September 11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on active duty since September 11. The maximum benefit would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of the act on recruiting and retention of servicemembers?

Answer. I understand the GI Bill has always been a positive recruiting and retention tool and I expect the post-September 11 GI Bill to continue this legacy. I believe it is too soon to have empirical data regarding the exact effect the new GI Bill has on recruiting, but there are stories from the field that the new GI Bill is a major point of discussion for potential recruits and is a major recruiting incentive. In addition to the revised education benefits, I believe the revised eligibility and transferability will have a positive effect on morale in general.

If I am confirmed I will share any empirical data regarding the effect of the post-September 11 GI Bill on recruiting, retention, and morale with this committee.

Question. What is your evaluation of the sufficiency of the implementation plan for the transferability provisions contained in the act?

Answer. I have been informed that the Air Force is working closely with DOD on the implementation of this new program and that DOD will publish its implementing policies in the near future. If confirmed, I will continue to ensure a close working relationship with DOD and our Sister Services so that the program is well-executed and consistent with Air Force policy.

AIR NATIONAL GUARD

Question. The Commission on the National Guard and Reserves (CNGR) issued its report in January 2008, and since then the Department has been engaged in evaluating and implementing the Commission's recommendations.

What do you consider to be the most important recommendations of the Commission relating to the National Guard, and which recommendations, in your view, should receive the highest priority for implementation?

Answer. The CNGR report in 2008 provided 95 recommendations for change. I believe the CNGR did a remarkable job of examining the issues of the Reserve components. Every recommendation provides a level of importance within its own right. There are themes that remain consistent throughout the report. These include transforming the Guard and Reserve with the means to become an Operational Reserve of the 21st century with the effective implementation of a continuum of service for its members. Generically, this core concept provides for Reserve component changes in training, equipping, career progression, family and member benefits, and employer support.

Question. In your view, would it facilitate integration of Active and Reserve components if the Director of the Air National Guard was dual-hatted with responsibilities under the Chief of Staff of the Air Force?

Answer. The Director of the Air National Guard reports to the Chief of the National Guard Bureau (CNGB). Under current DOD Directive, the CNGB serves as the principal advisor to the Secretary of the Air Force, and the Chief of Staff of the Air Force, on matters relating to the Air National Guard. As I understand it, dual-hatting the Director of the Air National Guard would be contrary to current DOD Directives and the National Guard Bureau Charter.

Question. With respect to the wearing of the military uniform, under what circumstances should personnel of the National Guard be authorized to wear their Air Force uniforms?

Answer. Present and retired members of the Air National Guard should wear the Air Force uniform on occasions and under circumstances prescribed by current Air Force and Air National Guard Instructions.

Question. Do you believe that Air National Guard personnel should be allowed to wear their uniforms at political rallies or events related to advancing legislation of interest? If so, under what circumstances?

Answer. Air National Guard members should only wear the Air Force uniform as prescribed by current Air Force regulations and supplemented by Air National Guard Instructions.

Question. From an organizational and force management perspective, what goals do you hope to accomplish with respect to the Air National Guard if you are confirmed?

Answer. If confirmed, I will work to support the needs of the Air Reserve components as part of the totally integrated Air Force through policy oversight of human resources and Reserve component programs.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. In the aftermath of the attacks of September 11, 2001, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness, monitoring, antiquated pay systems, limited transition assistance programs upon demobilization, and lack of access to members of the Individual Ready Reserve. Reserve Force management policies and systems have been characterized in the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Air Force Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. It is too early for me to make an assessment of the problems that may exist in the mobilization and demobilization process. From the outside looking in, the Air Force seems to do very well with the way it employs the Reserve components.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. The Air Force's Total Force approach resourcing and training the Reserve components goes a long way to ensuring their readiness for mobilization and air expeditionary force participation.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the Air National Guard and Air Force Reserves?

Answer. At this point, based on my limited knowledge, I feel current statutory authorities are sufficient to support mobilization requirements. If confirmed, I will be in a better position to assess whether to recommend changes to applicable law and policy.

Question. Do you agree that Air National Guard and Air Force Reserve personnel should be mobilized to augment civilians deployed to Afghanistan?

Answer. Yes, I believe that National Guard and Reserve component personnel bring skills and experience that can be used to augment other executive branch agencies.

MEDICAL AND DENTAL READINESS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE PERSONNEL

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. First, let me say that I am extremely proud of our Reserve component servicemembers and their service to our Nation during this time of war and transformation. Based upon what I have seen of the Air Reserve components, this has not been an issue that prevents their contribution to the Total Force. However, if confirmed I will assess the effectiveness of reporting on the medical and dental readiness and to evaluate the need for policy changes and increased oversight.

Question. How would you improve upon the Air Force's ability to produce a healthy and fit Reserve component?

Answer. At present, the Air Reserve components maintain the same level of fitness as the Regular Air Force. These standards have served them well and, if confirmed, I hope to work with the Air Force to ensure our Reserve components remain healthy and fit.

NATIONAL GUARD ORGANIZATION, EQUIPMENT, AND READINESS

Question. Legislative proposals introduced in recent years and recommendations of the CNGR have proposed numerous changes to the roles and responsibilities of the National Guard and Reserves. Several of the proposed changes have been implemented, and numerous others are under consideration.

How do you assess the changes in the roles, mission, and authorities of the CNGB and the Air National Guard?

Answer. From my perspective, the changes to the roles, mission and authorities of the CNGB elevates the National Guard to a level of visibility needed to ensure it is properly equipped and resourced to carry out its dual-role mission.

Question. In your view, do the current Air Force processes for planning, programming, and budgeting sufficiently address the requirements of the Air National Guard? What is the appropriate role of the CNGB in this regard?

Answer. I have not had sufficient time to examine the Air Force processes for planning, programming and budgeting, nor, am I aware of how the CNGB interacts within this process. If confirmed, I look forward to engaging in this process to ensure our Air Reserve components are properly equipped and resourced to carry out their missions and responsibilities.

SYSTEMS AND SUPPORT FOR WOUNDED AIRMEN

Question. Wounded soldiers from OEF and OIF deserve the highest priority from the Air Force for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from active duty if required, and continuing support beyond retirement or discharge.

In your view, what were the most critical shortcomings in warrior care since 2001?

Answer. From my understanding, the Air Force has been doing an outstanding job caring for our wounded airmen since 2001. The most critical shortcoming that I have been advised on is retaining individuals who wished to remain on active duty and providing policy to ensure they could continue to be productive members of the Service. If confirmed, it will be my distinct honor and privilege to do all I can to continue to promote the highest standard of lifelong care for our Wounded Warriors.

Question. What is your assessment of the effectiveness of the Air Force's response?

Answer. I have been advised that the Air Force has taken great action in addressing this issue and made retention, if possible, a priority. The biggest shortcoming facing the Air Force in the near future is reintegration into civilian communities if retention is not possible especially for those with non-visible wounds of war such as traumatic brain injury or post-traumatic stress disorder. Employment for our wounded warriors outside of the Air Force is not just a Service issue but an American issue. The Air Force must continue to work through civilian hiring policies to hire wounded veterans when qualified, partner with organizations like the National Chamber of Commerce for local placement with business, and other helping organizations.

If confirmed, I will assess the effectiveness of the Air Force's response and continue to work with Congress to ensure our warriors and their survivors receive the highest possible care and support.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Air Force's support for wounded soldiers, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will continuously assess the efficiency and appropriateness of the Air Force's Warrior and Survivor Care Program and implement strategies and seek additional resources as appropriate to ensure the Air Force meets the needs of our wounded airmen.

Question. Studies following the revelations at Walter Reed point to the need to reform the DOD disability evaluation system. What is your assessment of the need to streamline and improve the Air Force's disability evaluation system?

Answer. I am informed that beginning November 26, 2007, the Army started to test a revamped physical disability evaluation program at Walter Reed Army Medical Center, streamlining the process used to determined soldiers' fitness for service or eligibility for military and veterans' benefits. I am advised that key features of this pilot program include a single medical examination and a single-sourced disability rating. It is my understanding that the Department of VA conducts a single comprehensive exam and will rate all medical conditions. The military departments accept the Department of VA rating for all medical conditions determined unfitting for continued military service unless the condition involves noncompliance, misconduct, or a non-service aggravated medical condition which existed prior to service. Based on the limited information I have so far, I believe the process does need to be improved. If confirmed, I will work to this end with stakeholders in the Air Force as well as with experts in the DOD and the Department of VA.

Question. If confirmed, how will you address any need for change?

Answer. If I am confirmed, I will listen to the information presented by the experts in this area and study the process myself. After becoming fully informed on the issues, I would work with the stakeholders in the Air Force and appropriate personnel in both the DOD and the Department of VA to determine what areas should be changed and how best to accomplish those changes.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. The Department completed work last year on the 10th Quadrennial Review of Military Compensation (QRMC), releasing Volume I of its report in February 2008 and Volume II in July 2008. Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employee Retirement System than the current military retirement benefit; increasing TRICARE fees for retirees; and the adoption of dependent care and flexible spending accounts for servicemembers.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. Reductions in current entitlements and benefits could impact future recruiting and retention efforts. Proposed changes in military retirement entitlements and benefits must be thoroughly reviewed to fully understand these impacts. If I am confirmed, I will be mindful that our military forces, who are often called upon to fight under extremely arduous conditions, should receive deserving pay and entitlements.

Question. Which recommendations, if any, would you propose that Congress implement?

Answer. I believe that any proposed action on the earlier QRMC recommendation will require thorough review and analysis to understand the impact. At this time, I do not have a specific proposal for implementation of any change.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward-thinking management of civilian senior executives.

What is your vision for the management and development of the Air Force civilian senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. I am told that the Air Force believes that deliberate management of this diverse population is of preeminent importance. They also feel that development of our senior executives—and those who one day will become senior executives—is equally important. The Air Force is committed to providing opportunities—educational and experiential—to enhance leadership skills for all executives, including those in the acquisition, financial management and scientific and technical fields. If confirmed, I will continue this vision, ensuring deliberate management and development of the Air Force senior executive workforce.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force for Manpower and Reserve Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

POLITICAL ACTIVITY BY MILITARY PERSONNEL IN UNIFORM

1. Senator MCCAIN. Mr. Ginsberg, in 2005, Senators Bond and Leahy conducted a political rally across the street from the Senate Russell Building in connection with their introduction of their National Guard Empowerment Act. Approximately 30 Air and Army National Guard general officers in uniform participated in that rally as proponents and advocates for the legislation. Do you think it is permissible—or good policy—for military personnel to participate in the political process while wearing their military uniforms?

Mr. GINSBERG. Sir, though Senator Leahy and Senator Bond organized and announced this as a news conference and not as a political rally, I do believe it is neither permissible nor good policy for military personnel to participate in a political process while wearing their military uniforms. In fact, Department of Defense guidance states that members should not wear the military uniform when participating in public speeches, interviews, picket lines, marches, or any public rallies, or in any public demonstration when the Air Force sanction of the cause for which the activity is conducted may be implied.

2. Senator MCCAIN. Mr. Ginsberg, with respect to members of the National Guard, reservists, and Active-Duty members, do you think that under any circumstances they should be authorized to wear their uniforms while demonstrating in favor of legislation?

Mr. GINSBERG. Sir, no I do not. Service policy for both Army and Air Force is consistent in prohibiting wearing of the uniform by anyone participating in the furtherance of political activities or interests that result in an inference of official sponsorship. Regardless of duty status, this policy applies to National Guard, Reserve, and active duty airmen. I believe that this is sound policy and should be continued.

3. Senator MCCAIN. Mr. Ginsberg, do you think that is consistent with a politically neutral military?

Mr. GINSBERG. My previous answers with respect to military members not wearing uniforms when participating in public speeches, interviews, picket lines, etc. is consistent with a politically neutral military.

TRICARE FOR RESERVES

4. Senator MCCAIN. Mr. Ginsberg, the Senate recently adopted a resolution which Senator Levin and I, along with Senators Ben Nelson and Graham, co-sponsored recommending that 2009 be recognized as the Year of the Military Family. Where are the gaps in support for military families, and what would you do, if confirmed, to close those gaps within the United States Air Force?

Mr. GINSBERG. I am familiar with the testimony given by Ms. Eliza Nesmith, a member of the Air Force's Deputy Chief of Staff for Manpower, Personnel and Services staff, given earlier this month with respect to gaps in support of military families. I understand the gaps to include not having a clear understanding of the processes through which child and family adjustment is enhanced or hindered; not having a clear understanding of how multiple deployments influence families; and not having a clear understanding of how deploying through the National Guard/Reserve versus Active Duty can affect adjustment. I look forward to working with senior Air Force and DOD leadership to bridge these and any other gaps that may exist for the Total Force, if confirmed.

PERSONNEL REDUCTIONS IN THE AIR FORCE

5. Senator MCCAIN. Mr. Ginsberg, the President's budget request for fiscal year 2010 includes funding for an Active-Duty end strength of 331,700 airmen. Although this represents an increase of almost 16,000 over previous plans to shrink to 316,000 personnel, there are still concerns being expressed about the stress on airmen, particularly in aircraft maintenance and base support functions. Yet, the halt in the reduction of end strength in fiscal year 2010 is proposed to allow the Air Force to provide manpower for new and emerging missions as opposed to backfilling the shortages in existing operational capabilities. If confirmed, will you immediately assess the effect of manpower distribution among Air Force specialty codes for main-

tenance and base support and report back to this committee with the results of your review?

Mr. GINSBERG. The 331,700 active duty end strength should allow the Air Force to fund its most pressing requirements. As I understand it, the Deputy Chief of Staff for Manpower, Personnel and Services, along with the Chief of the Staff of the Air Force have already identified and began assessing the effect of manpower distribution among Air Force specialty codes to include maintenance and base support, and I will eagerly join in the assessment to produce a workable and long lasting solution. If confirmed, upon completion of my review, I will report back to the committee with my assessment.

6. Senator MCCAIN. Mr. Ginsberg, how will you assess the health and readiness of the force as Air Force personnel are asked to do more with less people?

Mr. GINSBERG. If confirmed, I will work with the Deputy Chief of Staff for Manpower, Personnel and Services, Chief of the Air Force Reserves, the Director of the Air National Guard, and the Air Force Surgeon General to assess the health and readiness of the force. I am told that tools currently exist such as readiness reports and climate assessments and will work to identify where the largest "health and readiness" gaps exist and direct my focus on those, if confirmed.

[The nomination reference of Daniel B. Ginsberg follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 2, 2009.

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

Daniel B. Ginsberg of the District of Columbia, to be an Assistant Secretary of the Air Force, vice Craig W. Duehring.

[The biographical sketch of Daniel B. Ginsberg, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH BY DANIEL GINSBERG

Daniel Ginsberg is the Senior Defense Policy Advisor to U.S. Senator Patrick Leahy of Vermont. Serving as a legislative assistant to the senior Senator from Vermont since 1999, Mr. Ginsberg assists Senator Leahy with his work as a top member of the U.S. Senate Defense Appropriations Subcommittee and as the co-chair of the U.S. Senate National Guard Caucus.

Prior to this, Mr. Ginsberg served on the staff of U.S. Senate Committee on Armed Services during the chairmanship of U.S. Senator Sam Nunn of Georgia. He has held various research positions at the RAND Corporation, the International Institute for Strategic Studies, and the Center for Strategic and Budgetary Assessments. He has also completed internships at the U.S. Senate Permanent Subcommittee on Investigations, the United States Mission to the North Atlantic Treaty Organization, the Office of the Assistant Secretary of Defense (Public Affairs), and Senator Nunn's Atlanta Office.

Mr. Ginsberg is a 1995 graduate of the University of Michigan, including a year abroad at the London School of Economics where he completed the General Course. He earned an M.A. in international economics and strategic studies in 1998 from the Johns Hopkins University's Nitze School of Advanced International Studies. From 1998 to 1999, he undertook a year-long fellowship at the University of Chicago, carrying studies with the Department of Political Science and the Committee on Social Thought.

Mr. Ginsberg was born in West Lafayette, IN, and raised in Dunwoody, GA, an Atlanta suburb. He currently lives in Washington, DC with his wife Jessica Rose.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details

the biographical, financial, and other information of the nominee. The form executed by Daniel B. Ginsberg in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Daniel Brian Ginsberg (sometimes known as Danny Ginsberg).

2. **Position to which nominated:**
Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

3. **Date of nomination:**
June 2, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 13, 1974; West Lafayette, IN.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Jessica L. Rose.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Chicago, 09/98–05/99, fellowship, no degree
Johns Hopkins University School of Advanced International Studies, 09/96–05/98, M.A., 05/98.
London School of Economics, 10/94–05/95, General Course, year abroad, no degree.
University of Michigan, 09/92–12/95, B.A., 12/95.
Dumwoody High School, Atlanta, GA, 09/89–06/92, high school diploma, 06/92.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Senior Defense Policy Advisor, Office of U.S. Senator Patrick Leahy, Washington, DC, 11/99–present.
Research Fellow and Consultant, RAND, Washington, DC, 04/99–11/99.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Research Assistant, U.S. Senate Committee on Armed Services, Washington, DC, 05/93–08/93, 05/94–08/94, and 01/96–10/96.
Intern, U.S. Mission to NATO, Brussels, Belgium, 05/95–08/95.

Intern, U.S. Senate Permanent Subcommittee on Investigations, Washington, DC, 05/92–08/92.

Intern, Office of the Assistant Secretary of Defense for Public Affairs, Washington, DC, 06/91.

Intern, Office of U.S. Senator Sam Nunn, Atlanta, GA, 10/90–05/91 and 09/91–05/92.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

09/2004, John Kerry for President, $100.

09/2008, Obama for America, $2,000.

10/2008, Obama for America, $195.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

National Guard Association Patrick Henry Award, 2003.

The Military Coalition Freedom Award, 2003.

The Enlisted Association of the National Guard Militia Award, 2002.

The Reserve Officers Association Appreciation Award, 2001.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

From September 2002 through April 2009, I have written articles on classical music and opera (concert reviews, feature pieces, and interviews) for the Washington Post and a few other publications, including the Washington City Paper and Bloomberg News. I have never accepted any payment for these articles, following Senate rules on outside writing and speaking. None of the articles related in any way to the Department of Defense, the U.S. Government, or politics. I have severed my relationship with the Washington Post and no longer write music reviews or carry out any music journalism activities. Attached is a full listing of articles that I have had published.

[Witness responded and information is retained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have given no formal speeches. Based off general notes, I have given extemporaneous remarks on several military and defense related topics at workshops and conferences.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DANIEL B. GINSBERG.

This 3rd day of June, 2009.

[The nomination of Daniel B. Ginsberg was reported to the Senate by Chairman Levin on June 24, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 6, 2009.]

NOMINATIONS OF GEN. JAMES E. CARTWRIGHT, USMC, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND REAPPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF; AND ADM ROBERT F. WILLARD, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, UNITED STATES PACIFIC COMMAND

THURSDAY, JULY 9, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Akaka, Bill Nelson, Ben Nelson, Webb, Udall, Hagan, Begich, Burris, McCain, Inhofe, Chambliss, and Thune.

Also present: Senator Inouye.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; William G.P. Monahan, counsel; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Adam J. Barker, professional staff member; Daniel A. Lerner, professional staff member; Lucien L. Niemeyer, professional staff member; Diana G. Tabler, professional staff member; Richard F. Walsh, minority counsel; and Dana W. White, professional staff member.

Staff assistants present: Kevin A. Cronin and Breon N. Wells.

Committee members' assistants present: James Tuite, assistant to Senator Byrd; Christopher Griffin, assistant to Senator Lieberman; Nick Ikeda, assistant to Senator Akaka; Christopher Caple, assistant to Senator Bill Nelson; Ann Premer, assistant to Senator Ben Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Jennifer Barrett,

assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Lindsay Young, assistant to Senator Begich; Gerald Thomas, assistant to Senator Burris; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor, IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; Brian W. Walsh, assistant to Senator Martinez; and Chip Kennett, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

This morning, the committee meets to consider the nominations for two very significant military positions. General James Cartwright, United States Marine Corps, has been nominated for a second term as Vice Chairman of the Joint Chiefs of Staff; and Admiral Robert Willard, United States Navy, has been nominated to be the Commander of U.S. Pacific Command (PACOM).

On behalf of the committee, I want to thank you both for decades of service to this country and for your willingness to continue to serve. The country appreciates—and this committee reflects that appreciation—the sacrifices that you and your families have made along the way.

The support that our military families provide is critical, and we want to do all that we can to support them. Both of you have your family members with you today, and when it comes your time to give your opening statements, we would welcome your introducing family members.

Before I give my opening statement, Chairman Daniel Inouye is with us this morning to make an introduction. Given his incredible schedule, I am going to call on him before I complete my opening statement.

It is great to have you with us always, Danny. Senator Inouye?

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM THE STATE OF HAWAII

Senator INOUYE. Thank you very much, Mr. Chairman, Senator McCain, and distinguished members of the committee.

I am pleased and honored to be here this morning to introduce Admiral Robert F. Willard, nominee for the position of Commander of the U.S. Pacific Command.

I commend this wise decision to designate Admiral Willard as our next PACOM Commander. His invaluable experience as current Commander of the U.S. Pacific Fleet will serve him well as he leads our Nation's oldest and largest command.

He is a graduate of the U.S. Naval Academy, an F–14 aviator, operations officer, and executive officer of the Navy Fighter Weapons School known as "Top Gun." He has commanded the Screaming Eagles, the amphibious flagship USS *Tripoli,* and the aircraft carrier USS *Abraham Lincoln.*

His experiences in the Pacific area of responsibility and his thorough knowledge and understanding of the region's history would be a tremendous asset to anyone that might assume the helm at PACOM. Commanding U.S. Naval Forces in the Pacific has given him tremendous exposure to the challenges and rewards that face our military in that area of the world.

Because of Admiral Willard's firm grasp of the history of the Asia-Pacific region, he understands the geopolitical dynamics at work, which confront the United States. The PACOM Commander's watchful eye over such an expansive area cannot be accomplished alone, and this enforces cooperation between U.S. military forces and those of our friends in the region.

I have had the honor and pleasure of working with Admiral Willard during his tenure as Commander of U.S. Pacific Fleet on very important issues that face our Navy in the Pacific Ocean. The Admiral and I have discussed the value of Pearl Harbor, the shipyard, the Pacific Missile Range on a number of occasions. This intimate knowledge of Hawaii's importance to our national defense is in part why Hawaii will be welcoming the first of its new *Virginia*-class submarines, the USS *Hawaii*, later this month.

Mr. Chairman, December 7, 1941, is a distant memory for most Americans. On that quiet Sunday morning, Hawaii's strategic importance was impressed on this Nation by an attack on our military forces on the island of Oahu and propelled our Nation into the 20th century's second world war.

Despite time and technological advances, the significance of Hawaii's location in the Pacific has not changed, and it is still essential to the defense of all Americans and our allies in this region. There are many challenges and opportunities for the United States in the Asia-Pacific region. I have complete faith in Admiral Willard's ability to lead PACOM.

It is essential our military have its most capable leaders at the helm to guide us through this difficult time. Mr. Chairman and members of the committee, I am confident Admiral Willard's leadership will benefit all of our forces in the Pacific and ensure our national security.

Thank you very much.

Chairman LEVIN. Thank you so much, Senator Inouye. It is always great to have you here. It is a very meaningful introduction, and I know Admiral Willard is most appreciative as well.

These nominees are going to face a host of challenges. General Cartwright is going to continue to serve as our country's second-highest ranking military officer, carrying out the Nation's military priorities and playing a major role in the Department of Defense's (DOD) acquisition process. General Cartwright is also responsible for making sure that the needs of the combatant commanders are addressed in a timely fashion—that they have what they need to carry out their missions when they need it.

General Cartwright, I first would like to take this opportunity to thank you for your candor, your accessibility over the past few years, and to let you know that all of us appreciate your willingness to meet with both members and staff of this committee and have so many significant and serious discussions over those years on a number of issues.

Admiral Willard will assume command of PACOM at a time of increasing tensions with North Korea and as a result of a continuing series of provocative North Korean actions and a major repositioning of U.S. forces within the Pacific Rim.

Both of our nominees will lead our military in meeting the challenges of preventing the spread of weapons of mass destruction

(WMD), dealing with stateless terrorism, ethnic conflict, and violent religious extremism. General Cartwright will face these challenges globally, Admiral Willard in a region with a particularly troublesome history of proliferation.

In addition to your responsibilities to act as needed in the absence of the Chairman of the Joint Chiefs, General Cartwright, you have important responsibilities in the context of acquisition, nuclear, space, cyber security, and ballistic missile defense (BMD) matters.

It is the responsibility of the Joint Requirements Oversight Council (JROC) which you chair, to identify the requirements of military commanders and to see that the acquisition process meets these requirements. An additional responsibility of yours is to cochair with the Deputy Secretary of Defense, the Deputy's Advisory Working Group. This group makes the key decisions as to the Department's resources and what major investments will be made.

Between those two groups, the JROC and the Deputy's Advisory Working Group, you have the opportunity to shape, through the investment decisions, the long-term capabilities of the Department and the Military Services. Your experience in this capacity—General, given that experience, we will be interested in hearing from you as to how the changes in the Defense Acquisition Reform Act which Congress recently passed might assist you in improving the acquisition process.

We also would be interested, General, in your thoughts on the opportunities for future U.S.-Russian military cooperation, including missile defense, in light of the recently completed meetings between President Obama and Russian President Dmitry Medvedev.

Admiral Willard, you have had extensive experience in the Pacific, having served as Commander of Carrier Group Five, the Commander of the U.S. 7th Fleet, as well as a tour of duty as Deputy Commander of the U.S. Pacific Fleet and now as the Commander of the U.S. Pacific Fleet.

With that considerable regional experience and your many other impressive accomplishments in the Navy, you bring a strong background for assignment as the Commander of PACOM.

Admiral, we would be interested in your assessment of the situation on the Korean peninsula and the current efforts to track ships suspected of carrying illicit cargo to and from North Korea in violation of the United Nations (U.N.) Security Council resolutions. We would be interested also in our military relations with China and how you see that relationship evolving.

We look forward to hearing from our witnesses this morning. We thank them again for their service.

I now call upon Senator McCain for his opening remarks.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you very much, Senator Levin.

Mr. Chairman, I join you in welcoming General Cartwright and Admiral Willard and congratulating them on their nominations. I thank each of them and their families for their service.

General Cartwright, you have demonstrated an extraordinary understanding of the global posture the United States must main-

tain in this area of constantly changing threats, and I believe that you are well-qualified for a second term as Vice Chairman.

I would like to echo the words of Senator Levin. You have been very candid and forthcoming with the members of this committee and with the two of us, and it is much appreciated on many of the difficult issues that we face. I applauded your comments last March about DOD's acquisition strategy, which you underscored that we must devote our procurement dollars to weapon systems that address the most likely threats instead of what some consider to be the most dangerous.

This was certainly borne out later in Secretary Gates' recommendations, and I agree with your premise that our weapon systems must impose greater cost on our potential and current enemies than they do on us. I hope you and we in Congress will be able to adhere to this philosophy in the days ahead.

With the recent launch of the major coalition operation in southern Afghanistan, I look forward to hearing more about how we intend to proceed in that theater. Success in Afghanistan requires that we employ troop levels appropriate to the mission we are asking our military to carry out. As a result, it is vital that the commanders on the ground are free, and perceive they are free, to request the forces they conclude are necessary.

General Cartwright, I hope to hear from you precisely the degree of freedom that General McChrystal will have to request troops and resources and how that fits into recent reports suggesting the administration was preemptively counseling against higher force levels.

General Cartwright, one of the most—and I will talk about this more later—extraordinary articles I have seen in my many years of service appeared in the Washington Post, where apparently a reporter for the Washington Post was brought into a meeting in Afghanistan by General Jim Jones, the National Security Advisor, with the military. At that time, according to this article, General Jones said there would be no additional troops under any circumstances.

I will be interested in hearing about how that jives with the supposed delay in a decision for an additional 10,000 troops that at that time the President had "delayed" the decision on. I must say, I have never seen such a scenario where a reporter is brought into a briefing between the President's National Security Advisor and our military commanders in the field.

With the President just concluding a round of talks with his Russian counterpart on arms control, our national strategic capabilities, including missile defense, are currently at center stage. I have previously advocated for significant reductions in nuclear arsenals and for other steps that would reduce the risk that nuclear weapons would ever be used.

I look forward to hearing your thoughts on the target numbers of warheads and delivery vehicles announced this week, and on what the implications of such reductions might be for the urgent need to invest in the modernization of both the stockpile and the complex-wide intellectual and physical infrastructure needs.

With respect to the planned European-based missile defense system in Poland and the Czech Republic, I am concerned that there

is a perception, one that has been strengthened by the testimony of administration officials before this committee, that the United States is preparing to back away, even abandon commitments made to these countries during the past administration. I believe it is essential in the future that we keep faith with our close allies in Poland and the Czech Republic.

Admiral Willard, you have an outstanding record of joint and naval service, and you are well-qualified to assume responsibilities of PACOM Commander. The importance of the theater, economically and from a strategic security standpoint, can't be overstated, and there are a number of short- and long-term challenges facing the United States in the Asia-Pacific region.

North Korea continues its variety of belligerent actions with the firing of missiles over the weekend and new reports of a possible Pyongyang-directed cyber attack on the United States and South Korea. I look forward to hearing about how PACOM intends to enforce the latest U.N. Security Council resolution banning North Korea's transit at sea of nuclear and missile technologies and what the limits are to that enforcement.

In addition, I hope to hear your thoughts on Japanese reaction to any changes in our nuclear posture, including arms reduction carried out through the Strategic Arms Reduction Treaty (START), and about evolving Chinese naval capabilities and the value of military-to-military exchanges with China.

Again, I thank our nominees and their families for their service.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

General Cartwright?

STATEMENT OF GEN. JAMES E. CARTWRIGHT, USMC, NOMINEE FOR THE POSITION OF VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

General CARTWRIGHT. Thank you, Chairman Levin and Senator McCain, for this opportunity to appear today.

I believe the support of loved ones reinforces our servicemembers' ability to serve this Nation. This has been especially true for me. So, it is with great pleasure that I have the opportunity to introduce my wife, Sandee, who is able to be with me this morning, along with our daughter Jayme and her husband, Chris—both members of the Defense Intelligence Agency (DIA).

Our other daughter, Billee, is awaiting the return of her husband, who is on his fourth overseas tour. He is a member of the second battalion of the 19 Special Forces Group of the West Virginia National Guard. We are waiting in the next couple of days to welcome him home.

I am grateful for all that they have done and what they have meant to me throughout my service.

Over the last nearly 2 years, I have had the privilege of working with the members of this committee on many vital issues, helping to shape the force, meet the wide variety of challenges our Nation faces. If confirmed, I look forward to continuing our efforts in support of the Nation.

I stand ready for your questions.

Chairman LEVIN. Thank you, General.

Admiral Willard?

STATEMENT OF ADM ROBERT F. WILLARD, USN, NOMINEE TO BE COMMANDER, U.S. PACIFIC COMMAND

Admiral WILLARD. Thank you, Chairman Levin, Senator McCain. I would like to thank the committee for scheduling this hearing during such a busy time in Washington, DC.

I would like to thank the Secretary of Defense and President Obama for their confidence in my service to have put forward this nomination.

I would like to thank Senator Inouye for his very kind introduction and for his enduring support to our military throughout the world and especially in Hawaii.

I am deeply honored to be considered for this command, and I think I appreciate the vital importance of the Asia-Pacific region to this Nation.

If I have one best attribute in pursuing this command, she is sitting behind me. My wife, Donna, pinned these wings on 35 years ago, and since then, she has devoted herself to the spouses and families of our military. Along the way, she raised three wonderful children—Jennifer, Bryan, and Mark—who, in turn, have given us three wonderful grandchildren to enjoy.

I would like to also introduce Donna's brother, who is here today, Mike Yelverton, a senior executive in DIA; his wife, Anita; and son Rudy.

I very much look forward to opportunities, if confirmed, to work with this committee. I thank this committee for their devotion to our uniformed men and women throughout the country. Sir, I look forward to your questions.

Chairman LEVIN. Thank you very much, Admiral.

Let me ask both of you these questions.

Senator INOUYE. May I be excused?

Chairman LEVIN. Oh, of course. I am sorry. Senator, I should have given you that formal welcome and farewell before. Thank you for coming.

These are the standard questions we ask of nominees. Have you adhered to applicable laws and regulations governing conflicts of interest?

[Both witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[Both witnesses answered in the negative.]

Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[Both witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[Both witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[Both witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify upon request before this committee?

[Both witnesses answered in the affirmative.]

Do you agree to give your personal views when asked before this committee to do so, even if those views differ from the administration in power?

[Both witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

[Both witnesses answered in the affirmative.]

Thank you.

Let us try an 8-minute first round today.

General Cartwright, there was a Joint Understanding issued by President Obama and President Medvedev on Monday indicating that the target range of deployed strategic nuclear weapons is in a range of 1,500 to 1,675. The current range under the Moscow Treaty is 1,700 to 2,200. Now that understanding also indicates that each party determines for itself the composition and structure of its strategic offensive arms.

From a military requirements perspective, General, are you comfortable with those new ranges?

General CARTWRIGHT. I am, Senator.

Chairman LEVIN. Could you tell us briefly from a military perspective why is the ability to determine composition and structure important, and does this flexibility allow for greater reductions in both warheads and delivery systems?

General CARTWRIGHT. The key here for the United States is, at these levels, we will be able to preserve the triad. So the Intercontinental Ballistic Missile side of the force, which is our responsive side of the force, is maintained. The survivable element of our force, which is borne out in the submarines and the sea-launched ballistic missiles, is maintained, and we are able to maintain the bombers.

Bringing those numbers down to 1,500 to 1,675 keeps us in that range and allows us to preserve that triad, which I believe is important at this stage of the negotiations. Bringing down the warheads and then bringing down the delivery vehicles gives us that triad and balance, when added into what we are now calling the new triad with BMD, gives the Nation the protections that it will need as we move to the future.

Chairman LEVIN. Thank you.

General, Secretary Gates indicated on April 6 that the President's budget request relative to missile defense shifts the focus of our missile defense program to place more emphasis on theater missile defense capabilities to defend our forward deployed forces and allies against the many existing short- and medium-range missiles that we face today and also to place greater emphasis on the development and the testing of the longer range missile defense. Do you support that approach of the administration?

General CARTWRIGHT. I do, Senator. It is key from my perspective, one, that the threats that we are actually facing today is the proliferation of the short- and medium-range ballistic missiles, which are the theater threat. We have had a very good test pro-

gram with the elements of that part of the missile defense capability, which are premiered by the Standard Missile 3, which goes with the Aegis system aboard ship.

The Terminal High Altitude Area Defense (THAAD), which is the most recent addition, gives us a little more of an area defense capability, and Patriot, which gives us a point defense capability, point defense being to protect a base or a station or something like that.

Having these capabilities and deploying and focusing on getting these capabilities deployed is going to contribute to the stability within the region. So in areas like PACOM, we will be able to defend both the area of the country and the point at the critical infrastructure, bases, et cetera, for us.

Chairman LEVIN. Relative to the question of possible missile defense cooperation, do you agree with President Obama that missile defense cooperation with Russia would serve our mutual security interests, could enhance our security against potential missile threats from nations like Iran not only by preventing Iran from seeking and gaining any psychological advantage if they obtain nuclear weapons and missiles, but also sending a very clear signal to Iran that the United States and Russia are going to work together in that effort?

General CARTWRIGHT. Senator, I believe that multilateral approaches to missile defense in general are to our advantage, number one. Number two, any ability to cooperate on the missile defense with the Russians is highly leveraging for us, both in the message it sends in a political or diplomatic form and in the capabilities that they can bring to the table that we might be able to incorporate into the system.

Chairman LEVIN. Would the North Atlantic Treaty Organization (NATO) support that effort of ours to work together with Russia against that kind of an Iranian threat?

General CARTWRIGHT. I won't speak for all of NATO, but all of the members, my counterparts that I talk to, support that effort.

Chairman LEVIN. General, we asked you a pre-hearing question relative to the F–22 production. You indicated that you support the administration's request that we limit that production.

Can you tell us if, in fact, you do agree to stop F–22 production at 187 aircraft and whether or not there have been studies conducted by the Office of the Secretary of Defense (OSD) that found that the 187 figure was adequate to confront future opponents who have robust air-to-air capabilities and whether there has also been a Joint Staff study assessing the sufficiency and the proficiency of a buy of 187 F–22 aircraft?

General CARTWRIGHT. Senator, I was probably one of the more vocal and ardent supporters for the termination of the F–22 production. The reason is twofold.

First, there is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth generation fighters to all three Services was going to be more significant than having them based solidly in just one Service because of the way we deploy and because of the diversity of our deployment. So that is point number one.

Point number two is in the production of the F–35 Joint Strike Fighter, the first aircraft variant will support the Air Force replacement of their F–16s and F–15s. It is a very capable aircraft. It is 10 years newer in advancement in avionics and capabilities in comparison to the F–22. It is a better, more rounded capable fighter. That is point number one.

Point number two is the second variant which is the variant that goes to the Marine Corps. The Marine Corps made a conscious decision to forgo buying the F–18 E/F in order to wait for the F–35. So the F–35 variant that has the vertical/short takeoff and landing capability, which goes to the Marine Corps is number two coming off the line.

The third variant coming off of the line is the Navy variant, the carrier-suitable variant.

Another thing that weighed heavily certainly in my calculus was the input of the combatant commanders, and one of the highest issues of concern from the combatant commanders is our ability to conduct electronic warfare. That electronic warfare is carried onboard the F–18. Looking at the lines that we would have in hot production, number one priority was to get fifth generation fighters to all of the Services. Number two priority was to ensure that we had a hot production line in case there was a problem, and number three was to have that hot production line producing F–18 Gulfs, which support the electronic warfare fight.

Those issues stacked up to a solid position, at least on my part, that it was time to terminate the F–22. It is a good airplane. It is a fifth generation fighter. But we needed to proliferate those fifth generation fighters to all of the Services, and we needed to ensure that we were capable of continuing to produce aircraft for the electronic warfare capability, and that was in the F–18. In the F–18, we can also produce front-line fighters that are more than capable of addressing any threat that we will face for the next 5 to 10 years.

Chairman LEVIN. Thank you, General.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Again, I want to thank the nominees for their service. You both are outstanding examples of service to the Nation, and we are very proud to have you serve in positions of great responsibility.

General Cartwright, I would like to return to what I was talking about in my opening statement and this Washington Post article, where apparently a reporter was in a meeting with General Jones and military commanders. During a briefing, General Nicholson said he was "a little light," more than hinting he could use more forces, probably thousands more. "We don't have enough force to go everywhere," Nicholson said.

Then General Jones basically told him, he said, "How do you think Obama might look at this?" Jones asked, "How do you think he might feel?"

Then Jones went on, after all those additional troops, if there were new requests for force now, the President would quite likely have a "Whiskey Tango Foxtrot moment." Jones finally went on to say with great emphasis to the group of Iraq veterans, said Af-

ghanistan is not Iraq. "We are not going to build that empire again," he said flatly.

That empire succeeded where the previous strategy had failed. I guess my question to you, General Cartwright, and I may be asking the wrong person, does General McChrystal have the latitude to request additional forces and materiel that he may need to prevail in Afghanistan, or is this a clear signal to the military that "we are not going to build that empire again"?

General CARTWRIGHT. Senator, let me address it in two ways. One, I wasn't in the conversation, but the first would be that we have a new commander. We have a strategy that we have just stood up. Less than half of the forces associated with that strategy have been deployed.

We are in the midst of building the infrastructure to receive them, but most of them, the Marines being the first, and they have closed. Next comes the Strykers. But they will close toward the end of this summer.

General McChrystal is doing an assessment right now of the force strengths and the capabilities he needs in order to in-place this new strategy. When he comes back to the Pentagon with that assessment, which I would expect will be toward the end of this month to middle of August, we will take a look at what he has now, what he believes he needs to win this fight—and that is why we are there is to win this fight—and we will look any request associated with increase in forces.

I will not be bashful about articulating those needs if it is appropriate. We will look at that in the context of what has deployed and what is yet to come so that we understand the difference between his assessment of what he actually has today versus what it is we are going to deploy.

But I think at the heart of your question, no commander will be told, at least—if confirmed—by me, to not submit what he believes he needs or she believes she needs to win the fight.

Senator MCCAIN. I don't want to belabor it. But he says that if there were new requests for force now, the President would quite likely have a Whiskey Tango Foxtrot moment. That sends a clear message at least to the military in that room, I would think. I certainly know that if I were there, I would get it.

I think you would agree, General, the reason why we succeeded in this counterinsurgency in Iraq is because we had sufficient forces to provide an environment of security, so economic, political, and all the other aspects of a free and open society could develop. Without the security environment, I think we proved in the earlier years in Iraq, it doesn't succeed.

Is there still a pending decision on the part of the President that 10,000 additional troops may be needed?

General CARTWRIGHT. The decision on the additional 10,000 that was made by the previous commander in front of this change in strategy was tabled at that time, and we all agreed—we all being the commanders—that was appropriate at the time to deploy the forces that we really felt we need for the strategy we really felt could win.

Implementing that, we will go back. General McChrystal will have the opportunity to look, he won't have to look in the context

of 10,000. He will look in the context of what he believes he needs to win, and he will articulate that. We will look at that in the context of what we have yet to deploy in the force, and if there are mismatches, either in strategy or in force structure, we will articulate those.

Senator MCCAIN. Thank you.

Admiral Willard, I would like to talk about North Korea and the U.N. Security Council resolution. If a North Korean ship vessel like the Kang Nam last month leaves port and is delivering illicit weapons to an unfriendly port such as Burma, which we believed at the time was the case, what action can the United States military take?

Admiral WILLARD. Senator, the Security Council Resolution 1874 provides for member nations to conduct inspections on the high seas if the flag nation consents to those inspections should we have reason to believe that the ship is carrying illicit materials, as you suggest. So it is a consensual search that is authorized by the Security Council.

Senator MCCAIN. If the North Korean ship refuses to grant that consent, then what happens?

Admiral WILLARD. The flag nation is compelled by the security resolution to direct that ship into the next convenient port, and the Security Council resolution then calls for all nations that might take receipt of that ship in their territorial water to conduct the search.

Senator MCCAIN. If that ship decides to continue on to its destination, which may be the port very likely if it is carrying illicit weapons to an unfriendly port, do we have any way of forcing them to change course, or do they just arrive at that port?

Admiral WILLARD. The Security Council resolution then calls for the flag nation to communicate the failure of that ship to adhere to the Security Council resolution call for search, to report that back to the Security Council itself. The resolution does not authorize nonconsensual search of those ships.

Senator MCCAIN. I hesitate to ask you what you think the likelihood of a North Korean vessel carrying illicit weapons would be to either allow boarding or to proceed to a port of our choice. It seems to me that it is understandable that the U.N. Security Council, given China and Russia's behavior, would not enact meaningful sanctions. But I certainly don't view this stance in Resolution 1874 as having any impact whatsoever on North Korean behavior.

Admiral, what level of concern should we have about these continued tests and launches? Recently, I believe seven short-range missiles were launched. I have seen pictures recently of the Dear Leader, and he looks like he is certainly not in great health, as published reports.

What is your assessment of North Korea's behavior, and do you have any thoughts as to what might happen in the next few months or years in regards to North Korea?

Admiral WILLARD. Senator McCain, I think we are rightly concerned about the situation in North Korea. I think it is a mystery to me and I think to most who spend a lot of time assessing North Korean behavior as to what is behind this particular round of

provocations by the leadership there. But a confluence of events has occurred that may be contributing to it.

His ill health and the issue of succession is certainly part of this calculus, perhaps the change in administration in South Korea and the relations that have been affected as a result of that, the change in our administration, the continued association with the Six Party Talks, and the trends that the North Koreans were seeing there. So, many things may be contributing to this round of provocations and the messages that he is perhaps attempting to send.

As you suggest, they launched a series of short- and medium-range ballistic missiles in a demonstration last week and, as we are all aware, a Taepodong 2 missile some weeks ago.

We continue to posture for these and rely on our whole of government and the international community to continue to attempt to ascertain North Korea's intent, to try and control their behavior. In the meantime, we rely on our deterrent level of effort on the peninsula with the Republic of Korea Government, the deterrence that is affected by our alliance with Japan, I think, and our overall posture in the region to effectively contain the behavior to within what is tolerable.

But I think to your point that we should be concerned about North Korea and continue to be vigilant in watching over their behavior and prepare to defend against a provocation should he follow up one of his threats.

Senator MCCAIN. Thank you very much. Thank you to the witnesses.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Thanks to both of you. You are really extraordinarily well-qualified for the positions that the President has nominated you for. Our country is lucky to have you in service.

General Cartwright, I know from conversations we have had that you share the concerns that I and many members of this committee have about the stress on the United States Army as a result of its active deployment to Iraq and Afghanistan particularly and the impact that has on dwell time, on the soldiers, and on their families.

I am very pleased that our committee, in the mark-up of the National Defense Authorization Act for next year, has increased the end strength of the Army authorized by 30,000 for 2011 and 2012. Without going into the details, it was done for those years, one forward, for budgetary reasons, even though there is no money attached to it.

It seems to me that with the increased deployments, including the possibility of additional deployments to Afghanistan as you have just discussed with Senator McCain, and the methodical drawdown from Iraq, that the period of great pressure on the Army will actually be in 2010. I have been contemplating introducing an amendment on the floor when our bill comes up next week to include 2010 as a year in which that increase of 30,000 from 547,000 to 577,000 can begin.

As you and I know, the Secretary of Defense has waiver authority to nonetheless increase 3 percent those in service in the Army.

I wanted to ask you how you react to the current stress on the Army and whether the Department would view with favor the idea of extending this 30,000 increase authority to 2010 as an amendment to the bill next week?

General CARTWRIGHT. Senator, we have talked a little bit about this. The challenge that is introduced is that the drawdown in Iraq really starts in 2010 in significant numbers and gets us down to around 50,000 to 35,000 around the end of August in 2010.

Senator LIEBERMAN. Right.

General CARTWRIGHT. Assuming that we stay on a glide slope, that drawdown is pretty steep. In other words, the forces are staying there into 2010 for the majority of those that are there.

The growth in Afghanistan began this year, and so there is not a separation of the two. For the Marine Corps, for the most part, they disengaged from Iraq and they have moved to Afghanistan. The stress is not as significant on the Marines.

Senator LIEBERMAN. Right.

General CARTWRIGHT. The work that we have done inside the Department, particularly with the Army, says there is that period of 2010 and 2011 in particular where the stress is going to be there. During 2010, because of execution. During 2011, because of coming back, refilling, and trying to retrofit, you are going to have stress on the Army in a significant way. At the same time, the Army is trying to get out of the stop-loss construct. All of these things are occurring in 2010 and 2011.

We have looked at this. We have worked in a range from about 15,000 to 30,000. We believe the character of that activity should be temporary in nature, very clearly.

Senator LIEBERMAN. I agree.

General CARTWRIGHT. I believe the Army is on the same sheet of music, and so what we are trying to understand is where are the resources to do it. But we believe there is a case for something between about 15,000 and 25,000. Thirty thousand would give us the range in which to work to allow us to do that.

Resourcing is going to be a challenge, but I believe inside of the Department that we believe we will find that money if it is necessary to find it internally to do that. We would like the help probably. But again, we have to make a decision inside the Department. We have to work that through. But the case for the additional forces is clearly there.

Senator LIEBERMAN. I really appreciate that answer, and I am sure that everybody in the Army and their families particularly will appreciate it. I look forward to working with you in the next few days to determine whether an amendment to the bill to cover 2010 will be helpful to the Department in trying to achieve that increase in end strength in a timely fashion.

General CARTWRIGHT. Thank you, sir.

Senator LIEBERMAN. Thank you.

General, another question, on a very different subject. Our committee, in its wisdom, decided to cut the President's request for 28 UH–1Y Huey helicopters. I know that the recommendation of the President and the Department was based on a need to support our marines who are at the front lines in Afghanistan because they can

operate in the high altitudes and hot temperatures there. That is, these Hueys can.

I want to ask you, because we may be involved on the floor again in an attempt to restore funding for that procurement, what your response would be, and do you see operational risks if we fail to restore that money for the Hueys?

General CARTWRIGHT. Senator, I support the President's budget. I believe that those helicopters are, in fact, critical. We have had significant press about challenges that the forces have had with civilian casualties. Until now, we have had ground forces, maneuver forces, but we have not had the full complement of supporting arms, particularly in artillery and in attack helicopters.

Bringing combat aviation brigades and bringing in the marines who bring in their organic air with them has started to fill that in. I would take note of the Marine campaign that is currently ongoing that in that campaign, in all the frontage that they have covered, we have not had civilian casualties because we have had our Cobras and because we have had our artillery, and that is important.

That helicopter for the Marine Corps is their most lethal weapon. They are the most effective in the battlefield, particularly in the counterinsurgency arena. They are effective in built-up urban areas and in compounds because they can be discreet. The value of those helicopters is significant.

Senator LIEBERMAN. I appreciate your answer, and we will probably try to act on it next week.

Now I have a very different question. In your prepared responses, General Cartwright, to the questions that the staff asked you and the committee did leading up to the hearing, I thought you had a quite remarkable statement about what is happening in Iran now: "We are concerned that the growing strength of Iran's Islamic Revolutionary Guard Corps (IRGC) over Iranian politics will result in the militarization of Iranian foreign policy. Nonetheless, we do not project any significant changes to Iran's overall foreign policy objectives. However, should the political unrest continue, it is possible that Iran could attempt to create an incident or other crisis that would draw its population's attention away from internal strife and towards a perceived common threat."

I thought those were very thoughtful comments and very important for us to consider, and I want to ask you to just comment, extend a little bit on those remarks in two regards. One is the extent to which the growing role of the IRGC may lead to a militarization of Iranian foreign policy. The second, of course, is the extent to which the Iranian Government, therefore, may look for an international incident as a way to suppress the prominence of the political dissent inside the country.

General CARTWRIGHT. Senator, my comments were really based on the premise that when confronted with internal unrest, a tactic is to look external to a common foe that can be portrayed and, therefore, create a uniting activity within the country.

Tied with the activities that we have seen particularly in the Gulf now that the IRGC is controlling the waters rather than the Iranian navy and that they have shown a proclivity to be aggressive in their behavior, that we could find ourselves in a generated military incident which would have significant overtones in our

ability to work any kind of diplomatic approach to Iran or any kind of Iranian reach-out to the rest of the world.

That is where I personally am most concerned that our opportunity right now in the change of our administrations, in the wake of their elections may be short-circuited. I would see that as a significantly difficult issue for the region. It would create instability within the region.

Senator LIEBERMAN. I thank you. That is to me a very important insight and one I think all of us should keep in mind.

Thank you very much.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

First of all, I am looking forward to supporting both of you in your confirmations.

One of the problems that we have, we sit at this table and we listen to you guys who are experts and know a lot more about it than we do, that from administration to administration changes when the circumstances don't always change.

When you were talking about leading the effort to stop the F–22 at the 187, I can remember sitting up here when they were talking about 750 F–22s. I remember the number 480. Then there was an agreement last year that 243 was the figure that was a "must" figure. I am not asking, just it appears to be that way. The same thing is true in the Future Combat Systems (FCS) and other platforms, and it is true also in missile defense.

Now our President said that the need for action, talking about North Korea's missile launch, not just here in the U.N. Security Council, but in our determination to prevent the spread of these weapons. Despite this, they recommended a reduction of 16 percent cut in the missile defense budget by $1.4 billion. Including some of the systems that we have looked at, the airborne laser that we really think is necessary when you look at the three phases of capabilities that we want to have—the multi-kill vehicle, the ground-based interceptors (GBIs).

Of course, I think you know that goes right back to my first statement that you hear these figures, and I can remember when it was 54. We had to have 54, and that was going to be the one. Then it went down to 44. I know that Senator Begich has an amendment to try to restore the 44. I will be supporting him on that. I think it is the right thing.

But with these changes, do you really feel that we are in a position to adequately move forward in our missile defense system? The technology is there. We are looking at it. We, at least I have, sitting at this table here have been convinced that we need to have all these in the boost phase, the midcourse, and the terminal phase, that we have to have all this capability.

I would like to have each one of you respond. Are you really happy with where we are right now, or is that driven mostly by budget?

General CARTWRIGHT. Let me go ahead and initiate. It is not driven by budget. I think that we would have made these decisions with additional resources or without them. For the GBI and the midcourse phase, 44 is the number that we currently have under

contract. The intent is to put 30 of them in the ground. Fourteen of them would be used to update configurations of missiles in older configurations based on the lessons that we have learned in testing thus far.

Fifteen with the additional radars and systems that we now have deployed that have been integrated into the system allows us to move from either three or four missiles in the GBI per incoming reentry vehicles to two in a construct of shoot-look-shoot.

So in a construct of 2, that means that we could take on basically 15 simultaneous inbound threats from a rogue nation. Neither country that we consider a rogue nation right now, Iran and North Korea, have the capability yet demonstrated to launch one successful missile towards the United States and reach it, number one.

Number two, the opportunity to get to 15 that would be armed and able to come to the United States is several years off. So that gives us a point to look at.

With respect to the GBI, we have two decisions that are yet to be made that may drive us to build additional GBIs. The first is a decision about the European site, and the second is a decision that needs to be made about the testing protocols for aging as the system ages out in its life.

This is testing that you do to ensure that the system is still good and valid 5 years down the road, 6 years down the road, et cetera.

The other piece that I would add, and I will close off very quickly, Senator, is that the terminal side of this equation with THAAD, with PAC–3, and with SM–3 has performed significantly better than anybody would have envisioned.

Senator INHOFE. I understand that. My concern has been in the boost phase, but we are running out of time here.

I did want to get into another area, and that is the age. We look at the Bradley fighting vehicle, and we look at the Abrams as 1970s technology, and even before, the Paladin, even before that, maybe 1950s or World War II technology. General Eric Shinseki and others have come in here and talked about our ground capabilities and that we need to have a transformation, and we have gone through several of these. The last one being, of course, FCS, and a lot of that is being terminated.

We haven't heard, at least I haven't heard, of anything really specific about what the next recommendation is going to be. I understand in August they are going to come up with something. So rather than to answer a question about that, I would like you to give me as much information as you can as to what we could consider.

It bothers me, and I have said this before several times, that when our guys and gals go out there, there is an assumption that they have the best of equipment. In many cases, they don't. Certainly in our Paladin capability, there are some five countries, including South Africa, that make a better one than we have. That is where I want to go with this thing to make sure that we have the very best of everything.

Is there anything you would like to share with us in terms of where we are now, General Cartwright, in our modernization program concerning that type of capability?

General CARTWRIGHT. I am going back to the FCS and where you opened your comment, Senator, but I would tend to agree with what I think you have said, which is that the vehicle that is of most concern to me for modernization is the Bradley. It is aging, and it also is significantly underpowered for the task that it has.

I believe, and I won't foreshadow the Army's analysis, but that is where we will focus on FCS initially from a vehicle standpoint.

Senator INHOFE. Thank you very much.

Admiral, you talked and responded to Senator McCain concerning North Korea and some of the capabilities up there. I have reason to question our own intelligence in terms of what the capability is there. I can remember in 1998, and you remember this, too, that we made a request as to when North Korea would have this motor stage capability. In fact, it was August 24, 1998.

The response, and I think that was consistent with our National Intelligence Estimate, was between 5 and 10 years. Seven days later on August 30, they fired one.

How confident are you in our intelligence on the capabilities of North Korea?

Admiral WILLARD. Increasingly confident over time. We have been looking at this country for 50 years. We pay a lot of attention to what goes on in North Korea. To your point, there have been miscalculations at times when North Korea has been particularly covert in some of their activities.

I think as illustrated in the most recent launch sequences that have occurred, the intelligence associated with those launch sequences has been quite good.

Senator INHOFE. Okay. My time has expired. But for the record, I would like to have each of you respond to my three favorite programs—the Train and Equip 1206, 1207 International Military Education and Training program, and Combatant Commander Incentive Fund—as to the value that you see in those programs.

Thank you, Mr. Chairman.

Admiral WILLARD. Will do.

[The information referred to follows:]

General CARTWRIGHT. Building foreign partner capacity is a fundamental cornerstone of our security strategy and will remain so for decades. Moreover, the focus of our partnership strategy is preventative in nature. By helping partners solve problems before they become crises we can reduce requirements for major military interventions and enhance the security of the United States and that of our allies.

We have made significant progress in this area over the past several years, but the U.S. Government must continue to increase its efforts to build the capacity of foreign partners to counter terrorism and promote stability. Our struggle against violent extremists requires that we work with sovereign countries with whom we are not at war. Through careful investment, we can help shape the environment to reduce requirements for major U.S. interventions and their attendant costs. Foreign partners can also leverage knowledge of language, culture, and the enemy in ways that U.S. military forces cannot. Use of partner forces also denies the enemy the ability to use the specter of major U.S. deployments in foreign territory to build ideological support for terrorism and as a recruiting tool. Finally, working with partners, we can help create layers of offense and defense that are difficult to build or sustain unilaterally.

The programs you have mentioned, 1206/1207/1208, Combatant Commander Incentive Fund, and International Military Education and Training, are some of the most important tools the U.S. Government has to build the capacity of foreign partners. They are flexible, responsive, and strategically targeted to get the most leverage on the dollar. I hear frequently from each of our combatant commanders just how critical and effective these programs are, and how important dependable au-

thority and funding is to development and execution of theater security cooperation plans.

These programs are managed collaboratively, by ambassadors and combatant commanders, and by the Departments of State and Defense. This requirement for joint formulation and approval of programs has significantly improved interagency cooperation and effectiveness—bringing State, U.S. Agency for International Development (USAID), and DOD together in applying a strategic "3D" lens to country assistance—both in the field and in Washington. The different perspective each organization brings helps the U.S. Government look at country assistance holistically and place country-specific requirements in a broader regional and global context.

Finally, Senator Inhofe, your personal leadership in Congress was essential to the creation and continuation of many of these critical programs. I want to express my personal thanks, and that of all of our combatant commanders, for your leadership. There is no question that we have an enduring requirement for these programs and we will greatly appreciate your support for them in fiscal year 2010 and beyond.

Admiral WILLARD. I believe these programs are critical to our strategy of building our partner nations' capacities in order to contribute to the overall security and stability in the region. It is important to note that these programs are developed in close cooperation with our country teams in the region. If confirmed, I would continue this process.

1. International Military Education and Training (IMET) Funding

I have seen IMET programs work effectively in Indonesia, Bangladesh, Malaysia, and India. These programs provide an excellent opportunity to train and influence the professional development of partner-nation military officers. Specific education and training enables their contributions as effective peacekeeping forces, enhances their understanding of maritime security and domain awareness, and supports defense and acquisition reform.

An often unheralded benefit from IMET funded military education is its long-term effect on personal relationships among foreign officer alumni. IMET's participants often go on to assume senior leadership positions in their militaries and governments (approximately 40 percent of regional Chiefs of Defense and 15 percent of Ministers of Defense have participated in IMET courses). In my experience, these leaders are universally proud of their IMET experiences and are keenly aware of regional counterparts who were their classmates.

2. 1206 Funding

1206 funding has been very effective in building partner-nation capacity to combat terrorism in Southeast Asia. The most recent successes have been in the Tri-Border Region (Malaysia, Indonesia, Philippines). The funds are providing training and equipment to enhance maritime domain awareness, maritime security, and counterterrorism skills. 1206 funding for radars, small boats, radios, and command and control enhancements is helping to limit the mobility and operational capabilities of violent extremist organizations in the region.

3. 1207 Funding

1207 funding in Bangladesh and Sri Lanka has been used to enhance community policing and security frameworks to support stabilization and reconstruction efforts in addition to ongoing counterterrorism activities.

4. 1208 Funding

1208 funding continues to enhance special operations support to the Armed Forces of the Philippines (AFP) in Operation Enduring Freedom-Philippines and Joint Special Operations Task Force-Philippines. In each case, 1208 funded programs are credited with enabling the AFP to more effectively suppress violent extremist organizations in the Southern Philippines.

5. Combatant Commander Incentive Fund (CCIF)

CCIF funding was an enabler in the highly successful ASEAN Regional Forum (ARF) Voluntary Demonstration of Response (VDR) exercise; a civilian-led, military-supported project, co-hosted by the U.S. and Philippine Governments. The VDR demonstrated the ability of ARF member-nations to provide humanitarian assistance and respond to natural disasters.

Each of these authorities enables the U.S. Pacific Command to build partner capacity in the region. If confirmed, I will continue to leverage these various funding authorities to address emerging and urgent requirements. I look forward to expanding their application into other important partner-nations, such as Cambodia, Maldives, and Thailand.

These programs (IMET, 1206, 1207, 1208, and CCIF) should be made permanent and funded through multi-years to provide stability and permit long-range planning that will facilitate a more effective and strategic approach to addressing regional challenges. The multi-year authority provided last year has allowed us to work with our country teams in a deliberate planning process instead of hasty end-of-fiscal-year crisis planning. Single year authorization/funding has resulted in missed opportunities and constrained our ability to more effectively shape, influence, and address regional challenges.

Chairman LEVIN. Thank you, Senator Inhofe.

By the way, it was entered last night that our bill will be first up on the floor on Monday. I think we all know about that. But in case any of us don't, we can be ready to go on Monday as soon as we come in, which is good news.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

I want to add my welcome to our military leaders and thank you and the ranking member for holding this hearing.

I also want to add my welcome to the families of the General and Admiral as well and also to thank both of you for the many years of dedicated service you have given to our country.

Admiral Willard, again, thank you for stopping by, and it was great to catch up with you. Knowing you out there in the Pacific, you have shown outstanding leadership as Commander of the U.S. Pacific Fleet in Hawaii, and I want to congratulate you and your wife, Donna, on your nomination to become the Commander of PACOM.

Also congratulations to General Cartwright, Sandee, and the family as well.

General, Secretary Gates recently ordered the creation of a new military Cyber Command, and I am asking this question because of your comment about the fifth generation of weaponry and equipment. As DOD stands up this new organization, we must provide our troops with resources that they need to defend our networks in a timely manner.

General, in March 2009, you stated, "The current method of procurement for information technology (IT) is so slow that by the time software systems are purchased, they are out of date."

General, what is DOD doing to meet these challenges in the timely procurement of IT products?

General CARTWRIGHT. Senator, I appreciate the opportunity to respond to that question and to the quote. We have worked hard over the last 2 years both on the requirements and the acquisition side of the house to speed up and move IT programs of record in a fashion that is more appropriate for Moore's Law rather than an industrial construct.

Up until now, we had been using the same process we would build an aircraft carrier for to buy 1,000 lines of code, and it was just not serving us well. It is not a difference in the law. It is a difference in how we approach the risk calculus for what it is we are doing and how we manage that risk in the acquisition process and the requirements process.

By adjusting that calculus, particularly with our combat support agency, the National Security Agency, we have been able to accelerate our ability to buy cutting-edge, competitive software and

hardware for the IT enterprise that we operate in a way that has advantaged the warfighter.

We are seeing that advantage play out every day in Iraq and Afghanistan, what we have been able to do because we have not changed the law. We have not even changed the interpretation. But what we have done is change the risk calculus that we are willing to bear for these IT systems and produce them in a timely fashion. I think that has helped us.

Senator AKAKA. General, I am encouraged by the additional funding in the defense budget for wounded warrior care. I am asking this as chairman of the Veterans' Affairs Committee. I have been working on what I am calling a seamless transition, and it shows our continued commitment to servicemembers that we will take care of them as well as their families, and we need to continue this into their civilian life as well.

How would you assess the approach across the Services to care for our wounded, ill, and injured servicemembers and their families?

General CARTWRIGHT. We have learned many lessons. We have been the benefactor of an incredible amount of leverage that was brought to bear by the Veterans Affairs side of the equation and the DOD side of the equation partnering to get at this issue that you are talking about, a seamless transition.

I believe our greatest challenge as we move to the future has to do with those unseen wounds, so to speak, the wounds of stress, the wounds of injury, traumatic to the brain, that we still have a significant amount of work to do between our two agencies, Veterans Affairs and DOD, to ensure that that transition and that care is appropriate and that those who suffer these wounds have an opportunity to heal and reenter into either the military or the civilian sector in a way that is appropriate and commensurate with their abilities.

Senator AKAKA. Thank you.

Admiral, Hawaii is the only State where U.S. Northern Command (NORTHCOM) is not responsible for its homeland security. For Hawaii, the responsibility goes to PACOM.

What is your understanding of PACOM's homeland security responsibility and its relationship with NORTHCOM?

Admiral WILLARD. Thank you, Senator Akaka.

As you have already stated, PACOM has homeland defense responsibilities for Hawaii, also for our territories throughout the Asia-Pacific region. NORTHCOM is, in fact, the supported commander for homeland defense to include BMD of the mainland United States and Alaska.

PACOM conducts its defense of Hawaii and defense of territories within the region through a coordinated structure that is very much married to NORTHCOM and its responsibilities, Strategic Command (STRATCOM) and the support that it provides globally in that regard, and across all of the components that contribute to our homeland defense.

We have a task force commander assigned in Hawaii for purposes of homeland defense. I am confident that the approach is the correct one. The relationships, while we continue to learn to refine those relationships, are solid and maturing. If confirmed, I will look

forward to the defense of that region and the responsibilities that PACOM bears in that regard.

Senator AKAKA. Thank you very much. My time has expired.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Admiral, General, thank you for your great service to our country and your willingness to continue to serve and that of your families, who also sacrifice mightily for our freedoms, and we appreciate that very much.

General Cartwright, the Nuclear Posture Review (NPR) is ongoing within DOD, and yet this week, we have a commitment on additional strategic warhead and delivery vehicle reductions. My question is that it appears that we have already determined the future of U.S. nuclear posture and in some ways preempted the NPR.

Isn't that putting the cart before the horse? Shouldn't the strategy be derived from the NPR and informed by that, as opposed to the other way around?

General CARTWRIGHT. Senator, I appreciate the opportunity. We prioritized in the NPR and the Quadrennial Defense Review (QDR) the activities and the analysis that would be necessary to support the timelines associated with the START negotiations, or the follow-on START negotiations.

So the combatant commands, the Joint Staff, OSD, all worked very hard at the analysis that gave us ranges that we could operate in associated with the structure that would be appropriate for those ranges of operationally deployed weapons and then the strategically deployed delivery vehicles. I feel very comfortable that analysis has served us well.

What remains in the NPR then is how this all integrates with the general purpose forces in things like missile defense, cyber, et cetera. But I am very comfortable that we prioritized that analysis at the front end in order to support these negotiations.

Senator THUNE. Let me ask you about something that was said last month in front of the House Foreign Affairs Committee by Keith Payne, who is a member of the Congressional Commission on the Strategic Posture of the United States. He testified that a post-START arms agreement that significantly reduces the number of strategic delivery vehicles below 1,600 is good for the Russians and bad for the Americans.

Specifically, he testified that Russian strategic launchers will drop from approximately 680 today to about half that number simply as a result of aging systems and Russia's slow pace of modernization. So that in order to meet the launcher reduction commitment, the United States will need to make real cuts to existing systems while the Russians need only continue down their current path and that the United States will be giving up something for nothing in return.

I have an additional concern that by significantly reducing our strategic delivery vehicles, we may lose the bomber leg of our nuclear triad. My question is, do you agree with the commitment to reduce our strategic delivery vehicles to somewhere in the range of 500 to 1,100 systems, and in your view, at what point in this range

between that 500 and 1,100 would the delivery vehicle reductions necessitate making our nuclear triad into a dyad?

General CARTWRIGHT. Senator, I think there are two pieces here. The first is that there are a substantial number of delivery vehicles associated with the United States that don't deliver anymore. We still count the Peacekeeper silos. We still count about 50 of the Minuteman silos that were decommissioned. We have a large number of bombers that have been cut up and are sitting in Davis-Monthan Air Force Base but are still counted against us. The B–1s are still counted against us.

So part of what we need to do when we have this dialogue is to ensure that the assumptions of what we are counting from are correct. Our first objective is to get what we are calling the shadows out of the calculus so that the number that we are talking about is a real number and we all know what they are. That is point number one.

If we did that, that would bring us down substantially in what we are credited with having as delivery vehicles. If we go down in the range, I believe that the range at which we would if we assumed away all the phantoms, then we get down to a range somewhere in the 850 to 900 before we would have to start to cut any real delivery systems.

When we get into that range, and that is what drove the range is that from about 1,100 down to about 500—500 being principally where the Russians would like to be, 1,100 being principally where we would like to be—now the negotiation starts. I would be very concerned if we got down below those levels about mid-point, and I certainly would like to have seen those ranges be closer, but that is a negotiation, and we have to work our way through that negotiation as we go forward.

I will certainly express my military best judgment to the leadership if we start to get into a range that I would believe would endanger prematurely the concept of the triad.

Senator THUNE. You have said in previous testimony, in response to a question that I had asked, General, before this committee that the Nation does need a new bomber. In your opinion, should that new bomber be nuclear capable?

General CARTWRIGHT. The Nation will need a nuclear-capable bomber. Whether it is the same as a general purpose force activity bomber that we build in the future, whether it is a different variant, or whether we use existing platforms like the B–2 to carry us further into the future is something the analysis will have to tell us.

But I believe that a strategic range, air-breathing vehicle is going to be necessary as far out into the future as I am willing to trust my crystal ball.

Senator THUNE. Do you also believe that we ought to retain the bomber leg of the triad?

General CARTWRIGHT. I do.

Senator THUNE. Admiral, earlier this year during a hearing on current and future worldwide threats, Lieutenant General Michael Maples, who is the Director of the DIA, said that "China, from an air defense standpoint, has developed a very modern, layered air defense capability and depth and is seeking additional air defense

capabilities that will project even out to a range of 400 kilometers. It significantly affects potential U.S. operations in that region."

In an article published in the Foreign Affairs Journal in January 2009, Secretary Gates wrote, "The Chinese improved air defenses, coupled with investments in other asymmetric capabilities such as cyber warfare, anti-satellite warfare, and anti-ship weaponry, all threaten our ability to project power in the Pacific and will require us to rely on long-range, over-the-horizon systems such as the next-generation bomber."

Admiral, my question is, do you agree with Secretary Gates' and Lieutenant General Maples' assessment of China's anti-access capabilities. As the nominee to be combatant commander responsible for the Pacific theater, how important is it to you that the Air Force field a new long-range bomber in the 2018 timeframe that is capable of penetrating these advanced defenses?

Admiral WILLARD. Senator, we lay down our long-range bombers today in the theater for their deterrent effect. The flexibility of having a long-range bomber capability is very important, I think, to the region, particularly given anti-access capabilities that we see in development there.

To your point, there will come a time when certainly the follow-on bomber will be required. Whether it is 2018, I think, will be determined as a result of the analysis ongoing in the QDR and the NPR, to General Cartwright's previous statement.

Senator THUNE. Do you agree with the assessment of China's anti-access capabilities, though?

Admiral WILLARD. I do.

Senator THUNE. Okay. Do you think that bomber, when it is fielded, should be nuclear capable?

Admiral WILLARD. I do.

Senator THUNE. Thank you, Mr. Chairman.

Thank you, gentlemen, very much.

Chairman LEVIN. Thank you, Senator Thune.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

I just wanted to once again thank both of you for your service to our country. You are certainly outstanding individuals, and I look forward to your confirmation.

I also want to welcome the families because I think it is so important to have the family members standing with you and to be here at this hearing.

General Cartwright, I did have a couple of questions concerning what is going on in the Helmand Province right now, and I know that the ongoing offensive led by Brigadier General Nicholson, who is the Commander of the 2nd Marine Expeditionary Brigade from Camp Lejeune, is implementing the Department's shift to protect the Afghan civilians.

Obviously, protecting the Afghan civilians is critical because what we don't want to happen is for the Taliban to frame our operations as a war against the Afghan Pashtuns, which comprise about 42 percent of the Afghani population, which is some of the same ethnicity as the Taliban.

My hope is that the Marines can hold the areas inside the Helmand Province long enough for civil-military reconstruction ef-

forts to enable the Afghan Government to begin administering the basic services there. Can you give me your thoughts on the latest NATO and U.S. force offensive currently in the Helmand Province?

General CARTWRIGHT. Senator, I think you have framed it very well. The intent here is a shift in strategy to a more counterinsurgency-type strategy of clear, hold, and then build. We have been in the Helmand Province before with Marines and other forces and done clearing actions. The challenge is that when we finish the clearing actions, we return to our bases and the local population takes the brunt of the punishment after we leave.

What is fundamentally different in this campaign is that as the Marines move through along with their Afghan counterparts, we are leaving forces behind in the villages and the towns to protect those villages and towns and hold that area. The hold part of this is the key, and the additional force has allowed us to do that.

What we are seeing in response, number one, I had already alluded to the fact that our approach here is to win their hearts and minds, and we can't do that by having unnecessary civilian casualties. We have had very good luck in avoiding civilian casualties as we have done the clearing operations thus far.

It doesn't mean that we won't have casualties as we move forward. This is going to be a very deadly fight. But the fact that we are able to hold has clearly made a difference in the village elders, in the residents of those towns.

I believe personally that one of our key metrics for success will be over the next few months to see whether or not there is a shift in the attitude of the local residents. If they start supporting us with intelligence, with the giving of their own sons and daughters in the fight, and that they see there is more value in being able to produce crops rather than warriors and that they can be sustained in that type of a lifestyle, then we will have an opportunity to turn the corner.

But I think those are key metrics that we have to watch as the Marines move into Helmand and followed by the Strykers as they move on their flank.

Senator HAGAN. I think one of the key points is the use of the civilians, too, in helping them maintain those crops.

General CARTWRIGHT. Right.

Senator HAGAN. I understand that we are slow in getting the civilian numbers up and going, and obviously, it has to be secure in order to do that. But I believe, too, there are some other countries in the region that could perhaps help with that aspect of it. Once again, security would be first and foremost.

Can you give me your thoughts on civilians and utilizing civilians in some of the other neighboring countries?

General CARTWRIGHT. In the hold, the quicker that we can transition to some sort of a livelihood and stability that gives the local residents the opportunity to make a living and be advantaged by the conditions is key.

Our ability to bring civilians in and surge those civilians from the United States, from various organizations, the agriculture side, from the land grant colleges and things like that, right now has not moved at a pace that probably we would like it to. We would like

to see them move faster, but we are working as hard as we can with our partners in the Department of State to make that happen.

But I do believe also that particularly from the agriculture side of the house, local soil, local customs, how you graze, how you raise crops, et cetera, how you move them to market, the neighbors to Afghanistan have incredible expertise in that area and apparently, in my discussions at least, are very willing to give that expertise and to mentor and to bring in some of that agribusiness-type expertise that is unique to the area. I think we have to take advantage of that.

Senator HAGAN. Any idea how we are going to begin that process?

General CARTWRIGHT. We are going to reach out and start a dialogue as quickly as we can. What we are trying to understand from the military standpoint is how quickly we are going to be able to get a hold phase, but we don't want a gap after that hold phase. This has to be something that happens very quickly.

Senator HAGAN. Thank you.

Admiral Willard, I have a question on China. China has terminated the military-to-military interaction with the United States due to the weapon sales that we have authorized to Taiwan after the Olympics. As the commander in that region, how do you plan on interacting with China to accomplish mutual objectives given the communication constraints, and what types of multilateral defense symposiums will you be able to attend that will assist in bridging this effort?

Admiral WILLARD. Thank you, Senator Hagan.

The military-to-military dialogue with China has just in recent weeks recommenced, beginning with an international fleet review that was held in China. It is measured steps clearly, but we are seeking to improve the military-to-military engagement over time.

As you point out, China in the past has suspended military-to-military discussions, and they will have a vote in the future as well. I think it is incumbent, first, on both nations to realize the value, the benefit of military-to-military dialogue and to sustain it. I think that, for China, is going to be an evolutionary process in itself.

I think everyone collectively desires to see China emerge as a constructive partner and a constructive partner in regional security certainly. We think that the military-to-military dialogue to discuss the areas of common interest that we have with China, as well as to discuss the areas in which we disagree, is an important venue against all the diplomatic and other efforts that our Nation currently has invested in China as a nation.

If confirmed, I will look forward to seeking to determine new venues in which to engage the Chinese military. To your question regarding the conferences and so forth, there are a myriad of conferences in which the United States and China collectively attend.

I have had opportunities in the Western Pacific Naval Symposium, in larger conference settings in Singapore and so forth to engage with my Chinese counterparts on occasion. We have pretty consistently visited one another as well. I look forward to all the opportunities that present themselves.

Senator HAGAN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Begich.

Senator BEGICH. Thank you, Mr. Chairman.

Thank you, both of you, for your willingness to serve and obviously to your families that will be with you and serving with you in their own way. Thank you very much for your willingness.

I have a couple of questions. They will be a little varied. I am going to follow up on a little bit of Senator Hagan's comments here in just a minute. General, you had commented in regards to Senator Inhofe's questions regarding missile defense, and one of the comments you had mentioned was the ratio of 2 for every 1, 15 all at once type of shot effort.

Can you tell me is it that assuming that all 30 missiles are in place, that all 30 are operational at all times? Because the ratio bases that on that assumption, and I am not sure that is the right assumption, but maybe you could add to that?

General CARTWRIGHT. Senator, what we are endeavoring to do, again, we have 44 missiles under contract. The first priority for the 14 above the 30 is to bring the 30 that are in the ground to a common configuration that represents the knowledge that we have gained from all of the testing. Then the intent would be to keep 30 in the ground.

Now we will do maintenance on those assets. So on any given day, likely there are not 30 in battery. But with any kind of warning, we would bring 30 up to speed and be ready based on the threat that we assessed had been detected.

Senator BEGICH. Okay. In the best condition with the warning, there would be 30 available. In a shoot-look-shoot scenario, that would give you the ability to counter just with the midcourse 15 simultaneous launches. It is at that point that we start to say now when you are dealing with 15 simultaneous launches, are you dealing with a rogue threat anymore? There is a policy discussion that needs to occur if the belief is that the system should be developed beyond what we would call a rogue state capability.

Senator BEGICH. In your document or the work you are doing now, I know there is the ballistic missile study that is going on, part of that study is that question, to some extent?

General CARTWRIGHT. It is to some extent. It is also in the sufficiency side of the equation, what is appropriate for regional defenses, how many weapons do we need there against what threats and in what configuration, and how much of that feeds the defense of the Homeland?

One of the keys that we are looking at in this assessment is we have in the technology side, on what we could call the test and modeling side of the house, demonstrated a capability particularly for the SM–3 missile to be able to intercept in the ascent phase.

If we bring that to bear, then what is the right balance across all three phases for both Homeland and for regional defenses? That is what we will be asking in the BMD review is do we have that equation right?

Senator BEGICH. You made a comment, I want you to expand on it; and you made a comment, it also depends on what happens with the European sites.

General CARTWRIGHT. Yes.

Senator BEGICH. Can you expand a little bit and what you mean by that?

General CARTWRIGHT. There are two priorities that we have set for the European site. One is a regional defense capability to protect the nations, and the second is a redundant capability that would assist in protecting the United States or the Homeland.

We have, I think, upwards right now of 40 different architectural laydowns that we believe in some measure would address both the Homeland issue and the regional issue. The question is which of those make the most sense?

You are looking at Homeland. You are looking at regional. You are also looking at stability in the region. You run those three metrics against these alternatives and start to narrow in on what kind of an architecture best suits the defense of the region, the defense of the Homeland, and the regional stability.

Senator BEGICH. Very good. How do you define testing, and let me stick to the long range if I can. How do you define what is the proper type of testing that should occur with the long-range system?

General CARTWRIGHT. Right. We have nominally now, if we stay with the 44 number, 14 missiles that are available to test, both the aerodynamic or performance margins of the missile so we know what exactly it does. Also to test the interceptor itself and its ability to discriminate, the sensor grid, and then the command and control.

There are three elements. There is the weapon and the delivery system, there is the sensor grid, and there is the command and control. In order to start to test that against situations in the extreme like 15 simultaneous launches, we are going to have to go and do some testing that we haven't done, which is multi-shot engagements against or simultaneous shot engagements against multiple targets. That testing needs to be done.

Senator BEGICH. If I can interrupt for a second? Do you consider that live testing, not virtual?

General CARTWRIGHT. That is correct. We will do both.

Senator BEGICH. You will do both.

General CARTWRIGHT. But the missiles are for the live testing.

The second is that the age life of these missiles—let us just nominally say it is 25 years. Over that period, in order to be confident of that number, we need to do what is called age testing. Each year, we will sample out of a missile that is in a silo, take it, bring it to a test facility and fire it live, and ensure that it can, in fact, do what it is supposed to do.

There is going to need to be a population of missiles to support that. Part of the review that we are doing this year is to determine what that sampling quantity needs to be, and we will have to provide those missiles.

So you have two unknown variables. What is the configuration of the European capability, and what is the number of missiles associated with both the current testing and the future aging testing that we will need in order to perform through the entire life of the missile system?

Senator BEGICH. In our authorization bill that will be up Monday, we have some language in there specifically talking about a

testing plan. I don't know if you have had a chance to look at that language, but the idea was some of this discussion we are having now is to formalize it so we have a better understanding of the law, how this testing will occur, what will be the impact, and do you feel comfortable in developing a plan that can be shared with this committee maybe in this forum or another forum?

General CARTWRIGHT. Yes, sir.

Senator BEGICH. Okay. This question you may not want to answer, but let me now shift if I can real quick because it was an interesting statement you made, and that is we are there to win and be successful.

This is the question. How do you define in Afghanistan—that is what I am focused on right now, a win in Afghanistan? I know that is a difficult question because a lot of aspects, and Senator Hagan, Senator Udall, and a few of us just came back from the Afghanistan region. Just how do you define a win?

General CARTWRIGHT. The lack of presence of ungoverned and unmanaged WMD should they exist, that they have to be eliminated or put under control. In this case, there are no weapons.

Senator BEGICH. There are none. Correct.

General CARTWRIGHT. The absence and the control of terrorists who would export their terrorism globally. Then the presence of a governance system that could discover and deter the first two.

Senator BEGICH. Admiral, we had a great conversation yesterday. I appreciate all your commentary yesterday with me.

My last question, if you could have a crystal ball in Afghanistan, based on the resource allocation that you now are seeing move in there, what you have heard a little bit today on some of the concerns or issues we have on resource allocation, how would you measure that in time?

General CARTWRIGHT. I think that there is a subjective side of this. The enemy clearly has a vote in this activity. The first two I believe that we have reasonably under control. Governance gives us the opportunity to put in place a structure that would control either the reemergence of terrorists or the potential for WMD.

The question then is how much can we do to bolster this government and give it the opportunity to provide basic services, justice, and rule of law in a construct that would advantage the country and at the same time protect its neighbors and the rest of the globe from any kind of reemergence of terrorism?

It is a subjective judgment. I believe that whatever government comes out of Afghanistan as we move forward with success, it will probably not look like our government. They have thousands of years of a type of government that is associated with the tribes and with the clans. But if they can come to some mesh between the local governance and the central governance in a way that allows them to move forward and provide services, that that will be our vision of success.

Senator BEGICH. Thank you very much, Mr. Chairman.

Thank you both.

Chairman LEVIN. Thank you, Senator Begich.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Gentlemen, I had the opportunity to visit with both of you. Thank you for your continued service. Thank you for your leadership.

General Cartwright, I noted that earlier today, you had some comments relative to the F–22, which are not new. Your opinion on this has been out there for some time. But I note that it is not in accord with what we are hearing from a number of other folks within the military.

Can you tell me, in your opinion, what is the military requirement for the number of F–22s that are called for?

General CARTWRIGHT. The military requirement right now is associated with the strategy that we are laying out in the QDR, and it is a departure from the two major theater war (MTW) construct that we have adhered to in the past and in which this aircraft grew up. It grew up in that construct of two MTWs, and both of them being of a peer competitor quality.

The strategy that we are moving towards is one that is acknowledging of the fact that we are not in that type of conflict, that the more likely conflicts are going to be similar to the ones that we are in in Iraq and Afghanistan, but that we do need to have a capability against a major peer competitor and that we believe that the sizing construct demands that we have fifth generation fighters across all three Services rather than just one and that the number of those fighters probably does not need to be sufficient to take on two simultaneous peer competitors, that we don't see that as the likely. We see that as the extreme.

Senator CHAMBLISS. What is the military requirement for the number of F–22s?

General CARTWRIGHT. The military requirement is 187.

Senator CHAMBLISS. Now you realize that is contrary to the opinion of the Chief of Staff of the Air Force, General Norton Schwartz?

General CARTWRIGHT. I do not realize that. He has sat down in several meetings with me, certainly in the tank with the chiefs. That has been the number that he has espoused.

Senator CHAMBLISS. General, I just have to tell you it is in writing. It is on the record in this committee, as well as public statements in news conferences and speeches by General Schwartz, that the military requirement is 243.

You realize that your statement at 187 is contrary to the written statement and the opinion of the Chief of Air Combat Command, General John Corley?

General CARTWRIGHT. I realize that General Corley, General Schwartz, and I have spoken about that, was speaking in terms of the two MTW construct.

Senator CHAMBLISS. You realize that there is also a difference of opinion between the head of the National Guard, General Harry Wyatt, and you with respect to the number that are needed?

General CARTWRIGHT. I do, after reading his comments in the paper today.

Senator CHAMBLISS. You also, I am sure, are aware the General Richard Hawley, a former Commander of Air Combat Command, says that not only are 243 needed, but 381 is the military requirement. Is that correct? Do you understand that?

General CARTWRIGHT. I understand that, and I am providing you with my best military advice.

Senator CHAMBLISS. My point is that there is obviously disagreement in the military about what this number ought to be. Now every one of the individuals I mentioned—General Schwartz, General Corley, General Wyatt, General Hawley—base their opinion on studies that have been done. As you and I well know, there are any number of studies that have been done over the years.

They base their opinion based on studies that have been done. Can you tell me one study that has been done that says that the military requirement is 187?

General CARTWRIGHT. We just finished an Air Force study that brings it in at the 187 level. But it does not look in isolation at a single aircraft.

Senator CHAMBLISS. Has that been published?

General CARTWRIGHT. It looks at the fleet of aircraft and our capability in addition to aircraft, to all of the other capabilities that the military brings forward.

Senator CHAMBLISS. Has that study been published?

General CARTWRIGHT. Let me find out and provide it to you if it has not been provided.

[The information referred to follows:]

This report is a joint staff report that is classified and is retained in committee files.

There is no Air Force-only study that I'm aware of that determines 187 F–22s are sufficient to meet the national military strategy.

- All the Services, including the Air Force, participated in the Joint Staff-led Operational Availability-08 (OA–08) assessment.
- OA–08 was conducted from the spring of 2007 through May 2008.
- The purpose of OA–08 was to assess the sufficiency of the Joint Force to execute operational constructs articulated in the national defense strategy, and to assess how best to apply the current planned force against a range of scenarios. OA–08 was not primarily a force sizing study intended to determine the required force size to execute the national military strategy.
- While OA–08 did conclude that 187 F–22s were sufficient, OA–08 also included assumptions that, if incorrect, could change the outcome related to the number of F–22s required.

Senator CHAMBLISS. Okay. But that Air Force study would be contrary to the opinion of the Chief of Staff of the Air Force if that is the case.

In your news conference that you held back on April 7, you talked about movement toward unmanned aerial vehicles (UAVs), which I agree with. I think the UAV, the Predator, and its counterparts are needed. We need to provide more of those. Is there any UAV in production today that has stealth capability?

General CARTWRIGHT. I think that we would have to take that to a different forum, Senator.

Senator CHAMBLISS. Okay. Is there a UAV that has the capability of penetrating any theater where the sophisticated surface-to-air missiles that are in the hands of any number of countries around the world today?

General CARTWRIGHT. I think we would have to take that to a classified forum, sir.

Senator CHAMBLISS. Okay. Does the F–22 have that capability?

General CARTWRIGHT. It does, sir.

Senator CHAMBLISS. You also talk about that we need to move more quickly to the F–35. You mentioned the fact that in that April 7th news conference that the F–35 has had its problems and has been expensive. My understanding is that most of those problems are behind us at this point.

But you go on to say that with the F–35s that we are going to buy ahead of the final tests being concluded, that we are going to have to retrofit the F–35, and that is pretty common, is it not, to have to retrofit a weapon system as different capabilities are found and different problems are found?

General CARTWRIGHT. I believe over half of the F–22 aircraft will have to be retrofitted.

Senator CHAMBLISS. That is not unusual. If we did it with the F–15, the F–16, and we will have to do it with the F–35. Now how expensive is that F–35 going to be per copy?

General CARTWRIGHT. I would have to go back and get you exact numbers. I wouldn't want to give you a swag, sir. Let me provide that to you.

[The information referred to follows:]

The average unit flyaway cost for an F–35A aircraft, based on total procurement of 1,763 aircraft, is $85 million (TY$).

Senator CHAMBLISS. Okay. Can you tell us also, and you may have to look this up, but how expensive is that F–35 going to be once it is retrofitted?

General CARTWRIGHT. That would be a harder question because we don't know what issues we will find in fielding and test.

Senator CHAMBLISS. Again, you make my point, General. We have a known quantity with the F–22. If you just divide the number of F–35s that we are going to procure by the dollars that have been requested by the Pentagon, the cost of the current F–35 is comparable to the cost of a current F–22.

We have a known quantity. We know that its capabilities are greater than the F–35, and it is a little mystifying to me why there seems to be continued opposition coming out of the Pentagon.

But I thank you for your comments, and again thank both of you for your service.

General CARTWRIGHT. Thank you, Senator.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

Thank you to both of you for your service and to your families for being here. We appreciate very much your continued service in new positions. I look forward to your confirmations.

General Cartwright, in response to the advance policy questions, you stated that one of the three challenges you would face and a continued priority as the Vice Chief is the emergence of cyber threats against private citizens, the commercial sector, and national security. You stated that in addressing this challenge, you would support the standup of the recently announced Cyber Command and the development of capabilities and protocols necessary to defend the Nation's interests and protect the rights that define our way of life under the Constitution.

Can you speak to the support that will be necessary for you to provide to STRATCOM in standing up this subunified command and how you can help and what kind of support would be necessary to encourage STRATCOM's role in addressing and developing the capabilities that are required in this subcommand.

General CARTWRIGHT. Senator, as you say, in the command relationship, STRATCOM is the combatant command responsible for cyber. They will have a subunified command, which we are calling right now Cyber Command, that will be responsible for the day-to-day work associated with cyber in all the areas that you just highlighted.

Senator BEN NELSON. Both offensive and defensive?

General CARTWRIGHT. Both offensive and defensive and will support STRATCOM, who will then integrate that capability across the broad range of capabilities of both the general purpose and strategic forces.

STRATCOM's role is still very significant in this activity, but what we have now is somebody who is dedicated with all of the resources, the intelligence, the linguists, the technical expertise, and intellectual capital and equipment to be able to wage this war at the strategic level, at the operational level, and at the tactical level.

That war is the defense of our networks both from a standpoint of national security and from a standpoint of our ability to do business, which is at the heart of what this cyber capability brings to this Nation, a global reach for its business and its engagement.

We have, through the auspices of STRATCOM, now significantly expanded the basic training for each of the Services so that we can get what we will call cyber warriors into the system and start to grow them. We have expanded the schools at the technical level, the senior levels. In other words, we have done significant work in the structure of what it will take to support each of the combatant commands and what will have to be forward staged and what will have to be held back and how those forces get presented by each of the Service cyber commands.

All of that work is ongoing. The next due-out that we have is really from STRATCOM, which is an integrated roadmap of how this command will go to its initial operating capability and then to its final operating capability, the resources necessary and the capabilities that they must demonstrate before we are comfortable that they are ready to reach those stages. That is the next due-out.

Senator BEN NELSON. Those resources will be made available? Because it is one thing to give the responsibility, another thing to give it with the resources in order to be able to achieve it.

General CARTWRIGHT. Senator, if confirmed, I will work my best at that issue.

Senator BEN NELSON. In that regard, and as a former Commander of STRATCOM, in setting up a global command or going beyond a subunified command to a combatant command, if cyber is pulled from STRATCOM, how will the mission be integrated so that the two combatant commands are able to structurally work together?

General CARTWRIGHT. Senator, and you know this from my time at STRATCOM, but at each step of the way with this cyber capability that we are trying to build to defend the Nation, from its in-

ception, we started—and there were those who wanted a stand-alone combatant command, some that wanted a subunified. We started with a functional component because we needed to crawl a little bit.

We are now moving to a subunified command, and it is because we believe we have matured in our understanding of what it is we need to be able to do. There is still more work to be done in that area.

My personal opinion on this is that a stand-alone, functional command that would be cyber only has the potential like what I believe was a challenge for Space Command, that it would become disconnected from the warfighter and then would not be as readily integrated into the warfight and the scheme of maneuver and planning. My position has been that I believe, at least until something fundamentally changes, it is most appropriate for this command to be at the subunified level and that STRATCOM offers us the venue to integrate it with general purpose forces.

Senator BEN NELSON. I appreciate your thoughts in that regard. Without your background, I still share your conclusions.

Admiral, we spoke recently, and I appreciate very much your having come in. The concerns that I have right now with North Korea are obvious because of the same concerns we all share. We have also concluded that perhaps the best pressure point on North Korea can come from China, diplomatic and otherwise, to deal with North Korea's interests in continuing to terrorize the neighborhood and threaten globally.

In connection with what is going on in China today with the Uighurs and the turmoil and unrest that even brought President Hu Jintao back to China to try to provide leadership there, is China distracted to the point where we can't get their attention, in your opinion, to deal with North Korea now because they can't handle two issues at once?

That is sometimes very distracting to anyone. But it is particularly distracting to them right now. It is a tough question.

Admiral WILLARD. Yes, it is. I can't account for President Hu and his ability to multitask. I think that China is a very complex country. Obviously, they have a great deal of influence that is growing regionally and internationally, and at the same time, they have internal pressures that are extraordinary, as illustrated in their most recent crisis internally.

We certainly see the need to leverage China, their leadership, their government in terms of influencing North Korea. In the past, they have at times demonstrated that, more or less.

We believe that right now we are in a period where North Korea's provocations, as you suggest, are not in the region's interest, nor are they in the People's Republic of China's (PRC) interest. We believe that we are in a period of opportunity now where Chinese leadership can and should exert their influence, to the extent that they have it, over North Korean leadership in order to bring the current situation of provocations under control.

Senator BEN NELSON. The Dear Leader is behaving like a young tot without the benefit of having a babysitter nearby. One would hope that the PRC would focus on this and recognize that it is a

threat not only to the near region, but on a broader basis in an intercontinental capacity as well.

I would hope that we could get their attention and have it focused on that, and I hope in your new command, that will be part of what you can express in terms with the relationship that you will develop with the Chinese military. We can perhaps deal with it as well at the State Department level, but I think the military certainly needs to be brought into the picture as well.

Admiral WILLARD. If confirmed, I look forward to sharing those views. Thank you, Senator.

Senator BEN NELSON. Thanks to both of you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

I just have a few additional questions.

Admiral, one of the most important missions assigned to the Department is the responsibility to recover missing servicemembers and to identify the remains that are recovered, and the principal agency involved in recovering and identifying those remains is the Joint Prisoners of War/Missing in Action Accounting Command (JPAC), which is under the parent command of PACOM.

You indicated, I believe, in your answers that one of the recurring challenges for JPAC is the shortage of scientific personnel to increase the number of identifications of remains that have already been recovered. I am wondering if you could just briefly comment on that and whether you would support increasing the number of scientific personnel and whether that can be done fairly easily? Is that just a matter of resources, or are there other problems?

Admiral WILLARD. Thank you, sir.

There is a backlog, as you are aware, in terms of the scientific effort that is ongoing to identify remains that JPAC has, in fact, collected over time. It is currently our most advanced scientific endeavor, I believe, in the world in regard to identifying remains such as they are in their work.

I think resourcing is part of this answer. I think being able to access that level of scientific expertise and the availability of scientists of that caliber to perform this nature of work is the other dimension. If confirmed, I will look forward to understanding fully the resourcing requirements for JPAC in order that they can advance this capability as far as we possibly can as a Nation and ensure that both our resourcing is communicated correctly, as well as the needs to be able to access the type of expertise that is so unique to this organization.

Chairman LEVIN. Okay. Thank you.

Of course, we would invite you to let the committee know of any shortfalls that we can make up for.

Admiral WILLARD. Yes, sir. I would be happy to.

Chairman LEVIN. General, back to the F–22 for a moment. You have given us your view in terms of the requirement. Is your view shared by the Joint Chiefs?

General CARTWRIGHT. It is, sir.

Chairman LEVIN. Was that issue the subject of significant discussion by the Joint Chiefs?

General CARTWRIGHT. It was. In the tank, we have gone through this several times.

Chairman LEVIN. You are going to make available the study that you made reference to, to the full committee. There was a second study that I referred to, I believe?

General CARTWRIGHT. I think the one I referred to just now is the Air Force study, and we will get that.

Chairman LEVIN. There was a second study that I can't remember the exact name of, but——

General CARTWRIGHT. We will work with you to get it.

Chairman LEVIN. The Joint Staff study? I think it was a Joint Staff study. If you could also make that available to us? Do we already have that study? I don't think we have that. If you could dig that out for us, we would appreciate that as well.

[The information referred to follows:]

[Deleted.]

Chairman LEVIN. General, on Monday, the Washington Post referred to an analysis of missile defense options for Europe, and that analysis was written by a Stanford physicist named Dean Wilkening. The article said that in his analysis, which had been provided to the administration, there are a number of options for missile defense in Europe that might provide a better missile defense, better defensive coverage of Europe against a potential long-range Iranian missile than the proposed deployment of a system in Poland and the Czech Republic.

Are you familiar with that study?

General CARTWRIGHT. I am not familiar with that study, but I am familiar with a range of options that we believe have the potential to be more effective. As I said earlier, the key here is to find the best options that give us both the regional defense and the defense of the Homeland.

Chairman LEVIN. In looking at that, are we keeping all of our options open? Are we looking at all of the available possibilities?

General CARTWRIGHT. Yes, sir. I think we are in the neighborhood, as I said, of over 40 options right now that we are starting to narrow down on.

Chairman LEVIN. General, Senator Lieberman and 14 members of this committee, including myself, wrote the President in May, urging him to declare higher end strength target levels for the Afghan National Army and the Afghan National Police than the current target of 134,000 soldiers and 82,000 police personnel.

I understand that the Afghan police target has now been raised, but that the level—I particularly focus on the army—remains inadequate in terms of what I think most people believe the needs are going to be in Afghanistan for Afghan troops. I don't know why General Jones made the comment he did. That has already been explored. But I want to focus on the size of the Afghan army.

We had a brigadier general by the name of Larry Jacobson, who said the other day that the fact of the matter is we don't have enough Afghan forces and that we need more or he would like more is his exact word in Helmand Province.

Is this a subject of major consideration and deliberation among the chiefs?

General CARTWRIGHT. It is, Senator. I think we all believe that there needs to be more Afghan forces, in particular Afghan Na-

tional Army capability. We also believe, based on the assessments that we have done thus far, that there is the capacity to recruit and train more, particularly as we add the 4th of the 82nd to help us in the training throughput.

We have combined a current assessment that is ongoing of the Afghan national security force writ large with General McChrystal's assessment. We expect that assessment to come in at the same time that General McChrystal delivers his assessment.

Chairman LEVIN. The McChrystal assessment is on our troop level and the Afghan national troop level?

General CARTWRIGHT. Yes, sir. We have asked them to be combined.

Chairman LEVIN. All right. We have heard different arguments or positions about why we can't move faster. We have heard that the problem is the shortfall of Afghan leadership in the army. It is the training of those leaders. We have heard there are not enough mentors there yet. We have heard there is an equipment issue.

But I think everybody agrees that you have in the Afghan army a motivated army. They are motivated against the enemy and are willing to undertake their own lives and put their own lives on the line.

This is not a question of a lack of motivation on the part of the Afghans. We are all very anxious to do whatever we can to prod this issue along.

General CARTWRIGHT. I think you are right, Senator. One thing we are not going to have to teach them how to do is fight. But we are going to have to work on command, control, organization, and leadership. Building the noncommissioned officer cadre, building the officer cadre is going to be part of the work, and we believe adding the 4th of the 82nd out there to do that work is going to help us get the throughput.

Chairman LEVIN. Finally, just one question about Pakistan. I think that in terms of recent events that the Pakistan army is showing a much greater willingness to take on the enemy for their own sake, not because we are asking them or we are paying them, but because from their national security perspective, it is in their interest.

I don't know how much that has been transmitted to the Pakistan people. I know it is transmitted through interviews in the London papers, but that is not the same as the president and the head of the army in Pakistan transmitting that to the Pakistani people themselves. I am trying to find out the degree to which the statements that they have made recently reflect that or are made publicly in Pakistan.

But another thing which has troubled me is that we are constantly criticized for the attacks by our UAVs inside Pakistan. Yesterday or the day before, we got a number of very high-level targets. There were civilian casualties, which obviously are to be minimized and regretted.

But when we knock out high-level targets, terrorist targets, Taliban targets that are out to destroy the Government of Pakistan, the least we can expect, I believe, from the Pakistan Government is silence. They politically don't have it inside themselves to

tell the Pakistan people why we are doing it and that they are aware of it. They don't have that kind of political steel in their backbone. I have been in politics long enough to understand that. I don't condone it. I don't like it. But I at least can understand.

What I can't understand and do not accept is the attacks on us, the criticism of us, because what that does is undermine the effort. They are creating, not us, every time they attack us as being foreign occupiers—or not occupiers, but foreigners attacking their sovereign soil, they are creating another generation that are after us instead of after the terrorists.

I just want to let you know I would welcome any comment that you might have. I want to let you know because you will have contacts with the Pakistani leadership. I have expressed this directly to their President, to the Chief of Staff of the Army. It affects my own view as to whether we should be providing support to Pakistan.

I am willing to support the Pakistan Government and to try to get them some economic wherewithal to address all the issues they have so that they are the ones that are supporting their people's needs. I am for providing that.

I believe that they have the same goal we do, at least their recent actions suggest they do, which is that it is in their security interest to go after the fanatics and the terrorists. I got that, and if that is real and is sustained, that is somewhat reassuring.

But what I don't have yet is assurance that their statements publicly, their rhetoric about the need for them to go after the terrorists serves their national interest. I am not sure that is done internally yet in terms of their rhetoric, and I sure as heck deeply object to their criticism of us for using attacks by UAVs, which they obviously acquiesce, condone, and accept or else we wouldn't be doing them.

I know we also have a vote on, and I don't want to cut short an answer if you are just dying to give us an answer on this. [Laughter.]

But I don't need an answer. I would welcome it if you feel that you want to. But I just want to express that to you.

General CARTWRIGHT. I think just one short comment, Senator, because I think you have captured the issue.

Inside the military, our ability to work with our counterparts, at my level, I know my counterparts from school. But our lieutenant colonels, majors, and captains don't because we had that hiatus. So, bringing them back into our schools and building trust, which is what we are trying to do, will help us, I think, in the perception management here of what our role could be to assist them.

Every nation is proud, and I understand that, but every nation also can use friends. We have to work on this some way, but we also have to have the help of their central government to do that. They can undermine this in a way that is very damaging to both sides if we are not careful.

Chairman LEVIN. General, Admiral, thank you for your service. Thank you for being here today. Thank your families for us, those who are here within earshot and those who aren't. Good luck to your son-in-law getting home.

General CARTWRIGHT. Thank you.

Chairman LEVIN. When is he due?

General CARTWRIGHT. Hopefully in the next 2 weeks.

Chairman LEVIN. Two weeks. We know how much you are looking forward to it. You can embrace him for all of us.

General CARTWRIGHT. Thank you, sir.

Chairman LEVIN. Thank you both.

Admiral WILLARD. Thank you, Mr. Chairman.

Chairman LEVIN. The hearing is adjourned.

[Whereupon, at 11:39 a.m., the committee adjourned.]

[Prepared questions submitted to Gen. James E. Cartwright, USMC, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. On two previous occasions you have answered the committee's policy questions on the reforms brought about by the Goldwater-Nichols action, the last time being in connection with your first nomination to be Vice Chairman of the Joint Chiefs of Staff.

Has your view of the importance, implementation, and practice of these reforms changed since you testified before the committee at your most recent confirmation hearing?

Answer. No. The Goldwater-Nichols reforms have clearly strengthened the warfighting and operational capabilities of our combatant commands (COCOMs) and our Nation.

Question. In your previous response to a question concerning whether you saw a need for modifications of Goldwater-Nichols in light of the changing environment, you indicated that there are a series of ongoing reviews of Goldwater-Nichols and that you would study these reviews, if confirmed.

In light of your experience as Vice Chairman and your study of the reviews do you see any need for modifications to Goldwater-Nichols? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. The reviews of Goldwater-Nichols have been completed and the required modifications incorporated into how the Department manages joint officers.

During the past 2 years, the joint officer management process has built on the strong foundation established by the Goldwater-Nichols Act with a flexible structure to meet the ever-changing landscape characterized by today's military environment. The new Joint Qualification System is more responsive to the warfighters in multi-Service, multi-national, and interagency operations and produces fully qualified and inherently joint officers to meet the needs of our great Nation. Our emphasis will continue to focus on assigning high quality officers to joint assignments and ensuring they receive a joint experience that produces experts in joint matters. As we continue to advance jointness, joint officer management will continue to evolve. As we evolve, we may find some areas of the law that may require some future modification. However, at this time, I believe we have the necessary tools.

DUTIES

Question. What recommendations, if any, do you have for changes in the duties and functions of the Vice Chairman of the Joint Chiefs of Staff as set forth in section 154 of title 10, U.S.C., and in regulations of the Department of Defense (DOD) pertaining to functions of the Vice Chairman of the Joint Chiefs of Staff?

Answer. None at this time.

Question. Based on your previous experience as Commander, U.S. Strategic Command, and your current experience as the Vice Chairman of the Joint Chiefs, what recommendations, if any, do you have for changes in chapter 6 of title 10, U.S.C., as it pertains to the powers and duties of combatant commanders?

Answer. None at this time.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Vice Chairman of the Joint Chiefs of Staff to the following officials:

The Secretary of Defense.

Answer. As a member of the Joint Chiefs of Staff, the Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

Additionally, in the absence or disability of the Chairman, the Vice Chairman acts as the Chairman and performs the duties of the Chairman until a successor is appointed or until the absence or disability ceases. These duties include serving as the principal military advisor to the President, the National Security Council, and the Secretary of Defense.

As a member of the Joint Chiefs of Staff, the Vice Chairman may submit advice or opinions to the Chairman in disagreement with, or in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. The Chairman submits such opinion or advice at the same time he delivers his own.

The Vice Chairman, as a member of the Joint Chiefs of Staff, may also individually or collectively, in his capacity as a military advisor, provide the Secretary of Defense advice upon the Secretary's request.

Question. The Deputy Secretary of Defense.

Answer. Under existing directives, the Deputy Secretary of Defense has been delegated full power and authority to act for the Secretary of Defense on any matters upon which the Secretary is authorized to act. As such, the relationship of the Vice Chairman with the Deputy Secretary is similar to that with the Secretary. In addition, the Vice Chairman co-chairs the Deputies Advisory Working Group with the Deputy Secretary of Defense to work key resources and management issues for DOD.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the office of the Chairman, or during the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases. If confirmed, I look forward to sustaining a close and effective working relationship with the Chairman.

Question. The Under Secretaries of Defense.

Answer. Title 10, U.S.C., and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. They may issue instructions and directive type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff. If confirmed, I will work closely with the Under Secretaries.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for Public Affairs, Legislative Affairs, and for Networks and Information Integration, all Assistant Secretaries of Defense are subordinate to one of the Under Secretaries of Defense. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff. If confirmed, I will work closely with the Assistant Secretaries in a manner similar to that described above for the Under Secretaries.

Question. The Secretaries of the Military Departments.

Answer. Title 10, U.S.C., section 165 provides that, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the secretaries of military departments are responsible for administration and support of forces that are assigned to unified and specified commands.

The Chairman, or Vice Chairman when directed or when acting as the Chairman, advises the Secretary of Defense on the extent to which program recommendations and budget proposals of the military department conform with priorities in strategic plans and with the priorities established for requirements of the COCOMs.

Question. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. With respect to title 10 responsibilities, they serve two significant roles. First and foremost, they are responsible for the organization, training, and equipping of their respective Services. Without the

full support and cooperation of the Service Chiefs, no combatant commander can be ensured of the preparedness of their assigned forces for missions directed by the Secretary of Defense and the President.

Second, as members of the Joint Chiefs of Staff, the Chiefs are advisors to the Chairman and the Secretary of Defense as the senior uniformed leaders of their respective Services. If confirmed, I will work closely with the Service Chiefs and their Vice Chiefs to fulfill warfighting and operational requirements.

Question. The Combatant Commanders.

Answer. The combatant commanders fight our wars and conduct military operations around the world. The Chairman provides a vital link between the combatant commanders and other elements of DOD, and as directed by the President, serves as the means of communication between the combatant commanders and the President or Secretary of Defense. When the Vice Chairman is performing the Chairman's duties in the latter's absence, he relates to the combatant commanders as if he were the Chairman.

Question. The Special Assistant to the President/Deputy National Security Advisor for Iraq and Afghanistan.

Answer. Because the Special Assistant to the President/Deputy National Security Advisor for Iraq and Afghanistan is an officer serving in an agency outside DOD, the Vice Chairman of the Joint Chiefs of Staff communicates to that official through the Secretary of Defense.

Question. The Under Secretary of Energy for Nuclear Security.

Answer. The Vice Chairman of the Joint Chiefs of Staff is a member of the Nuclear Weapons Council along with the Under Secretary of Energy for Nuclear Security. In this capacity, we will work together to oversee and coordinate the Nation's nuclear weapons policies to include the safety, security, and control issues for existing weapons and proposed new weapons programs.

MAJOR CHALLENGES AND PROBLEMS

Question. What are the major challenges that you have faced in your first term as Vice Chairman of the Joint Chiefs of Staff?

Answer. First, supporting the ongoing war against violent extremism. Second, ensuring COCOMs are better represented in the requirements, acquisition, and resourcing processes. Third, ensuring needs of the COCOMs are realized in a timely affordable fashion.

Question. What new challenges do you expect to face if you are confirmed for a second term?

Answer. First, the transition of our warfighting forces in support of the Nation's priority effort in Afganistan. Second, we face the threat of a diminishing deterrence capability able to address the nexus of weapons of mass destruction (WMD) and violent extremism. Third, the emergence of cyber threats against private citizens, the commercial sector, and national security.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will first work to ensure our forces have the resources and capabilities to enable them to prevail in Afganistan. Second, I will work with the COCOMs, OSD, and our interagency partners to develop the capabilities necessary to deter both the extremists that seek WMD and those who would either proliferate these weapons or who are ineffective in safeguarding these weapons. Third, I will support the stand-up of the recently announced Cyber Command and the development of capabilities and protocols necessary to defend the Nation's interests and protect the rights that define our way of life under the Constitution.

JOINT REQUIREMENTS OVERSIGHT COUNCIL

Question. As the Vice Chairman of the Joint Chiefs of Staff, you are now, and if confirmed, you would continue to be, the chairman of the Joint Requirements Oversight Council (JROC). The JROC has the responsibility to review and validate Service requirements.

What is your view of the modifications to the JROC process made by the Weapon Systems Acquisition Reform Act of 2009?

Answer. My basic goal, if confirmed, would be to enhance the voice of the customer [COCOM] in the requirements process. We are supportive of the overall goal of the changes mandated by the Reform Act. Many of the JROC process changes codified improvements we incorporated into our procedures over the last few years.

Question. What additional steps do you believe that Congress or the Department should take to ensure that trade-offs between cost, schedule, and performance objec-

tives for major weapon systems are made at an appropriately early point in the acquisition process?

Answer. I do not believe any additional congressional action is necessary at this point. The Joint Capabilities Integration and Development System process, working in concert with the acquisition and programming processes, ensures there is an assessment of tradeoffs between cost, schedule, and performance throughout the lifecycle of a program. Recent changes to these processes, some codified in the 2009 Acquisition Reform Act, should be allowed to mature for a period of time before we make any additional modifications.

Question. Are there any other recommendations that you would make to modify JROC or its authority or the requirements process?

Answer. In today's environment, JROC needs to be as responsive as possible to warfighter needs. JROC should represent the combatant commanders' interests, Service interests, as well as the Office of the Secretary of Defense. I would recommend changes to the extent possible be codified in Department level directives. Currently, the VCJCS sits as the Chairman of JROC as a delegated authority from the CJCS. Among the changes I would advocate are, the VCJCS should be designated as Chairman of JROC. He should have the authority to delegate, when appropriate, requirements decisionmaking authority to the commander of a functional COCOM for specific capabilities or a portfolio of capabilities. I would also invest the Chairman of JROC with the authority to make the final decision on requirements after having heard and reviewed the membership positions of the members of the council.

Question. How would you assess the effectiveness of JROC in the DOD acquisition process?

Answer. I believe JROC is an effective partner with OSD in the acquisition process. We have tracked closely with OSD as the DOD acquisition process has been recently modified and have made changes to the requirements process to ensure we maintain our alignment. Through participation in many common forums, such as the Defense Acquisition Board and the Deputy's Advisory Working Group, we are able to identify any disconnects early and make the necessary course corrections. We also closely track program performance through development.

Question. What is your vision for the role and priorities of JROC in the future?

Answer. The priority for JROC now and in the future will be to understand and be responsive to the needs of the combatant commanders. To that end, JROC will continue to focus on meeting the urgent capability needs of today's warfighter while also working with the combatant commanders to define the capabilities required for the future force.

Question. What changes, if any, would you recommend in the membership of the JROC?

Answer. Currently the COCOMs are invited to participate as advisors to JROC at their discretion. I would like to see COCOM, OSD(P), OSD(AT&L), and OSD(C) participation formalized by including them as members of JROC to ensure JROC clearly understands the warfighter's concerns and issues before decisions are made. In order to ensure warfighter requirements are understood and consistent in translations to solutions, I also recommend OSD(P), OSD(AT&L), and OSD(C) be permanent members.

Question. Do you believe the JROC process is sufficient to understand and identify where there are opportunities for multi-Service collaboration or where programs could or should be modified to take advantage of related acquisition programs?

Answer. We can always improve but generally JROC is effective in ensuring collaboration among the Services. The Services participate throughout the requirements vetting process. One new initiative is to use COCOM defined and prioritized attributes through the Senior Warfighter Forums (SWarF) process to balance cross Service programs.

Question. What principles guide your approach to inviting and helping ensure the sufficient participation of other such stakeholders in JROC?

Answer. I view JROC as an open, collaborative forum where we solicit input and advice from any organization with a stake in the requirements being validated.

ACQUISITION REFORM AND ACQUISITION MANAGEMENT

Question. What is your view of the changes made by the Weapon Systems Acquisition Reform Act of 2010?

Answer. I fully support the changes made in the Acquisition Reform Act and am working to implement any necessary changes to the requirements process.

Question. What role have you played, and do you expect to play, if confirmed, in the implementation of that Act?

Answer. As the Chairman of JROC, I am working to implement any changes to the requirements process necessary to support implementation of the act.

Question. What role, if any, do you believe JROC should play in the oversight and management of acquisition programs after requirements have been established?

Answer. I believe JROC should continue to monitor the execution of acquisition programs to identify potential areas where requirements may be driving cost growth and schedule delays. To that end, we have established a trip-wire process to bring programs experiencing cost growth or excessive delays back to JROC for review. During these reviews, we consider performance trades to mitigate further growth in cost and delays in schedule.

Question. Do you see a need for any change in the role of the Chairman or the Vice Chairman of the Joint Chiefs of Staff in the requirements determination, resource allocation, or acquisition management processes?

Answer. No. I believe these roles are well-defined and effective in providing coherent integration between the three processes.

Question. What is your view of the role played by configuration steering boards in preventing cost growth due to requirements creep?

Answer. I think that the configuration steering boards are still maturing, but can provide meaningful advice to the milestone decision authority on areas where requirements imposed by acquisition officials could be adjusted to prevent cost growth and schedule slips.

Question. What do you see as the proper relationship between configuration steering boards and JROC in managing requirements for acquisition programs?

Answer. When a configuration steering board recommends adjusting requirements to prevent or mitigate cost growth or schedule delays, the requirements community should weigh the recommendations and provide clear guidance in support of the recommendations as appropriate. If there are concerns, the concerns should be presented to the board in a timely fashion.

Question. What is your view of the Nunn-McCurdy requirements for major defense acquisition programs that fail to meet cost, schedule, and performance objectives?

Answer. The Nunn-McCurdy certification requirements force the Department to perform a fundamental reassessment of a program and to decide to either restructure it or terminate it. From a JROC perspective, it is appropriate to ask the warfighter to revalidate the program's essentiality and requirements. In 2007, JROC established a trip-wire process to bring troubled programs back to JROC for a review and to consider performance trade-offs to mitigate further cost growth and/or schedule delays before the program faced a Nunn-McCurdy review.

Question. What do you see as the proper relationship between JROC and those charged with implementing the Nunn-McCurdy requirements?

Answer. The role of JROC as the military advisor to the milestone decision authority is appropriate when assessing Nunn-McCurdy breaches.

Question. There have been a number of studies in the past several years that have recommended a variety of changes in the way that the acquisition programs are managed.

What is your view of these studies and which recommendations, if any, has JROC implemented?

Answer. JROC views the studies as providing valuable insight and recommendations to improve the requirements process and improve its linkage to the acquisition and programming processes. We have implemented many recommendations to streamline the requirements process, enhance the engagement of the combatant commanders in validating joint warfighter needs, and to critically assess cost, schedule, and performance.

Question. Do you see any need to make any changes to the Joint Capabilities Integration and Development (JCIDS) process?

Answer. We've just completed a major update to the JCIDS process and will continue to evaluate the need for further changes. This included changes to align the JCIDS process with the recent changes to the DOD acquisition process. But more importantly we streamlined the process to reduce non-value added administration and improve visibility and access for all stakeholders.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed for a second term as Vice Chairman of the Joint Chiefs of Staff, you would continue to serve as a member of the Nuclear Weapons Council (NWC).

What would your priorities be for the NWC?

Answer. If confirmed, I look forward to continuing my membership on the NWC as Vice Chairman of the Joint Chiefs of Staff.

My priorities will continue to focus on ensuring a safe, secure, and reliable nuclear weapons stockpile that can meet the current and future national security interests of the United States; and developing stockpile options, including warhead and infrastructure modernization, that support the President's objectives and future arms control commitments.

I look forward to working with Congress to address these challenges to ensure we meet our national security requirements while assuring our allies with a secure, credible, and modern nuclear arsenal.

Question. What changes, if any, would you recommend to the organization, structure, or function of the NWC?

Answer. I support the current initiative to include the Chief of Naval Operations and the Chief of Staff of the Air Force as members of the NWC.

Question. What role is the NWC playing or should it play in the ongoing negotiations for a follow-on to the Strategic Arms Control Treaty?

Answer. As a body, the NWC does not play an active role in the follow-on Strategic Arms Control Treaty negotiations. However, the NWC itself is aware of ongoing negotiations efforts and is working closely with key leaders in both the negotiating and NPR teams.

Question. What role is the NWC playing or should it play in the ongoing deliberations on the NPR?

Answer. The NWC is aware and providing input to the NPR deliberations and will play an important role in implementing the policy recommendations that result from the NPR's effort.

DISTRIBUTION OF GENERAL AND FLAG OFFICERS

Question. At the request of the Secretary of Defense, Congress included a provision in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 that designated up to 324 general and flag officer positions as joint duty assignments that are excluded from the limitation on the number of general and flag officers in each Service, and specified the minimum number of officers required to serve in these positions for each Service. The provision also reduced the number of general and flag officers authorized to serve on Active Duty in each Service. Implementation of this provision was delayed until 1 year after the Secretary of Defense submits a report on the proposed implementation of the provision, which took place in June 2009.

What is your view of the merits of this provision?

Answer. The provision does not reduce the number of general and flag officers authorized to serve on Active Duty. Implementation of this provision will support the objectives of the Goldwater-Nichols Act by creating a duty assignment statutory framework that allows the Secretary of Defense to reimburse the Services for participation in joint with general and flag officer authorizations. Importantly, the joint pool recognizes in-Service general and flag officer requirements to accomplish the mission organize, train, and equip are separate from joint general/flag officer requirements.

Question. In your view, what impact will implementation of this provision have on joint officer assignments?

Answer. The joint pool will increase competition for these senior joint duty assignments. The legislation provides incentives for the Military Services to nominate their best officers, from both their Active Duty and Reserve components, thereby accelerating the competencies required for our Nation to continue to address the challenges that confront our forces. As proposed, the distribution of senior joint authorizations among the Military Services with a specified minimum distribution for each Service expands the number of positions open to nomination by all four Services.

Question. In your opinion, should implementation of this provision be delayed until June 2010, 1 year from the date the Secretary submitted the required report?

Answer. The Department is requesting enactment of conforming legislation in the Department's 2010 legislative package. This provides the Department the flexibility to rapidly meet emerging joint requirements.

REBALANCING FORCES

Question. In a memorandum of July 9, 2003, the Secretary of Defense directed action by the Services, the Joint Staff, and the Office of the Secretary of Defense aimed at achieving better balance in the capabilities of the Active and Reserve components. The Secretary noted that the Department "needs to promote judicious and prudent use of the Reserve components with force rebalancing initiatives that re-

duce strain through the efficient application of manpower and technological solution based on a disciplined force requirements process."

What progress has been made in achieving the Secretary's vision?

Answer. Much progress has been made but much work still lies ahead of us. As examples of progress made I would highlight:

1. Access to our National Guard and Reserve Forces has allowed the level of engagement we have been able to support in Operation Iraqi Freedom (OIF)/Operation Enduring Freedom (OEF).

2. The integration of National Guard, Reserve, and Active Forces in our first Chemical, Biological, Radiological, Nuclear, and Explosive Consequence Management Response Force has given our Nation a much needed capability to assist our civil authorities as we respond to homeland situations.

Question. What do you consider to be the biggest continuing obstacles to achieving the goals that the Secretary of Defense has set forth in his memorandum?

Answer. Our biggest challenge in achieving the Secretary of Defense's goals is to determine the optimal balance of capabilities in Active component and Reserve component based on a complex and changing operational environment. As an example in the QDR, we are working to determine how to get the most capacity out of our rotary wing forces. A key aspect of this work is the balance between Active and Guard/Reserve Forces including expectations of our Guard/Reserve personnel regarding access.

MENTAL HEALTH ISSUES

Question. The final report of the DOD Task Force on Mental Health issued in June 2007 found evidence that the stigma associated with mental illness represents a "critical failure" in the military, preventing individuals from seeking needed care. The report states, "Every military leader bears responsibility for addressing stigma; leaders who fail to do so reduce the effectiveness of the servicemembers they lead." In light of increasing suicide rates in each of the Services and servicemembers diagnosed with post-traumatic stress, it is more important than ever to ensure that servicemembers and their families have access to mental health care and that the stigma associated with seeking such care is eliminated.

If confirmed, what actions would you take to address the stigma associated with mental illness in the military?

Answer. The stigma associated with mental health illness is an issue in both the civilian community and the military. I consider the elimination of mental health stigma to be a leadership issue, not a health issue. I support the Chairman's determination to change our culture and I assure you this is a top priority for me as well. If confirmed, I intend to provide strong leadership to ensure that we overcome this impediment and expect leaders at every level to follow suit.

The Chairman chartered a task force of subject matter experts from across the Joint Staff to develop a Campaign Plan for Warrior and Survivor Care. The Campaign Plan specifically addresses these issues. The Task Force, in partnership with the National Defense University and the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, is facilitating the development of a psychological health leader education program for all National Defense University schools. We continue to actively seek out senior military leaders who have received psychological health care and gone on to excel in their careers, and use these leaders to mentor our leaders of the future. I will continue to include this topic as a priority in each of my interactions with servicemembers and families, and actively encourage other leaders to address the issue across our spectrum of senior leader engagement opportunities.

We have started to address this issue within other areas of DOD as well. The Services have implemented multiple initiatives to build resilience, prevent adverse effects of combat stress, and provide increased access to mental health services, including initiatives such as embedding mental health personnel in our deploying units and performing post-deployment health assessments and reassessments.

In response to the 2007 Mental Health Task Force report, DOD developed an action plan to address over 365 recommendations from the Mental Health Task Force report as well as several other reports. We continue implementation of the action plan, and updates are provided to Congress each fall. I will continue to work closely with Congress, our military leaders, Veterans Affairs, and other Federal and civilian organizations to see that our servicemembers' and families' psychological health and mental health issues are addressed.

Question. What is your view of the need for revision to military policies on command notification when servicemembers seek mental health care?

Answer. Because of the known connection between these policies and the issue of stigma that we currently face, I believe that all policies for command notification should be closely examined for their true association with military readiness and safety. Without question, when military readiness and safety are not adversely impacted, policies which mandate command notification should be changed.

Secretary Gates' recent announcement that the military security clearance process will no longer include questions about mental health care history is a significant step in attempting to remove the stigma of receiving mental health care among military members, particularly in a time of war when combat stress is impacting many of our servicemembers.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving military personnel in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They assert that the command failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What role, if any, should the Joint Staff have in monitoring progress within the Military Services and the COCOMs' areas of responsibility (AOR) in order to ensure enforcement of a "zero tolerance" policy relating to sexual assaults?

Answer. As a member of the DOD Sexual Assault Advisory Council, it is important that the Joint Staff continues to partner with OSD, the Military Services, and the COCOMs to assess the requirements and effectiveness of policies and procedures in place to enforce the "zero tolerance" policy. This is the appropriate forum to monitor progress and provide senior leader oversight.

The Joint Staff works closely with the COCOMs during the development of operational plans and personnel policy guidance to ensure the prevention and response to incidents of sexual assault is addressed.

Question. What reporting requirements or other forms of oversight by Service leaders do you think are necessary to ensure that the goals of sexual assault prevention and response policies are achieved?

Answer. Currently reports are submitted through Service channels. The fielding of the new DOD sexual assault information database will improve communication protocols to better track victims services, case management and disposition, and identify trends and areas requiring additional emphasis.

The new database will also provide combatant commanders oversight of sexual assaults that occur in their AOR.

Question. What is your understanding of the resources and programs in place in deployed locations to offer victims of sexual assault the medical, psychological, and legal help that they need?

Answer. There is a 24/7 response capability in deployed areas. The Services have primary responsibility to ensure sexual assault response personnel in deployed locations (Sexual Assault Response Coordinators (SARCs), Victim Advocates, medical and mental health providers, criminal investigation and legal personnel) are well-trained to support victims and investigate and respond to allegations of sexual assault. If resources are not readily available where the alleged incident occurred, victims are transported to a facility were there is appropriate victim advocate support, medical and psychological care (regardless of Service), and investigative/legal support.

I am aware that a number of recommendations were made to CENTCOM in the DOD Fiscal Year 2008 Report on Sexual Assault in the Military, released in March. These included deploying SARCs and Victim Advocates and outfitting larger field hospitals with sexual assault forensic examination kits for evidence collection. Initial, independent Service responses to these recommendations may have created areas where duplicative support structures exist. In these instances, opportunities may exist to better pool and employ resources to optimize coverage and improve response.

Also, the Defense Task Force on Sexual Assault in the Military Services is currently evaluating how effectively the Services are implementing DOD sexual assault policy and procedures. They interviewed key sexual assault responders currently deployed in Afghanistan, including chaplains, counselors, medical and legal personnel, and Criminal Investigations Division agents regarding how they handle cases of sexual assault. In addition, the Task Force has surveyed SARCs and Victim Advocates in Afghanistan regarding the level of resources and support they have, and regarding the effectiveness of restricted reporting in the deployed environment. Their find-

ings and recommendations will be reported to the Secretary of Defense later this year.

Commanders at all levels must remain committed to eliminating sexual assault within our forces by sustaining robust prevention and response policies; by providing thorough and effective training to all assigned servicemembers, by identifying and eliminating barriers to reporting; and by ensuring care is available and accessible.

Question. What is your view of steps the Services have taken to prevent sexual assaults in deployed locations?

Answer. The Services are implementing procedures and processes to meet the challenges of preventing and responding to incidents of sexual assault in the deployed areas. All servicemembers and first responders receive sexual assault and sexual harassment prevention training prior to deployment. The use of the internet and media are effective tools in keeping deployed personnel informed and trained in prevention techniques. Coordination among Service sexual assault response personnel has improved support to victims in the operational environment and provides additional resources to conduct additional training, if needed.

Question. What is your view of the adequacy of the training and resources the Services have in place to investigate and respond to allegations of sexual assault?

Answer. The Services are responsible for training sexual assault response personnel to ensure they are well-trained to investigate and respond to allegations of sexual assault. This includes the investigative resources in deployed areas. However, as you may imagine, the combat environment and deployed operations are very dynamic. The investigative resources are often strained by other mission requirements. Access to resources may be complicated by remoteness of locations, availability of transportation to and from those areas, or the level of ongoing operations. I believe the DOD training network in place now prepares them and investigators to handle sexual assault cases in a caring, responsive, and professional manner. Our ability to respond and support victims is paramount.

Question. Allocating more funding and resources to the program to adequately implement all the program requirements will improve response capability.

Do you consider the current sexual assault policies and procedures, particularly those on confidential or restricted reporting, to be effective?

Answer. I believe current policies and procedures have improved care to victims of sexual assault; however, restricted reporting limits a commander's ability to support the victim, investigate, and/or hold alleged offenders accountable.

Restricted reporting has been effective (original intent—to allow a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process). Although the use of restricted or confidential reporting doesn't allow a commander to investigate alleged assaults, it does allow a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process. Since restricted reporting was implemented in fiscal year 2005, 406 restricted reports converted to unrestricted reports which allowed commanders to conduct appropriate investigations.

Unrestricted reporting supports a sexual assault victim who desires medical treatment counseling but also provides for official investigation of his or her allegations within existing administrative reporting channels (such as their chain of command, law enforcement, or through the SARC).

As our military members' confidence in the reporting and investigative policies and procedures improve, I believe more alleged offenders can be held accountable. The greatest effect still lies in preventive measures and eliminating sexual assaults.

Question. What problems, if any, are you aware of regarding the manner in which the confidential reporting procedures have been put into effect?

Answer. Privacy for restricted and unrestricted reporting becomes a challenge in a deployed environment and remote locations were units are small communities where accountability of personnel is a critical task for units. In deployed areas confidential reporting becomes more difficult for the victim to reach out to the SARC or a victim advocate because of the need to keep track of all personnel movements within the theater and that support resources may not be colocated with the victim. The joint deployed environment could present additional difficulties in case management, delivering care, and tracking services due to differences among Service programs. It is my understanding that the DOD Sexual Assault Prevention and Response Office is working to field a Joint Sexual Assault Database to improve our ability to communicate between the Services. The database is currently projected for fielding in 2010.

Question. If confirmed, what actions would you take to ensure senior level direction and oversight of efforts to prevent and respond to sexual assault?

Answer. I am currently the only military representative on the DOD Sexual Assault Advisory Council. I think the addition of the Service Vice Chiefs will add to the effectiveness of this senior body and help to ensure the policies and procedures are executable in the operational environment. This is an area of interest for the Joint Chiefs and combatant commanders.

COMMISSION ON NATIONAL GUARD AND RESERVES

Question. In a March 1, 2007, report to Congress, the Commission on the National Guard and Reserves recommended, among other things, that the Chief of the National Guard Bureau should not be a member of the Joint Chiefs. The grade of the Chief of the National Guard Bureau has since been increased to general, as recommended by this Commission.

What is your view about making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff? What is your rationale for this opinion?

Answer. The idea of making the Chief of the National Guard Bureau (CNGB) a member of the Joint Chiefs of Staff has been debated for quite some time. The Commission on the National Guard and Reserves (CNGR), in fact, took a very detailed look at the concept and recommended that the CNGB not be a member of JCS. DOD concurred with the CNGR recommendation in 2006. I also believe that CNGB should not be a member of the Joint Chiefs of Staff. The Joint Chiefs of Staff consists of the Chairman, Vice Chairman, and the Chiefs of Staff for the armed services. The National Guard is a component of the armed services and is represented on the Joint Chiefs of Staff by the Chiefs of Staff of the Army and the Air Force. A separate representation of a portion of the Reserve components from a portion of the Services would be inappropriate, confusing, and in my view divisive of a total force. As a four star general officer, the CNGB is already participating in all appropriate Joint Chiefs of Staff tank sessions and discussions concerning issues which fall under the purview of our National Guard. This is similar to the methodology used to include the Commandant of the U.S. Coast Guard when specific Coast Guard equities are involved.

Question. In its final report, issued January 31, 2008, the Commission made a number of findings and recommendations on increasing the capabilities and responsibilities of the National Guard and Reserves in the Homeland. The Commission concluded "DOD must improve its capabilities and readiness to play a primary role in the response to major catastrophes that incapacitate civilian government over a wide geographic area. This is a responsibility that is equal in priority to its combat responsibilities." In response to a request for his assessment of the final report of the Commission, Admiral Mullen responded on April 21, 2008: "I have some concern with the Commission's ideas on enhancing the Defense Department's role in the Homeland. While the Reserve component civil support requirements are important, they should not be of equal importance to DOD combat responsibilities."

What is your view of the Commission's assertion that the Department's role in response to major catastrophes should be equal in priority to its combat responsibilities?

Answer. I agree with the Chairman's position that DOD should not have statutory or policy directives that elevate civil support to the same level as combat responsibilities. The Department has taken—and continues to take—seriously its responsibility to provide support for civil authorities. Codification of civil support for domestic events as a core competency could unintentionally impede other Federal departments and agencies in the fulfillment of their own unique statutory responsibilities. Such codification would also erode DOD's ability to perform its statutory responsibility.

Question. In its March report to Congress, the Commission also recommended that DOD "develop protocols that allow Governors to direct the efforts of Federal military assets responding to an emergency such as a natural disaster." In its final report (January 31, 2008), the Commission reemphasized the importance of this recommendation.

In the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2008, the conferees urged the Secretary of Defense "to address the nature of command relationships under which troops will operate during particular contingencies and ensure, as recommended by the Commission on the National Guard and Reserves, that necessary agreements are entered into as soon as practicable." In the statement of managers accompanying the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the conferees stated: "DOD should engage with the community of Governors to work out an understanding of unity of effort during domestic terrorist events and public emergencies."

In your view, should Governors have tactical control over military forces, including those in a title 10, U.S.C., Active status, operating in their State? What is your rational for this opinion?

Answer. I do not believe Governors require the ability to exert tactical control over all military forces operating within their State when they are providing military support to civil authorities. Governors already have the authority to exert tactical control over National Guard forces in a State Active Duty or title 32 status. Furthermore, Governors have the ability to request the assistance of Federal forces in response to terrorist acts and/or public domestic emergencies when the Governor believes such assistance is necessary. Available forces for such events will be placed under tactical control of the designated Joint Task Force Commander or under operational control of the Commander, NORTHCOM. The designated Commander working with the Governor and the State's Adjutant General will be able to provide the necessary support to restore order, save lives, and secure property as the situation dictates.

This operational construct was developed in accordance with title 10, U.S.C., and I believe that the procedures and relationships that have been put in place since Hurricane Katrina will enhance the unity of effort between Governors and the Federal forces that provide support when requested to assist in responding to acts of terrorism or natural catastrophes.

DWELL TIME

Question. Dwell time goals still are not being met for either the Active or Reserve components, and recent testimony suggests that dwell time will not improve appreciably over the next 12 to 18 months.

In your view, what can be done to increase dwell time for both Active and Reserve component members, and when will these improvements be seen?

Answer. The current programmed growth in capabilities needed to support ongoing operations, as well as the planned reduction in force levels in the OIF campaign, will lead to improved dwell ratios in both Active and Reserve components. As operational demand changes, we will continue to assess the impact to dwell time and make appropriate adjustments.

Question. Would additional Army end strength in 2010 or 2011 improve dwell time ratios and reduce stress on the force?

Answer. Realizing any increase in end strength requires time before operational capability is realized, additional Army end strength in 2010 or 2011 would not provide immediate relief from the current stress on the force. The Department will continue to assess each Service's end strength in light of operational demand and the National Military Strategy.

END STRENGTH OF ACTIVE-DUTY FORCES

Question. In light of the manpower demands of OEF and OIF, what level of Active-Duty personnel (by Service) do you believe is required for current and anticipated missions?

Answer. Both the Army and Marine Corps are growing to 547,000 in fiscal year 2012 and 202,000 in fiscal year 2011, respectively. We continue to assess requirements of the Active-Duty Force as we draw down in OIF and increase our operational presence in OEF. This area is undergoing rigorous review as part of the QDR where we plan to include these recommendations in the President's fiscal year 2011 budget.

MILITARY WOMEN IN COMBAT

Question. The issue of the appropriate role of women in the Armed Forces is a matter of continuing interest to Congress and the American public.

What is your assessment of the performance of women in the Armed Forces, particularly given the combat experiences of our military, since the last major review of the assignment policy for women in 1994?

Answer. Women in our Armed Forces continue to make tremendous contributions to our national defense. They are an integral part of the force and are proven performers in the operational environment and under fire. It is important to understand that DOD policies do not contemplate women being assigned exclusively to positions immune from threats endemic to a combat theater. In fact, women are assigned to units and positions that may necessitate combat actions—actions for which they are fully prepared to respond and to succeed.

Question. Does DOD have sufficient flexibility under current law to make changes to assignment policy for women when needed?

Answer. The current law provides the Department sufficient flexibility to make changes to the assignment policy.

Question. Do you believe any changes in the current policy are needed?

Answer. Not at this time. DOD policy and practices are reviewed on an ongoing basis to ensure compliance and effective use of manpower.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. The Department and the Services have expended great time, effort, and resources towards the development of the Defense Integrated Military Human Resources System (DIMHRS) as a cross-Service, fully integrated personnel and pay system. Achieving a joint, interoperable system was, and continues to be viewed, as a priority; however, the goals of the DIMHRS program have not been achieved. Recent reports indicate technical difficulties will postpone the Army's implementation date and that the Air Force, Navy, and Marine Corps all question the requirement that they adopt the current version of DIMHRS.

What is the status of DOD, and Service by Service, implementation of DIMHRS?

Answer. DIMHRS entered acquisition breach in January 2009. DIMHRS was certified by the Department for continued development of core requirements for each Service to develop as a separate system with a common data warehouse to capture information. The Department, the Services, and the Joint Staff are developing a business case and costing data for several courses of action on how to proceed with DIMHRS development.

Question. What is your current assessment of the need for, and feasibility of, an integrated, cross-Service personnel and pay system?

Answer. I believe the requirement to develop an integrated pay and personnel system is still valid. The need for cross-Service support has not diminished. I will continue to monitor the development efforts and provide advice as needed.

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place?

Answer. Implementation schedules sometimes put unrealistic expectations for process completion ahead of providing a usable product. I would want to ensure the governance bodies of the DIMHRS implementation understand the value of balancing schedules with developing requirements of a viable DIMHRS product.

WOUNDED WARRIORS

Question. In congressional testimony on the fiscal year 2010 budget request, Admiral Mullen has stated that there is, "no higher duty for this Nation, or for those of us in leadership positions, than to care for those who sacrificed so much and who must now face lives forever changed by wounds both seen and unseen." The Chairman has taken an active role in advocating for services and support to the wounded and their families, including those suffering from post-traumatic stress disorder and other mental health conditions.

What is your assessment of the progress made to date by the Department and the Services to improve the care, management, and transition of seriously ill and injured servicemembers and their families?

Answer. We have made great strides since 2004 with respect to treating the seriously wounded. We have gone from having a situation where families had a hard time finding anyone to help manage their problems to a point where families complain that there are too many people and too many voices. We are in the midst of consolidating our many processes through coordinated efforts with our VA partners and the Senior Oversight Committee.

Question. What are the strengths upon which continued progress should be made?

Answer. I believe the greatest strength of the responses thus far has come from the involvement of senior leaders taking full ownership of the problem. At first look, people assumed this was a "medical" problem. Being wounded certainly requires medical care but it also requires personnel actions and transportation of families and pay actions and lots of other things that do not involve the skilled hands of doctors or nurses. The Chairman and I recognize the critical role of line leadership on this issue and every Service program we have today places line leaders in the center of the response.

DEFENSE READINESS REPORTING SYSTEM

Question. In June 2002, the Department issued a directive to replace the current readiness reporting system, yet that replacement is yet to be fully operational.

What challenges still remain in the transition from the Global Status of Resources and Training System (GSORTS) to the Defense Readiness Reporting System (DRRS)

and what is the plan to fully implement DRRS? Have any delays or obstacles been attributed to technological maturity or changing requirements?

Answer. To date, DRRS has developed a capability that enables reporting units to assess their designed and assigned mission readiness, articulated in terms of mission essential tasks. However, additional DRRS development and fielding challenges remain. Specifically, DRRS continues development efforts to replicate those readiness indicators that are migrating from legacy systems to DRRS. Additionally, current efforts are underway to ensure adequate tools are available for each of the Services to report GSORTS data directly into DRRS. Once developed, rigorous functional, interoperability, and operational testing will be necessary to ensure a seamless transition and integration with the Department's command and control systems. According to the DRRS Implementation Office's latest schedule, this testing will be complete in fiscal year 2011. When both capabilities-based MET assessments and resource-based GSORTS data are available in the DRRS we can move toward full implementation. I don't believe any delays or obstacles can be attributed to technological maturity of changing requirements.

Question. The Government Accountability Office (GAO) has reported that significant shortfalls remain in the implementation of DRRS, stability of requirements, adequacy of testing, and overall management and oversight of the program. What is your view on their findings?

Answer. Over the past 2 years, the Joint Staff has provided periodic updates on DRRS development. Those staff updates touched on some of the points you raise in your question. Though I have not read the draft GAO report firsthand, it is my sense that GAO's findings on DRRS are likely consistent with my staff updates. That said, we've added rigor to the DRRS governance process to improve the DRRS deliverables and timeliness, and will explore the report for additional program improvement recommendations.

Question. With respect to DRRS development and implementation, to what extent has the office of the Under Secretary of Defense for Personnel and Readiness worked or coordinated with the Director of Defense Research and Engineering and the Assistant Secretary of Defense (Networks and Information Integration)?

Answer. The DRRS Directive (7730.65) assigned USD(P&R) responsibilities for developing, fielding, and funding of the program. I don't have specific insight into the extent of which they have worked or coordinated outside of ASD(NII) participation as a member of the governance process established in fiscal year 2008.

AIR FORCE TACTICAL AVIATION

Question. General John Corley, USAF, Commander of the Air Force's Air Combat Command, has been quoted as saying, "In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near- to mid-term."

In your personal and professional opinion, does having a fleet of only 187 F–22s put execution of our current national military strategy at high risk in the near- to mid-term?

Answer. No. Overall, the operational risk of having the planned fleet of combat coded F–22s is acceptable. Strategically, it is important to develop proper capability and risk balance while continuing to maintain our technological edge. The Department is striving to have the right capability and risk balance established with our legacy aircraft, fifth generation capability, and unmanned aerial systems.

Question. Do you personally support the Secretary's decision to end production at 187 planned aircraft?

Answer. Yes.

Question. General Corley is also quoted as saying, "To my knowledge, there are no studies that demonstrate 187 F–22s are adequate to support our national military strategy."

Are there any studies or analyses supporting the decision by the Secretary of Defense to halt F–22 production at 187 aircraft?

Answer. Yes. OSD conducted a Joint Air Dominance Study that found the F–22 programmed buy of 187 aircraft was adequate to confront future opponents with robust air-to-air capabilities. The key insight from the analysis was the importance of providing the Air Force, Navy, and Marine Corps with fifth generation capabilities rather than concentrating fifth generation capabilities in one military Service. Additionally, the Joint Staff OA–08 study assessed the sufficiency/proficiency of the F–22 programmed buy. In OA–08, F–22 peak MCO and Steady State demands were found to be sufficiently covered with a total buy of 187.

Question. If there are no studies or analyses, what was the basis of the Secretary's decision?

Answer. Not applicable.

Question. If there are no studies or analyses, what is the basis of your personal and professional position on the appropriate size of the F–22 fleet?

Answer. Not applicable.

IRAQ

Question. What is your assessment of the current situation facing the United States in Iraq, particularly as the withdrawal from urban areas is completed?

Answer. We are on track as we execute a responsible drawdown from Iraq. U.S. and Iraqi officials continue to conduct joint engagements which enhance stability, promote reconstruction, improve transparency, advance regional engagements, and lay the foundation for a diversified, growing economy. We are gradually building the capability and capacity of the Iraqi security forces, and they are stepping into the lead. Our withdrawal from urban areas in Iraq, while continuing to provide training and advice to the Iraqi security forces, demonstrates our commitment to the Security Agreement, and promotes a sovereign, stable, and increasingly self-reliant Iraq. The security situation remains fragile, but Iraqi leaders across all political sects have shown their determination to avoid reverting back to ethno-sectarian violence to resolve disputes.

Question. What do you consider to be the most significant mistakes the United States made in Iraq? Which of these do you believe are still having an impact? Is there anything to be done now to mitigate such impact?

Answer. While I wouldn't refer to this as a mistake, I believe the United States was overly optimistic in gauging how quickly various Iraqi political sects would choose to seek political solutions to problems, rather than choosing violence. We did not anticipate that the collapse of the Saddam regime would lead to an insurgency, and we were slow to recognize the insurgency when it came. I also believe that no one in the U.S. Government could have envisioned just how badly Iraq's infrastructure and its economy had deteriorated. The lack of essential services, health care, viable employment, and internationally compliant law enforcement mechanisms all helped to fuel the insurgency in Iraq.

Our role is to increase the capacity of the Iraqi Government to deal with these issues effectively. Working with the Iraqis, we are effectively defeating insurgent elements attempting to destabilize Iraq. Both General Odierno and Ambassador Hill are heavily engaged in continuing the slow but steady progress. I feel our continued support to Iraq based on the security agreement and President's strategy is the right policy.

Question. What do you believe are the most important steps that the United States needs to take in Iraq to prepare for the end of the combat mission by the end of August 2010 and the withdrawal of all U.S. forces by the end of 2011?

Answer. Per the President's plan, we seek an Iraq that is sovereign, stable, and self-reliant; an Iraqi Government that is just, representative, and accountable; neither a safe haven for, nor sponsor of terrorism; integrated into the global economy; and a long-term partner contributing to regional peace and security. The United States must continue to focus efforts on those sectors most critical to achieving these objectives to solidify the hard-fought gains we have achieved thus far.

On the security front, we must continue to develop the capability and capacity of the Iraqi Ministries of Defense and Interior and assist the Iraqis in developing and fielding the logistics, fire support, intelligence, and other key enablers they will need to be successful in 2012 and beyond. We also need to continue the political reconciliation and economic progress that will be the true foundation of stability.

Question. What do you believe are the prospects for Iraqi political leaders to manage the changes associated with the U.S. withdrawal from urban areas?

Answer. I believe the prospects are good. The Iraqi security forces have continued to improve in their capabilities, and concurrently, the people of Iraq are more confident in the security conditions in their neighborhoods. If you had asked me just 1 year ago if we would see a provincial election cycle which was relatively violence free, which was judged to be credible and fair by the United Nations, and which all political parties in Iraq recognized as fair, I would have expressed serious doubts. While not without incident, all 14 provinces which held elections successfully seated their new provincial councils and governors. We will continue to assist the political leadership to continue their efforts toward reconciliation, and develop provincial governments which are efficient and representative of all the people.

Question. What do you believe are the most important steps that the United States needs to take in Iraq?

Answer. In the near-term, while we recognize that security has improved greatly in Iraq, there are significant milestones on the horizon that are critical steps in our

drawdown. Most notably, successful and legitimate national elections early next year and the subsequent seating of the new government is a critical step in our drawdown plan. Other critical steps to maintaining stability include the central government's capacity to govern effectively and provide essential services, continued GOI commitment to national reconciliation and accommodation (e.g., the Sons of Iraq program), and establishing a solid foundation for the rule of law.

Question. What is your assessment of the capability of Iraqi security forces today? What support in your view will the United States need to provide in the future and over what period of time?

Answer. I concur with General Odierno's assessment that based on current conditions, the ISF are ready to handle responsibilities for security in the cities and urban areas.

Operational readiness continues to improve for both the Ministry of Defense forces as well as the Ministry of Interior. With U.S. assistance in the development and fielding of key enablers, I believe the ISF will be capable of handling internal security, to include counter-insurgency operations, by the time U.S. forces depart in 2012.

Question. What considerations will be factored into a decision regarding whether (and if so, what kind and how much) U.S. military equipment currently in Iraq should be left behind for use by the Iraqi Army?

Answer. Any decision to leave U.S. military equipment currently in Iraq behind for use by the Iraqi security forces will be based a number of factors, including (but not limited to):

- Whether or not the particular item is essential to establishing the Iraqis' ability to defend against internal threats by December 2011.
- The ability to meet the particular requirement through more traditional military assistance mechanisms.
- Whether or not the equipment is deemed excess by the Service that owns it.
- The desire of the Iraqis to have the equipment.
- The ability of the Iraqis to maintain the equipment if it is provided to them.
- The replacement cost to the Services.
- The impact on Services' ability to reset and reposture the forces for current and future global commitments.
- The cost to return particular equipment to the United States and refurbish it compared to its fair market value and remaining useful life.
- Production lead times for new equipment.
- If no other options are feasible, whether or not specific items are so critical to Iraqi security forces' success that it is in the national interest of the United States to provided it to the Iraqis, even if the Services do not declare it as excess (I recognize that the authority for Secretary Gates to do this does not yet exist).

Question. As conventional forces are drawn down in Iraq, the requirement for Special Operations Forces is likely to remain the same or even increase, for the foreseeable future. Special Operations Forces, however, rely heavily on their conventional counterparts for many support and enabling functions including airlift, medical evacuation, resupply, and intelligence, surveillance, and reconnaissance.

What is being done to make sure Special Operations Forces in Iraq are being adequately supported as the drawdown progresses?

Answer. Special Operations Forces continue to play an important role in Iraq. The Joint Staff, Commander of CENTCOM, Commander of Special Operations Command, and Commanders in Iraq will ensure that Special Operations Forces are properly supported as conventional forces are drawn down in accordance with the security agreement and the President's direction. We have coordinated closely with the Iraqi Security Special Forces following the Security Agreement, and we anticipate this close working relationship will continue, to the mutual benefit of both our forces as well as the Government of Iraq. As we do so, we will carefully balance scarce enablers between Iraq and Afghanistan.

AFGHANISTAN

Question. In your view, what are the greatest challenges that U.S. forces face in implementing the administration's strategy for Afghanistan and Pakistan?

Answer. U.S. forces face numerous, complex, challenges in implementing the administration's strategy for Afghanistan and Pakistan: a resilient Taliban insurgency, increasing levels of violence, lack of governance capability, persistent corruption, lack of development in key areas, a porous border between Afghanistan and Paki-

stan, illicit narcotics, and malign influences from other countries. Taken together, these threats to regional stability increase the level of difficulty in implementing the administration's strategy. However, the potential reemergence of al Qaeda or other extremist safe havens in Afghanistan and Pakistan are critical threats to our national security and to our allies, which make it all the more important that the administration's strategy is supported and implemented.

Question. What is your assessment of the long-term prospects for Afghan military forces to effectively provide security throughout Afghanistan?

Answer. The Afghan National Security Forces (ANSF) today (approximately 90,000 Afghan National Army (ANA) and 82,000 Afghan National Police (ANP)) is not of sufficient size to provide long-term security and stability for the people of Afghanistan. I believe the current authorized ANSF force levels (134,000 ANA and 96,800 ANP) should be reviewed on a periodic basis to ensure they are sufficient to support the country-wide security needs.

Question. Do you believe that the current end strength targets of 134,000 for the ANA and 96,800 for the ANP are sufficient or should those end strength targets be increased?

Answer. I believe the current authorized ANSF force levels (134,000 ANA and 96,800 ANP) should be reviewed on a periodic basis to ensure they are sufficient to support the country-wide security needs.

There are two ongoing studies that will help inform our recommendations and decisions regarding the future size and capabilities of the ANSF. The European Community (EC) has commissioned a study, expected to be complete in mid-summer 2009, to assess the required capabilities of the Afghan National Police. The Secretary of Defense also directed a detailed analysis, led by CENTCOM and the Joint Staff, be conducted in order to help us make informed recommendations on options for future end-strength and capabilities for both the ANA and the ANP. This study with assessed courses-of-action is due back to the Secretary on July 29, 2009. If confirmed, I will use the results of both of these studies to make recommendations on the future size and capabilities of the ANSF.

Question. What in your view are the major challenges for accelerating the growth of the ANSF, and how would you recommend addressing these challenges, if confirmed?

Answer. The greatest international community challenge to accelerating the growth of the ANSF is the requirement for mentors for these forces. The greatest Afghan challenge is the development of leadership for the expanded force.

The President's decision in March to deploy the 4/82 Brigade Combat Team (BCT) to provide additional mentors for the ANSF will allow us to meet our ANA embedded training team requirements for the 134,000 Army and will significantly increase the number of ANP police mentor teams. U.S. Counterinsurgency BCTs are also assuming responsibility for police mentors in districts within their battlespace. We must continue to encourage our North Atlantic Treaty Organization (NATO) partners to provide these district mentors in order to build synergy for security within the battlespace and increase the number of districts with police mentor coverage. I also recommend encouraging NATO to use the proposed NTM–A as an opportunity to enhance its training and mentoring of the ANP.

Expanding the leadership capacity of the ANSF requires training and experience and both the ANA and ANP have leadership development programs in place. However, we must also recognize that leader development requires time and we must balance the pressing need for additional growth and progress in leadership with this reality in order to build forces that are self-sustaining over the long-term.

Question. What should be the role of the ANA in preventing cross-border attacks by extremist militants from Pakistan into Afghanistan?

Answer. The Afghan Border Police (ABP) have primary responsibility for border security. The ANA provides direct support and support in depth to the ABP. Operational Coordination Centers (OCCs) are currently being established at the regional and provincial levels to improve information sharing and synchronization of efforts.

Preventing all incursions is difficult due to the length and porous nature of the border. However, practical cooperation between Afghan, Pakistani, and international forces improves border security. Effective military operations along the Afghanistan-Pakistan border areas are key to disrupt and eventually deny safe havens to al Qaeda and the Taliban from which to launch these incursions.

ISAF and USFOR–A must continue to enhance the practical cooperation between ANSF, Pakistani military, and international forces and increase the effectiveness of our counterinsurgency operations. Border and Joint Coordination Centers, regular tripartite engagements at all levels, and counterinsurgency training of Afghan and Pakistani forces are key to these efforts.

Question. NATO has agreed to the establishment of a three-star command within the International Security Assistance Force (ISAF) command structure to oversee the day-to-day execution of the conflict.

What is your assessment of the current U.S. and ISAF command structures in Afghanistan and what changes, if any, do you support to those command structures?

Answer. General McChrystal has proposed a new combined and joint command that would direct the operations of the five regional commands. We are currently in the process of developing the proposed structure for this command with our NATO allies.

General McChrystal and his staff are conducting an initial assessment and his recommendations will more specifically address the proposed operational command and any other structural changes.

Question. Given the challenges that the topography of Afghanistan presents to operations, what are the unique challenges for which the United States needs new or modified equipment?

Answer. The varying topography in Afghanistan limits freedom of movement for U.S. and coalition forces throughout the country which in turn affects movement of personnel and logistical resupply. The current influx of Strykers and additional fixed and rotary-wing assets into Regional Command (RC) South will improve freedom of movement within RC South and southern portions of RCs East and West but will have a limited impact on logistical support.

The U.S. and coalition partners need a more robust capability to counter improvised explosive devices (IEDs). The employment of Mine Resistant Ambush Protected (MRAP) vehicles, uparmored Highly Mobile Multi Wheeled Vehicle (HWWMV), equivalent uparmored vehicles, and Route Clearance companies will improve survivability against IED attacks but the limited terrain clearance and power on these vehicles also limits their capability to traverse rugged terrain. Additional armored vehicles and Route Clearance companies will improve the number of IED finds and personnel survivability during IED attacks.

The U.S. military is investing in improvements to air-delivery capabilities. Austere operating locations throughout Afghanistan do not support normal logistical resupply via surface or air movement. The United States needs an improved air-delivery capability and is accomplishing this by leveraging new technology on existing equipment in order to improve reliability and accuracy of fielded systems. Because of the topography, these improved systems are a critical requirement needed to meet the increasing logistical demands in Afghanistan.

Question. In your view are there adequate intelligence, surveillance, and reconnaissance (ISR) assets available to support requirements in Afghanistan?

Answer. It is our assessment that there are not enough ISR assets to support requirements in Afghanistan and those requirements are growing.

There is a growing requirement for manned and unmanned aerial assets in Afghanistan used to support the NSC strategy and COMISAF's priority intelligence requirements. When employed effectively, these ISR assets are a combat-multiplier for U.S. and allied forces and are able to cue additional platforms for precise intelligence collection. Additionally, the data collected by these systems requires a large amount of processing which must be shared among ISAF, NATO, and other partners including Afghanistan and Pakistan.

Question. What steps do you believe coalition forces and the international community need to take in the near-term to improve the lives of the Afghan people?

Answer. We need to reassure the people of Afghanistan that coalition forces and the international community are committed to helping them develop their country on a long-term basis. In the near-term, we are focused on providing security to the population which will allow us to progress in implementing development projects and building greater governance capacity in the long term.

Question. News reports indicate that Afghan resentment over civilian deaths resulting from U.S. counterterrorism operations and U.S. or NATO airstrikes continues to grow.

What steps, if any, do you believe ought to be undertaken to address the issue of civilian deaths in Afghanistan?

Answer. In addition to the tragic loss of life, I and all the leadership are acutely aware of the negative repercussions resulting from civilian casualties. Any time an innocent person is killed our mission becomes harder and our men and women in Afghanistan fully understand this. We have procedures in place which seek to make every effort possible to avoid civilian casualties because our purpose is to protect the population. However, we are fighting an enemy who conducts operations specifically designed to produce casualties that can be attributed to coalition forces. As such, General McChrystal, as part of his initial assessment, is reviewing all tactical directives as they relate to avoiding civilian casualties.

Question. From your perspective, what are the top lessons learned from our experience in Iraq and how would you apply these lessons in Afghanistan and future conflicts?

Answer. It is important to realize that each conflict is different and you must apply strategies based on the current fight as it relates to the situation on the ground. Having said that I believe one of the greatest lessons learned from Iraq that can be applied to all conflicts is the multi-faceted approach to problem solving and issue resolution. Bringing together the best and brightest from across the spectrum of military, U.S. Government agencies and departments, as well as the leaders of industry, provides for the whole-of-government approach that when applied in concert with each other is very effective and dynamic.

PAKISTAN

Question. Administration officials have said that "no improvement" is possible in Afghanistan without progress in Pakistan, or that you can't succeed in Afghanistan without "solving" Pakistan.

What in your view is the linkage between progress in Afghanistan and developments in Pakistan? Do you agree that the United States should be cautious about tying Afghanistan's future too closely to developments in Pakistan?

Answer. Afghanistan and Pakistan stability are inextricably linked as extremist threats transcend regional boundaries. The strategy we have for Afghanistan and Pakistan is regionally focused in recognition of the fact that what happens in one country affects the other. Clearly, addressing extremist safe havens and cross border activities into Afghanistan from Pakistan is essential to success in Afghanistan. While we continue to enhance our bilateral relationship with each country based on its own merits we cannot ignore the historical, geographic, and economic ties between the two countries or the current security situation by de-linking Afghanistan's future from developments in Pakistan.

Question. What is your assessment of Pakistan's commitment to confront the threat posed by al Qaeda, the Taliban, and other militant extremists in its western territory?

Answer. Pakistan's leaders recognize that extremist groups pose a great threat to Pakistan's national security. However, Pakistan must take sustained action, including engaging extremist groups within its borders and following operations with humanitarian assistance, in order to mitigate this threat. Recent operations in the North West Frontier Province are a promising start, and we are watching closely to see whether these operations are sustained and continued effectively into other extremist areas in western Pakistan. U.S. leaders engage regularly with the Government of Pakistan to convey both our concern about these threats and our political support and we are augmenting their efforts through military and economic assistance.

Question. Do you agree that in order for U.S. military assistance to Pakistan to be effective, Pakistan's leadership must make it clear to the Pakistani people that confronting the threat poised by al Qaeda, the Taliban, and other militant extremists is essential for the sake of Pakistan's own security interests?

Answer. Indications from Pakistan senior leadership and outside observers are that Pakistan's military operations along the border currently have support of the Pakistani population as the Pakistani people are becoming increasingly aware of the threat poised by militant extremists. Clearly, it is important for the Government of Pakistan and the Pakistan military to have support of the population for these operations, and without it U.S. military assistance could not be as effectively employed. We also understand that the population needs to see a whole-of-government approach to the problems Pakistan faces or support for the government and military operations could erode. Our broad assistance efforts support this by not only improving Pakistan's military/security capabilities, but also assisting the Government of Pakistan to improve education, agriculture, job creation and long-term economic development, as well as governance, in order to improve the lives of the Pakistani people.

Question. The Intelligence Community assesses that Pakistan's Federally Administered Tribal Areas along the border with Afghanistan provide a safe haven for al Qaeda and other extremists supporting the Taliban led insurgency in Afghanistan.

In your view, should the Pakistan Government be doing more to prevent these cross border incursions, particularly across the border between Baluchistan, Pakistan, and Kandahar Afghanistan?

Answer. The Pakistan Government and security forces face many challenges along the border including rugged terrain and isolated regions, lack of capacity and capability for conducting counterinsurgency and border operations, as well as a popu-

lation in this region that has historically been autonomous and independent from central rule. U.S. senior military and government leadership continually engage with Pakistani counterparts on the importance of preventing cross-border activities and on ways that U.S./coalition, Afghanistan, and Pakistan can work together to improve border security. We have seen improvements in this cooperation though we have not yet achieved the level of effectiveness we need to reduce extremists' abilities to cross into Afghanistan and conduct operations.

Question. What is your assessment of the current level of cooperation between Afghanistan and Pakistan in confronting the threat of militant extremists in the border region?

Answer. The relationship between the Governments of Afghanistan and Pakistan has improved significantly from just a few years ago and the leadership of both countries continues to engage in discussion and broadening the relationship and cooperation. This cooperation also occurs at the lower levels through border coordination and other activities to meet the extremist threats in the border region. There is more that can be done and the United States continually works to facilitate and improve the cooperation between these two countries and with the coalition on the Afghanistan side of the border.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION

Question. The Department has taken inconsistent positions on the disposition of ad hoc, but critical, entities created to respond to the urgent needs of combat forces in Iraq and Afghanistan. The Secretary of Defense has recently stated in testimony before the Senate Appropriations Committee, Subcommittee on Defense, that the ISR task force should be phased out, while at the same time, the Department has decided to institutionalize Joint Improvised Explosive Device Defeat Organization (JIEDDO). Some have expressed concern about the possible hasty demise of the ISR task force, and others have expressed concern about the premature decision to make JIEDDO permanent. While the JIEDDO reports to the Deputy Secretary of Defense, the Office of the Joint Chiefs of Staff plays an active role in reviewing and validating urgent operational needs emerging from Iraq and Afghanistan.

What are your views of JIEDDO and its role within the Department and within the Department's process for responding to urgent operational needs?

Answer. The JIEDDO is effective in its mission to lead, advocate, and coordinate the Department's C–IED efforts in support of combatant commanders. They are a highly valued capability that continues to demonstrate the agility to respond quickly to urgent operational needs by providing essential material and nonmaterial solutions to counter known, newly deployed, and emerging IED threats.

Question. What are your views of the criteria the Department is using to determine which institutions should become permanent and which should not, and to demonstrate how these criteria arc being consistently applied across organizations?

Answer. Organizations are often created in response to shortfalls identified by combatant commanders. There are several venues, including Senior Warfighter Forums and Deputies Advisory Working Groups (DAWG), to review and make recommendations to the Department leadership as to whether an organization should become permanent. In the case of JIEDDO, the C–IED SWarF and the DAWG concluded that the nature of the IED threat and continued combatant commanders' need for rapid solutions necessitated an enduring organization with the agility to rapidly respond to changing urgent operational needs. I will recommend the ISR Task Force be included until such time as warfighter needs can be met by such programs.

COUNTERNARCOTICS

Question. Recently, senior U.S. Government officials have indicated that the United States will begin to increase alternative crop development, public information, and interdiction programs, rather than continuing or expanding ongoing eradication efforts. This has been viewed as a u-turn of the U.S. counternarcotics strategy in Afghanistan and has been greeted with skepticism from some senior Afghan officials.

What is your view of this ongoing change in strategy?

Answer. I understand the U.S. Government's intent to rebalance its counternarcotics strategy and I support this effort because I don't think that crop eradication alone is the right approach. I believe we need a multi-pronged approach that targets laboratories, traffickers and movement of drugs, and facilitators at the same time we work to provide alternative income opportunities for farmers.

Question. What is your assessment of the eradication policy the United States has pursued in recent years?

Answer. The efforts of the U.S. Government to support and fund the Afghan Government's eradication efforts have shown little success. The funding and energy for eradication programs should be redistributed to other counternarcotics activities that have proven far more successful such as interdiction, public information, and alternative development.

Question. Do you believe that this shift in policy is adequately resourced?

Answer. If the resources dedicated to the elimination pillar of the U.S. counternarcotics strategy were redistributed to interdiction, rule of law, public information, and alternative development this would be a step in the right direction. However, General McChrystal is currently conducting an initial assessment for the Secretary of Defense, and I would defer to the outcome of his assessment to determine if the shift in counternarcotics policy is adequately resourced.

Question. What role do you believe DOD will play in each component of the new strategy?

Answer. The same roles will be played by DOD in the four pillars that do not involve poppy elimination: public information, interdiction, alternative development, and rule of law. DOD currently supports the poppy elimination pillar through the development, training, and deployment of the Counternarcotics Infantry Kandak (CNIK), and provides in-extremis support to poppy eradication activities when insurgents use violence to react to eradication missions. If U.S. Government support to Afghan Government eradication activities ends, the CNIK will be reintegrated into the ANA and in-extremis support to Afghan Government eradication efforts will have to be reviewed on its contribution to the counterinsurgency mission.

A nexus exists between narcotics and the insurgency as well as corruption and criminality. Recent decisions by the NATO Defense Ministers and the Secretary of Defense, at the request of the Afghan Government, provided the guidance and authorities for both ISAF forces and the U.S. military to target the trafficking and production of narcotics where the nexus exists. Additionally, the recent change to DOD's international counternarcotics policy enabled more robust support and integration of capabilities with civilian law enforcement agencies operating in Afghanistan.

COUNTERDRUG OPERATIONS

Question. DOD expends more than $1 billion per year in the fight against illegal narcotics trafficking. For much of the last 2 decades, the fight against illegal narcotics has taken place within the Western Hemisphere, but in recent years, counternarcotics operations have expanded to Afghanistan, West Africa, and Asia. U.S. commanders in Afghanistan have identified success against narcotics traffickers as fundamental to the success of their mission to root out the Taliban and al Qaeda. Despite this expanding focus to other parts of the globe and the focus of U.S. commanders in Afghanistan, the Department often views counternarcotics operations as the job of Federal law enforcement agencies.

Please discuss your views of the DOD's counternarcotics mission and the tension that exists within the Department about the proper role of the military.

Answer. DOD is the lead Federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States (title 10, U.S.C. 124). We play a valuable role in support of the counterdrug activities of Federal, State, local, and international partner law enforcement agencies through entities such as Joint Task Force-North, a component of U.S. Northern Command located in El Paso, TX; Joint Interagency Task Force-South located in Key West, FL; Joint Interagency Task Force-West located in Hawaii. DOD is a full partner in numerous interagency counterdrug and intelligence and operational "fusion centers" located throughout the country including the El Paso Intelligence Center and the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas. In addition, DOD supports 54 State and territorial counterdrug task forces through the National Guard's Counterdrug Governors State Plans (32 U.S.C. 112). The focus of these 2,600 National Guard soldiers and airmen is to leverage DOD resources and unique capabilities and to act as catalysts to better coordinate State and local law enforcement efforts with those of the Federal Government in attacking both the supply and demand for illicit drugs in our Homeland.

I do not believe there is tension within the Department about the proper role of the military. DOD has a responsibility to ensure our military members support interagency activities that adhere to constitutional and legal restrictions, add measurable value to our whole-of-government counterdrug efforts, and enhance the readiness of our military and civilian members.

COLOMBIA

Question. What changes, if any, would you recommend for the role of the U.S. military in Colombia?

Our relationship is maturing from patron to partner, and Colombian gains against illegally armed groups approach "irreversibility" (the point at which illegally armed groups are controllable by the police rather than the Armed Forces). Nonetheless, I would not, at this time, recommend a role change for the U.S. military in Colombia. Rather, we must continue to vigorously apply U.S. resources, to include high demand/low density assets that fill critical capability gaps, while further enabling the development of military institutions that will strengthen a nascent strategic partner. DOD's security assistance effort will remain completely synchronized with the U.S. Ambassador's Colombia Strategic Development Initiative.

What is your assessment of the progress achieved by the Colombian armed forces in confronting the threat of narcoterrorism?

Answer. The Colombian armed forces successes against narco-terrorists under the Uribe Administration are unquestionably significant, with tens of thousands of paramilitaries demobilized, the National Liberation Army no longer a relevant threat, and the Revolutionary Armed Forces of Colombia reduced by nearly 50 percent. However, although approaching the tipping point of "irreversibility," more progress is required. Our security assistance must not stop at the 10-yard line, but rather ensure the Colombians cross the proverbial goal line.

IRAN

Question. What options do you believe are available to the United States to counter Iran's growing influence in the Middle East region?

Answer. Clearly, Iran an important, yet troubling, regional actors with regard to Iraq, Afghanistan, Lebanon, Gaza, and the remainder of the broader Middle East region. We fully support the administration's current approach of attempting to initiate engagement with Iran, essentially offering an unclenched fist. Should Iran choose to not accept these overtures, I believe it will be necessary to deliberately increase pressure in a carefully executed progression that includes a broad spectrum of partners. I also believe that our efforts at engagement only increase the likelihood that our partners will increase their pressure in concert. This increased pressure must begin with diplomatic and economic initiatives with regard to Iran, to include U.N. actions (both sanctions and financial measures), regional initiatives, and other forms of international pressure.

We also fully support the Department of State's Gulf Security Dialogue (GSD) initiative to reassure our regional partners, including military aspects such as capacity building, border security, missile defense, and proliferation security initiatives. The GSD seeks to reassure our regional partners of U.S. commitment, change Iran's strategic calculus, and stop Iranian nuclear proliferation and sponsorship of terrorist organizations. The GSD seeks to bolster the capabilities of our regional partners (with the United States and others) to deter and defend against conventional and unconventional threats. It includes arms sales and other forms of assistance to include improving port security and protecting the key energy infrastructure of our regional partners and allies.

Question. Do you believe that a protracted deployment of U.S. troops in Iraq or Afghanistan could strengthen Iran's influence in the region?

Answer. The size and duration of U.S. and coalition force deployments are dependent on a number of factors, principally focused on the progress of security, development, and governance within those two countries. Moreover, we have clear guidance on conducting a responsible drawdown from Iraq, which is executing on time. While our presence in Iraq and Afghanistan is not oriented towards Iran, the surest way to ensure Iran's influence in the region is measured and positive is to enable capable and confident states within the entire region, including Iraq and Afghanistan.

Question. In your view, does Iran pose a near-term threat to the United States by way of either its missile program or its nuclear program?

Answer. Open source reporting indicates that the U.S. Government does not expect Iran to have a nuclear weapons capability until mid to next decade (2010 to 2015). Open source reporting indicates that Israel assesses that Iran could have a weapon by late 2009. Iran does have the capability with their arsenal of short-, medium-, and intermediate-range ballistic missiles to threaten U.S. friends and allies in the region. Their multiple recent weapons tests and successful launch of a satellite earlier this year are indications of their advances in missile technology.

While these programs will not threaten the Homeland in the near-term, acquisition of nuclear weapons and missile delivery capabilities will embolden Iran to fur-

ther threaten U.S. and partner interests in the region. These threats include Iranian use of proxies in Afghanistan, Lebanon, Palestinian territories, on the African continent, and even in the tri-border region of South America for example. Ultimately, these capabilities could directly threaten the United States.

Question. If you believe either of these programs pose a near-term threat, what in your view are the best ways to address such a threat?

Answer. As I stated earlier, we want to continue to support the current diplomatic initiatives with regard to Iran, to include U.N. actions, regional initiatives, financial measures, and other international pressure. We encourage Iran to fulfill its responsibility with regard to international agreements to the Nonproliferation Treaty and the additional protocol. (Background: The Nonproliferation Treaty is an international treaty signed in 1968 to limit the spread of nuclear weapons. Iran is a signatory.)

Question. Other than nuclear or missile programs, what are your concerns, if any, about Iran?

Answer. Malicious Iranian activities throughout the region include the use of proxies to extend Iranian influence into sovereign nations by providing weapons, technology, training, and finance. We are concerned Iran's activities will negatively impact stability and potentially impact the regional economy. It is important to maintain and strengthen our relationships with our regional partners and allies by continuing to build their security capacity. We will continue to work in close coordination with all applicable U.S. Government departments to ensure our policies toward Iran assume a regional approach.

Question. What concerns, if any, does the election related unrest in Iran raise from a military perspective?

Answer. We are concerned that the growing strength of Iran's Islamic Revolutionary Guard Corps over Iranian politics will result in the militarization of Iranian foreign policy. Nonetheless, we do not project any significant changes to Iran's overall foreign policy objectives. However, should the political unrest continue, it is possible that Iran could attempt to create an incident or other crisis that would draw its population's attention away from internal strife and towards a perceived common threat. Our forces are acutely sensitive to the need to avoid such an incident or crisis.

STRATEGIC COMMUNICATIONS

Question. Over the past few years, DOD has funded a growing number of counterterrorism and counterradicalization strategic communications programs. DOD does not have a separate budget outlining its strategic communication activities, but the GAO reports that DOD "spent hundreds of millions of dollars each year" to support its information operations outreach activities, including recent initiatives funded by the JIEDDO and geographic COCOMs. Many of these ongoing programs are in support of operations in Iraq and Afghanistan, but Military Information Support Teams from United States Special Operations Command are also deploying to United States embassies in countries of particular interest around the globe to bolster the efforts of the Department of State and the U.S. Agency for International Development (USAID).

What are your views on DOD's strategic communications role and its integration into overall U.S. foreign policy objectives?

Answer. Strategic communication—the process of orchestrating our actions, images, and words to achieve U.S. objectives—is a critical component of DOD's activities in support of national security. However, the Department of State is the designated lead for U.S. Government strategic communication efforts, and in conjunction with the National Security Council, identifies the key national objectives for strategic communication engagement. DOD strategic communications efforts support these national priorities. We believe they have been particularly effective in Iraq, and we are determined to improve our efforts in Afghanistan. It's my view that U.S. foreign policy goals are best accomplished through whole-of-government efforts focused on engaging and listening to target audiences, then acting and communicating those actions in a manner that promotes our shared interests with the world. Strategic communication is vital in ensuring that our Department's activities support these higher-level policy objectives.

Question. What is your view of the apparently expanded role of the U.S. military in supporting U.S. strategic communications programs led by the State Department and the USAID in countries other than Iraq and Afghanistan?

Answer. I believe this is a good news story that highlights our emphasis on security, diplomacy, and development. DOD has a long history of providing support to the Department of State and USAID programs worldwide and will continue to sup-

port country teams and the interagency wherever and whenever appropriate. I'm satisfied with the expanded role but need to emphasize that a whole-of-government approach is required for the programs that we support and DOD's resources are not limitless. Nevertheless, we do have significant resources and capabilities which reinforce and enhance State's and USAID's efforts. These resources and capabilities, together with the personnel who have the skill sets, are critical to our programs led by the State Department and USAID as part of the national strategic objectives for any particular country or region.

U.S. RELATIONS WITH RUSSIA

Question. U.S. relations with Russia, although strained over a variety of issues, have recently improved in some areas. If confirmed, do you believe that there are any opportunities to improve relations through military-to-military programs, or other actions that you would recommend be taken?

Answer. President Obama is establishing a positive working relationship with Russian President Medvedev, which contributes immensely toward resetting our relations with Russia. This will afford us excellent opportunities to make headway in the realm of military cooperation. Both sides realize that the military-to-military relationship is a pivotal and stabilizing element to the broader bilateral security relationship. CJCS and the Russian Chief of Defense signed a Military Work Plan during the 6–7 July Presidential Summit in Moscow which contains events that will allow us to construct a more robust working relationship. We have agreed with our Russian counterparts to focus our exercise and training Work Plan on areas of cooperation to include counterpiracy operations, combating terrorism, missile defense, search and rescue, and maintaining peace in unstable regions. In addition, we seek to establish direct counterpart relationships between the Joint Staff and Russian General Staff that can facilitate issue mitigation.

Question. You have testified before this committee and spoken on the potential for missile defense cooperation with Russia. What are the first steps that could be take in this area?

Answer. I believe there is great potential to cooperate with Russia on missile defense. I would not want to speculate at this time on what specific cooperative programs our countries could develop, as we currently have an internal governmental review on missile defense underway and our consultations with the Russians are in the developmental stage. I can envision that opportunities to cooperate on missile defense could begin with more detailed transparency, information exchanges, and exercises.

Over the past 3 months, the United States and Russia have discussed opportunities to increase transparency through the exchange of ballistic missile warning information. The Joint Data Exchange Center (JDEC) was conceived as a way for both countries to work together to reduce risk of a false attack warning. A JDEC Memorandum of Agreement, originally signed in June 2000 by former Presidents Clinton and Putin, pledged to establish a joint operations center to be manned by both Russian and U.S. officers.

In May of this year, Ambassador Steve Mull led a U.S. delegation to Moscow and expressed our desire to implement the JDEC agreement as an important step towards greater cooperation. We are hopeful the final details will be addressed between our two nations within the coming months so we can move forward.

Continuation of exercises such as the U.S.-Russian Missile Defense Cooperation Program would be a reasonable expectation, though I do not expect that it would resume this year. This program began in 1996 and has resulted in six major U.S.-Russian Federation exercises being conducted during the last 12 years in both the United States and in Russia. Since U.S. and Russian Federation experts last met in July 2007, the U.S. delegation has also continued to work on developing a U.S.-Russian Federation wargame to be hosted in the United States. This wargame was developed with the concept of working issues related to a simulated U.N. agreement to support a friendly nation under missile threat from a neighboring possible hostile country. The wargame was for U.S. and Russian Federation forces to work the deployment, employment, and sustainment of their missile defense forces in this simulated theater. Such cooperative projects have proven to be very constructive to our mutual security objectives and could represent the initial stages of what could be done.

Question. In your view, what are the specific actions that could be taken in other areas such as space and where would additional cooperation be beneficial?

Answer. DOD has worked closely with the State Department to engage the Russian Federation in the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS). Efforts focus on initiatives we term "Transparency and Con-

fidence Building Measures" or TCBMs. TCBMs attempt to preserve the space environment and ensure safe and responsible operations for the benefit of all space-faring nations. With Russian support, an agreement was reached within the past few years in the COPUOS on "Space Debris Mitigation Guidelines". These voluntary measures will reduce the amount of debris created by newly launched satellites and boosters, significantly increasing space flight safety.

The United States and Russia have also been engaged in cooperative civil space applications in human and robotic space flight, space science, space applications and technologies, and the monitoring of the global environment. Cooperation between the Russian Federal Space Agency and NASA is especially close with regard to the resupply, operations, and maintenance of the International Space Station. This cooperation will become even more critical in the coming years with the stand-down of the shuttle fleet.

As we move forward, the Department continues to explore opportunities for cooperation in space. This issue is a specific focus area to be addressed as part of the congressionally-directed Space Posture Review.

Question. Recent NATO exercises in Georgia and upcoming Russian regional exercises have continued the high level of tension. In your view, what steps should the U.S. military take to train and supply Georgia, without further escalating tensions between Georgia and Russia?

Answer. Like Russia, the United States engages in military exercises and security cooperation with a broad range of allies and partners in order to enhance our abilities to cooperate in operational missions and to support their aspirations to become contributing members to Euro-Atlantic security. These are also necessary and prudent courses of action to address the myriad security challenges we and our allies face in the foreseeable future. That said, we are committed to regional peace and stability and will continue to emphasize transparency and enhanced communication in our military cooperation efforts with both Russia and Georgia. We are also grateful that Georgia has offered to participate in the International Assistance Force in Afghanistan.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207).

What should be our strategic objectives in building the capacities of partner nations?

Answer. Building foreign partner capacity is fundamental to our security strategy and will remain so for decades. Its most immediate impact is to enable many of our partners to counter extremist groups that threaten their stability and that may present a direct threat to the United States. It is critical to support and enable our partnerships with other U.S. Government agencies and key allies and friends abroad in order to improve policy, planning, and execution of national and homeland security missions. It also reinforces with our partners the notion of civilian control of the military.

Question. What is your assessment of these temporary capacity-building authorities, in particular section 1206 and section 1207?

Answer. We are grateful for these authorities, and there are countless examples of their effectiveness. Although created in response to particular contingencies, these programs have proven useful in putting the U.S. Government on a stronger, more flexible security footing. They remain an absolutely vital tool cited by combatant commanders, and I hear repeatedly from them how important dependable authority and funding is for them to be able to adequately plan their theater security cooperation activities. Specifically these authorities:

- Save lives and reduce stress on our forces by helping partners solve problems before they become crises requiring U.S. military interventions.
- Create networks of partners. The United States does not have sufficient military forces to deny terrorists sanctuary everywhere in the world; nor will we ever. So we must rely on partners; help build their capacity; and help create networks of partners working together to counterterrorism. It takes networks to defeat networks.
- Capitalize on partner capabilities. If properly trained and equipped, foreign forces can be more effective than U.S. forces because they know the language, politics, and human terrain.

- Reduce U.S. footprint. Large U.S. military footprints abroad can be used by the enemy as a recruiting tool. Capable foreign forces can alleviate large U.S. footprints.
- Reduce terrorist capability. The United States is at peace with many countries where terrorists enjoy sanctuary, so we must work with and through them to reduce terrorist capability.

Question. What should be the relationship of the global train and equip authority to other security assistance authorities, such as DOD counternarcotics assistance and State Department foreign assistance and foreign military financing?

Answer. The authorities mentioned above all contribute to national security through building partner capacity, each with its own unique benefits and applications. We fully intend to apply these programs as designed.

Secretary Gates has been a strong and vocal proponent of DOD's authorities for building partnership capacity. Because Congress requires the Secretary of State and Secretary of Defense to jointly formulate and implement projects, both 1206 and 1207 have served as instruments of interagency cooperation—bringing State, USAID, and DOD together in applying a strategic, "3D" lens to country assistance. The different perspective each organization brings helps the U.S. Government look at country assistance holistically and place country-specific requirements in a broader regional and global context. As such, I see an enduring need for a flexible, responsive program that requires all "3Ds" to craft innovative country assistance programs designed to prevent or respond to crises.

INTEGRATION OF SPACE PROGRAMS

Question. What is your view on the need to institute a more integrated approach to both the military and intelligence sides of the space community?

Answer. I agree strongly with the need to integrate military and intelligence space capabilities. Members of both communities participate in a number of joint bodies; we are jointly developing programs, and at senior levels have very integral relationships. However, when the needs of either diverge to the extent that solutions impose impractical cost on the government, consideration should be given to potential independent complimentary solutions.

Question. The Air Force is also working on space programs with civilian agencies and there may be the opportunity or the need for additional cooperative programs. The National Polar-orbiting Operational Environmental Satellite System (NPOESS) program is the subject of a very critical review that fundamentally questions whether cooperation is workable.

What are your views on the future of interagency space programs?

Answer. I support interagency space programs as we continue to look for efficiencies. We must be pragmatic about finding common ground that will allow all stakeholders to affordably reach a good enough solution.

SPACE PROGRAM MANAGEMENT

Question. In many instances the military and intelligence space programs have experienced technical, budget, and schedule difficulties. In some instances these difficulties can be traced to problems with establishing realistic, clear, requirements and then maintaining control over the integrity of the requirements once established.

How in your view can or should the space systems requirements process be improved?

Answer. While encouraged by the improvements that have been made to space system requirements and acquisition process over the last several years, the space systems requirement process could be further improved with additional collaboration and coordination between the JROC and the DNI's Intelligence Resources Board. This would result in increased vigilance and scrutiny of the space requirements process. Additionally, where appropriate, adoption of commercial practices could help reduce the requirements approval time.

Question. In many circumstances space programs take many years from conception to launch. The result is that the technology in the satellites is significantly outdated by the time the satellites are launched and operational, which in turn, can lead to a decision to terminate a program early, and look to a newer technology. This vicious cycle results in significantly increased costs for space systems as sunk costs are never fully amortized.

How in your view can this cycle be addressed?

Answer. This cycle can be addressed by reducing the complexity of spacecraft and lift vehicles, designing smaller, lighter single-purpose satellites rather than complex multi-purpose satellites which must be suboptimized to perform a variety of mis-

sions, by adopting commercial practices to streamline the design and manufacturing process and by pursuing a "block build" strategy that allows for infusion of new technology as programs progress.

OPERATIONALLY RESPONSIVE SPACE

Question. Do you support the concept of operationally responsive small satellites and what do you see as the most promising opportunities for small satellites?

Answer. Yes. The concept can rapidly provide space capabilities to the emergent or near-term needs of the warfighter in a rapidly changing environment. This will enable the warfighter to integrate space capabilities when and where needed to produce the desired effect.

PROMPT GLOBAL STRIKE

Question. As Commander, U.S. Strategic Command, you made development of a conventional, non-nuclear, prompt global strike capability a priority, and you have carried that priority into your current position.

What is your vision of the capability that should be developed for prompt global strike and the types of targets that would underpin the need to develop the capability?

Answer. The capability should be one that provides for prompt execution, precise targeting, lethal conventional effects, and sufficient range to hold time-sensitive or inaccessible targets at risk, from U.S. operating locations. Prompt global strike should also serve as an alternative to comparable nuclear weapons, particularly where the use of nuclear weapons would be inappropriate.

CURRENT NUCLEAR WEAPONS STOCKPILE

Question. In your view is the current nuclear weapons stockpile safe, secure, and reliable?

Answer. Yes. As part of the 2008 annual report to the President on stockpile assessments, the directors of the national laboratories and the Commander, U.S. Strategic Command reported on the safety, reliability, performance, and military effectiveness of the nuclear weapons stockpile. They are confident the nuclear stockpile is not only safe but will perform as intended. I share their opinion, however we must now begin the investment necessary to ensure the same levels of safety, security, and reliability in the future.

Question. As Commander of U.S. Strategic Command, and now as a member of the Nuclear Weapons Council, you work closely with the National Nuclear Security Administration and its stockpile stewardship program.

What, in your view, are the longer-term stockpile stewardship goals and what are the key elements that should be addressed from a DOD perspective?

Answer. Without a doubt, the key to sustaining our nuclear weapons capabilities is to gradually replace our existing legacy warheads with modernized warheads of comparable capability with greater safety, security, and reliability. Additionally, modernized warheads should be less sensitive to manufacturing tolerances or to aging of materials. To do this, we must begin now to transform the supporting nuclear weapons research, development, and manufacturing infrastructure.

Question. In your view, is the stockpile stewardship program providing the tools to ensure the safety, reliability, and security of the nuclear weapons stockpile without testing, and if not, what tools are needed?

Answer. To date, the stockpile stewardship activities have enabled us to maintain a safe, reliable, and secure stockpile without testing. However, confidence in the overall reliability and military effectiveness of the nuclear stockpile continues to decline due to aging, the accumulated effects of weapon changes, and discoveries of various anomalies in the weapons. As I stated earlier, we need to invest in modernizing both our infrastructure and the stockpile. Consistent with the recommendation from the Strategic Posture Commission, we can best manage risk in ensuring the surety of the stockpile for the future by applying a spectrum of options that includes warhead refurbishment, warhead component reuse, and warhead replacement. Refurbishment alone remains an important near-term option but is insufficient to manage our long-term risk. While a mid-term reuse strategy can enable limited improvements in reliability and surety, replacement allows for the greatest flexibility in achieving the required reliability and surety characteristics for the future. However, we must have a fully responsive research, development, and production complex that allows warhead replacement in order to achieve these surety and reliability gains.

REDUCTIONS IN NUCLEAR WEAPONS

Question. The President has made a commitment with Russian President Medvedev to bilaterally reduce the number of operationally deployed nuclear warheads.

Do you believe reductions in the total number of warheads, both reserve and operationally deployed, are feasible?

Answer. The United States has made a commitment to reduce nuclear weapons and their role in our national security strategy, and to strengthen our nonproliferation treaties. The military supports these commitments. So long as DOD and DOE are able to take the necessary actions to ensure that the nuclear arsenal we keep remains safe, secure, and effective, then reductions are possible within mutually agreed limitations.

Question. Do you believe reductions in the total number of START accountable delivery systems could also be reduced in a bilateral context?

Answer. Yes.

Question. If your answer to the two questions above is yes, how should capabilities and requirements be evaluated to identify which warheads and delivery systems could be retired and dismantled?

Answer. The NPR is currently underway and will analyze and make recommendations to senior leaders as to the appropriate nuclear weapons mix and force structure necessary to carry out the nuclear mission within our national security strategy.

As directed by Congress, the NPR is a comprehensive review of:

(1) The role of nuclear forces in U.S. military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among U.S. nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the U.S. national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the U.S. national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the U.S. national and military strategy, including any plans for replacing or modifying the warheads.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. Do you support U.S. accession to the United Nations Convention on the Law of the Sea?

Answer. I strongly support the U.S. accession to the United Nations Convention on Law of the Sea. The United States is the only permanent member of the U.N. Security Council and the only Arctic nation not a party to the Convention. With 157 nations party to the Convention, we are one of very few non-party nations, together with North Korea, Iran, Syria, and Venezuela.

The Convention codifies navigational rights and freedoms that are essential to the global mobility of U.S. Armed Forces and the sustainment of combat forces overseas. Moreover, the Convention codifies the right of warships to seize pirates and pirate vessels, the right of warships to approach and visit commercial vessels, the right to lay and maintain submarine cables (such as internet cables) on foreign continental shelves, and the sovereign immunity of warships and public vessels. Joining the Convention now allows us to "lock in" these rights and freedoms and puts us in the best position to protect them against encroachment from foreign coastal states.

Question. How would you answer the critics of the Convention who assert that accession is not in the national security interests of the United States?

Answer. Our nonparty status is currently having a negative impact on the national security interests of the United States. It creates a seam in combined operations, denies us a "seat at the table" when the parties interpret or seek to amend the Convention, and requires us to rely on customary international law as the legal basis for our activities in and above the maritime domain. It is adversely affecting our ability expand the Proliferation Security Initiative, and our ability to effectively counter the People's Republic of China's sea denial strategy in the East and South

China Seas, which is based on a distorted interpretation of the Convention. In contrast, accession to the Convention, the bedrock legal instrument for maintaining order in the maritime domain, will support our security strategy of building and sustaining a coalition of nations dedicated to the rule of law. Nothing in the Convention undermines our ability to conduct military operations; rather, the provisions of the Convention reinforce our international mobility, operational flexibility, and optimize the protection of our national security interests.

TREATMENT OF DETAINEES

Question. The Constitution, laws, and treaty obligations of the United States prohibit the torture or cruel, inhuman, or degrading treatment or punishment of persons held in U.S. custody.

If confirmed, will you take steps to ensure that all relevant DOD directives, regulations, policies, practices, and procedures applicable to U.S. forces fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, I will. The U.S. military is firmly committed to the proper safeguarding and care of detainees in our custody. We will ensure that our policies, practices, and procedures are in accordance with domestic law and our obligations under international law and the Geneva Conventions.

Question. Do you support the standards for detainee treatment specified in the Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes. I do support the standards outlined in the documents you quote and I will ensure that we continue to operate a safe, humane, legal, transparent, and professional enemy combatant detention operation that adheres to our obligations under U.S. and international law, and reflects the highest standards and values of the American people.

BALLISTIC MISSILE DEFENSE

Question. Secretary Gates has stated on a number of occasions that he believes there is potential for cooperation between the United States and Russia on missile defense, and Russia has suggested the idea of sharing early warning and surveillance data from its Garbarla radar in Azerbaijan, and its Armavir radar in southern Russia.

What do you believe is the potential for U.S.-Russian cooperation on missile defense, and are there steps you believe we should explore with Russia?

Answer. The United States is committed to working with Russia on a range of issues, including missile defense. Our experts are exploring cooperative opportunities that would complement our missile defense architecture. The radars Secretary Gates mentions would provide helpful information for early ballistic missile warning detection in the event of an Iranian missile attack. The Department will continue to work towards identifying areas where cooperation is mutually beneficial for both countries as part of the congressionally-directed Ballistic Missile Defense Review.

Question. With the fiscal year 2010 budget request, Secretary Gates has refocused the Department's missile defense program on effective theater missile defenses to protect our forward deployed forces, allies, and friends against existing short- and medium-range missile threats from nations like North Korea and Iran. The budget request would provide $900 million in increased funding for more of the Terminal High Altitude Area Defense (THAAD) and Standard Missiles–3 interceptors, and more Aegis Ballistic Missile Defense (BMD) ships.

Do you agree with Secretary Gates' decision to increase the focus on effective theater missile defenses to defend our forces against existing regional (short- and medium-range) missile threats from nations like North Korea and Iran?

Answer. Yes. Our forces are increasingly threatened by shorter-range ballistic missiles and the proliferation of dangerous technologies among rogue regimes and non-state actors. In addition, states like Iran and North Korea continue development of longer-range ballistic missiles with which to coerce the United States and our allies and friends.

Question. The administration is considering a number of options for possible missile defense in Europe against a potential future Iranian missile threat, including the previously proposed deployment of missile defense capabilities in Poland and the Czech Republic.

From a technical standpoint, do you believe there are a number of options for a missile defense in Europe, and do you believe a land-based Standard Missile–3 interceptor could provide a useful capability against future Iranian missile threats, both to Europe and potentially to the United States?

Answer. Yes. I believe there are a number of technical alternatives for missile defense architectures in Europe. Land- and sea-based SM–3 interceptors, along with the necessary sensors and warning from both ground and space, could be key components of an alternative technical architecture.

Question. The fiscal year 2010 budget request for the Missile Defense Agency includes an initiative to develop the capability to intercept ballistic missiles early in their flight, sometimes referred to as the "ascent phase." This imitative would use the Standard Missile–3 interceptor and existing and near-term sensors. If this capability is successful, it could permit the United States to intercept long-range missiles from nations like North Korea well before the Ground-based Midcourse Defense (GMD) system would have to be used to defend the Nation.

What is your view of the potential value of an ascent-phase capability?

Answer. An early-intercept capability would improve defense of theater areas and the Homeland, and we are considering options for that potential capability. This defense capability would allow more intercept opportunities and potentially conserve interceptors by allowing more shoot-look-shoot vice salvo engagements. As a hedge against evolving future threats, destroying threat missile early in flight reduces the effectiveness of countermeasures.

Question. As the Vice Chairman of JCS, you are a member of the Missile Defense Executive Board, as well as the Chairman of the JROC. This gives you a unique perspective on the oversight and management of the Ballistic Missile Defense System (BMDS), including its requirements component.

Are there additional steps that you believe would make the BMDS more responsive to the operational needs of the combatant commanders, and are there additional steps that you believe would improve the requirements process for missile defense?

Answer. No. The additional steps needed to ensure the BMDS aligns more closely with the needs of the operational warfighter were addressed in the development of the BMDS Life Cycle Management Process. This process, used to influence the fiscal year 2010 budget and the fiscal year 2011 review, is on track to fully guide fiscal year 2012 budget inputs.

FUTURE OF NATO

Question. In your view, what existing or new missions should be the focus of NATO's strategic efforts over the next 5 years?

Answer. In my opinion, NATO should concentrate its strategic efforts first and foremost on Afghanistan. This will require continuing emphasis on sustaining and increasing the "whole of the international community" approach required for success. Strategic outreach, engagement, and cooperation with the international community, to include the European Union and the United Nations, and other appropriate organizations will be critical in the upcoming years.

I believe that other strategic priorities for NATO include: the move to deterrent presence in Kosovo; consolidating gains and further capacity-building in Iraqi security forces through the NATO Training Mission-Iraq (NTM–I); and counterpiracy efforts in the Horn of Africa. This latter mission is closely linked to NATO support to the African Union, which can address some of the root causes of piracy. For all of these strategic efforts, the same "whole of the international community" approach should continue to be applied, as NATO military forces alone cannot provide a long-term, lasting solution.

Question. In your view, how should NATO proceed on the issue of further enlargement of the alliance over the next 5 years?

Answer. That is a political question that will have to be answered by the President and Congress for the United States and by the governments of the other 27 NATO nations.

Question. Are you satisfied with the progress of NATO member nations, particularly new member nations, in transforming their militaries, acquiring advanced capabilities, and enhancing their interoperability with the United States and other NATO member nations? Where do you see room for improvement?

Answer. Yes. While allied progress in these three areas varies from nation to nation, each nation is continuing, within its own means and capabilities, to make progress. Much of this progress is driven by the increasing demands of the many ongoing NATO-led operations, particularly the operation in Afghanistan. The participation of the alliance and of each of its individual member states over the past 6 years in ISAF is producing forces that are increasingly more deployable and sustainable, has led to the development of enhanced alliance capabilities, and has significantly improved the interoperability between not only U.S. and other allied forces, but also between the 28 NATO nations and the 14 other partner nations par-

ticipating in this operation. The new NATO nations, while typically very constrained financially, have appeared very eager to transform their militaries, and have typically been very supportive of our operations in Afghanistan.

Despite the alliance's accomplishments, I believe that NATO needs to continue to develop its capability to respond to new threats and challenges such as cyber warfare and counterpiracy, and to enhance further its ability to work in a comprehensive manner with other international organizations, such as the European Union, the United Nations, the World Bank, as well as nongovernmental organizations to address and respond to these new threats and existing challenges, such as those we face in Afghanistan and Iraq.

Question. What steps, if any, could or should NATO take, in your view, to reduce tensions with Russia?

Answer. NATO should continue to use the NATO-Russia Council (NRC) as the primary mechanism for Russian and allied consultation, consensus-building, cooperation, joint decision and joint action, and as the forum for dialogue with Russia on all issues—where they agree and disagree—with a view towards resolving problems and building practical cooperation. In fact, the NRC Foreign Ministers met in Greece on 27 June, where among other things they identified common security interests, such as the stabilization of Afghanistan, arms control, the nonproliferation of WMD and their means of delivery, crisis management, counterterrorism, counternarcotics, and counterpiracy. As long as no events occur that would again increase tensions, I see NATO-Russian relations maintaining a positive trajectory.

SPECIAL OPERATIONS COMMAND

Question. The Command of U.S. Special Operations Command (SOCOM) recently submitted a number of proposals to the Office of the Secretary of Defense designed to improve the coordination between SOCOM and the Services related to personnel management issues, including assignment, promotion, compensation, and retention of Special Operations Forces. Included in these proposals was a modification of section 167 of title 10, U.S.C., that would change the role of the SOCOM Commander from "monitoring" the readiness of special operations personnel to "coordinating" with the Services on personnel and manpower management policies that directly affect Special Operations Forces.

Do you support the proposed change to section 167 of title 10, U.S.C., to give the Commander of SOCOM greater influence on personnel management decisions and policies related to Special Operations Forces? Please provide rationale for your position.

Answer. The Service Chiefs, SOCOM Commander, and I had a detailed discussion on this topic last week. It is my recommendation that a change to "coordinating" with the Services better accomplishes the desired amount of participation in the various manpower processes sought by the SOCOM Commander in order to ensure the readiness of the Special Forces. This change may be effected as either a directive change or a statutory change.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if reconfirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if reconfirmed, to appear before this committee, or designated members of this committee, and provide information, subject to the appropriate and necessary security protection, with respect to your responsibilities as the Vice Chairman of the Joint Chiefs of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

NUCLEAR STOCKPILE MODERNIZATION

1. Senator MCCAIN. General Cartwright, in a January 2009 Foreign Affairs Journal article, Secretary Gates outlined his argument for "Reprogramming the Pentagon for a New Age." Secretary Gates maintained that "even though the days of hair-trigger superpower confrontation are over, as long as other nations possess the boomb and the means to deliver it, the United States must maintain a credible strategic deterrent." He outlined the steps he had taken within the Department of Defense (DOD), but highlighted that "Congress needs to do its part by funding the Reliable Replacement Warhead (RRW) program—for safety, for security, and for a more reliable deterrent." Given the administration has formally terminated the RRW program, how do you assess the current state and future modernization needs of our stockpile?

General CARTWRIGHT. As part of the 2008 annual report to the President on stockpile assessments, the directors of the national laboratories and the Commander, U.S. Strategic Command (STRATCOM) reported on the safety, reliability, performance, and military effectiveness of the nuclear weapons stockpile. They concluded that the current stockpile is safe and, with manageable exceptions, reliable and militarily effective. I share their opinion. Still, the risks to our stockpile are increasing. To mitigate these risks, it is vital that we continue efforts to implement a warhead modernization strategy and continue to pursue transformation of the nuclear weapons complex.

2. Senator MCCAIN. General Cartwright, is our current deterrent sustainable without a modernization plan?

General CARTWRIGHT. Not for the long term. A responsive infrastructure, including human capital expertise, is an essential element in maintaining a credible deterrent. The key to sustaining our nuclear weapons capability is a modernization strategy that can provide diversity down to the component level in our nuclear deterrent, improves safety and security features, and assures long-term confidence in the reliability of the stockpile without nuclear testing.

3. Senator MCCAIN. General Cartwright, do you believe that any ratification of the Strategic Arms Reduction Treaty (START) must be preceded by plans for a new redesigned and more reliable warhead?

General CARTWRIGHT. I have stated (for the record), both as the Commander, STRATCOM, and as the Vice Chairman of the Joint Chiefs of Staff, that it is imperative that we begin now to recapitalize our nuclear weapons infrastructure in a manner that will allow us to modernize our nuclear deterrent.

4. Senator MCCAIN. General Cartwright, what about the Comprehensive Test Ban Treaty (CTBT)?

General CARTWRIGHT. The Department, through the Nuclear Posture Review (NPR), is assessing and prioritizing nuclear deterrence requirements to ensure the U.S. nuclear forces continue to be safe, secure, and effective. A fundamental component of the NPR is a technical review that is considering a full range of options for modernizing the U.S. stockpile. While the NPR will not be complete for sometime, it is important to note that the results will be used to guide major nuclear treaty ratification efforts such as START and CTBT. At this juncture it is premature to characterize the potential risks and rewards of CTBT.

5. Senator MCCAIN. General Cartwright, earlier this week President Obama and Russian President Medvedev signed a Joint Understanding to commit the United States and Russia to reduce their strategic warheads to a range of 1,500 to 1,675. Conversely, 10 months ago, a joint DOD and Department of Energy (DOE) report on "National Security and Nuclear Weapons in the 21st Century" stated that that a "force of 1,700 to 2,200 operationally deployed strategic nuclear warheads is sufficient to meet U.S. strategic requirements." I feel strongly that we should reduce our nuclear forces to the lowest we judge necessary; however, I ask what has changed over the last 10 months to conclude that 1,500 to 1,675 is the new sufficient range? If we were modernizing and making the stockpile more safe, secure, and reliable

that would be one thing, but given our current course and without the next NPR, I am interested in hearing the rationals for why 1,500 to 1,675 is sufficient not only today, but if it will be a sufficient range in the future without plans for modernization.

General CARTWRIGHT. The NPR conducted detailed analysis which concluded a reduction in operationally deployed strategic nuclear warheads to a level of 1,500 to 1,675 would be sufficient to meet U.S. strategic requirements for similarly constrained Russian forces. However, the key to sustaining our nuclear weapons capability is a modernization strategy that can provide diversity down to the component level in our nuclear deterrent, improves safety and security features, and assures long-term confidence in the reliability of the stockpile without nuclear testing.

EUROPEAN MISSILE DEFENSE SITE

6. Senator MCCAIN. General Cartwright, with respect to the planned European-based missile defense system in Poland and the Czech Republic, I am concerned that there is a perception that we are backing away from the commitments we made during the past administration. Russia has been insistent on linking planned missile defenses in Europe to START. Given the joint statement released by President Obama and President Medvedev earlier this week which cited little to no agreement on missile defense, the question still remains how we will fulfill our commitments to our European allies. What steps are being taken to ensure that we are not going to break faith with Poland and the Czech Republic?

General CARTWRIGHT. We have assured Poland and the Czech Republic, in addition to our other NATO allies, that as we proceed with our missile defense review we will consult with them. The U.S. Government has been clear in its position that the direction we take on missile defense will not come at the expense of our allies, recognizing the bold decisions they took in joining our initial European missile defense effort. Furthermore, during last year's signing process of Missile Defense Agreements, joint Declarations on Strategic Cooperation were promulgated with both Poland and the Czech Republic which help us focus and enhance our already close security ties.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

GROUND-BASED INTERCEPTORS

7. Senator SESSIONS. General Cartwright, the Missile Defense Agency (MDA) fiscal year 2010 budget request suggests that the production line for Ground-based Interceptors (GBIs) will terminate sometime in 2012 or 2013 after completing 44 interceptors. During our missile defense hearing on June 16, you indicated that the Department likely will need more than 44 GBIs to continue flight tests for the purpose of maintaining the reliability of the Ground-based Midcourse Defense System and for the missile defense site in Europe. General O'Reilly recently indicated that at least 10 additional GBIs, above the 44, will be required for stockpile reliability testing. Recognizing the potential costs to shut down and restart the GBI production line to produce the additional missiles, beyond the 44 that will be required, when does the administration plan to make a decision regarding the GBI production line?

General CARTWRIGHT. Industry is currently under contract to manufacture GBIs. While completion of deliveries will occur in fiscal year 2012, there are third and fourth tier suppliers that have completed delivery of subassemblies. An assessment is being conducted by the MDA, industry, and the Defense Contract Management Agency (DCMA) to determine which suppliers are critical and identify approaches to mitigate need for requalification, minimizing restart costs for potential future Interceptor buys. Planning for GBI lifecycle support through 2032 and beyond continues. Results of this assessment will be factored into the fiscal year 2010 MDA program plan and the fiscal year 2011 budget request.

8. Senator SESSIONS. General Cartwright, do you have an idea of the additional costs associated with restarting the GBI production line?

General CARTWRIGHT. Industry is under contract to manufacture GBIs. While completion of deliveries will occur in fiscal year 2012, there are third and fourth tier suppliers that have completed delivery of subassemblies. An assessment is being conducted by the MDA, industry, and the DCMA to determine which suppliers are critical and identify approaches to mitigate need for requalification, minimizing restart costs for potential future Interceptor buys. Planning for GBI lifecycle support

through 2032 and beyond continues. Results of this assessment will be factored into the fiscal year 2010 MDA program plan and the fiscal year 2011 budget request.

9. Senator SESSIONS. General Cartwright, what are the costs in fiscal year 2010 and fiscal year 2011 to keep the production line warm?

General CARTWRIGHT. In the current plan, the production line will be manufacturing GBIs through fiscal year 2012. This production, along with GBI refurbishment, will keep tier 1 and tier 2 manufacturing lines warm until fiscal year 2014. There are currently tier 3 and tier 4 GBI suppliers that have completed delivery of subassemblies. However, additional funding for the GBI vendor base beyond what is requested in fiscal year 2010 would be premature given the ongoing Ballistic Missile Defense Review (BMDR). Results of the BMDR will assist in the determination to purchase additional GBIs. Those decisions, based on input from the BMDR analysis, will be addressed in the fiscal year 2011 and beyond budget requests.

10. Senator SESSIONS. General Cartwright, if these costs are less than the costs associated with a break in production, doesn't it make sense to bear these costs starting in fiscal year 2010?

General CARTWRIGHT. Additional funding for the GBI vendor base beyond what is requested in the fiscal year 2010 request would be premature given the ongoing BMDR. Results of the BMDR will assist in the determination to purchase additional GBIs and will be addressed in the fiscal year 2011 and beyond budget requests.

11. Senator SESSIONS. General Cartwright, what impact would a break in production have on the vendors?

General CARTWRIGHT. An assessment is being conducted by the MDA, industry, and the DCMA to determine which suppliers are critical and identify approaches to mitigate need for requalification, minimizing restart costs for potential future Interceptor buys. Planning continues for GBI lifecycle support through 2032 and beyond. Results of this assessment will be factored into the fiscal year 2010 MDA program plan and the fiscal year 2011 budget request.

12. Senator SESSIONS. General Cartwright, what will the impact of a break in the production line have on the MDA's ability to obtained certified parts?

General CARTWRIGHT. MDA does not anticipate an impact on its ability to obtain certified parts. Through the assessment being conducted by MDA, industry, and DCMA, critical vendors and supply bases will be identified and mitigation approaches will be developed.

13. Senator SESSIONS. General Cartwright, what impact would the break in the production line have on the overall readiness of the GBIs?

General CARTWRIGHT. A break in GBI manufacturing will not affect the overall readiness of the GBI fleet. Focused effort will be placed on the 30 GBIs to ensure they remain operationally ready to meet the warfighter's needs through operational inventory refresh, Interceptor refurbishment, and stockpile reliability initiatives.

START

14. Senator SESSIONS. General Cartwright, the July 6 Joint Understanding commits the United States and Russia to reduce their strategic warheads to a range of 1,500 to 1,675, and their strategic delivery vehicles to a range of 500 to 1,100. We currently deploy about 2,200 warheads on about 800 to 900 strategic delivery vehicles. Keeping in mind that the Strategic Posture Commission concluded that the United States could make reductions "if this were done while also preserving the resilience and survivability of U.S. Forces," what is your view on the force structure implications of the low-end of the limits now being discussed with the Russians (i.e., 1,500 warheads and 500 delivery vehicles)?

General CARTWRIGHT. If we are successful in creating an environment for a world without nuclear weapons, as President Obama emphasized in his Prague speech earlier this year, then eventually, we should be able to achieve force structure numbers closer to the low-end limits range being discussed with the Russians, and beyond. The keys to success in achieving lower numbers will be linked to our ability to recapitalize our nuclear weapons complex, implement a modernization strategy, and integrate the full spectrum of military capabilities into our calculus.

15. Senator SESSIONS. General Cartwright, at what number of strategic delivery vehicles do we start having serious implications for our ability to field a survivable

force of Intercontinental Ballistic Missiles (ICBMs), ballistic missile submarines, and strategic bombers?

General CARTWRIGHT. The NPR has produced initial analyses with strategic delivery vehicle numbers we find stable at START Follow-On numbers with a similarly constrained Russian force. However, more analysis needs to be done. Once complete, we will have a better understanding of the capability investments necessary to sustain a survivable and credible nuclear deterrence force.

16. Senator SESSIONS. General Cartwright, what are the implications of lower levels of strategic delivery vehicles for assuring our allies with the nuclear umbrella and dissuading China and other nations from building up to our levels?

General CARTWRIGHT. Without question, we need to maintain enough strategic delivery vehicles to assure allies and friends, while discouraging competition with nations like China and others. We must also focus on expanded deterrence capabilities like missile defense, Prompt Global Strike, and others if we are going to provide the President with a broad set of credible deterrence and response options across the threat spectrum.

NUCLEAR MODERNIZATION

17. Senator SESSIONS. General Cartwright, I have repeatedly made the case to the Secretary of Defense, the Deputy Secretary of Defense, and others that the START arms control track must be accompanied by a nuclear modernization track (warheads, nuclear weapons complex, and delivery systems). Do you think this is understood by the administration?

General CARTWRIGHT. Yes. The President has made it clear that as long as we live in a world that has nuclear weapons, the United States will maintain a safe, secure, and effective arsenal to deter adversaries and assure allies. I believe the President understands the problems and issues associated with the current nuclear arsenal and supporting infrastructure. This is why we are working very closely with DOE and the National Nuclear Security Administration to ensure adequate resourcing and modernization activities are accounted for in the upcoming President's budget request for fiscal year 2011 and fiscal year 2012 budget submissions.

18. Senator SESSIONS. General Cartwright, will there be a modernization package to accompany START ratification this fall?

General CARTWRIGHT. I completely agree with the statement Secretary Gates made last October at his Carnegie Endowment speech, when he said, "there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program." Investment in modernization is required now, independent of the START Follow-on ratification process, to ensure the long-term credibility of our deterrent force.

EUROPEAN MISSILE DEFENSE SITE

19. Senator SESSIONS. General Cartwright, in April 2009, the National Air and Space Intelligence Center at Wright Patterson Air Force Base released their report on the Ballistic and Cruise Missile Threat. In it they state, "with sufficient assistance, Iran could develop and test an ICBM capable of reaching the United States by 2015." Many experts agree that Iran has received material support from North Korea in the past. Given this estimate and the North Korea-Iran linkage, wouldn't you agree that it underscores the importance of moving ahead with a European missile defense site?

General CARTWRIGHT. This is a growing concern of ours and definitely gets a lot of attention in the Pentagon. As you are aware, our current missile defenses are able to protect the United States from the potential threat you describe, but that is not the case for our allies and friends in Europe and U.S. forces and their families stationed there. The current review of missile defense in Europe is examining the European site plan and alternatives in order to determine how to best defeat the threat while fielding capabilities that are affordable and effective. Whichever path is chosen, it will need to provide for a layered architecture and be complementary to NATO missile defense efforts.

20. Senator SESSIONS. General Cartwright, the North Atlantic Treaty Organization (NATO) affirmed its support for U.S. plans to field 10 GBIs in Poland and a missile tracking radar in the Czech Republic at the April 2008 Bucharest Summit,

when it "recognize[d] the substantial contribution to the protection of allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defense assets." Has NATO changed its view about the value of U.S. plans to field missile defense capabilities in Poland and the Czech Republic?

General CARTWRIGHT. NATO has not changed its view and I think it is important to highlight what NATO has stated on missile defense in recent summits. During the 2009 summit in Strasbourg/Kehl, NATO reaffirmed what was said at the 2008 summit in Bucharest: "Ballistic missile proliferation poses an increasing threat to allies' forces, territory, and populations, and that missile defence forms part of a broader response to counter this threat." The declaration further states that NATO "recognizes the substantial contribution to the protection of allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets."

21. Senator SESSIONS. General Cartwright, what would be the implications for U.S.-allied relations if we were to abandon this project?

General CARTWRIGHT. There is no single answer to the question because each ally will likely have its own perspectives. We were pleased that NATO reaffirmed its position on missile defense during the April 2009 Summit of Heads of State and Government at Strasbourg/Kehl. We remain adamant that whichever decision is taken, it will not come at the expense of our relationships with allies. This is why we believe consultations with allies are important to ensure their views are known to us and critical to the transparency and confidence building we are establishing with Russia.

22. Senator SESSIONS. General Cartwright, some have suggested that instead of GBI, the United States might deploy SM–3 missiles, either on ships or land, to protect Europe against the Iranian ballistic missile. Unfortunately, the SM–3 cannot protect the United States against long-range Iranian threats, as could GBIs deployed in Poland. Why wouldn't we want to deploy a missile defense system in Europe that can provide protection for both Europe and the United States against Iranian long-range ballistic missile threats?

General CARTWRIGHT. As part of the current U.S. review of plans for missile defense in Europe, we are looking at alternatives that will best defeat the threat, are affordable, and are proven. GBI, sea-based SM–3, and other capabilities not yet programmed are part of the alternatives under review. Whatever alternative is chosen, the capabilities must be both scalable and flexible, and will need to provide for a layered architecture in which each part will contribute to intercept of the threat and ultimately provide protection for Europe and the United States against the Iranian long-range ballistic missile threat.

[The nomination reference of Gen. James E. Cartwright, USMC, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 20, 2009.

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

The following named officer for reappointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade of indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

To be General

Gen. James E. Cartwright, 0000.

[The biographical sketch of Gen. James E. Cartwright, USMC, which was transmitted to the committee at the time the nomination was referred, follows:]

RESUME OF CAREER SERVICE FOR GEN. JAMES E. CARTWRIGHT, USMC

Vice Chairman of the Joint Chiefs of Staff:
Assigned: 3 Aug 07/Projected Rotation: 30 Sep 09

Date of Rank:
1 Sep 04

Date of Birth:
22 Sep 49

Date Commissioned:
12 Nov 71

MRD:
1 Jul 12

Education/Qualifications:
University of Iowa, BS, 1971
Naval War College, MA, 1991
The Basic School (Non-Res), 1977
Air Command and Staff College, 1986
U.S. Naval War College, 1991
CAPSTONE, 1997
Joint Flag Officer Warfighting Course, 2000
Naval Aviator

Commands:
Commander, U.S. Strategic Command (Gen: Jul 04–Aug 07)
Commanding General, 1st Marine Aircraft Wing (MajGen: Aug 00–Apr 02)
Deputy Commander, Marine Forces Atlantic (BGen: Aug 99–Jul 00)
Commanding Officer, Marine Aircraft Group-31 (Col: May 94–May 96)
Commanding Officer, VMFA–232 (LtCol: May 92–Dec 92)
Commanding Officer, Marine Aviation Logistics Squadron-12 (LtCol: May 89–Jul 90)

Joint Assignments:
Director, J–8, Joint Staff (LtGen: May 02–Jun 04)
Special Assistant to Director, J–8; Deputy Director for Force Structure, Requirements, Joint Staff (Col/BGen: Jun 96–Jul 99)

Service Staff Assignments:
Deputy Branch Head, Aviation Plans & Policies, Aviation Department (Col: Jan 93–May 94)
Assistant Operations Officer, Marine Aircraft Group-24 (LtCol: Jun 91–Apr 92)
Deputy Assistant PM (F/A–18), Naval Air Systems Command (LtCol: Jun 86–May 89)

[The Committee on Armed Services requires certain senior military officers as determined by the committee, to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Gen. James E. Cartwright, USMC, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James E. Cartwright.

2. **Position to which nominated:**
Vice Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
20 April 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 22, 1949; Rockford, IL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Sandra K. Cartwright (maiden name: Waltz).

7. **Names and ages of children:**
Billee Ann Bennett, 35.
Jayme Rowland, 29.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GEN. JAMES E. CARTWRIGHT, USMC.

This 14th day of April, 2009.

[The nomination of Gen. James E. Cartwright, USMC, was reported to the Senate by Chairman Levin on July 29, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 31, 2009.]

[Prepared questions submitted to ADM Robert F. Willard, USN, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the special operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.

As former Director, Force Structure, Resources and Assessment (J8) on the Joint Staff and Vice Chief of Naval Operations, and now as Commander, U.S. Pacific Fleet, you have witnessed the effect of these reforms from both the joint and service perspective.

Based on your experience, what is your assessment of these reforms?

Answer. Goldwater-Nichols was landmark legislation that led to dramatic improvements in operational effectiveness, unity of effort, and civilian oversight. It has created a generation of military leaders who are experienced with operating in a coordinated and joint, multi-service environment.

Question. Do you see a need to modify any Goldwater-Nichols provisions? If so, what modifications are appropriate?

Answer. At this time, I do not see any need to modify the Goldwater-Nichols Act.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Pacific Command (PACOM)?

Answer. The Commander, PACOM is responsible for deterring attacks against the United States and its territories, possessions, and bases, to protect Americans and American interests and, in the event that deterrence fails, to win its Nation's wars. The Commander is also responsible for expanding security cooperation with our allies, partners, and friends across the Asia-Pacific region.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Thirty-six years of military experience, culminating in command of U.S. Pacific Fleet, have prepared me for assuming command of PACOM.

By serving as the 34th Vice Chief of Naval Operations, and twice as a flag officer on the Joint Staff, I gained invaluable insight into the administrative processes that underpin an effective Department of Defense (DOD), as well as a profound understanding of joint processes, interagency cooperation, and the whole-of-government approach.

My Joint Staff experience is complemented by my joint operational experience as a four-star Joint Task Force Commander and as the Joint Maritime Component Commander for two Operational Plans.

Additionally, I have gained extensive regional (Asia-Pacific) experience while serving as the Commander of U.S. Pacific Fleet in Pearl Harbor, HI, as Commander, Carrier Group 5 aboard USS *Kitty Hawk* (CV 63) in Yokosuka, Japan, and as Commander, U.S. 7th Fleet, also in Yokosuka, Japan.

Finally, I'd offer that my wife, Donna, adds immensely to my qualifications. She is a remarkable representative of the U.S. Armed Forces, and an exceptional ambassador for our great Nation. She has performed magnificently during our tenure at U.S. Pacific Fleet and I'm confident her strength, character, patriotism, and regional experience will continue to be a significant addition to my qualifications for Commander, PACOM.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander of PACOM?

Answer. If confirmed, I intend to take every opportunity to enhance my knowledge of our relationships with our allies and partners across the Pacific. I look forward to engaging with senior leaders within DOD, the Department of State, and military and civilian leaders throughout the Asia-Pacific region in order to improve my understanding of U.S. interests in the region.

RELATIONSHIPS

Question. If confirmed, what will be your command relationship with:

The Secretary of Defense.

Answer. The Commander, PACOM, performs his duties under the authority, direction, and control of the Secretary of Defense. He is directly responsible to the Secretary of Defense for the ability of the Command to carry out its missions.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs duties as directed by the Secretary and performs the duties of the Secretary in his absence. The Commander, PACOM, ensures the Deputy has the information necessary to perform these duties and coordinates with him on major issues.

Question. The Under Secretary of Defense for Policy.

Answer. Under secretaries are key advocates for combatant commands' requirements. The Commander, PACOM, coordinates and exchanges information with the Under Secretary of Defense for Policy on strategic policy issues involving the Asia-Pacific region.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Commander, PACOM, coordinates and exchanges information with the Under Secretary of Defense for Intelligence as needed to set and meet the Command's intelligence requirements.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman functions under the authority, direction, and control of the National Command Authority. The Chairman transmits communications between the National Command Authority and the PACOM Commander and oversees the activities of the PACOM Commander as directed by the Secretary of Defense. As the principal military advisor to the President and the Secretary of Defense, the chairman is a key conduit between the combatant commander, interagency, and Service Chiefs.

The PACOM Commander keeps the Chairman informed on significant issues regarding the PACOM Area of Responsibility (AOR). The Commander directly communicates with the Chairman of the Joint Chiefs of Staff on a regular basis.

Question. The Service Secretaries.

Answer. The Service Secretaries are responsible for the administration and support of forces assigned to combatant commands. The Commander, PACOM coordinates with the secretaries to ensure that requirements to organize, train, and equip PACOM forces are met.

Question. The Service Chiefs.

Answer. The Commander, PACOM, communicates and exchanges information with the Service Chiefs to support their responsibility for organizing, training, and equipping forces. Successful execution of PACOM's mission responsibilities requires coordination with the Service Chiefs. Like the Chairman, the Service Chiefs are valuable sources of judgment and advice for combatant commanders.

Question. The other combatant commanders.

Answer. The Commander, PACOM, maintains close relationships with the other combatant commanders. These relationships, which are critical to the execution of our National Military Strategy, are characterized by mutual support, frequent contact, and productive exchanges of information on key issues.

Question. Commander U.S. Forces Korea/Combined Forces Command.

Answer. As a subordinate unified commander, the Commander, U.S. Forces Korea receives missions and functions from Commander, PACOM. I recognize his role as Commander, Combined Forces Command and will fully support his actions in that sensitive and demanding role.

Question. The Assistant Secretary of Defense for Asian and Pacific Security Affairs.

Answer. The Commander, PACOM maintains a close relationship with the Assistant Secretary of Defense for Asian and Pacific Security Affairs. This relationship ensures close coordination of U.S. policy within the Office of the Secretary of Defense (OSD) and the Interagency.

Question. The Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel.

Answer. The Commander, PACOM, coordinates and exchanges information with the Deputy Assistant Secretary of Defense for POW/Missing Personnel Affairs on strategic policy issues involving the POW/Missing in Action (MIA) accounting mission worldwide and personnel recovery requirements in the Asia-Pacific region.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, PACOM?

Answer. I believe there are three major challenges in the Pacific AOR. First, China's extensive military buildup and modernization are creating uncertainty in the region at large. Second, North Korea's conventional military, weapons of mass destruction (WMD), and proliferation activities are a threat to regional security. Finally, maintaining and strengthening our alliances and partnerships are critical to the stability in the region.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. We must continue to mature our military-to-military relationship with China. In so doing, we reduce the chance of miscalculation, increase mutual understanding, and encourage cooperation in areas of common concern.

We will support whole-of-nation approaches to ensure a peaceful, secure, and prosperous future for the Korean Peninsula. Our forward military presence on the Peninsula assures South Korea and deters aggression by North Korea.

We must remain committed to strengthening our alliances and partnerships in the region; such as through the provisions of DPRI with Japan and the transfer of wartime operational control (OPCON) from the United States to the Republic of Korea (ROK) in 2012.

Question. If confirmed, what priorities would you establish in terms of the issues which must be addressed by Commander, PACOM?

Answer. Maintaining a credible deterrent and military presence will be my top priority and is the single best way for PACOM to contribute to a secure and stable region.

With regard to China, the strategy is one of careful, measured military engagement with the Government of China and the PLA, pressing for transparency while also sustaining our military capabilities to fulfill our defense commitments in the region.

With regard to North Korea, we will work with the Department of State and regional partners to press North Korea to meet its commitments—including denuclearization—as agreed to during the Six Party Talks, while maintaining the capability to deter potential North Korea military threats and countering proliferation activities.

In order to sustain the realignment and transformation processes already underway, we need to review progress constantly and resolve challenges in the bilateral relations with both Japan and South Korea.

We must build upon existing bilateral relationships to pursue more multilateral cooperation in the areas of counterterrorism, maritime security, and humanitarian assistance/disaster response.

HOMELAND DEFENSE

Question. What is your understanding of the role and responsibility of PACOM in homeland defense?

Answer. PACOM responsibility is to deter attacks against the Homeland as early and as far away as possible, defend the PACOM domestic AOR, and work with and provide support to civil authorities when requested. Additionally, PACOM's homeland defense plan complements and is integrated with planning for the ongoing overseas contingency operations; combating WMD, homeland security, and other relevant activities.

Question. What is your understanding of how PACOM and U.S. Northern Command (NORTHCOM) work together to ensure that their overlapping missions in this region do not create seams that might be exploited by our adversaries and how this process might be improved?

Answer. In September 2008, Commander, PACOM and Commander, NORTHCOM signed a Command Arrangement Agreement that "establishes procedures and delineates responsibilities" between the two commands. This agreement also prescribes employment of PACOM forces in support of NORTHCOM missions as well as the control of PACOM forces operating in NORTHCOM's Areas of Responsibility (AOR). In my experience, this agreement between combatant commands has been highly ef-

fective. If confirmed, I intend to continue the close working relationship between the two commands.

Question. How could PACOM forces and expertise contribute to more effective homeland defense capabilities?

Answer. PACOM's military and intelligence activities in the western approaches to the continental United States contribute to the Nation's active, layered defense and enhance situational awareness. A layered defense deterring attacks far from our shores, gathering actionable intelligence through initiatives such as enhanced maritime domain awareness, exercising and training our forces alongside those of our allies and partners across the Asia-Pacific region—is the surest means for PACOM to contribute to the defense of our Homeland.

FORCE POSTURE IN THE U.S. PACIFIC COMMAND AREA OF OPERATIONS

Question. Perhaps more than with any other combatant command, military operations in the PACOM area of operations (AOR) are subject to the "tyranny of distance" in getting forces to points of exigency or conflict. Significant changes to the U.S. force posture in the region are planned over the next several years, including movement of U.S. marines from Okinawa to Guam and relocation of U.S. forces within South Korea.

In your view, how important is a forward basing strategy to the ability of PACOM to execute its operational commitments?

Answer. Forward basing is essential to the PACOM strategy of partnership, readiness, and presence. Forward presence assures our friends and allies, while deterring potential adversaries. This strategy allows a more flexible force, positioning PACOM to respond with a variety of means in the event of a crisis or contingency.

Question. What do you see as the implications of the proposed force structure changes in South Korea, Japan, and Guam on security and stability in the Asia-Pacific region and what impact, if any, do you expect the proposed changes to have on our ability to react to contingencies in the region?

Answer. I support the U.S. posture changes in Korea and Japan. I believe these changes will contribute to strengthening our alliances while continuing to posture U.S. forces forward in the region. The relocations in Japan and Korea address host nation concerns such as noise and encroachment, while improving our mutual defense infrastructure in the region through investment projects funded by the host governments. Additionally, better use is made of Guam's strategic location to position U.S. forces more effectively for the evolving security environment.

Question. Do you believe the relocation of about 8,000 U.S. marines and about 3,600 other U.S. military members and dependents from Japan to Guam is in the best interest of the United States and our allies? Why or why not?

Answer. The relocation is the most comprehensive force change in over 3 decades. It helps to strengthen our alliance with Japan by addressing longstanding concerns about the U.S. presence on Okinawa. It diversifies our presence in the Western Pacific by taking advantage of Guam's strategic location and its status as a sovereign U.S. territory. It also allows a greater degree of flexibility to address regional and global threats, while providing the ability to train on U.S. territory in a forward location with partner nations.

Answer. How does the relocation of these marines improve our security posture in the region?

Answer. This relocation improves our security posture in the region by spreading our capability and balancing our flexibility more broadly across the Pacific. It also provides an opportunity for combined training with partner nations in the region on sovereign U.S. territory. Security and stability are enhanced through balancing strengthened alliances with a more flexible positioning of forces.

Question. What is your view about the advisability of requiring that construction companies pay their workers on Guam realignment construction projects wages equivalent to rates in Hawaii? What impact would this approach have on the cost of the move?

Answer. The Services have built military construction (MILCON) projects on Guam for many years including homes, runway repairs, piers, and schools using the prevailing Guam wages. According to Department of Labor data, Hawaii construction wage rates are approximately 300 percent higher than those on Guam. The $10.27 billion estimated cost for construction to relocate the marines to Guam was based on historical wages experienced on Guam. In accordance with international agreement, the amount of funding that Japan will provide is fixed. Therefore, any additional cost will require more U.S. funding. The Joint Guam Program Office estimates application of Hawaii Davis-Bacon wage rates with fringes to Guam could increase the labor cost for the realignment by $4.7 billion.

Question. Some observers suggest that the United States is preoccupied in Central Asia and has not focused sufficiently on challenges in East Asia at a critical time in the development of that region.

What is your assessment of the U.S. levels of funding, manning, and political-military engagement in PACOM's AOR as compared to other geographical regions, particularly Central Asia?

Answer. I understand the increased focus on the challenges in Central Asia. However, I do agree with Secretary Gates' observation that the United States has never been mare engaged in the Asia-Pacific region than today. If confirmed, I will review levels of funding, manning, and military-to-military engagement in the Asia-Pacific region and, if there are shortfalls in existing resources, I will be a strong advocate for requesting an increase in levels of funding.

Question. Many of the United States' key alliances in Asia were established years ago when global conditions and threats were different than today. In recent years, PACOM has given priority to the development of cooperative security arrangements with partners in the region.

Do you agree with this objective and, if so, what countries do you see as the top priorities for such arrangements to best enhance stability and security in the region?

Answer. Yes, I agree with this objective. The cooperative security partnerships established with top priority countries such as Singapore, India, and Indonesia have served to significantly enhance access, security, and stability throughout the Asia Pacific. To date, these developing partnerships have resulted in successes in combating terrorism, maintaining maritime security, and providing humanitarian assistance/disaster relief.

EMERGING PACIFIC THEATER THREATS

Question. Regional powers and non-state actors in PACOM's AOR are making significant efforts to improve their ability to project power with respect to both conventional and irregular capabilities.

What are your biggest concerns with respect to development of advanced conventional and irregular warfighting capabilities by nations and non-state actors in PACOM's AOR?

Answer. Major concerns include the lack of transparency regarding China's development of advanced conventional and asymmetric weapons—beyond what is required for its national defense—and the ongoing North Korean missile programs. With regard to irregular warfare, several extremist organizations in South and Southeast Asia may continue to advance their agendas by importing foreign terrorist tactics and techniques that have proven most lethal elsewhere.

Question. What do you see as the highest priority capability gaps that need to be addressed by the United States in order to meet these emerging threats?

Answer. Regional state and non-state actors are increasingly sophisticated at hiding their activities and intentions. PACOM requires a similarly agile and sophisticated intelligence enterprise to avoid strategic surprise through early detection and insight into an adversary's intentions and capabilities. This can only be achieved by combining improved intelligence collection systems using the proper mix of platforms and sensors, with the regional expertise and advanced analytic tools that enable us to anticipate threats rather than react to crises.

If confirmed, I will ensure that the process to develop capability-gap priorities carefully considers the full range of PACOM roles and missions, takes into account the issues and concerns of our component and subunified commanders, and that the resultant actions by the Services and force providers delivers needed capabilities to our operational forces.

Our military must be able to respond to emerging threats in a variety of domains, including the electromagnetic spectrum and cyberspace, as well as the traditional air, maritime, and ground domains.

Question. If confirmed, what steps will you take to ensure that these needed capabilities are developed and deployed to warfighters?

Answer. If confirmed, I will ensure that PACOM processes to identify needed capabilities remain responsive to both assigned missions and emerging threats. I will continue to use the annual Integrated Priority List memorandum to the Chairman of the Joint Chiefs of Staff to advocate for those capability shortfalls most critical to operations in the Pacific theater. We will communicate these priorities to Services and force providers through proper channels, and we will provide feedback on the fielded capabilities and their effectiveness in closing identified capability gaps.

Question. How should U.S. policies and engagements in the Asia-Pacific region change to best meet new threats and conditions?

Answer. PACOM in general is well-positioned and resourced to meet most conventional threats in the Asia-Pacific theater. Countering the radical extremist threat, however, requires unique approaches to be most effective. Building indigenous CT capabilities and capacities into susceptible Asia-Pacific nations is one such approach. Equipped with supportive policies and resources, PACOM, in partnership with relevant agencies of the United States Government and private enterprise, can assist regional nations that are susceptible to radical extremism to become more self sufficient in combating terrorism.

NORTH KOREA

Question. North Korea continues to represent one of the greatest near-term threats to U.S. national security interests in Asia, and recent events underscore the possible destabilizing nature of certain North Korean activities.

What is your assessment of the current security situation on the Korean peninsula?

Answer. The 2009 North Korean TD–2 launch, probable nuclear test, and continued ballistic missile activity underscore the gravity of the North Korean threat. North Korea is pursuing a multi-dimensional strategy (includes provocative military actions and aggressive rhetoric) to achieve specific domestic, inter-Korean, and international objectives. North Korea's stated intent to depart from Six-Party Talks and conditions of the armistice further demonstrates the uncertain security situation they are generating.

Question. What is the value of diplomatic efforts to persuade North Korea to resume negotiations to verifiably dismantle its nuclear weapons program?

Answer. A resumption of negotiations might return the Peninsula to a more rational status quo. The United States remains committed to the Six-Party Talks process, and calls on the Democratic People's Republic of Korea to fulfill its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, to abandon all nuclear weapons and existing nuclear programs and return, at an early date, to the Treaty on Non-Proliferation of Nuclear Weapons and to International Atomic Energy Agency safeguards.

Question. What is your assessment of the threat posed to the United States and our allies by North Korea's ballistic missile and WMD capabilities, including the export of those capabilities?

Answer. North Korea's pursuit and development of WMD and ballistic missile capabilities, as well as its proliferation efforts, pose a significant threat to the U.S. and our allies. The development of WMD and advanced ballistic missiles increases regional tension and could spur a limited arms race as neighbors seek to enhance their own deterrent and defense capabilities. North Korea has historically proliferated arms and military equipment to regimes such as Iran, Burma, and Libya and may attempt to do so with WMD or longer range missiles.

Question. What is the U.S. military's role in enforcing sanctions imposed by U.N. Security Council Resolution (UNSCR) 1874?

Answer. As obligated by UNSCR 1874, the United States will remain vigilant of any North Korean activities that might contravene the resolution, and we will respond in line with the provisions of the resolution. UNSCR 1874 provides no authority for military enforcement outside a nation's territorial waters. However, the military provides support to the U.S. Government enforcement effort through tracking of maritime vessels of interest.

Question. In your view, what, if anything, should be done to strengthen deterrence on the Korean peninsula?

Answer. The United States has strong alliances in the region, and, if necessary, we will leverage these alliances to deter any aggression from North Korea. Our forces throughout the region train rigorously and are fully prepared to deal with any contingencies in upholding our treaty obligations to Japan and the ROK. Our commitment to the security of these close allies includes the U.S. strategic umbrella, which is an integral part of our extended deterrence.

REPUBLIC OF KOREA

Question. Over the next several years, the U.S.-ROK alliance, a key pillar of security in the Asia-Pacific region, will undergo significant change in terms of command and control and force positioning.

What is your understanding of the current U.S. security relationship with South Korea?

Answer. The U.S.-ROK security relationship is an enduring partnership that has been the key to deterrence for over 50 years. It ensures peace on the Korean Peninsula and in Northeast Asia. The major advances made by the ROK in recent years

regarding defense capability, economic capacity, and technology are supporting the transformation of this partnership. Our alliance has evolved to become a global one, as demonstrated by the ROK military's contributions to overseas contingency operations such as the U.N. mission in Lebanon and Counter-Piracy operations off the Horn of Africa.

Question. If confirmed, what measures, if any, will you take, in conjunction with Commander, U.S. Forces Korea/Combined Forces Command, to improve the U.S.-ROK security relationship?

Answer. If confirmed, I will work closely with the Commander, United States Forces Korea/Combined Forces Command to ensure there is no degradation in readiness or deterrence. I will ensure that PACOM supports the transformation initiatives, such as force realignment, return of unneeded facilities, development of command relationships, and contingency plans.

Question. The transfer of command and control to the ROK is planned for April 2012. In your view, is that date achievable and should this transfer occur as planned?

Answer. The U.S. and ROK military forces are on track to complete the transition of wartime operational control in 2012. This effort will enable the ROK military to take the lead role in the defense of Korea. If confirmed, I will ensure that PACOM supports the united efforts to achieve the transformation on time.

Question. Do you support increasing the number of personnel assigned to Korea for 2 or 3 years of duty and the number of military and civilian personnel authorized to be accompanied by their dependents for these longer tours of duty?

Answer. Yes, if confirmed, I will support the Secretary of Defense, who favors the concept of tour normalization, increasing the number of personnel assigned for 2- or 3-year tours, as well as the number of accompanied tours. Normalization of tours will provide greater stability for servicemembers and family members, improve operational readiness in Korea, and clearly demonstrate the enduring U.S. commitment to the U.S.-ROK alliance. The Quadrennial Defense Review is examining methods to best implement this concept, and if confirmed, I will ensure that PACOM staff continues to support this effort.

Question. What are the key considerations, in your view, in approving the stationing of more dependents in the ROK and how is your view on this matter affected, if at all, by the current tensions on the Korean peninsula?

Answer. Enhancing the stability of our families, improving the operational readiness of our forces in the ROK, and clearly demonstrating the enduring U.S. commitment to the U.S.-ROK alliance all support our efforts to address the security situation on the Korean Peninsula and in Northeast Asia. Implementation of these initiatives will contribute to increased deterrence and should lessen the likelihood of increased tensions on the Peninsula.

CHINA

Question. China is viewed by some as a potential threat and by others as a potential constructive partner. Either way, it is clear that China has an increasingly significant role in the security and stability of the region, and the United States must determine how best to respond to China's emergence as a major regional and global economic and military power.

What is your assessment of the current state of U.S.-China military relations?

Answer. Our military-to-military relationship continues to be characterized by cyclical ups and downs and, in general, lags behind the overall U.S.-China relationship in terms of maturity. The recent Defense Consultative Talks, led by USD(P) Flournoy in Beijing this past June, was the symbolic restart of our military-to-military relationship, unilaterally suspended by China in October 2008 over the announcement of U.S. arms sales to Taiwan. Although the meetings went well and restarting a military-to-military dialogue is a notable accomplishment, it highlighted the fact that there were no official military-to-military relations between the United States and China for almost 9 months. In a more mature relationship, which we are seeking, the value of a continuous military-to-military dialogue is recognized and leveraged to advance areas of common interest and help resolve areas of disagreement.

Question. How would you characterize the quality of the U.S.-China military-to-military engagements to date?

Answer. The general trend in military-to-military relations has been positive since the April 1, 2001, collision between a U.S. Navy EP–3 and a PLA fighter. The past 2 years of reduced engagement are hopefully atypical, as they were affected by a suspension of high level events during the Beijing Olympics in August 2008 and a pause as China responded to the earthquake disaster in May 2008. If confirmed, I

will seek to stabilize the military-to-military relationship and resume a positive trend in both quality and quantity of engagements.

Question. If confirmed as Commander, PACOM, what do you envision as your role in military-to-military engagements with China?

Answer. PACOM should lead the military-to-military relationship with China. As China and the People's Liberation Army are also engaging worldwide, other combatant commanders will also play a role in advancing the relationship. PACOM will work with these combatant commanders, the Joint Staff, and the Office of the Secretary of Defense to rationalize military-to-military engagements with China in support of broader U.S.-China strategic objectives.

Question. How do China's efforts to establish a strategic presence in various South Asian seaports affect its political-military posture and influence in the region?

Answer. As China grows and expands her presence, it will be increasingly important to understand her intentions and to help influence her development as a responsible stakeholder. Chinese influence in South Asia, like much of the world, has been facilitated mainly by economic penetration into this region's markets. Chinese assistance in the development of Indian Ocean ports is intended to facilitate access to trade, resources, and investment. To date we have not observed a military component to these port development projects. A more mature and sophisticated military-to-military relationship could lead to a better understanding of PRC long-term goals and intentions in South Asia, and contribute to a lessened likelihood of miscalculation.

Question. China's defense spending in 2009 will exceed its 2008 spending by 15 percent, continuing its trend of double-digit growth in each of the last 20 years.

In your view, what is China's intent in pursuing such rapid military growth and modernization?

Answer. For the past 20 years, the main impetus for China's military modernization has been to prepare for a potential Taiwan conflict involving U.S. intervention. However, investments also indicate a broader national agenda. Lacking transparency into the full range of Chinese military spending and planning, there remains uncertainty over the future direction and goals of an increasingly powerful PLA.

Question. What do you believe are China's political-military goals in the Asia-Pacific region and globally?

Answer. China aims to create a military commensurate with its reemergence as a global great power with expanded regional and strategic interests. China seeks to be increasingly self-sufficient in its ability to secure its interests, including areas around China that it regards as sovereign Chinese territory as well as the international sea lines of communication upon which its economy depends.

Question. Recent incidents involving the U.S. Navy and Chinese ships, such as with the USNS *Impeccable* in the South China Sea and the USNS *Victorious* in the Yellow Sea, suggest the need for improved mutual understandings between the United States and China in the maritime environment.

Please describe your understanding of the current U.S.-China Military Maritime Consultative Agreement (MMCA).

Answer. The U.S.-China MMCA has within its title ". . . A Consultation Mechanism to Strengthen Military Maritime Safety." The goal is to develop operational and tactical level understanding between military operators of the international norms for conducting safe operations in close proximity to one another.

Question. Has that agreement been effective? If not, how can it be improved?

Answer. The agreement has been a qualified success. The MMCA has served as a durable forum for communications between the U.S. and Chinese militaries. For example, a special meeting held under the MMCA was the first official meeting after the April 2001 EP–3 incident. In 2006, the MMCA forum facilitated a successful two-phase, bilateral Search and Rescue Exercise off Hawaii and San Diego. However, the Chinese continue to use the MMCA as a platform to discuss policy and legal interpretations and to criticize U.S. military operations. If confirmed, I will seek to mature MMCA discussions such that they achieve their goal of enhancing the safety of sailors and airmen of both nations.

Question. What should be done to prevent future maritime incidents with China?

Answer. A more mature military-to-military relationship will allow better understanding of intentions and reduce the chances for misunderstanding and miscalculations. As part of these discussions via the MMCA and all other levels on engagement, the necessity to observe international norms in maritime operations may be emphasized.

TAIWAN

Question. What is your assessment of U.S.-Taiwan military relations?

Answer. Guided by the Taiwan Relations Act stipulation that we will make available to Taiwan defensive articles and services as necessary for Taiwan to maintain a sufficient self-defense capability, we maintain a robust military-to-military engagement with Taiwan at all levels. The United States and Taiwan regularly conduct dialogues and exchanges. For example, U.S. Pacific Fleet conducted the Bi Hai ("Blue Sea") forum with the Taiwan Navy. PACOM conducts an annual observation of Taiwan's Han Kuang joint exercises. While our relationship is based on the Taiwan Relations Act and related policies, it is also shaped by our common democratic cultures. It is something I will continue to strongly support.

Question. What are the priorities, in your view, for U.S. military assistance to Taiwan?

Answer. We closely monitor the shifting balance in the Taiwan Strait and Taiwan's defense needs and Taiwan has made significant strides in increasing its self defense capabilities. We should continue to emphasize the importance of joint training—to include both command post exercises and realistic training in the field as well as their need to more fully integrate their capabilities, including air and missile defenses. Also, to the maximum extent possible, we should assist in Taiwan's transition to an All-Volunteer Force, including development of a professional noncommissioned officer corps.

Question. What is your assessment of the cross-strait relationship between China and Taiwan?

Answer. The Ma Administration's cross-strait policies have contributed to a lessening of tensions in the region. We support the expanding dialogue and exchanges across the Strait. Presently, the PRC continues to increase and improve its cross-Strait military posture. In the longer term, we should observe for a commensurate reduction in PRC military power that threatens Taiwan.

Question. What is your view of the relationship between the type of assistance we offer Taiwan and the stability of the region?

Answer. Adequate defense in Taiwan and our support to that capability is essential to maintaining peace and security in Northeast Asia. The Taiwan Relations Act, which shapes our support to Taiwan, has been in force now for over 30 years and has played a valuable and important role in our approach to the region. Helping Taiwan maintain its self defense will help ensure cross-Strait balance, stability, and regional prosperity.

INDIA

Question. What is your view of the current state of U.S.-India military relations?

Answer. Our military-to-military relations with India are very positive and expanding. Overall, both the United States and India view our military-to-military relationship as the foundation of our "strategic partnership." Due to the wide range of shared security interests, accompanied with the increasing complexity and maturity of our engagement, this relationship will continue to expand. Currently, we are engaging India on many fronts including foreign military sales, advanced training such as Malabar and Red Flag, and real world operations such as counter-piracy patrols in the Gulf of Aden and U.S. POW/MIA recovery missions in northeastern India.

Question. If confirmed, what specific priorities would you establish for the U.S. military relationship with India?

Answer. India's growing economic, diplomatic, and military power makes them a key player not only in South and Central Asia but globally as well. A strong positive relationship with India is essential to achieving long-term U.S. goals such as regional security and stability, reduced tensions with Pakistan, and wide-ranging cooperation to counter extremism. We should continue to expand our military-to-military engagement to include multilateral partners and increasingly complex exercise scenarios that help to advance India's military capabilities. In coordination with U.S. Central Command (CENTCOM), we will develop confidence building measures and events that help reduce India-Pakistan tension and support the greater U.S.-Afghanistan-Pakistan Strategy.

Question. How do our engagements in Pakistan and Afghanistan affect our relations with India?

Answer. India has voiced strong support for U.S. objectives to bring peace and stability to Afghanistan and Pakistan. While they voice their support, they also voice their concern that the United States might sacrifice our strong bilateral relationship and its long-term benefits for the sake of an immediate Afghanistan-Pakistan campaign strategy. Our best course of action to allay Indian concerns while garnishing

their overall support for our ongoing regional efforts is to continue to strengthen our bilateral relationship with India across all agencies of government, including military-to-military.

Question. What relationship, if any, do you believe exists between the armed groups conducting terrorist attacks in India, and the armed groups conducting attacks in Pakistan and Afghanistan?

Answer. Leaders of violent extremist groups such as al Qaeda, Jaish-e-Mohammad, and Lashkar-Tayyiba leverage personal relationships forged during the 1980s when many of these leaders joined together to fight the Soviets in Afghanistan. These informal, nonorganizational relationships continue to factor into some extremist operations in the PACOM AOR.

REPUBLIC OF THE PHILIPPINES

Question. What is your assessment of the current state of U.S.-Philippines military relations?

Answer. The Philippines is one of the United States' five treaty allies in the Pacific and is a committed regional security partner. Our alliance is exceptionally strong. The United States has a mature and focused engagement with the Philippines that is achieving results in the form of enhanced counterterrorism performance, maturing maritime security efforts, and increased commitment to multilateral regional security activities.

Question. What is your view of the effectiveness of the Special Operation Forces assistance being provided to the Philippines military in its light against terrorist groups?

Answer. The U.S. military is working effectively "by, with, and through" the Armed Forces of the Philippines (AFP) to provide assistance while respecting the legal restrictions on foreign forces embodied in the Philippine Constitution. The United States provides active support through a variety of security assistance and engagement activities designed to increase AFP capability and capacity to fight violent extremist organizations. The result of these efforts is evident in the increased ability to respond effectively to the threat of terrorist organizations like the Abu Sayaf Group and Jemah Ismaliya by AFP.

Question. What measures or guidelines would you employ, if confirmed, to control the circumstances, if any, under which U.S. personnel may become involved in combat in the Republic of the Philippines?

Answer. The United States respects the sovereignty of the Philippines. Our policy is clear: U.S. forces are not authorized to conduct combat operations in the Republic of the Philippines or to accompany Philippine Security Forces to locations where contact with the enemy by U.S. forces is anticipated. If confirmed, I will continue to support current restrictions and enforcement mechanisms prohibiting a combat role for U.S. forces.

INDONESIA

Question. Indonesia is a key Asian power and the largest Muslim country in the world. Building on opportunities to improve and expand U.S. relations with Indonesia where possible should be a key goal.

What is your assessment of U.S.-Indonesian military relations?

Answer. The U.S.-Indonesia military-to-military relationship has steadily grown since the normalization of relations in 2005. The relationship has evolved from initial, small-scale, bilateral exchanges into a more complex, focused partnership which encourages the Indonesian Defense Forces (TNI) to take the lead in bilateral and multilateral exercises. TNI is a demonstrated partner in Humanitarian Assistance/Disaster Relief (HA/DR), Peacekeeping Operations (PKO), and leadership development. The Indonesian Government has demonstrated its desire to work multilaterally and be a partner nation through the TNI's participation in United Nations PKO missions in Lebanon, the Congo, and Sudan; leading the Global Peace Operations Initiative (GPOI) Capstone exercise, Garuda Shield; and taking the lead in the United Nations Force Headquarters in Cobra Gold.

Question. Do you favor increased U.S.-Indonesian military-to-military contacts? If so, under what conditions?

Answer. If confirmed, I would support increased military-to-military contact within the confines of existing legal restrictions and in close consultation with the Departments of State and Defense.

Question. What is your view of the commitment of the Indonesian military leadership to professionalization of its armed forces, adherence to human rights standards, improvement in standards of military justice, and cooperation with law enforcement

efforts to investigate and prosecute those military personnel accused of human rights abuses?

Answer. The Government of Indonesia continues to make progress in military reform. Early progress toward defense reform—separation of the police from the military, eliminating formal political roles for the TNI, increasing accountability, and human rights training—has been sustained. The 2002 Defense Law and the 2004 TNI Law formally codified the roles and responsibilities of the TNI as a mechanism to support, not replace, civilian government. It is worth noting the TNI's professional conduct during recently completed parliamentary elections. Continued "hard" reforms that the United States should continue to push for include full accountability for past human rights abuses, strengthening civilian control, putting the TNI fully "on budget", and continued professionalism of the TNI officer corps.

If confirmed, I would support TNI's continued progress by encouraging professionalism within the military with particular emphasis on accountability and respect for human rights through bilateral security discussions, joint training, military assistance, and military training programs. U.S. interaction with TNI soldiers is the most effective method to encourage professionalism in the Indonesian military.

Question. What is your understanding of the extent to which the Indonesian Government is cooperating with the United States in the fight against terrorist networks?

Answer. Based on my current understanding, I believe the Government of Indonesia has cooperated closely and effectively with the United States and our allies in combating global terrorist networks in the region. The government has shown tremendous success in arresting and convicting terrorists.

Question. Do you believe increased engagement by U.S. Special Operations Forces, particularly in a foreign internal defense capacity, would be positive for the U.S.-Indonesian military-to-military relationship?

Answer. Engagement by all our forces has been steadily increasing as our military-to-military relationship continues to mature and expand. In every case, U.S. Special Operations Forces (SOF) inclusive, increased engagement has had significant positive impact on our growing partnership. Regardless of mission, our training focuses on reinforcing professional military practices to include respect for human rights and the rule of law.

Question. What do you believe is the biggest challenge to increasing special operations engagement in Indonesia?

Answer. Current U.S. military engagement with the Indonesian Special Forces is fairly robust; PACOM currently trains with the Indonesian Naval Special Forces, Indonesian Marine Special Forces, and Indonesian Air Force Special Forces. U.S. SOF engagement with key Indonesian Special Operations Forces (specifically the Indonesian Army Special Forces known as KOPASSUS) remains a challenge in light of current vetting requirements designed to preclude specific units previously linked to human rights abuses from participating in U.S.-funded training. In this regard, I am firmly committed to U.S. policies and laws on human rights and I will support all efforts to make sure that no U.S. money or training goes to those individuals who have abused human rights in the past.

AUSTRALIA

Question. The U.S.-Australia alliance remains strong and stands as a key component of regional security and stability.

Please describe your understanding of ongoing U.S. collaborative efforts with Australia, particularly with respect to intelligence, surveillance, and reconnaissance (ISR) and humanitarian assistance and disaster relief capabilities in the region.

Answer. In September 2007, the United States and Australia agreed to pursue three areas of Enhanced Defense Cooperation (EDC): ISR, HA/DR, and Joint Combined Training Capability (JCTC). The recent April 2009 Australia-U.S. Ministerial Consultations (AUSMINS) Joint Communiqué highlighted progress made on these enhanced defense cooperation initiatives.

The United States and Australia are partnering in an Enhanced ISR Initiative to increase interoperability in the employment of Australian and U.S. ISR systems to collect, fuse, and share intelligence to meet our mutual defense and national needs around the globe. Collaborative efforts have enabled both nations to efficiently employ their low density, high demand ISR assets and strengthen strategic partnership in the Pacific.

Combined efforts to develop a HA/DR capability that enhances our joint response to catastrophic regional events is progressing. Though neither PACOM nor the Australia Defence Force own HA/DR stocks, our coordination efforts reach to the inter-

agency, for a whole-of-government approach. As the HA/DR initial responders, our respective militaries improve coordination through existing agreements and arrangements and are exploring respective control-center linkages.

Question. What do you believe should be done to continue to promote cooperation between the United States and Australia and to further enhance inoperability?

Answer. The Australia-U.S. military relationship is mature and successful. Continued bilateral/multilateral training exercises, along with sustaining the ongoing range of formal and informal dialogues, will enhance interoperability between the United States and Australia.

The Joint Combined Training Capability (JCTC) is the third initiative under the EDC umbrella our countries agreed to in 2007. JCTC is a networked architecture linking U.S. and Australia simulations and live forces to create realistic combat training. The technology proven during our biannual, bilateral exercise Talisman Sabre in 2007 will be further explored this month in Talisman Sabre 09, as well as other exercises and operations this year. The JCTC directly enhances interoperability between our two militaries, reduces cost and improves unilateral and bilateral training quality.

THAILAND

Question. What is your view of the strategic importance of Thailand in the Asia-Pacific region?

Answer. Thailand remains a dependable U.S. ally and our 175-year bilateral relationship (our oldest in Asia) remains strong. Thailand was declared a Major Non-NATO Ally of the United States in 2003, and the Royal Thai Government (RTG) continues to provide strong support and close cooperation in combating sources of terrorism. Thailand is key for U.S. regional security goals and addressing regional challenges such as maritime security, counterterrorism, and disaster relief. Thailand provides important access to military facilities for force projection, military exercises, and humanitarian relief. Thailand hosts more exercises with the United States than any other Southeast Asian country, averaging over 40 per year, some of which are multilateral.

Question. If confirmed, what approach would you take to strengthening U.S. relationships with the Government of Thailand?

Answer. We will continue to expand our partnership in addressing global and regional security concerns and challenges. In recent years, Thailand has supported U.S. coalition efforts by dispatching military units to Afghanistan and Iraq, sent military observers to Indonesia to support the Aceh peace process, and pledged a peacekeeping battalion for the U.N. Mission in Darfur. If confirmed, I will encourage the RTG to continue joining international efforts promoting peace and stability. Additionally, we will use our military exercise program and training courses to maintain close relationships with Thai political, military, law enforcement and intelligence officials, build defense relations that promote specific U.S. security interests, and reinforce civilian control of the military.

TRANSNATIONAL THREATS IN THE PACIFIC COMMAND AREA OF RESPONSIBILITY

Question. Do you agree that drugs, human trafficking, and terrorism are transnational threats in the Asia-Pacific region?

Answer. I agree these are all extremely serious and interrelated threats to regional stability. Transnational crime and terrorism thrive on common enablers such as illicit transportation networks, weapons trafficking, corruption, and the financial underground. These threats impact political, social, and economic systems differently yet in equal measure by eroding the rule of law; undermining the legitimacy of governments and institutions; and shifting wealth and power to terrorist and criminal networks.

Question. If confirmed, how would you approach the prioritization of these threats? How would you assess the role of the U.S. military in addressing them, as well as the adequacy of resources to do so?

Answer. These threats are mutually supporting and must be addressed collectively with other U.S. Government agencies, foreign partners, and stakeholders such as NGOs and the private sector. We cannot achieve objectives against violent extremism without confronting criminal challenges that facilitate extremist and insurgent freedom of action. PACOM must continue to enhance cooperation with its partners to identify our comparative advantages and apply them cohesively toward achieving desired outcomes. The military priority is to further evolve its ability to support U.S. and partner nation law enforcement activities.

PACOM is currently limited in this endeavor by resources and authorities. Counterdrug programs are the primary means for providing military support to law

enforcement. Additional counterdrug funding, coupled with expanded authorities for other military-civilian engagement, would significantly enhance our contributions to overall effort.

MISSILE DEFENSE CAPABILITY IN THE PACOM AOR

Question. Do you believe the United States currently has sufficient missile defense capabilities to defend U.S. forward deployed forces and allies in the PACOM AOR against the existing ballistic missile threat posed by North Korea?

Answer. Yes, we currently have sufficient ballistic missile defense (BMD) capability to defend against the North Korean ballistic missile threat.

THEATER MISSILE DEFENSE FOCUS

Question. With the fiscal year 2010 budget request, Secretary Gates has refocused the Department's missile defense program more on effective theater missile defenses to protect our forward deployed forces, allies, and friends against existing short- and medium-range missile threats from nations like North Korea. The budget request would provide $900 million in increased funding for more of the Terminal High Altitude Area Defense and Standard Missile-3 interceptors, and more Aegis BMD ships.

Do you agree with Secretary Gates' decision to increase the focus on effective theater missile defenses to defend our forces against existing regional missile threats from nations like North Korea?

Answer. Yes, I agree with the Secretary that regional and theater missile defense warrants increased focus. The preponderance of the threats we face in the Pacific are short, medium, and intermediate range ballistic missiles.

MISSILE DEFENSE RELATIONSHIPS

Question. What is your understanding of the current relationship between PACOM, NORTHCOM, and STRATCOM with respect to BMD deployments and operations, for both regional and long-range missile defense?

Answer. As defined in the Unified Command Plan 2008, Commander NORTHCOM is charged with defense of the Homeland that includes the continental United States and Alaska. Commander, PACOM is responsible for the defense of Hawaii and all other defended areas within the PACOM AOR. The two commands work together, either as the supported or supporting commander, contingent upon the threat and defended area, to defend their respective AORs. Commander, STRATCOM is the global synchronizer for planning and coordinating global missile defense.

AEGIS-CLASS SHIP ASSIGNMENTS

Question. What is your understanding of the arrangement whereby Aegis-class destroyers and cruisers of the U.S. Pacific Fleet will be made available, or dedicated, to BMD missions, and what impact will this arrangement have on the capability of PACOM and U.S. Pacific Fleet to fulfill their other missions involving Aegis-class ships?

Answer. Commander, PACOM and Commander, NORTHCOM have established a system of readiness conditions for theater and global missile defense, respectively. Aegis requirements are clearly delineated in these readiness conditions, and they provide the Commander, U.S. Pacific Fleet, the opportunity to integrate these requirements into his planning and resource allocation processes, ensuring his ability to fulfill the missile defense mission and the other Aegis specific missions for which he is responsible.

Question. If confirmed, how would you propose to strike an appropriate balance between missile defense and non-missile defense missions for ships of the U.S. Pacific Fleet?

Answer. If confirmed, I will promote and ensure close and frequent coordination between commanders with BMD responsibilities. Key to striking the right balance is PACOM's continued focus on integrating Patriot Advance Capabilities-3 (PAC–3), AN–TPY–2 Forward-Based X-Band Radar Transportable (FBX–T), and Terminal High Altitude Area Defense (THAAD) into the BMD architecture in order to improve its theater-wide BMD capability and reduce its reliance on Aegis ships. Finally, I will continue PACOM efforts to leverage potential allied contributions towards regional missile defense missions.

U.S. SPECIAL OPERATIONS COMMAND

Question. What is your understanding of the requirements for coordination and cooperation between U.S. Special Operations Command teams working to fulfill the

global terrorism mission, PACOM, and the U.S. mission chiefs in the relevant countries?

Answer. Coordination and cooperation between PACOM, ambassadors, and Special Operations Command teams remain essential to success in the global war on terror. Commander, PACOM assumes Operational Control (OPCON) of Special Operations Forces once those forces enter the AOR. In all cases, ambassadors remain responsible for activities in their respective country, to include theater security cooperation activities involving Special Operations Forces. As a result, the military commander exercising OPCON is required to coordinate activities with the respective ambassador.

Additionally, coordination with U.S. Special Operations Command and country ambassadors continues even after OPCON has been assumed by Commander, PACOM. In certain circumstances, U.S. Special Operations Command may retain OPCON of forces conducting specialized missions or crossing geographic combatant commander boundaries.

Question. If confirmed, would you seek to change any aspects of these requirements?

Answer. I do not foresee recommending changes in the current commend and support relationships.

Question. Some have suggested that the rank of Theater Special Operations Commanders should be increased, as should the size of their respective staffs, to be commensurate with the level of special operations conducted in certain geographic regions.

Given the number of Special Operations personnel deployed in the PACOM theater in recent years, do you believe such measures should be considered?

Answer. In 2006, the Commander, Special Operations Command Pacific position was elevated from a one-star to two-star billet. At this time, I am comfortable with this rank structure. Additionally, Special Operations Command recently completed a manpower study that addressed SOF mission growth and the associated manpower to support. I am comfortable with this evolving process.

TECHNOLOGY PRIORITIES

Question. PACOM has been active in the Joint Concept Technology Development (JCTD) process and currently has several projects in the program, as well as cooperative activities with Service and Defense Advanced Research Project Agency (DARPA) research programs.

If confirmed, what steps would you expect to take to make your requirements known to the Department's science and technology (S&T) community to ensure the availability of needed equipment and capabilities in the long-term?

Answer. If confirmed, I will support efforts to strengthen the partnership between PACOM and the S&T community. In so doing, PACOM will help researchers better understand the context of our operational problems, while we gain better insight into solutions maturing through Service efforts. I plan to use the Integrated Priority List (IPL) as the foundation for these discussions. JCTDs will continue to be an important path for maturing S&T efforts into operational capabilities. Additionally, I will explore new S&T initiatives with key allies and partners across Asia Pacific to meet shared operational challenges and increase interoperability. Ultimately, I would like to see at least one JCTD or Rapid Technology Transition project against each of the IPL gaps and corresponding S&T capability development partnership projects with key allies and partners in the Asia Pacific region.

EXERCISES AND TRAINING

Question. What is your assessment of the current PACOM training and exercise program, including those designed to train personnel for peace and stability operations?

Answer. My assessment is the PACOM exercise program is very effective, as evidenced by successful disaster relief operations, responsive support to overseas contingency operations in the PACOM and CENTCOM AORs, and the improvements in the quality of our regional partners' peacekeeping forces.

I recognize the importance of a rigorous training and exercise program. If confirmed, PACOM training and exercises will continue to receive emphasis based on their value in maturing U.S. readiness and capabilities and improving our ability to operate with allies and partners in the region.

Question. Do you believe that the PACOM's training and exercise program currently has adequate funding and personnel resources?

Answer. I do not yet have a full appreciation of the funding and resource status of the PACOM training and exercise program. I am aware of the congressionally-

created Combatant Command Exercise Engagement (CE2) account that supports joint training. From my observations, this account has significantly enabled conduct of our training and exercise program. If confirmed, I will ensure resources are effectively used and advocate for additional resources when necessary.

Question. What are your views on how the PACOM, in concert with the U.S. Joint Forces Command (JFCOM), could improve its training and exercise program, including training and exercises for peace and stability operations?

Answer. I view collaboration with JFCOM and the continuous assessment such interaction fosters as central to improving the command's training program. I also anticipate the new Pacific Warfighting Center (PWC), when integrated into JFCOM's global grid of warfighting centers, will allow PACOM and JFCOM to continue to cooperatively develop transformational training concepts for traditional warfighting, peace and stability operations, irregular warfare, and a whole-of-government approach to mission execution. If confirmed, PACOM will continue to pursue interagency and multinational and multilateral participation in its training and exercise program to replicate the operating environment as realistically as possible.

Our GPOI training with partner nations continues to advance, successfully producing capable, ready forces to address peacekeeping-related requirements.

Question. The Commandant of the Marine Corps has expressed reservations, in the context of the planned move of U.S. marines from Okinawa to Guam, about the ability to do effective collective training of marines on Guam or in the Northern Marianas.

Do you share that concern?

Answer. I understand the Commandant's training concerns associated with the move to Guam. I believe continued collaboration with all of the elements involved with the move is critical to successfully working through the many issues associated with an endeavor of this magnitude.

PRISONER OF WAR/MISSING PERSONNEL OFFICE ACCOUNTING EFFORTS

Question. Recovery of remains of U.S. servicemembers from World War II, the Korean War, and the Vietnam war continues to be a very high priority and the Joint Prisoner of War/Missing Personnel Office Accounting Command (JPAC) is critical to recovery and identification efforts.

What is your understanding of the responsibilities of JPAC and its relationship to the Defense Prisoner of War (POW) and Missing Personnel Office (DPMO)?

Answer. JPAC conducts operations to support accounting of personnel unaccounted for as a result of hostile acts. PACOM provides higher headquarters support and direction, and interface between JPAC and the Joint Staff and OSD. The POW/DPMO exercises policy, control, and oversight within DOD. DPMO, and JPAC coordinate directly on routine POW/Missing in Action (MIA) issues.

Question. If confirmed, what steps, if any, would you take to enhance POW/MIA recovery efforts at JPAC and throughout the PACOM AOR?

Answer. JPAC resources and accounting efforts are focused not only in the PACOM region, but throughout the world. If confirmed, I will encourage full cooperation by the host nations where we conduct POW/MIA activities and continue to reinforce U.S. Government priorities and commitment in our accounting and recovery efforts with leaders of these countries and the respective U.S. ambassadors.

Question. If confirmed, what steps would you take to ensure the adequacy of resources available for this work?

Answer. If confirmed, it is my duty to ensure JPAC accomplishes their mission. I will work to ensure JPAC is fully resourced to accomplish its mission and pledge that we will not compromise the integrity of the mission or the ability of the U.S. Government to provide the fullest possible accounting to the families of our Nation's unaccounted. I am committed to maintain and expand, when requirements dictate, the scientific expertise and integrity inherent in JPAC today. PACOM will provide the JPAC Commander its full support in the conduct of its mission.

QUALITY OF LIFE

Question. Combatant commanders have an interest in the quality of life of military personnel and their families assigned within their AOR.

In your view, what is the role and responsibility of combatant commanders for the quality of life of personnel assigned to their AOR?

Answer. The combatant commander is a strong advocate for improving the quality of life for assigned personnel. The commander ensures that quality of life issues are articulated to community leaders, military installation commanders, DOD policymakers, and Members of Congress. The commander must also be a synergistic partner with the Office of the Secretary of Defense, AOR subunified commands, other

combatant commands, local industry, and government and non-DOD agencies to garner support and resources for quality of life programs.

Question. If confirmed, what would you do to enhance quality of life programs for military members and their families within the PACOM?

Answer. If confirmed, I would make quality of life for the servicemembers and families of PACOM one of my top priorities. People are our most important resource and constant focus on quality of life initiatives is vital to effectively implementing our "partnership, readiness, and presence" strategy in the region.

First and foremost, it would be my responsibility to commit resources and support funding for the broad array of initiatives and efforts that comprise an effective quality of life program. I would ensure adequate and appropriate access for our servicemembers to the high quality training, facilities, equipment, and technology necessary to ensure safe and effective mission completion. I would also ensure that our servicemembers and their families have access to the exceptional services, facilities, and programs they deserve given their commitment to our Nation (housing, medical/dental, commissary and exchange, child care, and morale, welfare, and recreations facilities).

Tailored and effective quality of life programs and services demonstrate our commitment to our personnel, both at home and deployed, by appropriately compensating them for their service and providing for their families. Our fighting forces deserve exceptional access to such quality of life programs and services and I stand committed to ensuring they get them.

Question. What is your view of the challenges associated with global rebasing on the quality of life of members and their families in the PACOM AOR (including adequate health care services and DOD schools)?

Answer. The biggest challenge will be preserving the quality of life for our servicemembers and their families while we realign our forces in theater.

Throughout the transition process, we should focus our efforts on maintaining quality housing, DOD schools, commissary and exchange services, medical/dental facilities, higher education, work life, family, and community support programs for our people. We should sustain current levels of service during the transformation 'out' phase and ensure these systems are in place before families arrive in the area.

Question. What steps do you believe need to be taken in Guam to ensure that adequate services are available to U.S. personnel and their dependents?

Answer. As we plan for increased military development in Guam, we must ensure organizations and agencies that provide services to U.S. personnel and their dependents are included in the planning process, and adequate funding for expansion of these services is provided.

The Joint Guam Program Office (JGPO), established by the Deputy Secretary of Defense and tasked with executing this comprehensive redevelopment effort, is leading the planning process and is engaging DOD components and other stakeholders to program and budget for adequate services for U.S. personnel and their dependents in Guam. If confirmed, I will ensure JGPO is fully informed of PACOM quality of life requirements on Guam.

HUMANITARIAN ASSISTANCE AND DISASTER RELIEF

Question. What should be the role for the U.S. military in humanitarian assistance and disaster relief in the Asia-Pacific region?

Answer. The role of the U.S. military during humanitarian assistance and disaster relief contingencies is to support U.S. efforts, specifically upon the request of host nations via U.S. Department of State, to save lives, alleviate human suffering, and preclude regional conflicts. The request for assistance is normally initiated by or through the U.S. ambassador, and is typically of short duration for immediate needs that cannot be fulfilled by the host nation or the international relief community.

Question. The Asia-Pacific region has experienced some of the worst natural disasters in recent history, including the 2004 Indian Ocean tsunami. In support of U.S. Agency for International Development and the U.S. Government's broader relief efforts, DOD has played an instrumental role in the international response to recent Asian disasters (e.g. Burma, Philippines, Bangladesh, China) and is deeply involved in interagency disaster preparedness/mitigation planning efforts.

DOD HA/DR efforts have provided unique military capabilities (strategic airlift, logistics, transportation, communication) and have made significant contributions by saving lives, reducing human suffering, helping build partner capacities, and preventing crisis from becoming conflicts thereby increasing security and stability in the region. Such DOD contributions should continue in the Asia-Pacific region.

Are the resources necessary to fulfill this role currently available to the PACOM commander? If not, what additional resources are necessary?

Answer. The required resources are either currently assigned to PACOM or are readily available through normal mechanisms for providing logistical support or acquiring and providing specifically identified commodities, such as shelter, food, water, or medical supplies.

LAW OF THE SEA CONVENTION

Question. The United Nations Convention on the Law of the Sea is pending consideration in the United States Senate.

What is your view on whether or not the United States should join the Law of the Sea convention?

Answer. Like the Chairman of the Joint Chief of Staff and the Chief of Naval Operations, I strongly support U.S. accession to the Law of the Sea Convention.

Question. How would being a party to the Law of the Sea Convention help or hinder the United States' security posture in the Asia-Pacific region?

Answer. Being a party to the Law of the Sea Convention would enhance U.S. security posture in the Asia-Pacific region. As the Chief of Naval Operations has testified, the Law of the Sea Convention provides a robust legal regime for global operations by U.S. Armed Forces. Particularly important, it codifies navigation and over flight rights as well as high seas freedoms necessary for global mobility of our forces throughout the region. The Convention also codifies the right of warships to seize pirates and pirate vessels, the right of warships to approach and visit commercial vessels, the right to lay and maintain submarine cables (such as internet cables) on continental shelves, and the sovereign immunity of warships, public vessels, and military aircraft.

Many nations are already signatories to the Convention and I believe it is in our national security interests to do the same. Our current non-party status constrains our ability to develop enduring partnerships, inhibits our efforts to expand the Proliferation Security Initiative, and elevates the level of risk our sailors assume when they undertake their duties to preserve navigational rights and freedoms. I believe we ought to eliminate all barriers to collaboration and cooperation with like-minded partners in the maritime domain—accession to the Law of the Sea Convention would facilitate that process.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, PACOM?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duty constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

JOINT POW/MIA ACCOUNTING COMMAND

1. Senator MCCAIN. Admiral Willard, the Joint Prisoner of War/Missing in Action (POW/MIA) Accounting Command (JPAC) plays a critical role in recovering and identifying the remains of missing military members. Recovery and identification of remains of U.S. servicemembers from World War II, the Korean War, and the Vietnam war continues to be a very high priority. The Under Secretary of Defense for Policy reported to Congress 2 years ago on the organization, management, and budgeting of JPAC, essentially supporting continuation of the status quo; however, proposals for organizational and resourcing changes aimed at increasing recoveries and identification of remains continue to be heard. What is your understanding of the responsibilities of JPAC and its relationship to the Defense POW and Missing Personnel Office?

Admiral WILLARD. JPAC conducts operations to support accounting of personnel unaccounted for as a result of hostile acts. U.S. Pacific Command (PACOM) provides higher headquarters support and direction, and interface between JPAC and the Joint Staff and the Office of the Secretary of Defense. The Defense POW/Missing Personnel Office (DPMO) exercises policy, control, and oversight within the Department of Defense (DOD). DPMO and JPAC coordinate directly on routine POW/MIA issues.

2. Senator MCCAIN. Admiral Willard, in your view is the current organization, management, and budget structure of JPAC optimal?

Admiral WILLARD. Given my limited exposure to the organization, I believe JPAC is currently structured and resourced to accomplish their current mission requirements. That said, if confirmed, I look forward to reviewing the results of the PACOM funded, comprehensive manpower study expected to be completed this September, to see what improvements, if any, can be made.

3. Senator MCCAIN. Admiral Willard, is JPAC, in your view, sufficiently resourced and funded to support DOD goals for identifying the remains of missing servicemembers?

Admiral WILLARD. I believe JPAC is resourced to accomplish their current mission requirements. With the exception of the Korean War (due to the suspension of operations in the Democratic People's Republic of Korea), JPAC has met the DOD goals established in October 2006. I understand the DPMO is in the process of developing policy guidance for resource allocation across conflicts which will provide guidelines for allocating resources to reduce cases on JPAC excavation list and determining goals for the number of identifications established per year. Once that guidance is issued, a review of the resources will be made to ensure JPAC can meet the new requirements.

4. Senator MCCAIN. Admiral Willard, if confirmed, would you support exploring new organizational structures, methods, and procedures, to include outsourcing, to increase JPAC's capabilities?

Admiral WILLARD. I do support exploring improvements in the organizational structure, methods, and procedures, to include outsourcing, that show promise of increasing JPAC's capabilities.

5. Senator MCCAIN. Admiral Willard, what, if any, specific steps would you favor to improve accomplishment of the mission of JPAC and other organizations involved in the POW/MIA accounting mission?

Admiral WILLARD. At this time I do not have any specific recommendations, but I am looking forward to reviewing the results of the PACOM funded, comprehensive manpower study of JPAC due out this September. If confirmed, I intend to review their analysis and recommendations, and then take those steps that will result in an improvement of our ability to accomplish this important mission.

[The nomination reference of ADM Robert F. Willard, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 1, 2009.

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

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Admiral

ADM Robert F. Willard, 0000.

[The biographical sketch of ADM Robert F. Willard, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

DEPARTMENT OF THE NAVY,
OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
2000 NAVY PENTAGON,
Washington, DC, May 20, 2009.

HON. CARL LEVIN, *Chairman*
Senate Armed Services Committee,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The President, under the provisions of section 601, title 10, U.S.C., has submitted to the Senate the nomination of ADM Robert F. Willard, USN, for reappointment to the grade of admiral.

Admiral Willard is presently serving as Commander, United States Pacific Fleet. He will be assigned as Commander, United States Pacific Command. He is 58 years of age.

This action will not result in the Navy exceeding the number of authorized four-star positions.

For the information of the committee, I am enclosing a career resume on Admiral Willard which includes a summary of his joint duty assignments.

Most respectfully,

R.S. ERSKINE,
Director, Flag Officer
Management and Distribution.

cc: The Honorable John McCain,
Ranking Member,
Senate Armed Services Committee,
United States Senate,
Washington, DC.

TRANSCRIPT OF NAVAL SERVICE FOR ADM ROBERT FREDERICK WILLARD, USN

05 DEC 1950	Born in Bell, CA
30 JUN 1969	Midshipman, U.S. Naval Academy
06 JUN 1973	Ensign
06 JUN 1975	Lieutenant (junior grade)
01 JUL 1977	Lieutenant
01 JUL 1982	Lieutenant Commander
01 OCT 1987	Commander
01 SEP 1992	Captain
01 SEP 1998	Rear Admiral (lower half)
10 AUG 2000	Designated Rear Admiral while serving in billets commensurate with that grade
01 JUN 2001	Rear Admiral
18 JUL 2002	Vice Admiral
18 MAR 2005	Admiral, service continuous to date

Assignments and duties:

	From	To
Naval Aviation Schools Command (DUINS) (Student)	July 1973	June 1974
Training Squadron Two Five (Student)	June 1974	Nov. 1974
Fighter Squadron One Two Four (Ready Replacement Pilot)	Dec. 1974	Dec. 1975
Fighter Squadron Two Four (Legal Officer)	Jan. 1976	June 1978
Fighter Squadron One Two Four (Quality Assurance Officer)	June 1978	Oct. 1981
Fighter Squadron Two (Operations Officer)	Oct. 1981	June 1984
Navy Fighter Weapons School Naval Air Station Miramar, CA (Operations Officer)	July 1984	May 1987
XO, Fighter Squadron One Two Four	May 1987	Jan. 1988
CO, Fighter Squadron Five One	Jan. 1988	Aug. 1990
Naval Nuclear Power School (DUINS)	Oct. 1990	May 1991
Naval Nuclear Propulsion Training Unit (DUINS)	June 1991	Nov. 1991
Naval Reactors, Department of Energy (DUINS)	Nov. 1991	Apr. 1992
XO, USS *Carl Vinson* (CVN 70)	May 1992	Nov. 1993
Commander, Amphibious Group Three (Assistant Operations/Readiness Officer)	Nov. 1993	Sep. 1994
CO, USS *Tripoli* (LPH 10)	Sep. 1994	June 1995
Naval Reactors, Department of Energy (DUINS)	July 1995	July 1995
CO, USS *Abraham Lincoln* (CVN 72)	July 1995	Mar. 1998
Office of the CNO (TEMDU)	Mar. 1998	Sep. 1998
Joint Staff (Deputy Director, Current Readiness and Capabilities) (J–38)	Sep. 1998	Sep. 2000
Commander, Carrier Group Five	Sep. 2000	Oct. 2001
Commander, U.S. Pacific Fleet (Deputy and Chief of Staff)	Oct. 2001	July 2002
Commander, Seventh Fleet	July 2002	Aug. 2004
Joint Staff (Director, Force Structure, Resources and Assessment, J8, Joint Staff)	Aug. 2004	Mar. 2005
Vice Chief of Naval Operations	Mar. 2005	Apr. 2007
Commander, U.S. Pacific Fleet	Apr. 2007	To Date

Medals and awards:

Defense Distinguished Service Medal
Distinguished Service Medal
Legion of Merit with two Gold Stars
Meritorious Service Medal with two Gold Stars
Navy and Marine Corps Commendation Medal with three Gold Stars
Navy and Marine Corps Achievement Medal
Joint Meritorious Unit Award
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon with three Es
National Defense Service Medal with two Bronze Stars
Armed Forces Expeditionary Medal with three Bronze Stars
Vietnam Service Medal with one Bronze Star
Southwest Asia Service Medal with one Bronze Star
Global War on Terrorism Service Medal
Korean Defense Service Medal
Sea Service Deployment Ribbon with one Silver Star and one Bronze Star
Navy and Marine Corps Overseas Service Ribbon with one Bronze Star
Expert Rifleman Medal
Expert Pistol Medal

Special qualifications:

BA (Physics), U.S. Naval Academy, 1973
Designated Naval Aviator, November 1974
Designated Navy Nuclear Propulsion, April 1991
Capstone, 1998–2

Personal data:

Wife: Donna Joy of Falls Church, VA
Children: Jennifer Lynn Willard (Daughter), Born: 25 August 1972
Mark R. Willard (Son), Born: 15 June 1977
Byron F. Willard (Son), Born: 15 June 1977

Summary of joint duty assignments:

Assignment	Dates	Rank
Joint Staff (Deputy Director, Current Readiness and Capabilities) (J–38)	Sep. 98–Sep. 00	RDML
Joint Staff (Director, Force Structure, Resources and Assessment, J8, Joint Staff)	Aug. 04–Mar. 05	VADM

[The Committee on Armed Services requires certain senior military officers as determined by the committee, to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM Robert F. Willard, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Robert F. Willard.

2. **Position to which nominated:**
Commander, U.S. Pacific Command.

3. **Date of nomination:**
June 1, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 5, 1950; Bell, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Donna Joy (Yelverton) Willard.

7. **Names and ages of children:**
Jennifer Lynn Willard, 36.
Bryan Frederick Willard, 31.
Mark Robert Willard, 31.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Naval Academy Alumni Association; Association of Naval Aviators; U.S. Naval Institute; Navy League of the United States; and the Tailhook Association.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding

service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

COMSEVENTHFLT: Award from Emperor Japan and award from President Republic of Korea (inadvertently left off of the 2007 questionnaire).

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate? Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ROBERT F. WILLARD.

This 20th day of March, 2009.

[The nomination of ADM Robert F. Willard, USN, was reported to the Senate by Chairman Levin on July 29, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 31, 2009.]

NOMINATIONS OF HON. JOHN M. McHUGH TO BE SECRETARY OF THE ARMY; DR. JOSEPH W. WESTPHAL TO BE THE UNDER SECRETARY OF THE ARMY; AND JUAN M. GARCIA III TO BE ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS

THURSDAY, JULY 30, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:39 a.m., in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Akaka, E. Benjamin Nelson, Webb, McCaskill, Udall, Hagan, Begich, McCain, Inhofe, Chambliss, Thune, and Collins.

Also present: Senators Schumer, Cornyn, and Hutchison.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, professional staff member; Jessica L. Kingston, research assistant; Terence K. Laughlin, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Daniel A. Lerner, professional staff member; Lucian L. Niemeyer, professional staff member; Christopher J. Paul, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles and Paul J. Hubbard.

Committee members' assistants present: Christopher Griffin and Todd M. Stein, assistants to Senator Lieberman; Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Ann Premer, assistant to Senator Ben Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Tressa Steffen Guenov, assistant to Senator McCaskill; Jennifer Barrett, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Lindsay Young, assistant to Senator Begich; Brandon Andrews and Anthony J. Lazarski, assistants to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator

Chambliss; Erskine W. Wells III, assistant to Senator Wicker; and Chip Kennett, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

The committee meets today to consider the nominations of Representative John McHugh to be Secretary of the Army, Dr. Joseph Westphal to be Under Secretary of the Army, and Juan Garcia III to be Assistant Secretary of the Navy for Manpower and Reserve Affairs.

Each of our nominees has a long history of public service. Congressman McHugh has represented the people of northern New York with great distinction for over 16 years, serving on the House Armed Services Committee (HASC), as well as chair and ranking member of the Military Personnel Subcommittee and most recently as the ranking member of the full committee.

Dr. Westphal has extensive experience in education and government, including service on the staff of the House Budget Committee, as a policy advisor at the Environmental Protection Agency, and as Assistant Secretary of the Army for Civil Works.

Mr. Garcia has a lifelong association with the Navy as the son of a naval aviator and is one himself through his own 12 years of service. After leaving the Navy in 2004, Mr. Garcia has practiced law and from 2006 to last year served as a member of the Texas House of Representatives for the people of south Texas.

We welcome our nominees. We especially welcome their families to today's hearing. Senior military officials put in long hours every day. We appreciate the sacrifices that our nominees and their families are willing to make to serve our country. As is our tradition and our pleasure, we look forward to the introductions of family members by our nominees for those members who are with us today when the nominees make their opening statements.

If confirmed, Representative McHugh and Dr. Westphal will assume leadership of the Army at a difficult time. Over the last 7 years, the Army has risen to every challenge and inspired this Nation with its courage, commitment, and honor in the most dangerous and difficult circumstances. Nothing brings the people of the United States together, regardless of ideology or world views, more than the deep appreciation and support that we all share for America's troops and their families.

The many sacrifices, large and small, of soldiers and their families weigh upon all Americans, and we are reminded of that time and time again as in the President's announcement a few days ago that the Medal of Honor will be awarded posthumously and presented to the parents of Sergeant 1st Class Jared Monti for heroism above and beyond the call of duty at the cost of his own life in Afghanistan.

Leadership at every level from sergeants to secretaries of soldiers and their families is an awesome responsibility, and the Nation's expectations of these nominees could not be higher.

If confirmed, Mr. Garcia will assume leadership of Navy personnel policies and programs at a challenging time. The Navy has halted its planned Active Duty end strength decreases and continues to struggle, as do all the Services, with the rising costs of

personnel entitlements and military health care. The medical and dental readiness of Reserve personnel and the recruiting and retention of medical professionals remain persistent challenges. These are difficult issues that are going to require Mr. Garcia's personal and total attention.

We look forward to the testimony of our nominees and to learn more about their ideas on how to deal with the many issues that confront the Army and the Navy.

Senator McCain.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you, Mr. Chairman, and I want to thank our colleagues, Senators Collins, Schumer, Hutchison, and Cornyn, who are here on behalf of the nominees. I will make my remarks brief and look forward to hearing from them and the witnesses.

I welcome them and their families, and I thank them for their willingness to serve in these positions of great responsibility at a critical time in our history. Congressman McHugh, Dr. Westphal, and Mr. Garcia are all well qualified to serve in these positions of responsibility in the Departments of the Army and Navy.

I have known Congressman McHugh since 1993. I greatly admire his record of service to the people of northern New York and the military men and women in his district. Sixteen years on the HASC makes Congressman McHugh uniquely qualified to understand the challenges the Army faces today.

I have to say, though, there is an aspect that I find troubling and that is a record of accepting campaign contributions from lobbyists like Paul Magliocchetti and his PMA lobbying firm from which Congressman McHugh accepted more than $160,000.

The PMA lobbying group is under investigation by the Federal Bureau of Investigation which raided Magliocchetti's office and home last March looking for evidence of campaign finance violations and illegal dealings with lawmakers. There is no doubt in my mind that there is a lot more to be learned about PMA and their lobbying activities and earmarks.

I have no reason to believe that Congressman McHugh behaved improperly in any way, but it does create an appearance problem and one that I do not agree with. As I have said many, many times on the floor of the U.S. Senate this kind of earmarking breeds corruption which then lowers the opinion and reputation of the Congress of the United States. I do not view this as disqualifying Congressman McHugh. I think he is uniquely qualified, but it does blemish what otherwise is an exemplary record of public service.

With respect to the Department of the Army, I hope I speak for all members of the committee when I say I could not be prouder of the men and women who serve, and this Nation owes an enormous debt of gratitude to the Army which has carried the fight since 2001 and continue to do so today. I particularly want to express my concern for Private First Class Bowe Bergdahl and his family and note that he is in our thoughts and prayers.

Dr. Westphal, who is nominated for the position of Under Secretary of the Army, served as Assistant Secretary of the Army for Civil Works and for a brief period in 2001 as Acting Secretary of the Army. He brings a wealth of experience to this position.

Mr. Garcia is nominated to be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. Coming from a Navy family with 13 years of Active Duty as a naval aviator and ongoing service in the Naval Reserve, he is extremely well qualified for this position.

I thank Dr. Westphal, Mr. Garcia, and Congressman McHugh and their families for their willingness to serve.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator Inhofe wanted to make a statement in the record at this point.

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. Yes. Just one brief comment, Mr. Chairman. I want all three of our nominees to know that I have a Senate Environment and Public Works Committee hearing where I am the ranking member and attendance is required at 10 o'clock, so I will not be here.

I just want you to know that two of these nominees, Mr. Chairman, I know very well. I see Steve Buyer sitting next to John McHugh back there, and I used to sit between the two of them on the HASC and in those long, long meetings, got to know them very well. I am delighted and I am looking forward to working with Congressman McHugh.

Something you might not know, but Joe Westphal was with Oklahoma State University (OSU) for many years. I have known him for 20 years, and I am just delighted I will be working with him again. I wanted to make sure he gets confirmed in time to go to the opening game of OSU and Georgia, and that should be a lot of fun.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

We are delighted we have four of our colleagues here to make introductions this morning. They have taken time from their extraordinarily busy schedules these days to do this. I know our nominees are grateful, and we are too, that they will be here. Let me start with Senator Schumer who is going to introduce his fellow New Yorker, Representative McHugh.

STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator SCHUMER. Thank you, Mr. Chairman. I want to thank you, Ranking Member McCain, and all of my colleagues for the honor—and it is a true honor for me—to support the nomination of John McHugh as Secretary for the U.S. Army.

I want to welcome members of the McHugh family who I know are especially proud to be here today in support of this important nomination.

John McHugh is my friend, my colleague, a man of great integrity, an outstanding New Yorker, and a great American who exemplifies so many of the qualities that make the American people a great people and make America a great country.

He is a nominee who is more than qualified for the post of Secretary of the Army for many reasons, but there are three in particular: patriotism, service, and leadership. He is a nominee with stellar credentials and a commitment to our country that is unwavering. John's pride in his country is only matched by the pride of those such as myself who are delighted to call him a fellow New Yorker. Just to watch John with the troops at Fort Drum, which is in his congressional district, and of course, in New York—and we are so proud of the 10th Mountain Division and the men and women who serve—and to see how much they admire him and how much he cares for them is no better testament for why he deserves to be supported for this position.

John was born in Watertown, NY. He is one of Watertown High School's most famous graduates. He went on to graduate from Utica College in 1970, received a Bachelors degree and than a Masters at the Nelson A. Rockefeller Graduate School of Public Affairs at the State University of New York in Albany. He began his commitment to public service as a young man while serving as an assistant to Watertown's city manager, then served as an aide to one of the great State Senators from New York, Douglas Barclay, from 1977 to 1984, when he was elected as a successor, served as a member of the State Senate until his election to the U.S. House of Representatives in 1992. He would go on to be reelected eight times with no substantive opposition, even running unopposed in 2002.

Prior to his nomination, as this committee well knows, he served as the ranking member on the HASC and a senior member of the House Oversight and Government Reform Committee, was also a member of the House Permanent Select Committee on Intelligence from 2005 to 2007 where he worked diligently to ensure our Nation stayed on the cutting edge of global intelligence and counterintelligence gathering.

While in Congress, again as the committee well knows, John became known as a champion of our men and women in uniform. He has demonstrated a steadfast commitment to keeping America's Army the best trained, the best equipped, and the best the world has ever seen. I can personally attest as well, Mr. Chairman, having worked with him, just what a fine and decent human being he is. He is just a fine person. Whether we were working to develop the old Plattsburg Air Force Base, fighting to protect the Adirondacks from acid rain, establishing a new border station at Champlain, he was diligent, put in every minute of time that was necessary. He was intelligent. He got the things done and he did it all with grace and a quiet ease that was always, always impressive.

There is one accomplishment that I think truly sums up his commitment to both the military and the community that he serves and that was the creation of the Fort Drum regional health care planning organization. Fort Drum is one of the few military installations without its own hospital. John, recognizing that more needed to be done to protect our soldiers' health while staying at the base, helped create a pilot program that created health care arrangements between the base and the local health centers. The program was so successful it was expanded, and now bases across the country have the opportunity to set up and take advantage of similar programs.

I would like my entire statement to be read into the record, Mr. Chairman.

But I am just so proud that the President chose Congressman McHugh, so proud that he is willing to serve in this important post, and proud to be here in support of his nomination today.

[The prepared statement of Senator Schumer follows:]

PREPARED STATEMENT BY SENATOR CHARLES E. SCHUMER

Thank you, Mr. Chairman and Ranking Member McCain.

Welcome to the members of the McHugh family, who I know are especially proud to be here today in support of this most important nomination.

John Michael McHugh is a nominee who is more than qualified for the post of Secretary of the Army for many reasons, but here are three in particular: patriotism, service, and leadership.

He is a nominee with stellar credentials and a commitment to our country that is unwavering. John's pride in his country is only matched by the pride of those such as myself who are delighted to call him a fellow New Yorker.

John was born in Watertown, New York and is one of Watertown High School's most famous graduates. He went on to graduate from Utica College in 1970 with a Bachelor's degree and received a Master's degree from the Nelson A. Rockefeller Graduate School of Public Affairs at the State University of New York.

John began his commitment to public service as a young man while serving as an assistant to Watertown's city manager from 1971 to 1977. He then served as an aide to State Senator H. Douglas Barclay from 1977 to 1984, when he was elected as his successor. He served as a member of the New York State Senate until his election to the U.S. House of Representatives in 1992. Impressively, he would go on to be reelected eight times with no substantive opposition, even running unopposed in 2002.

Prior to his nomination to be Secretary of the Army, John served as the ranking Member on the House Armed Services Committee, and also as a senior member of the House Oversight and Government Reform Committee.

Additionally, he was a member of the House Permanent Select Committee on Intelligence from 2005 to 2007 where he worked to ensure that our Nation stayed on the cutting edge of global intelligence and counterintelligence gathering.

While in Congress John became known as a champion of our men and women in uniform. He has demonstrated a steadfast commitment to keeping America's Army the best trained, the best equipped, and the best the world has ever seen.

John and I have been friends and partners in government for almost two decades, so I can personally attest to what a fine and decent human being he is. Whether we were working to develop the old Plattsburg Air Force Base, fighting to protect the Adirondacks from acid rain, or establish a new border station at Champlain, John has shown time and time again his intelligence, his grace, and his desire to serve those that elected him to office.

There is one accomplishment that I think truly sums up John's commitment to both the military and the community that he serves, and that was the creation of the Fort Drum Regional Health Care Planning Organization. Fort Drum is one of the few military installations without its own hospital. The congressman, recognizing that more needed to be done to protect the soldiers' health while staying at the base, helped create a pilot program that created health care arrangements between the base and local health centers.

This pilot program was so successful, it was expanded—and now bases across the country have the opportunity to set up and take advantage of similar programs.

With John's confirmation, New York will be losing a tremendous public servant—but our loss will be America's gain, and I am confident that he will serve his country as well as he served the residents of the North Country and Central New York.

I commend President Obama for selecting such a fine nominee and a leader from the U.S. Congress who is a shining example of the belief that our country's partisan disputes about foreign policy and military power should cease at our Nation's shores.

Mr. Chairman, let me add that we would be hard pressed to find a better candidate than the one sitting alongside me today to be our Nation's next Secretary of the United States Army.

I look forward to this hearing, and to Congressman McHugh's swift confirmation.

Chairman LEVIN. Thank you very much, Senator Schumer.

We know that each of you have tough schedules. Each of you are free to leave if you want after your own introductions.

Senator Collins, you have a fellow Mainer to introduce here?

STATEMENT OF HON. SUSAN COLLINS, U.S. SENATOR FROM THE STATE OF MAINE

Senator COLLINS. Thank you, Mr. Chairman.

I do not think I have ever heard Senator Schumer speak so well of a Republican before in my life. [Laughter.]

It really was just an amazing tribute.

Senator SCHUMER. We all grow and evolve. [Laughter.]

Senator COLLINS. Mr. Chairman, it is a great privilege to appear before you today to introduce Dr. Joseph Westphal, the President's nominee to be the Under Secretary of the Army.

The people of Maine are proud of his strong ties to our State, and I am grateful for his remarkable career of service to our Nation.

The challenging and complex responsibilities of this position require a person with the expertise in manpower, personnel management, reserve affairs, installations, environmental issues, weapons systems and equipment acquisition, communications, and financial management. It requires the ability to foster a spirit of cooperation with other branches of Service within the Pentagon, with our international allies, and with Congress. Above all, this position requires an individual as dedicated to our soldiers as they are to serving our country.

Dr. Westphal is that person. He is a true renaissance man. In addition to being a scholar, a teacher, and an academic leader, he is a public servant with a distinguished career in such Departments as the Army, the Department of the Interior, and the Environmental Protection Agency (EPA). He has spent more than 10 years working in Congress on issues related to the environment, trade, and the economy.

We Mainers came to know Dr. Westphal during his tenure from 2002 until 2006 as the Chancellor of the University of Maine's system. He played a critical role in introducing the Department of Defense (DOD) to scientific researchers in Maine and throughout the Northeast. This partnership has resulted in many advancements, including the development of a ballistic protection system for tents used by our troops in Iraq and Afghanistan. It is typical of Dr. Westphal that he saw this need for our troops and set out to develop the means of providing them with greater force protection.

Dr. Westphal's academic career includes a professorship of political science at the University of Maine, as well as 12 years on the faculty of Oklahoma State University, as Senator Inhofe noted. Most recently, he established the Environmental Studies program at The New School in New York City until he again answered the call to government service as a member of President Obama's national security transition team.

Dr. Westphal's previous government service is perhaps most relevant to this nomination and it has been exemplary. He served as Assistant Secretary of the Army for Civil Works, as the chairman indicated, from 1998 to 2001 and as Acting Secretary of the Army for June and July of 2001. Prior to that, he was a senior policy advisor for water resources at the EPA and Special Assistant to the

Secretary of the Interior. His congressional experience includes serving on the senior staff of the House Budget Committee, as special assistant to Senator Thad Cochran, and as executive director of the Congressional Sunbelt Caucus.

Dr. Westphal has received numerous awards during his academic and public career. These include the Decoration for Distinguished Civilian Service, the highest civilian award given by the Department of the Army.

The skills and experience Dr. Westphal brings to this position are matched only by his energy and commitment. Mr. Chairman, colleagues on the committee, it is indeed an honor to endorse the nomination of Dr. Joseph Westphal to be Under Secretary of the Army. Thank you, Mr. Chairman.

I would also ask to insert the statement of my colleague from Maine into the record at this point. Thank you.

[The prepared statement of Senator Snowe follows:]

PREPARED STATEMENT BY SENATOR OLYMPIA J. SNOWE

Chairman Levin, Senator McCain, and distinguished members of the Senate Committee on Armed Services, it is my distinct privilege to express my strongest support for the President's nominee for Under Secretary of the Army at the Department of Defense—an outstanding fellow Mainer, Dr. Joseph Westphal.

I would also like to welcome and acknowledge Dr. Westphal's wife of 41 years, Linda. I'm sure you, along with your son James, and daughters Amy, Heather, and Lindsay, are all extremely proud of Dr. Westphal's accomplishments and I understand how much this must mean to Dr. Westphal as well.

Mr. Chairman, the operational tempo of the U.S. Army remains high as the wars in Iraq and Afghanistan continue. As this committee understands, over the next several months, nearly 145,000 soldiers will be deployed to those 2 countries, as the number of troops in Afghanistan rapidly increases to approximately 60,000 and troop levels decline in Iraq as we begin a safe and secure redeployment from that country. The State of Maine alone is certainly contributing mightily to these operations, deploying as many as 40 percent of our National Guard soldiers to the region—and for the lion's share of our units these are multiple deployments—and some of our brave men and women in uniform incredibly are preparing for their fourth tour of duty.

While the total number of soldiers deployed will ultimately begin to decrease as the pace of our soldiers returning from Iraq increases, there is no question that 7 years of war have had an impact on the readiness of our Army. Army Chief of Staff General George Casey, just 2 months ago explained to this committee that the Army remains out of balance, that we have been consuming the readiness of the Army faster than it can be sustained, and that our soldiers, their families, and supporting communities are stressed due to lengthy and repeated redeployments. Dwell time in the Army, a key metric for restoring and building readiness, for example, remains well below the 1-year-deployed, 2-years-at-homestation that is the Army's goal. Clearly, there is pivotal work to be done.

The nomination of Dr. Westphal will provide an individual with strong knowledge of the Army who will bring a fresh set of thinking to the leadership guiding the 1.3 million members of the Army team, including the patriots of the regular Army, Army Reserve, Army National Guard, and the civilian workforce, stationed in 80 countries through this crucial rebalancing period.

I first met Dr. Westphal when he worked for Senator Thad Cochran and later during my tenure on this committee when he was Assistant Secretary of the Army for Civil Works from 1998 to 2001 and Acting Secretary of the Army in 2001. It was during this period that I became most familiar with his exemplary work ethic, tremendous intellect and impeccable character. From his prior service on the Army team, he is fully aware of the complexities and nuances of leadership in the Army, and will be a "full up round" from day one to lead the Army during this extraordinary time.

In the intervening years since his service with the Defense Department, Dr. Westphal was a member of the faculty at the University of Maine, and, from 2002 to 2006, served as its esteemed chancellor. I was pleased when he was asked to serve in this highly challenging position as Dr. Westphal's strong academic back-

ground and his years of service in the Federal Government provided him a unique set of experiences that would enable him to lead a large university system.

While with the University of Maine, Dr. Westphal immediately began a significant effort to redesign the business processes system-wide and to modernize what had become a decentralized and inefficient organization. That necessary change was implemented and is now operating smoothly. With his Army roots, he also was focused on enhancing the quality of life for members of the Army team who reside in Maine. Clearly, he is a man who looks beyond the moment, who thinks about tomorrow and what is best for those he represents.

Mr. Chairman and members of the committee, Dr. Westphal is an individual of tremendous energy, enthusiasm for service to our country, and dedication to our Nation and its finest principles. Dr. Westphal is an individual of the highest caliber, and I have no doubt that we are entrusting an extraordinary individual to a position of enormous responsibility, second only to the Army Secretary. I am confident that the new Army Secretary, the Honorable John McHugh of New York, also an individual of vision and talent whom I had the pleasure of serving with in the House of Representatives in the 103rd Congress, will rely on the thoughtful, reasoned counsel of Dr. Westphal to ensure that America's Army remains the best trained and best equipped in history.

I am pleased Dr. Westphal has without hesitation accepted this new call to service with the Army at this critical moment in the Army's history. I am confident that he will bring the same level of integrity, hard work, and openness to this important position in the Department of the Army that he brought to every organization with which he has served. I cannot express enough my gratitude to Dr. Westphal, his wife Linda, and their family, for their sacrifice and service to our great country.

I commend this committee for providing Dr. Westphal the opportunity to demonstrate that he will work tirelessly on behalf of the men and women of the Army team to ensure they have the training, the equipment, and all of the resources required for success in current operations—as well as to defend this nation as these patriots have been ready to do since first organized under General George Washington on June 14, 1775—some 234 years ago.

There is no question, Dr. Westphal will also work with equal dedication and vitality on behalf of the families and communities that constitute the Army family, for they too are fundamental to the health, readiness, and future well-being of the Army. I urge the members of this committee to report his nomination favorably for swift consideration by the full Senate. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Collins. The only important note that you missed was that he also is a Detroit Red Wings fan, and that means his nomination will be expedited, I can assure you. [Laughter.]

Senator Hutchison.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman. I am here to introduce someone that I know and think so highly of, Juan Garcia, to be the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

Before I talk about Mr. Garcia, I did want to add my congratulations and also urge the support for my friend, John McHugh. I serve on the West Point Board of Visitors with Congressman McHugh and he has been so helpful and terrific on that board. I know he will make a great Secretary of the Army.

Juan Garcia III. You have given most of his bio, but I met him when he was in the Texas State legislature and did a wonderful job there. I wanted to also add for the record that he is a graduate of the University of California, Los Angeles, Harvard Law School, and Harvard's Kennedy School of Government. He will introduce his family I know, but his wife Denise is also a fellow Harvard Law School classmate.

I think that he has such a great qualification for this job because of his clear love for the Navy, being a second generation to serve in the Navy in his family, and his brother, who is here, is an Active Duty marine. I just want to say that he has served, as you pointed out, for 12 years. He was in Patrol Squadron 47 out of Naval Air Station Barber's Point, HI, completed deployments in the Persian Gulf and the Western Pacific, U.S. Naval Forces Europe in London, England, and was part of Operation Allied Force during hostilities in Kosovo. So he really has the wide range of experience.

He also served as a White House fellow from 1999 to 2000, just a great honor and experience for him.

He left Active Duty in 2004 but continues to be in the Navy Reserve and is currently the commanding officer of Reserve Training Squadron 28 at Naval Air Station Corpus Christi.

I know him. I know he is going to do a great job for our country, and I congratulate him on President Obama's selection and I urge his confirmation by this committee and by the Senate.

Chairman LEVIN. Thank you very much, Senator Hutchison.

Senator Cornyn.

STATEMENT OF HON. JOHN CORNYN, U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. Thank you, Mr. Chairman.

I join Senator Hutchison in introducing Juan Garcia to my Senate colleagues. As has been pointed out, he will serve in a key position at the Pentagon. The Assistant Secretary of Navy for Manpower and Reserve Affairs is an advocate for our sailors and marines deployed all over the globe, our citizen sailors in the Navy Reserve and all of their family members. These brave men and women have met every challenge that has been given to them. They are supporting two wars in Afghanistan and Iraq and they are in a position to respond to natural disasters and security crises all around the world. They are fulfilling their mission for which the U.S. Navy and the U.S. Marine Corps were founded, to protect all of us every day in every way. These heroes and their families help keep our country free and they deserve our full support. As Assistant Secretary, Juan Garcia will be responsible for ensuring that they receive that support.

I would note that Mr. Garcia hails from Corpus Christi, TX, where he still, although in the Reserves, apparently serves as a flight trainer at Corpus Christi Naval Air Station. I was delighted to meet all of his family, but particularly his father who is from Robstown, TX, where my mother was from, and when my dad returned from World War II, having served as a B–17 pilot and was shot down and served 4 months in a prisoner-of-war (POW) camp, he came back to Corpus Christi Naval Air Station for flight training, met my mother, and they married. I guess, as they say, the rest is history.

So I understand where Mr. Garcia is from, his outstanding record. He understands the life of a sailor and a citizen sailor. He flew more than 30 armed missions in the Persian Gulf. He supported Operation Allied Force in Kosovo, and today, as I noted, he is a member of the Navy Reserve.

I might also point out that he is a lawyer, but I trust the committee will not hold that against him.

Chairman LEVIN. You were doing well until that point, I got to tell you. [Laughter.]

Senator CORNYN. It is my pleasure to present to you Juan M. Garcia III of Corpus Christi, TX, and I heartily endorse his nomination and hope you will expeditiously approve his nomination in the committee and on the floor.

Thank you, Mr. Chairman.

Chairman LEVIN. Senator Cornyn, thank you so much. I know how grateful the nominee is and his family for your words. That is a great story about your dad. Thanks for sharing that with us too.

All right. Let us call now on our nominees to come forward. Your statements will be made part of the record in their entirety. Representative McHugh, I think we will start with you for your opening statement.

STATEMENT OF HON. JOHN M. MCHUGH, NOMINEE TO BE SECRETARY OF THE ARMY

Mr. MCHUGH. The Senate system is far more complex than the House system. Forgive me. I was not sure I was pushing the right button.

Chairman LEVIN. In more ways than one, I can assure you. [Laughter.]

Mr. MCHUGH. Mr. Chairman, Senator McCain, distinguished members of the Senate Armed Services Committee, first of all, most importantly, I want to note how excited, how humbled, and frankly, how honored I am to be here before you this morning. This committee has a weighty constitutional responsibility in consideration of these nominations, and having been in this Congress for some years now, I fully recognize the truly dozens of great Americans who have sat before you in the years since the creation of the positions of secretaries of the military departments. Frankly, I am in awe that I may even deserve a moment of your time and consideration.

But as well, for all those that have passed before me, I would respectfully note there are few who have been in this moment in time who have held a greater and higher degree of respect and admiration and affection for this great committee. As Senator Schumer noted, for all of my 16 and a half years in the House of Representatives I have been privileged to serve on that body's Armed Services Committee, and I know from personal experience the tremendous concern and effort each of you puts forth each and every day in support of the brave men and women of our military who, along with their families—and that is important—sacrifice so much to protect our freedoms and our liberties wherever and whenever that challenge might arise. I have been fortunate to work in your shadow in a similar cause.

I, of course, want to thank President Obama for the high honor and opportunity he has afforded me through this nomination, and whatever judgment this committee in its wisdom may render, his faith and trust move me to my core.

A special thanks to my Senator, my colleague, and I think it is fair to say my friend for being here with me. Senator Schumer, New York's senior Senator, has been a leader in so many efforts for so many years on behalf of the public good, and I have been honored to know and work with him for some 2 decades. I deeply appreciate his introduction, his presence, and his gracious and kind words about my abilities.

I would also like to acknowledge, of course, the other presidential nominees on this panel with me this morning: Dr. Joe Westphal, nominated for Under Secretary of the Army, and Juan Garcia, as Assistant Secretary of the Navy for Manpower and Reserve Affairs. I congratulate them both for their selection and wish them well.

I would be remiss if I did not give special thanks to my family who, like good families everywhere, have lent me love, support, understanding, and in my case, not infrequently, some forgiveness in my 60-plus years of this world. The memory of my dad, departed from us for over 19 years, still inspires us and makes us smile. My brother, my best friend, Pat, his lovely bride Marti, their son and daughter, P.J. and Michaela, my nephew and my niece, and most of all, my mom who I have noted on previous occasions, after all these years, still finds ways each and every day to carry me forward. They are with me always and I know they are with me here today as well.

But for all the excitement of this moment, I want to assure this committee I appear here before you today with few delusions as to the difficulties that lie ahead. I believe I have a clear understanding of the serious and numerous challenges that face America's Army. As you all know so well, it is a force fatigued by some 8 years of uninterrupted combat now on two very dangerous fronts. They are strained by the frequency of constant deployments and stressed by the pressures levied against their families. Too often, far too often, they return home only to be disappointed by a network of support systems that, despite high intentions and constant effort, continue to fall short of the level of support they so richly deserve and each and every one of us so deeply desire.

There are no easy answers to these challenges, but answer we must. I promise you, if confirmed, my first priority will be, along with this great committee, Congress, the President of the United States, and of course, the Secretary of Defense, to engage in a constant search for the discovery and effective implementation of better ways.

If I may, just a few other challenges.

Balancing. The recognition that resources, ample in recent years through wartime supplementals, are likely to turn downward.

The requirement to make the hard and necessary choices to strike an equilibrium between prevailing in current conflicts and preparing for future challenges.

Secretary Gates put it very well. He said, "We cannot afford to do everything and buy everything, but at the same time, we cannot afford defeat." That is a tough challenge, tough realities, but both can be met and overcome. It will take a constant formulation of new thinking and new directions.

Success is also going to require a reinvention and reinvigoration of all of our Government resources. Expertise in our civilian agen-

cies must be brought effectively to bear both to avoid and, where possible, hasten the end of conflict. "Soft power" in this town right now is a fashionable phrase. But its fashion should not diminish the urgency of its application and the requirement that the Army, and indeed in my opinion, all the Services do their part to facilitate the effective implementation of these nonkinetic tools.

In the end—and I know everyone on this committee agrees—it all comes back to people: the men and women who step forward and don the uniform of our Nation, the spouses, the children of those brave warriors who sacrifice so much, as well. Like all of you, I have visited our wounded warriors at home and abroad, and in each visit, I have been so struck how these heroes, facing pain and loss and uncertainty, ask one question. What else can I do to serve? We can ask no less of ourselves. How can we succeed in repaying even a partial measure of the devotion they render to all of us each and every day?

If in your wisdom I am confirmed, that will be the key motivation I awake to each and every day.

Thank you, Mr. Chairman, Senator McCain. I look forward to your questions.

Chairman LEVIN. Thank you, Representative McHugh.

Dr. Westphal?

STATEMENT OF DR. JOSEPH W. WESTPHAL, NOMINEE TO BE UNDER SECRETARY OF THE ARMY

Dr. WESTPHAL. Thank you, Mr. Chairman, Senator McCain, distinguished members of the Senate Armed Services Committee. It is a great honor for me as well to be here and to be nominated by President Obama to be the Under Secretary of the Army.

I am also very grateful for the confidence and support of Secretary Gates.

As Senator Collins and the chairman noted in my resume, I spent a good deal of my life in academia, and in that part of my life, I spent almost all of it studying Congress. It is because of that that I am very humbled to come once again before this committee seeking your confirmation. I thank the chairman and Senator McCain for their very kind introductions.

It is not only an honor and a privilege to have a professional relationship with my two Senators from Maine but also to call them my friends. I am very grateful for the support they have given me and the kind and wonderful introduction that Senator Collins gave today. Her tireless efforts on behalf of the citizens of Maine and all Americans have made myself and my family and all of us who are part of that great State very proud.

I want to thank Senator Collins for her most gracious introduction, but more importantly, for her steadfast support of the men and women in uniform. She has just been a great advocate for ensuring that the needs of our troops are considered and met.

In knowing her personally, I got to meet her family, in particular her dad and her mom. Her mom Pat was a former chairman of the board of trustees of the University of Maine, not while I was there, but prior to my coming on board, and she certainly knew the university very well. Her dad was a World War II veteran who fought in the Battle of the Bulge, and to my knowledge, he was decorated

with the Purple Heart and the Bronze Star. I got to meet her dad and spend quite a bit of time with him, and I am very honored to have known him. I am sure he is extremely proud of his daughter today.

With me today is my wife, Linda Westphal. We have been married 41 years. She and I have raised a family, raised four children, James, Heather, Amy, and Lindsay. Unfortunately, they could not be here today because of family commitments and work responsibilities. But three of our four kids are married and have blessed us with six grandchildren. My family knows how demanding these jobs can be on the individual and the family, and thus, their support, patience, and love have only helped to strengthen our family bond and to give me the opportunity to serve my country through public service.

I also wish to cite the contribution to our Nation of my wife's dad, Wilbur McMaster, now deceased. He was a soldier who served in the Pacific during World War II. For me, he always truly represented that group of men and women that have come to be known as the "Greatest Generation." Senator Collins' dad would be one of those individuals.

I hope that my mother-in-law, Mary, is watching this hearing and her love and support are very important to me as well.

I am honored to be here today also alongside a great public servant, Congressman John McHugh, who is deeply committed to the task ahead, should you choose to confirm him. Congressman McHugh is a good friend, and if we are confirmed, I look forward to working with him and supporting his efforts in leading the Army towards a more sustainable future.

If confirmed, I pledge to work closely with you, your staffs, to truly partner with the other Services, with the Office of the Secretary of Defense in what I believe ought to be a fervent and urgent effort to sustain the best Army in the world and ensure our national security needs are met.

I believe one of the most important responsibilities I will have, if confirmed, will be to support the Secretary of the Army in meeting the needs of our soldiers and their families. Congressman McHugh eloquently expressed that important priority. I pledge to the President, to the Secretary of Defense, to this committee, and to Congress that I will work hard and to the best of my ability to meet that commitment.

I thank all of you for your consideration of my nomination. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Dr. Westphal.

Mr. Garcia?

STATEMENT OF JUAN M. GARCIA III, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS

Mr. GARCIA. Thank you, Chairman Levin, Senator McCain, and members of the committee. I am grateful to be here before you. I am honored that Senators Hutchison and Cornyn made time in their full schedules to be here and also honored to share a panel with my distinguished fellow nominees, Congressman McHugh and Dr. Westphal.

Thank you for the opportunity to introduce my family. My incredible wife Denise packed up our minivan and filled it with kids and drove up from Corpus Christi this week. Our four kids are here, the twin boys, Jack and Luke; our little girl, Calista Rose; and our youngest Lex.

My parents, retired Navy Captain Juan and Pat Garcia, are here, and my sister and brother-in-law, Marine Lieutenant Colonel Rob and Gabriela Scott and their beautiful kids are here. They are stationed here in town at the Pentagon and graciously have been incredibly supportive of this effort, and in fact, the entire family is crashed out at their full house right now. Thank you all.

On behalf of myself and my family, I want to thank the President for this moment, an impossible-to-imagine opportunity to be considered by the U.S. Senate for a post helping to shape and manage the world's finest sea service, the U.S. Navy and Marine Corps team. It is a moment that could be traced back to my first conscious memory as a small boy, 36 years ago, attending the homecoming ceremony for the POWs at Naval Air Station Lemoore in 1973. It winds through unforgettable moments for an oldest son growing up in base housing with mom squeezing my hand as that official Navy sedan slowly pulled into our cul-de-sac, praying under her breath that it did not stop at our house, knowing that it brought bad news.

The route here ran though a tiger cruise aboard the aircraft carrier USS *Constellation* a few years later when I joined my naval aviator father for a week at sea and knew then that I wanted to be like him and his shipmates. What I could not have known then was that I would get to return the favor 25 years later, hosting him aboard the same carrier.

I traced it through the gentle tutelage of my Marine Corps drill instructor, Staff Sergeant Mike Sinot, who will never know the full impact he had on me. This moment could not have happened without a dozen chief petty officers along the way who did their job and taught a junior officer what it means to take care of the troops.

Mr. Chairman, today's Navy and Marine Corps face a threat spectrum that spans from downing a spent satellite 60 miles above the surface to the centuries' old scourge of piracy. American families entrust their sons and daughters to this organization, believing that the Nation will provide the finest training, best equipment, fair compensation, care for their wounds, both visible and nonvisible, and a quality of life for their dependents in exchange for their sacrifice. I can think of no more humbling an honor than to assist in meeting that commitment.

I thank you for your consideration and look forward to your questions.

Chairman LEVIN. Thank you very much, Mr. Garcia, and thank you all for sharing a bit of your family history with us. It helps to humanize and personalize these hearings, and it is very important for us and those who are listening that you do that.

There are standard questions that we ask of all nominees, and I am going to ask you the same questions.

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

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Mr. MCHUGH. No.

Dr. WESTPHAL. No.

Mr. GARCIA. No.

Chairman LEVIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefing?

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. Do you agree, if confirmed, to appear and testify upon request before this committee?

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. MCHUGH. Yes.

Dr. WESTPHAL. Yes.

Mr. GARCIA. Yes.

Chairman LEVIN. We have a number of Senators here this morning, so let us start with a 7-minute round of questions.

Congressman McHugh, let me start with you on the question of Army modernization. We have recently passed an important bill in terms of trying to reform the way we acquire items for the military. The bill is a major reform initiated here but fully supported by the House, signed by the President. Implementation of that is, however, critically important. We can write laws with good intent and with strong words, but when it comes to implementation, that is critical.

Give us your thoughts about implementation of that acquisition reform bill.

Mr. MCHUGH. First of all, Senator, as I said in the meeting that Senator McCain, you, Senator Levin, Congressman Ike Skelton, and I attended, I thank the two of you and this committee, this body, for taking the leadership in that effort. You called the House to arms, and I think it made a huge difference.

But you are absolutely right. The bill is an important step, but the implementation is absolutely essential. If we do not follow through with the fullest extent of the force of the law, then all of us have wasted our time.

I think the biggest challenge, with respect to that particular piece of legislation, is the designation of some 20,000 new contract officers. We probably—not probably—we went far to the extreme in cutting down the number of professionals within the military who could oversee those activities. This bill recognizes it. But I think as well it puts a rationalization and divorces those who have a stake in the system going forward from those who have an absolute responsibility to make a decision as to whether it should pass to the next milestone and the next step.

I can pledge to you, having had a little bit to do with that development on the House side, that this is the highest priority for me.

I think the challenge that also lies ahead, Senators, that this represents only about 20 percent of all the acquisition programs before the U.S. military. The major weapons acquisitions are certainly a huge part of the problem. A lot of money. But we have 80 percent still lying out there, and in my discussions with Chairman Skelton and others who were involved in this is that Congress fully intends to take up that other 80 percent. Whether I am confirmed or not, I would certainly, as an American citizen, encourage you to do that, and if I am confirmed, I promise to you as Army Secretary that I stand ready to work with you and make sure that we try to close that gap as well. Too much money out there, too many wasted dollars, too many dollars potentially to be saved that could be spent far better on those men and women who have so many needs that still exist.

Chairman LEVIN. Congressman, the Secretary recently announced that there is going to be a temporary growth in Army end strength of up to 22,000 soldiers. Do you have an understanding of the pace and plan to implement that increase in end strength?

Mr. MCHUGH. I really do not, Senator.

Chairman LEVIN. That is fine. If you do not, that is fair enough. We do not expect you to know a lot of the answers to some of these questions because you have not had an opportunity to be there to do that.

One of the issues that we face is the problem of mental health for our troops, particularly for our soldiers in the theater. I am wondering, based on the findings of the Army's Mental Health Advisory Team studies in the Iraqi theater, whether or not you are able to share with us now any plans to increase mental health resources available to our troops not just on their return, but also in theater?

Mr. MCHUGH. Senator, there has been a major effort to try to make a more robust effort on the troops who were forward deployed. I think the Army is in the right direction on that, but clearly, if you look at the feedback studies, we have a long way to go. If I may, this was not exactly to your question, but if you look at the suicide rates within the Army in recent months, the latest figure, about 87 for this year, we have an enormous challenge whether it is amongst the deployed or those who are back home.

So that is something that any Army Secretary would have a solemn responsibility to try to fine tune, and if we have gaps in the training capabilities, a lack of understanding amongst the officer corps who are entrusted with that forward-deployed sensitivity, then we have to do a better job. It is unacceptable to have brave men and women who commit so much on the battlefield come home and, at the end of the day, take their own lives.

Chairman LEVIN. The growth in the number of suicides has been a real significant concern of this committee and all of its members. It is important that you get right into that issue as soon as you are confirmed.

Relative to the role of women in the military, if confirmed as Secretary of the Army, will you support assignment policies that will permit women to continue to serve in all positions and specialties in which they currently serve, number one, but also will you review positions that are currently closed to female soldiers to determine whether female soldiers should be permitted to serve in additional positions?

Mr. MCHUGH. Thank you for that question, Senator, because there has been a lot of confusion and misinformation on that particular issue. As I think the legislative record shows, I strongly, strongly support the existing position and policy, and that policy has been in place since 1994, put into place by Secretary Les Aspen. I have learned through my 10 visits to Iraq, my 4 to Afghanistan, and to other combat theaters that the basic fact is women in uniform today are not just invaluable, they are irreplaceable. I have absolutely no evidence, nor have I ever had any evidence before me that would suggest that the policy, as in effect since 1994, is not working.

If someone shows me something to the contrary, I would certainly share that with the Secretary of Defense, the President, and of course, the oversight committees in the House and the Senate, but from everything I know at this moment this is a policy particularly on the irregular warfare battlefield that is working.

Chairman LEVIN. In terms of additional possibilities, will you take a look at that as well?

Mr. MCHUGH. The current policy, as I understand it, as issued under Secretary Aspen, is to continuously search for Military Occupational Specialties (MOS) that can be opened, and I support that and would certainly continue it.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Again, congratulations to the nominees. I am hopeful and I know the chairman will do everything to perhaps get these nominations confirmed before the August recess. Is that correct?

Chairman LEVIN. That is our goal. Absolutely.

Senator MCCAIN. That is our goal, and I thank you all for serving.

Congressman McHugh, I just want to follow up a second on the suicide issue. It is my understanding that 30 percent of these suicides have occurred with servicemembers who have never been deployed. Then it is hard to place the responsibility simply on long deployments or frequent deployments.

What kind of analysis are we conducting to try to figure out what it is? I am sure there are multiple causes, but also does it go back to recruiting?

Mr. MCHUGH. That is an important question, Senator. When you and I had a chance to talk about this, I quoted the 30 percent. Actually I was a little bit conservative. For the Army, it is 32.8 percent. Nearly a third of these suicides have never deployed.

Now, that should help us to understand that the normal stressors that we focus upon, including operations and personnel tempo (PERSTEMPO) were important, but as I mentioned to you, sir, I do not want to lose the fact that for a third of these brave men and women, something else occurred. I think we have to take a very calculated look at the programs that we are putting into place. Do they, in fact, respond to that reality? I have no reason to think they do or they do not, but it is a search that has to be undertaken.

The other question, as you noted, Senator, what else is happening? Is it a diminution of the standards that somehow we are recruiting people who are perhaps possessing a proclivity for that? I just do not know.

I think the Army took a positive step. They have engaged in a longitudinal study with the Institute of Mental Health to try to understand that. That is a 5-year study. We cannot wait 5 years. I do not pretend to have the answers right now. There are 20-some programs the Army has put into place to combat this issue. I think we have to take a cold, hard look and monitor the progress of those programs very carefully and be as adept and flexible as we expect these brave men and women to be on the battlefield.

Senator MCCAIN. I thank you for your commitment, and obviously all members of the committee and all Americans are deeply concerned about what seems to be a continued increase in these tragedies.

As we discussed in my office, Congressman, I understand that PMA's political action committee (PAC), employees, and clients contributed over $160,000, which placed you at number 16 on the list of all PMA beneficiaries in Congress.

Did you ever seek an earmark for the PMA lobbying group or a PMA client corporation in exchange for any political contribution or anything else of value that was given to you directly or indirectly?

Mr. MCHUGH. Absolutely not.

Senator MCCAIN. As of today, have you returned any of the political contributions you received from PMA, its PAC, or its employees or clients?

Mr. MCHUGH. I did not, but what I did do, Senator, was ask my accountant to go through it. There were questions about phantom donors, and I want to make sure we were not in receipt of any of those funds, and I gave the standing order. Obviously, I will never use my campaign funds for personal gain. Again, that should there ever be a question as to the veracity of those contributions, they be, if not returned, I would rather give them, frankly, to a charity.

Senator MCCAIN. Thank you for that, Congressman.

According to a report by Citizens Against Government Waste, since 2008, you have sought earmarks for 52 projects totaling $97.3 million, and you and I went through some of them before. Here is

my question. How do you answer a Congressman or a staffer that calls you and says, I want you to spend money on this earmark or I want you to support this earmark? How do you reconcile that?

Because I am absolutely convinced that earmarks—and the PMA Group is a classic example. There are continued stories in the media about the corruption that has been bred by this earmarking process which I think is absolutely unacceptable. I have fought it for many years, and I will never give up the fight until the day that I leave the U.S. Senate.

So how do you answer when one of these appropriators calls you up and says, hey, I want an earmark for X?

Mr. MCHUGH. The honest answer is I do not know because, quite frankly, in my 16 years I have never had a Congressman call and ask me to support an earmark. I am not an appropriator. I am an authorizer and, of course, that is an important part of the process, as this committee knows.

Senator, as I mentioned to you in our previous conversation, I deeply admire the many causes that you have taken up. I mentioned as well I was one of 44 Republicans in the House of Representatives out of more than 218 to support McCain-Feingold. It did not make my leadership happy, but it made me feel good because I felt it was the right thing to do.

I have tried to live up in all of my requests to the formal standards placed by the House. I have argued for higher standards, but I have tried to do the best job I could to provide projects that benefitted my district and equally benefitted the military.

But, Senator, I understand your passion and I even admire it. No matter what the judgment of this committee, I can tell you I will never receive another earmark.

Senator MCCAIN. I thank you, Congressman McHugh. Let me just say again, one of the reasons why I raise this issue at this time is not in any way to diminish my respect and appreciation for your service. I raise it in the context of an attempt that I think is going on now, led by the President and strongly led also by the Secretary of Defense, that we stop some of this. I noted that the House Appropriations Committee just passed legislation filled with projects that, one, have no justification, strongly opposed by the President and the Secretary of Defense, and are clearly unneeded and unnecessary, including the presidential helicopter, and the list goes on and on.

I guess my point is that I think that we are either going to change and give the American people the defense capabilities and care for the men and women in the military, which is our obligation, or we are going to continue, as Secretary Gates calls it, an unsustainable path of earmarking and unnecessary and wasteful spending.

I only bring this to your attention in the context that I think there is going to be a big fight, and I am proud of the President who has threatened vetoes on several issues. I know that you will join this fight to give the taxpayers the best "bang for their buck."

Again, I strongly support your nomination and I appreciate your dedicated service in the Congress of the United States.

Finally, Mr. Chairman, could I just ask Mr. Garcia a question? You come from a military family. You have served in the military.

So you have a good understanding of what these multi-deployments and absences from home and family is like. Could you just share a little bit of that with the committee, please?

Mr. GARCIA. Senator, thank you for your question. I know you also have been on both sides of a deployment, both as a dependant and as the deployer.

Like folks are doing all over the country right now, my last deployment aboard the USS *Constellation*, I left my wife with three kids under 3 years old. That is a story that is being echoed across our country right now. The Army particularly I think is bearing an exceptionally heavy load with their extended deployments.

Ensuring that we have the proper programs and efforts in place to take care of those dependents when you are gone, that housing is adequate, that when they are PCS'd (permanent change of station) when they move, children can transfer appropriately between schools, that credits get transferred, all those little things that you do not have time to think about when you are in a tent, on a carrier, or in a submarine, I think would fall under the purview of the Assistant Secretary for Manpower and Reserve Affairs. If confirmed, I look forward to ensuring we have the optimum programs in place.

Senator MCCAIN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

I want to welcome the nominees and just say I think the President has chosen very wisely. I had the privilege to work with Congressman McHugh on many issues and Dr. Westphal as a former official in the Department of the Army, who comes back with great insights and great experience. Mr. Garcia, thank you for your service and I look forward to your service in the Department of the Navy.

Congressman McHugh, one of the traditions of the Army is a respect for the individual's demonstration of their faith, which is very important. Essentially that is why we have a chaplain corps. But part of that is ensuring that there is not an attitude preferential to one denomination versus another, preferential to one set of beliefs to another, consistent with the Constitution.

I wonder if you have any comments on that.

Mr. MCHUGH. Thank you, Senator, and thank you for your kind comments.

My understanding is every chaplain who goes into service has a prime directive, and that is in those instances where it is far likely that there are multi-denominational attendees, the chaplain must be sensitive to the nature of that assemblage, and therefore, do everything necessary to keep away from proselytizing but give a general blessing, whether that is a deployment ceremony or some other variant. It does allow them, of course, in their regular duties on a Sunday, if it is a Catholic chaplain, providing mass or the Shabbat services in temple for Jews or in the mosque for Muslims. But when you have a general assemblage, they must be sensitive and not make comments that would be offensive to others in that assemblage.

I cannot imagine our ever changing that. Certainly in my opinion any chaplain who does not adhere to that needs to be admonished and instructed as to their primary responsibility.

Senator REED. I agree with you. I have found also that the chaplains play a very critical role in informally counseling soldiers not in any sort of denominational way but as a source of information for the commanders, as a source of support for troops, and it is a very important role.

Mr. MCHUGH. Yes, sir.

Senator REED. We have all talked about this, but it is, as Mr. Garcia pointed out, particularly acute for the Army. The operational tempo (OPTEMPO) has been exhausting over the last several years. Can you comment on the effect this has had on retention of mid-grade officers, captains, majors, and the noncommissioned officers (NCOs), which from my perspective are probably the real heart and soul of the force?

Mr. MCHUGH. I have two answers. The answer I will give to you first is the answer I had as a 16-year member of the HASC and 12 years on the Personnel Subcommittee. It just seems to me at a minimum intuitively that particularly in an economy that values the kinds of intellect and experience that those mid-grade officers have, that the operations and PERSTEMPO has a tremendous effect on encouraging them to leave the Service. Certainly the numbers would suggest there is something afoot. We are about 3,000 short in those middle cadres. It is such an acute problem that the Army does not estimate it will be able to begin to catch up until about 2014 or 2015.

The second answer is what I understand, what I was told as a member of the House Personnel Subcommittee, the Army believes that the retention is not the issue in those gaps, that the problem is the growth of the Army has left that gap.

There is probably accuracy and veracity on both sides, and I have not been in a position to be briefed, but the bottom line remains the same. We have a huge challenge in that cadre of officers that we have to make sure we can make up. Senator, these are the people who instill the values, who instill the training, who instill all those things that we view as so important in the formulation of the military, and we have to work hard to close that 3,000-officer shortfall.

Senator REED. Thank you, Congressman.

Dr. Westphal, what do you presume is going to be one of your key focal points as the Under Secretary of the Army?

Dr. WESTPHAL. Thank you, Senator.

Obviously, the Under Secretary works to implement or works at the direction of the Secretary of the Army, and with the new responsibilities, as the Chief Management Officer (CMO), which this committee rendered back in 2008 in the defense authorization bill, there is an additional broad responsibility to manage all the business operations of the Department.

Within that framework, I think what is very important—and the chairman's comments earlier about the acquisition issue touched on this—a key area of focus would have to be business transformation. There is the Defense Transformation Agency created by the law that you passed. The Army has a Business Transformation Office

which it needs to vigorously stand up, and then integrate that business transformation process into all the elements that you have discussed here today, that Congressman McHugh has been talking about in a way that we can address those issues both from a fiscal standpoint as well as a planning and execution standpoint.

Senator REED. Thank you very much, Dr. Westphal.

Mr. Garcia, again, thank you for your service.

Mr. GARCIA. And you for yours, Senator.

Senator REED. Well, thank you very much.

You are going to be in a situation where you have to recruit, you have to retain also. The OPTEMPO of the Navy is also quite compelling. Can you comment about some of your thoughts about your challenge of recruitment for the Navy?

Mr. GARCIA. Sure, Senator, although I think it is a very different story than the challenges the Army is facing right now. With the Navy that has downsized some 40,000 sailors over the last 7 years, in some ways we have the opposite problem. You have arguably one of the most selective, difficult-to-access navies that we have ever had right now. The Marine Corps, who even at the height of this long war, never failed to meet a recruiting goal, have now met and perhaps exceeded their end strength.

I think it is important, though, that as the economy begins its up-tick that we all hope will come sooner rather than later, that we not let our guard down on the recruiting front. It takes time to build up a recruiting effort to build those affinity groups and those relationships. In stressed monetary times, I think it is important that we not cut back too far despite the fact that our goals for the moment seemed to have been met.

Senator REED. Thank you very much, Mr. Garcia.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Mr. Chairman, before I make my comments and ask questions, I would like to recognize the service and sacrifice of Lieutenant Colonel Ray Rivas, a wounded servicemember who suffered a traumatic brain injury in Iraq and who testified before the Senate Subcommittee on Personnel, chaired by Senator Nelson and on which I serve, recently about the care and support of wounded warriors. I mention this because staff has just advised me that Lieutenant Colonel Rivas died last week as a result of an apparent suicide in San Antonio, TX.

Our committee recommended, and last week the Senate adopted, legislation to further improve care and effectiveness of support for our wounded warriors and their families. Mr. Chairman, certainly our thoughts and our prayers are with the family of Lieutenant Colonel Ray Rivas.

Chairman LEVIN. Thank you, Senator Chambliss, for mentioning that.

Senator CHAMBLISS. Mr. Chairman, I congratulate all three of our nominees who are here today, particularly my longtime dear friend, Congressman John McHugh, with whom I had the privilege of serving with in the House. I was the vice chairman of House National Security Committee Special Oversight Panel on Morale, Wel-

fare, and Recreation for 4 years while he was chairman, and I know firsthand, John, about your devotion and your care for our men and women in uniform. I could not be prouder and more pleased with a nomination coming from the President than to have you nominated as Secretary of the Army.

As you and I have discussed over the past 24 hours, for the past 20 years, the States of Alabama, Georgia, and Florida have been involved in discussions, negotiations, and significant litigation related to the Apalachicola-Chattahoochee-Flint (ACF) and the Alabama, Coosa, and Tallapoosa (ACT) River Basins, which are under the jurisdiction of the Army Corps of Engineers. The current water control manuals for the ACF and the ACT river basins are based on figures that are in excess of 50 years old.

The recent court decision that came out just a couple of weeks ago really chastised the Corps for their failure to update those manuals over the years with the increased and divergence of use of those river basins.

In 2007, Secretary Geren made a correct and courageous decision politically to update the water manuals, and I would simply like to ask you, even though I know you do not have a lot of background on this, but I want to make sure that you continue to pursue the updating of these water manuals so that final disposition of this disagreement can be made.

Mr. MCHUGH. First of all, Senator, thank you for your kind comments. The House's loss was the Senate's gain when you made the trip across the Rotunda.

You are right. I do not have a lot of information. I had the opportunity to sit down with you and Senator Isakson. Twenty years is a long time to be going back and forth.

I am going to, if I may, take a pass for the moment because I understand there is a court decision that you shared with me and I have not had a chance to look at it. I am aware that Secretary Geren felt that the court decision, if not compelled, certainly encouraged greatly the redevelopment of the water manuals, and I know that is going forward. I need to take a look at that. Without having an update, it seems to be a reasonable thing to do, but there is just such a complexity there that I am concerned.

What I do know, just as a member of the human race, is you have three vital interests there, three States, and what I would unquestionably say to you is I would make every effort to engage the Corps to try to provide whatever assistance, encouragement is necessary to bring about a resolution in a way that serves everyone's interests equitably. I suspect it is probably not going to be possible to create everybody's nirvana, but anytime you have a lawsuit for 20 years that has not been resolved, although I dropped out of law school after 10 days, that kind of raises my antenna that we have a tough issue. But I want to work with you. I started out in local and State government, and I know the importance of that, and I sure know the importance of water.

Senator CHAMBLISS. Fair enough.

You and I, along with Senator Isakson, discussed yesterday the issue of Fort Stewart and specifically the great financial risk that the local community assumed to a large degree at the Army's urging in expectation of an additional brigade coming to Fort Stewart.

As we advised you, the community put up approximately $450 million in preparation for this brigade coming, and I am sure you can understand the enormous impact the announcement that the brigade is not coming has had on this small community in southeast Georgia. I know you can appreciate it because of your comments in representing communities around Fort Drum when a similar action was taken by the Army in previous years.

I simply want to get your assurance again on the record that you will address this issue as soon as you are confirmed and take whatever measures possible to fill the gap left by an additional brigade combat team not coming in order to help alleviate the financial distress. I just found out yesterday that Secretary Geren will be at Fort Stewart next Monday. That is the type of high profile issue it is now, and I simply want to make sure that is going to continue.

Mr. MCHUGH. Well, I am hopeful Pete Geren solves it in his visit on Monday. [Laughter.]

But assuming he may come a bit short—as you noted, Senator, I have seen how the Army and, I suspect, other Services where an expected expansion is going to take place understandably come in and try to encourage the community to make commitments. In my case, fortunately, those troops arrived and the commitment that was made, the investments that were made were utilized, and I think it was a win-win situation.

I do believe, from what I know at this point, that Secretary Gates probably made the right decision in holding at 45 because of the vagaries of cross-leveling and the desire to have 45 robust totally filled-out brigades versus 48 that needed all kinds of help. But the downside of that are those three communities that are left holding the bag of hundreds and hundreds of millions of dollars.

Senator, I cannot promise you that I can effect a positive outcome for you, but I can promise you I will look into this and press it as hard as I possibly can. This comes from my personal experience, and I absolutely understand the dilemma, as I recognize it, to be a very small, not particularly wealthy community is in.

Senator CHAMBLISS. If Secretary Geren does not solve it on Monday, I will be calling you Tuesday.

Mr. Chairman, I thank you. I would simply say to our other two nominees congratulations on your nomination. We look forward to a speedy confirmation.

Dr. Westphal, when I see you in Stillwater in September, please encourage your Oklahoma State Cowboys to be kind and gentle hosts to my Bulldogs. Thank you.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Akaka.

Senator AKAKA. Thank you, Mr. Chairman. Aloha to the esteemed nominees and your family and friends who have joined us today.

Gentlemen, first, I want to thank each of you for your service to our country. I am heartened to know that you are answering a call to start another chapter in your lives dedicated to public service.

Mr. McHugh, I enjoyed our visit the other day, and your entire career has been dedicated to public service. You have an outstanding track record supporting our troops and their families dur-

ing your service in the House, and should you be confirmed, I have no doubt that our Army will be under outstanding leadership.

Dr. Westphal and Mr. Garcia, your diverse experiences and outstanding educational backgrounds are very impressive. If confirmed, you will all face many difficult issues in your new positions. However, with your outstanding experiences and qualifications, I am confident that you will be able to handle the challenges before you.

Mr. McHugh, you have had the opportunity to view and shape the Army from the HASC for those many years, and I trust you have also received briefings and held discussions with the current Army leadership. As you prepare for this position, I would be interested to know what you believe would be the toughest challenges as Secretary of the Army.

Mr. MCHUGH. It is always the one you do not know about that rises up and catches you, Senator. But as I look ahead, I think our first responsibility and therefore our most important challenge is what we owe the men and women in uniform and their families. A number of your colleagues have spoken about the operations and personnel tempo, the dwell times that are 1 to 1, deploying for a year, coming back to a dwell for a year. The reality is much of that year is spent in retraining for the next deployment. So it is kind of an illusionary figure to begin with.

The Army has adopted a program and a plan to get there. Secretary Gates' temporary wartime supplemental of 22,000 will help. This committee and Senator Lieberman, I think, took the right step. I know there is a ways to go with respect to the conference committee, and it is probably not my place to editorialize, but I wish this committee the best on that particular provision in the conference committee with my House colleagues. Those should help as well.

But it is a fragile equation. Iraq for the moment is going positively—I know Secretary Gates and General Odierno talked about a modest acceleration of the planned drawdown. That would help tremendously. That extension of dwell times to a 1 to 2 and hopefully over a period working to a 1 to 3 for the Active and a 1 to 4 and then ultimately a 1 to 5 dwell for the Reserves is critical to that.

But that is only part of the equation. We have set up a good number, a very robust number of support programs for the families, for the men and women in uniform. We have to make sure that the families are not overwhelmed by that, they understand them, they trust them, they will access them. I am not sure that is true. I am not sure it is true in the suicide programs. I am not sure it is true in the variety of other personnel challenges we face.

The other problem, number two, is the challenge of resetting the equipment, making sure, as we redeploy out of Iraq, withdraw the equipment out of there, we are getting the right platforms, the right support to our troops in Afghanistan as we begin to build up there, and at the same time, ensuring that we are modernizing. The Army has always been challenged in an affordable modernization program, and we have to do a better job there as well.

Those are probably the cream that rises to the top, but you know there is a whole lot of important layers below that. This is a military and particularly an Army that is challenged on many fronts.

Senator AKAKA. Thank you very much for your leadership.

Dr. Westphal, during your time with the administration's transition team for national security working defense matters, I believe that you had a chance to study our Army up closely. I am interested in hearing your thoughts on the things you found the Army to be doing well and what needs improvement.

Dr. WESTPHAL. Thank you, Senator.

To begin with, I think the Army was beginning to really recognize many of the issues that have been raised by members of this committee in this hearing, not only recognize them but begin to address those issues. Now, they are not resolved. They are complicated matters that require a fully integrated Army team working on these issues, and during a transition, you do not have that full Army team. You have people leaving the administration. You have people coming in and slow movement. You have essentially almost a lame duck kind of organization transitioning through there.

Then, of course, Congress was and this committee was working and giving signals to the Army that things needed to be corrected. Whether it is on the acquisition side or the manpower side, there were things that needed to be addressed. You did that in legislation soon after the President took office.

I think the Army is cognizant of the issues that you have raised. I think that what is needed is a consistent and collaborative effort to address it between a secretariat that is strong and enabling to both the civilian workforce and to the Army staff. I think we have an excellent Army staff, experienced Army staff. I think what we need to do is also strengthen the secretariat and bring about a team that can then take these business decisions that have to be made and integrate them to connect with the operational side.

The other thing that we looked in the transition, of course, and were trying to alert the President-elect to was the fact that you have a changing environment out there, that you have a very unstable political environment around the world, and that the Department is beginning to do the Quadrennial Defense Review (QDR) or was in the process of doing the QDR at the time. There are a number of other uncertainties out there, and what kind of planning and fiscal constraints are there going to be as we face these challenges into the future. I think we are facing them now, and I think the Army is moving ahead to try to address them.

They are, of course, waiting now for a team to come in and help push it along further, which is what many of you have insinuated in your questions is what you are looking for.

I think the Army is addressing these issues, are cognizant of them, but there is a lot of work to be done on all of these fronts.

Senator AKAKA. Thank you very much.

Mr. Chairman, I know my time has expired, but I had a question that I will submit to Mr. Garcia. It has to do with diversification of leadership in the Navy, but I will submit that as a question for the record. I mentioned diversification because I know you and your family did spend some time in Hawaii and wanted to hear about your feelings about that.

Mr. GARCIA. I look forward to it, Senator.

Senator AKAKA. Thank you.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. McHugh, let me say how delighted I am with your appointment. We have had the opportunity to work together, along with Senator Hutchison, on the Board of Visitors for West Point. I know how deeply you care about the well-being of our soldiers.

I believe that when we were meeting yesterday, you told me that the 10th Mountain Division was the most deployed unit. I want to associate myself with the concerns that all of us have expressed about the stress of repeated deployments.

I had not heard the tragic news that Senator Chambliss shared with us today, but it indicates that we have so far to go in meeting the mental health needs of our troops and of their families who are often under stress also. I know from our conversation that you are committed to that, and I was pleased to hear you endorse an increase in the size of the Army, which is the ultimate answer.

I am concerned about press reports that indicate that the Pentagon has been given an assumption of a zero real growth in the budget for next fiscal year. In addition, I am told that Secretary Gates has tasked the Services with coming up with some $60 billion worth of cuts.

It seems to me that the defense budget should reflect our military needs and requirements and be informed by the QDR, which is underway now.

What are your views on how the budget should be put together and what should drive the levels?

Mr. MCHUGH. Senator, again, speaking as a member of the House Armed Services Committee, I agree with you.

One of the—I do not want to say frustrating, but one of the interesting aspects of being a nominee is that once the President indicates his intention to nominate you, I resigned from the House Armed Services Committee. So I knew less. There is the very important dictate of not an assumption of confirmation. People talk to you less. I am not as smart as I used to be, and that is probably not reassuring to many people, including myself. I do not have a lot of information.

My initial reaction, when reading the press reports about the assumptions in the programming budget instructions, was that is probably not an unwise thing to do. I place it under the rubric—and this is a hope. It is not based on knowledge. I place it under the rubric of hope for the best and plan for the worst. I suspect, without having any conversation with the Secretary of Defense that he felt it was important to try to task all the Services to find as much waste, as much duplication, as many savings as is possible. So whatever the eventual budget line may take, they have an arsenal of possible savings they can revert to. That may or may not be accurate, but that was my hoped-for reading of it.

I think it is fair to say that any secretary wants more money rather than less, but at the end of the day, having read title 10, the President and the Secretary of Defense, in concert with the Congressional Budget Office are going to tell you what your budget

targets are and you have to fit within there. I think it is probably a factor of wise planning, but I may well, if I am confirmed, be instructed differently when I get there.

Senator COLLINS. I do hope that you will share with this committee, assuming your confirmation, what you believe the true needs are for our Army. I do not think any of us wants to see the Army or any of our Services shortchanged in order to meet budget goals. You, to me, have an obligation to tell us what you need and what the military requirements are, and then it is our job to try to find the money.

It is certainly appropriate for there to be a review of all programs to determine their necessity, to eliminate wasteful or nonperforming programs, but that should be an ongoing process that is different from having to meet an artificial budget number.

Mr. MCHUGH. Senator, I agree, and as I know you are aware, the law does not just allow, it requires the military officials and others to come and give their honest personal opinion. If I were to be confirmed, I would absolutely insist upon that within the military and Army officer corps. We all have to live within the Office of Management and Budget's directives, but that does not in any way obviate the prerogatives of this Congress, this committee in their role. I have sat in far too many committee hearings and heard things that were perhaps not as accurate as I would liked. That would not be a policy I would endorse.

Senator COLLINS. Thank you.

I want to talk to you about the National Guard. The National Guard has also suffered from repeated deployments. We put a lot of strain on our Guard and Reserve, their families, and their employers.

An issue that the Guard members have brought to me, in addition to the repeated deployments, is the state of their readiness when they come back home. When they are deployed, they are provided with all the equipment that they need, but frequently that equipment is left in Iraq or Afghanistan. I can understand the rationale for that. But what happens then is the Guard members come back home and they no longer have the equipment that they need. This is a problem that I am hearing increasingly about from the Maine National Guard.

Are you aware of this problem and the decreased readiness of our Guard units that results?

Mr. MCHUGH. I am, Senator. It is not just the Guard, frankly. It is Service-wide, Army-wide, and the Reserve and Guard units individually are facing the same problem. The Army is attempting to try to resource as best they can.

As I am certain you agree, the primary objective is to make sure that once troops arrive in a combat theater, be it Iraq or Afghanistan, that they are provided with everything they need. In fact, in most instances, they have equipment choices and a menu that is more than they would need on any particular mission, but they can shape and tailor.

The problem is upon redeployment that the Guard, the Reserves, and much of the Active components do not have those at-home base units particularly for training that they would like. The Army is working hard to try to rebalance that. The Guard is a good news/

bad news; the Reserves is a good news/bad news. When all of these hostilities started just prior to 2001, the average unit in the Reserve component had about 30 to 35 percent of their deemed required equipment. There has been a substantial investment in the ensuing years. It is now 60 to 65 percent. That is a doubling, obviously. That is good progress. But it also mathematically shows you have a ways to go. So it is hard to begin to resource a challenge that has been in existence really since post-World War II when you are in active combat.

The force generation model, the reset model called Army Force Generation that is applying against both the Active and the Reserve component is intended to provide some time to do retrofitting and resetting of equipment in a more reasonable calendar framework and also, of course, give those troops a little bit more time at home should help. But that is a work in progress, and it is certainly something we have to take a close look at.

Senator COLLINS. Thank you. I realize my time has expired.

Let me just mention to you, as I did yesterday, the Maine miliary authority in northern Maine does cost-effective work in refurbishing high mobility multipurpose wheeled vehicles (HMMWVs) and other vehicles. It consistently performs this work at a lower cost than the Army's own depots. I hope you will look at that as an area where you could achieve savings for the Army by having more work directed to that unit which provides high-quality, low-cost work for the Army.

Mr. MCHUGH. I appreciated our conversations, Senator. As another, for the moment at least, Member of Congress who represents largely rural areas, I promise you we will take a careful look at it.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Collins.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman, and thank you, gentlemen, for your service, and to your families, we appreciate the sacrifices involved in public service both past and present, as well as future.

Mr. McHugh, we have had quite a bit of discussion this morning about the importance of mental health care for our troops, the rising rate of suicides, the challenge of the mental stress with redeployments and in the case of nondeployments as well.

Our subcommittee has had a number of hearings and the tragic loss of Lieutenant Colonel Rivas is just one of the continuing challenges we have. It saddens us all that we are experiencing the loss that we are experiencing in so many cases to our military, to those who have departed, as well as to their families.

Do you have any thoughts about what you might do as you take this job—you mentioned about looking to 20 programs that are in place. In your former position as chairman of the House Personnel Subcommittee and serving on that, is there any one thing in particular that would stick out to you that we might consider doing?

Mr. MCHUGH. I really do not have an answer for that. Senator, as you alluded to, it is something we have been looking at. I wish this were an overnight phenomenon, but as you recognize, it is

something we have been dealing with for some time. I think if there were an obvious answer, we would have struck upon it.

One of the more important aspects of this—and it is true whether you are trying to combat sexual harassment or other problems and that is to have a cultural change. Right now, my impression is there is a two-part problem. The problem of the soldier, sailor, marine who believes if he or she seeks out help, if they are feeling depressed, if they are having thoughts of harming themselves, that somehow that makes them weak, somehow that makes them unfit for duty. On the other side, I am just not sure that those men and women in uniform who serve with those people have the knowledge or the awareness to recognize a problem and to help.

I think the Army started off well—and this is something that Senator Akaka and I had a chance to talk about—with the Ask, Care, and Escort (ACE) program. Every soldier is given a wallet-sized laminated card to talk about this, to recognize the signs when your buddy may be having bad thoughts or challenges, not just to recognize it, but as the "C" says, to care enough to ask about it, perhaps in extreme circumstances, to take away an item they may be threatening to hurt themselves with, and then to escort, to take them to some care provider.

We have to make sure this is not just something on a piece of paper. It is not something we hand out on that card. I just praise the card. I think it is a good thing, but it has to be instilled in the culture just as the unacceptability of sexual harassment and assault.

The best answer to this is this 5-year longitudinal study, but what is frustrating about that is right now 89 suicides this year in the U.S. Army. We really do not have 5 years. We have to make sure that the things we are doing are as effective as possible and people feel comfortable that when they are troubled, it is okay to say I need help.

Senator BEN NELSON. The increase in the number of potential mental health providers within the military I think is going to help as well, but the challenge is to create that cadre of mental health providers. I know the military has stepped forward on that, and I hope that you will proceed further with those efforts.

Mr. MCHUGH. If I may, Senator, Pete Geren, who is frankly kind of a hero of mine and he is a good friend, sat before this committee 2 years ago and made a pledge to hire 200 new mental health counselors and providers. They have worked like the dickens to try to meet that. They are about halfway there. It is not unlike the challenge of bringing medical specialists into the military. You have to rely not on the money aspect and any other reason, but you need to identify the people who want to make a difference and volunteer. That is a work in progress, a lot of progress being made, but we have to continue. Absolutely true.

Senator BEN NELSON. I appreciate your pledge to continue that effort because it is so critical.

The troop increase in Afghanistan has, obviously, been the direct result of our commitment to making sure that we improve the military presence but get the results in missions that we are after in Afghanistan. For a long time, with respect to Iraq, I pushed for some metrics or benchmarks to establish, first of all, what the mis-

sion or missions are and a way of measuring progress towards those. In Afghanistan, on the authorization legislation, we have put in place the request for establishment of measures of progress which would help us, as objectively as we possibly can, measure how we are doing towards those projects.

I have written letters to both Secretary Clinton and Secretary Gates urging them to develop a series of those progress measures. I have been informed that they are working toward that, and I would hope that you would find that to be something that could be helpful to you in your position as well. I think the American people want to know as much as they can about what our overall mission is and what the sub-missions may be. Instead of doing as we did with Iraq—we are winning, we are losing, we are going sideways—we are in a better position to say we are 70 percent toward that goal, we are 40 percent, or here is what else we need to do to achieve it.

Do you have any thoughts about that?

Mr. MCHUGH. My thought is I am about to get myself in trouble.

Senator BEN NELSON. Well, I do not want to get you into trouble.

Mr. MCHUGH. As a Member of Congress, a Member of the House of Representatives, I wrote the first bill in the House to create a series of measured benchmarks for Iraq. I happen to believe that it is not unreasonable to have a set of indices by which you can judge where you are, what has happened. I happen to believe as well the other side of that coin is it is pretty important to let those, in this case the Afghans, previously the Iraqis, know what we expect of them.

Senator BEN NELSON. Absolutely.

Mr. MCHUGH. But what challenges me about the process though, Senator, is that it becomes a means by which we utilize the measurements to do the wrong thing and to make bad decisions. But certainly if I were to be confirmed, if confronted with a set of benchmarks, I would tell you I have a history of understanding those and working with them, and if it is the dictate of this Congress and the President and signed into law that kind of measurement indices, I would do everything I can to provide you the most accurate information possible.

Senator BEN NELSON. I appreciate that very much.

On a lighter note, I was relieved that you did not get asked or try to repeat the names of the water plans and problems down in that southeastern part of our country.

Mr. MCHUGH. Hoochee something.

Senator BEN NELSON. Something like that. [Laughter.]

Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. It was an amazing statement, was it not?

Anyway, thank you, Senator Nelson.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman. First, Mr. Chairman, I would offer a comment about the preparation that Dr. Westphal has made for this position. He went to college in New York, Oklahoma, which made Senator Inhofe pretty happy, Missouri, which is going to be very good news to Senator McCaskill, and he spent a career in Maine, which obviously pleased Senator Collins. Before

the hearing began, he came up and told me he had gone to high school in Virginia, but not only had he gone to high school in Virginia, he had gone with Senator Udall's cousin, Senator Tom Udall, which just took out three States. If he can come up with having spent a summer in Nebraska, he has pretty well run the table I would say.

Chairman LEVIN. Do not forget the Red Wings.

Senator WEBB. That is right. He also mentioned he was a Detroit Red Wings fan. So he pretty well ran the table this morning.

Mr. Garcia, I would like to start with you, first, by saying how much I appreciated the fact that you mentioned growing up in the military. I did as well. There was one period in my life where my father was deployed or stationed in places where the family could not join him for 3½ years. I have often remarked, as someone who grew up in that environment and also had to watch a son and a son-in-law deployed to combat, it is probably harder being a family member either with a father or a spouse deployed or having a child deployed. It is harder doing that than it is being deployed, I think, in terms of a lot of the emotions that it brings to people. So it is a great understanding that you bring to your position.

I would like to ask you about this recent debate over standards at the Naval Academy as a result of diversity goals. We all feel very strongly that, as much as possible, our military should represent America, but we also, all of us I think, feel very strongly that should occur with demonstrable standards of fairness. This has been quite a debate over the past month or so. Are you familiar with this?

Mr. GARCIA. I am familiar with the piece, sir.

Senator WEBB. Have you seen any of the actual data that is floating around?

Mr. GARCIA. I cannot say I can speak definitively on the data. I am familiar with the debate and saw the original piece and would say this, Senator, that like yourself, my brother-in-law, who is here behind me, is an academy grad. Obviously, that institution has over the past century provided an elite, extremely rigorous, challenging, unique education and an inflow into our officer ranks both on the Navy and the Marine Corps side, and anything that would diminish that status is something we have to guard against.

I would also concur with you that we are at our best, we are at our strongest when we draw from all over the country.

Senator WEBB. I think in general, particularly in places like the Service Academies, but in general for every slot that is given to one person, it is arguably taken away from someone else. There are only so many people who can go to the Naval Academy. There are only so many people who can get into different kinds of schools, mid-level schools, and these sorts of things. I would just ask that you help us sort out this debate. We want to be able to stand in front of the American people and say that we have been fair on these issues.

Mr. GARCIA. I would just respond in this way, Senator. At a time when having met those recruiting goals, downsized our Navy and Marine Corps and now being able to be more selective than ever before, I commit to you that if confirmed, I will do everything I can to ensure that we solve that puzzle.

Senator WEBB. I appreciate your saying that, although we have not downsized the Marines, to my knowledge.

Mr. GARCIA. Excuse me. I meant met the recruiting goals early. That would be a better way of saying it.

Senator WEBB. Thank you. Thank you for that comment.

Congressman McHugh, when you were the chair of the House Personnel Subcommittee in 2005, you introduced an amendment that would, in the language that we have been given in my office, have banned Army women from forward support companies at a time when nearly 20,000 of them were actually already deployed in those billets. It got strong push-back from the uniformed military. DOD non-concurred at the time. You offered a substitute amendment similarly.

I do not want to go back and rehash that, but as Senator Levin mentioned, there were some questions on this. I appreciate your commitments to Senator Levin with respect to wanting to take a look at where it works and where it does not work.

We have a lot of confusion out in the military today. There was a 2007 RAND study taking a look at this issue that found that there were situations where people would believe that they were complying with DOD policy, but it could be a contradiction with Army policy on some of these standards.

I would like to offer, if I may, a suggested formula that I used when I was Secretary of the Navy because I had raised similar issues. My strongest objections early on were the interference of the political process into the day-to-day decisions that should have been left to the military on issues like this. I had questions raised on two confirmation hearings about my views on women in combat.

When I became Secretary of the Navy, I decided that the best way to do this was to go to the Active Duty military and have them report up to the political process rather than having the political process tell the military what to do. I convened a panel of 28 senior officers and NCOs, and 14 of them were male, 14 of them were female. I sent them to installations around the world. Instead of having them report back to me, I had them report to the warfare chiefs, in this case, submarine, air, and surface, and then to the Chief of Naval Operations. Then I had essentially the uniformed military report to the political process about how they thought this should look.

We opened up more billets in the Navy to women than any previous Secretary of the Navy had ever opened, but we did it with the military speaking to the political process. I would venture that now, after these many years of deployments, that it could be the time for the Army to do something similar.

Mr. MCHUGH. I appreciate that, Senator. That is an interesting take. As you alluded, I tried to explain to Senator Levin that amendment was—I had to offer it because I was the subcommittee chairman, but it was not my amendment. It was the full committee chairman. The walk-back amendments were mine.

I frankly do not have any information before me now that would suggest that the current policy in place since 1994 should be changed, but clearly, this should be a bottom-up exercise, should it come to that. I am not aware that Secretary of Defense Gates is engaged in a reevaluation. My understanding—and it is not based

on any direct conversations with him—is that he feels—and for the moment, I would concur—the current policy is working.

But clearly, that would be a very effective way because my interest would be in making sure the most, rather than the least MOSs are open to women. That is based on, as I mentioned to the chairman, the 10 visits to Iraq I have had. They are doing an irreplaceable job. If it should come to that, I appreciate the suggestion and I would certainly pass that along.

Senator WEBB. You would have that jurisdiction as Secretary of the Army without having to be directed by the Secretary of Defense, which is essentially what I did when I was Secretary of the Navy. I would just encourage you to think about this because the process now has been tested. From all indications that we have had in our office, there is some confusion in terms of whether policies are actually being met with the realities of where women are. This is probably best addressed systemically rather than anecdotally. I would encourage you to look at it.

Thank you, Mr. Chairman.

Mr. MCHUGH. Thank you, Senator.

Chairman LEVIN. Thank you, Senator Webb.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman. Good morning. I want to thank all three panelists for taking the time to be here with us today. I have some very serious questions I want to direct to Congressman McHugh.

But I cannot help myself, Mr. Garcia. I have memories of my own family's time here in Washington. I have five brothers and sisters. My cousin, Senator Tom Udall, had five brothers and sisters. I see your children and their cousins sitting here. It brings a smile to my face. Wonderful families.

Congressman McHugh, you and I served in the House together on the House Armed Services Committee, and I learned a great deal from your leadership and from your focus on the welfare of our soldiers, our marines, our airmen, and our sailors. We have had a lot of conversation here this morning about what has been happening with our soldiers when they deploy home.

I represent the best State in the Nation. There is no question about that. One of the best communities in the Nation is Colorado Springs. There has been a large level of concern raised recently tied to a series of articles that the Colorado Springs Gazette has written. I would like to ask you, first, if you would commit to me to reading those articles about our service men and the acts that they have been committing in the community of Colorado Springs.

Mr. MCHUGH. I will, Senator. I became aware of those articles last night, and I promise you I will review them carefully.

Senator UDALL. They are sobering. They are concerning. They are horrifying, and they also point to the mission we have been discussing here today, which is how do we take care of our soldiers when they return from theater.

I would like to ask you about ways that the Army might think outside the box in addressing this looming set of challenges. Beyond building a requirement for uniform mental health providers into the budget, are there other ways that the Army might move forward? For example, how about a new category of mental health

providers like physicians' assistants? I would turn to you for your thoughts.

Mr. MCHUGH. Generically—and again, because I have not had the opportunity to be briefed on exactly what is happening internally in the Army and would not unless I were confirmed—I think we have to explore all possible opportunities and all possible paths of remedy.

I do understand, with respect to the situation that you mentioned in Colorado, there is a pilot project, Confidential Alcohol Treatment and Education Pilot (CATEP) project, that I am pretty confident you are aware of that is being established in three other facilities. Right now, the Alcohol and Substance Abuse Program (ASAP) is intended to encourage people to self-identify, come in, receive assistance, but one of the challenges about that is it does require commander notification of that self-referral. The project, as I understand it at Fort Lewis and two other facilities, will waive that reporting requirement.

I cannot make a promise here, Senator. I know you appreciate and understand that, but it may be, particularly given the news reports that I have understood have come out of the Epidemiological Consultation Study that have found, for example, more than 80 percent of those who committed violent acts at Fort Carson, in fact, less than 50 percent of them sought any kind of care and treatment. Perhaps inclusion in that CATEP study would be appropriate.

I do not know the details. I do not want to make you a promise I cannot keep, but I do promise you that if I am confirmed, we would certainly take a look at that.

Senator UDALL. You anticipated my question. What I hear you saying is you will look into it, and that is what I was going to ask you to do because I think it would be very effective.

Mr. MCHUGH. Absolutely.

Senator UDALL. If I might, let me turn to two other matters. I think you are aware of the Piñon Canyon maneuver site discussion that has been occurring in Colorado. I would like to ask you, if you are confirmed, can you commit that if the Army considers going ahead with the expansion, you would only proceed on the basis of willing sellers or leasing arrangements and would not use eminent domain.

Mr. MCHUGH. Again, under the rubric of not wanting to make a promise I cannot keep, I will tell you as someone who represents the Adirondacks Park, the largest publicly held park in the Lower 48, I have a healthy distrust for the process of eminent domain. We always want to try to work toward willing sellers.

I think part of the Army's problem—and again, I am answering as a Congressman—when it came to Piñon Canyon is they did not do as effective of a job as I think you and others and myself included would have liked in terms of engaging the community, trying to work for a positive outcome, having cooperative negotiations. That has to be the first path. If there is an opportunity to resurrect Piñon Canyon, I would certainly stand ready to work with you to try to search for that willing seller, that cooperative agreement because that is always the best way to go. The Army should want—

should want—happy, good, positive neighbors, and you do not get that by going in and condemning property.

Senator UDALL. Thank you for that. Yes, I would note that previous leaders in the Department of the Army have made it clear that eminent domain would not be used and they would pursue, if this moved forward, willing sellers or lease arrangements.

I said I wanted to make two additional points. I want to make a third one very briefly, which is to acknowledge the service of Major General Mark Graham at Fort Carson who has been a real leader on this mental health front. I think he has the talent, insight, and a personal set of stories that we ought to continue to utilize. I wanted to acknowledge General Graham in that regard.

Let me end on this note, and you do not need to respond, Congressman. But I think I would like to believe that Congress comes up with new laws to address new or abiding challenges and that Congress repeals laws that do not make sense in the context in which they now operate. They are antiquated or they no longer reflect the reality of our society.

I believe Don't Ask/Don't Tell is a failed policy. It is a good example of a law that Congress should repeal. I do not believe it will be easy to do, but it needs to be done. I believe this discriminatory policy undermines the strength of our military and the basic fairness of the principles on which our great Nation is founded. I look forward to working with you and with others at DOD to accomplish the full repeal of Don't Ask/Don't Tell. I look forward to working with you after you are confirmed. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Udall.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Congressman McHugh, Dr. Westphal, and Mr. Garcia, I congratulate you on your nominations from our President, and I wish you the best of luck. I feel very good about you. I also want to welcome all of your family members here. It has already been a long morning, and they look, some of them, kind of tired. But it is great that you are all here.

Representative McHugh and Dr. Westphal, I just wanted to talk a little bit about the wounded warriors. Representative McHugh, your opening comments spoke about your concern of the wounded warriors and your obvious commitment to them.

Several weeks ago, I attended the Wounded Warrior Parade at the Pentagon, and it was a most inspirational moment for me. It was an opportunity to speak to these individuals and really gain a sense of the healing challenges that they face.

Following the parade—there were five Senators that morning—we met with the Chief of Staff of the Army, General George Casey, and the Director of the Army Staff, Lieutenant General David Huntoon. Then last month, my staff met with the Commander of the Warrior Transition Command, Brigadier General Gary Cheek.

I know that when our soldiers are injured—and I am pleased to know that the Army immediately assesses each soldier in order to devise a tailored, individual development plan for them, whether it is reintegration back to their combatant units, reclassification of their Active Duty status in order to learn a new Army specialty,

or transition to civilian life. We have actually had several wounded warriors come and talk to us about that.

But I think it is encouraging that many of the former wounded warriors are a part of the warrior transition unit as mentors.

I am also pleased that the Army plans on developing an electronic integrated system to track the progress of our wounded warriors.

One area that has caught my attention is the disciplinary process, and according to General Cheek, the soldier perceptions vary on acceptable conduct while healing and transitioning. He recommended that the Army draft policy guidance to clarify the Army expectations of the warriors in transition.

With that background, a couple of questions are, how do you plan on institutionalizing an Army directive aimed at clarifying the expectations of our warriors in transition? How do you envision working with General Casey to develop programs of instruction for the incoming warrior transition unit company commanders and the 1st sergeants? Do you plan on incorporating lessons learned regarding the wounded warrior care? Representative McHugh?

Mr. MCHUGH. I was interested to hear you say that because in my visits to the transition units, whether it is at Fort Drum in my district or in other places, in the sessions we had, where we asked the officers to leave, one of the major complaints was, gee, this guy does not have to do this and I have to do that. It seems to fit into the observation you just made. I guess one of the shortcomings you can assess against me is that I just assumed those were personal gripes that occur.

If General Cheek says there is a lack of uniformity in direction and instruction with respect to the anticipated and, in fact, demand behavior amongst the cadre of wounded warriors, then we have to fix that. It would seem to me, as I understood you to say, Senator, General Cheek suggested sort of directive, that makes a reasonable way forward. Obviously, I cannot commit to that, but certainly amongst all the other problems we are facing, that would seem to be one of the more basic and should and could be accommodated.

The training issue is one that, if not more problematic, is certainly more fundamental. I had the opportunity to work with Dr. Vic Snyder who served for a time as the ranking member and ultimately as the chairman of the Personnel Subcommittee in our House, a good man from Arkansas. We helped formulate a part of what became the Wounded Warrior Care Program. We were very proud of it and thought everything was going in the right direction.

But as I noted earlier in talking about suicide prevention and other things, the paperwork is just the first start. The warrior transition units—we have some 36 of them in this country. Everybody goes in with the best intentions, but in spite of that and in spite of a good approach that the House, this committee, the HASC, and others helped formulate, there still are gaps in the uniformity and effectiveness of implementation. We have to do a better job there.

It starts with training, Senator, as you suggested. I have been advised—and it is certainly something I want to make sure is, indeed, happening—that the Wounded Warrior Care Program is beginning to develop and instill curricula at both the battalion and

the brigade level to make sure everybody from officer down to our 1st sergeants are instructed as to the mission of the wounded warrior units and also what the care standards are and what the expectations are.

On paper, that sounds good. That is all I know at this point, but I promise you that is something certainly we not only need but will follow up on, if confirmed.

Senator HAGAN. I know you are sincere in your commitment to this.

Dr. Westphal?

Dr. WESTPHAL. Senator, I would agree with everything that the Congressman said.

I just had one additional dimension that actually came up yesterday in a conversation I had with an individual in the Army in the manpower/reserve affairs piece where he was bringing me up to date on some information. I was asking him about the issues that the Secretary and the Army will need to face or think about into the future, consistent with the idea that we are still going to be deployed heavily in Afghanistan and still in Iraq.

One of the things he said was we are learning slowly but do not have conclusions about head trauma, for example. We are now beginning to identify studies and have real experts, neurologists and other experts in these areas, begin to understand the full effects of what happens to soldiers when they come back and have been close to some type of an explosion.

I went further and asked, are you looking at behavioral aspects as opposed to simply physiological, neurological issues, and he said, yes, we are concerned about how this is altering behavior, how it is affecting behavior, how it is affecting performance as they are in the reset period.

So I would just add that to the Congressman's point, that this is an area we need to really focus on because there are more and more of those kinds of injuries faced by our soldiers and there are a lot of unknowns there.

I think as Congressman McHugh mentioned a little bit earlier in his comments, we are given timelines in our briefings. The Army is doing a study. This will take 5 years to do it, and there are not 5 years. These issues have to be addressed now. So I would agree with the comments of the Congressman that we have to focus on this more aggressively.

Senator HAGAN. Thank you, gentlemen. I see that my time has expired. Thank you.

Mr. MCHUGH. Thank you, Senator.

Chairman LEVIN. Thank you, Senator Hagan.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman, and thank you to all of you for your service.

Representative McHugh, I have been visiting with the dairy farmers in my State, and it is a rough time. We wrangled over the postal bill yesterday. So I know that as you face new challenges, at least you can push some of those aside and realize they are no longer on your plate.

Dr. Westphal, I am going to give you a free pass this morning because I am a political science major from the University of Mis-

souri. So you, obviously, are brilliant since you got your doctorate from the University of Missouri in political science. What year did you get your doctorate?

Dr. WESTPHAL. 1980 is when I finished my Ph.D.

Senator MCCASKILL. So you are certainly familiar with David Luthold and Drs. Casey and Tilliman, all of the professors that have some responsibility for me sitting here.

Dr. WESTPHAL. I took classes from all those, Senator.

Senator MCCASKILL. Absolutely. It is a great school and it is great that you are coming back into the service of your country in this regard.

Let me first begin with you, Congressman McHugh, and ask you. No one has, so far, asked you about your view on Don't Ask/Don't Tell in the military. I think it is important that we get that on the record at this juncture.

Mr. MCHUGH. Thank you for the question. By the way, I am a political science major too.

Senator MCCASKILL. That counts. Unfortunately you are not a tiger though.

Mr. MCHUGH. I gave it a shot. [Laughter.]

It is a serious issue and it is an issue that has not been before me as a Member of Congress since 1993. The reality is the President has made very clear—and I have not had a chance and I have not talked to the President directly, but I have talked to high officials in the administration, and I have no doubt the President is going to press forward with his intent to change that policy. To whatever degree remains to be seen. I think he would like a full reversal.

It is also without question that Secretary Gates has begun a process of what he describes as softening that policy. Whatever that may mean remains to be seen.

My view, as Secretary of the Army, if confirmed, would be to do the most effective job I could garnering the military input and information that I think any secretary and any President would like as they go forward in finalizing the determination. That is how I described my envisioned role to the administration. They seemed content with that.

But having said that, two other factors. Whatever the decision of the President and the Secretary of Defense, it would be my responsibility, if confirmed, or any Service Secretary's responsibility thereafter to do the best job he or she could to come before this committee, the HASC, whichever other relevant committees may be afoot to best describe and as most effectively to describe the reasons, the rationale, and the justification for whatever policy evolves. That is the responsibility of a Service Secretary, as I see it, under title 10.

At the end of the day, I think it is worth noting, of course, this is a policy embedded in law, and there will be no overturning of it without the agreement of this Congress, the House, the Senate, and of course, the President.

Senator MCCASKILL. Thank you.

Further, I know that you worked on the Oversight and Government Reform Committee in the House, I have been very engaged

with the help and assistance of this committee and the staff and certainly the chairman on contracting issues.

There is a heartbreaking case of Rocky Baragona, a lieutenant colonel, who was killed in a HMMWV accident in 2003 in Iraq. He was hit by a Kuwaiti company that is a contractor for the United States. His HMMWV was struck by a truck driven by a Kuwaiti company called Kuwait and Gulf Link Transport. The Army found that this company was negligent in his death, and his family brought suit against this company and got a default judgment against this company. Then they hired lawyers, came into the United States, and claimed that we had no jurisdiction over them, no in personam jurisdiction over them, and they ultimately prevailed in court. Now, that is the first part of the story.

The second part of the story is that there have been allegations of human trafficking on the part of this company.

After they have come in and hired lawyers and defeated this family in their effort to get compensation for their son's death, they are now in line for more contracts. They were put up for possible debarment on September 22, 2006, and as we speak, they are seeking, through some successor companies and the original company, $1.5 billion in contracts right now, including such things as food service, transport, and all kinds of things.

There is something terribly wrong with this picture, that a company we would hire would negligently take the life of one of our soldiers and we go back to business as usual. I have sponsored a law that will give in personam jurisdiction in Federal court over all U.S. contractors in civil and criminal actions. I would like your view on the Rocky Baragona case and the inability of the military to cut off contractors who are bad actors. I mean, at a minimum, I would like us to get to the point we quit paying them bonuses—we are still paying performance bonuses to companies who have hurt our troops—much less giving them successor contracts. I would like your view of the Rocky Baragona legislation, and if you think personal jurisdiction over any contractor that we hire through the U.S. Government should lie in the United States.

Mr. MCHUGH. Senator, as I am sure you will appreciate, I really cannot comment on the particulars of the case. Certainly as you describe it here this morning, something would appear to be very wrong. I would promise you, if I were confirmed, I would look at it carefully and get back to you and try to discuss it with you further.

I know the Secretary of Defense has begun to assemble a task force on contracting. It does not just apply to this issue but, in fact, applies to the issue of guard contractors, all kinds of contracting arrangements across the board as to what their legal obligations and responsibilities are.

My opinion has always been that if, indeed, we are going to contract with individuals, we ought to think very carefully about making them subject and under the jurisdiction of the laws of the United States. I understand that is a non-lawyer's opinion and that it is far more complex than that. But in terms of my sympathies, my sympathies certainly lean toward yours. But I just cannot comment on the particulars, but I promise you I would be happy—not

happy—I would be obligated to look at it and to pursue it with you further at the appropriate time.

Senator MCCASKILL. That would be terrific. I think it is very important that we have accountability in every aspect of what we do as it relates to taking care of the men and women who are stepping across the line for us. If somebody we are hiring runs over one of them with a truck, they ought to be held accountable. It is just pretty simple I think. Just good, old midwest common sense tells me that is not the right outcome.

I look forward to you looking into it and I look forward to working all of you in your new capacities. God bless you for your service. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCaskill, for your typical boring in on a very important question that really needs to be addressed.

I just have a few additional questions for a second round.

First of all, Dr. Westphal, I think you made reference to the fact that you will be the CMO, if you are confirmed, to the Department of the Army. In fact, you will be the first CMO. We established that position in 2007 out of frustration with the inability of the military departments to modernize their business systems and processes. We chose to have the Under Secretary serve concurrently as CMO because no other official in the Department of the Army, other than the Secretary, sits at a high enough level to cut across stovepipes and implement comprehensive change.

Will that be a top priority of yours, and how would you balance your duties as CMO with your other duties as Under Secretary?

Dr. WESTPHAL. Thank you, Senator.

It certainly would be a top priority. I cannot tell you specifically because we have not talked about it, but if confirmed, I would immediately meet with the Secretary of the Army and discuss how to move forward into the job not only of the CMO but also the other responsibilities of the Under Secretary that he would wish to assign to me.

Having said that, I am a big believer, because I have seen this in other places where I have worked, that the business processes are critically important to the success of the operation. We have a huge bureaucracy. We have great challenges today and into the future financially and fiscally for the Army. The OPTEMPO is continuing to stay either steady state or even growing. We do not know what the QDR is going to tell us. We do not know what General McChrystal is going to suggest in terms of the future requirements in Afghanistan. We do not know what other combatant commanders are going to require.

With all that uncertainty, I think we absolutely have to reshape this business process and redesign it and transform it, as you have indicated, Mr. Chairman, in your efforts to do that across the Department almost immediately. We have to really focus on that, and I think the Army recognizes that.

Chairman LEVIN. It has been a longstanding frustration and problem. We have tried various ways, over literally decades I think now, to correct it. Will you just keep in close touch with this committee on your efforts in this area?

Dr. WESTPHAL. Yes, sir. In fact, I had made a mental note to myself that if confirmed, one of the first things that I would like to do is to meet with the majority and minority staff of the committee to get a sense of what you have been thinking about this and what your interpretations are of what you wanted to accomplish in this law so that I make sure I understand that because I am sure you will be asking me in the future.

Chairman LEVIN. Yes, we will be. We would welcome that initiative on your part.

Mr. Garcia, in response to the advance policy questions, you identified as a major challenge continuing efforts towards Active component/Reserve component integration and continuum of service. The Navy has taken the lead on this issue in recent years by pushing forward a sabbatical program, which Congress authorized on a pilot basis last year. This would allow sailors to leave Active Duty for a period of time to pursue family and career objectives and then return to Active Duty to continue their careers where they left off.

We have been told that this generation of young servicemembers may forgo the traditional military career, 20 years on Active Duty, followed by retirement, and instead opt to serve some years on Active, transfer to the Reserve components or out of the military altogether, then come back to Active Duty both to serve the individuals' needs and, obviously, to serve the needs of the Navy.

Is it too early to know how this pilot program is working, or do we have some evidence?

Mr. GARCIA. I think it is, quite honestly, Senator, a little too early. My understanding, at least, is the selectees for the first round for the pilot program that you just described have just recently been notified, and what they have found—we can say at this point—is that bulk of them were not what you described as what was envisioned, that is, folks taking a nontraditional path to military service.

My understanding is at this point in this first round, folks took an opportunity to devote full-time care to an injured one, a parent, grandparent. I think what is early enough to say is that, unfortunately, when those tragedies pop up in life, they do not align themselves with a schedule board at the Bureau of Personnel in Millington.

But if confirmed, as soon as that data does come back—I think it is an intriguing program. I think it is an interesting idea and possibly, as you said, a way to bring more young people who might not have considered the traditional 20-year path into our Nation's service.

Chairman LEVIN. You were asked, I believe, by Senator Webb about the diversity issue at the academies. You indicated that you were going to try to sort that issue out, as you put it, I believe, as soon as you can address it.

I would urge that as you approach that issue and to do your sorting out that what you do is include in that process an amicus brief which retired military officers signed in an affirmative action case in the Supreme Court that I joined and a few Members of Congress joined in support of the diversity efforts in the military. That ami-

cus brief pointed out the extremely positive effects that that effort had right after the Vietnam War. It is an important history.

I urge you to read the brief to gain, if you already have not, an understanding of what the lack of diversity produced and how the effort to promote it really made a major positive difference in our military and frankly for the country as well. The military has led in this area in many ways. I would urge that you take a look at that amicus brief as part of your reachout. That effort to reach out for diversity really was an historic effort on the part of the military with great benefits.

Mr. GARCIA. I remember the brief, Senator, and I will revisit it.

Chairman LEVIN. All right.

Congressman McHugh, in answer to, I believe, Senator Webb's question about the amendments on women in particular roles, you indicated that yours were the walk-back amendments. I just want to make it clear for the record. I am not so sure everyone caught that, but I think it is important here historically that as you indicated, the amendment that was referred to in subcommittee was done as an accommodation to the chairman of the full committee, but that the correction of that, the undoing of that, the reversal of that was something that you led and that was "walked back."

Mr. MCHUGH. That was my intended interpretation of the phrase, yes, sir.

Chairman LEVIN. Thank you.

There are no other questions that I have. I would only say this to you, Mr. Garcia, and I guess I will single you out for this because of the number of children that you have here and you have, as well, I think a niece, maybe two nieces here as well. Is that correct, and one nephew?

Mr. GARCIA. Three nieces and a nephew.

Chairman LEVIN. Three nieces and a nephew all here, but your children and your nieces and nephew have really done an extraordinary job of trying to look attentive to the best of their ability. I want to give them a lot of credit. They do a lot of good when they come here. I hope some day they will recognize that they were a big help to their father and their uncle sitting behind him. I know how proud you are of them, but it is important to all of us that have families that they do stand behind you because you will need that kind of support. But they did yeoman's service here for their father and uncle this morning, and we commend them on it. We will not heap praise on the adults. They do not need it.

At any rate, we ought to add this to the list of stress on the military, the stress we put on kids who try to look interested for 2 hours at these confirmation hearings.

Mr. GARCIA. Thank you for saying that, Senator.

Chairman LEVIN. We thank you all for your service, your continued service. We look forward to your speedy confirmations and we stand adjourned.

[Whereupon, at 12:06 p.m., the committee adjourned.]

[Prepared questions submitted to Hon. John M. McHugh by Chairman Levin prior to the hearing with answers supplied follow:]

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. The Goldwater-Nichols Act changed Department of Defense (DOD) operations in a dramatic and positive way. I believe that the structure established by Goldwater-Nichols has significantly improved inter-service and joint relationships and promoted the effective execution of both military department and combatant command responsibilities. DOD, working with Congress, must continuously review the law in light of improving capabilities, evolving threats, and changing organizational dynamics. I am currently unaware of any reason to amend Goldwater-Nichols, but if confirmed I would have an opportunity to assess whether the challenges posed by today's security environment require amendments to the legislation with a view to continuing the objectives of defense reform.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. This milestone legislation, now more than 20 years old, has ably served our Nation. I am currently unaware of any reason to amend Goldwater-Nichols, but if confirmed, I would have an opportunity to assess whether the challenges posed by today's security environment require amendments to the legislation with a view to continuing the objectives of defense reform.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. In the role of Secretary, I would principally draw on my experiences as the Representative of the Congressional District that is home to Fort Drum and the 10th Mountain Division (Light Infantry) and as a 16-year member of the House Armed Services Committee. In that capacity, I held several leadership positions, first as the Chairman of the Morale, Welfare, and Recreation Panel, then as head of the Military Personnel Subcommittee, and later as the subcommittee's ranking member. At the beginning of the 111th Congress, I assumed the ranking member position of the full committee. During the majority of my time in Congress, I have served as the cochair of the House Army Caucus and as a member of the West Point Board of Visitors. I have seen firsthand the dedication and sacrifice of America's service personnel and have interacted extensively with their civilian and military leadership. If confirmed, the leadership experience I have gained through my career as a public servant has prepared me well to serve as Secretary of the Army.

DUTIES

Question. Section 3013 of title 10, U.S.C., establishes the responsibilities and authority of the Secretary of the Army.

What is your understanding of the duties and functions of the Secretary of the Army?

Answer. The Secretary of the Army is the head of the Department of the Army and is responsible for, and has authority to, conduct all affairs of the Department of the Army as prescribed by law, by the President, or by the Secretary of Defense.

Question. Assuming you are confirmed, what duties do you expect that Secretary Gates would prescribe for you?

Answer. I expect that if I am confirmed, Secretary Gates would task me to implement the President's national security objectives throughout the Department of the Army. Further, as he has done with other military department Secretaries, Secretary Gates may prescribe for me additional duties that support him in carrying out his responsibilities to ensure that DOD successfully accomplishes the many demanding and varied missions it has been entrusted with. At this time, I am not aware of any additional duties Secretary Gates may be considering assigning to the Secretary of the Army. However, if confirmed, I would carry out, to the best of my abilities, all duties assigned to me by law or the Secretary of Defense.

Question. What duties and responsibilities would you plan to assign to the Under Secretary of the Army?

Answer. The Under Secretary serves as the Secretary's principal civilian assistant and advisor on issues of critical importance to the Army. If confirmed, I would review the Under Secretary's current assignment of duties and functions to determine the capacities in which he might most appropriately support my efforts to ensure that the Department of the Army is effectively and efficiently administered in accordance with law and the policies promulgated by the Secretary of Defense. Further, pursuant to section 904 of the National Defense Authorization Act for Fiscal Year 2008, I would designate the Under Secretary as the Chief Management Officer of the Department of the Army, with the primary management responsibility for business operations. In this capacity, if confirmed, I would assign the Under Secretary such duties and authorities as Chief Management Officer as are necessary to organize and administer the business operations of the Army effectively and efficiently in accordance with the policies promulgated by the Secretary of Defense. In accordance with section 908 of National Defense Authorization Act for Fiscal Year 2009, I would act through the Under Secretary in his role as Chief Management Officer to continue the ongoing business transformation of the Army.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Secretary of the Army?

Answer. Although I look forward with confidence to assuming the duties of the Secretary of the Army should the Senate confirm me, I recognize that every new Secretary has much to learn. I would work to further my understanding and knowledge of the Army, its people and organizations, the challenges it faces, its interaction with DOD, and the resources necessary to sustain and transform it. I would work with and through the talented and dedicated military and civilian personnel serving the Department to broaden my expertise and increase my knowledge, and I would seek advice and counsel from the many and diverse stakeholders dedicated to the success of the Army, including the Members and staff of Congress.

RELATIONSHIPS

Question. If confirmed, what would be your working relationship with:

The Secretary of Defense.

Answer. The Secretary of the Army reports directly to the Secretary of Defense and ensures that his priorities are implemented in the Department of the Army.

Question. The Deputy Secretary of Defense.

Answer. The Secretary of the Army works closely with the Deputy Secretary of Defense to ensure that the Secretary of Defense's priorities are implemented in the Department of the Army.

Question. The Under Secretaries of Defense.

Answer. If confirmed, I, the Under Secretary of the Army, and the Assistant Secretaries of the Army will coordinate and work closely with the Under Secretaries of Defense to ensure that the Department of the Army's actions complement the priorities set forth by the Secretary of Defense and the Deputy Secretary of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Secretary of the Army coordinates with the Chairman of the Joint Chiefs of Staff to ensure that he has all the information and support necessary from the Department of the Army to perform the duties of principal military advisor to the President, National Security Council, and Secretary of Defense.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Secretary of the Army coordinates with the Vice Chairman of the Joint Chiefs of Staff to ensure that he has all the information and support necessary from the Department of the Army to perform his duties.

Question. The Under Secretary of the Army.

Answer. The Under Secretary of the Army is the principal assistant to the Secretary of the Army. The Under Secretary acts with the full authority of the Secretary in the management of the Department and performs any duties the Secretary of the Army gives him.

Question. The Chief of Staff of the Army.

Answer. The Chief of Staff of the Army performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary according to title 10 of the U.S.C.

Question. The Assistant Secretaries of the Army.

Answer. The Assistant Secretaries perform specific oversight roles delegated to them by the Secretary of the Army.

Question. The General Counsel of the Army.

Answer. The Army General Counsel is the senior civilian legal advisor to the Secretary of the Army. The General Counsel also serves as the Secretary of the Army's chief ethics official.

Question. The Inspector General of the Army.

Answer. The Inspector General of the Army is charged with inquiring into and reporting on the discipline, efficiency, economy, morale, training, and readiness of the Army, as directed by the Secretary of the Army or the Chief of Staff.

Question. The Chief of the National Guard Bureau.

Answer. The Chief, National Guard Bureau is a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving nonfederalized National Guard forces and on other matters as determined by the Secretary of Defense. The Chief, National Guard Bureau also is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States. Because the National Guard is a key element of the Reserve component, the Secretary of the Army must work closely with the Chief, National Guard Bureau to provide overall supervision of National Guard matters across all aspects of Army business as prescribed under title 10.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges that will confront the next Secretary of the Army?

Answer. In my view, the Army faces major challenges in two key areas: the stress on the force and properly equipping the force. Soldiers and their families continue to experience tremendous strain as they defend our Nation at home and abroad. Many are experiencing multiple deployments with too little time in between to fully recover. This stress is taking its toll and is manifested in a variety of areas, including rates of suicide and divorce.

Additionally, the Army faces the challenge of resetting its equipment after many years of hard use under extreme conditions. As the Army shifts forces from Iraq to Afghanistan, the equipment will need to be repaired and refitted—all while continuing to fight in both Iraq and Afghanistan. While the Army remains committed to equipping its forces for the current fight, it must continue to invest in modernization to ensure properly equipped forces for the future.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would work with the Secretary of Defense, Congress, and the rest of the Army's leadership to reinforce effective programs that are already in place, make adjustments where appropriate, and, as needed, initiate programs that address new challenges. Taking care of soldiers and their families is fundamental to properly maintaining the force. Family support programs have improved tremendously over recent years, as have medical and behavioral health services that are now available to soldiers and family members; however, there is always room for improvement. Ultimately, the challenge of long and frequent deployments boils down to an equation of supply and demand. The Army must always be able to provide enough forces to meet the needs of the commanders who are fighting the wars and at the same time increase the time soldiers are able to spend at home between their deployments. The continued drawdown of forces from Iraq will help increase the supply of forces and lengthen dwell times at home.

If confirmed, I would demand innovative solutions to reset and modernize equipment to address current and future conflicts to ensure our defense dollars are well spent in this effort. To accomplish this, the Army's requirements, contracting, procurements, and processes must be able to meet soldier requirements within current and future resource constraints. I would place a great deal of emphasis on each of these areas.

Question. What do you consider to be the most serious problems in the performance of the functions of the Secretary of the Army?

Answer. I am not aware of any serious problems in the performance of the functions of the Secretary of the Army.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. Should the Senate confirm me, I intend to engage in an ongoing process of consultation with the Secretary of Defense, Army leaders, others in DOD, and Congress to address any area of the Secretary of the Army's performance of functions that may require attention and pursue opportunities for improvement. As to a timetable, if confirmed I would strive to ensure that upon my departure from office, I would leave America's All-Volunteer Army force better trained, equipped, and organized.

Question. If confirmed, what broad priorities will you establish?

Answer. If confirmed, my focus would be to keep America's Army the best-trained, best-equipped, and best-led land force the world has ever seen. Since we are at war, my first priority would be ensuring that soldiers and units are well organized, trained, equipped, and ready for success in the current conflicts.

A clear priority must be sustaining our Nation's quality, All-Volunteer Force by providing the support our soldiers and families deserve, with a particular emphasis on health care programs, especially for wounded soldiers.

Also, if confirmed, I would work to ensure that the Army continues to transform to meet the challenges of the 21st century. I would work to rebuild strategic depth and make sure the Army's organization, training, and modernization efforts can, on a continuous basis, provide land forces that are versatile enough to be successful across the full spectrum of operations.

ACQUISITION ISSUES

Question. Many experts have acknowledged that DOD may have gone too far in reducing its acquisition work force, resulting in undermining of its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. Yes.

Question. If so, what steps do you believe the Department of the Army should take to address this problem?

Answer. If confirmed, I would look to examine the size and age of the acquisition workforce and its impact on the oversight of acquisition programs today and in the future. The October 2007 "Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations," often referred to as the Gansler Commission Report, recommended an increase in the stature, quantity, and career development of military and civilian contracting personnel and recommended additional training and tools for overall contracting activities. It is my understanding that the Army is in the process of implementing these recommendations.

Also, the National Defense Authorization Acts for Fiscal Years 2008 and 2009 have enabled the Army to implement initiatives and programs that will assist in recruiting, hiring, developing, training, recognizing, and retaining its acquisition workforce. This flexibility is critical in the contracting arena, as well as program management, systems engineering, cost estimating, and several other areas. I support the rightsizing of the overall workforce to the mission.

Question. Major defense acquisition programs in the Department of the Army and the other military departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. The short answer is yes. Without examining each program in detail, it is difficult to judge whether funding instability or other reasons cause some programs to experience high cost or schedule delays. I recognize that large funding changes often are made for what appear to be valid reasons, such as changes in force structure requirements or mission focus, and participation in combat operations.

Question. What steps, if any, do you believe the Army should take to address funding and requirements instability?

Answer. To address funding and requirements stability, the Army must increase the fidelity of cost estimates, avoid the too rapid adoption of immature technology, improve the quality of systems engineering, control growth in requirements, and, when appropriate, use incremental builds.

Question. The Comptroller General has found that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

Answer. Although I fundamentally agree with the Comptroller General's assessment, I note that threats cannot be predicted with certainty and programs therefore must respond to a broad range of possible situations. Accordingly, the Army is challenged to develop and field the most technologically advanced capabilities to its warfighters to keep pace with this high level of operations.

Question. If so, what steps do you believe the Department of the Army should take to address these problems?

Answer. I understand that DOD published a major revision to the instruction on the operation of the Defense Acquisition System in December 2008. That instruction

places increased emphasis on knowledge-based acquisition practices and delays the critical program initiation decision at Milestone B to provide for greater resolution on requirements, design, and costs. The Weapon System Acquisition Reform Act of 2009 reinforces the oversight and reporting process for major programs. It will take some time for the results of these actions to be seen in individual acquisition programs. If confirmed, I would insist on clarity and rigor in the oversight of major programs to ensure that the acquisition process supports the needs of the force and is a responsible steward of the resources available.

Question. By some estimates, DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Army should take to improve the staffing, training, and management of its acquisition of services?

Answer. If confirmed, I would direct an assessment of how the Amy acquires services, including organization, policy, and processes, to make sure we have an effective management structure. I would also ensure that the management of service acquisition was properly led, staffed, and resourced.

Question. Do you agree that the Army should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. I agree the Army should have the processes and systems in place to analyze spending and enhance the overall management of service contracts. I do not have sufficient insight at this time into the capabilities of the current information management systems. If confirmed, I would support modifying these systems as required to conduct these analyses.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multi-agency contracts. DOD is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Army should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department of the Army?

Answer. It is my understanding that the Office of Federal Procurement Policy, DOD, and the Army have issued new or revised policies, procedures, and guidance to address the problems the Inspector General identified. If confirmed, I would ensure that the Army's Procurement Management Review Team makes the assessment of compliance and effectiveness of policy and procedures an item of special interest.

ARMY MODERNIZATION

Question. In general, major Army modernization efforts have not been successful over the past decade. Since the mid-1990s, Army modernization strategies, plans, and investment priorities have evolved under a variety of names from Digitization, to Force XXI, to Army After Next, to Interim Force, to Objective Force, to Future Combat System and Modularity. Instability in funding, either as provided by DOD or Congress, has been cited by the Army and others as a principal cause of program instability. For the most part, however, the Army has benefited from broad DOD and Congressional support for its modernization and readiness programs even when problems with the technical progress and quality of management of those programs have been apparent—the Armed Reconnaissance Helicopter (ARH) is a recent example.

What is your assessment, if any, of the Army's modernization record?

Answer. The Army's modernization record clearly depicts the complexities of an Army in transition during wartime. I believe the Army must continue to adapt to a rapidly changing threat environment. If confirmed, I look forward to working with the Secretary of Defense and Congress to equip and modernize the force.

Question. If confirmed, what actions, if any, would you propose to take to achieve a genuinely stable modernization strategy and program for the Army?

Answer. Stable, predictable total obligation authority allows the Army to balance its needs, chart a course, and stick to it. If confirmed, I would work with the Secretary of Defense and Congress to arrive at that stable funding level and, subsequently, a stable modernization program.

Question. What is your understanding and assessment of the Army's modernization investment strategy?

Answer. Having watched this evolve over the past few years, I would offer that, by its very nature, the Army's modernization investment strategy is built on assessing the likelihood of evolving threats and planning future capabilities to mitigate those threats. It is an imprecise science, requires almost constant review and correction, and must balance investments in future development with improvements to today's equipment. If confirmed, I plan a thorough review of these investments.

Question. In your view does the Army's modernization investment strategy appropriately or adequately address current and future capabilities that meet requirements for unconventional or irregular conflict?

Answer. At this juncture it appears that the Army is making appropriate investments to counter unconventional and irregular threats. This includes investments in science and technology research and in an adaptable organizational structure in our labs, program offices, and headquarters staff that allow the Army to quickly address emerging threats on the battlefield. The key for me, if I am confirmed, is managing how the Army balances investments in current and future initiatives.

Question. If confirmed, what other investment initiatives, if any, would you pursue in this regard?

Answer. I do not have the detailed knowledge to make an accurate assessment at this time. If confirmed, I intend to fully review the Army's investment initiatives.

Question. If confirmed, what actions, if any, would you propose to ensure that all these initiatives are affordable within the current and projected Army budgets?

Answer. I believe one of the strengths of the defense program is to specifically address affordability and the outyear projection of long-term funding requirements. Those processes have been strengthened by initiatives within the Office of the Secretary of Defense and by Congress. If confirmed, I believe I would have the required visibility and management structure that would allow me to provide these judgments to Congress.

Question. In your view, what trade-offs, if any, would most likely have to be taken should budgets fall below or costs grow above what is planned to fund the Army's modernization efforts?

Answer. While I do not have sufficient insight into what actions might be required, any trade-offs must occur after all areas of risk are carefully considered in coordination with the Secretary of Defense and Congress.

ARMY WEAPON SYSTEM PROGRAMS

Question. What is your understanding and assessment of the following research, development, and acquisition programs?

Future Combat System (as restructured).

Answer. It is my understanding that the acquisition program for the Future Combat System has been canceled because of issues related to technology maturity and affordability. In its place, the Army has been directed to make the transition to an Army modernization plan consisting of a number of integrated acquisition programs: (1) Spin Out Early-Infantry Brigade Combat Team (BCT); (2) Follow-on BCT Modernization/Equipment for BCT Modernization; (3) Ground Tactical Network capability; and (4) a new platform for the Ground Combat Vehicle. I am not yet in a position to offer an informed assessment of these efforts

Question. Stryker combat vehicle, including the Stryker mobile gun variant.

Answer. I am not yet in a position to offer an informed assessment of the Stryker program, but I understand that Stryker variants have been in production since 2004 and that the Army has successfully used the system in Iraq and is preparing to deploy it to Afghanistan.

Question. Joint Light Tactical Vehicle.

Answer. Although I am not yet in a position to provide an informed assessment of the Joint Light Tactical Vehicle (JLTV), I understand that it is a relatively new joint Service developmental program, which consists of a family of vehicles with companion trailers capable of performing multiple mission roles. Based on the lessons of Iraq, JLTV requires a design that supports inherent and supplemental protection, scalable to mission.

Question. Armed Reconnaissance Helicopter.

Answer. It is my understanding that the Army has an enduring requirement for an armed aerial scout that was unaffected by the termination of the ARH program. I am not yet in a position to provide an informed assessment, but I understand that this latest effort is completing pretechnology development activities under the supervision of the Defense Acquisition Executive.

Question. M1 Abrams tank modernization.

Answer. The Abrams Tank has been an integral part of the Army's force structure for decades. I understand that the tank has encountered performance decrements during Operation Iraqi Freedom (OIF) that affect its operational performance and reliability, and that the Army has initiated a modernization strategy to maintain the tank's survivability, lethality, and maintainability through 2050. I am not yet in a position to provide an informed assessment of this effort.

Question. M2 Bradley infantry fighting vehicle modernization.

Answer. The Bradley vehicle has been an integral part of the Army's force structure for decades. I understand that the program has encountered performance decrements during OIF that affect the vehicle's operational performance and reliability, and that the Army has initiated modernization efforts to maintain the vehicle's survivability, lethality, and maintainability through 2050. I am not yet in a position to provide an informed assessment of this effort.

Question. Warfighter Information Network-Tactical.

Answer. While I am not yet in a position to provide an informed assessment of Warfighter Information Network-Tactical (WIN–T), my general understanding is that WIN–T is the Army's critical modernization effort for managing electronic information in the tactical environment. I understand that the WIN–T capabilities are built on proven government and commercial technology using voice, video, and data. This program, as I understand it, is configured into separate increments, each providing increasing capabilities measured in terms of capacity, speed, network management, and maneuverability.

Question. Logistics Modernization Program.

Answer. Although I am not yet in a position to provide an informed assessment of Logistics Modernization Program (LMP), I understand that this program is designed to support, replace, and modernize aging, obsolete, and increasingly costly automation systems used at the national logistics level. LMP employs a commercially based Enterprise Resource Planning software solution and provides a comprehensive, modernized logistics and finance capability across major business areas. I understand that, when fully implemented, LMP is intended to enhance the Army's logistics capabilities to manage inventories, process millions of transactions, and integrate with many critical DOD software systems.

Question. Joint Tactical Radio System.

Answer. While I am not yet in a position to provide an informed assessment of Joint Tactical Radio System, I understand that this program is part of the Army's and DOD's transformational and network modernization effort. I understand that the system will provide the fully mobile, flexible, dynamic radio networking capability needed to support a highly dispersed force over a noncontiguous area.

MINE RESISTANT AMBUSH PROTECTED VEHICLES

Question. If confirmed, what would you propose should be the Army's long-term strategy for the utilization and sustainment of its large mine-resistant ambush-protected (MRAP) vehicle fleet?

Answer. The MRAP was procured in response to a joint urgent operational need statement from Multi-National Corps-Iraq in June 2006. The initial intent was to replace all up-armored HMMWVs (UAH) in theater because those vehicles could not provide the required levels of protection, and previous modifications had reduced the vehicle's payload capacity to an unacceptable level. The urgent nature of this program resulted in the deferral of many steps associated with a traditional acquisition process in an effort to expedite fielding. If confirmed, I would work to determine the long-term strategy for the use and sustainment of the Army's fleet of MRAPs.

MISSILE DEFENSE

Question. DOD intends to transition a number of ballistic missile defense programs from the Missile Defense Agency (MDA) to the Army, including the Terminal High Altitude Area Defense (THAAD) system. The Army and the MDA have negotiated a Memorandum of Understanding concerning such transition.

What is your understanding of the agreement between the Army and MDA on transition and transfer of missile defense systems from MDA to the Army?

Answer. At present, I am not familiar with this agreement. If confirmed, I would become acquainted with its provisions and ensure that the Department meets its stated commitments.

Question. What is your view of the appropriate role of the Army in funding, managing, operating, or maintaining missile defense programs, including in the areas of research, development, test, and evaluation; procurement; operation and maintenance; and military construction?

Answer. At present, I am not familiar with the Army's specific role with respect to these programs. If confirmed, I would evaluate this issue.

Question. If confirmed, what steps would you plan to take to ensure that the Army's approach and the MDA's approach are coordinated and integrated, so that the resulting capabilities are joint and interoperable?

Answer. The Army and the MDA are collaborating under a memorandum of agreement to coordinate the development of complementary current and future battle command and control products in their respective mission areas. Although I am not yet familiar with the details of this agreement, if confirmed I would ensure that the Army's Acquisition Executive works closely with the MDA to maximize the jointness and interoperability between these systems.

Question. Do you agree with Secretary Gates' decision to increase the focus on effective theater missile defenses to defend our forward deployed forces and allies against existing regional missile threats from nations like North Korea and Iran?

Answer. Yes.

SPACE

Question. The Army restructured its program executive office for air and missile defense to include Army space efforts, and issued an Army space policy.

Are you satisfied that current DOD management structures adequately support Army objectives in space?

Answer. I do not have detailed knowledge of DOD's management structures, but the Army depends heavily on space-based combat support. If confirmed, I would closely examine this issue.

Question. Are you satisfied with the current level of effort in the Army related to space programs? Do you believe these efforts have the right focus?

Answer. While I am not yet in a position to provide an informed assessment, I understand that the importance of space programs continues to increase across DOD, and the Army needs to keep pace to fully leverage capabilities and ensure that space systems are appropriately prioritized within both DOD and the Department of the Army.

Question. The Army currently defines its space career field as a subset of the information technology career field.

Do you believe the information technology career field structure is adequate to support Army space interests?

Answer. If confirmed, I would need to examine this issue more closely. I understand that some believe to fully realize the potential of space and to adequately support the Army's space interest, space operations should be recognized as a unique career field and included in a space requirements/acquisition and National Aeronautics and Space Administration support subset.

Question. Do you believe that the space career fields of the Army, Navy, and Air Force should be integrated?

Answer. It is my understanding that each Service has unique and broad requirements in how space assets are used and personnel are managed. Total integration might be unrealistic because of specific Service needs and existing models for the development of Service personnel. However, integration and cross-fertilization can be accomplished through joint training, assignments, and exercises.

Question. Does the Army plan to assign personnel to the new Operational Responsive Space Office?

Answer. I do not have any knowledge of this matter.

MODULARITY

Question. Modularity refers to the Army's fundamental reconfiguration of the force from a division-based to a brigade-based structure. The new modular BCT is supposed to have an increased capability to operate independently based upon increased and embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as, or more capable than the divisional brigades they replace because they will have a more capable mix of equipment—such as advanced communications and surveillance equipment. To date, the Army has established over 80 percent of its planned modular units, however, estimates on how long it will take to fully equip this force as required by its design has slipped from 2011 to 2019.

What is your understanding and assessment of the Army's modularity transformation strategy?

Answer. It is my understanding that the Army's modular transformation was designed to create a more expeditionary capable force that will address the full spec-

trum of missions emerging from a post-Cold War strategy. I have been advised that the Army continuously addresses changes to its unit designs by incorporating lessons learned and changes in technology that keep the formations relevant and effective. If confirmed, I look forward to assessing the strategy.

Question. In your view, what are the greatest challenges in realizing the transformation of the Army to the modular design?

Answer. I have been advised that the Army faces two major challenges related to transformation: restoring balance to a force experiencing the cumulative effects of 8 years of war and setting conditions for the future to fulfill the Army's strategic role as an integral part of the joint force.

Question. If confirmed, what actions or changes, if any, would you propose relative to the Army's modular transformation strategy?

Answer. The Army Campaign Plan and goals for modularity must be consistent with Department strategy for the current and future environment in an era of persistent conflict. While I have no recommendations for changes at this time, I would closely examine this issue if confirmed.

Question. What is your understanding and assessment of the employment and performance of modular combat brigades and supporting units in Operations Iraqi Freedom and Enduring Freedom?

Answer. Modular brigade level formations have provided a solid base of adaptation to meet a wide range of requirements for specific missions across the spectrum of conflict. Army soldiers and leaders are performing superbly in both operations with these enhanced capabilities, and modular organizations augmented and trained for their assigned missions in each theater. I believe they are the right organization in terms of leadership and mission functionality to rotate through the Army's Force Generation Model and into operations in Iraq, Afghanistan, and elsewhere as required.

Question. What changes, if any, would you propose to the modular design, the mix of combat and supporting brigades, or modular unit employment to improve performance or reduce risk?

Answer. At present, I am not sufficiently knowledgeable to propose changes to the current modular design. I understand that the Army continues to review its force mix to ensure it meets combatant commanders' needs in the current and foreseeable operational environments.

ACTIVE-DUTY END STRENGTH

Question. The Army has increased its Active Duty end strength to meet current and future operational requirements. The Army had planned to increase its end strength to 547,400 by 2010, but has already achieved this goal in 2009.

In your view, what is the appropriate Army Active Duty end strength needed to meet the demand for deployed forces, increase nondeployed readiness, build strategic depth, and relieve stress on soldiers and their families?

Answer. The Secretary of Defense's announcement to authorize a temporary end-strength increase should enable the Army to improve the readiness of its units throughout the Army Force Generation process. If confirmed, I will work with the Office of the Secretary of Defense, the Joint Staff, and the Army Commands to determine the appropriate balance of end strength and capabilities.

Question. If Army end strength is projected to be above 547,400 in fiscal years 2009 or 2010, how would you propose, if confirmed, to fund the additional end strength above levels budgeted for in fiscal year 2010?

Answer. Secretary Gates recently announced a temporary increase in the size of the Army by 22,000 soldiers, and indicated that this money would be taken from current DOD funding levels for fiscal years 2009 and 2010. If confirmed, I would work closely with the Assistant Secretary of the Army (Financial Management and Comptroller) to identify appropriate funding sources, and I would seek assistance from the Secretary of Defense and Congress, as necessary, to ensure an appropriate level of funding.

Question. Do you believe that the Army's Active Duty end strength should rise by 30,000 in the 2010 to 2012 timeframe and beyond?

Answer. The size of the Army is predicated on its ability to meet the strategic requirements of our Nation. That end strength should facilitate a rotation cycle that can meet operational requirements within the Department's force rotation goals and sustain the All-Volunteer Force. I understand that the Army plans to achieve a rotation ratio for the Active component of 1:2 between the amount of time deployed to the amount of time not deployed during fiscal year 2011, and that its objective for the Active component is to achieve a 1:3 rotation ratio.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel and related entitlement spending continues its steep upward growth and is becoming an ever increasing portion of the DOD budget.

If confirmed, what actions would you take to control the rise in the Army's personnel costs and entitlement spending?

Answer. It is my understanding that the military departments have limited authority to control overall personnel costs and entitlement spending. If confirmed, I would ensure adequate oversight through processes, procedures, and audit reviews to provide early warning regarding the costs and effects of current and proposed military pays or benefits.

Question. If confirmed, what actions would you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. If confirmed, I would work closely within the Army and DOD to budget accurately, and then would monitor budget execution, end strength, and the use of incentives.

LESSONS LEARNED

Question. What do you believe are the major lessons that the Department of the Army has and should have learned from Operation Enduring Freedom (OEF) and OIF regarding its title 10, U.S.C., responsibilities for manning, training, and equipping the force?

Answer. In terms of manning, I believe that 8 years of sustained combat operations have taken their toll on soldiers. Increases in nondeployable rates require deploying units to continue to be overfilled at the expense of readiness for the rest of the Army. In terms of training, a major lesson is that versatile and agile units that are fundamentally competent can adapt to any threat from across the spectrum of conflict. Also, the rapid incorporation of operational lessons into the training of next-to-deploy forces at training centers, mobilization stations, and home stations ensures that units are ready. In terms of equipping, the Army must constantly strive for advance knowledge of emerging requirements and then promptly engage the acquisition and industrial communities to find solutions as early as possible.

Question. If confirmed, which of these lessons, if any, would you address as a matter of urgent priority?

Answer. I have been advised that the most urgent matter to address is the rising nondeployable population and its effect on manning. If confirmed, I would also continue to explore ways to anticipate emerging equipping requirements and satisfy them as quickly as possible.

PRIVATE SECURITY CONTRACTORS

Question. The Special Inspector General for Iraq Reconstruction (SIGIR) recently reported that Federal agencies, including DOD, have spent more than $5 billion for private security contractors in Iraq since 2003. Over this period, there have been numerous reports of abuses by private security contractors, including allegations of contractors shooting recklessly at civilians as they have driven down the streets of Baghdad and other Iraqi cities. In September 2007, employees of Blackwater allegedly opened fire on Iraqis at Nisour Square in downtown Baghdad, killing more than a dozen Iraqis and wounding many more.

Do you believe the Army should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. In principle, no. However U.S. forces currently rely on contractors to "free" manpower for accomplishing missions focused on campaign objectives. Requiring uniformed forces to meet all requirements for security would divert a significant portion of a commander's forces from planning and controlling combat operations. Contractor performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations may constitute inherently governmental functions and must be avoided

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. I tend to agree that some near-term damage may have occurred. If confirmed, I would work to improve oversight of private security contractors through implementation of a better automated tracking system for contractor personnel. In addition, I would oversee the Army's implementation of the interim final rule recently promulgated in the Code of Federal Regulations. That rule establishes policy,

assigns responsibilities, and provides procedures for the selection, accountability, training, equipping, and conduct of personnel performing private security functions under a covered contract.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. If confirmed, I would ensure that the Army complies with current mandates to reduce reliance on private security contractors to the greatest extent practicable and would explore initiatives to help ensure accountability.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new Status of Forces Agreement between the United States and Iraq?

Answer. The new Status of Forces Agreement no longer affords immunity to contractors supporting the United States in Iraq. This change would most likely affect the use of private security contractors who are U.S. nationals but not local nationals.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. I have been advised that the act was intended to address the jurisdictional gap in U.S. law regarding criminal sanctions, as applied to civilians employed by or accompanying the Armed Forces outside the United States, members of the Armed Forces, and former members of the Armed Forces, including their dependents. I understand that legislation has been proposed in the past that would expand the act to cover individuals employed under a contract (or subcontract at any tier) awarded by any department or agency of the United States where the work under such contract is carried out in an area, or in close proximity to an area (as designated by DOD) where the Armed Forces are conducting contingency operations. If confirmed, I would study this matter in coordination with The General Counsel of the Department of the Army and the Judge Advocate General and assess whether this or any other change to the act may be appropriate

Question. What is your view of the appropriate application of the Uniform Code of Military Justice (UCMJ) to employees of private security contractors operating in an area of combat operations?

Answer. I support the position that civilians serving with or accompanying our Armed Forces overseas who commit crimes should be held accountable as appropriate. The UCMJ provides commanders with the tools necessary to maintain good order, discipline, and the morale, welfare, and safety of all those under their jurisdiction during military operations. Because contractor misconduct may undermine good order and discipline, discredit the Army, or remain unaddressed absent the exercise of jurisdiction, Congress extended UCMJ jurisdiction to contractors. In turn, the Secretary of Defense published guidance on the prudent exercise of such jurisdiction. The guidance ensures that the Department of Justice and DOD each play an appropriate role in resolving whether, and under which system, jurisdiction might be better exercised in each potential case. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons"

Question. In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. I have been advised that DOD Instruction 3020.41 (Contractor Personnel Authorized to Accompany the Armed Forces) prohibits the use of contract security services to guard U.S. or coalition military supply routes, military facilities, military personnel, or military property in contingency operations where major combat operations are ongoing or imminent, except as the geographic combatant commander specifically authorizes. When either of those two conditions have been met, the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations is not necessarily an inherently governmental function. I understand, however, that support services that require substantial discretion or prudent judgment are inherently governmental, and that the likelihood an individual will be required to resort to force, especially deadly force, and the degree to which an individual may be required to exercise force in public are important factors to consider in assessing whether a particular security mission is inherently governmental. Therefore, if I am confirmed, I intend to study this issue in greater depth to ensure that the Army's assessment regarding this issue is fully considered in the ongoing review of DOD Instruction 3020.41.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. I am familiar with OMB Circular A–76 and with Section 1057 of the National Defense Authorization Act for Fiscal Year 2009, which reflects the position of Congress regarding the interrogation of detainees by contractor personnel. I understand that, under existing DOD and Army policies, the interrogation of enemy prisoners of war and other detainees is not considered an inherently governmental function as long as it is conducted under the supervision of government personnel.

Question. Do you believe that the Army fully considered these issues before deciding which functions should be assigned to private contractors in Iraq?

Answer. I believe the Army is committed to adhering to law, regulation, and policy, but I am unaware of precisely what factors the Army considered in making the decisions referred to.

Question. Do you see a need for a comprehensive reevaluation of these issues now?

Answer. I fully support the principles and policies set forth in President Obama's memorandum of March 4, 2009 which directs the Office of Management and Budget, in coordination with the Secretary of Defense, among others, to develop and issue governmentwide guidance to assist executive branch agencies in reviewing the propriety of existing contracts and to formulate corrective action when appropriate. I believe any such review must include an appraisal of inherently governmental and other critical government functions and how they are performed.

IRAQ AND AFGHANISTAN DEPLOYMENTS

Question. Many soldiers are on their third and some their fourth major deployment to Iraq or Afghanistan. In 2007, in order to support the surge of forces to Iraq, unit deployments were extended to 15 months and dwell time in some cases less than 12 months. Beginning in August 2008 DOD policy has been to limit deployments for Active component soldiers and mobilization of Reserve component soldiers to not longer than 12 months.

What is your assessment of the impact of multiple deployments of troops to Afghanistan and Iraq on retention, particularly among young enlisted and officer personnel after their initial active duty obligated service has been completed?

Answer. The generation of young commissioned and noncommissioned officers now serving in the Army has known only conflict. These soldiers well know the challenges the Army faces and continue to serve with distinction in a very fluid and demanding environment. The Army has advised me that multiple deployments to Afghanistan and Iraq are not adversely affecting enlisted retention, and have not resulted in the increased attrition of midgrade officers over the past several years.

I have been informed that Army officer shortages stem from force structure growth undertaken to support conversion to more self-sufficient, modular combat formations and to provide additional capabilities to meet the emerging threats in counterinsurgency warfare. I am encouraged that the measures the Army has taken to resolve shortages in midgrade officers, including increased accessions (over 5,000 by the end of fiscal year 2009); increasing Reserve component calls to Active Duty; using interservice transfers, higher promotion rates, below the zone promotions, and earlier promotion pin-on point to a path of resolving this challenge.

Question. What are the indicators of stress on the force, and what do these indicators tell you about that level of stress currently? In addition to any other stress indicators that you address, please discuss suicide and divorce rates, drug and alcohol abuse, absences without leave (AWOLs), and rates of indiscipline.

Answer. In this period of high operational and personnel tempo, Army leaders must maintain constant awareness of the physical and mental condition of their soldiers and families and constructively address concerns as soon as they come to light. It is my understanding that reenlistment rates are high, one indication that soldier morale remains strong. I am also informed that Army discipline and misconduct rates, including desertion, absence without leave, domestic violence, and courts-martial, have remained steady or declined in the past year. However, I am advised that other indicators of stress on the force, such as substance abuse and divorce, have increased. Most notably, the significant increase in the number of soldier suicides is of utmost concern. If confirmed, I would ensure that soldiers and families are provided with multidisciplinary solutions directed at mitigating risk behaviors and enhancing the fitness and resilience of soldiers and families.

Question. For how long do you believe these levels of commitments can continue before there will be significant adverse consequences for the Army?

Answer. At this time, I do not have the information or particular insights to determine how long the Army can sustain the current level of commitment without incurring significant adverse consequences. The Chief of Staff of the Army, General Casey, has stated that the Army is "out of balance."

Question. What is your understanding of this statement and what do you think can or should be done to correct that imbalance?

Answer. As I understand it, General Casey has publicly defined "balance" as the ability to achieve a 1:2 deployment-to-dwell (time at home station) ratio for Active component soldiers and a 1:4 mobilization-to-demobilization ratio for Reserve component soldiers. The two ways to improve balance are an increased deployable force structure or decreased demands. The Army has grown to its new end strength of 547,000, and Secretary Gates will temporarily add 22,000 additional soldiers. The increased end strength, along with a future reduction in demand for forces, is the key to regaining balance.

RESERVE COMPONENTS AS AN OPERATIONAL RESERVE

Question. What is your understanding and assessment of the Army's Reserve components as an Operational Reserve, as opposed to its longstanding traditional role as a Strategic Reserve?

Answer. The Army's Reserve components have transformed and adapted to today's operational environment of enduring conflict along with the Active Force. The Army's Reserve components bring a mix of skills and capabilities that have strengthened the force, and they are an essential and critical component of the current force generation system, which provides the right mix of trained and ready forces to the fight.

Question. In your view, what are the major challenges to transforming the Army Reserve and Army National Guard into a relevant and capable Operational Reserve?

Answer. It appears that resources and institutional support are the major challenges. Resources are necessary to ensure a continuously ready Reserve component force, such as increased training days and opportunities, recruiting and retention incentives, incentives for employers, earlier access to medical and dental readiness, increased installation and facility support, increased premobilization training support, and validation.

Question. In your view, how will predictable cycles of 1 year mobilized to 5 years at home, affect the viability and sustainability of the All-Volunteer Reserve Force?

Answer. I believe predictable cycles provide dwell time for the soldiers to maintain their civilian careers and predictability for soldiers, families, and employers for future deployments. This predictability also facilitates better training and requirements planning to prepare for future missions, thus enhancing unit viability.

Question. If confirmed, what actions, if any, would you propose to ensure the most rapid, efficient, and effective transformation of the Army's Reserve components into an Operational Reserve?

Answer. I do not have sufficient information at this time to make specific proposals. However, it is clear the Army needs to ensure the rapid transformation of the National Guard and Reserve to an operational force in the same fashion as the Active-Duty component. This could include a wide range of initiatives such as pay incentives for citizen soldiers and families, generation of sufficient forces, progressive equipment strategies, and continuum of service that allows soldiers to seamlessly transition duty statuses.

Question. In recent years, Reserve Force management policies and systems have been characterized as "inefficient and rigid" and readiness levels have been adversely affected by mobilization timelines, equipment shortages, cross leveling, and reset policies.

What is your understanding and assessment of the sufficiency of current Reserve Force management policies?

Answer. It is my understanding that Reserve Force management policies and systems have been under continuous review throughout the transformation of the Reserve component to an operational force and have been addressed when found to be inefficient or rigid.

Question. In your view, should DOD assign homeland security defense or any other global or domestic support missions exclusively to the Reserve?

Answer. DOD maintains a wide range of capabilities that may be called upon in times of catastrophic events that exceed the capabilities of the States and appropriate Federal agencies. However, no single Service or Reserve component embodies the wide range of capabilities often required to support a catastrophic event. The Department must maintain a Total Force approach as part of an interagency team to ensure that it can provide the most effective and timely response with the ability

to surge large follow-on forces in support of a global or domestic emergency. This Total Force approach requires all Active and Reserve components for a truly complete response.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. In the aftermath of the attacks of September 11, 2001, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness monitoring, errors caused by antiquated pay systems, limited transition assistance programs upon demobilization, and lack of access to members of the Individual Ready Reserve. Reserve force management policies and systems have been characterized in the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Army Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. I have been informed that Reserve and National Guard soldiers, their families, and their employers now receive more advanced notice. The mobilization process has been streamlined significantly. It appears the Army has made significant strides to reimburse those soldiers who need travel advances. The annual periodic health assessment replaced the 5-year physical and, as a result, Reserve and National Guard soldiers are screened more frequently and diagnosed earlier. The added screening and treatment of dental deficiencies is also a positive advancement for Reserve component soldiers in a premobilization status.

Challenges still exist. Two examples are greater improvements to the medical care for Reserve and National Guard soldiers, and sourcing and notifying soldiers of deployment even earlier where possible.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. Clearly, the transformation of the Army National Guard and Army Reserve from a strategic to an operational Reserve has had the largest and most enduring impact, and it has fundamentally changed the contract between the Army and the soldier in terms of what is expected from them and, frankly, who joins. The Army cannot execute its mission of prompt and sustained land combat absent a substantial contribution from the Reserve component across the full spectrum of conflict. If confirmed, I would continue this necessary transformation.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. The current laws seem sufficiently adequate and flexible to provide Reserve and National Guard forces for the fight. We appear to possess the necessary statutory authorities to meet the needs of the force, but mobilizing citizen soldiers is a solemn responsibility and should not be undertaken lightly. If confirmed, I would like to find efficiencies to make this process smoother and faster to give soldiers the predictability they deserve.

Question. Do you agree that National Guard and Reserve personnel should be mobilized to serve in Afghanistan in lieu of civilians?

Answer. The solution to Afghanistan is not solely military and therefore cannot be achieved by the U.S. military alone. The problems that the Afghan Government and its people face will require the expertise and all elements of national power. Using interagency and coalition responses is essential to success in Afghanistan. Mobilizing the U.S. Government for this task takes time, and it is possible that the military may be asked to shoulder the burden initially. The long-range solution is increased interagency capability in all elements and instruments of national power.

INDIVIDUAL READY RESERVE

Question. DOD established a policy in 2005 mandating the discharge of officers in the Individual Ready Reserve (IRR) who are beyond their military service obligations (MSO) unless the officer positively elects to remain in the IRR. Meanwhile, the Commission on the National Guard and Reserves has found that accessing the IRR as a viable source of manpower for the war has been problematic, and that using the IRR as a solution for unit manning is a failed concept.

What are your views on the proper role of the IRR in Army force management planning?

Answer. While the IRR is an important source of trained manpower to support Army missions across the spectrum of military requirements, I believe the mobiliza-

tion of IRR soldiers should be one of the last options. Not all IRR mobilizations have been involuntary; a number of IRR members have volunteered to serve on active duty. The IRR has been a valuable asset, primarily to fulfill requirements within Army National Guard and Army Reserve units.

Question. If confirmed, what changes, if any, do you foresee making to the Army's IRR recall policy?

Answer. I do not have detailed knowledge of the Army's IRR recall policy but, as stated previously, any recall of IRR soldiers should be one of the last options considered.

Question. What are your views about policies affecting continued service by officer and enlisted personnel in the Reserve components who have fulfilled their MSO?

Answer. Officers who have fulfilled their MSO and have not taken action to remain in the IRR are advised of the requirement to elect retention past their MSO; transfer to the retired Reserve, if they are qualified for retired pay; or be discharged from the military.

Question. In your view, should members of the Reserve components who are deployed when they reach the end of their military service obligation be treated differently?

Answer. Current mobilization policy ensures that soldiers have enough remaining MSO to serve their full mobilization if called on. Reserve soldiers should not be treated any differently than soldiers in other components.

Question. What is your assessment of the adequacy of the system in place for members in the IRR receiving orders to Active Duty to request a delay or exemption for that activation, including the procedures in place for appealing the Army's decision on that request?

Answer. I do not have sufficient information at this time to make an assessment

Question. What is your assessment of the value of the IRR to the All-Volunteer Force?

Answer. The IRR is extremely valuable to the force. The IRR provides individual replacements for deploying units and soldiers to support short-term missions throughout the Army. The IRR maintains its connection with the Army and its availability to support Army missions. Thousands of IRR soldiers have mobilized to theater in support of current operations. These soldiers have served in all ranks and military occupational skills, including doctors, aviators, and linguists.

MEDICAL AND DENTAL READINESS OF ARMY NATIONAL GUARD AND ARMY RESERVE PERSONNEL

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the Committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. If confirmed I would assess the effectiveness of reporting on the medical and dental readiness and evaluate the need for policy changes and increased oversight.

Question. How would you improve upon the Army's ability to produce a healthy and fit Reserve component?

Answer. I am advised that the Army has comprised a multidisciplinary task force to address and promote comprehensive soldier fitness across all components. If confirmed, I look forward to learning more about the comprehensive soldier fitness program, particularly as it applies to the Reserve component, and working with leaders across the Army to implement it.

NATIONAL GUARD ORGANIZATION, EQUIPMENT, AND READINESS

Question. Legislative proposals introduced in 2006 and 2007, recommendations by the Commission on the National Guard and Reserves submitted on March, 1, 2007, and the Department's response to these calls for change are all currently under consideration.

What is your assessment of the effect, if any, of increasing the grade of the Chief of the National Guard Bureau to General (O–10)?

Answer. The National Defense Authorization Act for Fiscal Year 2008 prescribed the appointment of the Chief, National Guard Bureau to serve in the grade of general. The position of the Chief is one of significant responsibility, requiring a level of operational experience, professional military education, and demonstrated expertise in both national and homeland defense matters. The Chief's service in the grade of general reflects the diversity and complexity of his duties. In addition to exercising responsibility for the organization and operations of the National Guard, the

Chief serves as a principal advisor to the Secretary of Defense on matters involving non-Federalized National Guard forces and other matters, and as the principal adviser to the Secretary of the Army, the Chief of Staff of the Army, the Secretary of the Air Force, and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

Question. What is your understanding of the role and authority of the Director of the Army National Guard?

Answer. The Director, Army National Guard assists the Chief of the National Guard Bureau in carrying out the functions of the Bureau as they relate to the Department of the Army. Specifically, the Director of the Army National Guard guides the formulation, development, and implementation of programs and policies affecting the Army National Guard, a force of more than 358,000 soldiers dispersed across the 54 States and Territories, and the District of Columbia.

Question. In your view, should the Director be "dual hatted" as a Deputy Chief of Staff of the Army?

Answer. I do not have sufficient information at this time to make that determination. If confirmed, I would carefully consider any proposals to modify the title, functions, or authorities of the Director of the Army Guard.

Question. What is your understanding and assessment of changes in the global and domestic roles and mission of the Army National Guard and the National Guard Bureau?

Answer. The Army National Guard is a critical element of our Nation's total force. The Army National Guard has historically served as a "first responder" in State contingencies and national emergencies, while simultaneously meeting its operational commitments in support of overseas contingency operations. Since 2001, the National Guard Bureau has played an increased role in coordinating emergency relief and response efforts at the local, State, and national levels. It is a testament to the inherent flexibility of the current organization of the Army National Guard and the National Guard Bureau that not one mission has been unexecuted in this environment of high-demand, dual-purpose requirements. I have every reason to expect this extraordinary performance to continue.

Question. What is your understanding and assessment of the Army's commitment to fully fund 100 percent of National Guard equipment requirements? In your view, do Army processes for planning, programming, and budgeting sufficiently address the requirements of the National Guard?

Answer. The recognition of the critical role of its Reserve components, both Army Reserve and National Guard, is evident by the increased investment funding in both components. Budget requests continue to provide the National Guard and Reserve with equipment to both modernize and fill "holes." Additionally, as part of a larger DOD program, efforts are underway in the Army to further increase the visibility and transparency of funding programmed for Army National Guard equipment.

Question. If confirmed, how would you ensure that the resourcing needs of the Army National Guard are fully considered and resourced through the Army budget? In your view, what is the appropriate role for the Chief of the National Guard Bureau in this regard?

Answer. If confirmed, I would ensure that the Army National Guard remains synchronized with the Army's requirement development and resourcing process, and that the Guard's needs are fully considered as part of the Army's resourcing strategy.

In regards to the role of the Chief of the National Guard Bureau as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, I would seek his advice on key National Guard programs and challenges.

EQUIPMENT REPAIR/RESET

Question. Congress has provided the Army with approximately $17 billion per year to cover the costs to repair and replace equipment worn out by combat operations and prepare forces for rotations in support of OIF/OEF.

In your view, is this level of funding sufficient to not only prepare Army forces for OIF/OEF but to also improve the readiness of non-deployed forces for other potential contingencies?

Answer. I do not have sufficient information at this time to make that level of recommendation.

Question. Is it your understanding that our repair depots are operating at full capacity to meet rebuild and repair requirements for reset?

Answer. It is my understanding that all the Army's maintenance depots are currently operating at a level necessary to meet required workload, but capacity exists

to assume an additional workload. The depots' current production levels are based on the rate of return of equipment from theater and the Army's need to equip units for training and deployment. It is my understanding that the depots can increase production if the rate of equipment return accelerates, and that the Army constantly evaluates depot production and adjusts it to meet current and anticipated demand.

Question. What additional steps, if any, do you believe should be taken to increase the Army's capacity to fix its equipment and make it available for operations and training?

Answer. I do not have sufficient information at this time to make that level of recommendation.

Question. What impact do you believe the decision to send additional Army forces to Afghanistan is likely to have on equipment available for continued operations in Iraq and for non deployed unit training at home?

Answer. I do not have sufficient information at this time to make that level of decision.

ARMY SCIENCE AND TECHNOLOGY

Question. What do you see as the role that Army science and technology programs would play in continuing to develop capabilities for current and future Army systems?

Answer. The Army's science and technology investment strategy should be shaped to foster innovation and accelerate/mature technology to enable future force capabilities while exploiting opportunities to rapidly transition technology to the current force. The program should retain the flexibility to be responsive to unforeseen needs identified through current operations. Insights into technology that can enable capabilities can also provide building blocks and interim technology goals to assist in increasing unit capabilities over time.

Question. What in your view have been the greatest contributions of Army science and technology programs to current operations?

Answer. In my view, the most significant contribution the Army science and technology community has offered to current operations is its technical expertise coupled with a deep understanding of warfighter needs. This knowledge enables the community to respond to emerging theater needs and rapidly transform technology into warfighter capabilities. It is the capability of the Army's science and engineering workforce that has enabled the rapid development and deployment of lightweight and adaptable armor solutions that address the emerging threats for platforms such as the up-armored HMMWV and the MRAP. It is also my understanding that the Army's science and technology community has successfully transitioned other equipment, such as electronic countermeasures to provide jamming capabilities, base protection technologies to protect soldiers while in forward operating bases, and a variety of sensors and situational awareness enablers that have been critical to soldiers' efforts in theater.

Question. What metrics would you use, if confirmed, to judge the value and the investment level in Army science and technology programs?

Answer. If confirmed, the metrics I would use to judge the value and investment level in Army science and technology programs would include the transitions of technology to the warfighter, adoption of technology into acquisition programs, and alignment of technology development to warfighter needs.

ARMY LABORATORIES AND RESEARCH, DEVELOPMENT, AND ENGINEERING CENTERS

Question. What role should Army laboratories play in supporting current operations and in developing new capabilities to support Army missions?

Answer. Army laboratories are the platforms for developing the advances in science and technology that are benefiting the warfighter, and as such must continue to play a major role in supporting current operations with the best capabilities available.

Question. If confirmed, how would you ensure that the Army laboratories and R&D centers have the highest quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed warfighters and develop next generation capabilities?

Answer. If confirmed, I would encourage the laboratories to take advantage of the authorities they currently have in regard to infrastructure and to work with the Office of the Secretary of Defense in its current efforts to expand these authorities. Maintaining the current level of resources for all the laboratories and embracing best practices in regard to management would be a high priority.

ARMY TEST AND EVALUATION EFFORTS

Question. The Army's test and evaluation budget has not been certified as adequate by the Director of the Test Resource Management Center (TRMC) for fiscal year 2010. This is after a conditional certification received in fiscal year 2009. TRMC identified a shortfall of over $25 million for investments in test and evaluation range sustainment, operations, and modernization.

If confirmed, how will you address this shortfall?

Answer. While I am not yet familiar with the specific concerns raised by the TRMC, I believe it is essential that the Department's test and evaluation infrastructure is adequately resourced.

Question. How would you ensure that the Army's test and evaluation infrastructure is robust enough to ensure that new systems and technologies are tested to verify their combat effectiveness and suitability?

Answer. If confirmed, I would become more familiar with the details of this requirement and ensure that future Army program and budget submissions provide an appropriate level of funding, consistent with competing demands on Departmental resources.

ARMY INFORMATION TECHNOLOGY PROGRAMS

Question. What major improvements would you like to see made in the Army's development and deployment of major information technology (IT) systems?

Answer. If confirmed, I would work to quickly leverage emerging technologies to meet security and operational capabilities. While this is an area I have not focused on in my work on the House Armed Services Committee, there are areas for improving the Army's development and deployment of major information technology systems. These include designing and adopting policies that reinforce management at the capability portfolio level, encouraging the identification and rapid development of new technologies, and improving the synchronization of acquisition management policies and processes. If confirmed, I would ensure that Army IT systems provide warfighters and business managers with leading edge capabilities that efficiently enhance the effectiveness and efficiency of the force.

Question. What is your understanding of the Army's plan to adopt and deploy the Defense Integrated Military Human Resources System (DIMHRS)? What are the major issues you feel need to be addressed in that process?

Answer. I have not been informed of the specific status of the Army's implementation of DIMHRS. If confirmed, I would carefully review the implementation plan and associated milestones. If my review identifies any weakness, I would make appropriate recommendations, after cross-Service coordination, to the responsible officials.

HOUSING PRIVATIZATION

Question. DOD has been engaged in the privatization of many of its support functions. Among the most significant privatization efforts is military family housing units and utility systems.

In your view, what challenges does the Army face in implementing housing privatization and, if confirmed, how would you propose addressing those challenges?

Answer. It is my understanding that three key challenges face the Army in the continued implementation of housing privatization. First, the Army faces risk related to the capital market, both for projects that have obtained financing and those for upcoming projects. To address this risk, the Army must continue to monitor the capital markets and evaluate opportunities associated with fluctuating interest rates, credit terms, and risk parameters. Second, the Army faces risk of underperformance by a private sector partner. To mitigate this risk, the Army should continue to monitor the financial health of each partner and the operational metrics established in the Army's portfolio and asset management program. The third risk facing Army housing privatization is that faced by any real estate investor: namely, that expected occupancy, financial performance, or development targets will not be met. To mitigate and address this risk, the Army must continue to implement the best practices from private sector investment management to oversee existing housing privatization projects. Monitoring the key performance metrics associated with typical real estate transactions is critical to identifying and addressing potential issues.

Question. What adjustments, if any, would you anticipate as a result of the current lending environment?

Answer. The terms and conditions of lending are growing more restrictive. Projects are now required to set aside more cash in reserve for debt payments, and

rating agencies are downgrading the credit ratings on existing debt, which has affected the appeal of projects to investors. Many investors who have historically purchased military housing privatization debt are saddled by financial challenges that have hindered their ability to invest. If confirmed, I would address these issues by ensuring that the Army continues to use experts to monitor how the financial markets could affect new and existing transactions. Additionally, I would direct that a team of senior Army leaders evaluate the current roster of proposed projects, both new and expansion, to determine what adjustments are necessary to ensure project feasibility.

Question. What actions would you propose, if any, to accommodate installations where there are housing shortfalls beyond the ability of the current privatization agreement?

Answer. I understand that DOD and the Army's longstanding position is to rely first on housing in the local community. Where there are shortfalls locally, the Army has sought to educate community and business leaders on its housing requirements and to encourage development to meet those requirements. I have been informed that the Army has already held several industry forums in local communities for Fort Drum, Fort Riley, and Fort Bliss. Further, the Army has also used its domestic Army family housing lease authority as a bridging tactic until the local community is able to meet the Army's family housing requirements.

Question. What are your views regarding barracks privatization?

Answer. I do not have sufficient information at this time to make that level of recommendation. If confirmed, barracks privatization is an issue I hope to be able to explore in depth.

Question. What is your opinion of the Army practice for the last ten years of using real estate consultants to assist with the development of housing privatization initiatives and the management of finances in awarded transactions?

Answer. It is my understanding that the Army's practice of using real estate consultants to assist with the development of housing privatization programs has significantly contributed to the success the Army has experienced in its privatization efforts. If confirmed I would support the Army's effort to continue to use private sector expertise and consulting services as it interfaces with the capital markets and real estate developers.

Question. What changes, if any, do you think are needed with respect to the Army's practice of giving access to private sector experts in these decisions and processes?

Answer. It is my understanding that the Army is considering new business processes regarding the use of consultant support. If confirmed, I would carefully study the Army's efforts to rebalance the tasks performed by its employees and private consultants and focus consultant use on providing financial, real estate, or research expertise, which is not inherent in the Army workforce.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military Services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

What is your assessment of Army infrastructure investment?

Answer. I do not have sufficient information at this time to make an assessment. If confirmed, I would undertake to assess the sufficiency of the Army's current infrastructure investment strategy and implementation plan.

Question. If confirmed, what actions, if any, would you propose to increase resources to reduce the backlog and improve Army facilities?

Answer. If confirmed, I would support an investment strategy to ensure that the infrastructure backlog is addressed. I would also seek support from the Secretary of Defense and Congress for the President's budget request for Army installations and facilities.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process has resulted in the required closure or realignment of numerous major Army installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

If confirmed, would you change any of the existing efforts to assist affected communities with economic development, revitalization, and reuse planning of property received as a result of the BRAC process?

Answer. If confirmed, I would assess the current efforts and consider whether changes are warranted. I would also work diligently to uphold the commitment to support the communities of both closing and gaining installations.

Question. What, in your view, are the advantages or disadvantages, if any, on the use of no cost Economic Development Conveyances as a means of early property transfers under BRAC as opposed to holding out for full fair market value?

Answer. I do not have sufficient information at this time to make an assessment.

EXPANSION OF ARMY TRAINING RANGES

Question. With the recent inability of the Army to be able to gain support for the expansion of the Piñon Canyon Maneuver Site in Colorado, how would you propose addressing valid operational requirements to expand training and maneuver ranges across the United States as new weapon systems and additional end-strength drives the need for additional land for training?

Answer. The most important way the Army can address valued operational requirements is to do so in partnership with the communities surrounding the installations. I believe that when all stakeholders and partners are adequately informed of Army issues and public concerns, reasonable solutions can be found.

ARMY POLICIES REGARDING DRUG AND ALCOHOL ABUSE

Question. What is your understanding of the Army's policy with respect to disciplinary action and administrative separation of soldiers who have been determined to have used illegal drugs? Do you agree with this policy?

Answer. Illegal drug use is not consistent with Army values or the Army mission. The Army Substance Abuse Program (ASAP) is a commander's program used to assess the personnel readiness of his or her soldiers. Army policy is that any disciplinary or administrative action taken should be based on the misconduct that led to the referral to ASAP, not on the fact that the soldier is enrolled in the program. I agree with this policy because it gives the commander a tool to monitor the personnel readiness of his or her unit while providing sufficient flexibility when dealing with violations.

Question. What is your understanding of the Army's policy with respect to rehabilitation and retention on active duty of soldiers who have been determined to have used illegal drugs or abused alcohol or prescription drugs? Do you agree with this policy?

Answer. Commanders are required to refer all potential alcohol abusers identified by self-referral, alcohol testing, DUI/DWI, investigation, apprehension, underage drinking, or other incident involving the use of alcohol to ASAP for screening and potential enrollment within 5 working days of the incident or investigation. Commanders are required to process soldiers for separation who are involved in two serious incidents of alcohol-related misconduct in a 12-month period. This documentation is processed through the chains of command to the separation authority for final disposition. Additionally, any soldier who is convicted of a DWI/DUI twice during their career must be administratively separated unless retained by the court martial convening authority. This authority may not be delegated. Soldiers diagnosed as alcohol dependent would be detoxified and given appropriate medical treatment. Those soldiers who warrant retention based on their potential for continued military service would be offered rehabilitation and retained. Soldiers who are separated would be referred to a Veterans Administration (VA) hospital or a civilian program by the ASAP counselor to continue (or initiate) their rehabilitation.

Soldiers who test positive for illicit drugs for the first time would undergo a process of evaluation for dependency, would be disciplined as appropriate, and may face possible separation as circumstances warrant. If a soldier tests positive for illicit drugs, is subsequently retained by the separation authority, then tests positive again, the soldier's chain of command would initiate administrative separation and forward the case to the court martial convening authority for decision on the disposition of the action. This authority may not be delegated.

This policy appears to provide a clear requirement for commanders to refer soldiers and to appropriately review them for separation or retention within the parameters of Army regulations. Soldiers may also seek treatment through self referral. Soldiers who are retained must meet the standards for continued service to the Army.

Question. Do you believe that the Army has devoted sufficient resources to implementation of its rehabilitation policies and objectives since 2001? If not, in what ways?

Answer. Although I have not had the opportunity to fully track these programs, it would appear that some installations do not have sufficient numbers of counseling resources to provide timely services to soldiers. The Army is working to ensure that sufficient counselors are available and that this number takes into consideration the current state of continuous conflict.

Question. What measures are being taken to improve the Army's performance in responding to problems of drug and alcohol abuse?

Answer. I do not have sufficient information to make an assessment.

TOBACCO AND THE MILITARY

Question. The Institute of Medicine recently released a study commissioned by DOD and the Department of Veterans Affairs which recommends, among other things, that the Department begin phasing in a tobacco-free military. These findings have evoked angry responses among some servicemembers.

What is your understanding of the impact of tobacco use on the military and the effectiveness of current policies within DOD and the Army aimed at preventing tobacco use?

Answer. Tobacco use in the military, as well as in civilian society, has widely known and long-term consequences. I am informed that significant short-term implications of tobacco use affect military readiness. It is my understanding that current Army policies discourage smoking and even prohibit it at certain times or in certain areas. Nevertheless, many smokers in the military report they started smoking only after joining the military. The percentage of soldier smokers is higher than the percentage of smokers across the U.S. population. Based on this information, it appears that current policies and educational efforts may not be as effective as hoped.

Question. If confirmed, what additional measures, if any, would you take to reduce the problem of tobacco use by soldiers and their family members?

Answer. If confirmed, I would investigate additional means possible to discourage tobacco use by members of the Army.

ABORTION IN MILITARY MEDICAL FACILITIES OVERSEAS

Question. What is your understanding of current requirements regarding performance of abortions at military treatment facilities?

Answer. It is my understanding that no DOD funds may be used to administer any policy that provides for abortions at any DOD facility, except where the life of the mother may be endangered if the fetus were carried to term or where the pregnancy resulted from an act of rape or incest.

Question. What changes, if any, would you recommend with regard to these requirements?

Answer. If confirmed, I would review the applicable law and policies with the Army's legal and medical experts to determine if any changes are necessary.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees.

What is your view of the NSPS, as currently constituted?

Answer. I understand that the core purpose of NSPS was to support a streamlined and flexible civilian compensation, staffing, classification, and performance management system. Such a system is viewed as essential to the effective management of the sort of mission-oriented and results-driven civilian workforce that is vital to DOD's success. I recognize the many concerns with certain aspects of NSPS and understand that the NSPS Task Group's draft recommendation to the Defense Business Board was to initiate a reconstruction of the system. If confirmed, I look forward to working with DOD in the review of the recommendations detailed in the final report of the Defense Business Board

Question. If confirmed, how would you evaluate its success or failure to meet its goals?

Answer. If confirmed, I would first review the findings and recommendations of the Defense Review Board and familiarize myself with reports from the Government Accountability Office and the Office of Personnel Management and with other as-

sessments that may be available. I would seek insights both into what works well in the extant system and into areas recommended for improvement, based on input for all stakeholders including recognized employee groups.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. As a general principle, I support pay-for-performance and believe that employees' compensation should be based on their contribution to the mission. If confirmed, I look forward to reviewing the Defense Review Board's comprehensive evaluation of NSPS and working with DOD to address the concerns identified.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. I am advised that the Department is challenged to meet increased civilian labor requirements in critical occupations and to develop human capital strategies responsive to these challenges. It is my understanding that there are situations in which specialized hiring authorities are required to provide sufficient qualified applicants to meet mission needs. However, before making recommendations for additional authorities, I would want to ensure that managers fully understand the flexibility of the authorities currently available. If confirmed, I would work with the Assistant Secretary of the Army (Manpower and Reserve Affairs) to prompt managers to creatively and actively use available authorities and to explore the need for, and uses of, direct and expedited hiring authorities to assist in achieving the Department's human capital objectives.

Question. In your view, is it viable in the long run for DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. It is my understanding that DOD operates a number of other personnel systems, such as the Defense Civilian Intelligence Personnel System, a system for nonappropriated fund personnel, and laboratory demonstration projects. If confirmed, I would work with DOD, the Office of Personnel Management, and the Assistant Secretary of the Army (Manpower and Reserve Affairs) to assess the appropriate number and types of personnel systems required for effective and efficient personnel management in the Department of the Army.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. It is my understanding that the NSPS Task Group recently briefed its draft recommendations to the Defense Business Board and that the Task Group recommended reconstructing NSPS. Depending on the content of the final report, legislation may be appropriate to ensure that NSPS is on track to achieve its full potential.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. It is my understanding that the NSPS Task Group recently briefed its draft recommendations to the Defense Business Board and that the Task Group recommended reconstructing NSPS. Depending on the content of the final report, regulatory or policy changes may be appropriate to ensure that NSPS is on track to achieve its full potential.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward thinking management of senior executives.

What is your vision for the management and development of the Army senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. The Army must carefully manage and develop its Senior Executive Service corps to meet the evolving work force challenges facing the Department. As I understand it, members of the Senior Executive Service are increasingly being looked to, when appropriate, as replacements for military flag officers in the critically important areas of acquisition, financial management, and the scientific and technical fields. To support this effort, I understand the Army's Senior Executive program focuses on the recruitment, assignment, and development of adaptive, multi-skilled senior civilian leaders, and that the current Senior Executive program includes periodic education and development opportunities and performance-based evaluations.

Question. Over the last 10 years, the Army budget has almost doubled, but the number of senior executives in the Department of the Army has remained almost unchanged.

Do you believe that the Army has the number of senior executives it needs, with the proper skills to manage the Department into the future?

Answer. If confirmed, I would carefully assess the Army's Senior Executive requirements and work to ensure that the Army has the number of Senior Executives with the diverse set of skills and experiences required to lead the Department into the future.

INITIAL RECRUIT TRAINING

Question. The committee has received reports from non-commissioned officers in operational units that new recruits graduating from basic training and advanced training are not prepared as they reach their units. Moreover, the committee has received reports of some recruits suffering from mental health and other health issues upon first arriving to their units.

Do you believe that the Army's basic and advanced training programs fully prepare new soldiers for combat operations?

Answer. As I understand the question, Army basic and advanced training programs are not intended to provide specific training for combat operations. Rather, it is my understanding that new soldiers are trained to ensure they have the skills required by their military specialty and to function as an individual soldier, and later receive additional training when assigned to a unit to prepare them for combat operations.

Question. In your view, has the Army sacrificed quality of personnel for quantity in achieving the past 2 years' growth in end strength?

Answer. At present, I do not have the information required to answer your specific question. If confirmed, I will focus on maintaining the quality of the Army's All-Volunteer Force.

Question. Has the Army lowered its basic and advanced training standards, including physical standards, to achieve this growth by graduating more recruits as compared to historical norms?

Answer. I am informed that the standards of training, including physical training, have not been lowered and are in fact higher than before to prepare soldiers for the conflicts they will face. The graduation rates for basic and advanced training are about the same as historical norms. If confirmed, I will work with Congress to ensure that our recruits continue to be adequately trained.

STOP LOSS AUTHORITY

Question. What is your assessment of the Army's plan to implement the Secretary of Defense's recent direction to end the use of stop-loss?

Answer. It appears the Army has a plan in place to implement the Secretary of Defense's guidance on the use of stop loss. The Army Reserve will begin mobilizing units without stop loss after 1 August 2009; the Army National Guard will begin mobilizing units without stop loss after 1 September 2009; and the active Army will begin deploying units without stop loss after 1 January 2010. I do not have sufficient information at this time to make an assessment.

Question. In your view, is the termination of stop-loss in the Army achievable without adversely affecting unit manning, cohesion, and readiness?

Answer. I do not have sufficient information to make an assessment at this time.

OPERATIONAL AND PERSONNEL TEMPO

Question. Current DOD policy is that Active component personnel would have 2 years of dwell time for each year of deployment and that Reserve component members would have 5 years of dwell time for each year they are mobilized.

What is your view of the achievability of this goal? What measures must be taken by the Army to be able to achieve it in 5 years or less?

Answer. The Army's ability to achieve its steady-state deployment-to-dwell time ratios of 1:3 for the Active component and 1:5 for the National Guard and Reserve would be a function of end strength and demand. The Army is currently working to achieve its surge deployment-to-dwell time ratios of 1:2 for the Active component and 1:4 for the National Guard and Reserve.

Question. In your view, how would shifting resources from Iraq to Afghanistan affect dwell-time ratios?

Answer. Shifting resources from Iraq to Afghanistan would not affect dwell-time ratios unless it results in an increase or decrease in demand. The key factor in deployment-to-dwell time ratios is overall demand.

Question. How would the end of the use of stop-loss affect dwell time ratios?

Answer. It will create additional demand in manning units scheduled to deploy. While this may have a negative impact on individual soldier dwell, the Army is offering incentive programs to encourage soldiers to extend to complete deployments with their units. The Army is hopeful that these measures would mitigate the in-

creased demand. The recent approval of a temporary end-strength increase of 22,000 soldiers will also significantly assist in manning units without stop loss.

Question. What is your assessment of the Army's ability to support scheduled troop rotation planning in 2009 and beyond, particularly in combat support and combat service support missions, given this goal?

Answer. The Army will continue to support scheduled troop rotation planning, including combat support and combat service support units, in 2009 and beyond. The recent approval of a temporary wartime allowance for an additional 22,000 soldiers will assist the Army in its efforts to man units without stop loss and improve dwell. Achieving steady-state dwell time goals will depend on future reductions in demand.

Question. What measures are being taken to respond to operational requirements for low-density, high-demand units and personnel whose skills are found primarily in the Reserve components, e.g., civil affairs, medical personnel, and truck drivers?

Answer. I do not have a detailed knowledge of all the measures being implemented. I believe the Army continues to seek solutions to sourcing low-density, high-demand requirements with a variety of initiatives, including the use of individual augmentees and rebalancing certain military occupational specialties between the Reserve and Active components.

Question. In your view, what would be the effect on recruiting, retention, and readiness of the Army of the current rates of operations and personnel tempo through 2010?

Answer. The Army has seen no negative effects on recruiting and retention because of operational and personnel tempo. Despite the challenges of a protracted conflict, the Army recently exceeded its enlisted recruiting missions for the first time since fiscal year 2002 and is optimistic it will meet its goals for fiscal year 2009 and fiscal year 2010. The Army monitors retention very closely given the high operational demand and multiple deployments soldiers experience. Statistics show that multiple deployments to Afghanistan and Iraq are not adversely affecting enlisted retention. On the officer side, the multiple deployments required of the Army to ensure success in overseas contingency operations missions have not resulted in increased losses of midgrade officers over the past several years. The Army's loss rates are well within historical norms at all officer grades and actually decreased slightly in company grade officers during 2008 and so far during 2009. The majority of the present generation of young officers and noncommissioned officers has entered the Army during a time of conflict. They have known the challenges we face and are continuing to serve with distinction in a very fluid and demanding environment.

Question. In your judgment, what would be the impact on the current rates of operations and personnel tempo of assigning principal responsibility for support to civil authorities for consequence management of natural, domestic disasters to Reserve component forces? What would be the impact of assigning these responsibilities to Active component forces?

Answer. I believe assigning principal responsibility for these missions to the Reserve Forces would likely lessen the demand on Active-Duty Forces, potentially yielding some improvements in operational and personnel tempo for the Active Duty. The reverse would likely be true if responsibility were assigned to Active-Duty Forces.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. The Army continues to face significant shortages in critically needed medical personnel in both Active and Reserve components. Increasing medical support requirements, caused by the growth of the Army and the modular force, surge requirements in theater, and other factors would compound the already serious challenges faced in recruitment and retention of medical, dental, nurse and behavioral health personnel.

What is your understanding of the most significant personnel challenges in recruiting and retaining health professionals in the Army?

Answer. As the Nation deals with a shortage of medical professionals, the recruiting and retention of skilled and dedicated care providers continues to be a significant challenge for the Army. Issues of operational tempo, pay compatibility, and adequacy of support staff present ongoing hurdles to overcome. Even during these challenging times, I am heartened that Army medicine continues to attract and produce world-class physicians, nurses, and medics.

Question. If confirmed, would you undertake a comprehensive review of the medical support requirements for the Army, incorporating all new requirements for 2010 and beyond?

Answer. If confirmed, I would review medical support requirements on a regular, recurring basis and incorporate all new requirements in ongoing planning and re-

cruiting efforts. I am advised that the Army already reviews medical support requirements as part of its ongoing internal processes and, if confirmed, I would continue this practice.

Question. If confirmed, what policies or legislative initiatives, if any, are necessary in order to ensure that the Army can continue to fulfill medical support requirements as its mission and end strength grow?

Answer. If confirmed, I would work closely with The Surgeon General to evaluate the Army's requirements, support ongoing programs, and develop initiatives to enhance the Army's ability to recruit and retain care providers and support personnel with the requisite critical skills. Should legislative or policy changes be required, I will work with the leadership of DOD and Congress to bring them to fruition.

GROUND COMBAT EXCLUSION POLICY

Question. In May 2005, you cosponsored an amendment to the House-passed National Defense Authorization Act for Fiscal Year 2006 that would have required the Secretary of Defense to notify Congress if he proposed any changes to the ground combat exclusion policy or if he proposed to open or close any career designator to the assignment of women. In speaking of this amendment, you stated: "Many Americans feel that women in combat or combat support positions is not a bridge that we want to cross at this point."

What objective did you have in mind when you cosponsored this amendment?

Answer. The language as first included in the Military Personnel Subcommittee mark was inserted at the direct request of the full committee chairman. Subsequent to that adoption, it became clear that the Army had not provided the committee with a full and complete picture of the extent to which women were being used in forward support companies, and it was not clear that the Army was in compliance with DOD's existing regulations. Accordingly, I worked with the chairman and other senior members of the committee to develop a secondary amendment that, in essence, sought to codify existing DOD regulations and require notification to Congress of any proposed changes to units and assignments for female members. My intent was to provide for better oversight by requiring the Secretary of Defense to notify Congress of changes to the ground combat exclusion policy or proposals to open or close any career designator to the assignment of women. I also introduced a second amendment to require the Secretary of Defense to review military service policies with regard to the assignment of women, with a specific focus on the collocation policy.

Question. Do you believe that it is appropriate for female soldiers to serve in positions in which they may be exposed to combat?

Answer. Female soldiers make irreplaceable contributions to the Army's success and are an integral part of the All-Volunteer Force. All soldiers—male and female—are trained to fight in combat. As I understand the current law and policy, once properly assigned, female soldiers are subject to the same utilization policies as their male counterparts and, as required by their unit's mission, may find themselves in combat. Female soldiers remain with their assigned units, perform their assigned duties, and operate as a team with male soldiers as they have been trained to do.

Question. What is your view of the current policy regarding women in combat with respect to female soldiers serving in OIF and OEF?

Answer. In my view, the current policy seems to be operating adequately. If it is determined a need exists to consider a change to that policy, I would provide the Secretary of Defense with the most accurate information and cogent advice possible regarding the changes sought and would ensure that the Army complies with all the notification requirements in title 10.

Question. What is your assessment of the Army's compliance with the requirements of the current ground combat exclusion policy?

Answer. It is my understanding that the Army is in compliance with the requirements of law and DOD policy relating to women in combat. Women have and will continue to be an integral part of the Army team, performing exceptionally well in all specialties and positions open to them.

Question. In your view, should the current policy prohibiting the assignment of women to ground combat units be revised or clarified in any way to reflect changing roles for female soldiers and the changing nature of warfare?

Answer. If confirmed and if, after careful study and deliberation, it is determined it is necessary to seek a change to the policy, I would provide the Secretary of Defense with the most accurate information and cogent advice possible regarding the changes sought and would ensure that the Army complies with all the notification requirements in title 10.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Army regarding religious practices in the military?

Answer. At this time I do not have a sufficiently detailed knowledge of the current policies and programs, but it is my belief that whatever policies are in place must be consistent with the First Amendment protections afforded to all Americans.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular forms of dress or other articles with religious significance?

Answer. At this time I do not have a sufficiently detailed knowledge of the current policies and programs, but it is my belief that whatever policies are in place must be consistent with the First Amendment protections afforded to all Americans.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. At this time I do not have a sufficiently detailed knowledge of the current policies, but it is my understanding that Army policies require chaplains to support all unit personnel, regardless of their beliefs.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. At this time I do not have a sufficiently detailed knowledge of the current policies and programs, but it is my belief that whatever policies are in place must be consistent with the First Amendment protections afforded to all Americans.

FAMILY SUPPORT

Question. The Army Family Action Plan has been successful in identifying and promoting quality of life issues for Army families.

What do you consider to be the most important family readiness issues in the Army, and, if confirmed, what role would you play to ensure that family readiness needs are addressed and adequately resourced?

Answer. I recognize that soldiers and their families have made, and continue to make, significant personal sacrifices in support of our Nation. I fully support the Army Family Covenant, a commitment to provide soldiers and their families—Active, Guard, and Reserve—a quality of life commensurate with their level of service. If confirmed, I would continue efforts to improve family readiness through the Family Covenant. As the former chair and ranking member of the House Armed Services Personnel Subcommittee, I endeavored to ensure that military families received the support and resources they required. If confirmed, I commit to continuing my advocacy on behalf of Army families.

Question. How would you address these family readiness needs in light of global rebasing, BRAC, lengthy deployments, and the planned growth of the Army?

Answer. Repeated deployments and frequent moves because of base realignment and closure and other Army transformational efforts combine to create stress and anxiety for Army families. The Army offers a number of family service programs—child and youth services, relocation and recreational programs, and a myriad of counseling services—all designed to foster strong, resilient families capable of successfully navigating the challenges of military service and coping with the demands of a military lifestyle. One of the "pillars" of the Army Family Covenant is to standardize and fund these programs and services throughout the Army, providing families with predictable and consistent services no matter where they may be stationed. If confirmed, I would continue to advocate for the robust family service programs that I believe to be so important to creating a supportive environment in which Army families can thrive.

Question. If confirmed, how would you ensure support of Reserve component families related to mobilization, deployment and family readiness, as well as active-duty families who do not reside near a military installation?

Answer. Supporting the families of geographically dispersed soldiers poses special challenges but would be a high priority for me if I am confirmed. I understand that the Army already has undertaken several initiatives focused specifically on service to Reserve component families as well as to active duty families who do not reside near a military installation. In 2008 the National Guard Bureau created the Soldier Family Services and Support Division to provide family program resources, guidance, and training to all States and territories. In addition, the Army has implemented the Yellow Ribbon Reintegration Program; added more than 1,000 family

readiness support assistant positions to provide administrative and logistical support to Family Readiness Groups; established "Army OneSource" to provide soldiers and their families with online access to standardized services, programs, and support; supported 249 Army National Guard Family Assistance Centers; and expanded community-based outreach to geographically dispersed children and youth of deployed Active, Guard, and Reserve soldiers through Operation Military Kids.

MENTAL HEALTH ADVISORY TEAMS

Question. The Army's Mental Health Advisory Team (MHAT) studies in the Iraqi theater have been valuable in identifying the extent of mental health conditions and resource and training challenges being experienced in OIF. The most recent report, MHAT V, stated that deployment length and number of deployments were related to higher rates of mental health problems.

Based on the findings of MHAT V that soldiers experience increased stress due to multiple and lengthy deployments, what actions would you take, if confirmed, to ensure that appropriate mental health resources are available to soldiers in theater, as well as upon their return?

Answer. I have been advised that the MHATs have shown that far-forward mental health prevention and care are effective in assisting soldiers and reducing unnecessary evacuations from theater. If confirmed, I would review the Army's current force structure, and recruitment and retention programs for behavioral health providers across all force components, military and civilian, to make sure sufficient behavioral health providers are in theater and at home.

Question. What do you think have been the most valuable findings of the Army's MHATs, and what are the lessons which can be applied to future deployments?

Answer. I have been informed that multiple valuable findings have emerged from the Army's MHATs, which have been studying and reporting on mental health issues in combat zones since 2003. Among the findings are that the level of combat a soldier is and has been involved in continues to be the main determinant of a soldier's mental health status, good noncommissioned officer leadership is a key to sustaining a soldier's mental health and well-being, and the stigma that continues to be associated with those who seek mental health care.

MHAT findings have been used as the basis to reshape existing combat and operational stress control units to create more flexible and capable organizations. Information from the teams has also been used to better predict the quantity of behavioral health assets required for current and future conflicts. Finally, information from the teams has been used to create a training program known as "Battlemind," which changes the way the Army prepares soldiers, leaders, and families for high-stress deployments. The importance of leadership in the mitigation of mental health difficulties is a vital lesson that must be applied to future deployments.

SUICIDES

Question. The committee continues to be concerned about the continuing increase in soldier suicides.

In your view, what is the cause of this surge in the number of suicides?

Answer. I have been advised that the data suggests no single reason exists for the increase in the number of suicides in the Army. Several individual and organizational factors working in concert appear to lead an individual to make the tragic decision to end his or her life. The Army's operational tempo appears to play a role, but precisely what that role may be is unclear. For example, my understanding is that approximately one-third of all suicides across all Army components since 2003 were soldiers who had never deployed.

Question. What is your assessment of the Army's response to this increase in suicide rates?

Answer. I have been advised that the Army has taken important proactive steps to address this problem, including implementation of suicide prevention and intervention training for its personnel; issuing the Army Campaign Plan for Health Promotion, Risk Reduction, and Suicide Prevention; and entering into an agreement with the National Institute of Mental Health to conduct a 5-year longitudinal study with the goal of identifying both the causes of suicides and viable intervention methods. I pledge to you that, if confirmed, one of my top priorities would be to ensure that the Army's response to this critical problem is aggressive, effective, and appropriate.

Question. The Army recently signed an agreement with the National Institute of Mental Health to perform a 5-year study on suicides in the Army.

If confirmed, what actions would you propose that the Army take in the meantime to enhance its suicide prevention program?

Answer. I appreciate and share the committee's sense of urgency in addressing issues of suicide prevention and intervention. If confirmed, I would work to ensure that the suicide prevention program receives the leadership, resourcing priority, and support necessary to effectively address this difficult and challenging problem.

SUPPORT FOR WOUNDED SOLDIERS

Question. Wounded soldiers from OEF and OIF deserve the highest priority from the Army for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from Active Duty if required, and continuing support beyond retirement or discharge. Yet, as the revelations at Fort Stewart in 2003 and Walter Reed in 2007 revealed, the Army was not prepared to meet the needs of returning wounded soldiers.

In your view, what were the most critical shortcomings in warrior care since 2001?

Answer. As I understand it, the Army was not prepared for the increase in wounded, ill, and injured soldiers that resulted from overseas contingency operations such as OEF and OIF. One area that needed improvement was the management of outpatient soldiers during their recovery period. If confirmed, I will do everything I can to continue to promote a high standard of care for wounded warriors.

Question. What is your assessment of the Army's response?

Answer. The Army is in the process of transforming its care for wounded, ill, and injured soldiers and their families. As a cosponsor of the Wounded Warrior Assistance Act of 2007 in the House of Representatives, it was one of my highest priorities during my time on the House Armed Services Committee. If confirmed, I would assess the effectiveness of the Army's response and continue to work with Congress to ensure that America's warriors receive the highest possible care and support.

Question. How does the Army provide follow-on assistance to wounded personnel who have separated from Active service? How effective are those programs?

Answer. I am informed that the Army established the Army Wounded Warrior Program in 2004 to provide follow-on assistance to wounded personnel who have separated from service. The Army Wounded Warrior Program assists and advocates for the most severely wounded, injured, and ill soldiers, veterans, and their families by providing personalized support through more than 120 local Army wounded warrior advocates who connect soldiers and veterans with resources and assist in their transition to life post-injury. Should I be confirmed, I would strongly support this program and work to improve the partnership with the VA to ensure the care of all wounded soldiers separating from service.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Army's support for wounded personnel, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I would continuously assess the efficiency and appropriateness of the Army's support for wounded personnel. I would implement strategies and seek additional resources as appropriate to make sure the Army meets the needs of wounded soldiers.

Question. Studies following the revelations at Walter Reed point to the need to reform the Army's disability evaluation system.

What is your assessment of the need to streamline and improve the Army's disability evaluation system?

Answer. I understand that beginning on November 26, 2007, the Army initiated testing of a revamped physical disability program at Walter Reed Army Medical Center, streamlining the process used to determine soldiers' fitness for service or eligibility for military and veterans' benefits. Key features of this pilot program include a single medical examination and a single sourced disability rating.

If confirmed I would closely examine the disability evaluation process to reveal any areas that need to be improved. I would also work toward this end with stakeholders in the Army, as well as with experts in DOD and VA.

Question. Is it your view that the Army currently is correctly assigning disability ratings to soldiers who are found not to be fit for duty?

Answer. I do not have sufficient information to make a judgment at this time.

Question. If confirmed, how would you address any need for change?

Answer. If confirmed, I would listen to the information presented by the experts in this area. I would work with the stakeholders in the Army and with appropriate personnel in both DOD and VA to determine what elements of the current system should be changed and how to best accomplish those changes.

ARMY MEDICAL ACTION PLAN AND WOUNDED WARRIORS

Question. The Army Medical Action Plan (AMAP) has attempted to address the various needs of wounded warriors and their families.

What is your view of the adequacy of the AMAP, and if confirmed, would you make any changes to the program?

Answer. The AMAP, now referred to as the Army's Warrior Care and Transition Program, has accomplished much over the past 2 years. If confirmed, I would support continued refinement of the program to ensure that it is not only efficient and effective, but is flexible enough to meet the demands of changing circumstances.

Question. Staffing of Warrior Transition Units (WTUs) has been a major issue, especially at installations experiencing surges of redeploying troops.

What are the impediments to fully staffing these units?

Answer. I do not have sufficient information to make a judgment at this time.

Question. If confirmed, would you pursue changes to improve assignment of military personnel and hiring of civilian personnel to improve staffing of WTUs?

Answer. If confirmed, I would ensure that systems are put in place to assign appropriate staffing in WTUs. WTUs must be able to expand or contract as the population of wounded, ill, and injured soldiers changes.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving soldiers in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many vicitims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the Army failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges and, ultimately, appropriate disciplinary action.

What is your understanding of the resources and programs the Army has in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. It is my understanding the Army has taken a number of significant steps to improve the assistance to victims of sexual assault, including enhanced recognition of the special circumstances that apply to deployments. In addition, I understand that the Army has implemented a comprehensive Sexual Assault Prevention and Response Program (SHARP), which includes medical, advocacy, chaplaincy, investigative, and legal services. Under this program, the Army requires every unit, brigade-size and higher, to appoint and train a deployable sexual assault response coordinator and requires every battalion to appoint and train two unit victim advocates. If confirmed, I would ensure that the Army continues to take appropriate steps to aid victims of sexual assault, both in garrison and deployed locations.

Question. What is your view of the steps the Army has taken to prevent additional sexual assaults at deployed locations as well as home stations?

Answer. In my opinion, the Army has taken several important steps in its campaign to prevent sexual assaults both at home stations and deployed locations. For instance, I have been informed that the "I. A.M. Strong" Prevention Campaign is being implemented across the Army. "I. A.M. Strong" features soldiers as influential role models providing peer-to-peer messages to encourage other soldiers to take action to promote a positive command climate in which sexual assault is not acceptable. Command leadership and program representatives from divisions in deployed locations and home stations have participated in prevention summits held in September 2008 and April 2009. If confirmed, I would monitor these and other related programs closely.

Question. What is your view of the adequacy of the training and resources the Army has in place to investigate and respond to allegations of sexual assault?

Answer. It appears that the Army is committed to ensuring that it has trained personnel and resources in place to investigate and respond to allegations of sexual assault. I have been advised that the Army continues to emphasize victim services and response capabilities. I have also been advised that the Army is in the process of hiring and placing additional special investigators and prosecutors at Army installations with the highest occurrences of sexual assault and adding examiners to the U.S. Army Criminal Investigation Laboratory. If confirmed, I would assess whether additional steps should be taken to support victims and hold offenders accountable.

Question. Do you consider the Army's current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. This effort needs to be robust and ongoing. Clearly, significant challenges remain unresolved. If confirmed, it would be a high priority.

Question. What problems, if any, are you aware of in the manner in which the confidential reporting procedures have been put into effect?

Answer. At this time I am not aware of any problems with the current restricted reporting procedures. If confirmed, I would closely monitor the Army's sexual assault response procedures to determine whether improvements are needed in the area of confidential reporting. While the program is vital, those who might use it must hold it in trust.

Question. What is your view of the appropriate role for senior military and civilian leaders in the Secretariat and the Army staff in overseeing the effectiveness of implementation of new policies relating to sexual assault?

Answer. Sexual assault is a crime that has no place in the Army's ranks. The role of senior Army leadership is to ensure an organizational climate where such behavior is not tolerated and where victims feel free to report incidents without fear of reprisal.

I have been advised that as part of senior leader involvement, senior Army leaders review the Army Sexual Assault Report quarterly and submit statistical data to DOD on both a quarterly and an annual basis. Senior leaders also submit an annual Army report and program assessment to the Secretary of Defense in accordance with statutory requirements and DOD policy. Finally, senior Army leaders require their Inspectors General periodically to assess the program for compliance with statutory and regulatory requirements.

Question. If confirmed, what actions would you take to ensure senior management level direction and oversight of Departmental efforts on sexual assault prevention and response?

Answer. If confirmed, I would work with Chief of Staff and the Assistant Secretary of the Army (Manpower and Reserve Affairs) and the Deputy Chief of Staff, G–1 to ensure that SHARP operates effectively and receives the appropriate level of support.

MORALE, WELFARE, AND RECREATION

Question. Morale, Welfare, and Recreation (MWR) programs are critical to enhancement of military life for members and their families, especially in light of frequent and lengthy deployments. These programs must be relevant and attractive to all eligible users, including Active Duty and Reserve personnel, retirees, and their eligible family members.

What challenges do you foresee in sustaining and enhancing Army MWR programs and, if confirmed, what improvements would you seek to achieve?

Answer. I know from my experiences in representing the Fort Drum military community that Army MWR programs contribute immensely to the quality of life of military families. The continued vitality of these programs depends on consistent appropriated and nonappropriated funding. Yet I appreciate the difficulties associated with ensuring adequate funding for MWR activities in a challenging fiscal environment. In my view, the Army must constantly evaluate and improve support programs to meet the changing needs of soldiers and families. If confirmed, I would endeavor to ensure support for MWR programs that best meet the needs of soldiers and families and contribute positively to recruiting, retention, and readiness.

OFFICER SHORTAGES

Question. A report issued by the Congressional Research Service (CRS) in July 2006 found that the Army projected an officer shortage of nearly 3,000, with the most acute shortfalls in the grades of captain and major with 11 to 17 years of service. The CRS also found that shortages would persist through 2013 unless accessions are increased and retention improves. In that time, in addition to aggressive recruiting efforts, the Army has increased officer accessions through Officer Candidate School (OCS) from the pool of most qualified enlisted members.

What is your understanding of the reasons for the current shortfall, and what is your assessment of the steps the Army is taking to meet this mid-career officer shortfall?

Answer. I have been informed that Army officer shortages stem from force structure growth undertaken to support conversion to more self-sufficient, modular combat formations and to provide additional capabilities to meet the emerging threats in counterinsurgency warfare. I am encouraged that the measures the Army has taken to resolve shortages in midgrade officers, including increased accessions (over 5,000 by the end of fiscal year 2009); increasing Reserve component calls to Active Duty; using inter-service transfers, higher promotion rates, below the zone promotions, and earlier promotion pin-on point to a path of resolving this challenge.

Question. In your view, what are the long-term consequences and challenges, if any, for both the officer and noncommissioned officer corps of increasing the relative size of the officer corps through OCS accessions?

Answer. OCS graduates offer the Army a tremendous benefit; the OCS cohort has the highest officer retention rates of any commissioning program. I am informed that the noncommissioned officer corps can support demands to sustain OCS accessions at current and projected levels without adverse long-term consequences. In addition, the school has consistently produced minority officer candidates at the highest rate of any of the commissioning sources. It also offers an avenue for civilians with college degrees, in many cases in academic disciplines greatly needed in the Army, to enlist in order to seek a commission.

Question. If confirmed, what actions, if any, would you take to ensure adequate numbers of highly qualified captains and majors are serving on Active Duty over the next 10 years?

Answer. If confirmed, I would support the Army's strategy of retaining the capable and experienced company grade and junior field grade officers. In addition, I would support the continued development of nonmonetary incentives, including advanced education, quality of life, assignment to the region of choice, and other options that would best assist leaders in positively influencing an officer's decision to continue to serve.

Question. If confirmed, what actions, if any, would you take to continuously monitor and ensure the quality of mid-career field grade and senior noncommissioned officers?

Answer. If confirmed, I will continuously monitor and ensure the quality of the Army's midcareer field grade and senior noncommissioned officers. I would also work to ensure that midgrade and noncommissioned officers receive the necessary training and mentoring to realize the full benefit of their Army experience.

DETAINEE TREATMENT STANDARDS

Question. Do you agree with the policy set forth in the July 7, 2006, memorandum issued by Deputy Secretary of Defense England stating that all relevant DOD directives, regulations, policies, practices, and procedures must fully comply with Common Article 3 of the Geneva Conventions?

Answer. I fully support the policy set forth in Deputy Secretary of Defense England's July 7, 2006, memorandum.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, DOD Detainee Program, dated September 5, 2006?

Answer. I do. The Army Field Manual and the directive clarify the roles, responsibilities, and relationships among military intelligence, military police, and health care providers in detainee operations and establish unequivocally that humane treatment is the standard of care for all detainees. These documents and the standards they promulgate have been instrumental in restoring the confidence of the American people in the Army as an institution and should act as important resources to guide soldiers in future contingency operations.

Question. Do you believe it is consistent with effective military operations for U.S. forces to comply fully with the requirements of Common Article 3 of the Geneva Conventions?

Answer. Compliance with the humane treatment standards specified in Common Article 3 of the Geneva Conventions is fully consistent with effective U.S. military operations and with Army values.

Question. If confirmed, how would you ensure that U.S. forces in Iraq and Afghanistan comply with the standards in the Army Field Manual, the DOD Directive, and applicable requirements of U.S. and international law regarding detention and interrogation operations?

Answer. It is my understanding that as the DOD Executive Agent for the administration of detainee operations policy, the Secretary of the Army is responsible for gathering "lessons learned" from detention operations and incorporating those lessons in Army policy and doctrine. U.S. forces worldwide are held to standards that are rooted in sound training and enforced by leadership. If confirmed, I will work to reinforce the Army's robust detention operations training program, which ensures that all U.S. forces involved in detainee and interrogation operations are aware of their obligations under U.S. and international law and implementing DOD policies.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. As I understand it, the primary lessons learned include, first and foremost, that the Army must clearly communicate its commitment to ensuring that all soldiers adhere to the law of war and live up to the Army values, regardless of the circumstances. Second, soldiers who are determined to have violated the laws of war or to have failed to uphold Army values must be held accountable, as appropriate.

Another major lesson learned is that the Army may need to expand its detention operations force structure, particularly military police and military intelligence. If confirmed, I will act to ensure that the Army continues to assess and refine the force structure needed to successfully support the combatant commanders' detention operations missions.

Although Army policies have always prohibited inhumane treatment, Army detention operations policy and doctrine required revisions to incorporate operational realities. Policy and doctrine across the full spectrum of detention operations have been revised and published. I am told that key revisions include the designation of a single commander for detention operations; clear delineation of roles and responsibilities for detainee care, custody, and interrogations; and the promulgation of very specific guidance for identifying and reporting detainee abuse. It is my understanding that these new policies also mandate that U.S. forces receive additional law of war and cultural awareness training, and that the Army has enhanced detention operations training for soldiers, units, and civilians, not only in the predeployment context, but also as an annual requirement and by incorporating these courses into institutional training systems.

Question. What should be done to incorporate those lessons learned into DOD doctrine, procedures, and training for personnel involved in detention and interrogation operations?

Answer. It is my understanding that since 2004, the lessons learned have been spiraled into DOD policy, doctrine, and training. U.S. Army Intelligence Center and the Human Intelligence Training Joint Center of Excellence continue to incorporate lessons learned from current operations into the curriculum development for human intelligence-specific training and also into curricula for the professional development of leaders of all ranks. Furthermore, the U.S. Army Combined Arms Center at Fort Leavenworth includes lessons learned for detention and interrogation operations in scenarios composed for the Battle Command Training Program and in the intermediate level education curriculum, both of which provide realistic and challenging training to prepare leaders to succeed in future operations. If confirmed, I would seek to ensure that the Army constantly reviews its procedures and updates its doctrine through the analysis of lessons learned and best practices derived from afteraction reviews conduced by returning units, and that lessons learned collected by the Center for Army Lessons Learned are used in the development and revision of Army policy, doctrine, and training.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

INSTITUTIONALIZING SUPPORT FOR IRREGULAR WARFARE

1. Senator LEVIN. Representative McHugh, a major objective of the Department of Defense's (DOD) budget recommendations is to rebalance the Department's investments across the spectrum of conflict by increasing emphasis on lower-end, irregular, counterinsurgency, and stability type operations, all of which are areas that place a high premium and demands on Army capabilities. In order to ensure that a rebalance achieves this objective, and perhaps more importantly is then sustainable, Secretary Gates has stressed the need for the Department to institutionalize and finance the support necessary for irregular warfare capabilities that have been developed over the last few years and will be needed in the future. What, in your view, does it mean to institutionalize support for irregular warfare capabilities in the Army?

Mr. MCHUGH. I believe that institutionalizing support for irregular warfare capabilities means making these competencies permanent—on par with traditional combat operations—across the categories of doctrine, organization, training, materiel, leader education, personnel, and facilities. It is my understanding that, with policy and strategy guidance from the Army Staff, the Army's Training and Doctrine Command is undertaking the transformation related to irregular warfare. These efforts have been underway for several years based upon the valuable lessons learned from operational experience. If confirmed, I would ensure this work continues.

2. Senator LEVIN. Representative McHugh, if confirmed, what are the most important policy and program changes you would pursue in support of the further institutionalization of capabilities for irregular warfare in the Army?

Mr. MCHUGH. I agree with Secretary Gates that we need to change the old paradigm of looking at potential conflict as either regular or irregular. If confirmed, I would review institutional processes and policies and adapt those required changes to execute a balanced strategy across the widest possible spectrum of conflict.

3. Senator LEVIN. Representative McHugh, what are the obstacles, if any, to institutionalizing this kind of support, and, if confirmed, what action will you take to overcome them?

Mr. MCHUGH. As with any institutional change, there is always some amount of resistance. However, over the last decade, the Army has shown increased capacity for learning and adapting particularly in the area of irregular warfare, including counterinsurgency and counterterrorism. If confirmed, I would work with Army senior leaders to identify and implement further changes as required.

NEW COMBAT VEHICLE PROGRAM

4. Senator LEVIN. Representative McHugh, DOD's fiscal year 2010 budget request includes cancelation of the family of armored manned ground vehicles in the Future Combat Systems (FCS) program. In announcing his decisions to restructure FCS and cancel the manned ground vehicle, and then again later in a speech at the Army War College, Secretary Gates emphasized his commitment to help the Army get a new ground combat vehicle in 5 to 7 years and promised to protect the Army's future years' funds that had been aligned with the FCS program for this purpose. In his testimony to the Subcommittee on Readiness and Management Support of the Senate Armed Services Committee last April, General Chiarelli said that the Army is committed to a ground combat vehicle modernization program and that they are, "going to move out as rapidly as [they] can." The Army Chief of Staff has echoed this position and said the target to field a system is in the 2015 to 2017 timeframe. What, in your view, is the appropriate schedule for developing a new ground combat vehicle system?

Mr. MCHUGH. While I am not yet in a position to offer an informed assessment of an appropriate schedule for developing a new ground combat vehicle system, I am aware the Army leadership is already working on fielding the next ground combat vehicle in the timeline stated by Secretary Gates. Despite the FCS restructure and cancellation of the Manned Ground Vehicle, the Army still needs to modernize and a next generation combat vehicle must be a priority.

5. Senator LEVIN. Representative McHugh, are you aware of any operational urgency in fielding a new ground combat vehicle in a 5- to 7-year timeframe?

Mr. MCHUGH. My understanding, based on communications from the Secretary of Defense and Chief of Staff of the Army, is that the Army's current ground combat vehicle platforms cannot meet growing and emerging demands for size, weight, and power and either have limited force protection and survivability or poor mobility and reliability. While I have not reached specific conclusions on vehicle needs and timelines, I do believe that persistent conflict demands shifting emphasis toward near-term needs while maintaining longer-term development goals.

6. Senator LEVIN. Representative McHugh, what, in your view, are the acquisition management risks associated with a combat vehicle development timeline of 5 to 7 years?

Mr. MCHUGH. It is my view that any quickly developed and rapidly fielded major acquisition program is at risk for cost, performance and schedule. It is my understanding that the Army is leveraging developments from the former FCS Manned Ground Vehicle platforms and other vehicle subsystems and components to help mitigate these program risks.

7. Senator LEVIN. Representative McHugh, if confirmed, how would you propose to manage those risks?

Mr. MCHUGH. I currently do not have the insight to offer a complete assessment of the risk management of the new ground combat vehicle development program, however, I believe risks can be mitigated by involving leaders in every step of the acquisition process to ensure that the program has proper oversight. If confirmed, I would ensure the ground combat vehicle program is given this oversight at the highest levels.

8. Senator LEVIN. Representative McHugh, are you confident that DOD will protect the Army's original FCS funds to start and sustain a new ground vehicle modernization program?

Mr. MCHUGH. The Office of the Secretary of Defense (OSD) has provided an allocation of FCS funding to the Army to develop and procure a new ground vehicle, of which the research, development, test, and evaluation funding of $100 million was requested in the fiscal year 2010 budget. Additionally, Secretary Gates demonstrated his commitment to the funding of a new ground vehicle when he directed all money for FCS in the out years be protected to fund the new vehicle modernization program.

9. Senator LEVIN. Representative McHugh, if confirmed, what actions will you take to ensure that DOD provides the funds as promised?

Mr. MCHUGH. I have the utmost confidence that Secretary Gates will follow through with the commitments he has made to support the Army's new Ground Combat Vehicle initiatives. If confirmed, I would work closely with both the OSD Comptroller and OSD Acquisition Executive to monitor the allocation of funds for the Ground Combat Vehicle Program.

GROWTH OF ARMY COMBAT BRIGADES

10. Senator LEVIN. Representative McHugh, Secretary Gates had previously determined that planned growth of active Army combat brigades to 48 was not justified and that end strength growth was best used to man existing units before creating more. Accordingly, he limited active Army combat brigades to 45. In your view, does this additional growth of end strength merit creation of additional combat brigades as the Army originally planned, or should the additional manpower be used to meet shortfalls in existing and ad hoc unit requirements?

Mr. MCHUGH. It is my understanding that the 48 Brigade Combat Team (BCTs) construct required more soldiers than available with an end strength of 547,400. By eliminating three BCTs, those soldiers are available to offset requirements existing elsewhere in the force. I do not have detailed knowledge whether additional gains in end strength are also needed.

11. Senator LEVIN. Representative McHugh, in your view, what kind of budget pressure will this additional manpower put on other Army investments (for example readiness, reset, and modernization) and, if confirmed, how would you recommend making budget tradeoffs to afford the end strength growth, even though it is temporary?

Mr. MCHUGH. In my view, the temporary increase in military end strength will put pressure on other Army investments. Nevertheless, such an increase is nec-

essary if the Army is to achieve the critical objective of reducing stress on the force. If confirmed, I would work with the Secretary of Defense and his staff to prioritize requirements and identify the potential budget tradeoffs within the Army and DOD to support this growth.

ARMY SCIENCE AND TECHNOLOGY

12. Senator LEVIN. Representative McHugh, what do you see as the role that Army science and technology (S&T) programs will play in continuing to develop capabilities for current and future Army systems?

Mr. MCHUGH. It is my understanding that the Army's S&T investment strategy is shaped to foster innovation and accelerate/mature technology to enable future force capabilities while exploiting opportunities to rapidly transition technology to the current force. The S&T program must retain the flexibility to be responsive to needs identified through current operations and will be a critical part in improving capabilities.

13. Senator LEVIN. Representative McHugh, in your view, what have been the greatest contributions of Army S&T programs to current operations?

Mr. MCHUGH. In my view, the most significant contribution the Army S&T community has offered to current operations is its technical expertise coupled with a deep understanding of warfighter needs. It was the capability of the Army's Scientist and Engineering workforce that enabled the rapid development and deployment of lightweight and adaptable armor solutions that address the emerging threats for platforms such as the up-armored HMMWV and the MRAP. It is also my understanding that Army S&T community quickly developed electronic countermeasures to provide jamming capabilities, base protection technologies to protect soldiers while in forward operating bases and a variety of sensors and situational awareness enablers that have been critical to soldiers' efforts in theater.

14. Senator LEVIN. Representative McHugh, what metrics would you use, if confirmed, to judge the value and the investment level in Army S&T programs?

Mr. MCHUGH. If confirmed, I would evaluate the speed of transitions of technology to the warfighter and their effectiveness; the adoption of technology into acquisition programs; and the realignment of technology development to changing warfighter needs.

ENERGY TECHNOLOGY ADOPTION EFFORTS

15. Senator LEVIN. Representative McHugh, the Army has an opportunity to accelerate the development of fuel efficient tactical and support vehicles, leveraging commercial technologies such as fuel cells and hybrid engines. The Army should be playing an aggressive role in adopting advanced energy vehicles technologies, such as hybrids, for use in support functions use at installations. This type of early adoption puts the Army in compliance with existing statutes and executive orders regarding usage of advanced energy vehicles, reduces overall energy consumption costs to the Service, and serves the broader policy goal, and accelerating the wider spread adoption of these technologies nationally. If confirmed, what kind of investments would you make in advanced energy technologies (such as batteries, fuel cells, hybrids, etc.) and to make the Army an early adopter of these technologies through procurement and demonstration programs—for example, using hybrid vehicles or installing alternative energy projects on Army posts?

Mr. MCHUGH. The Army must be proactive in reducing fossil fuel consumption and increasing the use of alternative and renewable fuels across its installations. I understand that the Army currently has the largest hybrid vehicle fleet in the DOD and plans to lease 4,000 Low-Speed Electric Vehicles (LSEVs) from the General Services Administration over a three-year period to replace fossil fueled vehicles. If confirmed, I would support developing renewable energy charging capabilities for LSEVs, hybrid plug-ins, and fully electric vehicles to recharge their batteries and reduce reliance on local power grids. Certainly, efforts to incorporate other emerging technologies should continue as hybrid plug-in, fuel cell, solar, and other technologies mature and become available and economical. As technologies mature, the Army should consider incorporating larger advanced energy vehicles into the fleet.

16. Senator LEVIN. Representative McHugh, if confirmed, which agencies or activities within the Army would you task to take the lead in these efforts?

Mr. MCHUGH. Based on my understanding of current Army organizational responsibilities, the Assistant Secretary of the Army (Installations and Environment) is the Army lead in developing policy and identifying solutions to the energy challenges today and the future. If confirmed, I would assess the Army plans in this area and encourage partnerships among Army Commands and agencies, the Department of Energy, and private industry to promote and implement new technologies and best practices where appropriate.

SEXUAL ASSAULT PREVENTION AND RESPONSE

17. Senator LEVIN. Representative McHugh, numerous cases of sexual misconduct involving soldiers in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the Army failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges and, ultimately, appropriate disciplinary action. What is your understanding of the resources and programs the Army has in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Mr. MCHUGH. It is my understanding the Army has taken a number of significant steps to improve assistance to victims of sexual assault, including enhanced recognition of special circumstances that apply to deployments. I have been told that the Army has implemented a comprehensive sexual harassment/assault response and prevention (SHARP) program in deployed locations, to include medical, advocacy, and chaplaincy, and law enforcement, investigative and legal services. If confirmed, I would ensure that the Army continues to take appropriate steps to aid victims of sexual assault, both in garrison and in deployed locations.

18. Senator LEVIN. Representative McHugh, do you consider the Army's current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Mr. MCHUGH. I do not have detailed knowledge to make a complete assessment. I know the Army's policies and procedures for restricted reporting provide sexual assault victims the opportunity to receive the support they need whether or not they decide to file an unrestricted report. These efforts need to be robust and ongoing, and if confirmed, I would ensure it remains a top priority.

19. Senator LEVIN. Representative McHugh, in your view, what is the appropriate role for senior military and civilian leaders in the Secretariat and the Army staff in overseeing the effectiveness of implementation of new policies relating to sexual assault?

Mr. MCHUGH. Sexual assault is a crime and has no place in the military or our society. The role of any senior leader is to maintain a culture and organizational climate where such behavior is not tolerated and where victims feel free to report incidents without fear of reprisal. If confirmed, I would be vigilant in maintaining this climate across the Army and in responding quickly, effectively, and appropriately when and where deviations occur.

20. Senator LEVIN. Representative McHugh, if confirmed, what actions would you take to ensure senior management level direction and oversight of departmental efforts on sexual assault prevention and response?

Mr. MCHUGH. If confirmed, I would work with the Assistant Secretary for Manpower and Reserve Affairs, the Chief of Staff, and the Deputy Chief of Staff, G–1 to ensure that the Army has in place the appropriate protocols to provide senior leaders the information and assistance they require to operate and resource the sexual harassment/assault response and prevention program (SHARP).

ARMY LABORATORIES AND RESEARCH, DEVELOPMENT, AND ENGINEERING CENTERS

21. Senator LEVIN. Representative McHugh, what role should Army laboratories play in supporting current operations and in developing new capabilities to support Army missions?

Mr. MCHUGH. It is my understanding that the Army laboratories are the S&T performing organizations and have and will continue to play a major role in supporting current operations with best capabilities available. Through their broad

range of investments in key strategic S&T areas, they also provide critical new capabilities for soldiers.

22. Senator LEVIN. Representative McHugh, if confirmed, how will you ensure that the Army laboratories and research and development (R&D) centers have the highest quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed warfighters and develop next generation capabilities?

Mr. MCHUGH. If confirmed, I would ensure that the Army laboratories and R&D centers recruit and retain the highest quality workforce. I would encourage the laboratories to take advantage of the authorities they currently have in regard to infrastructure and to work with OSD in its current efforts to expand these authorities. Maintaining the current level of resources for all the laboratories and embracing best practices in regard to management would be given a high priority during my tenure.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

ARMY SUBSTANCE ABUSE PROGRAM

22. Senator MCCASKILL. Representative McHugh, I introduced S.459, the Substance Use Disorders Act of 2009 earlier this year based on problems with the Army Substance Abuse Program (ASAP), some of which were identified last fall at Ft. Leonard Wood, Missouri. In recent years, ASAP has struggled to manage the increasing number of soldiers needing treatment, often following stressful deployments to Iraq and Afghanistan. In particular, there have been problems with understaffing and mismanagement. Commander notification and the lack of confidentiality in treatment may discourage servicemembers from seeking treatment for fear of disciplinary action. It is important to move from a climate of punishment towards a climate that reduces the stigma of seeking treatment. Based on S. 459, the Army recently instituted the Confidential Alcohol Treatment and Education Pilot program to allow complete anonymity for eligible soldiers who self-refer to this program. This is a good start. However, I am still concerned whether commanders should be notified in all instances of soldiers enrolling in ASAP and that the disciplinary option should be on the table no matter what. What approach do you take to how discipline should be used with troops who ask for help with getting substance use disorders treated?

Mr. MCHUGH. I am told that the Army's philosophy is not to punish soldiers who come forward with substance abuse issues and that this policy applies without regard to what a commander may or may not know about a soldier's problem. The Army's substance abuse regulation has long included a limited use policy. As I understand it, if a soldier comes forward to an ASAP counselor and admits to prior or current substance abuse, he or she will receive treatment without fear of disciplinary action deriving from that admission. Soldiers are still subject to disciplinary action for acts of misconduct while under the influence of alcohol or other substances, but they are not subject to disciplinary actions based solely on self-admitted substance abuse disclosed in the context of seeking treatment. While I believe this policy supports a balanced approach to the rehabilitation of our soldiers, I am mindful that we must continue to weigh further changes.

23. Senator MCCASKILL. Representative McHugh, how does the Army plan to address the discipline issue with individuals who have sensitive security clearances or military occupation specialties (MOSs)? Specifically, how can these individuals be encouraged to seek treatment so that they get the help they need so that they can do their jobs effectively, rather than hiding substance use disorders that could ultimately impact their job performance?

Mr. MCHUGH. I am informed that the Army's policy is first to get a soldier the help he or she needs. One of the provisions of the Confidential Alcohol Treatment and Education Pilot is that soldiers who voluntarily seek treatment will not have their enrollment in the program recorded or documented in such a way that it is subsequently used for other purposes, such as determining that soldier's future duty assignments. If safety or national security is at stake, a soldier may be reassigned, without repercussion, to other duties during the course of his or her participation in the treatment program.

24. Senator MCCASKILL. Representative McHugh, in Representative McHugh's prepared responses for the committee, he says that, "It appears that there is a

shortage of ASAP counselors at some installations." Indeed, the shortage of counselors is systemic to the Army. We even have whistleblowers at Ft. Leonard Wood in Missouri coming forth with concerns about the ASAP. What are the Army's views on the adequacy of ASAP counselors in the Army, and what specific measures does the Army plan to mitigate the shortage and lack of resources?

Mr. MCHUGH. I am informed that the Army leadership is very cognizant of the shortage of counselor personnel in both the civilian and military sectors nationwide. This shortage often can be attributed to military and civilian sector competition for the services of an already constrained number of these care providers. The Army has instituted a number of incentives, including payment of recruiting bonuses, relocation costs, and retention bonuses, to attract qualified counselors. Further, the Army has secured direct hire authority to expedite the employment of these personnel.

25. Senator MCCASKILL. Representative McHugh, an area of substance abuse disorders in the Army that remains understudied and misunderstood is that of prescription drug abuse, particularly for those soldiers who are deployed in theater in Iraq and Afghanistan. Often these individuals are easily prescribed drugs that can be extremely addictive and harmful over time. What is the Army doing to include prescription drug abuse in the ASAP, and what data is available on the numbers of soldiers who are referred for treatment for prescription drugs in the Army?

Mr. MCHUGH. It is my understanding that treating soldiers for prescription drug abuse is, and has always been, an important part of the Army Substance Abuse Program. If confirmed, I would continue such programs to ensure every soldier with a substance abuse problem has the opportunity to receive the care he or she needs. I am told that reported Army rates of abuse for pain killers is about 5 percent of all cases.

QUESTIONS SUBMITTED BY SENATOR KAY HAGAN

ARMY UNIFORMS

26. Senator HAGAN. Representative McHugh, whether soldiers are serving overseas or training within the continental United States, in preparation for deployment, they need uniforms that are capable of defending against insect borne diseases such as Lyme disease and Rocky Mountain spotted fever. After over 15 years of study and research, the Army decided to adopt the factory treatment of uniforms with permethrin, as the most effective solution, to protect soldiers against insect borne diseases. The adoption of this technology has been recommended by the Army's subject matter experts, including the Surgeon General and Uniform Board. However, contractual management, logistics, and funding jeopardize delays in providing the Army with factory treated permethrin uniforms until 2012.

In order for this technology to be properly implemented and supervised, I believe that the Army needs to establish the protocol that the contract management be established directly between the Army and the uniform treatment vendor. This is a very important difference from the Defense Logistics Agency/Defense Supply Center Philadelphia (DLA/DSCP) practice of relegating the oversight of this technology to a subcontract through the existing cut and sew uniform manufacturers. A direct contract to treatment vendors can provide oversight incentives to continue to improve the quality and the safety of this program.

This is a complex technology that is federally regulated by the Environmental Protection Agency (EPA). The EPA recognizes that each vendor's treatment has different characteristics particularly regarding efficacy and safety. Assigning responsibility of supervising the production of this product through the DLA/DSCP process would negatively impact the quality, safety, and efficacy of the product. Moreover, inserting an unrelated vendor into the process adds an extra layer of cost, as the cut and sew vendor adds margin to the cost from the treatment vendors.

Please provide your thoughts on establishing the protocol that contract management of Army permethrin treated uniforms be established directly between the Army and the uniform treatment vendor.

Mr. MCHUGH. I am unable to provide a detailed assessment at this time. If confirmed, I would fully evaluate this issue.

27. Senator HAGAN. Representative McHugh, in accordance with the Acquisition Reform Bill, contractual management of Army permethrin treated uniforms between the Army and the uniform treatment vendor saves money as it removes the "middle

man" (cut and sew vendors) from adding additional margin of costs. Can you please provide your thoughts?

Mr. MCHUGH. I am unable to provide a detailed assessment at this time. If confirmed, I would evaluate this issue.

28. Senator HAGAN. Representative McHugh, where will the money come from within the Army budget to fund the treatment of all Army combat uniforms with permethrin?

Mr. MCHUGH. At present, I am not familiar with the Army's plans with respect to this subject. If confirmed, I would evaluate this issue.

UPGRADING M24 SNIPER RIFLES

29. Senator HAGAN. Representative McHugh, Army sniper teams in Iraq and Afghanistan utilize the M24 sniper rifle to respond to improvised explosive devices and insurgent ambushes. The weapons system is outdated, and soldier input has propelled the Army to determine that it is necessary and cost-effective to upgrade 3,000 M24s to meet the changing operational requirements on the ground and counter threats, most notably: engage targets during times of limited visibility and at night; increase range from 800 to 1,200 yards; improve ergonomics and stock configuration to enable maneuverability within vehicles and small spaces within urban areas; and increase concealment when transporting and operating the weapon.

Congress appropriated $3.4 million in the Defense Appropriations Act for Fiscal Year 2009 for the Army to upgrade the M24 sniper rifle using operation and maintenance funding and an existing refurbishment contract with the company Remington, to do an engineering change proposal (ECP). The fiscal year 2009 funding was moved to procurement, making an ECP under the existing contract no longer feasible. The House Defense Appropriations Bill for Fiscal Year 2010 would appropriate an additional $3.0 million for M24 upgrades. Congress is appropriating the funds in response to validated operational needs statements from Army units, who require an upgraded M24 sniper rifle for operations in theater. What are the Army's plans to expedite the M24 upgrade to meet the immediate needs of the Army's sniper teams?

Mr. MCHUGH. I do not have detailed knowledge on this issue. It is my understanding the immediate needs of the Army's sniper teams are being met by the ongoing fielding of the most current system.

30. Senator HAGAN. Representative McHugh, what can be done to provide upgraded M24s to units that have an urgent need and is there anything we need to do in Congress to help with the upgrade?

Mr. MCHUGH. I am unable to provide a detailed assessment at this time. If confirmed, ensuring our sniper team's needs are fully met would be a top priority.

31. Senator HAGAN. Representative McHugh, given that Remington owns the technical data package for the M24, how will the Army compete the upgrade?

Mr. MCHUGH. I do not have detailed knowledge on this matter but it is my understanding the technical data of the M24 will not be disclosed during the competition to select a vendor to upgrade sniper weapons that are currently fielded.

M4/REPLACEMENT CARBINE

32. Senator HAGAN. Representative McHugh, on July 1, 2009, the Army received control of the technical data package (design rights) to the existing M4 carbine weapons system. Prior to this transfer, Colt Defense LLC had been the sole source provider of the M4 carbine for the U.S. military for the past 15 years, due to a legal settlement between the Federal Government and Colt. The last of the 473,000 M4 weapons is expected to be fielded in 2010. It is important that we replace the M4 with a new state-of-the-art weapons system that meets the operational requirements of our military in theater. Is the Army committed to a full and open competition for the follow-on weapon to the M4?

Mr. MCHUGH. I am unaware of any currently planned competition to replace the M4. If confirmed, I would ensure all acquisition program competitions are performed fairly and openly.

33. Senator HAGAN. Representative McHugh, please provide your thoughts on updating the M4 carbine requirement and the solicitation process for a future weapon.

Mr. MCHUGH. I do not have detailed knowledge of this subject. If confirmed, I would ensure the competition for every acquisition program is conducted fairly and openly.

34. Senator HAGAN. Representative McHugh, does the Army plan on awarding the replacement weapon contract to one manufacturer or dividing it among several companies?

Mr. MCHUGH. I do not have detailed knowledge of this subject. If confirmed, I would ensure the competition for every acquisition program is conducted fairly and openly.

MILITARY HOUSING PRIVATIZATION INITIATIVE

35. Senator HAGAN. Representative McHugh, Congress established the Military Housing Privatization Initiative (MHPI) in 1996 as a tool to help the military improve the quality of life for its servicemembers by improving the condition of their housing. The MHPI was designed and developed to attract private sector financing, expertise, and innovation to provide necessary housing in a more efficient manner. OSD has delegated to the Military Departments the implementation of MHPI and authorized them to enter into agreements with private developers selected in a competitive process.

Financing for military housing privatization in the current market is challenging and entails high relative lending rates of interest. This impedes the restricting of existing military housing transactions, prevents the construction of new military family housing, and limits the scope of work. Transactions such as the one the Army agreed to involving construction of privatized military housing in South Korea is one of those projects affected. Has the current financial market negatively impacted the Army's ability to move forward with any of its privatization initiatives? If so, how can we assist the Army?

Mr. MCHUGH. Within CONUS, most of the Army's MHPI projects have been privatized, and the Army has successfully obtained initial debt funding. However, due to the current poor financial climate, two of the final RCI projects were not able to obtain suitable loan and investor funding. Those projects were still privatized, but development schedules were adjusted to delay construction until the market improves and debt funding is more favorable. Other projects have had to scale back due to reduced sources of debt funding and increased costs associated with debt payments.

Existing MHPI authorities do not currently extend to overseas locations like Korea. The Humphreys Housing Opportunity Project (HHOP) cannot take advantage of MHPI tools like loan guarantees, direct Federal loans, contribution of funds, or transfer of property. Additionally, the HHOP has unique elements associated with Status of Forces Agreement issues and Korean law. If confirmed, I would examine if the Army having the authority to utilize MHPI tools is needed for overseas projects.

36. Senator HAGAN. Representative McHugh, the financial crisis in the commercial mortgage backed securities market has negatively impacted the traditional firms that have credit enhancement capabilities to the private activity bonds used to finance MHPI projects. Has the Army approached Fannie Mae or Freddie Mac with this opportunity?

Mr. MCHUGH. It is my understanding that the Army has worked with underwriters to discuss opportunities for credit enhancement with government-sponsored enterprises such as Fannie Mae and Freddie Mac, as well as private entities such as Berkshire Hathaway, Assured Guarantee, and others.

37. Senator HAGAN. Representative McHugh, the MHPI program authority is slated to expire in 2010. What can we do to assist the Army and DOD to ensure that this program remains in effect after 2010?

Mr. MCHUGH. It is my understanding that the authorities outlined in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, February 10, 1996) Section 2885 were made permanent by the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375 (October 28, 2004) Section 2805 "Repeal of Limitations."

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

ARMY FAMILY READINESS

38. Senator BEGICH. Representative McHugh, in your answers to the advance policy questions to the committee, you continuously state the importance of care for soldiers and their families. What do you consider to be the most important family readiness issues?

Mr. MCHUGH. In my view, the Army's most important family readiness issues are related to repeated deployments and to the increased stress on soldiers and families that results from high operational tempo and inadequate dwell times at home between deployments. Also, I understand that family issues such as access to health care, spouse employment and childcare are of significant concern.

39. Senator BEGICH. Representative McHugh, if confirmed, how would you ensure that family readiness needs are addressed and adequately resourced?

Mr. MCHUGH. I recognize that soldiers and their families have made, and continue to make, significant personal sacrifices in support of our Nation. In late 2007, the Army unveiled the Army Family Covenant, a commitment to provide soldiers and their families—Active, Guard, and Reserve—a quality of life commensurate with their level of service. I fully support the Covenant's commitment to soldiers and families and, if confirmed, would continue efforts to improve family readiness through the Family Covenant. I would seek to further the success of Family Readiness Groups in providing important support and assistance to families, while serving as a network of communication between family members, the chain of command, and community resources. As the former Chair and Ranking Member of the House Armed Services Personnel Subcommittee, I endeavored to ensure that military families received the support and resources they required. If confirmed, I am committed to continuing my advocacy on behalf of Army families.

ARMY FACILITIES

40. Senator BEGICH. Representative McHugh, the simultaneous implementation of force structure initiatives in the Army has exceeded capacity of existing infrastructure at military installations. In order to provide enough living and working space for servicemembers, temporary facilities are being used for barracks, offices, and equipment maintenance facilities. In addition, barracks at military installations are in deteriorating condition due to lack of adequate investment. As a result, the committee mandated in the report accompanying S.1390 (S. Rept. 111–35) that the Secretary of Defense provide a report to Congress outlining a strategy to replace relocatable facilities and ensure adequate investment in infrastructure. What is your assessment of the Army's infrastructure investment strategy?

Mr. MCHUGH. I do not have sufficient information at this time to make an assessment. If confirmed, I would undertake to assess the sufficiency of the Army's current infrastructure investment strategy and implementation plan.

41. Senator BEGICH. Representative McHugh, if confirmed, what actions would you propose to reduce the backlog and improve Army facilities?

Mr. MCHUGH. If confirmed, I would support an investment strategy to ensure that the infrastructure backlog is addressed. I would also seek support from the Secretary of Defense and Congress for the President's budget request for Army installations and facilities.

ALASKA IN ARMY STRATEGIC POSTURE

42. Senator BEGICH. Representative McHugh, Alaska is home to Fort Richardson, Fort Wainwright, and Fort Greely. In addition to those Army installations, Alaska is home to Eielson and Elmendorf Air Force Bases and the Donnelly Training Range. Alaska is a strategic location with joint forces, extensive joint training infrastructure, unencumbered air and land space, and a robust deployment infrastructure. The community provides and supports a strong family environment. What is your assessment of the current and future joint training and stationing opportunities Alaska provides for the Army?

Mr. MCHUGH. My assessment is that Alaska provides extraordinary training and stationing opportunities for not only the Army but the other Services as well. The mountainous terrain, large and first-rate range facilities, and the cold weather climate provide an essential and unique training and stationing environment for units. These opportunities, combined with the state's strategic location, enable Army forces

in Alaska to support the Army's worldwide mission, as well as to provide essential support to the Pacific and Northern Commands (PACOM and NORTHCOM). In addition, it is my understanding that the local communities adjacent to Army bases in Alaska provide exceptional support to Army soldiers and their families. For these reasons, I believe that Alaska will continue to provide training and stationing opportunities for the U.S. Army.

43. Senator BEGICH. Representative McHugh, please describe the role of Alaska in the Army's overall strategic posture.

Mr. MCHUGH. In addition to supporting the Army's worldwide mission in places such as Iraq and Afghanistan, forces assigned in Alaska support the combatant commanders of both the PACOM and NORTHCOM. I have been advised that as to PACOM, Army forces in Alaska provide essential capabilities to meet the requirement for global engagement and rapid deployment throughout that theater's enormous area of responsibility. With regard to NORTHCOM, Army forces in Alaska assist in the homeland defense mission. I believe that Alaska's strategic location, as well as the State's robust training and deployment infrastructure, make an Army presence in Alaska a critical component of the Army's overall strategic posture.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

ARMY MODERNIZATION

44. Senator INHOFE. Representative McHugh, if confirmed as the Secretary of the Army, how will you prioritize Army vehicle modernization?

Mr. MCHUGH. I understand the Army has priorities to improve soldiers' capabilities to accomplish their missions more effectively, especially in the areas of surveillance assets and force protection. If confirmed, I would review the Army's modernization strategy to ensure the Army has a sound, synchronized plan. I would place special emphasis on force protection, mobility, networked communications, and lethality capabilities needed for full spectrum warfare.

45. Senator INHOFE. Representative McHugh, in your view, how did the cancellation of the FCS Manned Ground Vehicle program impact the acquisition process of the Army's new Army BCT Modernization Strategy?

Mr. MCHUGH. It is my understanding that with the cancellation of the FCS manned ground vehicle, the Army is transitioning to a BCT modernization strategy. Instead of focusing on a few FCS BCTs, the Army plans to field FCS spin out technology to all 73 BCTs, thus enhancing the effectiveness of all formations.

46. Senator INHOFE. Representative McHugh, what do you believe is a reasonable and realistic procurement timeline for a new line of Army combat vehicles? Is 5 to 7 years realistic?

Mr. MCHUGH. I think that the reasonableness of the timeline will depend on the analysis of the capabilities and requirements new combat vehicles would need to provide. I understand that the Army is currently conducting requirements analysis to determine the appropriate requirements. At this time I am not yet in a position to offer an informed assessment of these efforts.

47. Senator INHOFE. Representative McHugh, what are your personal feelings regarding the Secretary of Defense's cancellation of FCS/ground vehicles?

Mr. MCHUGH. I strongly support Secretary Gates' decision to initiate a reevaluation of ground vehicles to ensure the most modern equipment is available to our soldiers.

48. Senator INHOFE. Representative McHugh, did you have similar conversations with the President or Secretary Gates leading up to your nomination concerning Army modernization?

Mr. MCHUGH. My conversations with the President were not focused on specific programs but rather the overarching issues, concerns, and the challenges that lie ahead for the Army. Before my nomination, I had been approached as part of my duties as the Ranking Member of the House Armed Services Committee and did have a discussion with the Secretary of Defense.

HEAVY BRIGADE COMBAT TEAM PROGRAM AND PALADIN INTEGRATED MANAGEMENT

49. Senator INHOFE. Representative McHugh, with the cancellation of FCS and delay of the Non-Line-of-Sight Cannon/Next Generation Cannon, do you believe that the Paladin Integrated Management (PIM) program should receive increased priority within the Army?

Mr. MCHUGH. Although I do not have detailed knowledge on this subject, I believe the Paladin program is very important to the Army's overall modernization efforts.

50. Senator INHOFE. Representative McHugh, how concerned are you that our soldiers are using combat vehicles designed in the 1940s–1950s and will continue using them until 2050?

Mr. MCHUGH. My commitment to the American soldier is to ensure they have the best equipment, in the right amounts, to accomplish all their missions. The Army has constantly modernized its equipment by the use of technology upgrades, recapitalization, and service life extension programs. While I believe these incremental modernization upgrade efforts are not a substitute for the development of a new system, these types of solutions are necessary until the Army determines the modernization strategy for its future ground combat vehicle and related platforms.

51. Senator INHOFE. Representative McHugh, are you committed to the Army's PIM program to update our artillery fleet?

Mr. MCHUGH. Although I do not have detailed knowledge on this subject, I believe the Paladin program is very important to the Army's overall modernization efforts.

RESET/RECAPITALIZATION

52. Senator INHOFE. Representative McHugh, what are your concerns with the high usage rates of Army wheeled and combat vehicles in Iraq and Afghanistan?

Mr. MCHUGH. The increased 'wear and tear' on equipment from the harsh wartime environments is staggering. I'm informed that the Army's truck fleet is experiencing usage rates that are five to six times the peacetime rates, and this has been further exacerbated by the heavy armor kits added to enhance force protection. The depots and commercial industrial base has surged to meet the extra demands from these usage rates, however, reversing the impact of these many years of extraordinary wear and tear on the Army's equipment will take time and dedicated resources.

53. Senator INHOFE. Representative McHugh, as we draw down in Iraq, do you believe it is important to adequately reset, and upgrade where appropriate, our combat equipment?

Mr. MCHUGH. I believe the Army needs to continue to adequately reset equipment while upgrading where appropriate. While the equipment is in maintenance, I believe the Army should take advantage of the opportunity to ensure the equipment is brought to the appropriate configuration and to use the most up-to-date replacement parts available. Though reset is not intended as a modernization program, the maintenance operations afford a cost-effective opportunity to insert technologies and capabilities as fitting.

END STRENGTH

54. Senator INHOFE. Representative McHugh, how will you recommend DOD fund the 22,000 soldier end strength increase? Should it be resourced internally or externally from the Army budget?

Mr. MCHUGH. It is my understanding that Army will internally fund the fiscal year 2009 costs associated with the temporary end strength increase, and that DOD will amend the fiscal year 2010 overseas contingency operations budget request to fund temporary end strength increased costs.

55. Senator INHOFE. Representative McHugh, are you concerned that this end strength increase will hinder other Army priorities like modernization and equipment reset?

Mr. MCHUGH. I am aware of the fiscal pressures faced by the Department and our Nation as a whole. I believe the temporary increase in Army end-strength is critical to sustain manning levels of deploying forces and reduce stress on our soldiers and their families. During this time, the Army needs to continue to reset equipment while modernizing the force, which is critical to maintain capabilities

now and into the future. These important requirements will most decidedly put pressure on DOD fiscal resources and force difficult and significant strategic choices.

PERSONNEL

56. Senator INHOFE. Representative McHugh, if confirmed as the Secretary of the Army, what changes will you implement that relieve the tremendous strain on soldiers and the deployment process?

Mr. MCHUGH. I believe the temporary increase in end strength, a reduction in demand in the Iraqi theater, and the execution of the Army Force Generation model should result in more dwell time between deployments. This will allow the force to reset, create greater deployment predictability, and relieve some of the tremendous strain on soldiers and their families. If confirmed, I would ensure these are priority efforts until the Army has reached the right balance between deployments and dwell time.

57. Senator INHOFE. Representative McHugh, what will the effects on the Army Force Generation cycle be if the Iraq drawdown is delayed while we simultaneously double our troop strength in Afghanistan?

Mr. MCHUGH. It is my belief that a delay in the Iraq drawdown would increase the global commitment of forces and necessarily decrease the dwell time of select units as well as the time available to restore these units to a deployable condition prior to their next deployment. Although the temporary increase in end strength would help, I think it likely that the Army would experience a corresponding increase in the strain on our soldiers and their families.

58. Senator INHOFE. Representative McHugh and Dr. Westphal, what level of troop increase in Afghanistan or Iraq would cause a change to the current dwell time goal of 1:2?

Mr. MCHUGH. It is my understanding that current projections of the global commitment of Army forces requires the availability of 20 trained and ready BCTs in order to achieve a 1:2 Active component and 1:4 Reserve component dwell-to-deployment ratio. I believe any increase in the commitment of forces might endanger these desired dwell-to-deployment ratios.

THREAT PREPARATION

59. Senator INHOFE. Representative McHugh, what threats do you think the Army should be postured for and how should we equip and structure our force accordingly?

Mr. MCHUGH. In an era of persistent conflict, the Army must be prepared to operate across the full spectrum of conflict. Formations will conduct simultaneous offense, defense, and stability operations while facing hybrid threats from networked enemies embedded among the local population. These threats will possess a wide range of military capabilities and some advanced technologies. Accordingly, in my view, the Army must continue to review its force mix to ensure it meets combatant commanders' needs in the current and foreseeable operational environments. It is my understanding that the Army incorporates approved changes to existing unit structure or capabilities through the Force Design Update process, and brings in new capabilities that address gaps or shortfalls through several force management processes. If confirmed, I would work to maintain this flexibility in adapting the force to provide a supply of capabilities on a rotational basis to meet the demands of our combatant commanders.

In addition, I have been informed that a significant effort is underway to review the Army's force structure as part of the Quadrennial Defense Review and Total Army Analysis 2012–2017. This review will continue to focus on capabilities across the full spectrum of conflict in order to meet the challenges of an uncertain future security environment. Given those uncertainties, the Army must provide a balanced mix of versatile, expeditionary, agile, and sustainable forces. These include BCTs, functional and multi-functional support brigades, enabling units, and responsive institutional support to give Joint Forces Commanders an array of options. In my view, the Army's equipping strategy must ensure that soldiers have the right equipment amounts, types, and modernization to meet their mission requirements across the full spectrum of operations—whether in combat, training to go to combat, operating as part of the Army's generating force, or conducting homeland defense and defense support to civil authorities' missions.

60. Senator INHOFE. Representative McHugh, do you believe there is a deterrence value in having an Army equipped with the most advanced equipment available?

Mr. MCHUGH. Measuring the deterrence value of any capability is difficult given this value is largely determined by those actors deterred. The more advanced the military capabilities of the United States, the less likely those other states would mount a direct military challenge to the United States or its allies. Moreover, the predominance of "asymmetric warfare" in the conflicts in Iraq and Afghanistan demonstrates that even non-state actors that cannot be deterred are forced to devise unique ways of overcoming the overwhelming military superiority of the United States. Continuing to modernize the force with the most advanced equipment available will best ensure that the Army maintains its all-important advantage in military capabilities over the mid- and long-terms, and, thereby, serves a vital deterrence function.

61. Senator INHOFE. Representative McHugh, how should the Army be postured to counter the full spectrum of threats in the near- and far-term as well as be able to provide combatant commanders the forces they need?

Mr. MCHUGH. I believe the institutional Army's recruiting, training, equipping, and other functions must focus on the objective of ensuring that forces provided to the combatant commanders for operational employment are prepared to operate across the full spectrum of conflict to counter an increasingly adaptive, technologically sophisticated, and elusive enemy.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

WATER RIGHTS AND ALLOCATION

62. Senator SESSIONS. Representative McHugh, what is the national purpose for moving forward with updating the water manuals before the Governors have an opportunity to reach a compact in light of the recent court ruling in the U.S. District Court-Middle District of Florida (MDL–1824 Tri-State Water Rights Litigation)?

Mr. MCHUGH. Although I have not been fully briefed on all of the details, I am keenly aware of both the sensitive and critical nature of this issue. I began my public service in State and local government and I know the importance of water. It is my understanding that the parties involved are committed to working together toward a solution that will address the interests and concerns of all to the maximum extent possible. If confirmed, I would personally monitor this issue to ensure that the solution is consistent with the law and the most equitable resolution of this matter. I would engage the Army Corp of Engineers to provide whatever assistance is needed to the Governors and the Congressional delegations of the states involved to bring about an agreed upon resolution to this long standing issue.

63. Senator SESSIONS. Representative McHugh, given the recent court case and the potential for the States to meet a mutually agreeable solution on water allocation, what role, if any, will the Army Corps of Engineers play in these negotiations?

Mr. MCHUGH. If confirmed, I would work closely with Assistant Secretary of the Army for Civil Works and fully support that office's efforts as well as those of the Army Corps of Engineers to provide technical expertise and facilitate the development of a mutually agreeable solution that is consistent with the law. In the formulation of an appropriate way ahead, I would work closely with the Governors and congressional delegations of the States involved.

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

KUWAIT AND GULF LINK TRANSPORT COMPANY

64. Senator MARTINEZ. Representative McHugh, LTC Dominic "Rocky" Baragona died while deployed in Iraq on May 19, 2003, in a car accident with a tractor-trailer near the Kuwaiti border. Lieutenant Colonel Baragona was returning home from his deployment. The tractor-trailer truck, owned by Kuwait & Gulf Link Transport Company (KGL), a Kuwaiti multinational firm, crossed the highway and struck Lieutenant Colonel Baragona's HUMVEE. KGL was a large Kuwaiti company, organized under Kuwaiti law and doing business across the Middle East. Its business and the business of its successor companies include the execution of substantial contracts with the U.S. Army. After Lieutenant Colonel Baragona's death, the U.S. Army conducted an accident investigation report concluding KGL's negligence caused the traffic accident which killed Lieutenant Colonel Baragona. The U.S.

Army required KGL certify that it had purchased third party liability insurance for just this sort of accident. Please explain how as the Secretary of the Army you will assist families of U.S. servicemembers in accessing these insurance policies purchased for their benefit and please explain how you will lead the Army in holding negligent contractors accountable for their actions.

Mr. MCHUGH. If confirmed I would seek to ensure that the Army faithfully complies with the Freedom of Information Act, in responding to all requests for information related to insurance policies as required by Federal law. It is my opinion that if contractors are doing business with the Government, we must look carefully at making them subject to and under the jurisdiction of the laws of the United States. If confirmed, I would do everything within my power to ensure all contractors are held accountable in accordance with law and regulations.

65. Senator MARTINEZ. Representative McHugh, in Baragona v. Kuwait & Gulf Link Transport Company, the Court found KGL liable to the Baragona family for approximately $5 million. KGL has appeared in court to argue that the court does not have jurisdiction over KGL because it is a Kuwaiti company. Contractors, including foreign contractors, play an important part in the success of the U.S. military, but it's important that the contractors act responsibly and conform to the contracting requirements of DOD. The Army requires the purchase of insurance by all of its contractors, foreign and domestic, but this is pointless if the foreign contractors are able to assert that they shouldn't have to compensate accidental death or injury claims because of their lack of presence in the United States. As Secretary of the Army, how will you address contractor responsibilities outside of the United States and what recommendations do you have in changing contracting rules to ensure compliance with U.S. Court systems?

Mr. MCHUGH. Since I do not have in depth knowledge of this case, I cannot make any specific recommendations. It is my understanding, however, that contractors doing business outside of the United States are to be held to the same standards of conduct as those performing in the United States. The Federal Acquisition Regulation (FAR) was changed in December 2008 (FAR 3.10) to require contractors overseas to institute the same ethics and compliance programs as those located in the United States. Contractors failing to accept service of process or otherwise willfully evading litigation can be debarred under the Government's suspension and debarment regulations. If confirmed, I would work closely with the Department of Justice on issues such as this involving the Federal Rules of Civil Procedure and the U.S. Court system.

66. Senator MARTINEZ. Representative McHugh, do you believe the U.S. Army is able to facilitate a resolution in this kind of case?

Mr. MCHUGH. I understand that the Army must maintain neutrality in litigation between third parties. If confirmed, I would ensure that the Army provides materials sought in litigation in an impartial manner in accordance with law and regulations. I would hope having access to information will better enable the parties to make informed decisions as to the relative merits of their positions. It is my understanding that the Army defers to the expertise of the Department of Justice in matters involving the U.S. Court system and for the appropriateness of the United States participating in a particular lawsuit.

67. Senator MARTINEZ. Representative McHugh, what are your thoughts on S.526, the "Lieutenant Colonel Dominic 'Rocky' Baragona Justice for American Heroes Harmed by Contractors Act"?

Mr. MCHUGH. I strongly support the principle that contractors doing business with the Government, including contractors overseas, must be held accountable for their actions. If confirmed, I would act to ensure contractors are held responsible in accordance with law and regulations.

MILITARY HOUSING AND PRIVATIZATION INITIATIVE

68. Senator MARTINEZ. Representative McHugh, the MHPI program is slated to expire in 2010. If confirmed, what do you see as the future of the MHPI program?

Mr. MCHUGH. It is my understanding that the authorities outlined in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, February 10, 1996) Section 2885 were made permanent by the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375 (October 28, 2004) Section 2805 "Repeal of Limitations."

69. Senator MARTINEZ. Representative McHugh, the financial crisis in the Commercial Mortgage Backed Securities market has negatively impacted the firms which back Private Activity Bonds used to finance MHPI projects. Has the Army approached Fannie Mae, Freddie Mac, or any other Government-sponsored enterprises with this opportunity? If so, what can this committee do to assist the Army in this process?

Mr. MCHUGH. It is my understanding that the Army has worked with underwriters to discuss opportunities for credit enhancement with government-sponsored enterprises such as Fannie Mae and Freddie Mac, as well as private entities such as Berkshire Hathaway, Assured Guarantee, and others. If confirmed, I would work closely with Congress to identify any additional authorities as needed.

[The nomination reference of Hon. John M. McHugh follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 6, 2009.

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

John M. McHugh, of New York, to be Secretary of the Army, vice Preston M. Geren.

[The biographical sketch of Hon. John M. McHugh, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF HON. JOHN M. MCHUGH

Congressman John McHugh is currently serving his ninth consecutive term in the U.S. House of Representatives. He represents New York's 23rd Congressional District, home to Fort Drum and the 10th Mountain Division (Light Infantry).

Congressman McHugh was the ranking member (lead Republican) of the House Armed Services Committee. Before becoming ranking member of the full committee, Congressman McHugh was first the chairman of the Morale, Welfare, and Recreation Panel and then chairman and later ranking member of the committee's Subcommittee on Military Personnel. Congressman McHugh is also a senior member of the House Oversight and Government Reform Committee. During the 109th and 110th Congress, Congressman McHugh served as a member of the House Permanent Select Committee on Intelligence.

Representative McHugh began his public service career in 1971 in his hometown of Watertown, where he served for 5 years as a confidential assistant to the city manager. Thereafter, he joined the staff of New York State Senator H. Douglas Barclay, where he served as Chief of Research and Liaison with local governments for 9 years. Succeeding Senator Barclay in 1984, Representative McHugh served four terms in the legislature's upper house before coming to Congress.

Representative McHugh is a resident of Pierrepont Manor in Jefferson County, NY. Born on September 29, 1948, the Congressman was educated in Watertown public schools, graduating in 1966. He received a B.A. in Political Science from Utica College of Syracuse University in 1970, and earned a Master's Degree in Public Administration from the State University's Nelson A. Rockefeller Graduate School of Public Affairs in 1977.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Hon. John M. McHugh in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John M. McHugh.

2. **Position to which nominated:**
Secretary of the Army.

3. **Date of nomination:**
July 6, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 29, 1948; Watertown, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced: Katharine T. Sullivan.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Watertown High School, Watertown, NY; 1962–1966; Diploma, 1966.
Utica College of Syracuse, Utica, NY; 1966–1970; BA, Political Science, 1970.
The University of Albany, SUNY, Albany, NY; 1976–1977; MA, Public Administration, 1977.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Member of Congress, U.S. House of Representatives, January 1993 to present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Ex Officio Member of the Board of Visitors for the U.S. Military Academy at West Point. 10 U.S.C. § 4355.
Ex Officio Member of the Board of Visitors for the Western Hemisphere Institute for Security Cooperation. 10 U.S.C. § 2166.
By nature of my service in Congress, I served on several congressional caucuses and task forces focusing on health care, social security, agriculture and rural affairs, the environment, foreign trade, veterans, tourism, and senior citizens.
Member of the New York State Senate, January 1985–December 1992.
Chief of Research, Liaison with Local Governments, New York State Senator H. Douglas Barclay, 1975–1984.
Confidential Assistant to the City Manager, Watertown, 1971–1975.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

Ex Officio Member of the Council of Directors for the Henry M. Jackson Foundation for the Advancement of Military Medicine. 10 U.S.C. § 178.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Jefferson County Farm Bureau; Chowder and Marching Society; Capitol Hill Club.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Member of the New York State Senate, January 1985–December 1992.

Member of Congress, January 1993 to present.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

See 13(a) and the Committee to Elect McHugh.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None as an individual, however my campaign committee has made political contributions. See attached list. [Nominee responded and the information is contained in committee's executive files.]

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Utica College, Syracuse University, 1986–1987, Circle of 40 Distinguished Alumni Achievement Award.

State University of New York, Albany, Congressional Honor Roll Award.

Utica College, Syracuse University, 2007 Outstanding Alumni Award.

I am also the recipient of numerous awards and citations from various veteran service organizations, military associations, and military honors related to my service in Congress.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Fill the Military's 'Holes in the Yard'" The Hill (September 29, 2008).

I have also posted several columns on my U.S. House of Representatives Web site, http://mchugh.house.gov/. These are:

"Honoring Our Veterans," November 11, 2008.
"A Memorial Day Gift," May 21, 2008.
"The Seeds of Freedom's Tree," May 27, 2007.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Please see attached copies of delivered speeches as well as statements in committee and on the floor of the U.S. House of Representatives.

[Nominee responded and the information is contained in committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN M. MCHUGH.

This 8th day of July, 2009.

[The nomination of Hon. John M. McHugh was reported to the Senate by Chairman Levin on August 4, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 16, 2009.]

[Prepared questions submitted to Dr. Joseph W. Westphal by Chairman Levin prior to the hearing with answers supplied follow:]

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I believe the Goldwater-Nichols Act has had significant and positive impact on Department of Defense (DOD) operations. I believe that the framework established by Goldwater-Nichols has substantially improved interservice and joint relationships and promoted the effective execution of both military department and combatant command responsibilities. I believe that it is very important that the Department work with Congress to continuously assess the law in light of improving capabilities, evolving threats, and changing organizational dynamics. I am currently unaware of any reason to amend Goldwater-Nichols, but if confirmed, I will have an opportunity to assess whether the challenges posed by today's security environment and business operations require amendments to the legislation with a view to continuing the objectives of defense reform.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If confirmed, I look forward to reviewing this milestone legislation and assessing whether any changes should be considered to address the challenges posed by today's security environment.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. My professional background offers several areas of experience that I believe qualifies me for the position of Under Secretary of the Army. First, more than fifteen years of Federal Government service which includes work in the House and Senate as well as, Interior, EPA, and Army. I have a working knowledge of interagency dynamics as well as budgeting, finance, legal and contracting areas within the Federal and State Government arenas.

In addition, my previous position as Chancellor as well as other administrative positions in higher education has provided me with experience in strategic planning, financial management, modernizing business operations and leadership. For example, as Chancellor of the University of Maine System, I implemented the most significant restructuring of the System's business operations. Through the application of a new enterprise operating system, I led the work to completely transform the highly decentralized business operations to a more efficient and cost effective operating system for all business functions.

Finally, my previous positions in DOD as an Assistant Secretary of the Army for Civil Works, Acting Secretary of the Army and a member of President elect Obama's transition team have provided me significant experience in all matters affecting the department and its relations within DOD. I have a strong commitment to building partnerships and strengthening accountability and efficiency. My earlier experience in the Department strengthened my knowledge and respect for the men and women who serve our country in uniform and the civilians who support and strengthen our institutional commitment to our national security.

DUTIES

Question. Section 3015 of title 10, U.S.C., states the Under Secretary of the Army shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

What is your understanding of the duties and functions of the Under Secretary of the Army?

Answer. As set forth above, the Under Secretary of the Army performs such duties and exercises such powers as the Secretary of the Army prescribes. The Under Secretary is the Secretary's principal civilian assistant and advisor on issues of critical importance to the Army. Further, pursuant to section 904 of the National Defense Authorization Act for Fiscal Year 2008, the Under Secretary of the Army is the Chief Management Officer (CMO) of the Department, with the primary management responsibility for business operations. In accordance with section 908 of National Defense Authorization Act for Fiscal Year 2009, the Secretary of the Army acts through the Under Secretary in his role as CMO to carry out an initiative for the business transformation of the Army.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Under Secretary of the Army, as set forth in section 3015 of title 10, U.S.C., or in DOD regulations pertaining to functions of the Under Secretary of the Army?

Answer. If I am confirmed, I will review the current assignment of duties and functions of the Under Secretary of the Army, discuss my findings with the Secretary of the Army and recommend to the Secretary any changes that I believe would enhance the Under Secretary's ability to support for the Secretary of the Army's efforts to ensure that the Department of the Army is effectively and efficiently administered in accordance with law and the policies promulgated by the Office of the Secretary of Defense.

Question. Assuming you are confirmed, what additional duties, if any, do you expect will be prescribed for you?

Answer. I expect that the Secretary will designate me as the CMO of the Department with all of the duties and responsibilities associated with that position. I also expect that the Secretary will assign me duties that most appropriately support his efforts to ensure that the Department of the Army is effectively and efficiently administered in accordance with law and the policies promulgated by the Office of the Secretary of Defense, taking into consideration my background and experience.

RELATIONSHIPS

Question. If confirmed, what would be your working relationship with:

The Secretary of Defense.

Answer. The Secretary of Defense, as head of DOD, possesses full authority, direction, and control over all of its elements. If confirmed, and subject to the authority, direction, and control of the Secretary of the Army, I will support the policy and direction of the Secretary of Defense to the best of my ability.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs such duties and exercises such powers as the Secretary of Defense may prescribe. The Deputy Secretary's responsibilities require him, from time to time, to issue guidance and direction to the military departments. If confirmed, and subject to the authority, direction, and control of the Secretary of the Army, I will support the guidance and direction of the Deputy Secretary of Defense. I will also support and work with the Deputy Secretary in his role as the CMO of DOD.

Question. The Deputy CMO of DOD.

Answer. The Under Secretary of the Army is designated the CMO for the Army. If confirmed, I will deal directly with the Deputy Secretary of Defense (DOD CMO) and the DOD DCMO on the full range of matters dealing with the management of the DOD, and will assist in the development of a comprehensive departmental transformation plan and business systems architecture, and help to identify and implement potential business process improvements.

Question. The Director of the Business Transformation Agency.

Answer. In accordance with title 10, U.S.C., section 192(e)(2), the Director of the Defense Business Transformation Agency reports directly to the Deputy CMO of DOD. Further, the 2009 National Defense Authorization Act, section 908, charges the Army's CMO to consult with the Director of the Defense Business Transformation Agency as to the appointment of the Army's Director of Business Transformation. Further, the Director of Business Transformation of the Army reports directly to the CMO, subject to policy guidance from the Director of the Business Transformation Agency of DOD. If confirmed, I would work closely with the DCMO

to determine needed changes to Departmental transformation plan, business systems architecture, and to identify needed business process improvements.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, as required and subject to the authority, direction, and control of the Secretary of the Army, I will establish and maintain a professional relationship with the Chairman, cooperate with him in the performance of his responsibilities, and communicate with him on policy matters involving the Army.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as may be prescribed by the Chairman with the approval of the Secretary of Defense. If confirmed, as required and subject to the authority, direction, and control of the Secretary of the Army, I will establish and maintain a professional relationship with the Vice Chairman, cooperate with him in the performance of his responsibilities, and communicate with him on policy matters involving the Army.

Question. The Secretary of the Army.

Answer. The Secretary of the Army is the head of the Department of the Army and is responsible for, and has authority to conduct, all affairs of the Department of the Army as prescribed by law or by the President or Secretary of Defense. If confirmed, my relationship with the Secretary of the Army would be close, direct, and supportive. I would work to communicate as effectively as possible with the Secretary regarding the advice, views, and plans of the Secretariat and Army Staff and to oversee the implementation of the Secretary's decisions throughout the Army. I further understand that, if confirmed, I would serve as the CMO of the Department of the Army and understand that in that capacity I would be accountable to the Secretary for the effective and efficient organization and management of the Army's business operations and for carrying out an initiative for the business transformation of the Army. I understand that all of my actions would be subject to the authority, direction, and control of the Secretary of the Army.

Question. The Chief of Staff of the Army.

Answer. The Chief of Staff of the Army performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary. The Chief of Staff also performs the duties prescribed for him by law as a member of the Joint Chiefs of Staff. If confirmed, subject to the authority, direction, and control of the Secretary of the Army I will work with the Chief of Staff as he performs his prescribed duties to ensure that the Army Secretariat and the Army Staff work together efficiently and effectively to accomplish the missions entrusted to the Secretary of the Army and the Secretary of Defense.

Question. The Assistant Secretary of the Army for Civil Works.

Answer. The Assistant Secretary of the Army (Civil Works) (ASA(CW)) has as the principal responsibility overall supervision of the functions of the Department of the Army relating to all aspects of the civil works program. The ASA(CW) has as a principal duty the overall supervision of Army functions relating to programs for conservation and development of national water resources, including flood control, navigation, hydropwer, environmental restoration and wetlands protection. If confirmed, I will cooperate fully with the Assistant Secretary in carrying out the responsibilities of the Secretary.

Question. The other Assistant Secretaries of the Army.

Answer. The four other Assistant Secretaries of the Army help set the Army's strategic direction by formulating and overseeing policies and programs within their respective functional areas of responsibility, consistent with applicable laws and regulations and in accordance with the objectives and guidance of the Secretary of the Army. If confirmed, I will work to establish a strong Secretarial team by maintaining a close and professional relationship with each of the Assistant Secretaries, working together on the day-to-day management and long-range planning needs of the Army.

Question. The General Counsel of the Army.

Answer. The General Counsel is the chief legal officer of the Department of Army and serves as counsel to the Secretary and other Secretariat officials. His duties include providing legal and policy advice to officials of the Department of the Army, as well as determining the position of the Army on any legal question or procedure. If confirmed, I will establish and maintain a close and professional relationship with the General Counsel and will actively seek his/her guidance to ensure that Army policies and practices are in strict accord with the law and the highest principles of ethical conduct.

Question. The Inspector General of the Army.

Answer. The Inspector General of the Army is charged with inquiring into, and reporting on the discipline, efficiency, economy, morale, and training, and readiness of the Army, as directed by the Secretary of the Army or the Chief of Staff. If confirmed, I will establish and maintain a close and professional relationship with The Inspector General of the Army

Question. The Surgeon General of the Army.

Answer. The Surgeon General is a special advisor to the Secretary of the Army and to the Chief of Staff on all matters pertaining to the military health service system. In that role, The Surgeon General assists the Secretary and the Chief in carrying out their responsibilities by ensuring a medically ready force as well as a trained and ready medical force. If confirmed, I intend to work closely with The Surgeon General to ensure that the Army's healthcare systems and medical policies support the Army's objectives, responsibilities, and commitments effectively and uniformly across the total force, with a particular focus on Wounded Warriors.

Question. The Army Business Transformation Office.

Answer. I am advised that in accordance with section 908 of the National Defense Authorization Act for Fiscal Year 2009, the Secretary of the Army has established the Office of Business Transformation of the Department of the Army to assist the CMO of the Army in carrying out a business transformation initiative for the Army. The Office of Business Transformation will be headed by a Director of Business Transformation who shall be appointed by the Army's CMO in consultation with the Director of the Defense Business Transformation Agency, from among individuals with significant experience managing large-scale organizations or business transformation efforts. The Director of Business Transformation of the Army reports directly to the CMO, subject to policy guidance from the Director of the Business Transformation Agency of DOD. If confirmed, I intend to work closely and directly with the Army Business Transformation Office to carry out a business transformation initiative for the Army and will fulfill my statutory obligations regarding the appointment of the Director of Business Transformation of the Army.

Question. The Judge Advocate General of the Army.

Answer. The Judge Advocate General of the Army is the legal adviser of the Chief of Staff of the Army, members of the Army Staff, and members of the Army generally. In coordination with the Army General Counsel, The Judge Advocate General serves as military legal adviser to the Secretary of the Army. The Judge Advocate General also directs the members of the Judge Advocate General's Corps in the performance of their duties and, by law, is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. Therefore, I will establish and maintain a professional and inclusive relationship with The Judge Advocate General and always welcome his views about any legal matter under consideration.

Question. The Chief of the National Guard Bureau.

Answer. The Chief, National Guard Bureau is a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-Federalized National Guard forces and on other matters as determined by the Secretary of Defense and is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States. If confirmed, and subject to the authority, direction, and control of the Secretary of the Army, I will establish a close, professional relationship with the Chief, National Guard Bureau and will communicate with him as he performs his prescribed duties.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges, if any, that you would confront if confirmed as Under Secretary of the Army?

Answer. The Army is faced with many challenges today and in the future, including providing proper support to soldiers and families in time of war, enhancing readiness, providing quality housing, modernizing equipment, and meeting recruiting and retention goals The Army must transform its support infrastructure and integrate base realignment and closure decisions. The Army must provide a quality of life commensurate with the quality of soldiers' service and provide high quality care, particularly for those suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injuries. Finally, the Army must transform Army contracting by improving staff capability and providing leadership and training in this critically important area.

All of these and other issues face the challenges of fiscal constraints while tempo of operations remains high at a time of great fiscal stress for the Nation. If con-

firmed, with direction from the Secretary of the Army, I will address these issues in consultation with this committee and Congress, the President, and the Army leadership.

Question. If confirmed, how would you prioritize and what plans would you have, if any, for addressing these challenges?

Answer. The Army, in helping to sustain our national defense and security, places great demands on our soldiers and their families and in times of war there are significant increases in the stress to the force, soldier readiness, family well being, equipment and modernization, transitioning the Reserve component and many other areas important to the mission.

If confirmed, I will provide my assistance to the Secretary in pursuing initiatives aimed at improving our business operations and provide leadership across the Department in support of his efforts to transform management to meet the critical needs of the Army.

ARMY MANAGEMENT AND PLANNING PROCESS

Question. Over the past several years, the Army's planning, programming, and budgeting process has not kept pace with rapidly changing requirements. While this is more understandable for operational events like the Presidential decision to surge additional forces into Iraq, it is less understandable with respect to long-term programmatic decisions such as the modular conversion of Army brigades or the more recent decision to increase Army end strength. It has become routine for the Army to submit "placeholders" instead of actual program plans in budget requests, and to purchase temporary facilities followed almost immediately by additional funding requests to buy permanent facilities to replace the temporary ones.

What is your understanding and assessment of the Army's management and planning process and any changes or reforms of these processes currently underway?

Answer. I am not in a position to assess the Army's management and planning process at this time, however, if confirmed, I will make it a priority to understand this process and recommend and implement changes as necessary to improve planning and budgeting.

Question. If confirmed, what additional changes would you propose, if any, to correct or improve management and planning processes?

Answer. If confirmed, I will examine how Army can seek improvements that can be instituted to make the process more efficient and more adaptive to the changing environment.

Question. In your view, does the Army have enough people with the right skills to manage the changes being attempted, or is the Army undertaking more organizational change than it is capable of accomplishing during a time of war?

Answer. At this time I am not in a position to assess if the Army has enough people with the right skills to manage the changes being attempted.

Question. The Army budget, including annual base and supplemental appropriations, has grown significantly in both absolute and relative terms since the start of the wars in Afghanistan and Iraq. However, the Army's annual base budget request to Congress has not provided full funding for planned procurement or operation and maintenance costs related to force reset, nondeployed readiness, or, in some cases, modernization. Instead, the Army has pushed requests for significant portions of these costs into later supplemental appropriations. This in turn causes cash flow challenges throughout the fiscal year that appear to invariably result in threats of the cancellation of contracts, work stoppage, and civilian workforce furloughs.

If confirmed, what changes in management would you propose, if any, to reduce or eliminate the Army's chronic cash flow challenges?

Answer. I do not have sufficient information at this time to recommend any changes to the Army's cash flow management.

DUTIES AND RESPONSIBILITIES AS CHIEF MANAGEMENT OFFICER

Question. Section 904 of the National Defense Authorization Act for Fiscal Year 2008 designates the Under Secretary of the Army as the Army's CMO. Section 908 of the National Defense Authorization Act for Fiscal Year 2009 requires the CMO of each of the military departments to carry out a comprehensive business transformation initiative, with the support of a new Business Transformation Office.

What is your understanding of the duties and responsibilities of the Under Secretary in his capacity as CMO of the Department of the Army?

Answer. Pursuant to section 904 of the National Defense Authorization Act for Fiscal Year 2008, the Under Secretary of the Army is the CMO of the Department, with the primary management responsibility for business operations. The Secretary of the Army is charged to assign to the Under Secretary such duties and authorities

as are necessary to organize and administer the business operations of the Army effectively and efficiently, in accordance with the policies promulgated by the Secretary of Defense. In accordance with section 908 of National Defense Authorization Act for Fiscal Year 2009, the Secretary of the Army acts through the Under Secretary, in his role as CMO, to carry out an initiative for the business transformation of the Army. This responsibility includes developing and implementing both a comprehensive business transformation plan and a business systems architecture and transition plan.

Question. What background and expertise do you possess that you believe qualify you to perform these duties and responsibilities?

Answer. I believe my previous service in the Federal Government, in both the Legislative and the executive branches has afforded me extensive experience in budgeting, strategic planning, program management and evaluation, finance, legal and contracting areas. Also as Chancellor of a large university system, I led a significant overhaul of all business operations from a highly decentralized and inefficient management system to a more coordinated and cost effective operation. Finally, my experience as Assistant Secretary of the Army for Civil Works and Acting Secretary of the Army have provided me with experience in the Department and a strong knowledge of its mission, operations, and business processes.

Question. Do you believe that the CMO and the Business Transformation Office have the resources and authority needed to carry out the business transformation of the Department of the Army?

Answer. I have been advised that Secretary of the Army Geren made a conscious choice to defer to his successor significant decisions regarding the roles and responsibilities of the Army's CMO and Director of Business Transformation and the structure, organization, and staffing of their respective offices. If confirmed, I would expect that the Secretary of the Army and I would focus immediately on developing and implementing the roles, responsibilities, and authorities of the CMO and the Office of Business Transformation, both to meet statutory mandates and to gain the most benefit for the Army, and on resourcing the Chief Management Office and the Office of Business Transformation.

Question. What role do you believe the CMO and the Business Transformation Office should play in the planning, development, and implementation of specific business systems by the military departments?

Answer. It is my understanding that the CMO has "the primary management responsibility for business operations" of the Army and is responsible to carry out an initiative for the business transformation of the Army. By law, the objectives of the Army's business transformation initiative must include the development and implementation of both a business transformation plan to achieve an integrated management system for the Army's business operations and of an enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes. In my view, these objectives will require the CMO and the Office of Business Transformation to align business systems with strategic priorities, with a view to overcoming gaps in the Army's ability to carry out its title 10 functions. If confirmed, and consistent with the Secretary of the Army's guidance, I will work to oversee the development and implementation of business systems to maximize the effectiveness and efficiency of the Army's business operations.

Question. What changes, if any, would you recommend to the statutory provisions establishing the position of CMO and creating the Business Transformation Office?

Answer. It is my understanding that the Army is in the initial stages of implementing these statutory provisions. If confirmed, I look forward to reviewing the implementation, and, together with the Secretary of the Army, assessing and recommending modifications, as appropriate.

Question. Section 2222 of title 10, U.S.C., requires that the Secretary of Defense develop a comprehensive business enterprise architecture and transition plan to guide the development of its business systems and processes. The Department has chosen to implement the requirement for an enterprise architecture and transition plan through a "federated" approach in which the Business Transformation Agency has developed the top level architecture while leaving it to the military departments to fill in most of the detail. The Army's business systems, like those of the other military departments, remain incapable of providing timely, reliable financial data to support management decisions. In particular, the Government Accountability Office has reported that the Army has not yet followed DOD's lead in establishing new governance structures to address business transformation; has not yet developed a comprehensive enterprise architecture and transition plan that plugs into DOD's federated architecture in a manner that meets statutory requirements; and instead continues to rely upon old, stovepiped structures to implement piecemeal reforms.

If confirmed, what steps, if any, would you take to ensure that the Army develops the business systems and processes it needs to appropriately manage funds in the best interest of the taxpayer and the national defense?

Answer. I expect that if I am confirmed, the Secretary of the Army will direct me to supervise the Office of Business Transformation in: transforming the budget, finance, accounting, and human resource operations of the Army, consistent with the Army's business transformation plan; eliminating or replacing financial managements systems that are inconsistent with the Army's overall business systems architecture and transition plan; and ensuring that the Army's plans are implemented in a manner that is aggressive, realistic, and accurately measured. I believe that each of these efforts will advance, in some way, the Army's development of the business systems and processes it needs to appropriately manage funds in the best interests of the taxpayer and the national defense.

Question. Do you believe that a comprehensive, integrated, enterprise-wide architecture, and transition plan is essential to the successful transformation of the Army's business systems?

Answer. Yes.

Question. What steps would you take, if confirmed, to ensure that the Army's enterprise architecture and transition plan meet the requirements of section 2222?

Answer. If confirmed, I will work closely with the Deputy CMO of DOD and with the Director of the Defense Business Transformation Agency and with all of the Army Assistant Secretaries to ensure that the business transformation initiatives, plans, programs, and systems developed by the Army are fully coordinated and compatible with the business systems architecture and transition plan implemented by DOD pursuant to title 10, U.S.C., section 2222.

Question. What are your views on the importance and role of timely and accurate financial and business information in managing operations and holding managers accountable?

Answer. In my view, timely and accurate financial and business information are absolutely critical to the Army's management of operations and to its ability to hold managers accountable for the results of their business-related decisions.

Question. How would you address a situation in which you found that reliable, useful, and timely financial and business information was not routinely available for these purposes?

Answer. If confirmed, I would work diligently in my role as the CMO, to oversee the work of the Office of Business Transformation to develop and implement aggressive and realistic actions to rectify this sort of problem.

Question. What role do you envision playing, if confirmed, in managing or providing oversight over the improvement of the financial and business information available to Army managers?

Answer. I understand that the CMO is responsible for achieving an integrated management system for the business operations of the Army, a critical component of which is providing Army managers timely and accurate financial and business information in support of their operations and decisions. If confirmed, I will work with the Assistant Secretaries of the Army, other Army Secretariat officials, members of the Army Staff, and other Army officials, to include the Director of the Office of Business Transformation, in their respective functional areas, to develop and oversee the implementation of plans, processes, and systems capable of providing accurate and timely information in support of the Army's business decisions.

ACQUISITION ISSUES

Question. Many experts have acknowledged that DOD may have gone too far in reducing its acquisition work force, resulting in undermining of its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. I do not have sufficient information at this time to make this assessment. If I am confirmed, I would immediately assess this issue and work with the appropriate Army leadership to make sure the Army has the appropriate workforce levels to do the job.

Question. If so, what steps do you believe the Department of the Army should take to address this problem?

Answer. Acquisition reform is a top priority of President Obama and of Secretary Gates and if confirmed, I will make it one of my top priorities to ensure that the Department of the Army makes maximum use of the acquisition workforce authorities provided in the National Defense Authorization Act for Fiscal Year 2008 necessary to grow, recruit, and retain a corps of acquisition professionals adequate to manage and oversee the Department's acquisition functions.

Question. Major defense acquisition programs in the Department of the Army and the other military departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes.

Question. What steps, if any, do you believe the Army should take to address funding and requirements instability?

Answer. Stable requirements and funding are critical for a successful acquisition program. If confirmed, I will carefully examine the Army's requirements generation, resourcing, and acquisition processes and seek to maximize stability in funding and requirements.

Question. The Comptroller General has found that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

Answer. Yes.

Question. If so, what steps do you believe the Department of the Army should take to address these problems?

Answer. I do not have sufficient information and data at this time to outline necessary steps needed to correct these issues. If confirmed, I will focus on insuring their timely implementation in order to develop stable, defined requirements and rigorous program oversight.

Question. By some estimates, DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Army should take to improve the staffing, training and management of its acquisition of services?

Answer. If confirmed, I would expect the Secretary of the Army to direct an assessment of services acquisition to include organization, policy and processes to ensure we have an effective management structure. I would also work with the Secretary to ensure that service acquisition management was properly resourced.

Question. Do you agree that the Army should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. The Army should have the processes and systems in place to conduct spending analyses and enhance the overall management of service contracts. I understand there are some information management systems in place, but they were not intended to do comprehensive spending analyses and may need to be enhanced. If confirmed, I would support this effort.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multi-agency contracts. DOD is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Army should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department of the Army?

Answer. It is my understanding that the Office of Federal Procurement Policy, DOD, and the Army have issued new and/or revised policy, procedures and guidance to address the problems identified by the Inspector General. If confirmed, I would work with the Secretary of the Army to ensure that the Army's Procurement Management Review Team makes assessing the Army's compliance with the revised policy and procedures and the overall effectiveness of the revised policy and procedures an item of special interest.

ARMY MODERNIZATION

Question. In general, major Army modernization efforts have not been successful over the past decade. Since the mid-1990s, Army modernization strategies, plans, and investment priorities have evolved under a variety of names from Digitization, to Force XXI, to Army After Next, to Interim Force, to Objective Force, to Future

Combat System and Modularity. Instability in funding, either as provided by DOD or Congress, has been cited by the Army and others as a principal cause of program instability. For the most part, however, the Army has benefited from broad DOD and Congressional support for its modernization and readiness programs even when problems with the technical progress and quality of management of those programs have been apparent—the Armed Reconnaissance Helicopter is a recent example.

What is your assessment, if any, of the Army's modernization record?

Answer. The Army's modernization record demonstrates the complexity of the rapidly changing threat environment. If confirmed, I will work with the Secretary of the Army to equip and modernize the force.

Question. If confirmed, what actions, if any, would you propose to take to achieve a genuinely stable modernization strategy and program for the Army?

Answer. Stable, predictable Total Obligation Authority allows the Army to balance these needs, chart a course, and stick to it. If confirmed, I will work with the Secretary of the Army, the Office of the Secretary of Defense (OSD), and Congress to arrive at that stable funding level, and subsequently a stable modernization program. The second element necessary for action is ensuring that the Departments of the Army and the rest of DOD understand and synchronize the requirements that must be pursued.

Question. What is your understanding and assessment of the Army's modernization investment strategy?

Answer. I do not have sufficient information to assess the Army's modernization investment strategy. If confirmed, I would plan a thorough review of these investments.

Question. In your view does the Army's modernization investment strategy appropriately or adequately address current and future capabilities that meet requirements for unconventional or irregular conflict?

Answer. I do not have the necessary knowledge or data to accurately and reliably answer this question. If confirmed, I will do my utmost to address it.

Question. If confirmed, what other investment initiatives, if any, would you pursue in this regard?

Answer. A full review of the Army's investment initiatives will be an early goal of mine if I am confirmed. At this point, however, it is premature for me to offer recommendations on adjusting investment initiatives.

Question. If confirmed, what actions, if any, would you propose to ensure that all these initiatives are affordable within the current and projected Army budgets?

Answer. I believe one of the strengths of the Defense Program is to specifically address affordability and the outyear projection of long term funding requirements. Those processes have been strengthened by initiatives by Congress and within OSD. If confirmed I will have the required visibility and access to the management structure that will allow me to provide these recommendations.

Question. In your view, what trade-offs, if any, would most likely have to be taken should budgets fall below or costs grow above what is planned to fund the Army's modernization efforts?

Answer. If confirmed, I will make every effort to ensure that the Army builds a balanced program to respond to defense needs as directed by national and defense policy. In doing so, trade-offs will occur with areas of risk carefully considered, and if required, adjusted in coordination with OSD and Congress.

ARMY WEAPON SYSTEM PROGRAMS

Question. What is your understanding and assessment of the following research, development, and acquisition programs?

Future Combat System (as restructured).

Answer. As this response is being written, there continues to be a great deal of activity and change in the FCS program, especially with the Defense Authorization Bill currently being debated on the floor of the Senate. My understanding is that the Army has been directed to transition to an Army modernization plan consisting of a number of integrated acquisition programs: (1) Spin Out Early-Infantry Brigade Combat Team (BCT); (2) Follow-on BCT Modernization/Equipment for BCT Modernization; (3) Ground Tactical Network capability; and (4) a new Ground Combat Vehicle platform. I am not yet in a position to offer an informed assessment of these efforts, If confirmed, I will work to advise the Secretary of the Army on both the R&D and the Acquisition programs.

Question. Stryker combat vehicle, including the Stryker mobile gun variant.

Answer. While I am not yet in a position to offer an informed assessment of the Stryker program, I understand that Stryker variants have been in production since

2004 and that this system has been used successfully in Iraq and is preparing to deploy to Afghanistan.

Question. Joint Light Tactical Vehicle (JLTV).

Answer. While I am not yet in a position to provide an informed assessment of JLTV, I understand that it is a relatively new joint Service developmental program, which consists of a family of vehicles with companion trailers, capable of performing multiple mission roles. It is my understanding that the JLTV will be designed to provide protected, sustained, networked mobility for personnel and payloads across the full range of military operations (traditional to irregular).

Question. Armed Reconnaissance Helicopter (ARH).

Answer. It is my understanding that the Army has an enduring requirement for a light, manned, armed reconnaissance helicopter that was unaffected by the termination of the ARH program. While I am not yet in a position to provide an informed assessment of Armed Scout Helicopter, I understand that this latest effort is completing pretechnology development activities under the supervision of the Defense Acquisition Executive.

Question. M1 Abrams tank modernization.

Answer. The Abrams Tank has been an integral part of the Army's force structure for decades. I understand that as a result of the Operation Iraqi Freedom, the system has encountered performance decrements that impact the tank's operational performance and reliability, and that the Abrams tank modernization strategy has been initiated to address these issues. While I am not yet in a position to provide an informed assessment of this effort, I understand that it is intended to enable the Abrams tank to maintain its leading edge in survivability, lethality, and maintainability through 2050.

Question. M2 Bradley infantry fighting vehicle modernization.

Answer. The Bradley also has been an integral part of the Army's force structure for decades. I understand that as a result of the Operation Iraqi Freedom, the program has encountered performance decrements that impact the vehicle's operational performance and reliability and that modernization efforts have been initiated to address these concerns. While I am not yet in a position to provide an informed assessment of this effort, I understand that it is intended to enable the Bradley to maintain its leading edge in survivability, lethality, and maintainability through 2050.

Question. Warfighter Information Network-Tactical (WIN–T).

Answer. While I am not yet in a position to provide an informed assessment of WIN–T, it is my general understanding that this program is the Army's critical modernization effort for managing electronic information in the tactical environment. I understand that the WIN–T capabilities are built on proven Government and commercial technology using voice, video, and data.

Question. Logistics Modernization Program (LMP).

Answer. While I am not yet in a position to provide an informed assessment of LMP, I understand that this program is designed to support, replace, and modernize aging, obsolete, and increasingly costly automation systems used at the national logistics level. I understand that when fully implemented, this program is intended to greatly enhance the Army's logistics capabilities to manage inventories, process millions of transactions, and it will integrate many critical DOD software systems. This effort is designed to unify and modernize our national logistics capabilities.

Question. Joint Tactical Radio System (JTRS).

Answer. While I am not yet in a position to provide an informed assessment of JTRS, I understand that this program is part of the Army's and DOD's network modernization effort. I understand that the system will provide the fully mobile, flexible, dynamic radio networking capability needed to support a highly dispersed force over a noncontiguous area.

MINE RESISTANT AMBUSH PROTECTED (MRAP) VEHICLES

Question. If confirmed, what would you propose should be the Army's long-term strategy for the utilization and sustainment of its large MRAP vehicle fleet?

Answer. The MRAP was procured in response to a Joint Urgent Operational Need Statement from Multi-National Corps Iraq in June 2006. The initial intent was to replace all up-armored HMMWVs (UAH) in theater because those vehicles could not provide the required levels of protection and previous modifications had greatly reduced vehicle payload. The urgent nature of this program resulted in many steps associated with a traditional acquisition process being deferred in an effort to expedite delivery to the field. If confirmed, I will work with the Secretary of the Army to determine the long-term role for the Army's fleet of MRAPs.

MODULARITY

Question. Modularity refers to the Army's fundamental reconfiguration of the force from a division-based to a brigade-based structure. The new modular brigade combat team is supposed to have an increased capability to operate independently based upon increased and embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as, or more capable than the divisional brigades they replace because they will have a more capable mix of equipment—such as advanced communications and surveillance equipment. To date, the Army has established over 80 percent of its planned modular units, however, estimates on how long it will take to fully equip this force as required by its design has slipped from 2011 to 2019.

What is your understanding and assessment of the Army's modularity transformation strategy?

Answer. It is my understanding, the Army's modular transformation was designed to create a more expeditionary capable force that will address the full-spectrum of missions emerging from a post-Cold War strategy. The Army Campaign Plan and force management processes help synchronize and implement the transformation strategy across the active, Army National Guard and Army Reserve components. If confirmed, I will support the Secretary of the Army in undertaking this assessment.

Question. In your view, what are the greatest challenges in realizing the transformation of the Army to the modular design?

Answer. The Army faces two major challenges—restoring balance to a force experiencing the cumulative effects of 7 years of war and setting conditions for the future to fulfill the Army's strategic role as an integral part of the Joint Force.

Question. If confirmed, what actions or changes, if any, would you propose relative to the Army's modular transformation strategy?

Answer. If confirmed, I will work with the Secretary of the Army to ensure that the Army Campaign Plan and goals for modularity are consistent with Department's strategy for the current and future environment, in an era of persistent conflict. I would work with the Secretary of the Army to assess the work of the QDR and its projections in relations to current Army plans.

Question. What is your understanding and assessment of the employment and performance of modular combat brigades and supporting units in Operations Iraqi Freedom and Enduring Freedom?

Answer. At present, I do not have the necessary information to render such an assessment. If confirmed, I would work to better understand the performance of modular combat brigades and supporting units and support the Secretary of the Army in an assessment of that performance.

Question. What changes, if any, would you propose to the modular design, the mix of combat and supporting brigades, or modular unit employment to improve performance or reduce risk?

Answer. At this time I do not have sufficient information to suggest any changes to the modular design.

ACTIVE-DUTY END STRENGTH

Question. The Army has increased its Active-Duty end strength to meet current and future operational requirements. The Army had planned to increase its end strength to 547,400 by 2010, but has already achieved this goal in 2009.

In your view, what is the appropriate Army Active-Duty end strength needed to meet the demand for deployed forces, increase nondeployed readiness, build strategic depth, and relieve stress on soldiers and their families?

Answer. At this time, I do not have the information to predict accurately the appropriate Army end strength. However, I support the Secretary of Defense's recognition that the Army is under stress and requires additional Active component manpower.

Question. If Army end strength is projected to be above 547,400 in fiscal years 2009 or 2010, how would you propose, if confirmed, to fund the additional end strength above levels budgeted for fiscal year 2010?

Answer. If confirmed, I will work closely with the Secretary of the Army and the Assistant Secretary of the Army (Financial Management and Comptroller) to identify appropriate funding sources, and I will support the Secretary of the Army's efforts to seek assistance from the Secretary of Defense and Congress, as necessary, to ensure an appropriate level of funding.

Question. Do you believe that the Army's Active-Duty end strength should increase by 30,000 in the 2010 to 2012 timeframe and beyond?

Answer. I fully support the recognition by the Secretary of Defense that the Army is under stress and needs additional Active component manpower, up to a temporary increase of 22,000. If confirmed, I will support the Secretary of the Army's efforts to ensure that any projected increase is well-analyzed, fully coordinated, and fully justified.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel and related entitlement spending continues its steep upward growth and is becoming an ever increasing portion of the DOD budget.

If confirmed, what actions would you take to control the rise in the Army's personnel costs and entitlement spending?

Answer. I have been advised that the military departments have limited authority to reduce overall personnel costs and entitlement spending. If I am confirmed, I will work with the Secretary of the Army to ensure adequate oversight to provide early warning regarding the costs and effects of proposed new military pays or benefits.

Question. If confirmed, what actions would you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. As my experience has taught me about change in any large organization, military personnel changes take time to execute and implement throughout the force. If confirmed, I will work closely within the Army and with DOD to advance the Secretary of the Army's efforts to budget accurately and monitor budget execution, end strength, and the use of incentives to ensure the Army remains in balance.

LESSONS LEARNED

Question. What do you believe are the major lessons that the Department of the Army has and should have learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) regarding its title 10, U.S.C., responsibilities for manning, training, and equipping the force?

Answer. Lessons learned from OEF/OIF have caused the Army to adjust its training and equipment to fight an adaptable, determined enemy. On the homefront, the pace of operations has placed great stress on Army families and Army has had to build programs to better support families. Army has also had to expand language skills and enhance cultural awareness to be successful in the operations and missions Army is engaged in today and likely will be engaged in the future. The Army must continue to modernize and sustain its combat training centers, home station training, and institutional training. The Army must continue to look for ways to enhance its capabilities in Detention operations. With growth in the Army's force structure and the challenges this places on training, the Army needs to continue to assess ways to train efficiently, using training resources from all Army components, as appropriate. Because of the large load that the Army National Guard and the U.S. Army Reserve is pulling, the Army needs to assess continually its mobilization policies, balancing training requirements to meet the appropriate level of Reserve component operational readiness with domestic missions and requirements.

Question. If confirmed, which of these lessons, if any, would you address as a matter of urgent priority?

Answer. I believe the Army leadership must take each of these on as priorities. If confirmed, I anticipate discussing these matters with the Secretary of the Army and the uniformed leadership to determine what areas I could best manage in view of my background, position, and skills. I would consider most urgent those that directly impact the safety, welfare and quality of life for soldiers and their families.

COMMISSION ON ARMY ACQUISITION AND PROGRAM MANAGEMENT IN EXPEDITIONARY

Question. The Commission on Army Acquisition and Program Management in Expeditionary Operations concluded that "the Army sent a skeleton contracting force into theater without the tools or resources necessary to adequately support our warfighters." According to the Commission, "Contracting, from requirements definition to contract management, is not an Army Core Competence. The Army has excellent, dedicated people; but they are understaffed, overworked, under-trained, under-supported, and most important, undervalued."

Do you agree with the conclusions reached by the Commission?

Answer. Yes.

Question. The Commission report states that "The Army's difficulty in adjusting to the singular problems of Kuwait, Iraq, and Afghanistan is in large part due to the fact that there are no generals assigned to contracting responsibilities." The Commission recommends that Congress authorize "a core set of 10 additional General Officers for contracting positions".

Do you support the recommendation of the Commission?

Answer. I have read the recommendations but do not have enough information beyond the report to provide a definitive answer to this question. If confirmed, I would assess the findings in light of current conditions and review actions taken and anticipated to address the Commission's recommendations.

Question. What is your understanding of the steps the Army has taken to address this recommendation?

Answer. I know that Congress has authorized 10 additional General Officer billets, 5 for the Army and 5 for Joint Commands, and I applaud that. I have been informed that the Army selected one additional acquisition General Officer last year with more to come

Question. If confirmed, what additional steps, if any, would you take to address this recommendation?

Answer. If confirmed, I would begin to look at this matter by first seeking to put more focus on the recruitment, training and development of the military contracting corps to ensure the Army has a strong pipeline of capable colonels to fill these general officer positions in the near and long term.

Question. The Commission report states that "The number and expertise of the military contracting professionals must be significantly increased" to address the problems we have experienced in theater. The Commission recommends that the Army hire 2,000 new contracting personnel.

Do you support the recommendation of the Commission?

Answer. Yes.

Question. What is your understanding of the steps the Army has taken to address this recommendation?

Answer. I do not have sufficient information to provide an informed answer to this question.

Question. If confirmed, what additional steps, if any, would you take to address this recommendation?

Answer. Under the direction of the Secretary of the Army, if confirmed, I would examine the entire contracting process in the Army, from requirements definition to the final receipt and payment for goods and services received. As best practices emerge from these efforts, they will be shared across the entire contracting workforce.

Question. The Commission report states that most civilians working on contracting issues in Iraq were "volunteers, often with inadequate or wrong skill sets for the job at hand, and often getting their required contracting experience on-the-job as part of their deployment." The Commission recommends that qualified civilians who agree to deploy be provided enhanced career and job incentives. These include the elimination of an existing pay cap, tax-free status, and long-term medical care for injuries incurred in-theater.

Do you support the recommendations of the Commission?

Answer. I support the Commission's recommendations.

Question. What is your understanding of the steps that the Army has taken to implement these recommendations?

Answer. It is my understanding that Congress has authorized several incentives to foster civilian participation in future expeditionary operations, specifically pay adjustments, and life insurance. I also understand that the Army is working with the other Services and the Defense Acquisition University to enhance training and increase the number of training courses.

Question. If confirmed, what additional steps, if any, would you take to address these recommendations?

Answer. If confirmed, I would need to assess progress on all recommendations. Without that assessment I am currently unable to specify what steps need to be taken to further implement the recommendations.

Question. The Commission report states that some DOD and Army policies actively discourage the deployment of civilians. For example, the report states that volunteers are required to be sent on 'detail,' so that the providing office has to pay salary and expenses of deploying civilians out of their existing budgets without any reimbursement or backfilling. As a result, the Commission reports, managers in the United States have actively discouraged civilians from volunteering.

Do you agree with the Commission's findings on this issue?

Answer. It is my understanding that volunteers represent "out of hide" costs that place burdens on CONUS contracting offices—particularly in areas where there are hard to fill contracting jobs or in locations impacted by BRAC. Also, given that the contracting workforce has been cut by approximately 50 percent since the early 1990s while workload has more than doubled increasing the likelihood that volun-

teering may have been discouraged at some activities. At the same time, I am gratified that so many civilians have volunteered to deploy in support of our troops.

Question. What is your understanding of the steps that the Army has taken to address this problem?

Answer. I understand the Army is in the process of standing up a new command—the Expeditionary Contracting Command under the Army Contracting Command to better support this mission.

Question. If confirmed, what additional steps, if any, would you take to address this problem?

Answer. If confirmed, I would support staffing plans that would add the required deployable workforce with the right skill mix to support proper execution and oversight of contracts in theater.

Question. The report states that Contracting Officer's Representatives (CORs) are an "essential part of contract management", because they are responsible for ensuring contract performance. According to the report, however, "CORs are assigned as . . . an 'extra duty,' requiring no experience. . . . The COR assignment is often used to send a young soldier to the other side of the base when a commander does not want to have to deal with the person. Additionally, little, if any training is provided. . . . Despite this, there are still too few CORs. Moreover, COR turnover is high, frequently leaving many gaps in contract coverage."

Do you agree with the Commission's assessment of the CORs assigned in Iraq and Afghanistan?

Answer. Although I have not yet been fully briefed on this issue, I have no reason to disagree with the Commission's assessment. I can understand that there would be challenges in obtaining the number of CORs needed and ensuring those CORs have the proper training in COR processes and technical background necessary to monitor contractor performance effectively.

Question. What is your understanding of the steps that the Army has taken to address this problem?

Answer. At this time I am not aware of the specific steps taken by the Department to address this problem.

Question. If confirmed, what additional steps, if any, would you take to address this problem?

Answer. If confirmed, I would continue to support actions to ensure a sufficient number of trained CORS with the right technical skill sets are assigned in theater to provide appropriate contractor oversight.

CONTRACT SUPPORT FUNCTIONS

Question. DOD has engaged in the privatization of many of its support functions. As a result, the Department now relies heavily on contractors to perform acquisition, budget, and financial management functions that are critical to the execution of the Department's mission. Senior DOD officials have informed the committee both formally and informally that, because of reductions in the acquisition workforce, the Department now lacks the capability to effectively oversee the work performed by its support contractors.

Do you believe that the Army has become too reliant upon contractors to perform critical functions?

Answer. I agree with President Obama's government contracting memorandum of March 4, 2009, directing the Federal Government to ensure that functions that are inherently governmental in nature are performed by executive agencies and are not outsourced. If confirmed, I would work with leaders across the Army to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. What steps, if any, do you believe the Army should take to ensure that it has the resources it needs to provide effective oversight for its support contractors?

Answer. Working within existing manpower constraints, the Army needs to ensure that its limited contract oversight resources are organized and employed in the most efficient manner. In addition, it needs to continue to place appropriate management emphasis on COR training.

Question. The privatization of functions previously performed by DOD employees now extends to many functions performed on the battlefield. As a result, many functions that were performed by DOD personnel as recently as the Gulf War have been performed by contractor personnel in the current conflicts in Iraq and Afghanistan.

Do you believe that DOD has reached, or exceeded, an appropriate balance in providing for the performance of functions by contractors on the battlefield?

Answer. At this time I do not have the information necessary to answer this question fully. If confirmed, I will assess this issue and obtain the necessary information to address policy and future management options.

Question. Where do you believe that DOD should draw the line between functions on the battlefield that can and should be performed by contractors and functions that should only be performed by DOD personnel?

Answer. This is a complex matter. It is simple to state that inherently governmental functions should not be contracted out, however, the complexities of today's irregular conflicts and the increased sophistication of outside contractors have made these lines less clear. If confirmed, I would undertake efforts to better understand policy and requirements and work with OSD, the other Services, and the Army Staff to provide a more definitive answer to this important question.

Question. Do you believe that contractors on the battlefield are subject to appropriate levels of control and accountability for their actions, or would additional regulation be appropriate?

Answer. I have not been fully briefed on these matters and hesitate to render an opinion without further information. If confirmed, I will assess if existing controls are appropriate.

PRIVATE SECURITY CONTRACTORS

Question. The Special Inspector General for Iraq Reconstruction (SIGIR) recently reported that Federal agencies including DOD have spent more than $5 billion for private security contractors in Iraq since 2003. Over this period, there have been numerous reports of abuses by private security contractors, including allegations of contractors shooting recklessly at civilians as they have driven down the streets of Baghdad and other Iraqi cities. In September 2007, employees of Blackwater allegedly opened fire on Iraqis at Nisour Square in downtown Baghdad, killing more than a dozen Iraqis and wounding many more.

Do you believe the Army should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. It is my understanding that U.S. forces currently rely on contractors to 'free-up' manpower for accomplishing missions focused on campaign objectives. If confirmed, I would seek addition information on this matter and request the advice of the Army General Counsel and the JAG in order to both render an opinion and implement policy.

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq?

Answer. If confirmed, subject to the authority, direction, and control of the Secretary of the Army, I would work with other appropriate elements at OSD and Army to seek agreement with the Department of State and DOD in establishing and defining a framework for improved accountability and operational oversight of PSCs in theater.

Question. What steps would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. If confirmed, I would comply with current mandates to minimize reliance on private security contractors to the maximum extent practicable. Any effort to assess the performance of private security contractors would require consultation with Army OGC, IG, and OSD policy.

Question. How do you believe the ongoing operations of private security contractors in Iraq are likely to be affected by the new Status of Forces Agreement between the United States and Iraq?

Answer. At this time, I do not have the appropriate information to make this determination.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. I am generally not aware of the provisions of the Military Extraterritorial Jurisdiction Act of 2000 (MEJA). If confirmed, I would coordinate closely with the Office of General Counsel in the application of the act to private security contractors.

Question. What is your view of the appropriate application of the Uniform Code of Military Justice (UCMJ) to employees of private security contractors operating in an area of combat operations?

Answer. I strongly support the position that civilians serving with or accompanying our Armed Forces overseas who commit crimes should be held accountable

as appropriate. The UCMJ provides commanders the tools necessary to maintain good order and discipline and the morale, welfare and safety of all those under their jurisdiction during military operations. Because misconduct by contractors may undermine good order and discipline, discredit the Army, or remain unaddressed absent the exercise of jurisdiction, Congress extended UCMJ jurisdiction over such individuals. The Secretary of Defense, in turn, published guidance on the prudent exercise of such jurisdiction in a memorandum of March 10, 2008. This guidance ensures that the Department of Justice and DOD each play an appropriate role in resolving whether, and under which system, jurisdiction might be better exercised in each potential case.

Question. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons"

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. I have not been fully briefed on current policies regarding OMB Circular A–76. If confirmed, I intend to study this issue in greater depth to better understand the Army's assessment regarding this matter.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. I have not been sufficiently briefed on this matter to render an opinion for the committee. If confirmed, I will give this matter great focus and consider it in the context of those responsibilities assigned to me by the Secretary of the Army.

Question. Do you believe that the Army fully considered these issues before deciding which functions should be assigned to private contractors in Iraq?

Answer. At this time I do not have the necessary information to answer this question.

Question. Do you see a need for a comprehensive reevaluation of these issues now?

Answer. I support the principles and policies set forth in President Obama's memorandum of March 4, 2009. That memorandum directs the Office of Management and Budget, in coordination with the Secretary of Defense, among others, to develop and issue governmentwide guidance to assist executive branch agencies in reviewing the propriety of existing contracts and to formulate corrective action when appropriate. I believe that any such review must include an appraisal of inherently governmental functions and other critical government functions and how they are performed. If confirmed, I will support any such review and corrective action, particularly as it relates to matters under my purview.

IRAQ AND AFGHANISTAN DEPLOYMENTS

Question. Many soldiers are on their third and some their fourth major deployment to Iraq or Afghanistan. In 2007, in order to support the surge of forces to Iraq, unit deployments were extended to 15 months and dwell time in some cases less than 12 months. Beginning in August 2008 DOD policy has been to limit deployments for Active component soldiers and mobilization of Reserve component soldiers to not longer than 12 months.

What is your assessment of the impact of multiple deployments of troops to Afghanistan and Iraq on retention, particularly among young enlisted and officer personnel after their initial obligated service has been completed?

Answer. It is my understanding that the Army monitors retention very closely given the high operational demand and multiple deployments that soldiers are experiencing. I also understand that statistics reveal that multiple deployments to Afghanistan and Iraq are not adversely impacting enlisted retention. As to officers, I understand that the multiple deployments required in order to ensure our Nation's success in our overseas contingency operations have not resulted in increased attrition of mid-grade officers over the past several years. Beyond this general overview, I do not have sufficient information to give a more detailed response or provide data.

Question. What are the indicators of stress on the force, and what do these indicators tell you about that level of stress currently? In addition to any other stress indicators that you address, please discuss suicide and divorce rates, drug and alcohol abuse, AWOLs, and rates of indiscipline.

Answer. In this period of high operational and personnel tempo, Army leaders—officers and noncommissioned officers—must maintain a constant awareness of both the physical and mental condition of their soldiers and families and address con-

cerns constructively as soon as they come to light. It is my understanding that reenlistment rates are high, one indication that soldier morale remains strong. I understand that other indicators of stress on the force, such as substance abuse and divorce, have increased. Of great concern to all is the significant increase in the number of soldier suicides. If confirmed, I will fully support the Secretary of the Army's commitment to provide soldiers and families with a quality of life commensurate with their service and continue Army efforts to develop multi-disciplinary solutions directed at mitigating risk behaviors and addressing the painful issue of soldier suicides. If confirmed, I would work diligently to address these critically important issues and to enhance soldier and family fitness and resilience.

Question. For how long do you believe these levels of commitments can continue before there will be significant adverse consequences for the Army?

Answer. The President, the Secretary of Defense, this committee, and Congress have expressed great concern over multiple deployments and the need for soldiers to have more time at home between deployments. An Army out of balance puts great stress on the force and it is my understanding that the Secretary of Defense has made this issue a high priority. At this time, I do not have the information or particular insights to determine how long the Army can sustain the current level of commitment without incurring significant adverse consequences. If confirmed, I would work to support the Secretary of the Army in addressing these adverse consequences in a timely manner.

Question. The Chief of Staff of the Army, General Casey, has stated that the Army is "out of balance." What is your understanding of this statement and what do you think can or should be done to correct that imbalance?

Answer. As I understand it, General Casey has publicly defined "balance" as the ability to achieve a 1:2 deployment-to-dwell (time at home station) ratio for Active component soldiers and a 1:4 mobilization-to-demobilization ratio for Reserve component soldiers. Increased force structure and decreased demand are the two ways to improve balance. The Army has grown and achieved its new end strength of 547,000 almost 2 years in advance of its goal. This accomplishment, together with a future reduction in demand for forces, is a major step forward to achieving balance.

NATIONAL GUARD ORGANIZATION, EQUIPMENT, AND READINESS

Question. Legislative proposals introduced in 2006 and 2007, recommendations by the Commission on the National Guard and Reserves submitted on March, 1, 2007, and the Department's response to these calls for change are all currently under consideration.

What is your understanding of the role and authority of the Director of the Army National Guard?

Answer. The Director, Army National Guard, assists the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to the Department of the Army. Specifically, the Director of the Army National Guard guides the formulation, development, and implementation of programs and policies affecting the Army National Guard, a force of more than 358,000 soldiers dispersed across the 54 States, Territories, and the District of Columbia. If confirmed, I will establish a close, professional relationship with the Director of the Army National Guard and will communicate with him as he performs his prescribed duties.

Question. Should the Director be "dual hatted" as a Deputy Chief of Staff of the Army in your view?

Answer. I have been informed that the Director of the Army National Guard is integrated in and works closely with both the Army Secretariat and the Army Staff on all matters involving the Army National Guard. If confirmed, and subject to the authority, direction, and control of the Secretary of the Army, I will consider any additional proposals under consideration to modify the title, functions, or authorities of the Director of the Army Guard.

Question. What is your understanding and assessment of changes in the global and domestic roles and mission of the Army National Guard and the National Guard Bureau?

Answer. The Army National Guard is a critical element of our Nation's total force. The Army National Guard has historically served as a "first responder" in State contingencies and national emergencies, while simultaneously meeting its operational commitments in support of overseas contingency operations. Since 2001, the National Guard Bureau has played an increased role in coordinating emergency relief and response efforts across the local, state, and national levels. It is a testament to the inherent flexibility of the current organization of the Army National Guard and the National Guard Bureau that not one mission has been unexecuted in this

environment of high-demand, dual-purpose requirements, and the Army has every reason to expect that extraordinary performance to continue.

Question. What is your understanding and assessment of the Army's commitment to fully fund 100 percent of National Guard equipment requirements? In your view, do Army processes for planning, programming, and budgeting sufficiently address the requirements of the National Guard?

Answer. The National Guard is a vital element of the capability the Army provides to combatant commanders and plays a critical role in the defense of the homeland and in providing defense support to civil authorities. Consequently, the National Guard must be properly and adequately trained, organized, and equipped. If confirmed, I will consult with the leadership of the Army National Guard to understand their requirements and to ensure that Army planning, programming, and budgeting processes are fair and equitable and sufficiently address the Guard's equipping and other requirements.

Question. If confirmed, how would you ensure that the resourcing needs of the Army National Guard are fully considered and resourced through the Army budget? In your view, what is the appropriate role for the Chief of the National Guard Bureau in this regard?

Answer. If confirmed, I will ensure that the Active and Reserve component will continue to work in concert to provide the land component capabilities our Nation needs. I do not have, at this time, sufficient information on both resourcing needs and the Army budget to make any recommendations. I would work with the Chief of the Army National Guard Bureau to better understand the resourcing needs of the Guard.

EQUIPMENT REPAIR/RESET

Question. Congress has provided the Army with approximately $17 billion per year to cover the costs to repair and replace equipment worn out by combat operations and prepare forces for rotations in support of OIF/OEF.

In your view, is this level of funding sufficient to not only prepare Army forces for OIF/OEF but to also improve the readiness of nondeployed forces for other potential contingencies?

Answer. I do not have sufficient information at this time to offer an assessment of this important matter. If confirmed I plan to devote significant attention to the matter.

Question. Is it your understanding that our repair depots are operating at full capacity to meet rebuild and repair requirements for reset?

Answer. It is my understanding that all the Army's maintenance depots are currently operating at a level necessary to meet required workload, but they have the capacity to take on additional workload. It is my understanding that the depots can increase production if the rate of equipment return accelerates and that the Army constantly evaluates depot production and adjusts it to meet current and anticipated demand.

Question. What additional steps, if any, do you believe should be taken to increase the Army's capacity to fix its equipment and make it available for operations and training?

Answer. I do not have sufficient information at this time to offer an assessment of how the Army might increase its capacity to fix equipment in reset. If confirmed, I would assess the Army's estimates on equipment and reset efforts.

Question. What impact do you believe the decision to send additional Army forces to Afghanistan is likely to have on equipment available for continued operations in Iraq and for nondeployed unit training at home?

Answer. I have been advised that in the near term, the deployments of additional Army forces to Afghanistan will place additional demands on scarce Army equipping assets.

ARMY SCIENCE AND TECHNOLOGY

Question. What do you see as the role that Army science and technology programs will play in continuing to develop capabilities for current and future Army systems?

Answer. I have not been fully briefed on specifically how Army science and technology programs will help develop future capabilities for future Army systems. This is an important area for better understanding our acquisitions process and improving our planning and budgeting for future requirements. If confirmed, I would assess the role of the programs in this context.

Question. What in your view have been the greatest contributions of Army science and technology programs to current operations?

Answer. I must reference my previous response and assure the Committee that I will evaluate the impact to current operations as well.

Question. What metrics would you use, if confirmed, to judge the value and the investment level in Army science and technology programs?

Answer. If confirmed, some of the metrics that I would use to judge the value and investment level in Army S&T programs would include the transitions of technology to the warfighter; adoption of technology into acquisition programs; and alignment of technology development to warfighter needs.

ARMY LABORATORIES AND RESEARCH, DEVELOPMENT, AND ENGINEERING CENTERS (RDEC)

Question. What role should Army laboratories play in supporting current operations and in developing new capabilities to support Army missions?

Answer. Army laboratories should be working to generate state-of-the-art science and technology applications to meet the operational needs of the force. There is a constant demand for new and innovative capabilities for soldiers, and the Army laboratories should play a key role in helping to meet the current needs and innovate for the future.

Question. If confirmed, how will you ensure that the Army laboratories and R&D centers have the highest quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed warfighters and develop next generation capabilities?

Answer. In assessing the role of the Army laboratories, I would attempt to understand all the facets presented in this question with respect to future requirements and capabilities needed.

Question. Do you support the full utilization of authorities established by Congress under the Laboratory Personnel Demonstration program that is currently being run in many Army RDECs?

Answer. Yes.

Question. Do you believe that all RDECs in the Army's Research, Development, and Engineering Command (RDECOM) need enhanced personnel authorities in order to attract and retain the finest technical workforce? Would you support expansion of the Laboratory Personnel Demonstration authorities to all of RDECOM's laboratories and engineering centers?

Answer. Yes.

Question. Do you believe that the Army's laboratories and engineering centers should have a separate, dynamic personnel system, uniquely tailored to support laboratory directors' requirements to attract and retain the highest quality scientific and engineering talent?

Answer. I do not have sufficient information at this time to offer an assessment of this important matter. If confirmed, I would study this and its potential benefits to the Army.

Question. How will you assess the quality of Army laboratory infrastructure and the adequacy of investments being made in new military construction and sustainment of that infrastructure?

Answer. If confirmed, I plan to look into this more deeply, so we have a better way of assessing laboratory needs in support of the Army's mission.

ARMY TEST AND EVALUATION (T&E) EFFORTS

Question. The Army's test and evaluation budget has not been certified as adequate by the Director of the Test Resource Management Center (TRMC) for fiscal year 2010. This is after a conditional certification received in fiscal year 2009. TRMC identified a shortfall of over $25 million for investments in T&E range sustainment, operations, and modernization.

If confirmed, how will you address this shortfall?

Answer. While I am not yet familiar with the specific concerns raised by the TRMC, I believe it is essential that the Department's test and evaluation infrastructure be adequately resourced.

Question. How will you ensure that the Army's test and evaluation infrastructure is robust enough to ensure that new systems and technologies are tested to verify their combat effectiveness and suitability?

Answer. If confirmed, I will become more familiar with the details of this requirement, and I will ensure that future Army program and budget submissions provide an appropriate level of funding for testing and evaluation, consistent with competing demands on departmental resources.

Question. What metrics will you use to assess the quality of the Army's T&E infrastructure?

Answer. I do not have sufficient information at this time to fully answer this question, but if confirmed, I would begin by looking at the Army's ability to conduct all critical testing requirements, which includes testing of both rapid acquisition programs as well as those programs on the Office of the Secretary of Defense Oversight List for Test and Evaluation.

Question. If confirmed, how would you ensure that weapon systems and other technologies that are fielded by the Army are adequately operationally tested?

Answer. I am committed to the principle of independent operational testing by organizations not directly affiliated with the programs that undergo testing. If confirmed, I will insist that established operational testing processes are followed in all cases and that Army equipment be fielded only after it is proven to meet established requirements and is safe and effective.

ARMY INFORMATION TECHNOLOGY PROGRAMS

Question. What major improvements would you like to see made in the Army's development and deployment of major information technology systems?

Answer. If confirmed, I would work to quickly leverage emerging technologies to meet security and operational capabilities. If confirmed, I would ensure that the Army IT systems provide warfighters and business managers with leading edge capabilities that efficiently enhance the effectiveness and efficiency of the force.

Question. How will you encourage process and cultural change in organizations so that they maximize the benefits that new enterprise information technology systems can offer in terms of cost savings and efficiency?

Answer. I recognize the importance of encouraging process and cultural change as a component of organizational and business transformation. I confirmed, I will assess how best that can be achieved within the Army so as to maximize the benefits of new enterprise information technology.

Question. What is the relationship between Army efforts at implementing enterprise information technology programs and supporting computing services and infrastructure to support Army missions and efforts being undertaken by the Defense Information Systems Agency and the Assistant Secretary of Defense for Networks and Information Integration?

Answer. I understand that the Army must coordinate and integrate the implementation of its information technology programs with ongoing efforts in DOD. This coordination and integration is critical to the success of both programs. If confirmed, I look forward to establishing relationships and working with my counterparts in DOD to achieve this goal.

Question. What is your understanding of the Army's plan to adopt and deploy the Defense Integrated Military Human Resources System (DIMHRS)? What are the major issues you feel need to be addressed in that process?

Answer. I have not been informed of the specific status of Army's implementation of the DIMHRS, however, it is my understanding that once fully implemented, this program will substantially improve the accuracy and efficiency of Army's ability to manage its personnel across DOD. If confirmed, I will carefully review the implementation plan and associated milestones. If my review identifies any weakness, I will make appropriate recommendations, after cross-Service coordination, to the responsible officials.

HOUSING PRIVATIZATION

Question. DOD has been engaged in the privatization of many of its support functions. Among the most significant privatization efforts is military family housing units and utility systems.

In your view, what challenges does the Army face in implementing housing privatization and, if confirmed, how would you propose addressing those challenges?

Answer. It is my understanding that there are three key challenges facing the Army in the continued implementation of housing privatization. First, the Army faces risk related to the capital market both for projects that have obtained financing and also for upcoming projects. To address this risk, the Army must continue to monitor the capital markets and evaluate opportunities associated with fluctuating interest rates, credit terms, and risk parameters. Second, the Army faces risk of underperformance by a private sector partner. To mitigate this risk, the Army should continue to monitor the financial health of each partner and the operational metrics we have established in the Army's portfolio and asset management program. The third risk facing Army housing privatization is the risk faced by any real estate investor: namely, that the expected occupancy, financial performance, or development targets will not be met. To mitigate and address this risk, the Army must continue to implement the best practices from private sector investment man-

agement to oversee existing housing privatization projects. Monitoring the key performance metrics associated with typical real estate transactions is critical to identifying and addressing potential issues.

Question. What adjustments, if any, would you anticipate as a result of the current lending environment?

Answer. It is my understanding the terms and conditions of lending are growing more restrictive. Projects are being required to set aside more cash in reserve for debt payments, and the rating agencies are downgrading the credit ratings on the existing debt, which has impacted the appeal of projects to investors. Many of the investors that have historically purchased military housing privatization debt are saddled by financial challenges that have hindered their ability to invest. If confirmed, I would work with the Secretary of the Army to ensure that the Department monitor the potential impacts of the financial markets on new and existing transactions.

Question. What actions would you propose, if any, to accommodate installations where there are housing shortfalls beyond the ability of the current privatization agreement?

Answer. I understand that DOD and the Army's longstanding positions are to rely first on housing in the local community. Where there are shortfalls in the local community, the Army has sought to educate community and business leaders in those communities on the Army's housing requirements and to encourage development to meet those requirements. I have been informed that the Army has already held several industry forums in local communities for Fort Drum, Fort Riley, and Fort Bliss. The Army has also used its domestic Army Family Housing lease authority as a bridging tactic until the local community is able to meet the Army's family housing requirements. If confirmed, I would assess the current policy and make recommendations to the Secretary for any actions needed in light of current conditions.

Question. What are your views regarding barracks privatization?

Answer. I do not have sufficient information to provide a clear assessment of barracks privatization. If confirmed, barracks privatization is an issue I plan to explore in depth with a view to furthering the policies of the Secretary of the Army.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services underinvest in their facilities compared to private industry standards. Decades of underinvestment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

What is your assessment of Army infrastructure investment?

Answer. If confirmed, I will work with the Secretary of the Army to assess the sufficiency of the Army's current infrastructure investment strategy and implementation plan.

Question. If confirmed, what actions, if any, would you propose to increase resources to reduce the backlog and improve Army facilities?

Answer. If confirmed, I will aggressively work to ensure the infrastructure backlog is addressed. I will also work with the Secretary of the Army and DOD to seek congressional support for the President's budget request for Army installations and facilities.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process has resulted in the required closure or realignment of numerous major Army installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

If confirmed, would you change any of the existing efforts to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. If confirmed, and subject to the authority, direction, and control of the Secretary of the Army, I will assess our current efforts and consider if changes are warranted.

Question. What, in your view, are the advantages or disadvantages, if any, on the use of no cost Economic Development Conveyances as a means of early property transfers under BRAC as opposed to holding out for full fair market value?

Answer. I do not have sufficient knowledge of this matter to render a view. If confirmed, I would assess the advantages and disadvantages in light of current economic conditions and property transfer issues.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees.

What is your view of the NSPS, as currently constituted?

Answer. I understand that the core purpose of the NSPS was to support a streamlined and flexible civilian compensation, staffing, classification, and performance management system. Such a system is viewed as essential to the effective management of the sort of mission-oriented and results-driven civilian workforce that is vital to the success of DOD. I recognize the existing concerns with certain aspects of NSPS and understand that the NSPS Task Group's core draft recommendation to the Defense Business Board was to initiate a reconstruction of the system. If confirmed, I look forward to working with the Secretary of the Army and DOD to review the detailed findings and recommendations of the Defense Business Board and, if appropriate, reconstruct NSPS to ensure an optimum system.

Question. If confirmed, how will you evaluate its success or failure to meet its goals?

Answer. If confirmed, I would first review the findings and recommendations of the Defense Business Board and familiarize myself with reports from the General Accounting Office and the Office of Personnel Management and other assessments that may be available. I would work with DOD and Army leaders on internal program evaluations, seeking insights both into what works well in the extant system and into areas recommended for improvement.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. As a general principle, I support pay-for-performance and believe that employees' compensation should be based on their contribution to the Army's mission. If confirmed, I look forward to reviewing the Defense Review Board's comprehensive evaluation of NSPS and pay for performance and working with the Secretary of the Army and DOD to address the concerns identified.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. I am advised that the Department is challenged to meet increased civilian labor requirements in critical occupations and to develop human capital strategies responsive to these challenges. It is my understanding that there are situations in which specialized hiring authorities are required to provide sufficient qualified applicants to meet mission needs. However, before making recommendations for additional authorities, I would want to ensure that managers fully understand the flexibility of the authorities currently available. If confirmed, I will work with the Assistant Secretary for Manpower and Reserve Affairs to prompt managers to creatively and actively use available authorities and to explore the need for, and uses of, direct and expedited hiring authorities to assist in achieving the Department's human capital objectives.

Question. In your view, is it viable in the long run for DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. It is my understanding that DOD operates a number of other personnel systems, such as Defense Civilian Intelligence Personnel System, a system for nonappropriated fund personnel, and laboratory demonstration projects. If confirmed, I will work with DOD, the Office of Personnel Management, the Secretary of the Army, and the Assistant Secretary for Manpower and Reserve Affairs to assess the appropriate number and types of personnel systems required for effective and efficient personnel management in the Department of the Army.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. It is my understanding that the NSPS Task Group recently briefed its draft recommendations to the Defense Business Board and that the Task Group recommended reconstructing NSPS. Depending on the content of the final report, legislation may be appropriate to ensure NSPS is on track to achieve its full potential.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. It is my understanding that the NSPS Task Group recently briefed its draft recommendations to the Defense Business Board and that the Task Group recommended reconstructing NSPS. Depending on the content of the final report, regulatory or policy changes may be appropriate to ensure NSPS is on track to achieve its full potential.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE (SES)

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward thinking management of senior executives.

What is your vision for the management and development of the Army senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. The Army must carefully manage and develop its Senior Executive Service corps to meet the evolving workforce challenges facing the Department. As I understand it, members of the Senior Executive Service are increasingly being looked to as interchangeable with military flag officers in the critically important areas of acquisition, financial management, and the scientific and technical fields. To support this effort, I understand the Army's Senior Executive program focuses on the recruitment, assignment, and development of adaptive, multi-skilled senior civilian leaders, and that the current Senior Executive program includes periodic education and development opportunities and performance based evaluations.

Question. Over the last 10 years, the Army budget has almost doubled, but the number of senior executives in the Department of the Army has remained almost unchanged.

Do you believe that the Army has the number of senior executives it needs, with the proper skills to manage the Department into the future?

Answer. If confirmed, I will carefully assess the Army's Senior Executive requirements and work with the Secretary of the Army and the Assistant Secretary of the Army for Manpower and Reserve Affairs to ensure that the Army has the right number of Senior Executives with the diverse set of skills and experiences required to lead the Department into the future.

Question. Do you believe that it is appropriate for female soldiers to serve in positions in which they may be exposed to combat?

Answer. Female soldiers make significant contributions to the Army's success and are an integral part of the All-Volunteer Force. All soldiers—male and female—are trained to fight in combat. As I understand the current law and policy, once properly assigned, female soldiers are subject to the same utilization policies as their male counterparts and, as required by their units' mission, may find themselves in combat. Female soldiers remain with their assigned units, perform their assigned duties, and fight as a team with male soldiers, as they have been trained to do.

Question. What is your view of the current policy regarding women in combat with respect to female soldiers serving in Operation Iraqi Freedom and Operation Enduring Freedom?

Answer. The Department no longer confronts the prospects of a Cold War linear battlefield. The irregular warfare and nonlinear battlefield of today's conflicts raise questions about the practical application of the policy regarding the assignment of women in combat regions. Women make up about 14 percent of the active Army, 23 percent of the Army Reserve, and 13 percent of the Army National Guard. Approximately 10 percent of the forces deployed in support of overseas contingency operations are female soldiers. Women soldiers have been killed in action, have suffered wounds from hostile action, and have been held captive by our enemies. If confirmed, I would support the Secretary of the Army in having the most up to date information, assessing any changes sought to ensure compliance with all notification requirements in title 10.

Question. What is your assessment of the Army's compliance with the requirements of the current ground combat exclusion policy?

Answer. It is my opinion that women have and will continue to be an integral part of our Army team, performing exceptionally well in all specialties and positions open to them. However, I have no knowledge at this time as to the Army's compliance with the requirements of law and DOD policy relating to women in combat. If confirmed, I will make such an assessment, and work with the Secretary to take whatever actions are deemed necessary

Question. In your view, should the current policy prohibiting the assignment of women to ground combat units be revised or clarified in any way to reflect changing roles for female soldiers and the changing nature of warfare?

Answer. If after careful study and deliberation, the Secretary of the Army determines that there is a need to modify or clarify the policy, if confirmed, I will provide the Secretary of the Army with advice regarding the changes sought and ensure that the Army complies with the notification requirements set forth in title 10, U.S.C., section 652.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Army regarding religious practices in the military?

Answer. I believe the Army's policies support religious tolerance and respect. It appears that Army and DOD regulations provide commanders and other leaders with ample guidance regarding the free exercise of religion in the Army. It is my understanding that these policies are consistent with the First Amendment.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular forms of dress or other articles with religious significance?

Answer. I believe that the Army places a high value on the rights of soldiers to observe the tenets of their respective religious faiths. It is my understanding that the Army will approve requests for accommodation of religious practice, to include the wear of particular articles of faith, unless the accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety, and health. It is my understanding that Army policies are consistent with the First Amendment.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I understand that Army policies require chaplains to support all unit personnel, regardless of their beliefs.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. Given the high stress soldiers and families face during times of war, Chaplains ought to play a key role in helping soldiers face the many issues confronting them. However, I have no working knowledge if military chaplains strike this balance as stated in the question.

SUPPORT FOR WOUNDED SOLDIERS

Question. Wounded soldiers from Operations Enduring Freedom and Iraqi Freedom deserve the highest priority from the Army for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from active duty if required, and continuing support beyond retirement or discharge. Yet, as the revelations at Fort Stewart in 2003 and Walter Reed in 2007 revealed, the Army was not prepared to meet the needs of returning wounded soldiers.

In your view, what were the most critical shortcomings in warrior care since 2001?

Answer. This question and all those following through question #156 focus on some of the most important set of issues affecting soldiers, their families and the ability of the Army to sustain and ready and vigorous force to fight the wars and maintain the peace. Since I have not been in the Department to witness first hand both the issues and solutions regarding the Army's care of warriors, if confirmed, I will make it a priority to work with the Secretary of the Army and all Army leadership as well as the Under Secretary for Personnel and Readiness and other elements at OSD to assess the current situation and support the Army in strengthening its capacity to take care of our wounded warriors.

Question. What is your assessment of the Army's response?

Answer. If confirmed, I will assess the effectiveness of the Army's response and continue to work with Congress to ensure our warriors receive the highest possible quality of care and support. If confirmed, I will support the Secretary of the Army in continuing to assess the Army's response.

Question. How does the Army provide follow-on assistance to wounded personnel who have separated from Active service? How effective are those programs?

Answer. I am informed that the Army established the Army Wounded Warrior Program in 2004 to provide follow-on assistance to wounded personnel who had separated from Service. If confirmed, I will review this program and embrace a full

partnership with the Department of Veterans Affairs to ensure the Army is playing its appropriate role in the care of all wounded soldiers separating from Service.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Army's support for wounded personnel, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will assess continuously the effectiveness and efficiency of the Army's support for wounded personnel. I will implement strategies and, as appropriate, seek additional resources to ensure that the Army meets the needs of our wounded soldiers.

Question. Studies following the revelations at Walter Reed point to the need to reform the Army's disability evaluation system.

What is your assessment of the need to streamline and improve the Army's disability evaluation system?

Answer. I understand that beginning on November 26, 2007, the Army initiated testing of a revamped physical disability program at Walter Reed Army Medical Center, streamlining the process used to determine soldiers' fitness for service or eligibility for military and veterans' benefits. I also understand that a joint DOD and Department of Veterans Affairs Disability Evaluation System Evolution Working Group is considering the overhaul of the disability system so that DOD would evaluate a soldier for fitness for duty and compensate the soldier for years of service, leaving to Veterans Affairs the responsibility to compensate the soldier for disability. Legislation would be required to make these changes.

If confirmed, I will assess this system and work to streamline and improve it.

Question. If confirmed, how will you address any need for change?

Answer. If I am confirmed, I will listen to the information presented by the experts in this area. I will work with the stakeholders in the Army and with appropriate personnel in both the Departments of Defense and Veterans Affairs to determine what elements of the current system should be changed and how to best accomplish those changes.

ARMY MEDICAL ACTION PLAN AND WOUNDED WARRIORS

Question. The Army Medical Action Plan (AMAP) has attempted to address the various needs of wounded warriors and their families.

What is your view of the adequacy of the AMAP, and if confirmed, would you make any changes to the program?

Answer. If confirmed, I will work with all the appropriate leadership in the Department to ensure continued refinement of the program to ensure that it is not only efficient and effective, but is flexible enough to meet the demands of changing strategic circumstances.

Question. Staffing of Warrior Transition Units (WTUs) has been a major issue, especially at installations experiencing surges of redeploying troops.

What are the impediments to fully staffing these units?

Answer. If confirmed, I will look into any possible impediments to staffing of these units and take what actions are necessary to ensure its success in meeting the needs of soldiers and families.

Question. If confirmed, will you pursue changes to improve assignment of military personnel and hiring of civilian personnel to improve staffing of WTUs?

Answer. If confirmed, I will work to ensure that the systems put in place to maintain appropriate staffing in WTUs continue. WTUs must be capable of expanding or contracting as the population of wounded, ill, and injured soldiers changes. Working with the Secretary of the Army, I will continue the Army's practice of being a good steward of tax dollars while ensuring that any adjustments made do not reduce the ability of the Army to provide our wounded, ill, and injured soldiers and their families with the optimal care and support they deserve.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving soldiers in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the Army failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges and, ultimately, appropriate disciplinary action.

What is your understanding of the resources and programs the Army has in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. While I have been advised that Army has implemented a Sexual Assault Prevention and Response Program, to include medical, advocacy, chaplaincy, investigative and legal services, this will require a personal assessment prior to making any evaluation of its success or what other actions need to be taken. If confirmed, I would conduct such an assessment.

Question. What is your view of the steps the Army has taken to prevent additional sexual assaults at deployed locations as well as home stations?

Answer. I have not been briefed on steps taken by the Army to prevent additional sexual assaults and if confirmed, I will review such actions and assess their results.

Question. What is your view of the adequacy of the training and resources the Army has in place to investigate and respond to allegations of sexual assault?

Answer. If confirmed, I will work with the Secretary of the Army to assess whether additional steps should be taken to support victims and hold offenders accountable.

Question. Do you consider the Army's current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. If confirmed, I will work with knowledgeable professionals to assess and ensure Army policies, procedures and programs, particularly regarding confidentiality and restricted reporting of sexual assaults, are enforced and performing effectively.

Question. What problems, if any, are you aware of in the manner in which the confidential reporting procedures have been put into effect?

Answer. If confirmed, I will closely monitor the Army's sexual assault response procedures to determine whether improvements are needed in the area of confidential reporting.

Question. What is your view of the appropriate role for senior military and civilian leaders in the Secretariat and the Army staff in overseeing the effectiveness of implementation of new policies relating to sexual assault?

Answer. Sexual assault is a crime that has no place in Army's ranks. The role of senior Army leadership is to ensure an organizational climate where such behavior is not tolerated, and where victims feel free to report incidents without fear of reprisal.

Question. If confirmed, what actions would you take to ensure senior management level direction and oversight of departmental efforts on sexual assault prevention and response?

Answer. If confirmed, I will work with the Assistant Secretary for Manpower and Reserve Affairs and the Deputy Chief of Staff, G–1 to ensure the Army's Sexual Assault Response and Prevention Program continues to remain effective and receives the appropriate level of support.

OFFICER SHORTAGES

Question. A report issued by the Congressional Research Service (CRS) in July 2006 found that the Army projected an officer shortage of nearly 3,000, with the most acute shortfalls in the grades of captain and major with 11 to 17 years of service. The CRS also found that shortages would persist through 2013 unless accessions are increased and retention improves. In that time, in addition to aggressive recruiting efforts, the Army has increased officer accessions through Officer Candidate School (OCS) from the pool of most qualified enlisted members.

What is your understanding of the reasons for the current shortfall, and what is your assessment of the steps the Army is taking to meet this mid-career officer shortfall?

Answer. I have been informed that Army officer shortages stem from force structure growth undertaken to support conversion to more modular, self-sufficient, combat formations and to provide additional capabilities to meet the emerging threats in counterinsurgency warfare. If confirmed, I would review Army projections and steps being taken to resolve shortages.

Question. In your view, what are the long-term consequences and challenges, if any, for both the officer and noncommissioned officer corps of increasing the relative size of the officer corps through OCS accessions?

Answer. OCS graduates offer the Army a tremendous benefit; the OCS cohort has the highest officer retention rates of any commissioning program. In addition, OCS has consistently produced minority officer candidates at the highest rate of any of the commissioning sources. Also, OCS offers an avenue for civilians with college degrees, in many cases in academic disciplines greatly needed in the Army, to enlist in order to seek a commission.

Question. If confirmed, what actions, if any, would you take to ensure adequate numbers of highly-qualified captains and majors are serving on Active Duty over the next 10 years?

Answer. If confirmed, I will support the Army's strategy of retaining the capable and experienced company grade and junior field grade officers. I will support the continued development of nonmonetary incentives, to include: advanced education, quality of life, assignment to the region of choice, and other options that will best assist leaders in positively influencing an officer's decision to continue to serve.

Question. If confirmed, what actions, if any, would you take to continuously monitor and ensure the quality of mid-career field grade and senior noncommissioned officers?

Answer. If confirmed, I would assess Army retention policies and work with the appropriate Army Staff to become informed on the Army policies to retain the best and brightest officers and noncommissioned officers.

DETAINEE TREATMENT STANDARDS

Question. Do you agree with the policy set forth in the July 7, 2006, memorandum issued by Deputy Secretary of Defense England stating that all relevant DOD directives, regulations, policies, practices, and procedures must fully comply with Common Article 3 of the Geneva Conventions?

Answer. Yes.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, DOD Detainee Program, dated September 5, 2006?

Answer. Yes.

Question. Do you believe it is consistent with effective military operations for U.S. forces to comply fully with the requirements of Common Article 3 of the Geneva Conventions?

Answer. Yes.

Question. If confirmed, how would you ensure that U.S. forces in Iraq and Afghanistan comply with the standards in the Army Field Manual, the DOD Directive, and applicable requirements of U.S. and international law regarding detention and interrogation operations?

Answer. If confirmed, I will work to reinforce the Army's detention operations training program, which ensures that all U.S. forces involved in detainee and interrogation operations are aware of their obligations under U.S. and international law and applicable DOD policies.

Question. In the past 2 years, significant changes have been made in Iraq in the way detention operations have been conducted in a counterinsurgency environment, including through the establishment of reintegration centers at theater internment facilities.

What do you consider to be the main lessons learned from the changes to detention operations in Iraq?

Answer. As I understand it, the primary lessons learned include, first and foremost, that the Army must clearly communicate its commitment to ensuring that all soldiers adhere to the law of war and live up to the Army values, regardless of the circumstances. Second, soldiers who have violated the laws of war or have failed to uphold Army values must be held accountable. Another major lesson learned is that the Army may need to expand its detention operations force structure, particularly as to Military Police and Military Intelligence.

If confirmed, I will ensure that the Army continues to assess and refine the force structure needed to successfully support the combatant commanders' detention operations missions.

Question. What should be done to incorporate those lessons learned into DOD doctrine, procedures, and training for personnel involved in detention and interrogation operations?

Answer. If confirmed, I will ensure that the Army continues to review its procedures and update its doctrine through the analysis of lessons learned and best practices derived from After Action Reviews conducted by returning units, and that lessons learned collected by the Center for Army Lessons Learned are used in the development and revision of Army policy, doctrine, and training.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

ARMY LABORATORIES AND RESEARCH, DEVELOPMENT, AND ENGINEERING CENTERS

1. Senator LEVIN. Dr. Westphal, what role should Army laboratories play in supporting current operations and in developing new capabilities to support Army missions?

Dr. WESTPHAL. It is my understanding that the Army laboratories are the science and technology performing organizations and have and will continue to play a major role in supporting current operations with best capabilities available. Through their broad range of investments in key strategic science and technology areas, they also provide critical new capabilities for soldiers.

2. Senator LEVIN. Dr. Westphal, if confirmed, how will you ensure that the Army laboratories and research and development centers have the highest quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed warfighters and develop next generation capabilities?

Dr. WESTPHAL. Army Laboratories and Research, Development, and Engineering Centers play an important role in discovery, development, transfer and application of significant tools needed by all sectors in the Army and Department of Defense (DOD). As such, future investments, organization and operations should be reviewed in the context of overall business transformation for the Army to ensure that their capacity remains "state of the art" and continue to make a difference for soldiers in the battlefield, training and other requirements throughout the force. If confirmed, I will review the linkages on the business operations and work with the Secretary to ensure priorities are met.

IMPROVEMENT OF ARMY BUSINESS SYSTEMS AND PROCESSES

3. Senator LEVIN. Dr. Westphal, DOD efforts to improve business systems by purchasing commercial, off-the-shelf systems frequently fail because too many people in DOD want to keep doing things the same way that they always have, and refuse to give up unique business processes and data requirements that don't fit into the new systems. Instead of instituting approaches that have worked in the private sector, DOD ends up spending hundreds of millions of dollars tailoring off-the-shelf systems to interface with obsolete systems and meet the unique demands of DOD users. Such changes have resulted in delay, duplication, added expense, and even system failure. If confirmed, will you have the authority needed to work across stovepipes and drive the change in the Army's business processes that is needed to effectively implement new business systems?

Dr. WESTPHAL. Yes. Pursuant to section 904 of the National Defense Authorization Act for Fiscal Year 2008, the Under Secretary of the Army is the Chief Management Officer of the Department, with the primary management responsibility for business operations. The Secretary of the Army is charged to assign to the Under Secretary such duties and authorities as are necessary to organize and administer the business operations of the Army effectively and efficiently, in accordance with the policies promulgated by the Secretary of Defense. In accordance with section 908

of National Defense Authorization Act for Fiscal Year 2009, the Secretary of the Army acts through the Under Secretary in his role as Chief Management Officer to carry out initiatives for the business transformation of the Army. I believe that these provisions of law ensure that the Chief Management Officer has the authority necessary to effectively implement new business systems across the Army.

4. Senator LEVIN. Dr. Westphal, will you report back to the committee on a regular basis on any obstacles that you are encountering in this effort, and on the progress that you have been able to make?

Dr. WESTPHAL. Yes.

INVESTMENT IN INFRASTRUCTURE

5. Senator LEVIN. Dr. Westphal, witnesses appearing before the committee in recent years have testified that the Military Services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and make it harder to take advantage of new technologies that could increase productivity and save money. What is your assessment of Army infrastructure investment?

Dr. WESTPHAL. I believe that given the needs of soldiers and their families in time of war and significant stress to the force plus the high ops tempo requirements for readiness combined with work to achieve base realignment and closure (BRAC) requirements, means that this assessment must take priority. If confirmed, I would undertake to assess the sufficiency of the Army's current infrastructure investment strategy and implementation plan.

6. Senator LEVIN. Dr. Westphal, if confirmed, what actions, if any, would you propose to increase resources to reduce the backlog and improve Army facilities?

Dr. WESTPHAL. I do not currently have enough information to propose any recommendations. I am concerned whether there is sufficient and timely military construction funding and if confirmed would focus on prioritizing these initiatives.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

7. Senator LEVIN. Dr. Westphal, the 2005 BRAC process has resulted in the required closure or realignment of numerous major Army installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property. If confirmed, would you change any of the existing efforts to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Dr. WESTPHAL. If confirmed, I would assess the Army's current efforts to see if adaptations are warranted. I understand that in the past, there have been extensive negotiations with closing communities to facilitate property transfer using the appropriate authorities that support redevelopment. If confirmed, I would ensure the Army works closely with the local redevelopment authorities, the Office of Economic Adjustment, Governors, and other appropriate State and local officials to correctly transfer property at the time of closure.

8. Senator LEVIN. Dr. Westphal, in your view, what are the advantages or disadvantages, if any, on the use of no cost Economic Development Conveyances (EDC) as a means of early property transfers under BRAC as opposed to holding out for full fair market value?

Dr. WESTPHAL. Current law and DOD policy provide for a full complement of conveyance authorities that include cost and no-cost EDC and provide for conveyances at fair-market value or conveyances at no cost, depending on the specific conditions and circumstances associated with the property. Current negotiations with BRAC 2005 communities are utilizing the full complement of authorities. It is my understanding that the Army supports the current law and does not see any benefit to reverting back to the previous preference for no-cost property conveyances.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

ARMY SUBSTANCE ABUSE PROGRAM

9. Senator MCCASKILL. Dr. Westphal, I introduced S. 459, the Substance Use Disorders Act of 2009 earlier this year based on problems with the Army Substance Abuse Program (ASAP), some of which were identified last fall at Fort Leonard Wood, MO. In recent years, ASAP has struggled to manage the increasing number of soldiers needing treatment, often following stressful deployments to Iraq and Afghanistan. In particular, there have been problems with understaffing and mismanagement. Commander notification and the lack of confidentiality in treatment may discourage servicemembers from seeking treatment for fear of disciplinary action. It is important to move from a climate of punishment towards a climate that reduces the stigma of seeking treatment. Based off S. 459, the Army recently instituted the Confidential Alcohol Treatment and Education Pilot (CATEP) program to allow complete anonymity for eligible soldiers who self-refer to this program. This is a good start. However, I am still concerned whether commanders should be notified in all instances of soldiers enrolling in ASAP and that the disciplinary option should be on the table no matter what. What approach do you take to how discipline should be used with troops who ask for help with getting substance use disorders treated?

Dr. WESTPHAL. I concur with the statement of Representative McHugh. I would further add that if I am confirmed, I would work with the Secretary to continuously ensure that we are firmly grounded in policies, directives, and congressional initiatives on these issues and able to assess and react to the needs of soldiers and the effectiveness of our forces.

10. Senator MCCASKILL. Dr. Westphal, how does the Army plan to address the discipline issue with individuals who have sensitive security clearances or military occupation specialties? Specifically, how can these individuals be encouraged to seek treatment so that they get the help they need so that they can do their jobs effectively, rather than hiding substance use disorders that could ultimately impact their job performance?

Dr. WESTPHAL. I understand that the Army's priority is to get a soldier to treatment. The Army's CATEP program ensures that soldiers who voluntarily seek treatment will not have their enrollment in the program recorded in any personnel database for future reference. Of course, in cases where safety or national security is at stake, a soldier may be reassigned to other duties during his or her treatment.

11. Senator MCCASKILL. Dr. Westphal, in Representative McHugh's prepared responses for the committee, he says that, "It appears that there is a shortage of ASAP counselors at some installations." Indeed, the shortage of counselors is systemic to the Army. We even have whistleblowers at Fort Leonard Wood, MO, coming forth with concerns about the ASAP. What are the Army's views on the adequacy of ASAP counselors in the Army, and what specific measures does the Army plan to mitigate the shortage and lack of resources?

Dr. WESTPHAL. I understand that the Army is fully aware of, and concerned about, the shortage of qualified counselors—often exacerbated by competition between the military and civilian sectors for the same limited pool of care providers. The Army has established several programs to address this shortage, to include developing relationships with State substance abuse certification boards and improving internship and training programs. If confirmed, I would work with the Secretary to do all that we can to meet these needs and correct shortages where needed most.

12. Senator MCCASKILL. Dr. Westphal, an area of substance abuse disorders in the Army that remains understudied and misunderstood is that of prescription drug abuse, particularly for those soldiers who are deployed in theater in Iraq and Afghanistan. Often these individuals are easily prescribed drugs that can be extremely addictive and harmful over time. What is the Army doing to include prescription drug abuse in the ASAP, and what data is available on the numbers of soldiers who are referred for treatment for prescription drugs in the Army?

Dr. WESTPHAL. I understand that treating soldiers for prescription drug abuse is a significant component of the ASAP. A physician reviews the case of every soldier who tests positive for prescription drug use and determines whether or not the drug at issue was used lawfully and in accordance with prescribed practices.

QUESTIONS SUBMITTED BY SENATOR KAY HAGAN

ARMY UNIFORMS

13. Senator HAGAN. Dr. Westphal, whether soldiers are serving overseas or training within the continental United States, in preparation for deployment, they need uniforms that are capable of defending against insect borne diseases such as Lyme disease and Rocky Mountain spotted fever. After over 15 years of study and research, the Army decided to adopt the factory treatment of uniforms with permethrin, as the most effective solution, to protect soldiers against insect borne diseases. The adoption of this technology has been recommended by the Army's subject matter experts, including the Surgeon General and Uniform Board. However, contractual management, logistics, and funding jeopardize delays in providing the Army with factory treated permethrin uniforms until 2012.

In order for this technology to be properly implemented and supervised, I believe that the Army needs to establish the protocol that the contract management be established directly between the Army and the uniform treatment vendor. This is a very important difference from the Defense Logistics Agency/Defense Supply Center Philadelphia (DLA/DSCP) practice of relegating the oversight of this technology to a subcontract through the existing cut and sew uniform manufacturers. A direct contract to treatment vendors can provide oversight incentives to continue to improve the quality and the safety of this program.

This is a complex technology that is federally regulated by the Environmental Protection Agency (EPA). The EPA recognizes that each vendor's treatment has different characteristics particularly regarding efficacy and safety. Assigning responsibility of supervising the production of this product through the DLA/DSCP process would negatively impact the quality, safety, and efficacy of the product. Moreover, inserting an unrelated vendor into the process adds an extra layer of cost, as the cut and sew vendor adds margin to the cost from the treatment vendors.

Please provide your thoughts on establishing the protocol that contract management of Army permethrin treated uniforms be established directly between the Army and the uniform treatment vendor.

Dr. WESTPHAL. I am unable to provide a detailed assessment at this time. If confirmed, I would fully review this matter.

14. Senator HAGAN. Dr. Westphal, in accordance with the Acquisition Reform Bill, contractual management of Army permethrin treated uniforms between the Army and the uniform treatment vendor saves money as it removes the "middle man" (cut and sew vendors) from adding additional margin of costs. Can you please provide your thoughts?

Dr. WESTPHAL. I am unable to provide a detailed assessment at this time. If confirmed, I would fully review this matter.

15. Senator HAGAN. Dr. Westphal, where will the money come from within the Army budget to fund the treatment of all Army combat uniforms with permethrin?

Dr. WESTPHAL. At present, I am not familiar with the Army's plans with respect to this subject. If confirmed, I would fully review this matter.

UPGRADING M24 SNIPER RIFLES

16. Senator HAGAN. Dr. Westphal, Army sniper teams in Iraq and Afghanistan utilize the M24 sniper rifle to respond to Improvised Explosive Devices and insurgent ambushes. The weapons system is outdated, and soldier input has propelled the Army to determine that it is necessary and cost-effective to upgrade 3,000 M24s to meet the changing operational requirements on the ground and counter threats, most notably: engage targets during times of limited visibility and at night; increase range from 800 to 1,200 yards; improve ergonomics and stock configuration to enable maneuverability within vehicles and small spaces within urban areas; and increase concealment when transporting and operating the weapon.

Congress appropriated $3.4 million in the Fiscal Year 2009 Defense Appropriations Act for the Army to upgrade the M24 sniper rifle using operation and maintenance funding and an existing refurbishment contract with the company Remington, to do an engineering change proposal (ECP). The fiscal year 2009 funding was moved to procurement, making an ECP under the existing contract no longer feasible. The Fiscal Year 2010 House Defense Appropriations Bill would appropriate an additional $3.0 million for M24 upgrades. Congress is appropriating the funds in response to validated operational needs statements from Army units, who require an upgraded M24 sniper rifle for operations in theater. What are the Army's plans

to expedite the M24 upgrade to meet the immediate needs of the Army's sniper teams?

Dr. WESTPHAL. If confirmed, I will review this matter to determine the best way to meet the immediate needs of the Army's sniper team. I will work with Congress in reviewing funding needs and ongoing program development.

17. Senator HAGAN. Dr. Westphal, what can be done to provide upgraded M24s to units that have an urgent need and is there anything we need to do in Congress to help with the upgrade?

Dr. WESTPHAL. I am unable to provide a detailed assessment at this time. If confirmed, ensuring our sniper team's needs are fully met would be a top priority.

18. Senator HAGAN. Dr. Westphal, given that Remington owns the technical data package for the M24, how will the Army compete the upgrade?

Dr. WESTPHAL. I do not have detailed knowledge on this matter, but it is my understanding the technical data of the M24 will not be disclosed during the competition to select a vendor to upgrade sniper weapons that are currently fielded.

M4/REPLACEMENT CARBINE

19. Senator HAGAN. Dr. Westphal, on July 1, 2009, the Army received control of the technical data package (design rights) to the existing M4 carbine weapons system. Prior to this transfer, Colt Defense LLC had been the sole source provider of the M4 carbine for the U.S. military for the past 15 years, due to a legal settlement between the Federal Government and Colt. The last of the 473,000 M4 weapons is expected to be fielded in 2010. It is important that we replace the M4 with a new state-of-the-art weapons system that meets the operational requirements of our military in theater. Is the Army committed to a full and open competition for the follow-on weapon to the M4?

Dr. WESTPHAL. I am unaware of any currently planned competition to replace the M4.

20. Senator HAGAN. Dr. Westphal, please provide your thoughts on updating the M4 carbine requirement and the solicitation process for a future weapon.

Dr. WESTPHAL. My understanding is consistent with the response provided by Representative McHugh.

21. Senator HAGAN. Dr. Westphal, does the Army plan on awarding the replacement weapon contract to one manufacturer or dividing it among several companies?

Dr. WESTPHAL. I have not been briefed on the Army's procurement plans for the carbine requirement.

MILITARY HOUSING PRIVATIZATION INITIATIVE

22. Senator HAGAN. Dr. Westphal, Congress established the Military Housing Privatization Initiative (MHPI) in 1996 as a tool to help the military improve the quality of life for its servicemembers by improving the condition of their housing. The MHPI was designed and developed to attract private sector financing, expertise, and innovation to provide necessary housing in a more efficient manner. The Office of the Secretary of Defense has delegated to the Military Departments the implementation of MHPI and authorized them to enter into agreements with private developers selected in a competitive process.

Financing for military housing privatization in the current market is challenging and entails high relative lending rates of interest. This impedes the restricting of existing military housing transactions, prevents the construction of new military family housing, and limits the scope of work. Transactions such as the one the Army agreed to involving construction of privatized military housing in South Korea is one of those projects affected. Has the current financial market negatively impacted the Army's ability to move forward with any of its privatization initiatives? If so, how can we assist the Army?

Dr. WESTPHAL. My understanding is consistent with the response provided by Representative McHugh.

23. Senator HAGAN. Dr. Westphal, the financial crisis in the commercial mortgage backed securities market has negatively impacted the traditional firms that have credit enhancement capabilities to the private activity bonds used to finance MHPI

projects. Has the Army approached Fannie Mae or Freddie Mac with this opportunity?

Dr. WESTPHAL. My understanding is consistent with the response provided by Representative McHugh.

24. Senator HAGAN. Dr. Westphal, the MHPI program authority is slated to expire in 2010. What can we do to assist the Army and DOD to ensure that this program remains in effect after 2010?

Dr. WESTPHAL. It is my understanding that the authorities outlined in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106, February 10, 1996) section 2885 were made permanent by the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375, October 28, 2004) section 2805 "Repeal of Limitations."

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

ARMY MODERNIZATION

25. Senator INHOFE. Dr. Westphal, what do you believe is a reasonable and realistic procurement timeline for a new line of Army combat vehicles? Is 5 to 7 years realistic?

Dr. WESTPHAL. I understand that the Army is currently conducting requirements analysis to determine the appropriate requirements. At this time I am not yet in a position to offer an informed assessment of these efforts.

26. Senator INHOFE. Dr. Westphal, what are your personal feelings regarding the Secretary of Defense's cancellation of FCS/ground vehicles?

Dr. WESTPHAL. I strongly support Secretary Gates' decision, which includes launching a new Army combat vehicle modernization program with reevaluated requirements and acquisition approach to better meet the needs of our soldiers as rapidly as possible.

RESET/RECAPITALIZATION

27. Senator INHOFE. Dr. Westphal, what are your concerns with the high usage rates of Army wheeled and combat vehicles in Iraq and Afghanistan?

Dr. WESTPHAL. I concur with Representative McHugh's statement.

28. Senator INHOFE. Dr. Westphal, as we draw down in Iraq, do you believe it is important to adequately reset, and upgrade where appropriate, our combat equipment?

Dr. WESTPHAL. I concur with Representative McHugh's statement.

END STRENGTH

29. Senator INHOFE. Dr. Westphal, how will you recommend DOD fund the 22,000 soldier end strength increase? Should it be resourced internally or externally from the Army budget?

Dr. WESTPHAL. My understanding is consistent with the response provided by Representative McHugh.

30. Senator INHOFE. Dr. Westphal, are you concerned that this end strength increase will hinder other Army priorities like modernization and equipment reset?

Dr. WESTPHAL. An increase in end strength is necessary to take pressure off our deploying forces. The Army must invest in modernization and equipment resets to ensure our soldiers maintain the highest levels of combat effectiveness within current fiscal constraints. If confirmed, I would work with the Secretary, OSD, and Congress to do all that we can to ensure that Army priorities for modernization and equipment reset are consistent with the needs of the force in time of war.

PERSONNEL

31. Senator INHOFE. Dr. Westphal, what will the effects on the Army Force Generation cycle be if the Iraq drawdown is delayed while we simultaneously double our troop strength in Afghanistan?

Dr. WESTPHAL. It is my understanding that the Army Force Generation (ARFORGEN) process was specifically designed to have some flexibility to support varying levels of demand over time. An Iraq drawdown delay would temporarily increase the commitment of Army forces. I would expect that the flexibility in the ARFORGEN process might mitigate the impact, but I believe that an extended delay in the drawdown and the corresponding decrease in dwell time are likely to result in increased stress on soldiers and families.

32. Senator INHOFE. Dr. Westphal, what level of troop increase in Afghanistan or Iraq would cause a change to the current dwell time goal of 1:2?

Dr. WESTPHAL. I have been informed that the Army is on track to achieve 1:2 Active component and 1:4 Reserve component dwell-to-deployment ratios by 2011. I understand, however, that this projection is based on the current, validated allocation of forces, which requires the Army to have 20 deployable Brigade Combat Teams (BCTs) at any time. In my view, an increase in troop levels in Afghanistan might impact these projections and could delay the Army's ability to achieve the desired dwell ratios.

THREAT PREPARATION

33. Senator INHOFE. Dr. Westphal, how should the Army be postured to counter the full spectrum of threats in the near- and far-term as well as be able to provide combatant commanders the forces they need?

Dr. WESTPHAL. In my view, the Army must provide combatant commanders with expeditionary forces prepared to counter the full spectrum of threats. I would envision such forces as comprising a mix of versatile organizations, capable of operating without large, fixed bases of support; comfortable in diverse cultural environments; and able to fight, if necessary, upon arrival in an operational area.

[The nomination reference of Dr. Joseph W. Westphal follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 11, 2009.

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

Joseph W. Westphal, of New York, to be Uner Secretary of the Army, vice Nelson M. Ford.

[The biographical sketch of Dr. Joseph W. Westphal, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JOSEPH W. WESTPHAL

Dr. Westphal is University System Professor of Political Science at the University of Maine (currently on leave). He is also Professor of Environmental Studies at The New School where he also served as Provost and Senior Vice President for Research until December 2008.

From 2002 to 2006, Dr. Westphal was the Chancellor of the University of Maine System and Professor of Political Science at the University of Maine. The System is composed of 7 universities and 10 continuing education centers with a total enrollment of over 36,000 students and an operating budget of more than $600 million.

Dr. Westphal received his Bachelor's degree from Adelphi University, his master's degree from the University of Oklahoma State and his Ph.D. in political science from the University of Missouri-Columbia. He spent 12 years on the faculty of Oklahoma State University. While on leave from the university, Dr. Westphal worked in the Department of the Interior on issues related to water development. Dr. Westphal also worked as a budget analyst and assistant to the chairman of the U.S. House Committee on the Budget.

From 1988 to 1995, Dr. Westphal worked in the U.S. Congress in various capacities from directing a congressional caucus in the House and Senate to working on Members staff. After leaving Congress in 1995, Dr. Westphal moved to the Clinton

administration as Senior Policy Advisor for Water Resources at the U.S. Environmental Protection Agency. He also taught public policy as an Adjunct Professor at Georgetown University.

In 1998, Dr. Westphal was confirmed by the U.S. Senate as Assistant Secretary of the Army for Civil Works. In 2001, Dr. Westphal served briefly as Secretary of the Army (Acting).

Dr. Westphal recently served as a member of the Obama-Biden Transition for the National Security Team working on Defense matters. He is a member of the Adelphi University Board of Trustees, the Santiago College Board and the Hydro-Photon Board Inc. Board of Directors. He is also a member of the Advisory Committee to the U.S. Southern Command.

Dr. Westphal is married with four adult children.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Joseph W. Westphal in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Joseph W. Westphal.

2. **Position to which nominated:**
Under Secretary of the Army.

3. **Date of nomination:**
June 11, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 26, 1948; Santiago, Chile.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Linda McMaster.

7. **Names and ages of children:**
James Westphal, 40; Heather Westphal Miele, 38; Amy Westphal Stewart, 34; and Lindsay Westphal, 27.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
McLean High School, McLean, VA; 1965–66 H.S. 1966.

Adelphi University, Garden City, NY, 1966–70, B.A., 1970.
Oklahoma State University, Stillwater, OK, 1971–73, M.A., 1973.
University of Missouri, Columbia, MO, 1973–75, Ph.D., 1980.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Senior Policy Advisor, U.S. Environmental Protection Agency, Washington DC; (1997–1998).
Assistant Secretary of the Army-Civil Works (1998–2001), Secretary of the Army (Acting, March–June 2001).
Senior Policy Council, Patton Boggs LLC, Washington DC, (July 2001–March 2002).
University System Professor, University of Maine System, Bangor, ME, (April 2002–June 2006).
Provost, The New School University, New York, NY, (July–December 2008).
Professor, The New School University, New York, NY, (January 2008–Present).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Federal Government Experience:

As a professor at Oklahoma State University, I went on leave on an Intergovernmental Personnel Act (IPA) agreement as follows:

- 1980, U.S. Department of the Interior, Office of Water Resources Technology, Office of the Assistant Secretary for Land and Water
- 1980–1981, U.S. House of Representatives Committee on the Budget
- 1987–1988, Senior Social Scientist, Institute for Water Resources, U.S. Army Corps of Engineers. On leave from Oklahoma State University on an IPA agreement.

Staff member of the Office of Water Policy, U.S. Department of the Interior, summer 1982.
Executive Director, Congressional Sunbelt Caucus, U.S. House of Representatives, Mike Andrews (D–TX), Lindsay Thomas (D–GA), E. Clay Shaw (R–FL) Co-Chairmen. 1988–1995.
Special Assistant, Office of Senator Thad Cochran (R–MS), 1995–1997.

State Government:

Member of the Faculty, Oklahoma State University, 1975–1987.
Member, State of Maine Science and Technology Board (2002–2006).
Special Assistant, Director of Congressional Sunbelt Caucus, Office of Senator Thad Cochran, 1995–1997.
Executive Director, Congressional Sunbelt Caucus and Sunbelt Institute, 1988–1995.
Member, SOUTHCOM Commander's Panel (2006–Present).
Unpaid Consultant, USAID and USIA (By invitation for short periods between 1982 and 1995).
Commissioner, President's National Recreation Lakes Commission (1999).
Member, President's Drought Commission (2000).
Chairman, U.S. Coastal America Program (1998–2001).
Member, President's Coral Reefs Task Force (1999 to 2001).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Trustee, Adelphi University, Garden City, NY.
Director, Hydro Photon Inc, Blue Hill, ME.
Director, Santiago College Board of Trustees, Washington, DC.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See response to question 11 above.
Member, Partner University Fund Grant Review Committee, Washington, DC.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Payne County Democratic Party Chair, Stillwater, OK, 1983–1984.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

N/A.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

$100, Frank Davis, Vermont Legislature.

$250, ACTBLUE Donation to Democrats/Greg Julian for Congress.

$100, Miles Theeman for City Council.

$1,000, Obama for President.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Silver Medal for Superior Service, Awarded by the Administrator, U.S. Environmental Protection Agency.

The Silver Order of the de Fleury Medal, Awarded by the Chief of Engineers Army Engineer Association-Engineer Regiment.

The Outstanding Civilian Service Medal, Awarded by the Chief of Staff of the Army, U.S. Department of the Army.

Decoration for Distinguished Civilian Service, Awarded by the Secretary of the Army, U.S. Department of the Army.

Phi Kappa Phi.

Pi Sigma Alpha.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"The Politics of Infrastructure," Social Research Quarterly 75, No. 3 (Fall 2008).

"Coastal America's Corporate Wetlands Restoration Partnership: An Effective Public-Private Partnership," National Environmental Enforcement Journal 15 (November 2000).

"Public Opinion and the Equal Rights Amendment," with M. Daniels and B. Darcy in Women Leaders in American Politics, Eds. James David Barber and Barbara Kellerman (Englewood Cliffs, NJ; Prentice Hall), pp. 41–46 (1986).

Assessment of Economic, Social, and Institutional Impacts of Groundwater Regulation, with D. Kent and H. Mapp. Oklahoma State University Water Research Center. USDI, Project A–093 (1983).

"The ERA Won-At Least in the Opinion Polls," with M. Daniels and Bob Darcy, P.S. 15 (Fall, 1982).

The Potential for Groundwater Management in the West: A Symposium," Ground Water 20 (January–February 1982).

Integrating Water Quality Management and Water Resources Planning in Oklahoma, with R.D. Ireland, Oklahoma State University Water Resources Council (1981).

"Commitments, Priorities, and Organizaitonal Options for Water Resource Planning in Oklahoma," with James J. Lawler, Oklahoma Water Resources Research Institute (August 1979).

Intergovernmental Aspects of Water Transfer in Oklahoma, with James Lawler, Oklahoma State University Water Research Center, USDI, Tech. Rept. A–084, Contract No. 14–34–0001–9038 (1979).

The Use of Resources and Assessment of Needs in Information Transfer for Science and Technology Issues by the Oklahoma Legislature, with Thomas Kielhorn, The Oklahoma State Legislature Council and the National Science Foundation (1978).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOSEPH W. WESTPHAL.

This 6th day of July, 2009.

[The nomination of Dr. Joseph W. Westphal was reported to the Senate by Chairman Levin on August 4, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 16, 2009.]

[Prepared questions submitted to Juan M. Garcia III by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I am not currently aware of any specific need for modifications to Goldwater-Nichols. If confirmed I will notify the Under Secretary and Secretary of the Navy of any changes of which I become aware.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I am not aware of any specific areas in which modification would be appropriate.

DUTIES

Question. Section 5016 of title 10, U.S.C., provides that the Assistant Secretary of the Navy for Manpower and Reserve Affairs shall have "as his principal duty the overall supervision of manpower and Reserve component affairs of the Department of the Navy."

If confirmed, what duties do you expect that the Secretary of the Navy will prescribe for you?

Answer. I believe the Secretary of the Navy will require me to provide overall supervision and oversight of manpower and Reserve component affairs for the Navy and Marine Corps. I would be responsible for developing integrated policies and programs related to military personnel (Active and Reserve components) and the civilian workforce.

Question. What actions will you take to enhance your ability to perform the duties of the Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. If confirmed, I will apply my experience as a naval officer and in government service to further my understanding and knowledge of the Navy, its people and organizations. I will diligently evaluate the challenges it faces and the resources necessary to sustain and transform it. I will seek advice and counsel from the military and civilian personnel of the Department and from Members of Congress and their staff.

Question. In carrying out these duties, what would be your relationship with the following officials:

Question. The Secretary of the Navy.

Answer. I will work with the Secretary of the Navy to help him achieve his goals, particularly those involving manpower issues. My role will be defined in part by powers he may choose to delegate to me.

Question. The Under Secretary of the Navy.

Answer. In his position as the Chief of Staff and Chief Operating Officer of the Department, the Under Secretary will play a significant role in prioritizing and synchronizing the efforts of the Assistant Secretaries of the Navy. If confirmed, I would

establish a close, direct, and supportive relationship with the Under Secretary of the Navy.

Question. The other Assistant Secretaries of the Navy.

Answer. I would coordinate with them on our combined interests as we work together to support the Secretary's goals.

Question. The General Counsel of the Department of the Navy.

Answer. The General Counsel is the senior civilian legal advisor to the Secretary, the Under Secretary, and the Assistant Secretaries and their staffs. I expect to consult and rely upon him/her on a variety of legal issues in discharging my responsibilities.

Question. The Judge Advocate General of the Navy.

Answer. As the senior uniformed legal advisor to the Secretary of the Navy, providing legal and policy advice on all legal matters not under the cognizance of the General Counsel, I expect to interact and seek legal advice as it pertains to those matters requiring a military legal perspective when discharging the responsibilities assigned to me.

Question. The Naval Inspector General.

Answer. The Naval Inspector General is the senior investigating official in the Department of the Navy and the principal advisor to the Secretary of the Navy, Chief of Naval Operations and the Commandant of the Marine Corps on all matters concerning inspection, investigations, and audit follow-up. If confirmed, I will establish and maintain a close and professional relationship with the Naval Inspector General.

Question. The Chief of Legislative Affairs of the Department of the Navy.

Answer. The Chief of Legislative Affairs is responsible for developing legislative strategies for the Navy. If confirmed I will work closely with him as it relates to the Department's legislative requirements for manpower and personnel.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. I would coordinate and work with the Under Secretary of Defense for Personnel and Readiness on areas of mutual concern to support the goals of the Secretary of the Navy and the Secretary of Defense.

Question. The Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Answer. I would coordinate and work with the Principal Deputy Under Secretary of Defense for Personnel and Readiness on areas of mutual concern to support the goals of the Secretary of the Navy and the Secretary of Defense.

Question. The Chief of Naval Operations.

Answer. The Chief of Naval Operations has a direct reporting relationship to the Secretary of the Navy. If confirmed, I would support the Secretary on areas of manpower policy as well as program execution.

Question. The Vice Chief of Naval Operations.

Answer. I would support the Under Secretary's close relationship with the Vice Chief of Naval Operations, as required, on manpower matters.

Question. The Commandant of the Marine Corps.

Answer. The Commandant has a direct reporting relationship to the Secretary of the Navy. If confirmed, I would support the Secretary on areas of manpower policy as well as program execution.

Question. The Assistant Commandant of the Marine Corps.

Answer. If confirmed, I will work very closely with the Assistant Commandant of the Marine Corps to ensure equitable manpower programs exist across the Department of the Navy.

Question. The Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs.

Answer. If confirmed, I will work very closely with the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs to ensure equitable manpower programs exist across the Department of the Navy.

Question. The Surgeon General of the Navy.

Answer. I would look to the Surgeon General for advice and insights on the spectrum of medical affairs affecting our Naval personnel.

Question. The Chief of Navy Reserve.

Answer. I would work closely with the Chief of Navy Reserve on the numerous operational and policy matters affecting our Reserve component.

Question. The Commander, Marine Forces Reserve.

Answer. I would work closely with Commander, Marine Forces Reserve on the numerous operational and policy matters affecting our Reserve component.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I believe that my life, work and family experiences have provided me with the qualifications necessary to hold this position. As the son of a career naval aviator, I grew up as a Navy dependent; living, moving, going to school, and waiting out my father's deployments on Navy bases. As a naval officer, I served 13 years on active duty, completing five tours and four deployments. Now during my fifth year as a naval reservist, I have had the opportunity to command a Reserve Squadron. Trained in law and management at Harvard Law School and the John F. Kennedy School of Government, I've crafted public policy both as a White House Fellow and as an elected legislator. All of these experiences have taught me to understand and appreciate the demands, challenges and experiences of today's Active Duty service personnel, their Reserve counterparts, and their families. They have also taught me how to appreciate the bureaucratic barriers, the competing priorities and the processes to change.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. If confirmed, my challenges will include providing for the health and welfare of our sailors, marines, and their families, continuing efforts towards Active/Reserve force integration, attracting, recruiting and retaining top talent both for our civilian and military workforce (particularly in skill sets required for OCO), maintaining the superior pay and benefits package our sailors and marines deserve, and ensuring the best care for our wounded warriors and their families.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. I will work within the DON–DOD framework to address manpower costs while supporting our servicemen and women and their families.

SYSTEMS AND SUPPORT FOR WOUNDED SAILORS AND MARINES

Question. Sailors and marines wounded and injured in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) deserve the highest priority from the Navy and Marine Corps for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from active duty if required, and continuing support beyond retirement or discharge.

In your view, what were the most critical shortcomings in warrior care, both Active and Reserve, since 2001?

Answer. I have not had an opportunity to be fully briefed on any shortcomings in wounded warrior care. If confirmed, a review of the systems and support for wounded sailors and marines will be a top priority. Our Nation and our Navy owe these wounded sailors and marines a debt that can never be repaid.

Question. What is your assessment of the effectiveness of the Navy and Marine Corps response?

Answer. The Navy and Marine Corps have a longstanding tradition and record of success in caring for the medical needs of its personnel and their families. The Navy established the Safe Harbor program, and the Marine Corps established the Wounded Warrior Regiment to improve support services and speed delivery of coordinated care. If confirmed, I will continue to evaluate the effectiveness of these programs, identify best practices and implement process improvements to optimize the success of these programs.

Question. What measures would you take, if confirmed, to facilitate the seamless transition of wounded, ill, and injured sailors and marines from the Department of Defense (DOD) to the Department of Veterans Affairs?

Answer. If confirmed, I will work to foster a seamless transition for continuity of service between the Navy and Veterans Administration systems of care, to include the much discussed electronic medical records. Continued collaboration between DOD and the Department of Veterans Affairs will further strengthen the transition of wounded, ill, and injured sailors and marines.

Question. How do the Navy and Marine Corps provide follow-on assistance to wounded personnel who have separated from the Service? How effective are these programs?

Answer. As I understand, both the Navy's Safe Harbor Program and the Marine Corps' Wounded Warrior Regiment extend support to wounded personnel should they be separated or retire due to medical issues, up through and including reintegration to a community. Our heroes deserve our continued support even after

leaving active service. I have not had an opportunity to personally assess these programs, but if confirmed I will ensure that these programs provide the best service possible to our very deserving sailors and marines

Question. What is your assessment of the need to streamline and improve the Navy's disability evaluation system? If confirmed, how will you address any need for change?

Answer. The Physical Evaluation Board manages the Department of the Navy's disability evaluation system. If confirmed, I will review the evaluation process to ensure it is fair, efficient and thorough. I have not had an opportunity to personally assess this system, but if confirmed I will ensure that this program provides the best service possible to our deserving sailors and marines.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Navy's support for wounded sailors and marines and to monitor their progress in returning to duty or civilian life?

Answer. If confirmed, I will work to ensure sailors, marines, and their families are provided with optimum medical care and support throughout their recovery, rehabilitation and reintegration. Our sailors and marines deserve nothing less.

OFFICER MANAGEMENT ISSUES

Question. As the Assistant Secretary of the Navy for Manpower and Reserve Affairs you would have significant responsibilities with regard to officer management policies, the promotion system, and recommending officers for nomination to positions of authority and responsibility.

If confirmed, what changes, if any, would you make to the officer management system?

Answer. The officer management systems, and in particular the promotion system, are constantly being evaluated and improved. I have experience with aspects of the officer management system from my military service, but I have not been fully briefed on all of the specifics of the program, or the results of the latest evaluations. If confirmed, I will fully consider and evaluate all recommendations for improvement from the Navy and Marine Corps.

Question. Do you believe the current Navy and Marine Corps procedures and practices for reviewing the records of officers pending nomination by the President are sufficient to ensure the Secretary of the Navy, the Secretary of Defense, and the President can make informed decisions?

Answer. I have not yet been briefed on this issue, but based on my experience as a Naval Officer I know the Department strives to ensure that the review process for officers pending nomination by the President is thorough, expansive, and fair. If confirmed, I am committed to ensuring that the officers recommended by selection boards are best qualified for promotion to meet the needs of the Navy and Marine Corps consistent with the requirements of exemplary conduct.

Question. In your view, are these procedures and practices fair and reasonable for the officers involved?

Answer. While I have not yet been briefed on these procedures and practices, my experience gives me the confidence that the Navy and Marine Corps procedures and practices for reviewing the records of officers pending nomination by the President are fair and reasonable for the officers involved.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination.

If confirmed, what role would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. If confirmed, I will provide all necessary assistance to the Secretary of the Navy to evaluate adverse and alleged adverse information pertaining to general and flag officer nominations. Given the special trust placed in our senior leaders, it is essential that nomination packages provide the Secretary with the best possible information regarding the fitness of the officers selected to serve as our senior leaders.

Question. What is your assessment of the ability of the services to document credible information of an adverse nature in a timely manner for evaluation by promotion selection boards and military and civilian leaders?

Answer. The documentation of credible information of an adverse nature is critical to ensuring the reliability of selection board results. I consider this to be one of our most important responsibilities and one that, if confirmed, I would carefully study to ensure information of an adverse nature is properly evaluated.

Question. If confirmed, what steps will you take to ensure that only the best qualified officers are nominated for promotion to general and flag officer rank?

Answer. I have not had an opportunity to be briefed on the existing process within the Department of the Navy for developing and promulgating selection criteria for general and flag officers. If confirmed, I will provide the Secretary my frank assessment of the existing processes and will make recommendations of any changes necessary to ensure the best qualified officers are nominated.

TECHNICAL TRAINING OF GENERAL OFFICERS

Question. In your view, do a sufficient number of Navy and Marine Corps flag and general officers have advanced training and degrees in scientific and technical disciplines?

Answer. I have not been briefed on advanced training standards for flag and general officers. If confirmed, I will closely monitor the inventory of senior officer personnel to ensure our Navy and Marine Corps has officers with necessary technical and scientific training.

Question. Are the career paths for officers with technical skills appropriate to ensure that the Navy can execute complex acquisition programs, adapt to a rapidly changing technological threat environment, and make informed investment decisions on DOD, Navy, and Marine Corps resources?

Answer. I have not been fully briefed on the requirements for these technical Navy career paths. If confirmed, I will work with officials across the DON to ensure that the Navy can provide the acquisition and technical expertise required to make informed investment decisions.

Question. If not, what will you do to address this deficiency, if you are confirmed?

Answer. If confirmed I will evaluate whether there is adequate match between acquisition education requirements and senior officer training and education.

DELIVERY OF LEGAL SERVICES

Question. What is your understanding of the respective roles of the General Counsel and Judge Advocate General of the Navy in providing the Secretary of the Navy with legal advice?

Answer. I believe that the considered and independent counsel of the General Counsel and of the Judge Advocate General of the Navy are absolutely necessary to effective governance of the Department. It is my understanding that the General Counsel and the Judge Advocate General provide the Navy unique perspectives that are complimentary and essential. If confirmed, I will work closely with these two indispensable counsel to ensure that recommendations to the Secretary of the Navy receive the benefit of their independent legal advice.

Question. What are your views about the responsibility of staff judge advocates within the Navy and Marine Corps to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Answer. Navy and Marine Corps staff judge advocates provide critical advice to civilian and military leaders within the Department. My prior experience as a naval officer has impressed upon me the value for commanders to have experienced, well trained staff judge advocates who serve with them, who understand the specific mission and requirements of the commander, and who are prepared to provide essential, independent advice where and when it is needed.

Question. What are your views about the responsibility of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to provide independent legal advice to the Chief of Naval Operations and the Commandant of the Marine Corps, respectively?

Answer. It is critically important that the Chief of Naval Operations and the Commandant of the Marine Corps receive independent advice from well experienced, senior uniformed judge advocates.

NAVY JUDGE ADVOCATE GENERAL CORPS

Question. The Center for Naval Analyses (CNA) recently completed a study of manpower requirements for the Navy in which it concluded that the Navy's Judge Advocate General Corps was significantly understrength for its mission, including combat service support of Marine Corps' units and Task Force 134 in Iraq.

What is your understanding of the CNA study's findings with respect to Active Duty manpower in the Navy JAG Corps?

Answer. I have not had an opportunity to read or be briefed on the findings of the CNA study. If confirmed, I commit to reviewing the study and working with the Judge Advocate General of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps to ensure that the Secretary is fully informed about

the legal manpower requirements of Marine combat units and the resourcing of the Navy Judge Advocate General's Corps.

Question. What is your understanding of the sufficiency of the number of active-duty judge advocates in the Marine Corps to provide legal support for all the Marine Corps' missions?

Answer. If confirmed, I will work with the Staff Judge Advocate to the Commandant, and with the Deputy Commandant for Manpower, to ensure that Secretary of the Navy and I are fully informed about the legal manpower requirements for Marine Corps missions.

Question. If confirmed, will you review the judge advocate manning within the Navy and Marine Corps and determine whether current active-duty strengths are adequate?

Answer. I will.

ACTIVE-DUTY END STRENGTH

Question. In its 2010 budget submission, the administration and the Navy requested a permanent end strength of 324,400 in the base budget, and a temporary emergency end strength of 4,400 in the OCO request. This additional 4,400 sailors was the only end strength of any service funded in the OCO request.

Is a permanent active-duty end strength of 324,400, in your view, sufficient to allow the Navy to accomplish its numerous missions going forward?

Answer. Determining the appropriate active-duty end strength is a critically important issue, and one that I am very concerned about. I have not, however, had an opportunity to be fully briefed on projections for permanent active-duty end strength for the Navy's future mission requirements. If confirmed, I intend to work with the Chief of Naval Personnel to ensure that we determine the right size of the military force.

Question. Does the Navy consider this 4,400 increase to be surplus to its permanent and enduring requirements and temporary in nature, or is this manpower the Navy will need for the foreseeable future?

Answer. It is my understanding that Navy requested the 4,400 increase to provide support to OCO and not as a permanent increase. If confirmed, I commit to continuously review both permanent end strength requirements for Navy missions as well as to monitor temporary OCO requirements to ensure the Department's budget requests provide the administration and Congress a clear understanding of manpower needs.

NAVY AND MARINE CORPS RECRUITING AND RETENTION

Question. Recruiting and retention of quality sailors and marines, officer and enlisted, Active-Duty and Reserve, is vital to the Department of the Navy.

How would you evaluate the status of the Navy and Marine Corps in successfully recruiting and retaining high caliber personnel?

Answer. The Navy and Marine Corps enjoy continued success in recruiting and retaining exceptionally well-qualified personnel. It is my understanding that both the Navy and Marine Corps continue to meet all recruiting goals through the efforts of a strong, well-resourced recruiter force. Once a sailor or marine joins the Service, success in retention requires that we provide world class benefits to Navy families that are appropriate to a world class force.

Question. What initiatives would you take, if confirmed, to further improve the attractiveness of Navy and Marine Corps, Active-Duty and Reserve service?

Answer. I have not had an opportunity to be briefed on initiatives that are in development, but if confirmed I commit to a vigorous review of the entire spectrum of tools available to the Navy and Marine Corps to ensure that as the economy improves we will be able to continue to recruit and retain the talented people who value service and are willing to serve.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. The Navy is facing shortages in critically needed medical personnel in both the Active and Reserve components. The committee is concerned that growing medical support requirements will compound the already serious challenges faced in recruitment and retention of medical, dental, nurse, and behavioral health personnel.

If confirmed, will you undertake a comprehensive review of the medical support requirements for the Navy and the sufficiency of the plans to meet recruiting and retention goals in these specialties?

Answer. I will. Nothing is more important to our sailors, marines, and their families than to ensure that they receive ready access to world class medical care.

Question. What legislative and policy initiatives, including bonuses and special pays, do you think may be necessary to ensure that the Navy can continue to meet medical support requirements?

Answer. I have not had an opportunity to be briefed on the Department's legislative and policy initiatives, but I am committed to fully evaluating all such initiatives to ensure that the Navy will be positioned to compete for the best medical, dental, nurse and behavioral health personnel available.

REPORT OF THE DOD TASK FORCE ON MENTAL HEALTH

Question. The DOD Task Force on Mental Health found that the stigma surrounding post-traumatic stress disorder and other mental health issues acts as a barrier to many servicemembers seeking the help that they need. Additionally, the Task Force found that there are significant issues with accessibility and numbers of mental health providers, stating that the "military system does not have enough fiscal or personnel resources to adequately support the psychological health of servicemembers and their families."

If confirmed, what actions would you take to ensure that appropriate numbers of mental health resources are available to sailors and marines in theater, and to them and their families upon return to home station?

Answer. If confirmed, I will strongly advocate ensuring adequate mental health resources are available in theater as well as upon their return from deployment.

Question. What actions should senior leaders take to erase the stigma associated with seeking mental health care?

Answer. The psychological health of our servicemembers and their families is a critical readiness factor. Senior leaders must take the lead in creating a new perception that seeking help demonstrates courage and thereby reduce any perceived stigma.

OPERATIONAL AND PERSONNEL TEMPO

Question. Current DOD policy is that Active component personnel will have 2 years of dwell time for each year of deployment and that Reserve component members have 5 years of dwell time for each year they are mobilized.

What is your view of the achievability of this goal? What measures must be taken by the Navy and Marine Corps to be able to achieve it in 5 years or less?

Answer. The Marine Corps' achievement of an end strength of 202,000, accomplished some 3 years early, will give us the capacity to reach this goal. If confirmed, I will make it a priority to continue the Department's objective of attaining the 2:1 dwell time.

Question. In your view, how will shifting resources from Iraq to Afghanistan affect dwell-time ratios?

Answer. I have not been fully briefed on the impact of shifting resources from Iraq to Afghanistan. If confirmed, I will review this issue.

Question. What is your assessment of the Navy and Marine Corps' ability to support scheduled troop rotation planning in 2009 and beyond, particularly in combat support and combat service support missions, given this goal?

Answer. I have not been fully briefed on the impact of these scheduled troop rotations. If confirmed, I will review this issue.

Question. In your view, what will be the effect on recruiting, retention, and readiness of the Navy and Marine Corps of the current rates of operations and personnel tempo through 2010?

Answer. It is my understanding that the Navy and Marine Corps enjoy continued success in recruiting and retention. If confirmed, I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to ensure naval service remains attractive to prospective recruits and that sailors, marines, and families receive the support they need to continue serving while operation and personnel tempos remain high. We must prepare for increased competition for the Nation's best and brightest, when the Nations' economy improves, by continuing our commitment to a ready, resourced recruiting force.

MOBILIZATION AND DEMOBILIZATION

Question. In the aftermath of the attacks of September 11, 2001, the Reserve components have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness monitoring, errors due to antiquated pay systems, limited transition assistance programs upon demobilization, and lack of access to members of the Individual Ready Reserve. Reserve Force management policies and systems have been characterized in

the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Navy Reserve and Marine Corps Reserve mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. As I understand it, the Navy and Marine Corps have continued to modify, and where necessary improve, the activation process for Reserve component sailors and marines in order to best support these deploying personnel while at the same time meeting the combatant commander and gaining commander requirements. These processes are evaluated on a continual basis to best meet the needs of sailors and marines and the dynamic requirements of gaining commands.

Question. What do you consider to be the most significant enduring changes to the administration of the Navy Reserve and Marine Corps Reserve aimed at ensuring their readiness for future mobilization requirements?

Answer. As an officer in the Navy Reserve I am aware that prior to September 11, 2001, the Navy already had initiatives underway to enhance integration between the Active and Reserve components. The events of September 11 and OIF and OEF focused greater attention on these initiatives resulting in an enhanced, integrated Total Force. In my view, recent operations have emphasized the readiness and capability of the Reserve component.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the Reserves?

Answer. I am not aware of any needed modifications to statutory authority for mobilization of the Reserves. If additional authorities or modifications were required, I would recommend those changes to the Secretary of the Navy.

Question. Do you believe that Reserve personnel should be mobilized to serve in lieu of civilians in Afghanistan?

Answer. It is my understanding that marines and sailors are mobilized to meet combatant commander requirements as validated by the Joint Staff and the Secretary of Defense. If confirmed I would advocate utilization of our Reserve component consistent with those validated requirements and our commitment to dwell-time standards.

INDIVIDUAL READY RESERVE

Question. DOD established a policy in 2005 mandating the discharge of officers in the Individual Ready Reserve (IRR) who are beyond their military service obligations (MSO) unless the officer positively elects to remain in the IRR. Meanwhile, the Commission on the National Guard and Reserves has found that accessing the IRR as a viable source of manpower for the war has been problematic, and that using the IRR as a solution for unit manning is a failed concept.

What are your views on the proper role of the IRR in Navy and Marine Corps force management planning?

Answer. I have not had an opportunity to review the Commission on the National Guard and Reserves report to understand the specific problems identified. If confirmed I commit to assessing the effectiveness of the IRR as it relates to Navy and Marine Corps support to combatant commanders.

Question. If confirmed, what changes, if any, do you foresee proposing to the Navy and Marine Corps IRR recall policy?

Answer. My understanding is that Federal law stipulates that all members of the Individual Ready Reserve (IRR) are eligible for involuntary recall to active duty. I have not been briefed on the need to change any policy or policies currently associated with the IRR.

Question. What are your views about policies affecting continued service by officer and enlisted personnel in the Reserve components who have fulfilled their MSO?

Answer. I believe our military is built on the strength of volunteers and I wholly support the continued service of all those that are willing, fit and ready to serve consistent with the needs of the Services and the requirements of the law.

Question. What is your assessment of the adequacy of the system in place for members in the IRR receiving orders to active duty to request a delay or exemption for that activation, including the procedures in place for appealing a decision on that request?

Answer. My understanding is that the Services and DOD have established policies and systems in place to allow all reservists, including IRR members recalled to Active Duty to apply for delays, deferments, or exemptions from mobilization.

Question. What is your assessment of the value of the IRR to the Navy and Marine Corps All-Volunteer Force?

Answer. The IRR represents a valuable pool of experienced sailors and marines for our Nation's defense. If confirmed, I will evaluate the mobilization and demobilization processes for the IRR to ensure that sailors and marines willing and able to serve are permitted to do so.

MEDICAL AND DENTAL READINESS OF NAVY AND MARINE CORPS RESERVE PERSONNEL

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. As an officer in the Navy Reserve, I recognize medical and dental readiness as essential to our mission. The best trained Reserve sailors and marines are unable to perform their missions if they lack essential medical and dental readiness. If confirmed, I will use my experience and all available resources to evaluate current readiness reporting processes to ensure our Nation has the warfighting capability that our Reserve sailors and marines are trained to provide.

Question. How would you improve upon the Navy and Marine Corps' ability to produce a healthy and fit Reserve component?

Answer. If confirmed, I will use my experience as a Navy Reserve officer to fully inform my review of the Reserve component with the goal of improving the health and fitness of the Reserve component, as well as ensuring accurate and timely accounting from our medical component.

LESSONS LEARNED

Question. What do you believe are the major personnel lessons learned from OEF and OIF which you would seek to address if confirmed as Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. I am confident that there are valuable personnel lessons learned from OEF and OIF. The sacrifices of our sailors and marines, and their families in support of these operations were made at great cost. If confirmed, I will seek out and review these hardearned lessons learned with senior leaders within the Department of the Navy.

TRICARE FEE INCREASES FOR MILITARY RETIREES

Question. Secretary Gates recently told officers at the Air War College that "health care is eating the (Defense) Department alive."

How do you interpret this statement and do you agree with the Secretary's assessment?

Answer. I interpret Secretary Gates' comments to be an acknowledgement of the huge cost associated with the Departments' overall medical care expenses. I understand his concerns. I have had the privilege to receive military medical care for most of my life. The medical care that is provided is of a very high quality. This care, however, comes at a substantial cost to the overall DOD budget.

Question. What is your view of the need for increased beneficiary payments in reducing overall health care costs to the Department?

Answer. The Department should consider all available options in order to confront the rising cost of military health care. Certainly, increasing the beneficiary payments would reduce the costs. However, this may also have an adverse impact upon those beneficiaries. Health care is a significant benefit to our military servicemembers and their families, earned with sweat and often blood, and any change must be thoroughly analyzed and carefully communicated.

Question. What other reforms in infrastructure, benefits, or benefit management, if any, do you think should be examined in order to control the costs of military health care?

Answer. I will support efforts by DOD to responsibly control the costs of military health care.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel, and related entitlement spending continue to increase rapidly and are becoming an ever increasing portion of the DOD budget.

If confirmed, what actions will you take to control the rise in personnel costs and entitlement spending?

Answer. Personnel costs represent the largest part of the Department's budget. One of the keys to controlling personnel costs is to operate as efficiently and effec-

tively as possible with respect to utilization of personnel. It is critical that we apportion that part of the budget devoted to personnel to benefits that deliver the best value to naval personnel while being good stewards of the taxpayer's dollar.

If confirmed, I will strive to do this while also seeking to find new options and approaches to address the rising personnel costs and work with Congress, the Secretary of Defense and the Secretary of the Navy to address this critical matter.

Question. If confirmed, what actions will you take to avoid a requirement for multimillion dollar end-of-year reprogramming to cover personnel costs?

Answer. If confirmed, I will examine the processes and requirements associated with personnel costs to determine what actions may be taken to reduce this reliance upon end-of-year reprogramming.

FAMILY READINESS

Question. Military members and their families in both the Active and Reserve components have made, and continue to make, tremendous sacrifices in support of operational deployments. Senior military leaders have warned of growing concerns among military families as a result of the stress of frequent deployments and the long separations that go with them.

In your view, what are the key indicators of the stress on Navy and Marine Corps families at this time?

Answer. There are a number of tangible indicators of stress on our military families reflecting the impact of 7 years of wartime operations. These range from financial hardship, marital difficulties, psychological problems for children, to the most tragic imaginable, a member taking their own life. I intend to do everything possible to responsibly address the need for services and the demand for support programs by Navy and Marine Corps families.

Question. If confirmed, what will you do to address these key indicators?

Answer. I have personally experienced the impact of extended deployments, both as the deployer and as a dependent. If confirmed, I will work to ensure these resources are available to our families experiencing the effects of frequent deployments. Additionally, I will continue to advocate consistent standardized quality family support and child and youth programs.

Question. What do you consider to be the most important family readiness issue for sailors and marines and their families?

Answer. I consider all family readiness issues to be important, but obviously the most dramatic and tragic are mental health issues that may result in suicide. If confirmed, I will focus on Navy and Marine Corps family readiness programs, and will strive to meet all family readiness needs throughout the Navy-Marine Corps team. However, I intend to pay particular attention to suicide risks and take every reasonable measure to reduce them.

Question. What challenges do you foresee in sustaining quality of life programs, and are there new initiatives that you would undertake, if confirmed, to ensure the availability of high quality services, including child care, education, and recreational opportunities for sailors and marines and their families?

Answer. While fiscal challenges threaten Navy and Marine Corps quality of life programs, sustaining our current accredited programs will be a priority. If confirmed, I will work with the Chief of Naval Operations and Commandant of the Marine Corps to maintain focus and commitment to programs that support the quality of life needs of all naval personnel and their families.

Question. If confirmed, how would you ensure support for Reserve component families, particularly those who do not reside near an active-duty military installation, related to mobilization, deployment, and family readiness?

Answer. If confirmed, I intend to work with the Secretary of the Navy and the other military Services to maintain focus and commitment to the quality of life needs of all personnel, regardless of where they live.

Question. In your view, what progress has been made, and what actions need to be taken in the Navy and Marine Corps to provide increased employment opportunities for military spouses?

Answer. Military spouse employment is a readiness and quality of life issue and a top priority for the Department of the Navy. Significant progress has been made through State and Congressional support for our military spouses through alternative certifications and reciprocal agreements. I will consider a number of options, to include assessing whether allowing spouses to use FPO addresses will improve their ability to engage in home businesses.

Question. If confirmed, what additional steps would you take to ensure that family readiness needs, including child care, are addressed and adequately resourced?

Answer. We will continue to utilize feedback mechanisms from sailors, marines, and their families to address their concerns. If confirmed, I will work to ensure that effective and innovative Quality of Life programs including Child Development Centers that our sailors, marines, and their families rely on, remain resourced and a priority for Department of the Navy. Again, as someone who has both utilized such Development Centers for my children, and as a military child myself, I appreciate the importance of such facilities.

SUPPORT FOR SINGLE SAILORS AND MARINES

Question. While the percentage of married sailors and marines has steadily increased, a substantial portion of them, especially young sailors and marines, are single.

What are the unique support needs of single sailors and marines, especially those returning from combat?

Answer. My military experience has convinced me that all single sailor support needs are not alike. In many ways, their needs differ depending upon seniority. Many junior single personnel are away from their families for the first time and need life skills to adjust to living on their own. More senior single personnel live in the community and may be significantly impacted by a deployment since there is no one to care for their household. They may not have a support structure to monitor their well-being upon their return from combat operations or deployment.

Question. If confirmed, what would you do to address these needs?

Answer. If confirmed, I would continue to emphasize the availability of Fleet and Family Support Centers and the Marine and Family Support Centers resources and services to all of our sailors and marines. The importance of continuing the efforts put in place to engage a single servicemember's preferred point of contact during a single sailor's or marine's deployment remains important and cannot be over-emphasized.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 restored the collective bargaining rights of civilian employees included in the National Security Personnel System (NSPS) established by DOD pursuant to section 9902 of title 5, U.S.C. Under section 1106, the Department retains the authority to establish a new performance management system (including pay for performance) and streamlined practices for hiring and promotion of civilian employees. Senior DOD officials have stated that they do not intend to expand NSPS to include employees in bargaining units that are represented by employee unions.

What is your view of the NSPS, as currently constituted?

Answer. I have had limited opportunity to fully evaluate the NSPS system. It is my understanding that the Department is currently reviewing the programs, policies and practices of NSPS. It seems prudent to allow this review to be completed prior to altering or eliminating the system. Regardless, it is critical for the Department to have a comprehensive system for employee management which provides accountability, flexibility and is mission-driven to incorporate pay for employee performance.

Question. Do you support the pay-for-performance approach adopted for civilian employees in the NSPS?

Answer. Yes. Appropriately compensating our workforce for their performance is essential. While I am familiarizing myself with the specifics of the NSPS pay-for-performance program, it seems reasonable to establish a clear relationship between the organization's mission and the work performed.

Question. Do you believe that the Department needs streamlined authority for hiring and promotion of civilian employees to meet its human capital needs?

Answer. Expedited hiring authority is an exceptional tool in the recruiting process and in building a strong public workforce. If confirmed, I would pursue expedited hiring authority for critical positions.

Question. In your view, is it viable in the long run for DOD to maintain two separate systems (NSPS and the General Schedule) for its civilian employees?

Answer. Currently, there are a number of personnel management systems operating within our workforce, including NSPS and the GS. If confirmed, I will review all of them before making recommendations on what is optimal to achieve mission.

Question. What changes, if any, would you recommend to the NSPS authorizing legislation?

Answer. I have no specific legislative change to propose at this time. I believe that it is important to wait for the final report and recommendations of the ongoing Department review of NSPS policies, regulations and practices.

Question. What changes, if any, would you recommend to the NSPS regulations?

Answer. I have no specific regulatory changes to propose at this time. It is important to wait for, and subsequently evaluate, the final report and recommendations of the ongoing Department review, as well as any additional legislative changes to determine what new regulations would be appropriate.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. In recent years, DOD and the Department of the Navy have become increasingly reliant on services provided by contractors. Over the past 8 years, DOD's civilian workforce has remained essentially unchanged in size. Over the same period, the DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result of the explosive growth in service contracts, contractors now play an integral role in the performance of functions that were once performed exclusively by government employees, including the management and oversight of weapons programs, the development of policies, the development of public relations strategies, and even the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Federal employees.

Do you believe that the current balance between civilian employees and contractor employees is in the best interests of the Department of the Navy (DON)?

Answer. The DON "Smart Work" initiative contracted out certain tasks and duties, thereby freeing up permanent personnel. This was an understandable and admirable initiative. However, over time it may have gone too far. If confirmed, I will revisit this issue and look for every opportunity to "in source" where it would increase efficiencies. I am committed to achieving the optimal mix of military, Federal-civilian, and contractor personnel and to be better stewards of taxpayer resources.

Question. In your view, has the DON become too reliant on contractors to perform its basic functions?

Answer. It would be unwise to assume that contracting out all critical readiness capabilities is the most prudent route to steward scarce resources. If confirmed, I am committed to reviewing the current balance and establishing the process necessary to analyze the costs and benefits of contracting.

Question. Do you believe that the current extensive use of personal services contracts is in the best interests of the DON?

Answer. Similar to my concerns regarding contractors, it is unwise to assume that the use of personal service contracts is always the best route to addressing our needs in light of limited resources. If confirmed, I am committed to reviewing the current balance and establishing the processes necessary to analyze the costs and benefits of these types of contracts.

Question. Do you believe that the DON should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. It is always in our best interest to carefully review the direct, indirect and potentially unintended consequences of a decision to contract out functions that may be considered inherently governmental. If confirmed, I am committed to establishing the processes necessary to perform this analysis.

Question. If confirmed, will you work with other appropriate officials in the DON to address these issues?

Answer. Yes.

Question. One reason for the explosive growth in DOD's contractor workforce has been the continuing limitation placed on the number of civilian employees of DOD. Rather than saving money as intended, this limitation has shifted all growth to contractor employees. Would you agree that the balance between civilian employees and contractor employees in performing DON functions should be determined by the best interests of the DON and not by artificial constraints on the number of civilian employees?

Answer. Yes.

Question. If confirmed, will you work to remove any artificial constraints placed on the size of the DON's civilian workforce, so that the number of employees most appropriate to accomplish its mission can be hired?

Answer. Yes.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving servicemembers at home station and in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the military failed to respond appropriately by providing basic services, including medical attention and criminal investigation of their charges.

What is your evaluation of the progress to date by the Navy and the Marine Corps to prevent additional sexual assaults at home station as well as deployed locations?

Answer. If confirmed, I will be guided by the fact that American families have entrusted us to care for their sons and daughters. I will not allow these young patriots to be victimized by their own. The Navy and Marine Corps have undertaken several important measures to strengthen the prevention and response to sexual assaults. Although I have not had an opportunity to fully review these programs, as a Navy Commander, I know these programs are critically important. If confirmed, I will have no greater priority or responsibility.

Question. What is your view of the adequacy of the training and resources the Navy and Marine Corps have in place to investigate and respond to allegations of sexual assault?

Answer. If confirmed, I will evaluate the current training and resources to ensure Department of the Navy investigative organizations have the ability to respond swiftly and appropriately to address all allegations of sexual assault.

Question. What is your understanding of the resources and programs the Navy and Marine Corps have in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. As a deploying force, Navy and Marine Corps units offer victim protection and support with victim advocates on board as well as additional assistance through 'reach back' capability. Services maintain close coordination to ensure support in joint units. NCIS also deploys to the combat areas special agents who are trained in investigating sexual assaults.

Question. Do you consider the Department of the Navy's current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. Confidentiality and restricted reporting of sexual assaults are critical. If confirmed, I commit to ensuring effective policies are implemented and enforced.

Question. What problems, if any, are you aware of in the manner in which the confidential reporting procedures have been put into effect?

Answer. It is imperative to strike the right balance between the legitimate interests of the victim of sexual assault who makes a confidential report, the Navy Commander who is responsible for the welfare of the victim, and the interests of the military justice system which seeks resolution. In my view, Navy leaders must continue to reconcile these competing interests.

Question. If confirmed, what actions would you take to ensure that senior civilian leaders of the Department of the Navy have ongoing visibility into incidents of sexual assault and the effectiveness of policies aimed at preventing and responding appropriately to such incidents?

Answer. If confirmed, I will evaluate the current reporting and response systems to determine if any modifications would improve the visibility for senior leadership.

PREVENTING SEXUAL HARASSMENT AND VIOLENCE

Question. The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies reported that "Historically, sexual harassment and sexual assault have been inadequately addressed at the Service Academies. Harassment is the more prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare military officers. Much of the solution to preventing this behavior rests with cadets and midshipmen themselves."

What is your assessment of the policies and procedures at the U.S. Naval Academy to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. As a critical source for future Naval Officers, it is essential to ensure that midshipmen are trained in a culture that fosters respect and rejects sexual harassment and assault. If confirmed, I will work with the Superintendent of the Naval Academy to ensure the strongest, most response-oriented programs are in place.

Question. If confirmed, what actions would you take to encourage not only midshipmen but also all sailors and marines to step up to their responsibility to create a culture where sexual harassment and sexual assault are not tolerated?

Answer. Both the Navy and the Marine Corps continue to stress their unequivocal position that sexual assault is completely at odds with their core values—and that all sailors and marines are honor bound to step up, step in, and take personal responsibility for preventing sexual assault and holding offenders accountable.

Question. If confirmed, what other actions would you take to address the problem of sexual harassment and sexual assault in the Navy and Marine Corps?

Answer. If confirmed, I will ensure that every individual and organization under my office has access to the training and tools essential to promote a culture consistent with Navy and Marine Corps values.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Navy regarding religious practices in the military?

Answer. It is my understanding that DOD and the Department of the Navy have placed a high value on the rights of members of the military Services to worship according to the dictates of their individual beliefs. From my experience at sea, I know the lengths our Service goes to accommodate all faiths. These policies have been created in order to comply with the First Amendment to the Constitution and Federal law.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular forms of dress or other articles of religious significance?

Answer. Yes. DOD policy requires that the accommodation of religious practices be approved by commanders who strike the appropriate balance between accommodation and ensuring there is no adverse impact on mission accomplishment, military readiness, unit cohesion, standards or discipline.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. Yes.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. Yes. Tolerance, inclusiveness, and mutual respect guide Navy policy and practice in order to balance the rights of chaplains and those of many diverse faiths or non-faiths who attend formal and informal functions.

Question. What is your assessment of the policies and procedures at the U.S. Naval Academy to ensure religious tolerance and respect?

Answer. I have not had an opportunity to focus specifically on the policies and procedures at the Naval Academy in this regard. I would expect that the policies and procedures of the Naval Academy would align with the First Amendment to the Constitution, Federal law, and the policies of DOD.

SUICIDE PREVENTION

Question. The committee is concerned about the increasing rate of suicides in the Navy.

In your view, what is the cause of this increase in suicides?

Answer. Factors commonly associated with Navy and Marine suicides include multiple life stressors such as problems in relationships or work, administrative or legal actions and physical health concerns. Additionally, mental health problems, alcohol and substance abuse increase suicide risk. Preventing suicides requires preventing life problems, when possible, or resolving them before the problems escalate into suicidal thinking.

Question. What is your assessment of the Navy's response to this increase in suicides?

Answer. While I have not been fully briefed on the Navy's response to the increase, I am aware that the Navy has taken a proactive approach to suicide prevention with primary focus on building resilience through the Navy's Operational Stress Control Program, now in its early phases. If confirmed, I intend to leverage all tools available to improve the quality and access to such programs, to reduce the stigma associated with seeking mental health treatment, and to consider new programs to

help families and units deal with the trauma of these devastating acts. There is much to be done and efforts will require continued support.

FOREIGN LANGUAGE PROFICIENCY

Question. A Foreign Language Transformation Roadmap announced by DOD on March 30, 2005, directed a series of actions aimed at transforming the Department's foreign language capabilities, to include revision of policy and doctrine, building a capabilities based requirements process, and enhancing foreign language capability for both military and civilian personnel. More recently, Congress authorized incentive pay for members of precommissioning programs to study critical foreign languages.

In your view, what should be the priorities of the Federal Government to expanding the foreign language skills of civilian and military personnel and improving coordination of foreign language programs and activities among the Federal agencies?

Answer. Foreign language proficiency is an invaluable skill for the Department of the Navy. This is especially true in many of our mission critical occupations. If confirmed, I will make it a priority to identify the foreign language training available for the workforce and to establish a baseline from which to begin a review of potential training gaps. In this effort, it only makes sense to attempt to harness the expertise attained by other Federal agencies through a coordinated approach.

Question. If confirmed, what steps would you take to identify foreign language requirements, and to design military and civilian personnel policies and programs to fill those gaps?

Answer. I am not currently familiar with the Department's programs to attain foreign language proficiencies. If confirmed, my first step would be to review determinations of any assessments of foreign language requirements. I will need to see how they relate to language proficiency and cultural awareness in the force. Next, I will review our current capabilities in light of these requirements and analyze potential options to ensure that the capabilities meet the requirements.

Question. What is your assessment of an appropriate time frame within which results can be realized in this critical area?

Answer. Based upon my limited knowledge of the Department's programs in this regard, I am unable to provide a timeline at this time. If confirmed, however, I will work closely with members of the Committee to achieve results in the greatest possible time.

LEGISLATIVE FELLOWSHIP PROGRAM

Question. Each year, the Services assign mid-career officers to the offices of Members of Congress under the legislative fellows program. Upon completion of their legislative fellowships, officers are required to be assigned to follow-on positions in their Services in which they effectively use the experience and knowledge they gained during their fellowships.

What is your assessment of the value of the legislative fellows program to the Navy and the DON's compliance with utilization and assignment policies for officers who have served as legislative fellows?

Answer. My experience as a Naval Reserve officer and as a former White House Fellow convinces me that officers selected for fellowships receive invaluable insights from their assignments. I also believe that the military benefits greatly when those officers return to serve in post-fellowship utilization tours. The needs of the Navy and officer's professional development as well as career progression are both well served when these officers are able to take their experience as fellows to follow on assignments.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. Defense Integrated Military Human Resources System (DIMHRS) is a single integrated human resources pay and personnel system for all the armed services and the Defense Finance and Accounting System (DFAS), and is intended to replace many of the systems currently used to perform personnel management and pay functions. DIMHRS, which has been under development for several years, has come under criticism for cost growth, delays in implementation, and failure to meet the expectations of each Service.

What is your assessment of the need for an integrated, cross-service personnel and pay system?

Answer. I have not been fully briefed on the DIMHRS program or its impact on the Navy and Marine Corps. If confirmed, I will make it a priority to understand the potential options available under this system and the impact to personnel management and pay.

Question. What are your views of the need for completion of implementation of DIMHRS and what specific benefits, if any, would the Department of the Navy derive from this system?

Answer. The Department needs a comprehensive human resources system to enable rapid, accurate and accessible personnel information that will support the full range of our Navy and Marine Corps operational environments.

Question. What is your understanding of the Navy and Marine Corps positions with respect to the utility of DIMHRS and its suitability for sailors and marines?

Answer. I have not been briefed on the Department's position.

Question. Do the Navy and Marine Corps intend to implement DIMHRS when it is operationally ready?

Answer. I have not been sufficiently briefed on the Department's current plans regarding the implementation of DIMHRS.

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place?

Answer. I have not been briefed upon the implementation schedule and am not in a position to make such a recommendation.

GI BILL BENEFITS

Question. Last year, Congress passed the Post-September 11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on Active Duty since September 11. The maximum benefit would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of the act on recruiting and retention of sailors and marines and on nuclear-trained personnel in particular?

Answer. The implementation of this program is very recent, and initial benefits will not begin distribution until next week. Consequently, there is not enough data at this time to provide an accurate assessment of the act's effect on recruiting and retention. Anecdotally, I sense enormous enthusiasm from sailors and marines about the program, particularly the transferability component.

Question. What is your understanding of the sufficiency of the implementation plan in the DON for the transferability provisions contained in the act?

Answer. It is my understanding that the Department of Navy has successfully implemented the transferability provisions contained in the act. As part of my oversight role, if confirmed, I will monitor this on a regular basis.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. The Department has completed the 10th Quadrennial Review of Military Compensation (QRMC), releasing Volume I of its report in February 2008 and Volume II in July 2008. Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employees Retirement System than the current military retirement benefit; increasing TRICARE fees for retirees; and the adoption of dependent care and flexible spending accounts for servicemembers.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. I have not had an opportunity to review the QRMC. I recognize the need to evaluate the merits of a defined benefit retirement plan and related programs for our military retirees and their families. If confirmed, I will thoroughly review the QRMC to better understand their recommendations.

Question. Do you believe the Department of the Navy should offer dependent care and flexible spending accounts to sailors and marines?

Answer. I recognize the importance of providing a mechanism for families to build savings for dependent care. The adoption of dependent care and flexible spending accounts should be evaluated as options in a comprehensive review of potential programs to further assist families as well as to build additional incentives for the recruitment and retention of our military personnel.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward thinking management of senior executives.

What is your vision for the management and development of the Navy senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. My vision would be to establish a program to develop a senior civilian workforce with a broad background of skills and experiences, prepared to support the warfighter and respond to changing management requirements of the Department.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR CARL LEVIN

FLEXIBLE SPENDING ACCOUNTS

1. Senator LEVIN. Mr. Garcia, in your answers to the advance policy questions, you state that "dependent care and flexible spending accounts should be evaluated as options . . . to further assist families as well as to build additional incentives for the recruitment and retention of our military personnel." The Federal Government and most private employers offer these arrangements, which allow employees to pay eligible medical and dependent care expenses on a pre-tax basis. The committee has previously stated its belief that servicemembers should have access to these tools. The Department, in its 2007 report on the matter, stated that no known statutory barriers precluded offering flexible spending arrangements to servicemembers, but for some reason, it has not pursued this benefit. In your view, should the Military Services offer these benefits to servicemembers?

Mr. GARCIA. I believe that the Military Services should consider offering the use of flexible spending accounts as a benefit to military personnel and their families. I am not yet advised as to the prospective pros and cons associated with this type of benefit, but it certainly warrants evaluation. If confirmed, I will review this option and, if beneficial to sailors and their families, find the means to implement it.

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

DIVERSITY IN THE NAVY

2. Senator AKAKA. Mr. Garcia, in a recent interview, Admiral Roughead stated "if you look at the Navy in its entirety, it's a representative mix of America's society. But if you look at the leadership, it tends to be very white male." The Admiral went on to say that it is from diversity that you get different experiences, ideas, and perspectives producing a richness of solutions that you otherwise would not have. What are your thoughts on the diversity within the upper leadership ranks of the Navy, and if confirmed, what would you like to accomplish in this area?

Mr. GARCIA. I agree with Admiral Roughead, and appreciate his leadership in pursuing diversity throughout the Navy, while articulating the need to improve diversity in the upper leadership ranks. To achieve this, the Navy must focus on recruiting, commissioning, mentoring, and retaining highly skilled and qualified junior officers from diverse backgrounds who will lead the Navy in the decades to come.

The Navy has identified a long-term goal of a diverse Flag Corps by year 2037. It is also my understanding that since January 2008, the Navy has made exceptional progress in implementing the necessary measures to do so. The Navy recently established dedicated "City Outreach Officers" in New York, Chicago, Los Angeles, Houston, and Atlanta, to engage within their respective communities where it is believed significant opportunities exist to reach diverse candidates. The newly admitted Naval Academy class of 2013 is the most diverse class in its history with 35 percent of its midshipmen being from minority backgrounds, and 20 percent of the class being female. Additionally, over 30 percent of incoming freshman in Naval ROTC are of minority backgrounds. These initial steps and trends are encouraging for the Navy's long-term diversity goals.

I know that the Navy continues to actively support its internal minority affinity groups, including the National Naval Officers Association, the Association of Naval Service Officers, and the Sea Services Leadership Association, to provide greater visibility to the waterfront on diversity initiatives, venues for mentoring, and camaraderie among peers and across paygrades. Navy leadership is in the forefront of this effort with CNO and other senior Navy leaders attending and leading conferences and events for these affinity groups.

Finally, as the Navy builds a strong cohort of diverse leaders for 2037 and beyond, it must compete to retain these leaders who will be eagerly sought in the private sector.

I am encouraged by the recent efforts taken by the Navy. If confirmed, I am committed to build on this foundation of success. I hope to have the opportunity to work with the Secretary of the Navy and with Congress to identify any areas that require new or enhanced authorities that could be helpful in enabling the Navy to achieve its goal to establish a more diverse leadership.

[The nomination reference of Juan M. Garcia III follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 18, 2009.

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

Juan M. Garcia III, of Texas, to be an Assistant Secretary of the Navy, vice William A. Navas, Jr., resigned.

[The biographical sketch of Juan M. Garcia III, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JUAN M. GARCIA III

Juan M. Garcia III is an attorney, a former Texas State Representative, and a second-generation naval aviator. Mr. Garcia, whose family hails from South Texas, was born May 27, 1966. He graduated from the University of California, Los Angeles (UCLA) in 1988, and gave the student commencement speech. Mr. Garcia earned a J.D. from Harvard Law School and an M.A. from Harvard's John F. Kennedy School of Government in 1992. After graduation, Mr. Garcia followed in his father's footsteps by joining the Navy, and upon completion of Aviation Officer Candidate School and flight training, Mr. Garcia earned his "Wings of Gold" at Naval Air Station (NAS), Corpus Christi, TX.

Mr. Garcia served in Patrol Squadron 47 out of NAS Barber's Point, HI, and completed deployments to the Persian Gulf and Western Pacific. Mr. Garcia also served overseas as flag aide to the Deputy Commander, U.S. Naval Forces Europe in London, England, deploying as part of Operation Allied Force during hostilities in Kosovo. From 1999 to 2000, Mr. Garcia was one of 16 Americans selected to serve as a White House Fellow, serving as a Special Assistant to the Secretary of Education, the Hon. Richard Riley. Mr. Garcia then reported for sea duty aboard the aircraft carrier USS *Constellation*, serving as the Officer of the Deck. In 2002, Mr. Garcia returned to the air as a flight instructor with Training Squadron 27 at NAS Corpus Christi.

Commander Garcia left Active Duty in 2004, but continues to fly in the Naval Reserve. Mr. Garcia currently serves as the Commanding Officer of Reserve Training Squadron 28 at NAS Corpus Christi.

Mr. Garcia joined the Corpus Christi law firm of Hartline, Dacus, Barger, Dreyer, and Kern as an associate attorney in 2004. In 2006, he was elected to the Texas House of Representatives, and represented the 32nd District from 2007–2009. While in the State house, Mr. Garcia focused on transparency in government and veterans issues.

Mr. Garcia is married to the former Denise Giraldez, a Harvard Law School classmate. The Garcia's have four young children—twin sons, Jack and Luke (11); daughter, Calista Rose (8); and youngest son, Lex (6).

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Juan M. Garcia III in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Juan Manuel Garcia III.

2. **Position to which nominated:**
Assistant Secretary of the Navy, Manpower and Reserve Affairs.

3. **Date of nomination:**
June 18, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
May 27, 1966; St. Louis, MO.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to former Denise Giraldez.

7. **Names and ages of children:**
Jackson Emiliano Garcia, 11; Lucas Cesar Garcia, 11; Calista Rose Garcia, 8; and Alexander Hector Garcia, 5.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard Law School, 1989–1992, Juris Doctor (June 1992).

John F. Kennedy School of Government, Harvard University, 1988–1992, Masters in Public Policy (June 1992).

University of California, Los Angeles, 1986–1988, Bachelors of Arts (June 1988) California State University, Fullerton, 1984–1986.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Attorney; Hartline, Dacus, Barger, Dreyer & Kern, LLP Corpus Christi, TX; May 2005–Present.

Naval Aviator; U.S. Naval Reserve, NRVT–28, Naval Air Station Corpus Christi, TX; November 2004–Present.

Texas State Representative, Texas House of Representatives, House District 32; January 2007–January 2009.

Naval Aviator; U.S. Navy, VT–27, Naval Air Station Corpus Christi, TX; October 2002–October 2004.

Naval Aviator; U.S. Navy, USS *Constellation,* Naval Air Station North Island, CA; October 2000–October 2002.

Naval Aviator; U.S. Navy, White House Fellow, Washington DC; September 1999–September 2000.

Naval Aviator; U.S. Navy, U.S. Naval Headquarters, London; September 1998–August 1999.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

U.S. Navy, 1994–1998.

Naval Aviator, U.S. Navy, Naval Air Station Barber's Point, HI; September 1995–September 1998.

Naval Aviator, U.S. Navy, Naval Air Station Jacksonville, FL; February 1995–September 1995.

Student Naval Aviator, U.S. Navy, Naval Air Station Corpus Christi, TX; November 1992–February 1995.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Associate Attorney; Hartline, Dacus, Barger, Dreyer & Kern, LLP; 800 N. Shoreline Blvd, Suite 2000, North Tower; Corpus Christi, TX.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, White House Fellows Foundation
Board of Directors, Texas Lyceum
Member, Corpus Christi Bar Association
Member, Texas Bar Association
Member, Federal Bar, Southern District, Texas
Member, PTA, Luther Jones Elementary School, Corpus Christi, TX.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Texas House of Representatives-District 32, 2007–2009.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Texas House of Representatives-District 32, 2007–2009
Selected as a National Delegate, 2008 Democratic Convention.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Barack Obama for President, $2,300; 2008.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

White House Fellowship, 1999–2000
Military Awards:

Navy and Marine Corps Commendation Medal (twice)
Joint Service Commendation Medal (twice)
Navy and Marine Corps Achievement Medal

Navy League, Honolulu Chapter, Junior Officer of the Year, 1998

Victor Astor Memorial Leadership Award, U.S. Naval Institute 2001
National Hispanic Scholarship Foundation Award
Knights of Columbus Scholarship
Dozens of recognition awards from local civic groups in connection to my work as a Texas State representative.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Our Hispanic Power and Predicament" Op-Ed, Corpus Christi Caller-Times, September 23, 1999

"Immigrant Showed Amazing Courage Under Fire" Op-Ed, Corpus Christi Caller-Times, February 14, 2000 "Africa, A Tragic Continent" Op-Ed, Corpus Christi Caller-Times, June 15, 2000

"What Did George, Al, Dick, and Joe Do in the War" Op-Ed, Corpus Christi Caller-Times, August 13, 2000

"McCain's Close Call Began in Corpus Christi" Op-Ed, Corpus Christi Caller-Times, September 3, 2000

"Let's Rethink our Iraqi Containment Policy" Op-Ed, Corpus Christi Caller-Times, March 19, 2001

"It's Time to Rethink our Role in NATO" Op-Ed, Corpus Christi Caller-Times, December 3, 2002

"Keep the Military Neutral," Proceedings Magazine, June 2002

"Dubious 'Friends'" Op-Ed, Corpus Christi Caller-Times, August 20, 2002

"Opting Out" Op-Ed, Corpus Christi Caller-Times, November 5, 2002

"Brave Man Smeared in Georgia Race" Op-Ed, Corpus Christi Caller-Times, November 11, 2002

"Carrier's Crew Spend Christmas at Sea" Op-Ed, Corpus Christi Caller-Times, December 24, 2002

"Viva Cesar Chavez" Op-Ed, Corpus Christi Caller-Times, March 27, 2003

"It's Time to Consider Metro Government" Op-Ed, Corpus Christi Caller-Times, May 9, 2004

"50 Million for Inaugural Would Buy a Lot of Armor Op-Ed, Corpus Christi Caller-Times, December 22, 2004

Texas House Should Record Critical Votes" Op-Ed, Corpus Christi Caller-Times, November 17, 2006

"VA Hospital Long Overdue for South Texas" Op-Ed, Corpus Christi Caller-Times, February 25, 2007

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Comments for BRAC Summit, Naval Station Ingleside, October 9, 2008.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JUAN M. GARCIA III.

This 22nd day of July, 2009.

[The nomination of Juan M. Garcia III was reported to the Senate by Chairman Levin on August 4, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 16, 2009.]

NOMINATION OF ADM MICHAEL G. MULLEN, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND REAPPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

TUESDAY, SEPTEMBER 15, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:32 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Webb, McCaskill, Udall, Hagan, Begich, McCain, Sessions, Chambliss, Graham, Thune, and Collins.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Howard H. Hoege III, counsel; Jessica L. Kingston, research assistant; Gerald K. Leeling, counsel; Peter K. Levine, general counsel; William G.P. Monahan, counsel; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Adam J. Barker, professional staff member; Michael V. Kostiw, professional staff member; Daniel A. Lerner, professional staff member; David M. Morriss, minority counsel; Richard F. Walsh, minority counsel; and Dana W. White, professional staff member.

Staff assistants present: Kevin A. Cronin, Jennifer R. Knowles, and Christine G. Lang.

Committee members' assistants present: James Tuite, assistant to Senator Byrd; Vance Serchuk, assistant to Senator Lieberman; Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Christopher Caple and Madeline Otto, assistants to Senator Bill Nelson; Ann Premer, assistant to Senator Ben Nelson; Nathan Buniva and Patrick Haynes, assistants to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Tressa Steffen Guenov and Elizabeth McDermott, assistants to Senator McCaskill; Jennifer Barrett, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Brandon Andrews, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to

Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Adam G. Brake, assistant to Senator Graham; Jason Van Beek, assistant to Senator Thune; Erskine W. Wells III, assistant to Senator Wicker; and Rob Epplin and Chip Kennett, assistants to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Welcome, everybody. Today the committee meets to consider the nomination of Admiral Michael Mullen to a second term as Chairman of the Joint Chiefs of Staff. The team of Secretary Robert Gates and Admiral Mullen has proved and provided excellent leadership and great continuity of leadership across two administrations. Admiral, it is a strong vote of confidence in you that President Obama has put your name forward for a second term. The committee appreciates the service that you have provided and your willingness to continue to serve and to lead.

We also thank your wife Deborah and your family for their support to you and their sacrifices along the way. We know how vital that support is to someone with the responsibilities that you shoulder. On behalf of the committee, please pass along our appreciation to the great soldiers, sailors, airmen, and marines under your command throughout the world and to their families for their dedication and sacrifice.

As he enters into a second term, Admiral Mullen will focus on an array of challenges. Foremost among these is the situation in Afghanistan and Pakistan. While the security situation in Afghanistan is difficult, we still have important advantages there. The Taliban are detested by Afghans, who have experienced life under their brutal regime. The Afghan people know the bleak and hopeless future that the Taliban seeks to impose.

Another strong building block for a successful outcome in Afghanistan is that the Afghan military is a motivated force of proven fighters and is highly respected by the Afghan people. If we take the right steps, we can help ensure that Afghanistan does not revert to a Taliban-dominated government that once again provides a safe haven for al Qaeda to terrorize us and the world.

The Obama administration's new strategy, announced in March, refocusing on securing the Afghan people and partnering with the Afghan security forces, is an important step in reversing the spread of insecurity. The change in strategy has led our forces, in the words of General Stanley McChrystal, to "live, eat, and train together with the Afghan security forces, plan and operate together, depend on one another, and hold each other accountable and treat them as equal partners in success."

General McChrystal's guidance to the troops goes on to say that the success of the Afghan security forces is "our goal." To achieve that goal, I believe we should take several vitally important overdue steps. First, we need a surge in the numbers and strength of the Afghan security forces. We need to expand the Afghan National Army and Afghan National Police well beyond the current target of 134,000 soldiers and 96,000 police personnel by 2010. Most of the members of this committee urged, 4 months ago in a letter, the establishment of a goal of 250,000 Afghan troops and 160,000 Af-

ghan police by 2013. Hopefully, that goal will be adopted and the target set for the end of 2012.

Our own military in Afghanistan has repeatedly pointed to the need for more Afghan forces. As Colonel Bill Hicks, former commander of the Afghan Regional Security Integration Command, put it: "The U.S. force is growing down here, but the Afghan force is not growing nearly as fast. We have people who are bleeding and dying and we need to look hard at how we generate Afghan forces." A Marine company commander in Helmand, Captain Brian Houseman, put it this way: "The lack of Afghan forces is absolutely our Achilles heel."

In the sector of Helmand Province that Senator Reed, Senator Kaufman, and I visited earlier this month, our marines outnumbered Afghan soldiers by five to one.

We've been assured by Afghan Defense Minister Abdul Rahim Wardak that there's no shortage of volunteers to reach this goal. We will need significantly more trainers to achieve this. We asked General Richard Formica, who is in charge of the American effort to train the Afghan security forces, to assess what would be required, including the North Atlantic Treaty Organization (NATO) and U.S. trainers, to meet that timetable. In the meantime, we should also press our NATO allies much harder to provide more trainers.

A larger Afghan military will require more equipment. There needs to be a major, urgent effort to determine these requirements and to transfer equipment coming out of Iraq to Afghan security forces to meet their requirements. A plan for that needs to be developed immediately.

We also need to plan for separating local Taliban fighters from their leaders. In Iraq, large numbers of young Iraqis who had been attacking us switched sides and became the Sons of Iraq. A similar prospect exists in Afghanistan. Afghan leaders and our own military leaders say that local fighters, most of whom are motivated not by ideology or religious zeal, can be brought over to the government's side if offered the right incentives. General McChrystal has said: "There is significant potential to go after what I call mid- and low-level Taliban fighters and leaders and offer them reintegration into Afghanistan."

We can draw on the lessons from the Sons of Iraq in working with Afghan leaders to adopt and implement a plan without delay for turning some enemies into allies in Afghanistan. Such a plan requires assurances of protection and non-retribution, as well as prospects for jobs, including in the Afghan army and police. The potential positive impact of such a concerted effort should be taken into account in considering the need for additional U.S. combat forces.

The Afghan people want to provide for their own security. In a tiny village in Helmand Province, the three of us met with the elders at their village council, or their shura. One hundred or so men sat on the floor and talked with us about their future and their country's future. When asked how long the United States should stay, they said: "Until the minute you make our security forces self-sufficient. Then you will be welcome to visit us, not as soldiers, but as guests."

Providing the resources needed for the Afghan army and Afghan police to become self-sufficient would demonstrate our commitment to the success of a mission that is in our national security interest, while avoiding the risks associated with a larger U.S. footprint. I believe these steps should be urgently implemented before we consider a further increase in U.S. ground combat troops beyond what is already planned to be deployed by the end of the year.

I'm going to place the balance of my statement in the record and call on Senator McCain.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

Welcome. Today the committee meets to consider the nomination of Admiral Michael Mullen for a second term as Chairman of the Joint Chiefs of Staff. The team of Secretary Gates and Admiral Mullen has provided excellent leadership and great continuity of leadership across two administrations. Admiral, it is a strong vote of confidence in you that President Obama has put your name forward for a second term. The committee appreciates the service you have provided and your willingness to continue to serve and lead. We also thank your wife, Deborah, and your family for their support to you and their sacrifices along the way. We know how vital that support is to someone with the responsibilities that you shoulder.

On behalf of the committee, please pass along our appreciation to our great soldiers, sailors, airmen, and marines under your command throughout the world, and to their families, for their dedication and sacrifice.

As he enters a second term, Admiral Mullen will focus on an array of challenges. Foremost among these is the situation in Afghanistan and Pakistan.

The security situation in Afghanistan is serious, and the fight with al Qaeda and the Taliban has reached a crucial stage.

While the security situation there is difficult, we still have important advantages in Afghanistan. The Taliban are detested by Afghans who have experienced life under their brutal regime. The Afghan people know the bleak and hopeless future that the Taliban seeks to impose. Another strong building block for a successful outcome in Afghanistan is that the Afghan military is a motivated force of proven fighters and is highly respected by the Afghan people. If we take the right steps, we can help ensure that Afghanistan does not revert to a Taliban-dominated government that once again provides a safe haven for al Qaeda to terrorize us and the world.

The Obama administration's new strategy announced in March, refocusing on securing the Afghan people and partnering with the Afghan security forces, is a very important step in reversing the spread of insecurity. The change in strategy has led our forces, in the words of General McChrystal, to "live, eat, and train together [with the Afghan security forces], plan and operate together, depend on one another, and hold each other accountable . . . and treat them as equal partners in success." His guidance to the troops goes on to say that the success of the Afghan security forces "is our goal."

To achieve that goal, I believe we should take several vitally important, overdue steps.

First, we need a surge in the numbers and strength of the Afghan security forces. We need to expand the Afghan National Army and the Afghan National Police well beyond the current target of 134,000 soldiers and 96,000 police personnel by 2010. Most of the members of this committee urged 4 months ago the establishments of a goal of 250,000 Afghan troops and 160,000 Afghan police by 2013. Hopefully that goal will finally be adopted and the target set for the end of 2012.

Our own military in Afghanistan has repeatedly pointed to the need for more Afghan forces. As Colonel Bill Hix, former commander of the Afghan Regional Security Integration Command put it, "The U.S. force is growing down here, but the Afghan force is not growing nearly as fast. We have people who are bleeding and dying, and we need to look hard at how we generate [Afghan] forces." A Marine company commander in Helmand, Captain Brian Huysman, put it this way, "[The lack of Afghan forces] is absolutely our Achilles heel."

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ing the North Atlantic Treaty Organization (NATO) and U.S. trainers, to meet that timetable. In the meantime, we should also press our NATO allies much harder to provide more trainers.

A larger Afghan military will require more equipment. There needs to be a major effort to determine these requirements and to transfer equipment coming out of Iraq on an urgent basis to Afghanistan to meet those requirements. There has not yet been a crash effort to transfer a significant part of the enormous amount of equipment coming out of Iraq to the Afghan security forces. A plan needs to be developed immediately.

In addition, we need a plan for separating local Taliban fighters from their leaders. In Iraq, large numbers of young Iraqis who had been attacking us switched sides and became "the Sons of Iraq." That same prospect exists in Afghanistan. Afghan leaders and our military leaders say that local fighters, most of whom are motivated not by ideology or religious zeal but by the need for a job or loyalty to their tribe, can be brought over to the government's side, if offered the right incentives. General McChrystal himself has said, "There is significant potential to go after what I call mid- and low-level Taliban fighters and leaders and offer them re-integration into Afghanistan." We can draw on the lessons from the Sons of Iraq in working with Afghan leaders to adopt and implement a plan without delay for turning some enemies into allies in Afghanistan. Such a plan requires assurances of protection and non-retribution, as well as prospects for jobs, including in the Army and police. The potential positive impact of such a concerted effort should be taken into account in considering the need for additional U.S. combat forces.

The Afghan people want to provide for their own security. In a tiny village in Helmand Province in the south, the three of us met with the elders at their village council, or Shura. One hundred or so men sat on the floor and chatted with us about their future and their country's future. When asked how long the United States should stay, they said, "Until the minute that you make our security forces self-sufficient. Then you will be welcome to visit us, not as soldiers but as guests."

Providing the resources needed for the Afghan Army and Afghan police to become self-sufficient would demonstrate our commitment to the success of a mission that is in our national security interest, while avoiding the risks associated with a larger U.S. footprint. I believe these steps should be urgently implemented before we consider a further increase in U.S. ground combat troops, beyond what is already planned to be deployed by the end of the year.

Pakistan's tribal region along the border with Afghanistan remains a major source of instability for both Afghanistan and Pakistan. There, militant extremists continue to find a safe haven from which to conduct attacks on our forces in Afghanistan and to threaten the security of a democratic Pakistan. Based on our discussions in Islamabad earlier this month, it appears that the Government of Pakistan is recognizing the threat that extremist groups pose to their country's survival. Progress is being made, but more still needs to be done to strengthen Pakistan in its efforts to take on these extremists. It remains an open question whether Pakistan is prepared to go after the Afghan Taliban leadership operating out of Quetta in Pakistan's Baluchistan province or the Haqqani militants in North Waziristan, which is the major source of attacks on our troops in eastern Afghanistan. I hope the Pakistan Government decides to do so promptly.

While the security situation has improved in Iraq, a major challenge remains in the implementation of the U.S.-Iraq security agreement and the transfer of responsibility for Iraq's security to Iraqi forces. The ongoing drawdown of U.S. forces from Iraq represents one of the greatest movements of equipment in history. U.S. equipment in Iraq should be transferred both to ensure that the Iraqi security forces have the minimum capability to meet their internal security needs and, as I mentioned earlier, to meet the requirements of more rapidly growing the Afghan security forces. Approximately 125,000 U.S. troops still remain in Iraq and most will continue to provide security through the Iraqi elections in January.

Numerous other challenges exist. These include: a confrontational Iran which continues to threaten regional stability and advance its nuclear ambitions; North Korea's belligerence; negotiations with Russia on extending the Strategic Arms Reductions Treaty, set to expire this December, and exploring possible U.S.-Russian cooperation on missile defense; and vigilance toward emerging sources of instability and extremism, such as the situation in Yemen. On top of this, the Department is updating the National Military Strategy and conducting the pending Quadrennial Defense and Nuclear Posture Reviews.

Additionally, the tempo of major operations has placed significant stresses and strains on our forces and their families. Improving dwell time and the quality of life of our men and women in uniform remains a priority.

STATEMENT OF SENATOR JOHN McCAIN

Senator McCAIN. I thank you, Mr. Chairman, and I join you in welcoming Admiral Mullen and thank him for his service and his family for their support.

Admiral, I believe that you and Secretary Gates have done a superb job and obviously you are extremely well qualified for a second term as Chairman and we're grateful for your long years of service to our country in uniform.

At your last confirmation hearing in July 2007, I made a statement then, and things were certainly not clear as to what we were going to do in Iraq. I said: "There are no easy choices in Iraq and the temptation is to wash our hands of this messy situation. To follow this impulse, however, would portend catastrophe. Withdrawing before there's a stable and legitimate Iraqi authority would turn Iraq into a failed state and a terrorist sanctuary in the heart of the Middle East. We have seen a failed state emerge after U.S. disengagement once before and it cost us terribly. In pre-September 11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We can't make this fatal mistake again."

Despite our successes in Iraq and the hard-won understanding we have gained about what it takes to defeat an insurgency, it seems we now, regrettably, must have the same debate again today with respect to Afghanistan. With all due respect, Senator Levin, I've seen that movie before.

I've been encouraged over the past year by the statements and actions of the President and the unequivocal priority he has placed on achieving success in Afghanistan. In March the President acknowledged that the situation in Afghanistan is "increasingly perilous" and that the future of this troubled nation is inextricably linked to the future of its neighbor Pakistan. To the terrorists who oppose us, his message was: "We will defeat you." The President's approval of increases in troop strength was needed then and I believe even more necessary now.

I've also been impressed, Admiral, by your commitment and that of Secretary Gates to success in Afghanistan. You've been clear that defeating the Afghan and Pakistan Taliban is a necessary component of the President's strategy. General McChrystal, as we know, has completed an assessment of the challenges still standing in the way of meeting the President's strategy, which clearly will be the requirement for increased troops. I want to emphasize, every day we delay in implementing this strategy and increasing the number of troops there, which we all know is vitally needed, puts more and more young Americans who are already there, their lives in danger. I don't think we should do that.

Soon, General McChrystal recommends how many additional troops he thinks are necessary. I hope we won't delay the decision for long and will approve the troop increases that we know are being sought by General McChrystal working with General David Petraeus.

Senator Levin obviously, as he stated, supports a significant acceleration in the growth of the Afghan security forces and an increase in the number of trainers we should provide. I agree with this approach. I strongly disagree with the "wait and see" rec-

ommendation that we should deploy no additional U.S. combat forces to Afghanistan until this action has been taken. I believe that this position would repeat the nearly catastrophic mistakes of Iraq and significantly set back the vital war effort in Afghanistan.

The lesson of Iraq is that we make little progress merely by putting Afghan volunteers through a training course and releasing them into combat. In fact, when precisely this approach was tried in Iraq, Iraqi units collapsed repeatedly in the face of attacks. It took mentorship at every level, including partnership in joint operations with U.S. forces, that built a capable Iraqi security force.

Similarly, mentorship at all levels is required to build a robust and capable Afghan military and pave the way for our eventual successful exit in Afghanistan. To do this, we will need more U.S. combat forces in Afghanistan, not less or the same amount as we have today.

Vital areas in Afghanistan are controlled by the Taliban and its surrogates today. It will require U.S. military force to shape, clear, hold, and build in these areas. If we await the day when the Afghan National Army is increased in size and capable of carrying out all of these operations fully on its own, it may well be too late.

Admiral, as I express these views I am mindful of the stress on our force and the tremendous sacrifices being made by the men and women of the Armed Forces and their families. Admiral, I think I speak for all Senators in thanking you for your personal efforts to address the welfare of our wounded warriors and to implement more effective policies aimed at providing improved resources to eliminate barriers to seeking help for the emotional trauma of combat, to prevent suicides, and to do better in evaluating and responding to disabilities suffered while on Active Duty.

I also want to express my appreciation for the efforts you and Secretary Gates are making to improve our acquisition process. We have a long way to go and, as the Secretary has indicated, our weapons systems must impose greater costs on our current enemies than they do on us. The recently passed legislation I hope will further our efforts in that direction.

I hope we will hear more today about what steps need to be taken to improve the requirements process and on the rapid acquisition process. I urge you and Secretary Gates to continue to advocate in the strongest possible terms for the weapons systems we need for the readiness and effectiveness against our current enemies.

Thank you.

Chairman LEVIN. Thank you, Senator McCain.

Admiral Mullen.

STATEMENT OF ADM MICHAEL G. MULLEN, USN, NOMINEE FOR REAPPOINTMENT TO BE CHAIRMAN, JOINT CHIEFS OF STAFF

Admiral MULLEN. Mr. Chairman, Senator McCain, distinguished members of this committee, thank you for hearing my testimony today. I also thank the President and Secretary Gates for their confidence in me. It's been my great honor to serve as Chairman these past 2 years and, if confirmed by the Senate, I will remain as hum-

bled by the opportunity to continue that service as I will remain steadfast in the execution of my duties.

I'm joined this morning by my wife Deborah, who has also been steadfast in her commitment to the welfare of our troops and their families, not only during my term as Chairman, but throughout this long military career we have shared. I value her counsel and her company. But more critically, I know I would not be here, that I could not have endured the challenges presented me over the course of these 41 years, without her love and unfailing support.

I would add to that the love and support of our two sons, Jack and Michael, both serving today on Active Duty in the U.S. Navy. They are but 2 of the 2.2 million sons and daughters of America I strive best to represent. No decision I make or advice I give is done without thinking about the impact on our troops and their families.

The truth is, our people have been stretched and strained by 8 years of persistent combat in two theaters of war, not to mention the steady drumbeat of training and operations demanded by our security commitments around the world. This strain manifests in many ways: fatigue and stress, marital and family difficulties, homelessness, and an alarming number of suicides. We ought not forget as well the more than 5,100 troops killed since September 11 or the 35,000 wounded, each one a noble sacrifice worthy of our solemn attention.

Countless others suffer in silence with wounds we never see, with nightmares we never know. Physical or otherwise, these wounds of war represent a family's life forever changed.

As do you on this committee, I am committed to improving the care we provide now and into the future for all of these casualties and their families. Yet, for all this suffering and all this change, our people are the most resilient I have ever seen. They have endured much, yes, but they have also learned much and grown much.

Consider Iraq, where only 3 short years ago many people had given up on the effort. Today there's no question that security is much, much better and that the Iraqi security forces are increasingly more able to protect their own people. Violence persists and al Qaeda still threatens, but we are now in a position, the Iraqis are now in a position, for us to continue drawing down our forces, due in large part to our great military men and women.

We have made great strides in wounded care, particularly on the battlefield. We have become more nimble in collecting, disseminating, and acting on intelligence. Our Army has restructured itself to be a far more expeditionary force. The Marine Corps has refined a new concept of expeditionary maneuver warfare. Our Navy has taken back its riverine mission, and our Air Force is revitalizing its strategic nuclear rule.

But the biggest area of learning and growth has been in counterinsurgency warfare. Indeed, I believe we are today the best counterinsurgency force in the world, having learned anew so many valuable lessons over these last 8 years. As I noted, we didn't get here without great sacrifice in blood and treasure. Our knowledge came at a heavy price.

Now that we have shifted our main effort east to Afghanistan, where the Taliban insurgency grows in both size and complexity, we must apply that knowledge to the best of our ability. That is why I support a properly resourced, classically pursued counter-insurgency effort.

The President has given us a clear mission: disrupt, dismantle, and defeat al Qaeda and its extremist allies and prevent Afghanistan from becoming a safe haven again. You can't do that from offshore and you can't do that by just killing the bad guys. You have to be there, where the people are, when they need you there, and until they can provide for their own security. This is General McChrystal's view and it is my view and that of General Petraeus in the Joint Chiefs.

Now, not every lesson from Iraq will apply, but the big ones will: protect the people, connect them to the political process, enable them to provide for their own security. The enemy in Afghanistan is not the insurgent. The enemy is fear. If you can remove the fear under which so many Afghans live, if you can supplant it with security and good governance, then you can offer them an alternative to Taliban rule. If they have an alternative to Taliban rule, they will choose it.

To be sure, the President's strategy is a regional one, recognizing that the ideology shared by al Qaeda and the Taliban knows no border and that this area remains the epicenter of violent Islamic fundamentalism. An Afghanistan resistant to extremism, free of such sanctuary, will help bolster the efforts of neighboring Pakistan to become the same. On the other hand, if the Taliban succeed in governing at the state level, as they have already succeeded in many local areas, al Qaeda could reestablish the safe havens they enjoyed in Afghanistan at the end of the last decade and the internal threat to Pakistan by extremism will only worsen.

So how best to prevent it? How best to provide for Afghan security and governance? Ultimately it should be provided by the Afghans themselves. As you rightly pointed out last week, Mr. Chairman, I share your view that larger and more capable Afghan national security forces remain vital to that nation's viability. I share your view and have stated publicly that the path to achieving the President's goal is through our training efforts there. We must rapidly build the Afghan army and police. I agree that we must develop more and better ways to peel away those not ideologically committed to the insurgency and reintegrate them back into productive society.

But we cannot achieve these goals without recognizing that they are both manpower and time-intensive. More important than the size of the Afghan security forces is their quality. More important than the orders they follow is the leadership they exude. More important than the numbers of Taliban we turn are the personal lives they themselves turn around.

Sending more trainers more quickly will give us a jump start, but only that. Quality training takes time and patience. Private trust by the Afghans, so vital to our purpose, is not fostered in a public hurry.

Now, I do not know exactly what additional resources General McChrystal may ask for and I do not know what ratio of training

to combat units he really needs. We'll get to all of that in the coming weeks. But I do believe that, having heard his views and having great confidence in his leadership, a properly resourced counterinsurgency probably means more forces and without question more time and more commitment to the protection of the Afghan people and to the development of good governance.

We can get there. We can accomplish the mission we've been assigned. But we will need resources matched to the strategy, civilian expertise matched to military capabilities, and the continued support of the American people.

We also need to remember that we have other responsibilities, other threats to counter, and other missions to complete, and that as we responsibly draw down in Iraq and work towards success in Afghanistan we must remain ready to deter conflict elsewhere, improve the capacity of our allies and partners, and prepare for a broad spectrum of challenges, both conventional and unconventional.

Again, thank you for this opportunity and thank you for all you do on this committee to support the men and women of our military and their families as they protect our vital national interests in these very challenging times.

Chairman LEVIN. Admiral, thank you so much for your opening statement and again for your great service.

Let's try a 7-minute first round.

Admiral, has General McChrystal submitted yet a request for specific additional resources for Afghanistan?

Admiral MULLEN. No, sir, he has not.

Chairman LEVIN. Has a decision been made on whether to commit additional U.S. forces to Afghanistan beyond the 17,000 combat troops and the 4,000 trainers that the President approved in February?

Admiral MULLEN. No, sir.

Chairman LEVIN. Has the recommendation been made by you or Secretary Gates to President Obama relative to sending additional troops to Afghanistan?

Admiral MULLEN. Sir, we've made our recommendation based on the assessment, but, not having received the request from General McChrystal yet, we've made no recommendation with respect to forces.

Chairman LEVIN. How many of the 17,000 combat forces and the 4,000 trainers that were previously committed, how many of them have arrived in theater and when will the balance arrive?

Admiral MULLEN. They are all just about there. The balance will be there by the end of this month. The last group is really the 4th of the 82nd trainers, who are at the end of their arrival getting in place and will take over the mission, the training mission of these 4,000 soldiers, very quickly.

Chairman LEVIN. You've testified, Admiral, that an essential step in regaining the initiative in Afghanistan and to succeed there is to build the capacity of the Afghan security forces, the Afghan army and police, and empowering them to provide security for their own country. Is the Afghan army respected by the Afghan people?

Admiral MULLEN. It is from my perspective the most respected institution in Afghanistan.

Chairman LEVIN. Are they committed fighters?

Admiral MULLEN. They are. They've been fighting for a long time.

Chairman LEVIN. How many additional trainers is it going to take to build the Afghan army to, let's say, 250,000?

Admiral MULLEN. The rough estimate is somewhere between 2,000 and 4,000 in terms of overall trainers.

Chairman LEVIN. Is that additional to what's there now?

Admiral MULLEN. Yes, sir.

Chairman LEVIN. What is there now?

Admiral MULLEN. Training-wise it's about—I think it's about 6,000–6,500.

Chairman LEVIN. How many of those additional trainers should be supplied by NATO?

Admiral MULLEN. As many as possible. Countries who are capable—and they are some very capable countries in NATO at training both police and the army—we would like to see them step up as much as possible.

Chairman LEVIN. When you gave a number for additional trainers for the army, does that include additional trainers for the police or is that a separate number?

Admiral MULLEN. No, that's inclusive, yes, sir.

Chairman LEVIN. On the equipment issue, would you agree that as we withdraw equipment from Iraq that a major priority should be transferring to Afghanistan the equipment needed to build the capacity of the Afghan security forces to provide for their security?

Admiral MULLEN. Yes, sir.

Chairman LEVIN. What is being done in that regard?

Admiral MULLEN. Well, in fact your question when you came back off this trip caused us to focus, to see exactly where we were. I met yesterday with General Petraeus and General McChrystal, had a video teleconference with them, where we discussed this. In fact, there are some 2,000-plus Humvees in Kuwait which are being refurbished, that will be accelerated into Afghanistan, and the required focus on this to make sure that we are moving that as rapidly as we can.

It's also tied to their ability to absorb this and train to it.

Chairman LEVIN. Is that review going to be conducted to determine what other types of quantities of equipment would be needed and usable?

Admiral MULLEN. Right. We're doing a full-scale review in that regard.

Chairman LEVIN. When will that review be completed?

Admiral MULLEN. I think we'll know that within the next couple of weeks.

Chairman LEVIN. You will make that available to us?

Admiral MULLEN. Yes, sir.

Chairman LEVIN. Is that going to take any additional legislation, do you know?

Admiral MULLEN. No, sir, I'm not aware of any right now.

Chairman LEVIN. General McChrystal has spoken and I think you have too, as a matter of fact, as has the Secretary, about the great potential for reintegrating local Taliban fighters and getting them to switch over to the government side. Now, there's a lot of

differences between Afghanistan and Iraq, but one of the similarities could be that incentives for low- and mid-level Taliban fighters to switch from enemies to allies could be put in place.

Number one, is a plan now going to be developed to put into place an approach in Afghanistan to reintegrate young Afghan fighters?

Admiral MULLEN. Yes, sir. There is a British general by the name of Graham Lamb who did this in Iraq and who is now working for General McChrystal, and has initiated—I don't want to overstate this—putting in place a program to focus on mid-level and lower-level fighters who would like to turn themselves in and do so in a way, obviously, in which they are both protected and that they have a future, so in that regard similar to Sons of Iraq.

Chairman LEVIN. Has that plan been worked out with Afghan leaders?

Admiral MULLEN. It includes Afghan leaders in its initial inception, which we're really at the beginning of right now. We're not very far down that road.

Chairman LEVIN. What's been the delay in getting that done?

Admiral MULLEN. Actually it has not been an area of focus and we haven't had somebody there like Lamb to focus on it.

Chairman LEVIN. This committee, over two-thirds of us, signed a letter back 4 or 5 months ago on the question of the size of the Afghan forces and we pointed out that the Afghan defense minister has called for an army of between 250,000 and 300,000 soldiers. The minister of interior in Afghanistan supported a strategic increase in the size of the army. We urged you to declare a target at that time for end strengths for the army and the police to those levels.

I'm just wondering what has been the delay in adopting goals for the increase in the size of the Afghan army, given what our people on the ground say, which is that their presence with us, obviously as mentors, as partners, is critical to the security for Afghanistan. What has been the delay in establishing the larger goals?

Admiral MULLEN. I think if there's been any reason for a delay it's been where we are now in terms of our overall numbers, which is at 93,000 in the army and about 90,000 in the police. The timing of your letter came right about at the time we were making a leadership change out there.

General McChrystal has embraced the requirement to grow these forces and grow them more rapidly, and I'm sure that will be part of the output of the assessment, if you will, because we're all very committed to making that happen. I would assume that as a result of this assessment we will establish those goals and I wouldn't expect them to be far off from what we're recommending, what was recommended before.

Chairman LEVIN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Thank you, Admiral Mullen. On this issue of simply relying on the buildup of the Afghan army, we tried that for several years in Iraq. As you may recall, by April 2004, in fact, the Department of Defense (DOD) reported that there were 208,000 Iraqis either on duty or being trained for security units. The same month, attacks by Sunni and Shia; basically, the Iraqi army collapsed. What we

found out, that we succeeded only after we instituted a practice of mentorship, including joint operations with U.S. combat forces at every level, that we saw marked improvement in the Iraqi forces.

Is there any reasonable scenario, Admiral, in which trained Afghan security forces can handle the bulk of the fighting over the near to medium term?

Admiral MULLEN. No, sir.

Senator MCCAIN. If we followed such a course, do you think the situation in Afghanistan would improve or get worse?

Admiral MULLEN. I think it would probably continue to deteriorate.

Senator MCCAIN. Thank you.

Admiral, General McChrystal's assessment of our strategy in Afghanistan has been closely held and is currently under review, as you stated, both in the Pentagon and the White House. The assessment as I understand it contains no resource requirements or requests for additional troops, but is instead being described as a new strategy for the President's consideration and endorsement.

Yet last March didn't the President adopt a new strategy for Afghanistan with considerable fanfare?

Admiral MULLEN. Yes, sir. I think that the description of General McChrystal's assessment that it's a new strategy—and in fact he uses those words, but his use of those words is really focused on a new implementation strategy for the President's strategy, which is the baseline for his review as he arrived in command and conducted it.

So General McChrystal's assessment assesses the implementation strategy required to execute the President's strategy which he rolled out at the end of March. His is not a new strategy.

Senator MCCAIN. Thank you.

Obviously, a strategy in order to succeed requires an assessment of resources needed, right?

Admiral MULLEN. Yes, sir.

Senator MCCAIN. A vital component of resources is manpower, personnel, right?

Admiral MULLEN. Yes, sir.

Senator MCCAIN. Now, help me through why we have a restatement of the President's strategy which was announced in March and yet there is no recommendation on what is obviously the most important aspect, both strategically and domestically? I'm talking about politics here in the United States. Why would it take weeks and weeks to make an evaluation and reach a decision?

Admiral MULLEN. The process that we are going through is to have General McChrystal assess it both for the President as well as for NATO. It's a dual assessment in that regard. Quite honestly, he found conditions on the ground tougher than he had thought. He went with General David Rodriguez, who had been absent about a year out of Afghanistan. He found it tougher. The importance of the fullness of that assessment and what it was going to take from the President's strategy, to include a second part, which is, okay, here's how I found it and these are the resources that I need.

Now, he's done extensive analysis to underpin those force options. My expectation is that they will be submitted in the very

near future. The administration wanted time to review it in terms of what General McChrystal found. One of the things that is very important to me is that, whatever the strategy is, and right now it's the 27 March strategy, is that we properly resource it.

That's where we are today. I would anticipate he will be submitting that request in the very near future.

Senator MCCAIN. As you stated this month, "Time is not on our side."

Admiral MULLEN. No, sir. I have a sense of urgency about this. I worry a great deal that the clock is moving very rapidly. There are lots of clocks. But the sense of urgency, I, believe me, share that with General McChrystal, who, while he is very focused on a change which includes partners, a focus on the Afghan people, he is alarmed by the insurgency and he is in a position where he needs to retake the initiative from the insurgents, who have grabbed it over the last 3 years.

Senator MCCAIN. I thank you, Admiral. But then I am frustrated and curious as to why the President's spokesperson yesterday should say it takes "weeks and weeks." We're restating a strategy. We know what the resources are that are required. Yet it would take "weeks and weeks."

Meanwhile, "weeks and weeks" go by and without the new strategy and the implementation of it or, excuse me, the implementation of the resources recommendation; there are more and more Americans who are at great risk. That is really bothersome. Already in the media there's speculation that the President doesn't want to make an announcement on troop increases because of the present debate on health care. I believe that the President can do both.

Let me finally ask, what do you anticipate the level of fighting to be as we get into the winter months here?

Admiral MULLEN. Each winter the fighting recedes, but last winter it was significantly more than the previous one. In discussions with General McChrystal, there's a term that we use and have used in Afghanistan, which is the "fighting season," but in fact we don't believe there's a fighting season. We think it's a 365-day-a-year fight for the people and for their support and for them to be able to be put in the position to be governed by the institutions in their country.

So much of the combat recedes, but, quite frankly, in the winter it is just as important to be engaged with the people as it is right now.

Senator MCCAIN. The sooner we get immediate resources over there, the sooner we can turn this situation around.

Mr. Chairman, I would strongly recommend that we do as we have in the past and ask General McChrystal and General Petraeus to come before the committee and testify so that we can better understand the situation both there in Afghanistan and what we can expect in the future.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

First, Admiral Mullen, let me thank you for your really extraordinary service to our country. I think you've done just a great job

as Chairman of the Joint Chiefs in every way. You haven't always given us the answers that we have been looking for, but that really is exactly what we expect you to do. You've shown great leadership here, really grace under pressure is the way I will put it. So I will enthusiastically support the President's renomination of you for a second term. I appreciate it. Your wife has urged me to think twice about my support of that, but nonetheless I'm going to go forward.

In the opening statements of Chairman Levin and Senator McCain, we I think see the dimensions of the beginning of a very serious national debate about our presence in Afghanistan. It's an important national debate that has to happen here in Congress and hopefully throughout the country, and in some senses it is a debate that has not yet occurred in all the time we've been in Afghanistan. Our support of the war in Afghanistan was a natural response to the attacks against us of September 11. There was almost total support of that.

After we went into Iraq, Afghanistan in many ways, including in the debates here in Washington, became the other war. It was even so during the campaign for President last year, where the differences between Senator McCain and Senator Obama really had to do with Iraq, and both generally agreed on Afghanistan. In fact, then-Senator Obama was really quite strong in stating that Afghanistan was the central front of the war on terrorism, a war of necessity we could not muddle through. To now-President Obama's credit as far as I'm concerned, he's followed through on those statements, particularly with the announcement of the new strategy in March and the deployment of 21,000 additional American troops to back up that deployment.

I appreciate the clarity that's emerged in the discussion that we've had here this morning, that what General McChrystal has been asked to do is not develop a new strategy for Afghanistan, because that's been done. It's to give a strategic assessment of where we are now and what we need to succeed. In some sense for us to reject that assessment and the reports that are necessary to carry it out would be a change in the strategic decision that President Obama made earlier this year.

The strategic policy we're following in Afghanistan does learn from the lessons of Iraq, although this is a different battlefield. The good news here is that there's no dissent, even as we listen to the different positions that Chairman Levin and Senator McCain have articulated, about the need to succeed in Afghanistan, both because it would be inexcusable to allow the Taliban to regain control of that country and bring back al Qaeda, which of course planned the attacks on us of September 11 and trained for them from there.

It's also true, and I want to stress this—and you've said it yourself here, I think quite eloquently—a failure in Afghanistan would have, I think, a devastating effect on our efforts to stabilize neighboring nuclear Pakistan. There's just no question about it.

We start with those similar goals and it seems to me the question now is how do we succeed. Chairman Levin has offered an alternative, which is to go with trainers for at least a year and no additional combat troops. Senator McCain has said we need combat troops now, we need more of them, and as quickly as possible, and I agree with Senator McCain.

I hear you to say this morning, Admiral Mullen, that, based on the strategy that the President adopted, the new strategy he adopted in March, and the strategic assessment that General McChrystal has now given the President, you, and Secretary Gates, from the battlefield, though you have not seen and General McChrystal has not submitted a specific request for specific numbers of troops, that your conclusion is that we need to send more combat troops to Afghanistan.

Admiral MULLEN. I've said in my opening statement that it's very clear to me we will need more resources to execute the President's strategy from the end of March. I really await the submission from General McChrystal, which I think is going to occur here very quickly, to evaluate specifically what that means and to look at the risks associated with various options.

Maybe I can give a little better answer to the chairman on why we weren't doing a program like the one Graham Lamb is now in charge of. We very badly underresourced Afghanistan for the better part of 4 or 5 years. I've spoken about a culture of poverty. That's been interpreted to focus on the poverty level in the country. That isn't what I meant. Certainly that is a problem, but we have a culture of poverty there amongst us in terms of being underresourced, an economy of force, for this extensive period of time, to get to a point where we didn't have the wherewithal to create a program like that, not that we didn't think it would be needed.

The totality of that underresourcing is something we're just coming to grips with. It's not as simple as trainers or not as simple as combat troops. It's are you committed, as the Afghan people look at it, are you committed as the Paks look at it. This is a regional area that is the epicenter of terrorism.

Every time I go—and I'm sure it happens to you as well—when you're in Afghanistan or Pakistan, the question that is on their lips is: Are you staying or are you going?

Senator LIEBERMAN. Are you staying or are you going to go?

Admiral MULLEN. Are you with us or not?

Senator LIEBERMAN. Right. My concern is that Chairman Levin I know is well intentioned, but if we just send trainers and don't send more combat troops, particularly if it's clear that General McChrystal has requested them, then I believe the Afghan people and the Pakistani people are going to decide we're essentially on our way out, and they're going to make some judgments based on that and take actions that will not be what we want them to do.

Do you agree?

Admiral MULLEN. I'm very concerned about—the Afghan people are waiting on the sidelines for how committed we are and, quite frankly, so are the people of Pakistan. I said in my opening statement I believe in a fully resourced counterinsurgency. These are the lessons from Iraq that we have learned. They have been very painful and, quite frankly, we need those lessons in a timely manner applied right now, with the level of deterioration that we've had in Afghanistan, particularly over the last 3 years.

Senator LIEBERMAN. I agree.

The last question, because I think you've said clearly today that the momentum, the initiative right now in Afghanistan—and Gen-

eral McChrystal told us that when we visited him in August—is not on our side.

Admiral MULLEN. Right.

Senator LIEBERMAN. Sending more trainers and more combat troops gives us a much higher probability of regaining the initiative in this critical battle.

Admiral MULLEN. The issue of regaining the initiative is absolutely critical. General McChrystal, I spoke to him yesterday. He emphasizes that each time that I engage with him.

Senator LIEBERMAN. Final question. Isn't one of the lessons we learned from Iraq and Anbar Province that the Sons of Iraq turned away from al Qaeda in our direction after they were confident that we were not leaving, in fact we were going to surge our troops there? Isn't it true that any effort to break away local Taliban who are not Islamic fanatics requires us similarly to convince those local Taliban that we're committed to this fight and if they come to our side they're going to be winners, not losers?

Admiral MULLEN. Yes, sir.

Senator LIEBERMAN. Thank you.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

Thank you, Admiral Mullen, for your leadership and service, and all the people that serve under you, your leadership. They've put their lives on the line to effectuate American policy that this Congress has directed them to do. Having sent them, we do need to listen to their advice about how to be successful.

I know sending more troops to Afghanistan is a bitter pill to me, but I do think that Senator McCain, Senator Lieberman, and others have made the case in Iraq at a very difficult time that we needed to strengthen our presence and if we did we could be successful, and actually things went better than we could have expected at this point in Iraq.

I'm inclined to think that we need to listen to that wisdom again. But I do believe that every area of the world is different. I think Afghanistan is different to some degree than Iraq, but there are a lot of lessons that we can apply there. I won't go into details about that today, but I do look forward to hearing from Generals McChrystal and Petraeus, and we can fulfill our constitutional role in this process to examine the facts and make sure that we're supporting a good policy that will be successful.

Admiral Mullen, you signed off on the President's budget this year, I suppose it's fair to say? Is that correct?

Admiral MULLEN. Yes, sir. I'm not sure a signature, but I'm certainly supportive of it.

Senator SESSIONS. I don't, and I'm worried about it. What is the personnel increase that we expect to occur as a result of this budget? How many? Is it 30,000 troops?

Admiral MULLEN. The question that I think you're asking about is an increase of 22,000 for the Army, a temporary increase over a period of about 3 years. What it really addresses is the need to make up for losses which are occurring principally in our large units. So a brigade of 3,500, now the number of soldiers who are

falling out before deployment has about doubled since the war started. So we're rushing other people into these brigades.

That 22,000 will essentially greatly reduce the churn at a time where we're transitioning out of Iraq, we obviously don't know what our final level or our level in Afghanistan is going to be, and as we work to, given the overall requirement, get to a dwell time that's increased from 1:1 to 1:2. But principally it's focused on getting at the churn that's in the system. It's not going to add any additional capability. That's why it's temporary.

Senator SESSIONS. We authorized, I believe Senator Lieberman's legislation authorized, up to 30,000.

Admiral MULLEN. I think, yes, sir.

Senator SESSIONS. So that you've decided or DOD's decision is to do 22,000. Does that mean that we will have 22,000 more people on the payroll?

Admiral MULLEN. I think we'll get an additional 15,000 next year in 2010, with 7,000 more after that in 2011. Then literally to get back down you have to start coming down pretty fast.

Senator SESSIONS. You don't see this as a permanent thing?

Admiral MULLEN. No.

Senator SESSIONS. I'm inclined to think the personnel certainly are needed today and I support that, and I am worried about the dwell time of our soldiers and the redeployment rate. But I just have to say what's worrying me in another area is that the amount of money once you fund this new surge of troops and you get a 3 percent increase in your budget and certain costs go up each year in maintaining your personnel and all the matters from energy to whatever in the defense budget, that procurement and research and development (R&D) are the things historically we see that get squeezed too much.

We have an obligation, this President has an obligation, this Congress has an obligation, to fund the development and procurement of weapons systems today that we may not see in the inventory 5, 10, 15 years down the road.

Isn't it fair to say that we should be concerned and very observant about the impact of this tight budget for the Defense Department on procurement, R&D, and perhaps other?

Admiral MULLEN. A lot of my life in Washington over the last decade has been spent in programming and budgeting, and I worked very closely with Secretary Gates to submit the budget amendment, and I'm very supportive of the decisions, hard as they were, that he made for programs that were running out of control, way overdue, costs increasing, et cetera, and others that didn't conceptually make sense. A lot of very tough decisions, but it's the best work I have seen since the mid-1990s from my own personal point of view.

Yes, I am concerned about increasing personnel costs. When I was the head of the Navy, 60 to 70 percent of my budget went to personnel costs. That's military, civilian, and direct support of contractors who helped us in carrying out our mission. That's gone up, and health care is a big part of that, but it's not exclusively that.

I think one of the biggest issues we have actually in the defense budget is how do we control that, how do we come to grips with those costs? I need every single person I need and not one person

more. That's very difficult, particularly when it takes up so much. I have to pay for my operations. That's another big undertaking. What's left is procurement and R&D. So when a budget gets tighter, clearly that's where the pressure is going to be felt.

We do have to watch that. At the same time, I think the budget focuses on, first of all, people, which if you want me to bet on the future, that's where I would put my next marginal dollar. Second, it focuses on the wars that we're in and I think the wars that we're in have a lot to do with our future as well. We've learned an awful lot. Then obviously it focuses on what we see in the future.

We're trying to bring it into balance, not try to undo the future. I think it took a significant step in that direction. I'm mindful that it's a lot tighter than it was and that we have to be very vigilant about the things that we do, the things that we buy and the things that we don't buy.

Senator SESSIONS. Thank you. I know you understand that, as the top senior uniformed military leader in the country, you have a serious burden in that regard, and I hope that you will examine the impact of this very tight budget. I think our discretionary spending 7, 8, 9 percent increase this year, not counting the stimulus, and the military got very little, almost nothing, out of the stimulus and only a 3 percent increase in DOD total budget.

So I hope that you will, and I expect that you will, evaluate that and let us know to what extent some of these decisions are impacting adversely the military of the United States. Will you do that?

Admiral MULLEN. Yes, sir. I'd only add that as budgets have gone up over the last decade one of the characteristics that evolves, or at least I watched it evolve, is we become less disciplined in our prioritization. We become less disciplined in our analysis, because there are resources there that don't have to be justified as much as when there's additional pressure on us.

So we have to bring all those skills back to the fore, to the front, in order to make the right decisions. Senator McCain talked about and Senator Levin both this acquisition legislation, which is very powerful. Now we need to get at that. We need to execute it. We need to make hard decisions. We don't need the perfect solution. I don't need the 100 percent solution each and every time that I'm developing something. I need some high end stuff, there's no question about that, and it's very expensive.

All those things are in play right now and we, believe me, take that all very seriously.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Admiral, thank you for your great service to the country over many years. Your family and you have led with great not only vision, but decency, and I appreciate it very much.

Let me just as a first point, I would think that in trying to resource Afghanistan the first place to look would be within Central Command (CENTCOM). Is that your emphasis, to see if there are assets within CENTCOM, not only those that are presently there, but those that are scheduled to go there, which should be diverted into Afghanistan?

Admiral MULLEN. In fact, we've done a great deal of that already inside the foot print that the President has approved for Afghanistan, to move resources, intelligence, reconnaissance, surveillance, ground convoy, improvised explosive device (IED), counter-IED capability, to focus on force protection, the mine resistant ambush protected (MRAP), meeting the MRAP requirement there as well. We are very focused on moving people and capability from Iraq to Afghanistan.

General Raymond Odierno has been terrific in looking at his risk, understanding what the need is, and been very supportive.

Senator REED. There seems to be an emerging consensus on increased trainers. Just for the record, I think there's, as you point out, an increased need for enablers. Where do we stand in terms of the enablers, the road-clearing teams, the intelligence and reconnaissance platforms?

Admiral MULLEN. Those that General McChrystal has asked for this year are on the way, basically through the end of this calendar year.

Senator REED. But he will presumably ask for additional.

Admiral MULLEN. That again clearly will be a part of this request. We just don't have the details yet.

Senator REED. One of the areas that has plagued us throughout our presence in Afghanistan is the lack of unity of effort. First there's the command and control problem. Second, there's I think a lack of coordination between our counterinsurgency operations and our counternarcotics operations. Then there's a certain lack of coordination between Afghan security forces and International Security Assistance Force (ISAF) forces and our forces. Then also, our conventional forces and our Special Operations Forces.

Can you comment on—there's no silver bullet here, but unless we get these issues improved dramatically, increased resources won't help as much.

Admiral MULLEN. I agree, and General McChrystal has made this one of his top priorities, focus on the people, partner with them, and really the other one is to fix the unity of command. He's very clearly going to put whoever the senior person is in battle space in charge of all forces, including the special forces.

We are standing up this three-star command, operational command, if you will, or tactical command. But General Rodriguez is standing it up as a NATO command. It will stand up by October 12 and we're on track to do that.

We all agree that the command and control has been far from ideal and that these steps and others to make sure that our unity of command and unity of effort is very visible, and particularly to the Afghan security forces who we are working so closely with. He's making major changes to address that issue. I don't think it'll ever be perfect, but it will be much better than it has been.

Senator REED. Regardless, I think, of the presence of U.S. forces there, the limiting factor appears to me to be the Afghan forces, not only in the long run, but in the short run. We're operating now typically, as we saw in Helmand, with an American battalion and one Afghan company. But the impression I got from our commanders on the ground is that unless there's an Afghan presence it's hard to operate, not only tactically, but psychologically and

symbolically you send a very wrong signal, that this is our war, not their war.

Admiral MULLEN. I think the chairman pointed out, I think the stories that came out when the marines initiated their first operation, and General Nicholson talked about what I recall is about a 10 to 1 ratio. Certainly we have Afghans present, but they are very thin. That gets to the whole issue of needing to build up those forces.

Senator REED. Let me just expand on one point. When we discussed on our return the training of the Afghan army, are we training, are we trying to train, an army with battalion, brigade, division staffs, or are we, because of this emergency, trying to focus on infantry companies and infantry company commanders, which you could probably produce much quicker than talented staffers?

Admiral MULLEN. General McChrystal's intent—I'll take the 4th of the 82nd as an example. They're going to break down into platoon-sized units and they're going to focus at the platoon and company level specifically. There will be training certainly at company, battalion, and brigade headquarters level, but the main effort is going to be at that level.

Senator REED. The civilian surge. To be blunt, military forces can buy time, but the success there ultimately will be some type of political accommodation. Right now the Government of Afghanistan is dysfunctional within Kabul and not even present outside of Kabul. Is this civilian surge going well? If it's a function of resources, should DOD kick in the money? I know Secretary Vilsack, for example, wants to send more Agriculture people there, but he wants you to pick up the tab.

Admiral MULLEN. The best I know, there's no shortage of funds to do this. I liken it to Iraq. We are surging. It is not happening fast enough. It has Secretary Clinton's attention, it has Ambassador Holbrooke's attention. There are an awful lot of people working on it.

We're just not a government that has been constructed to do this quickly. There is a plan and I think we're a little bit behind that plan, to surge upwards, like 500 or 600 to be there in the spring. But it's the spring. They're not there now. There are additional civilians who have arrived. There has been a major change in the embassy. But it's not happening as rapidly as it could.

We can't do it without that help, first of all. Second, you talk about governance. I consider the threat from lack of governance to be equal to the threat from the Taliban. Both of those things have to be addressed.

Senator REED. The presidential election is grinding to a conclusion. To what extent will that affect the situation within Afghanistan in your view? There is a possibility that there could be a serious crisis of legitimacy that will impair the ability of a very dysfunctional government to function at all. Is that a factor that we have to consider?

Admiral MULLEN. I think the legitimacy of the Afghan Government at every level, not just the national level—that's where the election is—is a real concern, and that there needs to be a level of legitimacy that the Afghan people see in their government, wheth-

er it's local to national. There's a great question about that now and so far the elections have not helped.

I think we need to get through these elections, see what the results are, see who we're dealing with, what the government looks like, and move forward accordingly. But that issue of legitimacy is a huge, huge issue.

Senator REED. Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

We all appreciate your service and I think you will be confirmed, hopefully with everyone's vote. I think you've earned that.

Quite frankly, this is an opportunity to do an assessment about Iraq and Afghanistan. Football season's here at home and I'm trying to think of an analogy. From Senator Lieberman's question, it seems like we're on the defense in Afghanistan; is that fair to say?

Admiral MULLEN. I think that's probably fairly characterized.

Senator GRAHAM. In Iraq we're on offense? The Iraqi people, the Iraqi security forces?

Admiral MULLEN. I'm not sure I'd draw—clearly we're on a path to success with them.

Senator GRAHAM. Are we driving the ball in Iraq?

Admiral MULLEN. In that regard, we're certainly moving in the right direction.

Senator GRAHAM. Do you think we're inside the 20?

Admiral MULLEN. I'm not sure I'd say 20.

Senator GRAHAM. Okay.

Admiral MULLEN. But we're moving toward the red zone.

Senator GRAHAM. Okay, good. That's good. There we go. I got something I can understand here.

The combined Afghan security forces and all coalition forces at this moment are not enough to reverse the lost momentum, is that correct?

Admiral MULLEN. From what General McChrystal says and what I said earlier about a fully resourced counterinsurgency, we are extremely concerned about the momentum that the Afghans have.

Senator GRAHAM. Okay. Well, the answer then would be that, no, the combined coalition forces and Afghan security forces are not enough to change the momentum?

Admiral MULLEN. They have not so far.

Senator GRAHAM. So there's two paths we can take. We can wait and get more Afghans or we can send more coalition forces and do the training.

Admiral MULLEN. Right.

Senator GRAHAM. Now, let's flesh that out a bit. How many tanks do the Taliban have?

Admiral MULLEN. I'm not aware they have any.

Senator GRAHAM. How many airplanes?

Admiral MULLEN. None.

Senator GRAHAM. Well, how are they doing this?

Admiral MULLEN. They've watched us. They're very good at it. It's their country. They know how to fight. They choose when to stay and when to go.

Senator GRAHAM. Do they have popular support?

Admiral MULLEN. More than anything else, they're intimidating the Afghan people. No, they're not held in high regard at all by the Afghan people.

Senator GRAHAM. So they're not held in high regard, they don't have an air force, they don't have any armor, but they're winning. That makes me conclude something has gone awry in Afghanistan, and the biggest threat in my opinion is not the Taliban, it's the governance. The only reason they possibly could have come back is because there's been a vacuum created. Is that fair to say?

Admiral MULLEN. I would agree with that.

Senator GRAHAM. That vacuum is a combination of poor governance and a lack of troop presence. Would you agree?

Admiral MULLEN. It is clearly the lack of legitimacy in the government at every level. The people don't get services from their government.

Senator GRAHAM. Let's find some common ground there. We could send a million troops and that will not restore legitimacy to the government; do you agree with that?

Admiral MULLEN. That is a fact.

Senator GRAHAM. Now, as to civilians, I just got back from a visit and I appreciate all of our civilians who are over there from different agencies. They're very brave. But quite honestly, they can't go anywhere. You could send 10,000 lawyers from the State Department to deal with the rule of law programs, but they're sitting on the base because if they leave the base they're going to get shot. Do you agree with that?

Admiral MULLEN. Yes, sir.

Senator GRAHAM. The only way they get off the base is they have a military convoy; is that right?

Admiral MULLEN. Right.

Senator GRAHAM. The same people who are driving them to meet the tribal leaders are also basically the same people training the Afghan army and the police forces; is that right?

Admiral MULLEN. Yes.

Senator GRAHAM. They're the same people fighting at night when they get attacked. I just want our colleagues to know that the security environment in Afghanistan from my point of view will prevent any civilian success until we change the security environment.

How long would it take to train enough Afghan troops to change the momentum in your view, if you just did it with Afghan forces?

Admiral MULLEN. I think it'll take 2 to 3 years.

Senator GRAHAM. What will happen in that 2- or 3-year period, do you think, in terms of the security environment while we're training?

Admiral MULLEN. If we're just training?

Senator GRAHAM. Yes.

Admiral MULLEN. I think the security environment will continue to deteriorate.

Senator GRAHAM. It seems to me that we have one more shot at this; is that right, Admiral Mullen?

Admiral MULLEN. We're looking at a big shot right now.

Senator GRAHAM. Do you understand you have one more shot back home? Do you understand that?

Admiral MULLEN. Yes, sir. Yes, sir.

Senator GRAHAM. About 55 percent of the American people in polls said that they did not support us staying in Afghanistan. What would you tell them as to why we should?

Admiral MULLEN. I'd say it is the epicenter of terrorism right now. It's very clear that in fact al Qaeda has diminished while it's living in Pakistan, and this is a Pakistan-Afghanistan issue. They are by no means dead. It's a very serious threat, and that if we allow the Taliban to take control and run Afghanistan again I think the likelihood that they would return to that safe haven would be high. I'm very concerned about the deterioration, not just in Afghanistan, but also in Pakistan.

Senator GRAHAM. Do you believe we have the right strategy with the appropriate resources to win?

Admiral MULLEN. I believe we have the right strategy. The resource request will come in. What I've said, what I said earlier and will recommend in the future is this is how you properly resource this strategy.

Senator GRAHAM. But the point I'm trying to make to the American people, you're our top military commander.

Admiral MULLEN. Right.

Senator GRAHAM. You're our leader. You're telling us that we have a strategy you believe in. If we get it resourced the way that General McChrystal needs, you think we can win?

Admiral MULLEN. We can succeed, yes, sir.

Senator GRAHAM. Do our troops believe that?

Admiral MULLEN. Yes.

Senator GRAHAM. Now, the rules of engagement. I've been informed by some colleagues over there that if an insurgent is captured, under the ISAF rules of engagement, the NATO rules of engagement, they can be detained for 96 hours and then they have to be released?

Admiral MULLEN. Correct.

Senator GRAHAM. We're limited to tactical interrogation during that 96 hours.

Admiral MULLEN. Correct.

Senator GRAHAM. That basically is how you do it?

Admiral MULLEN. Correct.

Senator GRAHAM. Not much more.

Has this resulted in a catch-and-release dynamic?

Admiral MULLEN. There is concern about that, although since you came back I've discussed this with the leadership. There is an option to certainly, inside ISAF, to stay longer. I'm much more—we get much more intelligence—and you could argue this both ways—much more intelligence from our special forces as a result of——

Senator GRAHAM. Who are not under these rules?

Admiral MULLEN. That's correct.

Senator GRAHAM. They're not under this rule.

Admiral MULLEN. Yet they——

Senator GRAHAM. They shouldn't be under this rule, should they?

Admiral MULLEN. However, this is General McChrystal, there is a strategic vulnerability by longer-term detention in terms of being able to identify who's been captured and who isn't with the Afghan people.

Senator GRAHAM. I agree with that.

Mr. Chairman, I just want to wrap this up for the benefit of the committee.

In Iraq we had 20,000-something Iraqis in Camp Bucca and Camp Cropper, is that right?

Admiral MULLEN. Yes, sir. Actually, we're going to close Camp Bucca here momentarily.

Senator GRAHAM. I would argue we put too many in jail, but it did help clear the battle space in Anbar to have some breathing room to get some of these folks out of Anbar so we could kind of do our job.

The balance that we're trying to achieve is not to put everybody in Afghanistan in jail because that's counterproductive, but to make sure that the really bad ones don't come back after 96 hours.

I look forward to working with you and General McChrystal, and I think you're doing a heck of a job, and there's no easy way forward, but there's two outcomes. You either win or you lose, and I think everybody wants to win. We can have differences on how to get there, but I believe we can win and we must.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Graham.

Senator McCaskill.

Senator MCCASKILL. Admiral, I am going to go back to a familiar subject for me, which is contracting. I know we're in Logistics Civilian Augmentation Program (LOGCAP) IV and that it was competed and that we have a number of companies working on it. Let me start with this. Can you today or for me at a later date tell me exactly how large is the contracting oversight on LOGCAP IV?

Admiral MULLEN. I'd have to get back to you with the details.

[The information referred to follows:]

The Logistics Civilian Augmentation Program (LOGCAP) Executive Director provides program oversight of LOGCAP. The Executive Director has Deputy Program Directors located in Iraq, Kuwait, and Afghanistan that are responsible for program oversight in each theater. Defense Contract Management Agency (DCMA) also has offices located in these regions that employ 329 personnel, which provide direct contract oversight to the LOGCAP IV contract. DCMA also has a contract management office in Houston, TX, that provides additional support to the LOGCAP contract. Additionally, supported units are required to provide Contracting Officer Representatives (CORs) to provide additional oversite on contract performance. U.S. Forces-Afghanistan recently released a Fragmentary Order providing guidance on COR training, assignment, and necessity for all subordinate units.

- Defense Contract Management Agency: Kuwait - 39; Iraq - 178; Afghanistan - 112
- Contracting Officer's Representative: Kuwait - 22; Iraq - 835 (1,061 Required); Afghanistan - 141 (264 Required)
- LOGCAP Support Unit: Kuwait - 6; Iraq - 27; Afghanistan - 33
- Acquisition: Kuwait Task Orders - 5; Iraq Task Orders - 10; Afghanistan Task Orders - 6; Other Contract Personnel - 10
- Program Office - 19

Senator MCCASKILL. How about, who is the number one military commander responsible for oversight of LOGCAP IV? Who would be at the top of the organization chart?

Admiral MULLEN. Well, really in Afghanistan it would be General McChrystal. In who is the senior officer specifically assigned that responsibility, I don't know.

Senator MCCASKILL. I think if possible, if we could get the information as to in theater who's the command staff on contract oversight on LOGCAP IV and in civilian who is.

Admiral MULLEN. Sure.

[The information referred to follows:]

General Ann E. Dunwoody, who is the Commanding General of the Army Material Command, is responsible for managing the Logistics Civilian Augmentation Program (LOGCAP) for the Army. The Defense Contract Management Agency (DCMA), who reports to the Office of the Secretary of Defense, Acquisition, Technology, and Logistics (OSD ATL), provides General Dunwoody with contractor oversight on the LOGCAP in their role as a Combat Support Agency for the Contingency Contracting Administration Support (CCAS) mission.

The Army Sustainment Command Commander, Major General Yves J. Fontaine (Head of Contracting Activity), and his LOGCAP Executive Director, Lee Thompson, SES, provide program oversight. Mr. James Loehrl is the Director, Rock Island Contracting Center (Principle Assistant Responsible for Contracting). They have three Deputy Program Directors in Kuwait, Afghanistan, and Iraq that provide program oversight in their respective theaters. In Afghanistan, the senior person on the ground is Colonel Randy C. LeCompte and he reports directly to the LOGCAP Executive Director, Mr. Thompson. DCMA Houston is responsible for overall LOGCAP IV contract administration and oversight. DCMA Kuwait, Afghanistan, and Iraq are sub-delegated the responsibilities for transition and day-to-day contract oversight in theater.

Senator MCCASKILL. What interaction are they having with this new Contracting Command?

Admiral MULLEN. I can only say, as a result obviously of some very difficult lessons from Iraq, we're applying them directly in Afghanistan. There is a great deal more focus on this and numbers of people who are assigned to make sure these contracts are not just let fairly, but executed as we want them to be.

The details of exactly who's doing that and how much we have and what the proportion is, I'd have to get back to you.

[The information referred to follows:]

The Logistics Civilian Augmentation Program (LOGCAP) Executive Directorate was realigned under the Army Contracting Command (an Army Material Command subordinate) in October 2008. In April 2009, the LOGCAP Executive Directorate was attached to the Army Sustainment Command for administrative control. LOGCAP Acquisition is executed by the Rock Island Contracting Command, a subordinate organization of the Army Contracting Command.

Senator MCCASKILL. Also, to the extent that you can today or for the record reassure us that you are being more aggressive perhaps than State has been in terms of the oversight of security personnel at your base camps. Clearly we had, after a lot of discussion about security contracts at the embassy in Kabul, an entire hearing on it in June in the subcommittee that I work on on contracting oversight. We had those pictures that—frankly, not only is it a matter of embarrassment for us in terms of the security of our embassy, but as you well know those pictures circulate quickly among our enemies, and it contributes to an image of America that doesn't help us in terms of fighting this war.

Admiral MULLEN. Certainly it's a priority for us in DOD to make sure that never happens. But I will also tell you, when I see an incident like that I start looking in my own house just to make sure I'm okay. We're doing that right now to make sure that that possibility doesn't exist.

We have a great deal more focus on it. We look at the contractors who are there very frequently to make sure they're the right ones.

It is a large number. In Afghanistan it's some 71,000 right now. We don't want it to grow any further, any more than it needs to. Yet we are in many ways dependent on them.

I will be happy to get back to you with more details on our review as a result of what happened with the State Department contractors, which has just been part of a prudent response as far as I'm concerned.

[The information referred to follows:]

U.S. Government provides appropriate oversight of, and accountability for, private security contractors (PSCs) working on its behalf overseas. The Departments of State and Defense have jointly coordinated oversight procedures, including the development of a Memorandum of Agreement in Iraq and government-wide regulations pursuant to congressional legislation. In Iraq, the Embassy and the military have developed joint procedures for movement coordination and serious incident reporting. Allegations of misuse of force or other criminal conduct are investigated, and if there is evidence of a crime, the U.S. Government coordinates with Host government authorities as well as U.S. law enforcement authorities, as appropriate. U.S. Government PSCs in Iraq and Afghanistan are now subject to host country jurisdiction and, under certain circumstances, if the host country is unable or unwilling to exercise it, U.S. jurisdiction. We have established better cooperation with host governments over the last year, by conducting joint investigations of incidents, sharing best practices, and integrating host government police into our protective procedures. The number of incidents is significantly lower now in Iraq as compared with pre-2007 levels, and has never been substantial in Afghanistan. The recent State Department incident has an ongoing review by the State Department and they have taken steps to improve management, oversight, and accountability. The Department of Defense maintains open and direct dialogue with State and will continue to incorporate lessons learned from this incident as appropriate. We recognize that challenges still remain, but we are diligently working to identify and address those challenges.

Senator MCCASKILL. We have the highest percentage of contractors in a conflict in the history of our Nation right now. Never before have we been at this level. The interesting thing is looking at the difference between Iraq and Afghanistan in terms of the makeup of that contracting force. I would like you to try to put your finger on the difference, in that in Iraq the vast majority of people that were hired by our contractors were third party nationals. In Afghanistan, it's Afghanis.

In fact, in March—and I don't know what that number is right now. But in March the number of Afghani contractors was equal to the number of our troops. It was about a 52,000 to a 52,000. The vast majority of the contracting force in Afghanistan are Afghanis.

Can you explain to me what the difference is there and why is it that Fluor and the contractors—and I think Fluor is the one that's gotten most of the contracting so far on LOGCAP IV. What is the difference there? Why are we using so many Afghanis? Is this our substitute for Sons of Iraq?

Admiral MULLEN. This is a very clear strategic shift to focus on and guide—and the number I saw at the end of June was 52,000 out of 71,000. So it's about two-thirds are locals. Quite frankly, the strategic guidance there is invest in this country and invest in the people, and in that regard it does have the same kind of impact that Sons of Iraq does.

Senator MCCASKILL. Are you asking that the contractors hire Afghanis?

Admiral MULLEN. I think the guidance is to do that where they have the capability. I couldn't tell you what the contract says in

terms of their requirements. But clearly the results are exactly that.

Senator MCCASKILL. We may take a more extensive look at this down the line in another location, but I would be very interested in knowing how this came about. If indeed this is part of the strategy, I think it's something that we need to be aware of as to how it's working, because if we're fighting Taliban, the thing that worries me about this, they're good, they're smart. I just want to make sure we're having enough clearance here.

Admiral MULLEN. Sure.

Senator MCCASKILL. I mean, these people are coming into our bases. They're doing the food. They're constructing. We had bad things happen with electricity and showers in Iraq. I'm glad that we are using Afghanis, but it does concern me on the security end that we're taking the steps necessary to make sure that we inadvertently are not inviting some of the enemy up close and personal.

Admiral MULLEN. I certainly understand your concern and I've heard of no examples of that. I've actually discussed this when I've been in Afghanistan with the leadership there, the military leadership, about how we assign or how we determine this. The feedback I got was again it's going to be Afghani first if they have the skills to do this, and that's where the contractors are headed.

Certainly those who are in charge are aware of what the possible threat could be. I know there is a vetting process that they certainly go through to hire, and I'm not any more versed in that right now.

Senator MCCASKILL. I'd like to be more comfortable about that vetting process. I'm a little cynical because I saw the kind of lack of oversight that occurred in Iraq. I trust that you're trying.

No one has talked about the recent allegations about the Pakistani army and what's going on in the Swat region as it relates to extrajudicial killings. My time is up, so I will leave that question to the next round or perhaps another member. But I'm interested in your take on that.

[The information referred to follows:]

The Department treats vetting contractors seriously as a matter of force protection and a critical responsibility of commanders at all levels. While not a part of the contracting pre-award process, contractor vetting is integral to Central Command (CENTCOM) force protection policies and supported by the Office of the Secretary of Defense policies and significant resources. These processes, originally implemented and refined in Operation Iraqi Freedom, are in place throughout the CENTCOM Area of Responsibility (AOR). In the CENTCOM AOR, access to U.S.-controlled bases has evolved from the use of "dumb badges" for local national and third-country nationals to a more robust base access program that uses biometric recognition and smart card technology. Procedures meet the dictates of Homeland Security Presidential Directive 12 which established broad requirements and limitations for identity verification of persons seeking access to U.S. Federal facilities.

In CENTCOM, all personnel entering U.S.-controlled installations and facilities are subject to screening. This screening relies on biometrics for contractor vetting using either Biometric Identification System for Access (BISA) or Biometric Automated Toolset (BAT). BAT is used in Afghanistan; BISA is used elsewhere in CENTCOM. Both are part of the Department of Defense's Tactical Biometric System program. The biometric program includes detailed processes for enrollment of contractors, vetting, adjudication, card issue, verification for base access and visitor control. This includes individual screening through the Biometric Fusion Center in Clarksburg, WV, to verify the identities and background of contractors in close support of U.S. forces. In response to a recent Joint Operational Needs Statement submitted by U.S. Force-Afghanistan's Biometric Task Force and fully endorsed by

CENTCOM and the Joint Staff, the Department is in the process of expanding these capabilities in Afghanistan to maximize our ability to protect our troops from harm at the hands of contractors or anyone else.

Chairman LEVIN. Thank you, Senator McCaskill.

Senator Collins.

Senator COLLINS. Thank you.

Admiral MULLEN. Hi, Senator Collins.

Senator COLLINS. How are you?

Admiral MULLEN. Good.

Senator COLLINS. Good.

Let me begin by thanking you for your extraordinary service. We are so fortunate to have you at the helm. I just want to echo the praise of my colleagues and tell you that I look forward to voting to reconfirm you in the important position that you hold.

Admiral MULLEN. Thank you, ma'am.

Senator COLLINS. Counterinsurgency strategy requires a unity of the military and the civilian effort. We have heard and will continue to hear a great deal of discussion over the critical issue of whether or not we should send more combat troops to Afghanistan. But there has been relatively little discussion of the civilian side of the counterinsurgency effort, and that really concerns me.

When I visited Camp Leatherneck last month with my colleagues, I had lunch with a group of marines that had ties to my home State and they told me that they cleared the Taliban at great cost, incurring casualties, going village by village, and it was hard work, but they were successful, and they were proud of their success. But they told me that their frustration is after they cleared the Taliban out that there's no follow-up, that the civilian capacity does not come in to build the institutions that everyone agrees are essential to providing an alternative to the Taliban.

That has led me to conclude that we're not focusing enough on the civilian side. I left Afghanistan uncertain about the road ahead in terms of more combat troops, but I am certain that we need a surge in the Afghan army and I am certain that we need a civilian surge.

When I was in Helmand Province I learned that we had thousands of marines, like 10,000 marines; we only had like 800 Afghan troops, which infuriated me, and we only had dozens of American civilians. Perhaps there were more NATO civilians.

What should we be doing to surge the civilian side? Do you believe that we need to place more emphasis on a civilian surge?

Admiral MULLEN. There's been a great deal of emphasis placed by all of us, but in particular Secretary Clinton and Ambassador Holbrooke, Deputy Secretary Lew, et cetera. So there is a great deal of focus on this. As I look at the numbers, it is a matter of the machine just can't turn them out very quickly. I share your concern, although I was with those same marines a month before and I was actually taken back by the civilians who rolled into those villages literally the next day. So it's very spotty. Some places we can do it and some places we can't.

But we have to have that. What ends up happening is if the civilians aren't there, we do it. In those same villages, I'm guessing the marines are now doing that until they're relieved. That's just not going to change, and that's what we did in Iraq. We're in some

version of that right now. I think they will get there more quickly than we did in Iraq.

The President's strategy was March 27. General McChrystal got there June 13. One of the challenges we have right now is we're just getting the pieces in place of the President's strategy. Ambassador Holbrooke has worked across an array of requirements to try to get the rest of the comprehensive piece of this strategy going, but it's just starting to get laid in.

I think we won't know where we are with that, quite frankly, probably until the spring time, sort of that first burst.

Senator COLLINS. But it's complicated also by the rampant corruption in Afghanistan. If we're going to have an effort after the marines have cleared a village to prevent the Taliban from returning, which was the frustration I heard, if we're going to have that alternative to Taliban rule, isn't our task made much more difficult by the widespread corruption and the shadow over the legitimacy of the recent presidential election?

Admiral MULLEN. Yes, ma'am, there's no question. The Afghan Government needs to at some point in time appear to actually have some legitimacy in the eyes of its people. The core issue in that regard is the corruption piece. In many ways it's been a way of life there for some time and that has to fundamentally change. That threat is every bit the threat that the Taliban is.

Senator COLLINS. Exactly, and we need to treat it that way.

Admiral MULLEN. Yes, ma'am.

Senator COLLINS. Finally, Admiral Mullen, I'm going to submit for the record a letter that really disturbs me, that I received from John Bernard, who is a retired marine whose son was killed in Afghanistan. His son was the marine whose picture became so controversial. I am so grateful to Secretary Gates and to you and others who tried to convince, unsuccessfully, the AP to not publish that horrible image, which will be the last image that this family has of their beloved son.

But Mr. Bernard, who, as I said, is a retired marine himself, wrote me just a few weeks before his son was killed in Afghanistan. He expressed serious concerns about the rules of engagement. He told me that he felt it put his son and others needlessly at greater risk and that in our commendable and very American attempt to prevent civilian casualties, that we were placing our troops at far greater risk.

I'm going to send you the letter so that you can read it. I promised Mr. Bernard at his son's funeral that I would do so. I hope that you and General McChrystal will look seriously at the concerns he raises about the rules of engagement. I can't tell you how tragic this was, to have received this letter and then what this father feared most indeed happened just a few weeks later. I would very much appreciate your reading his letter.

[The information referred to follows:]

Bernard Woodworking

of Maine

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Sen Susan Collins
68 Sewall Street, Room 507
Augusta, ME 04330

7/10/2009 10:32

I am writing to you today as an American citizen, 26 year veteran of the United States Marine Corps, committed Christian, Husband, Father of two and a businessman. I am also writing to you as the Father of a Marine who is, as all of his brothers in arms are, in harms way. That by itself is not a cause for concern for me because as a Warrior I understand two things:(1) it is the very nature of the calling to which we have been called that we will be thrust into dangerous, even life threatening situations to fight the enemies of our country and (2) that there could not possibly be a safer place to be than in the company of fellow Marines. In any case, that is the nature of the business and those who serve in this capacity have long since dealt with the realities of life in uniform.

There are, however, certain expectations, an unspoken trust within the ranks of those of us who serve and have served in this capacity. One of those is that we have a belief that as Americans, our leadership will not frivolously spend our blood on unworthy pursuit. To those of us who serve, let me be very clear to those of you who hold our lives in your hands; this means that the reason we may die can ultimately be defined as protecting homeland, family and fellow American lives (spelled US citizens). We also assume we will not be used as pawns in some personal vendetta or worse some career building scheme; that we will not be asked to spill our blood in a foreign land to defend the indefensible. We expect we will be able to do that for which we were trained; export violence with ferocity and drive our enemies to their knees with the ultimate goal of ending the conflict by forcing them to do our will. Such are the dreams and aspirations of the Warrior. Men like this seek to serve side by side with like-minded men prepared to meet their destiny on the field of battle; living a life of honor while testing personal courage in the forge of combat. Our nations Warriors have no other expectations, no visions of grandeur, no careers to bolster, no kingdoms to lord over, no sovereignty to subvert. These men just seek to serve their country.

Now that you have ever so basic an understanding of the intrinsic nature of the Warrior; I hope to encourage you to show them at least the dignity of thoughtful and painstaking decision-making when considering when and where to thrust them into the fires of hell. My demand is that you emphatically understand that this decision will have eternal consequences for the men involved and their families. I also expect this decision to be for the simple reason of defense of country and countrymen (again spelled United States Citizens).

If any part of you still understands that you were sent to Washington DC for the sole purpose of defending these shores and to defend the 'life, liberty and pursuit of happiness' of the citizens of this nation; and if you still believe you are first a servant of all, then you yet may possess the ability to understand the immorality of what I am about to share with you and the necessity to change this policy NOW.

President Obama has seen fit to replace the sitting ISAF commander with a General McChrystal (see Bio at http://en.wikipedia.org/wiki/Stanley_A._McChrystal). Suffice it to say that Gen McChrystal's understanding of the Warrior ethos is somewhat askew from the mainstream. Also let us cut to the chase and identify him more as a political mouthpiece than a field commander. Add to this the dubious addition

of General James L. Jones (see bio at http://en.wikipedia.org/wiki/James_L._Jones), who unlike McChrystal has actual combat experience but still shares the same ultimate goals and one world vision as both McChrystal and Obama. What you have here is an unholy trinity injecting their shared philosophy of 'spare the civilians at all cost' – even though those civilians are not US citizens and are in fact complicit in their own misfortune. The new ROE presented by McChrystal and under which operation Khanjar was mounted is nothing less than disgraceful, immoral and fatal for our Marines, Sailors and Soldiers on the ground. The Marines and Soldiers that are 'holding' territories of dubious worth like Now Zad and Golestan without reinforcement, denial of fire-support and refusal to allow them to hunt and kill the very enemy we are there to confront are nothing more than sitting ducks. Denying them even the ability to fight, which is their only purpose for existing, to defend themselves in a foreign land that sees them first as agents of the devil is detestable to the secular world and immoral to the rest of us. And for those of us with 'vested interests' thrust into that foreign land; it angers us. The links I have provided will give you some indication of the insanity of the current situation and the suicidal position this administration has placed these Warriors in. I admonish this administration and all those currently in public office whom we have entrusted with our security, well-being and the very lives and well-being of the best of us, our Warriors to start acting like you actually care or even understand the consequences of ludicrous decisions like this one. I then hold you responsible to actively seek to change this immoral policy to one that allows our Warriors the opportunity to do what they were trained to do; destroy our enemies and protect our citizenry.

http://www.militarytimes.com/forum/showthread.php?t=1578049

http://www.captainsjournal.com/2009/07/07/no-excuse-marines-losing-legs-in-now-zad/

http://www.captainsjournal.com/2009/07/03/afghanistan-the-wtf-war/

http://www.captainsjournal.com/2009/07/05/calling-on-national-security-advisor-james-l-jones-to-resign/

To those who would suggest that COIN (counter insurgency) is complicated I say hog-wash. This has become the mantra of the one-world ideologues. This has become complicated because leadership has lost it's way. It is not the responsibility of the leaders (servants) of this country to re-build a country that has not been destroyed by us nor does the leadership of this country have any intrinsic right to spill the blood of this countries finest for this cause. I'll lay it out for you; bad guys entered this country, unannounced and unwelcome and killed Americans on American soil. Bad guys continue to harass and threaten to kill Americans here at home and abroad. Bad guys continue to train in foreign lands and continue to plan to carry out these plans against sovereign American citizens. They have no rights or guarantee of protection under the Constitution of the United States because they are not United States citizens. They are not protected by the Geneva Convention because they don't fight under any Nation's Flag. *We* however, have the right – and responsibility, with historical and Biblical precedent to export violence to crush these Bad guys, wherever they may live and in whatever lair they may hide relentlessly. If the civilian populations in those areas lack the intestinal fortitude to expel them from their midst or they quietly support them or they actively support them; they are not innocent and may well suffer ill consequences for their cowardice and their complicities.

For those of us who have served in uniform and for those of us who have family forced to serve under these immoral conditions the time to quietly observe and pray has ended. There is a new activist emerging; not like the cannabis induced flailing of the sixties and seventies but one with the discipline, training and tenacity of a Warrior. Those of us who have a history in this Warrior culture and a vested interest on the battlefield will be a lot more vocal from this point on. Those in this culture who do not yet know about this immoral ROE change will soon all know as well as the families of those who are

imperiled by it. Those who have actively supported this policy of immorality or are not engaged enough to know of it; they will be re-introduced to your constituencies for their failings. Public service is precisely what it portends to be; service. If there are those among your number who have failed to remember that I can promise you we will make that known within our spheres of influence.

This letter is making its way through the halls of every national news agency as well as the local ones in Maine, as you read this. I have contacted your office by phone, e-mail and now letter to give you a chance to get out in front of it. Consider this a wake-up call.

John J. Bernard
1stSgt USMC ret

Col 3:17

P. O. Box 21, N. New Portland, ME 04961 Wk: (207) 628 4000 Fx: (207) 628 5884
John@bernardwoodworking.com

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Admiral MULLEN. If I may, ma'am, I thought what AP did on that was unconscionable to that family.

Senator COLLINS. I agree.

Admiral MULLEN. The issue of rules of engagement is one obviously we all take extraordinarily seriously. We were in my view putting ourselves in a very bad strategic position in terms of being able to succeed with the number of civilians that we were killing. I don't think we really understood that. I think it took too many incidents for us to get that right.

General McChrystal knows that. We also believe that getting this right in the long run will actually result in fewer casualties. That doesn't mean that risk isn't up higher now, given the challenges that we have and the direction that General McChrystal has laid out. So I understand.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Collins.

Senator Begich.

Senator BEGICH. Thank you very much, Mr. Chairman.

Thank you very much for being here. I know it's a confirmation hearing, so let me just make this quick comment on that. I think you have done a very good job. I'm looking forward to your next 2 years. I'm looking forward to supporting you. That's off the table, now we move on to the other issues.

Senator Collins brought up an interesting point. I had an interesting call last night from my father-in-law, who's a retired Army colonel who served in Vietnam, and actually he had the exact same concern. So as you receive that letter and if you do respond in some formal way, I would like to be included on that if I could. His comment was interesting; he, 20-plus years in the military, but his concern was, we're engaged or we're not. We're not halfway in. We have to make a decision on what we're going to do and how we're going to do it. I'd be very interested if you do a formal response.

Which leads me to a bigger issue. I have gone over to Afghanistan, I've gone over to Pakistan. It was a very eye-opening experience, to say the least. Back earlier in the spring this year, General Petraeus was here and I asked a specific question. I know you said in your opening comments you can't answer ratios, but I want to put this comment on the line and then maybe your response in general.

That is, based on his own ratios of 20 counterinsurgents per 1,000 population—and Iraq it was much higher toward the end; it was in the 24, 25 range, give or take, per 1,000. If you use that ratio, based on the populations from our own data that we have on the population, even with our surge that we have now, with the goal of Afghan troops and police and all the other security personnel, we're going to be short under that ratio 350,000 if we use that ratio.

That was General Petraeus' ratio. The concern I have is, Iraq is a different environment geographically and otherwise. Afghanistan is much different, harder, as you have well defined. So how do we get there? That is a huge number.

Then the second part of that question is, what are our allies going to do? What is their role going to be? Because what I keep hearing and seeing is a diminishment of their role and responsibility, which concerns me, especially from Alaska we've lost 12 more troops in the last 90 days and dozens of casualties. I'd be interested in first those two questions.

Admiral MULLEN. Let me take the allies first and I'll come back to the ratio if that's okay.

Senator BEGICH. Yes.

Admiral MULLEN. Actually, the allies over the last year and a half or so have actually increased their numbers fairly substan-

tially. Now, compared to the numbers that we have—and I just think I'm enough of a realist to believe that it's not going to increase. We're not going to get tens of thousands of more troops, should we have a request for them, from our allies.

But they have some quality capability. They actually, several of the NATO countries, put more forces in to support security for the elections. There are 41 countries that have military or civilian capability in Afghanistan supporting this mission.

Senator BEGICH. Can I interrupt you for just a second. Have they increased significantly the combat front-line folks? That's my point.

Admiral MULLEN. No, but they have actually put some. The forces, the security forces for the elections, were all combat forces.

Then there's the question of will they leave them there after the elections. I don't know the answer to that. But they've actually over the last couple of years put in a significant additional number from their perspective. I think that's important.

As this resource request comes in, I think NATO is going to have to also deal with it as well and look at what they can do. So the training piece, which they do pretty well, both police and army, may be an area that they can add additional capability; the civilian piece as well.

We would look to that. They've gotten better. From my point of view, they're more committed. But we're never going to see an extraordinary addition of resources from our allies.

Second on the ratio piece, the 20 to 1,000. I hope that's 50 to 1. I used to be able to do that kind of math. But basically, the number that we focus on is about 50 to 1. First of all, it's a guideline. If you do the math, clearly with the forces we have there right now we're not close to that.

I think General McChrystal would sit here and tell you, his biggest concern is east and south. That doesn't mean we don't have challenges in the north and the northwest. So we need to be careful with this. We use it as a guideline, not as the absolute answer that, hey, if you're not at 50 to 1 you don't have a chance. We just don't believe that.

But clearly we need to keep that in mind as we move forward and look at where the threat is and see what the ratios are there roughly, which we do.

So as we look at his request that will come in and ask for resources to support his view of where he stands, certainly we'll have that in mind. But we're not there in the classic sense right now. We're not there, we're not close.

Senator BEGICH. But I would say we're not there even in those high-intensity areas.

Admiral MULLEN. Correct.

Senator BEGICH. That's my concern.

Let me follow up on a couple other things. The way I see this, I'm anxious to hear General McChrystal's recommendations, but this is a two-part. It's civilian, it's military. It's a combination. Will his recommendations to you look at the whole spectrum or just the combat component, with a little bit of notation in regards to the civilian component because so much of the State Department participates in that? How will that approach come to you?

Admiral MULLEN. I think the second way, how you describe it. He will address the military side. In our review, certainly at the Pentagon as well as through the administration, we're very specifically looking at the broader requirement as well.

Senator BEGICH. So you'll look at the bigger picture.

Admiral MULLEN. The State Department is. But certainly the administration, the White House, is looking at the integrated view of all the requirements.

Senator BEGICH. Last because my time is up, I know you said in short order. How do you define that? The time that he'll give those recommendations?

Admiral MULLEN. I said that so I wouldn't have to define it.

Senator BEGICH. I know. That's why I'm asking. I noticed. I noted that question was not specifically answered by each person. 2 weeks?

Admiral MULLEN. His submission, I think in the next couple of weeks.

Senator BEGICH. The next couple of weeks to you. Then from there, you and the President——

Admiral MULLEN. We'll go through the same process, Secretary Gates and I. This is a process we've used over the last several years, where I will then review it with the chiefs, and we'll review it with Petraeus. Petraeus will endorse it, first of all, with his views, bring it in to the chiefs. We will essentially look at it, and we'll then take it to Secretary Gates, and then he'll make a decision and we'll move it across the river at that time.

Senator BEGICH. Very good.

Thank you very much. My time is up.

Chairman LEVIN. Thank you, Senator Begich.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Admiral Mullen, I, too, want to thank you for your commitment and your service to our country, and also the service of your family and the commitment of your family. This is difficult times that we're in. You're gone from home a lot, and without the strong support of your family we wouldn't have the commitment from you. So we thank both of you there.

I want to get to Afghanistan, but first I want to ask a couple of questions about Iraq. We obviously just celebrated the eighth anniversary of September 11. We're getting close to the eighth anniversary year of going into Iraq. These are difficult times still in Iraq. It's pretty obvious that is the case, even though we're downsizing.

First of all, is downsizing on track? Do you see any potential changes in the schedule of reduction in forces?

Admiral MULLEN. No, sir, I think we are basically on track. We're very focused on the elections in January to provide support for the Iraqi security forces, between now and then. We have had violent incidents. All violence is not gone. Al Qaeda is not gone.

One of the things that I do worry about is making sure that I spend enough of my time that we don't lose focus there, because we have come so far, although I think most of the effort between now and the end of 2011 is really political.

Senator CHAMBLISS. We have been training security police and military personnel in Iraq basically since we got there. I remember

visiting with General Petraeus early on in that conflict, where he was in charge of that training. We're now seeing that spike in violence that you talked about with the downsizing of American troops.

Were the Iraqi military as well as security police ready to assume the challenge that was given to them when we pulled out of the major areas?

Admiral MULLEN. By and large, yes, sir. The attacks of a couple weeks ago in Baghdad certainly got everybody's attention. To his credit, I think Prime Minister Nouri al-Maliki reacted very strongly. So did the security forces. They saw that as a wakeup call. They've adjusted very quickly, and what I get when I talk to General Odierno specifically and General Petraeus about that, they're very satisfied with the adjustment.

Senator CHAMBLISS. Moving to Afghanistan, in that same vein, you indicated that it'll be another 2 to 3 years before you think that the Afghan security police and their military are capable of providing any kind of meaningful defense. How do you see the difference from the training in Iraq and the training in Afghanistan?

Admiral MULLEN. I think it's basically focused in a way that we know what they need to learn. It is a huge challenge because of the literacy rate with the Afghan soldiers and police. It's at the single digit level, maybe 9 or 10 percent.

Yet we have a program with the army, where we put that in place to increase their literacy level. We haven't done that with the police. We're just starting to do that with the police right now. We know that's going to be a requirement. I have much more confidence in our ability to train and get the army to the level that they need to get and execute operations, which they're doing right now even at the 90,000 that exists right now. I'm much more concerned about the police, as I was in Iraq at about the same point in time, where we never thought we'd make it with the police there as well, from the ministry to out in the field. In about 2007, which was a couple years after General Petraeus had started that work, it finally started to turn.

That's why I say 2 to 3 years. But I don't think from a training standpoint we're done. If I were to look at Iraq, that was 2004. You are talking about it's now 2009. So there will be a longer term requirement. Yet these forces that we're generating, the army and the police, they're in the fight pretty quickly. We don't have to wait until then. It's just that I think it's going to be about that length of time before they'll really be able to take a grip.

I worry about as violence increases there—our lesson in Iraq was the police and the security forces got worse, just because it was really violent. My expectation is we're probably going to have to go through some of that in Afghanistan as well.

Senator CHAMBLISS. You preempted my next question relative to the literacy rate. As you and I discussed in my office a couple weeks ago, what I understood the literacy rate to be was about 30 percent, and both you and General Petraeus have kind of deflated me there. That was bad enough, but you just indicated about a 9 to 10 percent in the military.

Admiral MULLEN. That's what I understand it to be. I think that is probably close.

Senator CHAMBLISS. Whatever it is, it's very low, which means that at some point in time when we think we have achieved military success, we still have to look at the other side. When we leave, there has to be some kind of economic foundation left there for the Afghan people to be able to survive. With a literacy rate of somewhere of, let's assume it's in teens or assume it's 20 percent, that means 80 percent of the people in that country can't read and write.

What do we do? How do we leave that country in a state nonmilitarily that they can survive?

Admiral MULLEN. I think first of all they have to have security. That's the necessary condition. They have to have enough good governance to be able to survive. That includes things like rule of law and institutions that provide things for them that just aren't there now, goods and services. But it also has to have some level of economic underpinning. I don't underestimate the challenge there as well. It's 1 of the 5 or 10 poorest countries in the world.

There has to be some economic improvement. Not unlike Iraq in a sense or just about any insurgency or counterinsurgency, it's a three-legged stool. You have to be able to do security. You have to be able to do development, create jobs, as well as a level of governance.

Senator CHAMBLISS. My time is up, but we talked with General McChrystal last time he was here about the National Guard from various parts of the country going into agricultural areas and providing, rather than military security cover, agricultural training services. Is that program still being successful?

Admiral MULLEN. It is. I can't remember how many brigades now or how many States, but it's like six or seven States that continue to do this, to provide agricultural expertise out of the Guard. It's had a big impact and we're going to continue that.

Senator CHAMBLISS. Thank you very much, Admiral.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

Aloha, Admiral Mullen.

Admiral MULLEN. Aloha, Senator.

Senator AKAKA. I would want to thank you very much for your outstanding and dedicated service to our Nation over these years. You have shown outstanding leadership as the Chairman of the Joint Chiefs. I also want to congratulate you on your nomination to continue to serve in this position.

Admiral MULLEN. Thank you.

Senator AKAKA. I also want to add a welcome to your lovely wife Deborah to the hearing.

Admiral MULLEN. Thank you, Senator.

Senator AKAKA. Admiral, I'm interested in the Afghanistan momentum. We have been fighting in Afghanistan now for about 8 years. We are facing a more sophisticated and resilient insurgency than any time since 2001. My question to you is what could be the long-term effects if we fail to quickly regain the initiative and reverse the momentum in Afghanistan?

Admiral MULLEN. I worry a great deal about essentially it becoming a failed state and a safe haven and, while not immediately,

maybe the mid-term effects that that has on Pakistan. The President's strategy—and I strongly agree with this—it's a regional strategy. It involves both those countries. Even though they're both sovereign countries, they have links that go back throughout the ages.

There are other countries in the region that I think need to be paying a lot of attention to this as well, India being a specific one. It's very difficult to predict here. Actually, I think what has happened in Afghanistan, as difficult as it is, has contributed to the diminishment of al Qaeda even in Pakistan. So it is the combination of efforts in both countries I think that is so important to get at what is the core goal of the President's strategy, which is al Qaeda.

I don't know for sure, but I worry a great deal that if the Taliban retake Afghanistan that in fact clearly the option is there to recreate that safe haven where they were pretty comfortable. The long-term effects of that I think could be pretty disastrous for us and our national interests, assuming al Qaeda is somehow able to both plan and execute attacks, which they are planning to do today.

Senator AKAKA. As you mentioned, Pakistan begins to play into our strategy. The administration's goal in Afghanistan and Pakistan is—and let me quote—"disrupt, dismantle, and defeat al Qaeda in Pakistan and Afghanistan and to prevent their return to either country in the future." Admiral, assuming we are able to defeat al Qaeda, how would you propose that we accomplish the last part of the goal of preventing their return to Afghanistan or Pakistan?

Admiral MULLEN. I think if the country of Afghanistan has a strong enough government and a strong enough security force, they can prevent them from coming back. Clearly it doesn't include the Taliban under their current leadership.

The "defeat al Qaeda" piece, and it does focus on al Qaeda, but these terrorists and extremists, particularly in recent years, have become much more linked. So yes, it's al Qaeda, but it's also the Taliban. It's also Lashkar-e-Taiba (LET), it's also Tehrik-e-Taliban Pakistan (TTP), it's Jama'at-ud-Da'wah (JUD), it's Jaish-e-Mohammed (JEM). All of them have the same kind of outlook. Now, each one of them does not threaten us directly as a country, but the totality of this epicenter there in terms of the terrorists who are there is one that I am extremely concerned about, led by al Qaeda.

Senator AKAKA. Admiral, our military continues to shoulder a huge burden in the Middle East and South Central Asia. It seems the number of deployed forces in Afghanistan will remain high and there are reports that there might be a request for additional troops. That concerns me about military readiness.

If we continue our current pace of operations, how would you assess our readiness to counter future threats abroad?

Admiral MULLEN. At the current levels, which includes the plan to draw down in Iraq, we actually will start to increase dwell time, which is nominally for the ground forces, particularly the Army, 1 to 1. Actually, the Marine Corps, because we've built three additional battalions, they're coming out of Iraq now, the Marine Corps deployment level ratio—I'm sorry—dwell time is out to about 1 to 1.5 for its main units. There are some units whose ratio is 1 to 1.

So we'll be able to increase that dwell time, and that will happen over the period of about 2 or 3 years with the Army as well. General Casey says about 2011 or 2012, assuming we come out of Iraq and our levels in Afghanistan don't go too high, that he also would be able to increase that dwell. That buys us some recuperation time, which we need for our troops and our families, for our gear as well. But it also allows us to start training for other missions.

We've clearly accepted additional risk globally focusing on Iraq and Afghanistan. That is how we would move forward here.

I would be first and foremost concerned about just the recuperation time for our troops and families, while at the same time getting ready for those additional possibilities.

Senator AKAKA. Admiral, I applaud your continued efforts to be a strong advocate for our wounded warriors. During a recent speech you stated: "Time is of the essence when it comes to finding better treatments for traumatic brain injuries." Admiral, what more can be done to better treat traumatic brain injuries?

Admiral MULLEN. I spend a fair amount of time with my wife Deborah visiting what I would call centers of excellence, certainly in the Veterans Administration (VA) world. I was recently up in Boston and I was struck at the advancements that are being made there by the Boston VA and their relationships in the community with Harvard and Boston University and other institutions, educational and research institutions, which are contributing. I know Secretary Eric Shinseki has this as a priority as well.

I think that we, that DOD and the VA, must work as hard as we can together to surface and then fund these things. Some of what I saw there were studies that were going on for 3 or 4 years that actually had some good information. So what are we doing with them? We have to know what's going on and then execute, and basically take it and do something with it. I just believe we're in the beginning stages of this, 8 years into war notwithstanding, that we're really just starting to get to a focus across the full spectrum that addresses these kinds of issues.

I use the VA hospital as an example. I think we need to do this throughout the country.

Senator AKAKA. Thank you very much, Admiral.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Admiral, thank you for your great service to our country. I do want to add my support for your reconfirmation. Thank you, your wife and family for their service as well. There are some tough things that we're involved with. Of course, you're in the middle of it all. I know much of the focus today has been on Afghanistan, as it rightly should be. I have one question with regard to that, but I'd like to ask a couple of other questions if I might.

I, like everybody else in this country, want to see us succeed in Afghanistan and be able to put together a strategy that would allow that to happen. To me, that I think means preventing terrorism organizations from being able to create safe havens in that country and also making sure that we have a well-trained Afghan army and police force that can maintain security and take over more of the fight.

That's why I'm a little bit concerned about, last Tuesday NBC News aired a story from a reporter that was embedded with a U.S. Army unit on patrol in Afghanistan and one particular aspect of that report caught my attention. There was a report that highlighted how the U.S. forces are not allowed to search private dwellings due to cultural sensitivities. Afghan soldiers search Afghan residences. Yet the report also noted that the Afghan army soldiers are reluctant to support the coalition in the more dangerous aspects of the mission. It went on to say that, while the U.S. soldiers searched a wooded area, this NBC report stated: "It's so risky, bombs easily hidden in this brush, Afghan soldiers refused to go in." That's what I found troubling about that report.

I guess my question is, is this report an isolated case or does the Afghanistan National Army often refuse to perform dangerous missions?

Admiral MULLEN. I'm not aware that they do, and their reputation is such that they're good fighters, and that our relationship with them is very strong. You're speaking to the directive or direction that actually I think General David McKiernan put out before General McChrystal got there, and I know McChrystal concurs with this, is we just were doing ourselves a lot of damage by entering those homes ourselves and strategically we were really hurting ourselves.

But I am not aware of a rampant kind of incidents that you just described where the Afghan army isn't in the fight. In fact, and it's not an army story, but it's a police story, I think in the last couple of months the Afghan police have had upwards of 150 plus of their officers killed. They have also sacrificed greatly. All the problems that we do have with the police, and they are plenty, we've had an extraordinary number of sacrifices there as well.

But I certainly haven't gotten that kind of feedback. I can check and see if it's different.

Senator THUNE. It was a news report, but I guess it gets to the broader question of as we place more and more burden on the Afghan army and the Afghan police to perform, do we have a level of confidence that they will perform up to our expectations and as we begin to at some point hopefully hand off, that they continue to provide security.

Admiral MULLEN. All the feedback I've gotten is yes. That doesn't mean we don't have challenges. I hope the report is only isolated, but I think the report speaks to the complexity of the challenge of both training and executing and getting them into the fight. It is an enormously complex environment, mission, et cetera. But I'm just not aware of any kind of extensive incidents like that that you described.

Senator THUNE. To shift gears for just a minute, there was a September 10, 2009, article in The New York Times. The headline read that "United States Says Iran Could Expedite Nuclear Bomb," and that American intelligence agencies have concluded that Iran has created enough nuclear fuel to make a "rapid sprint" for a nuclear weapon.

I know that there are conflicting views about when that capability will exist and I guess I'm interested in your thoughts about

how quickly Iran could develop a nuclear weapon if they decide to make a rapid sprint to that end.

Admiral MULLEN. Those time frames generally run for me 1 to 3 years. What you're talking about, what that article spoke to, was what I call a breakout capability. In other words, they develop enough of the technology and then they make a decision, the Supreme Leader makes a decision, to go. From there it takes a period of time. As you indicated and I think the article indicated, there are various views of what that takes.

Everybody is sort of in that ballpark, 1 to 3 years. So it's not like it's a long way off should they decide to do that. My personal belief is that the Iranians are on a path, they want to develop nuclear weapons, and I think that would be an incredibly destabilizing outcome for a part of the world that is already pretty unstable.

Senator THUNE. You had stated in your answers to some of the advance questions that, with regard to current negotiations over the follow-on Strategic Arms Reduction Treaty (START), that the proposed range of 500 to 1,100 strategic delivery vehicles and a limit of 1,500 to 1,675 warheads would be sufficient to maintain U.S. strategic deterrence. I guess my question has to do more with the delivery vehicles, but do you really mean to suggest that the United States would be able to maintain the strategic deterrent, the nuclear umbrella to allies, at a level of 500 strategic delivery vehicles?

Admiral MULLEN. I'm very comfortable at 500 to 1,100. It is a range. That's where the negotiations are. At some level coming down from 1,100, I get pretty uncomfortable with our ability to do that. That's really for the negotiators to figure out and obviously what our strategic deterrent will be.

What I am equally concerned about is the need for us as a country to invest in this capability, in the industry for the future, which has been underinvested in or not invested in for a significant period of time, so that we can have a deterrent force that is technically current and reliable. So it is that range. At that range on the high end, I'm very comfortable. On the low end I'm pretty uncomfortable.

Senator THUNE. Do you know, has DOD done analysis at the low end?

Admiral MULLEN. Yes, sir, we have.

Senator THUNE. Is that something that would be available to Congress?

Admiral MULLEN. I'm not sure. I'd have to check. I mean, pretty much anything is if you want. It's been a few weeks. I'd have to go back and look at it to see. We're right—"we," our country, is right in the midst, the administration is right in the middle of negotiating to get to a START follow-on by the end of this year.

Senator THUNE. Right. Obviously, that requires significant force structure changes.

Admiral MULLEN. Yes, sir, I understand that.

Senator THUNE. Submarines, bombers, Intercontinental Ballistic Missiles, something would have to be eliminated. I just wondered if the Department's carefully studied that.

Admiral MULLEN. We actually know where the break points are. Analytically, we've looked at this and so we know where tough de-

cisions have to be made as you come down and decisions about is it a triad or is it a dyad and what would it take, if we sustained a triad even at lower levels, which could be very expensive. Actually, I'm very comfortable with the level of analysis that we've done with respect to that.

Senator THUNE. I'd be interested in following up with you if that's something that would be available for us to look at.

Thank you, Admiral.

Thank you, Mr. Chairman.

[The information referred to follows:]

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Chairman LEVIN. Thank you, Senator Thune.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Admiral Mullen, thank you so much for being here. I thank you for your work, for your service. To your wife Deborah and to your sons, I thank you so much for your family sacrifices. It means a lot, I know, and I do think that you are certainly well qualified for a second term. Thank you for doing that.

I wanted to ask you a question about Afghanistan. I think that succeeding in Afghanistan requires partnership built upon the strong relationships that we have with the Afghan Government, national security forces, and above all the local populace. It's essential that our strategy in Afghanistan is centered on protecting the Afghan people from the Taliban, which we talked about, enabling the Afghan governance and reconstruction, and enabling the capacity of the Afghan national security forces. As Secretary Gates has indicated, we must ensure that Afghanistan has the appropriate intelligence, law enforcement, and internal security capabilities to sustain the long-term opposition against the Taliban.

Our troops and resources in Afghanistan must be used to build trust with the Afghans, move to the next phase of counterinsurgency tactics, and enable the Afghan Government to conduct development and reconstruction operations. Our U.S. troops have to be perceived by the Afghans not as the problem, but rather as part of the solution.

Has the Department begun discussing the resourcing effort within the special operations community to execute the President's Afghanistan strategy, specifically the theater special operations forces needed to train the Afghan National Army and Police and the strategic special operations forces needed to conduct the combat operations under the domain of the Joint Special Operations Command (JSOC)?

Admiral MULLEN. We think that clearly the Afghan special forces are a very capable group or part of the Afghan military and so there's great emphasis there. As we move forward I think in the strategy, General McChrystal's review of the President's strategy as he took leadership, took command there, the priority to focus on the Afghan people and also train and equip the Afghan forces writ large—special forces, army, as well as police—is a top priority.

He hasn't submitted a request yet to say, given this, these are the forces that I need. But I'm confident that inside that, the totality of that request, will be embedded a request for a certain

amount of special forces to get at exactly the issue that you're talking about. That will come in great part out of JSOC, among others, and out of Tampa and the totality of our special forces, who are as pressed as any other part of our military, quite frankly, and are so exceptional in what they do.

So it will be, I believe as I look at it right now, a very important part embedded in the fullness of the counterinsurgency approach, because these forces are. I'm confident that request will come in. We just don't have it yet.

Senator HAGAN. Let me ask you a little bit about Pakistan. I believe that the stability of Afghanistan is dependent upon the stability of Pakistan, and I believe that the Pakistani Government's beginning to recognize that the Pashtun insurgency in the Federally Administered Tribal Areas (FATA) is a threat to Pakistan's sovereignty. We need to enable the Pakistan army and the Frontier Corps with the capacity and capability to conduct sustainable direct action missions against the more dangerous elements of the Pakistani Taliban and al Qaeda in Waziristan. Unlike the Swat region, Waziristan is populous, mountainous, and remote, characteristics that are not conducive for conventionally trained Pakistani army.

We also need to work with the Pakistan Government and military to deny the safe havens for the Afghan Taliban's high command, currently based out of Quetta in Pakistan's Baluchistan Province.

Though General McChrystal's assessment deals with our civil affairs strategy in Afghanistan, can you provide an update on the Department's strategy along the Afghan-Pakistan border? Of particular note, it's interesting to me since it's the 82nd Airborne out of Fort Bragg that's currently based in Regional Command (RC)-East, and Major General Curtis Scaparotti is the regional commander in RC-East.

Admiral MULLEN. There's been a lot that has changed in the last year in Pakistan with what the Pakistani military and the Frontier Corps have achieved. I think it's important to recognize that, because a year or 2 ago there were many people who were very skeptical that they would do anything. They've had a big impact. It hasn't been perfect.

We are there to support them where they are asking for our support. That said, it's only going to go as fast as they want it to go. I've been there I think 13 times. It's very clear to me that they very much appreciate the support, but it's going to be at their pace, even though many of us would like to see it happen more quickly.

He has a two-front threat. The Pakistani military also, they consider their principal threat, their existential threat, to be India, not these extremists. They are increasingly concerned about the extremists, which is why they've addressed it. He's started to train his forces in counterinsurgency, which a year ago or 2 years ago they didn't do much of. He's rotating them, and he's had some pretty significant positive impacts on it.

In addition to the Quetta shura, I am as concerned about the Haqqani network, which is north of there and which is sort of the centroid for feeding Afghan Taliban in and out of Afghanistan killing our people and killing Afghan citizens. It's still an extraor-

dinarily dangerous border. I think it will be for the foreseeable future. We've actually had success in diminishing al Qaeda leadership and it's not as strong as it was, but it is still very lethal and still very focused on us as a country, planning to still execute attacks against us and other western interests.

There's been progress, but we've still got a long way to go. From the overall strategy standpoint, we're still very much invested in Pakistan. We think that's an important long-term relationship. They still ask the question: Are you staying or going this time? Not unlike the question that gets asked in Afghanistan. The Senator Kerry-Senator Lugar bill is very important as far as I'm concerned, because it's not about the $1.5 billion a year as much as it is a 5-year commitment to Pakistan.

So our strategy is, I think, much more comprehensive with Pakistan than it used to be. That said, there are limits. It's a sovereign country and they're very much in charge of their own country.

Senator HAGAN. Thank you. I see that my time is out.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Admiral, I'd like to add my thanks to you and Deborah and your sons for all the years of service that you've given our country, and also to express my appreciation for the integrity and forthrightness that you have brought to this job. I can tell you that it is greatly appreciated on this side of the river and, having spent 5 years in the Pentagon, I know it's appreciated on the other side as well.

There's been a lot of talk about Afghanistan. I'm going to ask some questions on it. But before I do, I would like to point out that we're doing this Quadrennial Defense Review and it's a very important one with the new administration in. I hope that we don't lose sight on either side of the river of the larger aspects of national strategy that sometimes fall away at the expense of short- and mid-term ground commitments that can affect force structure in the short term, but really not play out to our national advantage in the long term.

In the interest of time, I have two questions that I would like to submit for the record on that. One of them relates to the size of our Navy. The other regards the roles and missions of the Marine Corps. I will submit that to you for the record.

With respect to the situation in Afghanistan, there's been discussion earlier about whether this is a new strategy or an ongoing strategy. The most important point I believe is whether this is a valid and achievable strategy, whether we have attainable goals that are clearly articulated our side to the other side and to the American people, and whether those goals have an understandable end point so that we know when we are done, particularly in a military sense.

What you are attempting to achieve or what the administration says that it's attempting to achieve is in some ways without historical precedent. We've had a lot of discussion today about Iraq as something of a touchstone here. But as you know and I know, for better or worse, the Iraqis have been used to in the past a strong central government, strong national government, and they also

have for a very long time had a national army. Hundreds of thousands of Shia are known to have died in the war against Iran, fighting in the national army of Iraq. It's a different situation with respect to Afghanistan.

I wonder if you would comment on the historical precedent or lack thereof for what you are attempting to do right now.

Admiral MULLEN. I think history is something we must pay attention to, recently in Iraq and the things that we've learned there, the things that are the same, the things that are different, obviously the history in Afghanistan, which has rich lessons as well, and it's a country that's never been governed centrally. I certainly understand that.

I don't argue for a strong central government in Afghanistan. I think it's important that there is governance that is available to the people at every level. So in the totality of governance that I would look at for the future, it would be from village to some level of relatively weak central government that isn't corrupt, more than anything else, in terms of establishing some semblance of governance for the future.

I hear the discussions about an occupying force. I think McChrystal said it very well not too long after he got there, that it isn't necessarily how big; it's what you do with what you have and how the Afghan people——

Senator WEBB. In the interest of time, my readings are that in the history of Afghanistan the largest national army, actual national army, was somewhere between 80,000 and 90,000.

Admiral MULLEN. In 1979.

Senator WEBB. Your goals with respect to a national level force are at what level?

Admiral MULLEN. Right now, for the army to be 130,000.

Senator WEBB. National police, military combined?

Admiral MULLEN. Right now it would be about 240,000 or 230,000 combined.

Senator WEBB. In the absence of an affiliation with a national government, what is the challenge of building a national military and police force of that size?

Admiral MULLEN. I think the challenge is huge. The only thing I would say is that as a percentage of the population the goals that are out there, not just these but even the goals you may hear tied to the chairman's previous letter, are within the math as a percentage of the population.

But I think you raise a good point. I don't underestimate the challenge of recruiting a force that could do this at the national level. I am encouraged because the army is seen as the one noncorrupt institution the country has and it's held in pretty high regard by the people. They're also an excellent fighting force historically, with a great warrior mentality.

Senator WEBB. We run the risk, as I mentioned to General Petraeus and General McChrystal, of allowing our success to be defined by something that's never happened before, something that we can't totally control, which is something that concerns me.

You're familiar with this raid that took place in Somalia within the past 24 hours?

Admiral MULLEN. I've seen the press reports.

Senator WEBB. In concept, this was American Special Operations coming in over the horizon, presumably off of naval ships, taking out an element of al Qaeda, and returning back to its original point of origin, which to me, if the target was an appropriate target, is an appropriate way to use military force against international terrorism. Would you agree?

Admiral MULLEN. Globally, we're very focused on this. I'd actually be happy to go through the details of that, but I'd really need to do it in a closed session.

Senator WEBB. It points to a concern that a lot of people who have served and a lot of people who have written about the situation in Afghanistan share. That is that maneuverability is the most effective way to conduct operations against international terrorism, and the more territory that you have to defend or occupy the more vulnerable you are in terms of carrying out your mission.

I know the counter-argument about the populace, but it would seem to me that, from what I've been hearing or reading with respect to the level of activity of al Qaeda in Afghanistan, it seems to be very low. We have to be pretty careful in terms of how we lock our people down in defensive cantonments as we approach the issue.

Admiral MULLEN. I think you'll see McChrystal emphasize the exact maneuverability that you're talking about. I take it a huge part of that is just footprint-related. The larger the footprint, the less maneuverable you may be. But clearly he does not want his people in cantonments and he's made that very clear.

Senator WEBB. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Udall.

Senator UDALL. Thank you, Mr. Chairman.

Good morning, Admiral.

Admiral MULLEN. Good morning, Senator.

Senator UDALL. It's good to see you.

Again, let me touch on three subjects and I'll do my best to use my time efficiently: on "Don't Ask, Don't Tell," on Iraq, and then turn to Afghanistan.

When you testified at your last confirmation hearing, you rightly pointed out that the law of the land was "Don't Ask, Don't Tell," and it was the Pentagon's job to implement and abide by that policy. We often look to you for personnel recommendations and as we are on the verge, I believe, of holding the first hearing, perhaps this fall, in 16 years on "Don't Ask, Don't Tell," I would welcome your thoughts and would ask if you would consider putting your thoughts in writing before that hearing later this fall, so that we can have the benefit of your thoughts.

Admiral MULLEN. Yes, sir. I'd be glad to do that.

Senator UDALL. Thank you for that.

I want to commend the chairman for his willingness as well to consider moving in that way.

To Iraq: National elections will be in January, there is some talk of a concurrent referendum on the presence of our troops there. Ambassador Hill believes that it won't actually be brought to the ballot, but I would like your thoughts on what General Odierno

and others are preparing if that were to be on the ballot and were to pass.

Admiral MULLEN. This was a possibility last summer, spring and summer, as well, and it fell out and was moved to the right. It's obviously resurfaced. It is a great concern on the part of both Ambassador Hill and certainly General Odierno. Obviously, as part of the political spectrum that is there that I think is such a dominant part of how Iraq moves ahead, the outcome with respect to whether this actually gets voted on or not, the referendum occurs, I think is really critical.

We were on a plan and on a glide slope right now that we think makes a lot of sense, gets us through the elections. Then actually we start coming down pretty dramatically starting in the spring to that 35,000 to 50,000. Clearly, the Iraqi people and the Iraqi Government are in charge of their country. If there's a referendum that we're going to leave, we'll leave.

The military view from a security standpoint right now, we think that's pretty high risk. The glide slope that we're on is one that we're much more comfortable with.

Senator UDALL. Thanks for that update. I think we'd be well served to continue to prepare for any of those particular scenarios.

Let me turn to Afghanistan, but in an interesting connection. I want to turn to Deborah. She may have done more for our future counterinsurgency efforts than anybody because, if my memory is right, she encouraged, strongly encouraged, you to read the book entitled "Three Cups of Tea." I know Greg Mortenson. I know you've gotten to know him. He's pointed out that cultural sensitivity is in some ways one of our greatest weapons. There's no place like the United States for cultural sensitivity since we have every culture, every ethnic group, every racial group, every country, represented here among our population.

He noted and you noted in some remarks that western fast food culture is not well suited to that part of the world. He's speaking of Afghanistan, the Middle East. Results are measured in decades and generations, rather than minutes and seconds. It takes time to build relationships, time to learn cultures, time to foster sincerity and mutual respect.

My question to you is, do we have that time? I remember General Petraeus talking about different clocks in Washington and Baghdad as we were talking about timelines. What are the different clocks telling you about what's happening in Kabul and here in Washington?

Admiral MULLEN. I'm greatly worried about the time that we have. That's why I have such a sense of urgency about getting this right. It's why I recommended, very specifically that's why I recommended, that General McChrystal be put in a leadership position out there, because I don't think we have a lot of time. At the same time, I feel we almost must take time because it's such a vital part of the world long-term from the standpoint of our strategic national interests. This is Afghanistan and Pakistan, it's Central Asia and South Central Asia.

It's a real conundrum in that regard. I think we have to move quickly to start to turn this thing around. Then at the same time, I think we have to have a long-term relationship that allows those

young girls, when I went out there to open up that school, to grow up and make a difference as they raise families and, as Greg Mortenson would say, they give guidance to their sons: You are not going to go do this.

Senator UDALL. Yes, the heartening core of that effort is that the elders in those communities, in other words the men, understand the potential if you empower women in those cultures. At the same time, those are very patriarchal cultural structures.

Again, thank you, Deborah, for what you've done to help us in these important national security efforts.

My final question is the footprint debate we're having about Afghanistan. I know Secretary Gates expressed a concern about being seen as occupiers as well as partners.

He said an increased footprint becomes part of the problem, depending on whether the nature of the footprint and the behavior of those troops and their attitudes and their interactions with the Afghans promotes an occupier perspective or a partnership perspective.

What are your thoughts on this question of increased footprint and how we find that right balance?

Admiral MULLEN. I think that under no circumstances can we be seen as an occupier. We know we're not. That's who we are. We've never been. We haven't done it anywhere. But that message has to be understood by the Afghan people. I think General McChrystal, as I indicated earlier, said it very well not too long after he got there. He was much less concerned about footprint, although he has a concern, than he is about what are you doing with it. So what are you actually doing to engage the people, to let them know you're on their side in a way that they accept that?

We were in too many cantonments. We were not integrated with them. We weren't living with them. The message was one of occupation on the part of many. There again, the Afghan people don't like the Taliban. They don't want to return to that rule. But they still have questions about whether we're staying long-term, not just the combat side of this, but whether we're staying long-term and we're going to be with them. Before we left them and they know that.

It's really, I think, what you're doing with the forces that are there, as opposed to the size of the footprint.

Senator UDALL. I see my time has expired. Thank you again for your service and I look forward to working with you as we continue to make the case to the American people with three or four or maybe even just two quick bullet points about why we have to be successful in Afghanistan.

Thank you.

Chairman LEVIN. Thank you very much, Senator Udall.

Again, thank you very much, Admiral, for your service, for your answers today. I think that colonel and that captain that I quoted before put the issue very succinctly for me, which is that we have to look hard at how we generate Afghan forces and that the lack of Afghan forces is our Achilles' heel. That was dramatically brought to our attention when we were in Helmand Province; the ratio of forces was 5-to-1, 5 marines, 1 Afghan soldier. Totally unacceptable.

No one's talking about removing all of our forces from Afghanistan. The question is whether we go beyond at this time and make a commitment at this time to additional combat forces, beyond what has been already put in motion. That is an issue worthy of debate. It is part of a much larger picture. As you have indicated here this morning, this is not just a picture of one part, of just combat troops additional to what's already a commitment. There are many other issues involved here in terms of the resources that may be requested.

We look forward to your review as the Chairman of the Joint Chiefs, taking I presume an independent review with your other chiefs of whatever recommendation is presented to you. You obviously put a great deal of stock in a McChrystal recommendation when it's forthcoming. But you will be giving your own independent view to the Secretary of Defense, and he will be giving his recommendation, I presume, to the President. Is that the way it works?

Admiral MULLEN. Yes, sir.

Chairman LEVIN. We are going to stand adjourned. We are obviously going to move as quickly as we can with your nomination. I'm sure you're going to get a very strong unanimous vote from this committee. We've already heard everyone speak out on it. I see no reason why we can't proceed very promptly to the floor. There may be some questions for the record. If there are, we would hope they would be filed within the next 24 hours so we can get this done promptly.

We thank again your wife and family. I think each one of us has touched upon their service as well as your own, and we're grateful for all of it.

We stand adjourned.

[Whereupon, at 12:04 p.m., the committee adjourned.]

[Prepared questions submitted to ADM Michael G. Mullen, USN, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. On previous occasions, you have answered the committee's policy questions on the reforms brought about by the Goldwater-Nichols Act, the last time being in connection with your first nomination to be Chairman of the Joint Chiefs of Staff (JCS).

Has your view of the importance, implementation, and practice of these reforms changed since you testified before the committee at your last confirmation hearing?

In light of your experience as Chairman, do you see any need for modifications to Goldwater-Nichols? If so, what modifications do you believe would be appropriate?

Answer. No. Overall, the Goldwater-Nichols reforms have strengthened the warfighting and operational capabilities of our combatant commands and our Nation. The importance of these reforms has not diminished with time.

DUTIES

Question. Based on your experience as Chairman, what recommendations, if any, do you have for changes in the duties and functions set forth in section 152 through 155 of title 10, U.S.C., and in regulations of the Department of Defense (DOD), that pertain to the Chairman and the Vice Chairman of the JCS and the organization and operation of the Joint Staff in general?

Answer. Having been in office for a sufficient time to determine if changes are advisable, I do not recommend any changes to the law.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Chairman of the JCS to the following officials:

The Secretary of Defense.

Answer. DOD is composed of the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the JCS, the combatant commands, the Inspector General of DOD, the Defense Agencies, the DOD Field Activities, and such other offices, agencies, activities and commands established or designated by law, or by the President or by the Secretary of Defense. The Secretary of Defense, according to existing law, assigns the functions of the heads of these offices. The Chairman and the JCS are responsible to the Secretary of Defense for the functions assigned to them. Under title 10, the Chairman, JCS is the principal military advisor to the President, the National Security Council (NSC), and the Secretary of Defense.

Question. The Deputy Secretary of Defense.

Answer. Under existing directives, the Deputy Secretary of Defense has been delegated full power and authority to act for the Secretary of Defense on any matters upon which the Secretary is authorized to act. As such, the relationship of the Chairman with the Deputy Secretary is similar to that with the Secretary.

Question. The Under Secretaries of Defense.

Answer. Title 10, U.S.C., and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisers to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. They may issue instructions and directive type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the JCS.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for Public Affairs, Legislative Affairs, and for Networks and Information Integration, all Assistant Secretaries of Defense are subordinate to one of the Under Secretaries of Defense. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the JCS. If confirmed, I will work closely with the Assistant Secretaries in a manner similar to that described above for the Under Secretaries.

Question. The General Counsel of the Department of Defense.

Answer. Under title 10, U.S.C., section 140, the DOD General Counsel serves as the chief legal officer of DOD. In general, the DOD General Counsel is responsible for overseeing legal services, establishing policy, and overseeing the DOD Standards of Conduct Program, establishing policy and positions on specific legal issues and advising on significant international law issues raised in major military operations, the DOD Law of War Program, and legality of weapons reviews. The office of the DOD General Counsel works closely with the Office of Legal Counsel to the Chairman of the JCS, and communications with the combatant commanders by the DOD General Counsel are normally transmitted through the Chairman of the JCS.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman of the JCS performs such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the Office of the Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

Question. The Secretaries of the Military Departments.

Answer. Title 10, U.S.C., section 165, provides that, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the Secretaries of Military Departments are responsible for administration and support of forces that are assigned to unified and specified commands.

The Chairman advises the Secretary of Defense on the extent to which program recommendations and budget proposals of the Military Departments conform to priorities in strategic plans and with the priorities established for requirements of the combatant commands.

Question. The Chiefs of Staff of the Services.

Answer. Because of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. However, this does not diminish their importance with respect to title 10 responsibilities, and among other things, they

serve two significant roles. Primarily, they are responsible for the organization, training, and equipping of their respective Services. Without the full support and cooperation of the Service Chiefs, no combatant commander can assure the preparedness of his assigned forces for missions directed by the Secretary of Defense and the President.

Second, as members of the JCS, the Chiefs are advisers to the Chairman and the Secretary of Defense as the senior uniformed leaders of their respective Services. In this function, they play a critically important role in shaping military advice and transforming our joint capabilities. If confirmed, I will continue to work closely with the Service Chiefs to fulfill warfighting and operational requirements.

Question. The combatant commanders.

Answer. The combatant commanders fight our wars and conduct military operations around the world. By law, and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the combatant commanders oversees their activities. He provides a vital link between the combatant commanders and other elements of DOD, and as directed by the President, may serve as the means of communication between the combatant commanders and the President or Secretary of Defense.

Question. The National Security Advisor.

Answer. The National Security Advisor is a Special Assistant and direct advisor to the President. As the role of the Chairman is to serve as the principal military advisor to the President, NSC, Homeland Security Council, and Secretary of Defense, if confirmed, I will continue to work closely with the National Security Advisor to ensure our efforts are synchronized across the interagency and combatant commanders.

Question. The Assistant to the President/Deputy National Security Advisor for Iraq and Afghanistan.

Answer. The Deputy National Security Advisor for Iraq and Afghanistan is a direct advisor to the President. As the role of the Chairman is to serve as the principal military advisor to the President, NSC, Homeland Security Council, and Secretary of Defense, if confirmed, I will continue to work closely with him to ensure our efforts are synchronized across the interagency and combatant commanders.

Question. The Under Secretary of Energy for Nuclear Security.

Answer. The Under Secretary of Energy for Nuclear Security/Administrator for Nuclear Security Administration is charged with keeping nuclear weapons and naval nuclear reactors safe. The Under Secretary of Energy for Nuclear Security/Administrator for Nuclear Security Administration works with a network of labs, test sites and production sites owned by the government and run by contractors, such as Los Alamos National Laboratory. If confirmed, I will collaborate with the Under Secretary to keep these facilities safe, transport weapons and materials safely, and ensure that weapons are ready and available to meet national security needs.

Question. The Chief of the National Guard Bureau.

Answer. The Chief of the National Guard heads a joint activity of DOD and is the senior uniformed National Guard officer responsible for formulating, developing and coordinating all policies, programs, and plans affecting more than half a million Army and Air National Guard personnel. Appointed by the President, he serves as principal adviser to the Secretary of Defense through the Chairman of the JCS on National Guard matters. He is also the principal adviser to the Secretary and Chief of Staff of the Army, and the Secretary and Chief of Staff of the Air Force on all National Guard issues. As the Chief of the National Guard Bureau (CNGB), he serves as the department's official channel of communication with the Governors and Adjutants General. If confirmed, the CNGB will continue to have full access to the upper echelons of the Joint Staff and me.

MAJOR CHALLENGES

Question. What do you consider to be the most significant challenges you have faced in your first term as Chairman of the JCS?

Answer. The most significant challenges I have faced in my first term as Chairman have been: (1) managing the transition in Iraq from a U.S.-led to Government of Iraq-led effort; (2) resourcing the President's AF–PAK strategy—military and civilian components; and (3) addressing Health of the Force issues that threaten the vitality of the All-Volunteer Force.

Question. What new challenges do you expect to face if you are confirmed for a second term?

Answer. As a global force with global responsibilities, the realities of today are cause for measured optimism and focused concern. While constrained and weak-

ened, al Qaeda remains a national security threat. The epicenter of its senior leadership is in south Asia, making that region my number one priority. We have a new strategy for the effort there, and new leadership on both the military and civilian side. All existing troop requests for 2009 have been approved by the President and a new approach to counter-insurgency is already making a difference. In Pakistan, increased military and diplomatic dialogue, coupled with tangible military progress in the border regions, is encouraging. Pakistan deserves our sustained commitment.

Iranian and North Korean behavior provides ample reason for concern. Iran poses grave challenges because of its confrontational posture, nuclear ambitions, and longstanding support to terrorist organizations and activities. The tumultuous events coincident with the June 2009 presidential elections in Iran have complicated U.S. and international community efforts at engagement. North Korea's belligerence, its quest for nuclear weapons, and its history of weapons of mass destruction and missile proliferation make it an equally difficult and dangerous challenge.

I remain concerned that the pace of current operations prevents our forces from training across the entire range of operations and erodes our readiness to counter future threats. We must continue to institutionalize proficiency in irregular warfare while restoring the balance and strategic depth necessary to assure national security. Additionally, the demands on our equipment are simply unsustainable. Continued operations that are not matched with appropriate resources will further degrade our warfighting systems, equipment, platforms and, most importantly, our people.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I intend to continue making the Afghanistan-Pakistan region the main effort. It is no longer a question of doing only that which we can, it is now, and urgently so, an imperative to demonstrate the resolve to do what we must in Afghanistan and Pakistan. Without a commensurate shift in focus and resourcing both the military and civilian components, the conditions in Afghanistan will worsen.

In Iraq, managing the drawdown and transition to an Iraqi-led security effort is critical to an enduring peace in that country and the region. I believe that our success in Iraq is vital for regional stability.

Our Armed Forces continue to shoulder a heavy burden not only in the broader Middle East and South Central Asia, but worldwide. While our military remains the most capable in the world, the stress on our forces and the strain on our families have been tremendous. Over the coming 2 years, the number of deployed forces from our Active and Reserve components and National Guard will remain high, exacerbating these concerns even further. We will not see improvements in the dwell time of our ground forces until 2011, at the earliest.

The quality, numbers, and fighting capability of the men and women serving in and supporting our military are vital, yet insufficient alone, to counter the challenges of this new century. Our national security requires the full involvement of not only the entire U.S. Government but also that of our international community partners. We must continue to provide the sustained presence and persistent engagement required to effect enduring partnerships and cooperation necessary to secure our vital national interests. Through multilateral cooperation with our partners and allies, we will continue to take prudent measures to defend against any threat to the Nation.

PRIORITIES

Question. Recognizing that challenges, anticipated and unforeseen, will drive your priorities to a substantial degree, if confirmed, what other priorities, beyond those associated with the major challenges you identified in the section above, would you set for your second term as Chairman?

Answer. Upon becoming Chairman, I set three priorities for the U.S. military. These continue to guide the United States even as we assess and adjust our efforts. First, we will improve stability and defend our vital national interests in the broader Middle East and South Central Asia. Second, we will improve the health of our Armed Forces. Third, we will balance global strategic risks such that we can prevent future war by deterring conflict, while always being prepared to act decisively should deterrence fail. In so doing, we defend the Nation and reassure our allies and partners around the world.

ACQUISITION REFORM AND ACQUISITION MANAGEMENT

Question. What is your view of the changes made by the Weapon Systems Acquisition Reform Act of 2010?

Answer. I fully support the changes made in the Acquisition Reform Act and am working to implement the necessary changes to the requirements process. The results these changes seek are long overdue.

Question. What role have you played in the implementation of the act thus far and, if confirmed, what role do you expect to play in the implementation of the act in the future?

Answer. As Chairman, I have been working—and, if confirmed will continue to strive—to implement the much-needed changes to the requirements process. I support and, if confirmed will continue to support full implementation of the act.

Question. What additional steps do you believe Congress or DOD should take to ensure that trade-offs between cost, schedule, and performance objectives for major weapon systems are made at an appropriately early point in the acquisition process?

Answer. The list of problems remains long. We still have a problem managing requirements creep. Cost estimates, although made in good faith, are often too low, leading to unexpected cost growth. High technology solutions are adopted before they are proven. The Joint Capabilities Integration and Development System is much too complex and needs to be revised.

Congress has taken important steps in the 2009 Acquisition Reform Act to address most of these issues, but increased participation by the uniformed military throughout the acquisition lifecycle, stronger oversight of contractors, deeper understanding of the incentives in different contract types, and increased focus on improving our military acquisition corps are all needed.

Question. Do you see a need for any change in the role of the Chairman or the Vice Chairman of the JCS in the requirements determination, resource allocation or acquisition management processes?

Answer. We are reviewing a realignment of the roles that the Chairman and Vice Chairman play in requirements determination, to best manage requirements in the future, and to better balance the inputs of all stakeholders.

Question. What is your view of the Nunn-McCurdy requirements for Major Defense Acquisition Programs that fail to meet cost, schedule, and performance objectives?

Answer. The Nunn-McCurdy certification requirements force the Department to perform a fundamental net reassessment of a program, and decide to either restructure it appropriately or terminate it. This is a very important requirement. From a Joint Requirements Oversight Council (JROC) perspective, it is appropriate to ask the warfighter to revalidate a program's essentiality and requirements. In 2007, the JROC established a trip-wire process to bring troubled programs back to the JROC for a review and to consider performance trade-offs to mitigate further cost growth and/or schedule delays without sacrificing joint warfighting capabilities.

Question. What is your assessment of the effectiveness of the JROC in the DOD acquisition process?

Answer. The results of our acquisition systems speak for themselves. A more credible and more empowered JROC can help control requirements growth and certify systems which fail Nunn-McCurdy requirements. We must better involve all with a stake in determining the necessary tradeoffs between cost, schedule, and performance.

Question. How should the role and priorities of the JROC change, if at all?

Answer. The JROC should place more priority on focusing on combatant commander needs, carefully managing the requirements of systems in development, and ensuring new systems have adequate requirements definition and trade space.

Greater emphasis must be placed on the need for balanced capabilities that match the strategic direction of the Department, meet the need dates of the combatant commanders, and provide solutions that remain fiscally responsive. Increasing the authority, responsibility and accountability of the uniformed military exercises over the requirements determination process is also vital in achieving the Joint Force we need.

DISTRIBUTION OF GENERAL AND FLAG OFFICERS

Question. At the request of the Secretary of Defense, Congress included a provision in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 that designated up to 324 general and flag officer positions as joint duty assignments that are excluded from the limitation on the number of general and flag officers in each Service, and specified the minimum number of officers required to serve in these positions for each Service. The provision also reduced the number of general and flag officers authorized to serve on active duty in each Service. Implementation of this provision was delayed until 1 year after the Secretary of Defense sub-

mits a report on the proposed implementation of the provision. The report was submitted in June 2009.

What is your view of the merits of this provision?

Answer. I am a strong proponent of this provision, which does not reduce the number of general and flag officers authorized to serve on active duty. Implementation of this provision will support the objectives of the Goldwater-Nichols act by creating a statutory framework that allows the Secretary of Defense to reimburse the Services for participation in joint positions with general and flag officer authorizations. Importantly, the Joint Pool recognizes in-Service general and flag officer requirements to accomplish the mission to organize, train and equip, separate from joint general/flag officer requirements.

Question. In your view, what impact will implementation of this provision have on joint officer assignments?

Answer. The Joint Pool will increase competition for these senior joint duty assignments. The legislation provides incentives for the Military Services to nominate their best officers, from both their Active Duty and Reserve components, thereby promoting the competencies required for our Nation to continue to address the challenges that confront our forces. As proposed, the distribution of senior joint authorizations among the Military Services with a specified minimum distribution for each Service expands the number of positions open to nomination by all four Services.

Question. In your opinion, should implementation of this provision be delayed until June, 2010, 1 year from the date the Secretary submitted the required report?

Answer. No. The Department is requesting enactment of conforming legislation in the Department's 2010 legislative package. This provides the Department the flexibility to meet rapidly emerging joint requirements.

REBALANCING FORCES

Question. In connection with your first nomination to be Chairman of the JCS you answered questions on the progress toward achieving Secretary Gates' vision set forth in a memorandum of July 9, 2003 for a better balance in the capabilities of the Active and Reserve components.

During your first term as Chairman of the JCS, what progress has been made in achieving the Secretary's vision?

Answer. The Department has made significant progress towards rebalancing the total force through realignment of approximately 130,000 billets to date, with 225,000 by 2015, making more of the high demand capabilities previously residing solely in the Reserve component available in our active force. For example, one initiative taken is changing the percentage of Civil Affairs capability residing the Reserve component from 94 percent to 76 percent with a corresponding increase in the Active component, while growing an additional 2,800 authorizations. By the end of fiscal year 2013, this will have more than doubled our rotational capacity for these units. Force structure changes like these have reduced the frequency of mobilizing Reserve component units and individuals, and continue to improve our operational and strategic flexibility.

Additionally, greater access and predictability of capabilities residing in the Guard and Reserve has been achieved through the use of improved rotational management tools such as the Army's Force Generation model (known as ARFORGeneral) which accounts for availability of forces based on dwell time, mobilization requirements, and reset periods to support existing and planned demand for forces. We are now giving our Reserve and Guard forces up to 24 months notification prior to deployment.

Finally, we have instituted policy changes, captured in DOD Directives, to facilitate more efficient planning, preparing, and executing of the mobilization and demobilization processes for the Reserve component forces. These policy changes clearly outlined the time requirements for accessing the Reserves, further improving predictability for the servicemembers, their families, and employers.

Rebalancing the force is an ongoing process. The Department will continue to preserve the Reserve component's ability to operate across the range of missions as part of the Total Force.

Question. What do you consider the biggest continuing obstacles to achieving the goals that the Secretary of Defense set forth in his memorandum?

Answer. The biggest continuing obstacle to achieving the goals the Secretary of Defense set forth is that we must fight and win the wars of today while simultaneously preparing for tomorrow. I also see three additional challenges. First, the competing demands for Force on a global scale. Second, assuming greater risk in other theaters to achieve goals in the broader Middle East jeopardizes our capacity to meet global contingencies. Finally, the decline in Health of the Force and the crit-

ical importance of developing a restoration plan complemented by an investment strategy is significant given the time necessary to recover.

Additionally, we are challenged to determine the capabilities needed in the future and therefore, the appropriate balance between the Active and Reserve components while maintaining sufficient warfighting capability. To that end, rebalancing of the force is an ongoing activity within the Department. The Department continually assesses its force structure and rebalancing within, and between, the Active and Reserve components with the expressed purpose of improving readiness and deployability to support the full spectrum of mission. Reserve component forces must be adequately resourced and prepared for anticipated requirements.

During this protracted war, we continue to depend on the Reserve components and they have performed in an exemplary manner. It is true that when you call out the Reserve component you call out the will of the Nation, and they have answered that call.

MENTAL HEALTH ISSUES

Question. The final report of the DOD Task Force on Mental Health, issued in June 2007, found evidence that the stigma associated with mental illness represents a "critical failure" in the military, preventing individuals from seeking needed care. The report states, "Every military leader bears responsibility for addressing stigma; leaders who fail to do so reduce the effectiveness of the servicemembers they lead." In light of increasing suicide rates in each of the Services and the increase in the number of servicemembers diagnosed with post-traumatic stress disorder (PTSD), it is more important than ever to ensure that servicemembers and their families have access to mental health care and that the stigma associated with seeking such care is eliminated. In your response to a previous advance policy question on this issue, you stated that you "intend to provide strong leadership to ensure that we address" the stigma associated with seeking help for mental health issues in the military.

What actions have you taken over the past 2 years and what further actions are necessary, in your view, to alleviate this stigma?

Answer. As a nation, we have an enduring obligation to care for those who bear the scars of war, seen and unseen. This is why over the past 2 years I have made reducing the stigma of mental health care a personal priority. I realize that our servicemembers and families will be reluctant to seek mental health care and treatment if they believe there will be a negative impact or if there are obstacles to securing that care. I also recognize that the stigma associated with seeking mental health treatment is common in our country and that there are inequities between mental health services and health care in general. Accordingly, I have promoted policies and practices along several lines of action to mitigate stigma and promote access to care.

I have actively supported and pushed initiatives by OSD, all Military Services, the combatant commands, and all other related agencies in activities to reduce the stigma associated with seeking help for mental health issues in the military. I have launched a Campaign Plan with specific initiatives to mitigate stress and promote access to mental health treatment, and have actively engaged the senior leaders of the Services and combatant commands to speak out as well. I have made reducing stigma a leadership issue for commanders at all levels across the Services. My staff is actively engaged in surveying and analyzing the distribution of mental health staff and ancillary practitioners across the Department in an effort to improve the availability and effectiveness of the treatment they provide. I have directly engaged both the leadership of the uniformed services and contract providers of healthcare to initiate policies and programs to improve access and mitigate stigma. I believe that by addressing mental health issues on several fronts and at multiple levels of DOD, the identification of mental health related counseling or treatment becomes more acceptable reducing the historical stigma.

I have had the advantage of being able to talk to our servicemembers on the ground as well as families and health care workers in their neighborhoods. The town hall venue has given me the opportunity to hear the voices of individuals, individuals who identify areas where we need to strengthen our safety net. The other key component in providing this needed safety net is for all levels of leadership to be on board and support initiatives providing mental health services reducing the stigma at the unit level. I am acutely aware that many servicemembers and their families feel that seeking mental health treatment will adversely affect their careers. Accordingly, I have supported all efforts to recognize that combat imposes stress on everyone and can impose enduring changes, in ways that are normal and fully acceptable. Providing support and access to care are vital to maintaining the

strength and viability of the force and should be encouraged in an effort to sustain our combat capability.

If confirmed, I will continue to evaluate our mental health programs, training, and the needs of our servicemembers and their families to identify areas for improvement across DOD in all Services. Operational research methodologies should be used to identify improved resource allocation in the areas of mental health. Mental illness due to combat operations needs to be addressed and treated just like any other medical condition. I have made it a point that every leader in DOD must conform to this line of thought. If confirmed, I intend to continue my commitment to provide strong leadership to ensure that we completely remove the fear and stigma in seeking the proper care for our most precious resources.

Question. What is your view of the need for revision of military policies on command notification when servicemembers seek mental health care?

Personal mental health issues cannot be ignored and as an institution, DOD must continue to address this issue directly. While mental health questions need to be asked and investigated for security clearances, a balance needs to be established between mental health issues that have a high possibility to be detrimental to national security and mental health issues that the member experiences and is actively seeking help.

On July 2, 2009 a new Directive Type Memorandum (DTM) was issued that will soon be a new DODI. This new instruction will positively affect command notification reducing the stigma associated with receiving mental health treatment.

DTM–006 was issued on July 2, 2009 - Revising Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Military Personnel. This new DTM that will become a DODI within 180 days of issuance and applies to OSD, the Military Departments, CJCS, combatant commands, the Office of the Inspector General of DOD, the Defense Agencies, the DOD Field Activities, and all other organizational entities within DOD.

The recommendations were based on the conclusions from the DOD Task Force on Mental Health findings. This newly issued DTM not only provides more specific standards for health care providers regarding when to notify commanders of military member's use of mental health services but also provides a balance between patient confidentiality rights and the commander's right to know for operational and risk management decisions. Stigma associated with mental health treatment is reduced by paralleling notification standards to those for reporting any other health issue.

In the future, we have to continue to monitor and determine what additional measures are needed to affect positively our servicemembers and their families. If confirmed, I will continue to review current policies and ensure the policies do address the core issues surrounding mental health and not institutionalize stigma.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. Numerous cases of sexual misconduct involving military personnel in Iraq, Kuwait, and Afghanistan have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They assert that the Command failed to respond appropriately with basic services, including medical attention and criminal investigation of their charges.

Based on your experience as Chairman, what additional actions, if any, should the Joint Staff take in monitoring progress within the Military Services and the combatant commands' areas of responsibility in order to ensure effective implementation of a "zero tolerance" policy relating to sexual assaults?

Answer. Sexual assaults remain at an unacceptable level. In fiscal year 2008, there were 251 reported cases in the operational theater. This is a significant increase from the 174 cases reported in fiscal year 2007. While we are improving access to care to victims when an incident occurs in theater, we still have a number of challenges in deployed areas based on dispersion of forces and proximity to support personnel.

The Service Chiefs and I recognize that the prevention of sexual assault is the responsibility of all leaders and every soldier, sailor, airman, and marine. Leaders in particular must be apprised of command climate and aware of sexual assault or harassment incidents, and remain in the forefront to ensure that our policies are understood and enforced. They should also be held accountable in this area.

At the same time, we must ensure victims of these crimes are provided the best care possible as well as offering a variety of counseling options to help them deal with this traumatic event. If reconfirmed, I will continue to stress my expectations to the entire Armed Forces.

The Joint Staff is revising joint doctrine to better define the roles and responsibilities for addressing sexual assault in the operational environment. This includes pre-deployment training and in theater operational reporting and case management.

Commanders at all levels across the Joint Force must remain committed to eliminating sexual assault within our forces through robust prevention and response policies; by providing thorough and effective training on awareness, intervention, and response measures and procedures. We recognize that not all victims will come forward. Commanders must identify and eliminate barriers to reporting; and ensure care is available and accessible. Confidence in the system is paramount.

Question. What reporting requirements or other forms of oversight by Service leaders do you think are necessary to ensure that the goals of sexual assault prevention and response policies are achieved?

Answer. Currently reports are submitted through Service channels. The fielding of the new DOD sexual assault integrated database will improve communication protocols to better track victims services, case management and disposition, and identify trends and areas requiring additional emphasis. This will give Service leaders better access to the most current information and status of cases.

The new database will provide an important capability. Combatant commanders will have visibility to support trend analysis and strategic planning for their area of responsibility and enable them to provide better oversight and program management in the operational environment.

Question. What is your understanding of the resources and programs the Services have in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help that they need?

Answer. There is a 24/7 response capability in garrison as well as deployed areas. Every military installation in the world now has a Sexual Assault Response Coordinator (SARC). Each SARC trains and oversees one or more Victim Advocates who help victims understand their reporting options and pathways to medical and mental health care.

If victim support resources are not readily available at the point of incident, victims are transported to a facility with appropriate victim advocate support, medical and psychological care (regardless of Service) and investigative/legal support.

The Services have primary responsibility to ensure sexual assault response personnel in deployed locations (SARCs, victim advocates, medical and mental health providers, criminal investigation, and legal personnel) are well trained to support victims, investigate, and respond to allegations of sexual assault. For example, the Navy uses a webinar forum to provide real-time online discussion and training for first responders in theater. Additionally, the Air Force has initiated a sexual assault response scenario-based evaluation to determine the effectiveness of first responders in the AOR.

The Joint Staff will remain a key partner with the Services and OSD in the campaign against sexual assault. My staff works closely with the combatant commands during the development of operational plans and personnel policy guidance to ensure the prevention and response to incidents of sexual assault is addressed. Additionally, combatant commanders are placing increased emphasis on prevention through education and training by leveraging all available forms of media to continue awareness and education while deployed.

Question. What is your view of the steps the Services have taken to prevent sexual assaults in combat zones?

Answer. The Services are implementing procedures and processes to meet the challenges of preventing and responding to incidents of sexual assault in deployed areas. We have over 200 SARCs and victim advocates for all Services deployed in Iraq and Afghanistan at any one time.

The Services provide baseline training for all military personnel. As soon as an individual enters the military, we educate him or her about sexual assault, our policies, programs, and prevention.

Additionally, all servicemembers and first responders receive sexual assault and sexual harassment prevention training prior to deployment. In addition, coordination among Service sexual assault response personnel has improved support to victims in the operational environment and provides additional resources to conduct additional training if needed.

We are providing our military members and leaders with more tools to empower them to take action. The Services have begun aggressive outreach programs, such as the Army's Intervene Act Motivate (IAM) Strong program to combat sexual assaults by engaging all soldiers in preventing sexual assaults before they occur. The Navy and Marine Corps use the Mentors in Violence Prevention and Sex Signal presentations to train sailors and marines on bystander intervention. The Air Force has also launched a training program focusing on bystander intervention.

Furthermore, we are communicating the message using a variety of methods. The 2009 DOD Sexual Assault Awareness Month theme, "Our Strength is for Defending: Readiness=Respect" connects prevention of sexual assault to mission readiness. Our military members know that sexual assault is a crime and is incompatible with military service.

Question. What is your view of the adequacy of the training and resources the Services have in place to investigate and respond to allegations of sexual assault?

Answer. We continue to improve and will always strive to do better. The services are responsible for training sexual assault response personnel to ensure they are well trained to investigate and respond to allegations of sexual assault. I support, for example, the Army's new IAM Strong program. IAM Strong emphasizes that leaders must understand their responsibilities to ensure that victims of sexual assault receive sensitive care and support and are not revictimized as a result of reporting the incident. It also provides tangible guidelines to help Army leaders remain alert to, and respond proactively to, incidents of sexual assault. Improved training for investigators and trial counselors is one of the Secretary's priorities. This includes the investigative resources in deployed areas. As you may imagine, the combat environment and deployed operations are very dynamic. The investigative resources are often strained by other mission requirements. Remoteness of locations, availability of transportation, or the level of ongoing operations may complicate access to resources. I believe the DOD training network in place now prepares them and investigators to handle sexual assault cases in a caring, responsive, and professional manner. Our ability to respond and support victims is critical.

Question. Do you consider the current sexual assault policies and procedures, particularly those on confidential or restricted reporting to be effective?

Answer. Yes. I believe current policies and procedures have improved care to victims of sexual assault; however, restricted reporting limits a commander's ability to support the victim, investigate, and/or hold alleged offenders accountable.

Restricted reporting has been effective (original intent—to allow a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process). Although the use of restricted, or confidential, reporting doesn't allow a commander to investigate alleged assaults, it does allow a sexual assault victim to confidentially receive medical treatment and counseling without triggering the official investigation process.

Unrestricted reporting supports a sexual assault victim who desires medical treatment, counseling but also provides for official investigation of his or her allegations within existing administrative reporting channels (such as their chain of command, law enforcement or through the SARC).

As our military members' confidence in the reporting and investigative policies and procedures improve, I believe and certainly hope that more victims will choose unrestricted reporting; this will ultimately increase offender accountability.

Question. What problems, if any, are you aware of in the manner in which the restricted reporting procedures have been put into effect?

Answer. Privacy for restricted and unrestricted reporting becomes a challenge in a deployed environment and remote locations where units are small communities and accountability of personnel is a critical task. In deployed areas confidential reporting becomes more difficult for the victim to reach out to the SARC or a victim advocate because of the need to keep track of all personnel movements within the theater and that support resources may not be co-located with the victim. The joint deployed environment could present additional difficulties in case management, delivering care, and tracking services due to the geographical dispersion of both victims and responders. Once the joint integrated sexual assault prevention and response data base becomes operational, our ability to communicate between the Services will improve. The database is currently projected for fielding in 2010.

Question. If confirmed, what actions would you take to ensure senior level direction and oversight of efforts to prevent and respond to sexual assaults?

Answer. If confirmed, I will continue to emphasize that eliminating sexual assault from our military requires a personal commitment by all soldiers, sailors, airmen, and marines. Critical to this effort is the role of our leaders and system accountability. Leaders at all levels must foster a climate of confidence in their units, lead by example, and take action that:

- demonstrates zero tolerance for offensive sexual behaviors,
- holds members accountable for their actions,
- disciplines offenders and lets unit members know exactly where leaders stand on sexual assault, and
- protects victim privacy through all phases of investigation and discipline.

Without this leadership, our program cannot succeed and this crime will continue hurting the Americans who voluntarily risk their lives in defense of our country. I will stress together with our Service Chiefs that commanders and senior enlisted leaders must be held accountable for ensuring robust and effective sexual assault prevention and response programs in their commands.

Another cornerstone of our program that requires continued emphasis is education and training. By educating our military members when and how to act and intervene, we will turn bystanders into actors who can prevent sexual assault.

I will continue my open dialogue with the Secretary, Service Chiefs, and our men and women in uniform to ensure we have the best available resources and procedures in place to care for victims, improve prevention through training and education, and gain greater system accountability. The addition of the Service Vice Chiefs to the DOD Sexual Assault Advisory Council will make this senior forum more effective will aid in ensuring that policies and procedures are executable in the operational environment.

COMMISSION ON NATIONAL GUARD AND RESERVES

Question. In a March 1, 2007 report to Congress, the Commission on the National Guard and Reserves recommended, among other things, that the Chief of the National Guard Bureau (CNGB) should not be a member of the Joint Chiefs. The grade of the CNGB has since been increased to general (O–10), as recommended by this Commission.

In your response to previous advance policy questions on this subject, you stated your opposition to making the CNGB a member of the JCS.

Do you still oppose making the CNGB a member of the JCS? Please provide your rationale.

Answer. Yes. The JCS consists of the Chairman, Vice Chairman, and the Chiefs of Staff of the armed services. The National Guard is a component of the armed services and is represented on the JCS by the Chiefs of Staff of the Army and Air Force. A separate representation of a portion of the Reserve components from a portion of the services would be inappropriate, and in my view divisive of a Total Force. As a four star general officer, the CNGB is already participating in all appropriate JCS Tank sessions when domestic issues, which fall under the purview of our National Guard, are involved. This is similar to the methodology used to include the Commandant of the U.S. Coast Guard when specific Coast Guard equities are involved. In addition, if I am confirmed, the CNGB will continue to have full access to the upper echelons of the Joint Staff and me.

Question. In its final report, issued on January 31, 2008, the Commission concluded, among other things, "DOD must improve its capacities and readiness to play a primary role in the response to major catastrophes that incapacitate civilian government over a wide geographic area. This is a responsibility that is equal in priority to its combat responsibilities." In response to a request for your assessment of the Commission's final report, you stated, on April 21, 2008: "I have some concern with the Commission's ideas enhancing the Defense Department's role in the Homeland. While Reserve component civil support requirements are important, they should not be of equal importance to DOD combat responsibilities."

Is that still your view?

Answer. Yes. I continue to believe that DOD should not have statutory or policy directives that elevate civil support to the same level as combat responsibilities. The Department has taken, and continues to take, seriously its responsibility to provide support for civil authorities.

Using policy or statute to elevate the role of DOD's role in response to major catastrophes would: erode the Department's ability to perform its statutory responsibility; militarize domestic activities traditionally executed by civil authorities; and, undermine the role and credibility of other supported Federal departments in the fulfillment of their own unique statutory responsibilities.

TACTICAL CONTROL OF FEDERAL MILITARY FORCES BY STATE GOVERNORS

Question. In its final report to Congress (January 31, 2008), the Commission on the National Guard and the Reserves recommended DOD "develop protocols that allow Governors to direct the efforts of Federal military assets responding to an emergency such as a natural disaster."

In your view, should Governors have tactical control over Federal military forces, including those in a title 10, U.S.C., active status and operating in their States? What is your rationale for this view?

Answer. I do not believe Governors require the ability to exert tactical control over all military forces operating within their state when they are providing Mili-

tary Support to Civil Authorities. Statutory authority currently exists whereby the President can appoint a title 10/title 32 Dual-Status Joint Task Force (JTF) Commander.[1] The Dual-Status JTF Commander construct for command and control was successfully employed in 2004 for the Democratic and Republican National Conventions (DNC/RNC). It was also used for the G–8 Summit, in support of Customs and Border Patrol for Operation Winter Freeze, again for the 2008 DNC/RNC, and is currently being considered for the G–20 Pittsburgh Summit. In many instances, the Dual-Status JTF Commander is the best option to ensure unity of effort and provide both the President (and/or the Secretary of Defense[1]) and the Governor with the ability to employ all types of military forces in a synchronized effort.

Federal forces are generally brought in to a State by the Federal Emergency Management Agency (FEMA) under the Stafford Act, which means Federal forces are in support of the Federal effort, which is in support of the state priorities. Thus, it is appropriate for Federal forces to take direction from FEMA to keep from diverging from the authorities' relationships as they exist in accordance with the National Response Framework.

Governors currently have the authority to exert tactical control over National Guard forces in a State Active Duty or title 32 status and have the ability to request the assistance of Federal forces when the Governor believes such assistance is necessary, to include responses to terrorist acts and or public domestic emergencies. Available forces for such events would likely be placed under tactical control of the designated, JTF Commander, under operational control of the Commander, U.S. Northern Command, or possibly under tactical control of a designated title 10/title 32 Dual-Status JTF Commander. The designated commander, working with the Governor and the State's Adjutant General, would be able to provide the necessary support to restore order, save lives, and secure property as the situation dictates.

DWELL TIME

Question. For many military members, dwell time goals are not being met, and recent testimony suggests that dwell time will not improve appreciably over the next 12–18 months.

In your view, what can be done to increase dwell time for both Active and Reserve component members, and when will these improvements be seen?

Answer. An increase in the size of the Armed Forces and/or a reduction in overall military requirements will naturally improve dwell. The current programmed growth in capabilities needed to support ongoing operations, as well as the planned reduction in forces in OIF, will lead to improved dwell ratios in both the Active and Reserve components. As operational demand changes, we will continue to assess the impact to dwell time and make appropriate adjustments.

Question. In your view, would additional Army end strength in 2010 or 2011 improve dwell time ratios and reduce stress on the force, and if so, what numbers of Active and Reserve component members would be necessary?

Answer. The additional 22,000 soldiers for the Army authorized by Congress as a temporary end strength increase will not improve dwell time. However, it will relieve unit stress by reducing the rapid and repetitive churn associated with personnel assignments, training, deploying, and resetting the force. We will continue to assess each Service's end strength in light of operational demand.

END STRENGTH OF ACTIVE-DUTY FORCES

Question. In light of the manpower demands of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), what level of Active-Duty personnel (by Service) do you believe is required for current and anticipated missions?

Answer. The Services, Joint Staff, and OSD have looked at this impact and have brought forward their force structure recommendations. Both the Army and Marine Corps have planned end strengths of 547,000 in fiscal year 2012 and 202,000 in fiscal year 2011, respectively. This is consistent with the future demands expected to be placed on our ground forces. The Secretary of Defense reversed the Air Force's programmed reductions to be more in line with our future air demands. I believe the planned Air Force and Navy end strength levels of 330,000 and 328,000, respectively are appropriate. We continue to assess requirements of the Active-Duty Force as we draw down in OIF and increase our operational presence in OEF. Under the President's Declaration of National Emergency, the Secretary of Defense has authorized a temporary increase of 22,000—which will increase manning strength and improve readiness both for units deploying to combat and for units resetting following

[1] Note: On 23 July 2004, approval authority for title 32, U.S.C. 325, was delegated from the President to the Secretary of Defense.

deployments. I will continue to work with the Services to determine the right size force as current and anticipated missions adjust.

WOMEN IN COMBAT

Question. The issue of the appropriate role of women in the Armed Forces is a matter of continuing interest to Congress and the American public.

Does DOD have sufficient flexibility under current law to make changes to assignment policy for women when needed?

Answer. The current law provides the Department sufficient flexibility to make changes to the assignment policy. Women in our Armed Forces continue to make tremendous contributions to our national defense. They are an integral part of the force and are proven performers in the operational environment and under fire. It is important to understand that DOD policies fully recognize that women are assigned to units and positions that are not immune from the threats present in a combat environment. In fact, women are assigned to units and positions that may necessitate combat actions—actions for which they are fully-trained and prepared to respond and to succeed.

Question. Do you believe any changes in the current policy are needed?

Answer. As an advocate for improving the diversity of our force, I believe we should continue to broaden opportunities for women. One policy I would like to see changed is the one barring their service aboard submarines.

WOUNDED WARRIORS

Question. In congressional testimony on the fiscal year 2010 budget request, you stated that there is "no higher duty for this Nation, or for those of U.S. in-leadership positions, than to care for those who sacrificed so much and who must now face lives forever changed by wounds both seen and unseen." You have taken an active role in advocating for services and support to the wounded and their families, including those suffering from PTSD and other mental health conditions.

What is your assessment of the progress made to date by DOD and the Services to improve the care, management, and transition of seriously ill and injured servicemembers and their families?

Answer. We have made good improvement in the care and treatment of the seriously ill and wounded, but there are still aspects of our Wounded Warrior care that are woefully inadequate—including in mental health, PTSD, traumatic brain injury (TBI), and in transitioning seriously ill and injured servicemembers.

Question. What are the strengths upon which continued progress should be based?

Answer. I count three. First, is our ability to innovate. I have seen remarkable improvements in our own care simply from an individual's or a unit's ability to adapt to new circumstances. Battlefield care and rehabilitative programs are obvious examples, but so, too, are improved practices at warrior transition units across the country, and more streamlined efforts to reduce to assign and compensate for disability ratings. We have begun to apply valuable lessons learned from across the services to improve both the efficiency and the effectiveness of our warrior transition programs, which now almost uniformly offer some sort of family outreach and support services.

Second, our programs, thanks to Congress, are well-funded. We will continue to need this support.

Third, there is a real sense of urgency here and an understanding that this is an institutional imperative. I am heartened by the attention being given to issues of warrior care and stress reduction across the force. Leaders are increasingly taking these challenges on as personal mandates, and that is having a very positive effect.

Question. What are the weaknesses that need to be corrected?

Answer. Let me highlight four areas that are in need of more improvement. First, we have not made as much progress as we should have in the area of mental health. I am deeply concerned by the rising suicide rate amongst active duty personnel. Evidence is mounting of increased mental and emotional stress among the families. There is still a stigma attached to the act of seeking mental health counseling, and that, too, is being felt by spouses who fear that by seeking such care, they will negatively impact the military career of their loved one.

Second, we are only just beginning to understand the complexities of PTSD, which may take many forms and include many symptoms not generally obvious to even the most skilled practitioner. Many experts estimate that as many as 25 percent of all deployed troops suffer from PTSD or some type of TBI. Anecdotally, we hear from many family members who say they also experience PTSD-like symptoms. We simply must do a better job screening for and then treating PTSD, and that should

include some sort of mandatory face-to-face screening before a member departs for home.

Third, we have much more work to do on TBI. We need to better characterize the nature of TBI, particularly those defined as "mild", possibly by application of blast sensor technology. We need to create a better linkage of events to patient signs and symptoms. I repeatedly hear from soldiers and families about the benefits of alternative treatments, such as hyperbaric chambers and acupuncture, and yet it doesn't appear to me that the medical establishment has yet fully embraced these options. We need to do the quality medical studies to help sort out the value of these various alternative options. I also remain concerned about our ability to anticipate TBI damage by more accurately assessing one's vulnerability to long-term effects after one or more TBI incidents. Some say the magic number is three events; others say there is no magic number. My sense is that there is enormous expertise out there—such as the staff I met a few weeks ago at Boston VA medical center—who possess and explore new knowledge about this very real injury. I would like to see the United States tap into that expertise much more completely than we do today.

Finally, we must improve the process of transitioning seriously ill and injured servicemembers. The Disability Evaluation System (DES) frequently promotes disability instead of maximizing ability. The system currently pushes our departing troops into Veterans Administration (VA) programs immediately upon retirement and/or separation with little lash-up between the two departments beforehand and even less education for the member as he or she makes that transition. I am working closely with the VA to streamline and improve this process, but institutional practices long established and codified in law make that effort very difficult indeed. A pilot program underway to speed up the assignment of disability ratings and payments shows real promise but must be accelerated. Additionally, we have a Joint DOD/VA team critically examining the DES from stem to stern to determine the next steps in revolutionizing the DES system, to ultimately promote ability vice disability.

Question. How would you assess the effectiveness of the services provided by the Department as well as your own efforts to continually improve care to the wounded?

Answer. Though improving, the Department's services are not yet where they need to be. To rectify this, I have made caring for Wounded Warriors and their families one of my top concerns and priorities. I established a permanent office on my staff to work with DOD, the Service branches, and nongovernmental organizations to leverage a broader network to address the myriad of issues related to the care of our wounded. Caring for those who have sacrificed so much is a sacred duty for this Nation, one which requires we redouble our efforts.

Question. It is critical that senior uniformed military leaders have more insight and control into how medical resources are being applied.

Answer. My vision is that our returning warriors—wounded or well—successfully reintegrate upon return from war into the force and/or civil society. They should be able to find and hold rewarding jobs, access educational opportunities, and have the opportunity to find a home and raise their families. Those families must be well supported and able to assist that reintegration. This vision encompasses more than programs, it must also see communities supporting returning warriors and their families, and in turn being supported by DOD and the Department of Veteran Affairs—with all three working closely together. Our families of the fallen must be comfortable in the knowledge that the U.S. military will not forget them or their sacrifice, that it will instead make concerted efforts to ensure they receive all benefits entitled and all support and counseling required to lead positive and productive lives.

Question. What is your expectation for casualties resulting from operations in Afghanistan, both in terms of numbers and the adequacy of resources to support their care, transportation and recovery?

Answer. I believe we must all accept the fact that, as we better resource this fight and as we focus more on classic counter-insurgency operations (as opposed to simply counterterror operations), we will see higher casualty rates among U.S. forces. Securing the population will remain a difficult and dangerous mission. General McChrystal has been provided everything he has requested in terms of medical care and support capabilities, but we will continue to monitor his needs very closely. If confirmed, this will remain a high priority for me.

RISING COSTS OF MEDICAL CARE

Question. In testimony presented to Congress in February 2009, the Assistant Director of the Congressional Budget Office asserted that "medical funding accounts for more than one-third of the growth projected for operations and support funding

between 2009 and 2026." In April 2009, Secretary Gates told an audience at Maxwell Air Force Base that "health care is eating the Department alive."

What is your assessment of the long-term impact of rising medical costs on future DOD plans?

Answer. The current trends and dramatic cost growth are not sustainable. Our men and women in uniform make great sacrifices for their Nation, and their personnel benefits, to include compensation and health care programs, have always been a priority for me. The continued support of Congress, and the Nation, is greatly appreciated by our military servicemembers.

If confirmed, I will continue to foster a health care benefit system that is flexible, effective, and cost-efficient to serve the needs of our people—military members, retirees, and their families—who are my number one priority. Projected rising costs of medical care will require either an increase in the Department's top-line or the acceptance of additional risk in warfighting capability.

If confirmed, I look forward to continuing our efforts with Congress and DOD to ensure military personnel can serve their nation with the knowledge that their health care benefits are secure. In this time of war, we are committed to providing the best care possible for our forces that are returning with combat injuries. I will also continue to support close cooperation between DOD and the Department of Veterans Affairs to improve care for our troops and for those who have left the Service, where much more needs to be done.

Question. If confirmed, what actions would you initiate or recommend to the Secretary to mitigate the effect of such costs on the DOD top-line?

Answer. If confirmed, I will continue to support the Secretary of Defense, as he leads the Department's ongoing effort to promote efficiency in both our direct health care and purchased health care programs.

The rising cost of health care is clearly an issue we need to work and will seek the support of Congress. Maintaining the life long continuum of care is especially critical with the ongoing operations in the Middle East. I fully support our people, who are this Nation's greatest asset. The state of their health and well-being defines the effectiveness of every dollar spent on acquisition, operations, and sustainment.

HOMOSEXUAL CONDUCT POLICY

Question. President Obama has made it clear that he intends to work with the military and with Congress to repeal the policy regarding homosexuality in the Armed Forces, commonly referred to as "Don't Ask, Don't Tell." You have stated that you have begun discussions of this issue with other senior military leaders.

What is your view on repealing or changing this policy?

Answer. Don't Ask, Don't Tell is commonly referred to as a DOD policy but it is Public Law 103–160 910 (U.S.C. 654). Therefore, my view is quite simple: DOD policy must comply with the public law and only Congress and the President can change the law. My responsibility is to guide the Armed Forces of the United States consistent with the law.

At the behest of Secretary Gates, DOD legal counsel are currently examining whether the law allows a more flexible application of policy. I concur with the Secretary and fully support his efforts in that regard.

In determining whether and how to change the policy, we must act in accordance with law and in a thoughtful and deliberate way, taking into account the health and integrity of the force.

Question. What is your understanding of the views of the Service Chiefs and combatant commanders on this policy?

Answer. I cannot speak for the Service Chiefs or combatant commanders, but I am confident that they share my desire for a measured, deliberate approach to any change required by law.

Question. In your view, would changing this policy have an adverse impact on good order and discipline in the military?

Answer. Any change to the law would require sound policy revision and leadership. Like any significant overhaul of military personnel policy, we must carefully consider its impact on military readiness. Whatever the decision, we will follow the law and remain focused on supporting our troops in—and preparing for—combat.

Question. If the policy is changed by Congress, how lengthy a phase-in period would you recommend?

Answer. The truth is that I just don't know, and I would need some time to study this before coming back to you with an answer.

NATIONAL MILITARY STRATEGY

Question. There continues to be much discussion about threats the United States will face in the coming decades, including radical Islam, the so-called "long war" against terrorism, and the growing potential for confrontations with a range of violent non-state actors. There are also pressures to take a broader view of the threat to U.S. national security from potential political, economic, and social instability caused by environmental catastrophes brought on by global warming or natural disasters. The 2004 National Military Strategy is due for another update and will be guided and informed by a range of strategic reviews including the 2008 National Defense Strategy, the 2009 Quadrennial Roles and Missions Review, and the pending Quadrennial Defense and Nuclear Posture Reviews.

What is your assessment of the current 2004 National Military Strategy with respect to its treatment of threats, opportunities, strategies, and capabilities?

Answer. My 2009 annual risk assessment report to Congress provided a current assessment of the threats, opportunities, strategies, and required capabilities that will inform our revision of the 2004 National Military Strategy. If confirmed, I intend to issue an updated version of the National Military Strategy in 2010.

Question. What major changes, if any, with respect to threats, opportunities, strategies, or capabilities do you anticipate will be made in the next update to the National Military Strategy?

Answer. To address the complex and dynamic strategic environment, we are working to update the National Military Strategy in parallel with the development of the National Security Strategy and the Quadrennial Defense Review. The evolving strategy will continue to emphasize the need to protect the homeland, prevail in current conflicts, promote cooperative security with partner nations, and prevent future conflicts by preparing for a wide range of contingencies. To execute this strategy, we need to sustain a balanced Joint Force with the capability and capacity to defeat hybrid combinations of conventional, irregular, and catastrophic threats across the full spectrum of conflict and in multiple locations. Toward that end, I am particularly concerned that we reset, reconstitute, and revitalize the Joint Force to defend the Nation, deter potential adversaries, and assure our allies.

ROLES AND MISSIONS

Question. Since the end of the Cold War, the Department has considered and reconsidered its capabilities, requirements, technology acquisition strategies, organizational structure, and forces mix. Fundamental to change within the Armed Forces is agreement on the appropriate distribution of roles and missions among the military departments and several independent agencies. The last two Quadrennial Defense Reviews have acknowledged major shifts in the strategic environment facing the Nation, but recommended no changes to roles and missions and only minor adjustments to the form and size of the defense establishment. The 2009 Quadrennial Roles and Missions Review also recommends no major adjustments to the Services, but acknowledges the need to improve capabilities and capacities to conduct irregular warfare, cyber security, intra-theater airlift, unmanned aircraft for intelligence, surveillance, and reconnaissance, and interagency coordination.

Are you satisfied that our defense establishment is correctly structured, that roles and missions of the Military Departments are appropriately distributed, and that U.S. forces are properly armed, trained, and equipped to meet the security challenges the Nation faces today and into the next decade?

Answer. With your support, I believe the defense establishment can remain capable and ready to address the threats that our Nation faces. There are areas such as irregular warfare, cyber security, intra-theater airlift, unmanned aircraft for intelligence, surveillance, and reconnaissance, and interagency coordination that need continued focus. The recent work completed during the 2009 Quadrennial Roles and Mission Review offered the Joint Chiefs an opportunity for comprehensive review of the distribution of roles and missions. As we increase capabilities in the focus areas, we will continue to evaluate the best defense structure to ensure we successfully arm, train and equip our forces to meet challenges both today and in the future. The wars in Iraq and Afghanistan have heavily immersed our forces, especially our ground forces, in irregular warfare. We lack the balance that is required for full spectrum training, equipping, and warfighting. As we reset the force, we need to regain that balance while planning for the future.

Question. In your view, what changes, if any, are needed in the distribution of core missions, competencies, or functions between the Services or Special Operations Forces (SOFs)?

The current distribution of core missions, competencies, and functions meets the needs of the department and provides the necessary distribution among the Services

and SOFs. During the 2009 Quadrennial Roles and Mission Review, the Joint Chiefs and the Commander of Special Operations Command (SOCOM) worked closely to review the distribution of core missions, competencies, and functions and concluded no significant change was warranted. Those efforts captured the current distributions and codified them in our extensive review and rewrite of DOD Directive 5100.1, which governs the functions of DOD and its components.

STRATEGIC DEPTH

Question. At this moment, the vast majority of U.S. ground forces are fully committed to or exclusively preparing for operations in Iraq and Afghanistan.

What is your assessment of the current readiness of our Armed Forces, and particularly our ground forces, for worldwide commitment to any contingency and any level of operations?

Answer. The Armed Forces are meeting all our current mission demands. DOD's persistently high operations tempo and OIF/OEF force requirements continue to stress our ability to reset, train, and maintain readiness for the full spectrum of operations. Although our ground forces are achieving "just in time" readiness, current commitments significantly impact our ability to respond to additional contingencies. We retain considerable air and maritime capability to deter aggression and continue to monitor our capacity to respond immediately to any emerging contingency.

Question. What in your view is the level of strategic risk the Nation faces given the lack of depth in our ground forces?

Answer. I believe the Armed Forces can execute the missions of the National Military Strategy, but at an elevated level of risk. We will prevail in the end, but it will take additional time and resources to deploy trained and ready ground forces for any new missions outside of our current requirements.

From a purely military perspective, continued deployments, accelerated equipment usage rates across the Services and high operational tempo all increase risk. None is likely to subside in the near term. I am confident that our Armed Forces remain capable of defeating all who threaten our Nation's security.

Question. What in your view are the three most important actions we should take immediately to mitigate and correct the lack of strategic depth?

Answer. To mitigate this risk we need to: (1) complete the growth of new units in the Army and Marine Corps, (2) increase the dwell time for units to train for different missions, and (3) reset and reconstitute a balanced Joint Force that can quickly adapt to a wide range of contingencies.

TRANSFORMATION

Question. Please describe the progress that the Department, including the JCS and the Joint Staff, has made in transforming the Armed Forces.

Answer. While I am pleased with the progress made in transforming our Armed Forces for the threats we face and will face in the future, particularly in time of war, I also recognize more is left to do. We must continue to shift the balance of our capabilities to meet the irregular, disruptive, and potentially catastrophic security challenges of the 21st century while maintaining our ability to defeat any traditional challenge that may confront us.

As stated in my January 2009 Capstone Concept for Joint Operations, the military should shift its focus to adopt the following common operating precepts:

- Achieve and maintain unity of effort within the Joint Force and between the Joint Force and U.S. Government, international and other partners.
- Plan for and manage operational transitions over time and space.
- Focus on operational objectives whose achievement suggests the broadest and most enduring results.
- Combine joint capabilities to maximize complementary rather than merely additive effects.
- Avoid combining capabilities where doing so adds complexity without compensating advantage.
- Drive synergy to the lowest echelon at which it can be managed effectively.
- Operate indirectly through partners to the extent that each situation permits.
- Ensure operational freedom of action.
- Maintain operational and organizational flexibility.
- Inform domestic audiences and influence the perceptions and attitudes of key foreign audiences as an explicit and continuous operational requirement.

In accordance with the Unified Command Plan, U.S. Joint Forces Command (JFCOM) is responsible to me for leading and coordinating Joint Concept Development and Experimentation (JCD&E) activities. My Joint Staff supports JFCOM in their transformation efforts by working in partnership with combatant commands

and Services to facilitate and advocate their concept development and experimentation efforts.

The Joint Staff has increased the focus on rapid transition, to ensure the results of these concepts and experiments are fielded more rapidly to the warfighter.

In addition, Joint Staff has continued to champion the Joint Staff developed Joint Capability Areas (JCA) framework and lexicon as an integral part of the capabilities based planning process. Through our efforts, JCAs have become the common language to discuss and describe capabilities and increase transparency across related DOD activities and processes.

Question. If confirmed, what would be your goals regarding transformation in the future?

Answer.

- We must recruit and retain the high quality of our Joint Force and rapidly reset that force to meet the security challenges of the 21st century.
- Our future military concepts all reflect the need for addressing future security challenges as a unified, interagency team. One of my primary goals would therefore be for DOD to partner with other U.S. agencies to routinely achieve national security objectives with whole-of-government approaches, now and in the future.
- We must continue to build relationships with multi-national partners and potential partners, laying the foundation for future joint operations and shaping the environment for those operations.

Question. Do you believe the Joint Staff should play a larger role in transformation? If so, in what ways?

Answer. I believe the Joint Staff should continue to pursue new operational and organizational initiatives that enable our forces to be more effective. We should also aggressively address and solve issues that fall in or across the seams between the combatant commands, while reducing those seams, and work with the Services to ensure our best ideas, and technologies are made rapidly available to our warfighters, now and in the future.

"INSTITUTIONALIZING" SUPPORT FOR IRREGULAR WARFARE

Question. A major objective of the Department's fiscal year 2010 budget request is to "rebalance" the Department's investments across the spectrum of conflict by increasing emphasis on lower-end, irregular, counterinsurgency, and stability type operations. Secretary Gates has stressed the need for the Department to "institutionalize and finance" the support necessary for the irregular warfare capabilities that have been developed over the last few years and will be needed in the future.

What, in your view, does it mean to "institutionalize" support for irregular warfare capabilities in the Defense Department?

Answer. I believe General Mattis', Commander, JFCOM, 11 March 2009 memo to Secretary Gates on "institutionalizing Irregular Warfare (IW) as a core competency of the Armed Forces while maintaining a balance with other required capabilities" and his seven anchor points provides a useful framework:

(1) Establish National Center for Small Unit Excellence to ensure IW superiority.
(2) Direct an outside review (e.g., Red Team) of the Defense Planning Scenarios (DPS) for appropriate inclusion of hybrid, complex threats.
(3) Direct Defense Intelligence Agency (DIA) to produce an annual, unclassified, update on the IW/hybrid threat.
(4) Offer to run an IW/hybrid wargame for State and the interagency.
(5) Use our Professional Military Education (PME) program as a strategic asset.
(6) Direct process to reduce JFCOM-identified high demand, low density forces through changes in organizational and personnel policies.
(7) Direct a fully resourced effort to immediately develop first class simulators for IW training.

My staff has worked with OSD, Department of State, combatant commands, and Services to plan a way ahead for each of these activities, many of which are near completion.

As well, results of this year's Global Force Management Process informed the ongoing Quadrennial Defense Review, making recommendations to resolve capacity shortfalls, including those shortfalls in irregular warfare. These recommendations for institutionalizing IW enhancements were captured in the fiscal year 2011–2015 Guidance for the Development of the Force Update.

Question. What are the obstacles, if any, to institutionalizing this kind of support, and what will be necessary to overcome those obstacles?

Answer. I believe there are two obstacles: resourcing and changing mindsets. Regarding resourcing, for example, we look forward to working with Congress to fulfill Resource Management Decision 802's intent to establish the National Program for Small Unit Excellence[2] (NPSUE) so that the Joint Irregular Warfare Center, led by JFCOM, is adequately funded to support the mission of the NPSUE.

While we have progressed, I believe we have more work to do in changing mindsets. We have made great strides within the Services to share capabilities, and we need to continue in that direction to ensure that all new capabilities we develop/program for are truly joint. Irregular Warfare capabilities must be joint and Services must work with each other to identify training and simulation tools that can provide cross-functionality. My staff as well as OSD continue to reach out to the interagency to support our common missions. We collaborate closely with the Departments of State and Homeland Security and are expanding our efforts with other agencies. The goal is to leverage and compliment each other's capabilities and work together to build joint irregular warfare capabilities that are value added to all.

Question. While program changes may be necessary for such rebalancing, they are unlikely to prove sufficient. The greater challenge may prove to be changing military culture, attitudes, management, and career path choices, for example through adjustments to organization, training, doctrine, and personnel policies.

In your view, what are the most important changes, if any, that might be required, to complement programmatic changes, in support of the further institutionalization of capabilities for irregular warfare?

Answer. In my view, our progress in executing some of the Irregular Warfare anchor points illustrates the sort of changes needed. The most important considerations that could complement programmatic decisions in support of the further institutionalization of capabilities for irregular warfare are:

- An outside review (e.g., Red Team) of USD–Policy developed Defense Planning Scenarios (DPS) to ensure the family of scenarios is appropriately balanced to address the future threat environment, specifically, hybrid, complex threats.
- A DIA-led annual, unclassified, update on the IW/hybrid threat through direct collaboration with JFCOM, J2; the Joint Irregular Warfare Center; the Defense Intelligence Agency; and the National Ground Intelligence Center.
- An IA/hybrid wargame for the interagency, specifically, Department of State, to generate valuable insights and inspire a comprehensive perspective essential to meeting the complex security challenges we face.
- Use our Professional Military Education Program as a strategic asset to improve synchronization across all military departments in education and training with our foreign partners.

IRAQ

Question. Diplomatic and military leaders in Iraq have cautioned that security gains over the last year remain fragile and are still subject to reversal.

What is your assessment of the stability of security gains and reduced violence?

Answer. Security incidents throughout Iraq continue to show a decreasing trend of violence in 2009 and remain at the lowest levels in 5 years. However, underlying sources of instability have yet to be resolved. Upticks in high profile attacks targeting civilians during July and August have not affected the overall trend of violence seen this year, but have caused an increase in civilian casualties. We are carefully monitoring the full effects of the U.S. withdrawal from cities, villages, and other locales and assessing the impact on the overall stability and sustainability of security gains in Iraq.

Question. What, in your view, are the greatest threats to these gains and what are the prospects of these threats materializing?

Answer. There are a number of underlying sources of instability that the Iraqi Government must overcome. Immediate challenges include Arab-Kurd tensions, Shia-Sunni rivalries, violent extremists groups, and malign Iranian influence.

Arab/Kurd Tensions

Arab-Kurd tensions remain the most dangerous threat to Iraq. Confrontations between the Iraqi security forces (ISF) and Peshmerga—as well as aggressive political rhetoric on both sides—continue to raise tensions. Without a concerted effort to resolve issues by both the Government of Iraq and Kurdish Regional Government and

[2] National Center for Small Unit Excellence was renamed National Program for Small Unit Excellence after receipt of General Mattis' 11 March Anchor Points Memo.

continued U.S. engagement, this situation has the potential to directly impact our security gains.

Shia-Sunni Rivalries

Continued integration of Sunni, primarily Sons of Iraq (SoI), into the Iraqi Government is key to mitigating Sunni sense of disenfranchisement. Failure by the Government of Iraq to continue progress on reconciliation issues could result in a return to Sunni-Shia violence.

Countering Violent Extremist Groups

The ability of violent extremist groups, most notably al Qaeda-in-Iraq (AQI), to conduct attacks has been severely degraded but not completely destroyed. The continued maturation of the Iraq security forces is essential to countering violent extremist groups in Iraq.

Malign Iranian Influence

Iran poses a significant challenge to Iraq's long-term stability and political independence. The Government of Iraq, through reciprocal visits with Iran, has sent tough messages warning Iran against interference in Iraqi politics, while still encouraging improved bilateral relations, economic cooperation, and cultural/religious exchanges.

Question. What do you believe are the most important remaining steps that the United States needs to take in Iraq?

Answer. The most important near-term step the United States must take is assisting Iraq in conducting legitimate, free, and fair elections and seating the new government following the elections. Additionally, the United States must assist the ISFs with filling equipment and training gaps to ensure they are capable of meeting internal threats by the end of 2011. Finally, the United States must transition from a DOD to State Department led.

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Question. What do you believe will induce Iraqi political leaders to make the political compromises necessary for a political solution? What leverage does the United States have in this regard?

Answer. Dialogue and engagement between political actors will be essential for them to reach a political solution on critical unresolved issues. We can play an important role in this. Increasingly, our leverage stems from our ability to play a mediation and coordination role on key, unresolved issues. A lasting political solution is also dependent on all groups actively participating in the electoral and political process. All indicators suggest that this will continue to be the case. To further encourage this, using the Strategic Framework Agreement, whereby we offer assistance to Iraq in the areas of education, agricultural capacity, local governance programs, and assisting Iraq with strengthening the rule of law, we can reinforce to political leaders in Iraq that political solutions to their problems are more enduring than military ones.

Question. Secretary Gates has indicated that if security conditions continue to improve we may be able to accelerate the withdrawal of U.S. forces.

Do you agree with his assessment of the security situation and the possible acceleration of the troop withdrawal?

Answer. Yes. A stable security environment is the primary factor in any decision to accelerate the drawdown in Iraq. Our responsible drawdown plan includes options to accelerate the redeployment of certain units should the security environment allow it. Generals Odierno and Petraeus will continue to make recommendations to the Secretary of Defense and I based on the security situation.

Question. What is your assessment of Iraqi elections as indicators of increasing or decreasing stability and security in Iraq? Are there other indicators that are better barometers of improving or deteriorating stability conditions?

Answer. I believe the elections in Iraq are excellent indicators for determining stability conditions in Iraq. Recent provincial elections in Iraq were a testament to the determination of the Iraqi Government and the Iraqi people to express their will through the electoral process—choosing ballots over bullets. Most notably, Sunni Arabs actively re-engaged the electoral process, helping to redress their earlier

under-representation on provincial councils. General Odierno rightly assesses that the national elections timeframe will be a period of heightened risk and vulnerability, when AQI and other extremist groups may attempt to exploit ethno-sectarian rivalries.

As for other indicators of improving or deteriorating conditions, Arab-Kurd tensions will need to be closely monitored, particularly along the disputed territories. The overall level of violence and number of large-scale attacks are important because it both reflects AQI and ISF capabilities, and affects the Iraqi public's confidence in the ISFs.

Question. An important aspect of the improved security conditions in Iraq is the improved capability of the ISFs. However, press reports, following a recent series of high profile attacks in Mosul and Baghdad, suggest that the ISFs are not ready to assume full responsibility for the security of their country.

What is your assessment of the overall capability and reliability of the ISFs?

Answer. Based on current conditions, the ISFs are ready to handle responsibilities for security in the cities and urban areas. We are in the assessment phase in Baghdad, Mosul, Kirkuk, and Diyala to determine sustainability of the withdrawal in those localities.

Operational readiness continues to improve for both Ministry of Defense forces and the Ministry of Interior. With U.S. assistance in the development and fielding of key enablers, I believe the ISFs will be capable of handling internal security, to include counter-insurgency operations, by the time U.S. forces depart in 2011.

Question. In your view, what are the enduring challenges or threats to the establishment of reliably professional and capable ISFs?

Answer. One of the most significant challenges facing the ISFs is budget shortfalls. Both the Ministry of Defense and Interior face extreme budgetary shortfalls, which have affected the growth of both personnel and equipment. Another significant challenge is maintaining an ISF that is non-sectarian in both actions and perception. Currently public confidence remains moderately high in the ability of the ISFs to secure Iraq and the majority of the public views the ISFs as a non-sectarian entity.

Question. What support should the United States be prepared to provide to the ISFs beyond the end of the U.S.-Iraq Security Agreement in December 2011?

Answer. Operational readiness continues to improve for both the Ministry of Defense forces as well as the Ministry of Interior. With U.S. assistance in the development and fielding of key enablers, I believe the ISFs will be capable of handling internal security, to include counter-insurgency operations, by December 2011 while setting the conditions for the Iraqis to continue the development and growth of their security forces.

We are working very closely with the State Department to draft a framework for U.S. support to the ISFs in 2012 and beyond. This framework may include technical assistance and Foreign Military Sales through an Office of Security Cooperation. Ultimately, our level of support will depend on agreements reached between our government and the Government of Iraq.

Question. What is your assessment of security conditions in those provinces and cities where ISFs have already assumed responsibility for maintaining security?

Answer. ISFs have assumed responsibility for maintaining security in all of the provinces and cities as of June 30, 2009. For the most part, they have handled themselves professionally and in a non-sectarian manner and overall security incidents in Iraq have shown a decreasing trend. However, I am concerned about recent high profile attacks that have resulted in greater civilian casualties, particularly in Baghdad and Mosul. There is the potential that if these types of attacks continue, the sectarian violence that plagued Iraq in 2006 and 2007 could return. Iraq's leaders continue to denounce these attacks and vow not to let them trigger renewed sectarian violence. That is encouraging.

Our military forces continue to work closely with the ISFs to help them stop future attacks by encouraging them to take aggressive and proactive security measures. We are also helping them reassess their force protection measures to reduce vulnerability to these types of attacks. In addition, our forces in Iraq continue to conduct joint counterterrorism operations, share actionable intelligence, and provide the necessary enablers to help the ISFs safeguard their citizens.

Question. What is your assessment of the infiltration or the risk of infiltration of ISFs by sectarian militias, AQI, and Iranian agents?

Answer. Though difficult to assess, there is currently no reporting suggesting widespread infiltration by sectarian militias, AQI, or Iranian agents into ISFs. Both the Government of Iraq and U.S. forces recognize the inherent risk that such actors could infiltrate the ISFs and will continue to monitor the issue.

Question. The Government of Iraq has assumed responsibility for the approximately 85,000 SoI throughout Iraq. There are enduring problems, however, with the Government of Iraq's ability to pay SoI salaries as promised, continue to integrate a portion of them into the security forces, and assist in transitioning the remaining SoI into civil or private employment.

What is your assessment of Iraqi progress in implementing the integration of the SoI into the ISFs or placing them in civil or private jobs?

Answer. Despite some obstacles, SoI integration is moving forward, albeit slower than originally planned. In October 2008, the Government of Iraq began to pay and exercise responsibility for the SoI. This was an important first step since it demonstrated to the Iraqi Sunni community that the Government of Iraq recognized the security contributions of the SoI. There now remain 86,000 Iraqis in the SoI program. There have been problems in the past with late payroll disbursements but we have worked closely with the Iraqi leadership to overcome those issues. Another friction point is the perception by the Sunni population that the ISFs were targeting some of the SoI leadership based on sectarian agendas. We worked closely with the Government of Iraq and the SoI leadership on this issue and these types of incidents have declined significantly.

The Government of Iraq's goal is to ensure that all of the SoI receive long-term government employment. The plan is for 20 percent of the SoI to transition into the ISFs and 80 percent of the SoI to transition to non-security government jobs. The Government of Iraq continues to move forward towards meeting those goals, albeit slowly. To date, they have transitioned approximately 13,000 SoI into security related jobs but only 6,000 into non-security jobs. The rate of integration of SoI is not on pace to meet the Government of Iraq's stated goal of transitioning all SoI by the end of 2009 and could undermine Sunni confidence in the Government of Iraq.

We continue to work with the Government of Iraq to expand SoI government employment opportunities while ensuring the SoI are paid in a timely and accurate manner. We stress that this is critical to preventing the disenfranchisement of the Sunni community and will strengthen national unity.

Question. How likely are more confrontations between ISFs and SoI groups? What should U.S. forces do to reduce this risk?

Answer. In the past, ISFs targeting of SoI leaders previously threatened to undermine Sunni confidence in the Government of Iraq and U.S. efforts overall. Although there were some instances of targeting SoI leaders, this has been largely abated in recent months. Engagement by key U.S. leadership has been essential in ensuring Government of Iraq continues its reconciliation commitments to the SoI. Continued engagements by U.S. forces will remain the key to reducing the risk of future ISFs/SoI confrontations.

Question. What is your assessment of Muqtada al-Sadr's intentions and capabilities through the rest of this year, especially with respect to the district and parliamentary elections and the completion of the U.S. combat mission by August 2010?

Answer. I believe we will need to continue to watch how Muqtada al-Sadr and his followers respond to the electoral results. For now, there are signs that the Sadrists are actively engaged in the political process and intend to participate in the parliamentary elections. The 30 June withdrawal of U.S. forces from Iraqi cities removed some of the energy associated with Sadr's militant faction. Assuming a peaceful transition of the national government occurs, and the Sadrists remain engaged in the political process, Sadr and his political movement will not benefit from inciting violence.

Question. How would you characterize the level of success achieved against AQI?

Answer. I would characterize the level of success achieved against AQI as positive; however, AQI has not been defeated and remains dangerous. ISFs and U.S. targeting continues to pressure AQI's ability to direct and carry out attacks. Security operations in Basrah, Baghdad, Ninewa, Maysan, and Diyala have produced encouraging results that further degraded the capabilities of AQI. Iraqi forces have extended control over more areas of Iraq and on Government of Iraq operations have severely degraded AQI activities, finances, and supply networks, leading to the capture of several high-value individuals. Extensive counterinsurgency operations in Mosul and Diyala have continued to pressure AQI networks and clear areas that had been AQI strongholds. Although Iraq has achieved progress, AQI retains a limited capability to conduct high profile attacks targeting civilians and ISFs, primarily in mixed urban areas such as Baghdad, Mosul, and Kirkuk as well as Diyala province in an attempt to discredit the Government of Iraq and ISFs and incite sectarian violence—as evidenced by the recent high profile attacks in Ninewa and Baghdad. In the upcoming months, AQI may attempt to take advantage of changes in the political and security environment to reassert its presence in some areas of Iraq. AQI

remains the primary instigator for ethno-sectarian violence, and it will seek to capitalize on Sunni-Shia and Arab-Kurd tensions.

DRAWDOWN IN IRAQ AND TROOP LEVELS/ROTATIONS IN AFGHANISTAN

Question. What is the relationship between the pace of our force drawdown in Iraq and the pace of our force increase in Afghanistan? In other words, will an accelerated drawdown of forces in Iraq improve the readiness and availability of additional forces needed in Afghanistan?

Answer. As forces drawdown in Iraq, those forces will become available to support other global requirements, including operations in Afghanistan. I will continue to work with the Service Chiefs and combatant commanders to determine the proper force size and composition necessary to support the commanders in Iraq and Afghanistan in order to ensure that current and anticipated missions are supported.

Question. How does the withdrawal of U.S. forces from Iraqi cities this summer impact the availability of forces for deployment to Afghanistan?

Answer. The withdrawal of forces from Iraqi cities this summer does not directly affect the ability of forces to deploy to Afghanistan. The pace for the withdrawal of forces from the cities is linked to the security agreement with Iraq and the overall progress by the Government of Iraq to provide for its own security requirements. If Iraqi security continues to improve, as verified by General Odierno and Ambassador Hill, then our force drawdown should proceed as planned. We will continue to monitor and assess the requirements in both Iraq and Afghanistan to ensure that the force size and composition are matched to mission requirements.

Question. What considerations will be factored into decisions regarding whether (and if so, what kind and how much) U.S. military equipment currently in Iraq will be transferred to the ISFs?

Answer. Operational readiness of U.S. forces and the ability of ISFs to achieve the essential, sustainable capabilities to maintain security after the departure of U.S. forces in December 2011 will be the drivers. We continue to define the requirement so the exact types and numbers of equipment are still being determined; however, our goal is to ensure the ISF has a foundational ground defense capability to maintain internal security and stability with a credible, initial deterrence against external conventional threats. Additionally, they need to maintain maritime security and sovereignty of Iraqi airspace.

Question. How should the readiness requirements of the Services for non-excess defense articles currently in Iraq be addressed as part of this transfer determination process?

Answer. We have a process to weigh the impacts to Service readiness and make decisions accordingly. The Joint Staff, Military Services, National Guard Bureau, Central Command (CENTCOM), Multi-National Forces-Iraq and Multi-National Security Transition Command-Iraq are all actively involved in the process.

We are carefully considering readiness of U.S. forces, including the Reserve component. Some of the equipment required by the ISF is excess to U.S. forces; however, U.S. forces have a need for non-excess equipment to fulfill worldwide requirements. It is a matter of weighing risks and making informed decisions. Therefore, all those organizations involved in the process will weigh the risks and make collective recommendations, accordingly.

AFGHANISTAN-PAKISTAN STRATEGY

Question. The strategy announced by the President in March sets out as its goal "to disrupt, dismantle, and defeat al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future."

In your view, can this strategic goal be achieved through a purely military solution? If not, what other instruments of power are needed to achieve this goal?

Answer. No. There is not a purely military solution to achieving the President's strategic goal. All elements of national power—diplomatic, informational, military, and economic—must be brought to bear. This requires better civil-military coordination and a significant change in the management, resources, and focus of our foreign assistance. Our approach to defeating al Qaeda must be one that builds trust with Afghans and Pakistanis while applying all instruments of power. We require these diverse instruments to deny sanctuary to al Qaeda and the Taliban now, and to generate a stable and secure Afghanistan capable of denying al Qaeda return after the withdrawal of our combat forces, and while we sustain partnership and commitment to political and economic development in that nation.

Question. What steps do you believe are required to prevent al Qaeda from returning to Afghanistan in the future?

Answer. We are working with the Afghan Government to build its capacity to secure its people from Taliban intimidation, to provide an environment for required economic growth, and to set the conditions for an education system that will enhance the lives of people well into the future. A critical component of this effort is to increase the capacity of Afghan National Security Forces (ANSF) to secure its own people. We also support Afghan counterterrorism measures that target specific al Qaeda members and support networks. As the Afghan Government strengthens its ties to its people it will help set conditions that prevent the return of al Qaeda extremists.

Question. Is defeating the Afghan Taliban and militant extremists, other than al Qaeda, who are attacking Afghanistan from safe havens in Pakistan a necessary component of the President's strategy?

Answer. Yes. Defeating the Afghan Taliban and militant extremists operating out of Pakistan, whether directly linked to al Qaeda or not, is an essential component of the President's regional strategy. As the President stated, the objective of the strategy is to "disrupt, dismantle, and defeat al Qaeda and their extremist allies in Pakistan and Afghanistan," and "prevent their return to either country in the future . . . ," we must separate al Qaeda operatives from their key allies. While a complex web of groups, the Afghan Taliban are interwoven with al Qaeda in many ways. Thus, we must work with Pakistan and our other partners to disrupt and defeat the Afghan Taliban, to advance a stable and secure Afghanistan and to inhibit the spread of al Qaeda influence in Afghanistan and across the region.

Question. Is defeating the Pakistan Taliban a necessary component of the President's strategy?

Answer. Yes. Defeating the Pakistan Taliban is an important component of the President's regional strategy. Defeating the Pakistan Taliban will prevent al Qaeda from collaborating with other extremist allies in the region and is necessary to ensure a stable, democratic Government of Pakistan (GoP). Defeating the Pakistan Taliban is a responsibility of the GoP, which faces serious threats from insurgent activities. Our role in defeating the Pakistan Taliban includes supporting the GoP through diplomatic and military means.

Question. In your view, what are the greatest challenges in implementing the administration's strategy for Afghanistan and Pakistan?

Answer. The most significant challenges we face in implementing the administration's strategy arise from our requirement to bridge the common ground between our national interests and those of the Governments of Pakistan and Afghanistan. Both sovereign nations face threats from entrenched insurgencies as well as significant domestic challenges. As a responsible partner and ally, we need to work carefully to support the two governments in maintaining the stability of their governments, defeating extremists, and supporting the needs of their populations. By supporting the two nations with all elements of our national power, we can enable them as they seek to prevent extremists from threatening regional stability.

AFGHANISTAN

Question. Secretary Gates has said that in the long run the conflict in Afghanistan has to be "Afghanistan's war for its own people."

Do you agree with that assessment?

Answer. Yes. Unlike conventional battles for dominance of air, sea, land, or space, counterinsurgency is, at its core, a battle for the people. In Afghanistan, the Taliban is attempting to undermine, and in some cases replace, the Government and its services. International Security Assistance Force (ISAF) efforts in the near, mid and long term must focus on creating capability and capacity within Afghan structures in order to re-gain the confidence of the Afghan people. As Afghan institutions do so, they will win the confidence of the people, the Taliban will fall out of favor, and the Afghan Government will grow to provide the necessary services expected of a democratically elected national government. The Taliban offer no popular governance agenda, and are feared and mistrusted by more than 80 percent of Afghans. Thus, an empowered Afghan Government is essential to undercut the fundamental approach of the Afghan Taliban

Question. Do you believe that our long-term strategy is properly oriented toward enabling the Afghan people to assume responsibility for their own security?

Answer. The orientation of our strategy is sound; however, the execution of the strategy is under review. The ISAF Commander, General McChrystal, has just completed his initial assessment of the situation in Afghanistan. I and other senior leaders are taking a hard look at his assessment to define the way ahead to better focus our efforts and improve our effectiveness in enabling the Afghan people to assume greater responsibility for their own security.

Question. From your perspective, what are the key lessons learned from our experience in Iraq that should be applied in Afghanistan?

Answer. Every conflict is different. In Afghanistan, General McChrystal is implementing a strategy that reflects the reality of the current fight as it relates to the actual situation on the ground and the goals of the President's strategy. I believe one of the greatest lessons learned from Iraq that are applicable to all conflicts is the multi-faceted approach to problem solving and issue-resolution. Bringing together our very best talent from across the military, other U.S. Government Agencies and Departments as well as the leaders of industry provides for a whole-of-government approach applicable to the unique circumstances of the conflict.

Question. You have expressed a sense of urgency about conditions in Afghanistan, saying that "we have to start to turn this thing around within the next 12 to 18 months."

In your view, what goals and objectives must U.S. forces in Afghanistan achieve within the next 12 to 28 months?

Answer. If we fail to gain the initiative and reverse the insurgent's momentum, we will face an emboldened enemy and worsening security situation. Gains in this must be our focus over the coming 12–18 months. But, we must also account for the importance of longer-term activities that will provide the path to success.

We must grow and improve the effectiveness of the ANSFs. We must leverage a whole-of-government approach, assisting in the development of effectiveness governance in Afghanistan. We must also secure the population and separate them from the insurgents to allow for social development and reconstruction.

Question. You have also been quoted as saying the situation in Afghanistan is "serious and deteriorating" and expressing concern over recent opinion polls indicating that for the first time a majority of Americans do not think the war in Afghanistan is worth fighting.

What has caused you to describe conditions in Afghanistan as "serious and deteriorating"?

Answer. We have been fighting this war for 8 years, and although considerable effort and sacrifice has resulted in some progress, many tangible indicators and perceptions here at home, within the International community, and among the Afghan people have resulted in less confidence in our ability to accomplish the mission. The perception that our resolve is uncertain creates reluctance amongst the Afghans to align against the insurgency. The security situation has worsened, which makes the Afghan people feel less safe and have less confidence in coalition forces. The insurgency itself is more sophisticated and more resilient than at any time since 2001.

Question. What would you say to those who question whether the war in Afghanistan is worth fighting?

Answer. The U.S. military conducts the missions it is given. The question of "worth" is one for the American people to answer through debate, and ultimately by their elected representatives in Congress and by the President.

Personally, however, I believe that allowing Afghanistan to again be used as a safe haven for those who seek to do the United States harm would not serve the national interest.

Question. General Stanley McChrystal, Commander, ISAF/Commander, U.S. Forces Afghanistan, is in the process of conducting an assessment of the campaign plan in Afghanistan, including a review of United States and Afghan troop levels.

Do you believe that the current end strength targets of 134,000 for the Afghan National Army (ANA) and 96,800 for the Afghan National Police (ANP) are sufficient, or should those end strength targets be increased?

Answer. I do not believe the current authorized ANSF force levels (134,000 ANA and 96,800 ANP) are sufficient to provide security for the Afghan population. One of the stated goals of the President's strategy on Afghanistan and Pakistan is to develop an increasingly self-reliant ANSF that can take the lead role in the counterterrorism and counterinsurgency fight with reduced U.S. assistance. Current ANSF force levels are not sufficient to accomplish this goal.

The Secretary of Defense has directed a detailed analysis, led by CENTCOM and the Joint Staff, be conducted to inform recommendations on options for future end-strength and capabilities for both the ANA and the ANP. If confirmed, I will use this analysis as well as inputs from the Service Chiefs, our Allies and partners to make recommendations on the future size and required capabilities of the ANSF.

Question. What in your view are the factors that should be considered in evaluating any request for additional U.S. forces for Afghanistan?

Answer. A proper analysis of General McChrystal's initial assessment will be critical to evaluating U.S. force levels in Afghanistan. Understanding the effective application of current resources in Afghanistan is a key factor. Any request for additional resources must focus on what is required to accomplish the mission in Af-

ghanistan, where there are shortfalls, and then the specific requests to meet the requirement. We must understand how the additional forces fit into the overall strategy. Finally, careful consideration and assessments must made about available force levels and the impact additional forces will have on the health of the force.

Question. What in your view are the major challenges for accelerating the growth of the Afghanistan National Security Forces, and how would you recommend addressing these challenges, if confirmed?

Answer. The greatest international community challenge to accelerating the growth of the ANSF is the requirement for mentors for these forces. The greatest Afghan challenge is the development of leadership for the expanded force.

The President's decision in March to deploy the 4/82 Brigade Combat Team (BCT) to provide additional mentors for the ANSFs will allow the United States to meet our ANA embedded training team requirements for the 134K Army and will significantly increase the number of ANP police mentor teams. U.S. Counterinsurgency BCTs are also assuming responsibility for police mentors in districts within their battlespace. We must continue to encourage our North Atlantic Treaty Organization (NATO) partners to provide these district mentors in order to build synergy for security within the battlespace and increase the number of districts with police mentor coverage. I also recommend encouraging NATO to use the NATO Training Mission-Afghanistan (NTM–A), which just recently stood up on 10 September 2009, as an opportunity to enhance training and mentoring of the ANP.

Expanding the leadership capacity of the ANSF requires training and experience and both the ANA and ANP have leadership development programs in place. However, we must also recognize that leader development requires time and we must balance the pressing need for additional growth and progress in leadership with this reality in order to build forces that are self-sustaining over the long-term.

Question. As the size of the Afghan National Army increases, should more of these forces be deployed to the border region to prevent cross-border attacks by extremist militants from Pakistan into Afghanistan?

Answer. I will defer comments on the placement of additional Afghan National Army forces to the senior commanders in theater as well as the leadership within the Afghan Ministry of Defense. However, the Afghan Border Police (ABP) have primary responsibility for border security. The Afghan National Army provides direct support and support in depth to the ABP. Operational Coordination Centers are currently being established at the Regional and Provincial levels to improve information sharing and synchronization of efforts.

Preventing all incursions is difficult due to the length and porous nature of the border. However, practical cooperation between Afghan, Pakistani, and international forces improves border security. Effective military operations along the Afghanistan-Pakistan border areas are key to disrupt and eventually deny safe havens to al Qaeda and the Taliban from which to launch these incursions.

ISAF and USFOR–A must continue to enhance the practical cooperation between ANSF, Pakistani military and international forces and increase the effectiveness of our counterinsurgency operations. Border and Joint Coordination Centers, regular tripartite engagements at all levels, and counterinsurgency training of Afghan and Pakistani forces are key to these efforts.

Question. NATO has agreed to the establishment of a three-star command within the ISAF command structure to oversee the day-to-day execution of the conflict.

What further changes, if any, to the U.S. and ISAF command structures in Afghanistan do you support to achieve greater unity of command?

Answer. Achieving unity of command is critical to the success of any strategy. The Intermediate Joint Headquarters is a critical step in aligning the many current operational activities under a single command. Ongoing reviews of the various training organizations, SOFs, and other units will further streamline our command structures, and assist the United States and its allies achieve unity of effort while supporting the Government of Afghanistan.

We also need to review how we conduct and synchronize our efforts across Afghanistan. In the past, we have often operated as if there were five separate campaigns occurring in each of the Regional Commands. While conditions on the ground may vary widely across the country, we must insure that our counterinsurgency campaign is unified throughout Afghanistan. The new Counterinsurgency Advisory and Assistance Team (CAAT) initiative, currently under development in Afghanistan, will assist ISAF in achieving unity of effort across the Regional Commands. CAATs will be employed in all five Regional Commands, and will assist commanders at all levels in achieving ISAF campaign objectives. They will also assist in rapidly disseminating counterinsurgency best practices across the theater. I expect the CAATs will be tremendous assets as we move to unify our counterinsurgency efforts,

and will enable commanders to apply a combined, multi-disciplined approach to the problem sets they face.

Question. What is your assessment of the contributions by our NATO allies to the mission in Afghanistan? What more should our NATO allies be doing to support that mission, particularly the training of the ANSFs?

Answer. Both our NATO and non-NATO partners have served valiantly alongside our forces, and more importantly, the growing Afghanistan national Security Forces. The fruits of their collective labors bore out during last months national and provincial elections, as Afghan National Army and National Police, having been trained and mentored by international ISAF forces, secured their country's first-ever self-run democratic election.

As we adjust our strategy, we continue to seek our allies' perspectives and incorporate them into our approach going forward. Some allies have restrictive caveats that make our operations on the ground and in the air challenging and impact ISAF's unity of effort. The new intermediate joint command headquarters will go a long way in improving unity of effort, but there is still work required to encourage our partners to remove or reduce their caveats.

Additionally, we would encourage our allies and coalition partners to contribute in ways consistent with their traditional strengths, including trainers for Afghan National Army and Police units. The new NATO Training Mission-Afghanistan command will leverage our allies' strengths in these areas. Certainly, we would welcome both equipment and financial donations from our partners who are unable to provide troops. As we collectively focus on building Afghan governance, all contributions will be welcome and put to good use.

Question. Fielding the right kind of intelligence, surveillance, and reconnaissance (ISR) assets in Afghanistan is more challenging than in Iraq, due in large part to the very different geography of the country.

In your view are there adequate ISR assets available to support requirements in Afghanistan? Is there a need for more?

Answer. With the help of Congress, we have made progress ensuring our troops in Afghanistan have every advantage possible through significant investments in ISR. Since the Secretary of Defense stood up the ISR Task Force in 2008, we have resourced initiatives that collectively increase full motion video capabilities by more than 200 percent and signals intelligence capabilities by approximately 300 percent. As we shift our focus from Iraq to Afghanistan, we will work closely with General McChrystal and his staff to ensure our ISR capabilities adequately respond to the unique challenges associated with terrain, distance, and the relative lack of communications infrastructure. While increased ISR collection and sensors remain important, we must also ensure that the necessary processing, exploitation, and dissemination capabilities are in place to move information rapidly to tactical users.

Question. What in your view are the best performing ISR assets?

Answer. We have learned through experience in Iraq and Afghanistan that in addition to ISR assets, cross-cueing, and fusion of information from a variety of sensors is also critical to success. One example of this has been the use of signals intelligence as a means to employ more effectively full motion video. Commanders on the ground ask for additional full motion video more than any other ISR asset.

Question. Recent press articles have raised concerns about the ability to provide assured beyond line of site and satellite communications as needed to troops deployed in Afghanistan outside of the large main bases.

In your view, is there a problem with sustainable communications and if so, what options do you see as available to address the situation?

Answer. Yes. It is clearly a challenge to provide robust and sustainable communications in Afghanistan due to the rugged terrain, varied missions our troops must execute, and lack of existing infrastructure within the country. We are increasing our overall satellite capacity in the theater by taking advantage of a variety of assets (for example, the recent launch of the Wideband Global Communications–2 (WGS–2) capability. We are also working to improve our troops' communication capabilities and equipment at the small-unit level to support such critical functions as Command and Control (C2), MEDEVAC requests, and "call for fire" support. Where it makes sense, we are leveraging emerging commercial capabilities in country, such as cellular telephone networks. Communications is a critical enabler for our forces, and we are making a concerted effort to ensure delivery of the very best capabilities we can wherever needed.

Question. News reports indicate that Afghan resentment over civilian deaths resulting from U.S. counterterrorism operations and U.S. or NATO airstrikes continues to grow. In July, General McChrystal issued a new directive limiting the use of airstrikes and assaults against homes in order to reduce the incidents of civilian casualties. General McChrystal called for avoiding "the trap of winning tactical vic-

tories—but suffering strategic defeats—by causing civilian casualties or excessive damage and thus alienating the people."

Do you support restraints on the use of airpower and home entries to reduce civilian casualties even if this increases the risks to U.S. forces?

Answer. Any time an innocent person is killed our mission becomes more difficult and our men and women in Afghanistan understand this. In addition to the tragic loss of life, all of the leadership is aware of the negative repercussions that result from civilian casualties. As such, General McChrystal has published a new tactical directive that provides guidance to subordinate commanders, and the force, on controlled use of munitions and tactical techniques to better safeguard the population and reduce civilian casualties. I recognize, as does General McChrystal, that the carefully controlled and disciplined employment of force entails some risks to our troops—we must work to mitigate that risk wherever possible, but excessive use of force resulting in an alienated populace will produce far greater risk to the accomplishment of our mission. I have every confidence in the ability of our forces to operate effectively and to succeed in this challenging environment under the current guidelines.

PAKISTAN

Question. Administration officials have said that "no improvement" is possible in Afghanistan without progress in Pakistan or, similarly, that you can't succeed in Afghanistan without "solving" Pakistan.

Do you agree that no improvement is possible in Afghanistan without solving Pakistan's control of its border region?

Answer. The Government of Pakistan (GoP) has been conducting continuous operations within the border regions of the Northwest Frontier Province and the Federally Administered Tribal Areas since August 2008. Pakistan's ability to conduct sustained operations against terrorists and other extremist groups who seek safe haven along the Afghanistan-Pakistan border is vitally important to our regional strategy. The GoP's long-term commitment to reconstruction, economic development, and building the capacity of their security forces contributes greatly to our efforts in concert with ISAF to stabilize Afghanistan.

Question. How would you describe the linkage between progress in Afghanistan and developments in Pakistan?

Answer. Afghanistan and Pakistan stability are inextricably linked as extremist threats transcend regional boundaries. The strategy we have for Afghanistan and Pakistan is regionally focused in recognition of the fact that what happens in one country affects the other. Clearly, addressing extremist safe havens and cross border activities is essential to success in Afghanistan. Our strategy develops Pakistan's counterinsurgency capabilities and simultaneously pursues long-term approaches to promote stable, democratic governance and sound economic policies to provide opportunity for the people of Pakistan.

Question. What are the strategic risks in tying Afghanistan's future too closely to developments in Pakistan?

Answer. The ability of extremists in Pakistan to undermine our efforts in Afghanistan is known, which is why our new approach to the strategy for Afghanistan and Pakistan is regionally focused. U.S. and international support to the Government of Pakistan in their efforts against extremism is an imperative. While we continue to enhance our bilateral relationship with each country based on its own merits, we cannot ignore the ties between the two countries by delinking Afghanistan's future from developments in Pakistan. Without effective action against these groups in Pakistan, Afghanistan will face an enduring threat to its long-term stability.

Question. What is your assessment of how the Pakistan Army leadership perceives the threat to Pakistan from militant extremists located along the Afghanistan-Pakistan border?

Answer. Pakistan's leaders recognize that extremist groups pose a growing threat to Pakistan's national security and long-term stability. Pakistan's civilian and military leaders have publicly expressed their commitment to countering this threat. They understand that insurgencies cannot be defeated in months but rather in decades. Pakistan's military must sustain its action against extremist groups within its borders and provide humanitarian assistance to mitigate the threat. Ongoing operations in the North West Frontier Province and the Federally Administered Tribal Areas are a promising start. U.S. leaders engage regularly with the Government of Pakistan to convey both our concern about these threats and our political support and we are augmenting their efforts through military and economic assistance and cooperation.

Question. Through the Pakistan Counterinsurgency Fund, the United States is providing significant assistance to train and equip the Pakistan Frontier Corps and build the capacity of the Pakistan Army to conduct counterinsurgency operations.

Would you agree that in order for U.S. military assistance to Pakistan to be effective, Pakistan's leadership must make it clear to the Pakistani people that confronting the threat posed by al Qaeda, the Taliban and other militant extremists is essential for the sake of Pakistan's own security interests?

Answer. Indications from Pakistan senior leadership and outside observers are that Pakistan's military operations along the border currently have the support of the Pakistani population as the Pakistani people are becoming increasingly aware of the threat posed by extremist organizations. It is important for the Government of Pakistan and the Pakistan military to have the support of the population for these operations, without which we could not effectively provide U.S. military assistance. We also understand that the population needs a whole-of-government approach to the problems Pakistan faces or support for the government and military operations could erode. Our broad assistance efforts support this approach by improving Pakistan's military/security capabilities and assisting the Government of Pakistan to make improvements in education, agriculture, job creation, long-term economic development, as well as governance in order to improve the lives of the Pakistani people.

Question. What steps would you recommend taking to ensure that U.S. military assistance provided to Pakistan is used to enhance Pakistan's efforts to confront the threat posed by militant extremists on its territory and deny safe haven to groups conducting cross-border incursions into Afghanistan?

Answer. We have two primary funding authorities for providing assistance to Pakistan that support the Pakistan security forces efforts against extremist groups along the Afghan-Pakistan border. These are the Pakistan Counterinsurgency Fund (PCF)/Pakistan Counterinsurgency Capability Fund (PCCF) and Foreign Military Finance (FMF). PCF/PCCF provides the combatant commander a flexible, responsive funding source to meet near-term counterinsurgency requirements of Pakistan security forces along the border. FMF supports aspects of our Af-Pak strategy and counterinsurgency requirements and helps build the capabilities of Pakistan's conventional forces in order to provide key enablers and supporting activities for the fight. FMF also reinforces the longer-term U.S.-Pakistan military-to-military relationship and the broader goal of building a long-term effective partnership with Pakistan. I believe we have the mechanisms and authorities in place to help fund the equipment/assistance the Pakistanis need to ensure we are meeting the goals for which these funding mechanisms were intended.

Question. What additional steps, if any, would you recommend to ensure transparency and accountability for reimbursements paid to Pakistan from Coalition Support Funds for support provided to the United States relating to OEF?

Answer. Coalition Support Funds (CSF) provide reimbursement to Pakistan for expenses incurred while conducting operations in support of U.S. efforts against extremist/terrorist organizations and are a key element toward meeting our objectives in the Afghan-Pakistan strategy. We continue to work with the Pakistan military to improve CSF processes, and ensure appropriate accountability and transparency for CSF. We recently sent a team to Pakistan to review, with the Pakistan military, the CSF documentation and other requirements in order to improve accountability and timeliness of payments.

Question. In your view, what should be done to press the Pakistan Government to confront the Afghan Taliban shura operating out of the city of Quetta in Baluchistan?

Answer. The United States should continue to support the Government of Pakistan to expand their capabilities and help them confront and defeat militant extremism wherever it may be in Pakistan. The Quetta Shura bears the ideological standard for the Taliban—we must continue to work with Pakistan to approach the Taliban as a regional threat to both Afghanistan and Pakistan. Taliban groups throughout the region derive their operational guidance from commanders at the local and tribal level. Ongoing operations in the North West Frontier Province and the Federally Administered Tribal Areas target the threat's current center of gravity at the local commander and tribal level They are a promising start, and strengthen the GoP's legitimately in the eyes of the Pakistani people. U.S. leaders must continue to engage Pakistan and encourage the government to continue to take sustained action against militant extremists throughout Pakistan.

Question. What is your assessment of the current level of cooperation between Afghanistan and Pakistan in confronting the threat of militant extremists in the border region?

Answer. The relationship between Afghanistan and Pakistan continues to improve from just a few years ago and the leadership of both countries continues to engage in discussion with a goal of enhancing the relationship including greater cooperation. Pakistan's leaders are increasingly convinced of the demonstrated benefits of cross-border cooperation. This cooperation also occurs at the lower levels through border coordination and other activities in order to meet the challenge of dealing with extremist threats in the border region. There is more that can be done and the United States continually works to facilitate and improve the cooperation between these two countries and with coalition forces on the Afghanistan side of the border.

Question. To what extent can actions by India, particularly with respect to troop levels along the India-Pakistan border, help or hinder U.S. efforts in Pakistan and Afghanistan?

Answer. India and Pakistan share a common regional threat of violent extremism. Our strategy is regionally focused and acknowledges that what happens in one country affects the other. Al Qaeda and associated extremist organizations are targeting India, as well as Pakistan, Afghanistan, our allies in the Middle East, Europe, Australia, and the U.S. Homeland. We continue to encourage increased contact across the Line of Control, senior-level bilateral engagement and trade. Our strategy seeks opportunities to build India-Pakistan confidence. While there are no immediate options or quick-fixes, continued demonstration of U.S. long-term commitment to regional security will reduce tensions between Pakistan and India and enhance the will and capacity of Pakistanis to move decisively against extremists.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION

Question. DOD has taken inconsistent positions on the disposition of ad hoc, but critical, entities created to respond to the urgent needs of combat forces in Iraq and Afghanistan. The Secretary of Defense has recently stated in testimony before the Senate Appropriations Committee, Subcommittee on Defense, that the ISR task force should be phased out, while at the same time, the Department has decided to institutionalize Joint Improvised Explosive Device Defeat Organization (JIEDDO). Some have expressed concern about the possible hasty demise of the ISR task force, while others have expressed concern about the premature decision to make JIEDDO permanent. While JIEDDO reports to the Deputy Secretary of Defense, the Office of the JCS plays an active role in reviewing and validating urgent operational needs emerging from Iraq and Afghanistan.

What are your views of JIEDDO and its role within the Department and within the Department's process for responding to urgent operational needs?

Answer. The Joint IED Defeat Organization is effective in its mission to lead, advocate, and coordinate the Department's C–IED efforts in support of combatant commanders. They are a highly valued capability that continues to demonstrate the agility to respond quickly to urgent operational needs by providing essential material and nonmaterial solutions to counter known, newly deployed and emerging IED threats.

Question. What are your views of the criteria the Department is using to determine which institutions should become permanent and which should not, and to demonstrate how these criteria are being consistently applied across organizations?

Answer. Organizations are often created in response to shortfalls identified by combatant commanders. There are several venues, including Senior Warfighter Forums (SWarFs) and Deputies Advisory Working Groups (DAWGs), to review and make recommendations to the Department leadership as to whether an organization should become permanent. In the case of JIEDDO, the C–IED SWarF and the DAWG concluded that the nature of the IED threat and continued combatant commanders' need for rapid solutions necessitated an enduring organization with the agility to rapidly respond to changing urgent operational needs. In addition to its rapid acquisition capability, JIEDDO's operations and information fusion support, and their ability to support time-sensitive joint C–IED training requirements, are well suited to meet these urgent operational needs.

COUNTERNARCOTICS

Question. Recently, senior U.S. Government officials have indicated that the United States will begin to increase alternative crop development, public information, and interdiction programs, rather than continuing or expanding ongoing eradication efforts. This has been viewed as a u-turn of the U.S. counternarcotics strategy in Afghanistan and has been greeted with skepticism from some senior Afghan officials.

What is your view of this ongoing change in strategy?

Answer. I understand the interagency's intent to rebalance its counternarcotics strategy and focus resources on those programs that will contribute directly to breaking the narcotics-insurgency-corruption nexus and help connect the people of Afghanistan to their government. I believe we need a multi-pronged approach that targets laboratories, traffickers, and movement of drugs, and facilitators at the same time we work to provide alternative income opportunities for farmers.

Question. What is your assessment of the eradication policy the United States has pursued in recent years?

Answer. The efforts of the U.S. Government to support and fund the Afghan Government's eradication efforts have shown little success. The funding and energy for eradication programs should be redistributed to other counternarcotics activities that have proven far more successful such as interdiction, public information, and alternative development.

Question. Do you believe that this shift in policy is adequately resourced?

Answer. If the resources dedicated to the eradication programs of the U.S. counternarcotics strategy were redistributed to interdiction, rule of law, public information, and alternative development, this would be a step in the right direction. However, General McChrystal has just completed an initial assessment for the Secretary of Defense, and we need to review the assessment to determine if the shift in counter-narcotics policy is adequately resourced. Additionally, SRAP, NSC, and the interagency are in the process of reviewing our CN Strategy for Afghanistan.

Question. What role do you believe DOD will play in each component of the new strategy?

Answer. DOD's counter-narcotics mission is to support the combatant commander and law enforcement, through information sharing, training and equipping, infrastructure, and emergency assistance. DOD's main focus is on interdiction efforts to decrease narcotics trafficking and processing in Afghanistan while building Afghan capacity to disrupt and dismantle significant drug trafficking organizations. A nexus exists between narcotics and the insurgency as well as corruption and criminality. Recent decisions by the NATO Defense Ministers and the Secretary of Defense, at the request of the Afghan Government, provided the guidance and authorities for both ISAF forces and the U.S. military to target the trafficking and production of narcotics where the nexus exists. Additionally, the recent change to DOD's international counternarcotics policy enabled more robust support and integration of capabilities with civilian law enforcement agencies operating in Afghanistan.

COUNTERDRUG OPERATIONS

Question. DOD expends more than $1 billion per year in the fight against illegal narcotics trafficking. For much of the last two decades, the fight against illegal narcotics has taken place within the Western Hemisphere, but in recent years, counternarcotics operations have expanded to Afghanistan, West Africa, and Asia. U.S. commanders in Afghanistan have identified success against narcotics traffickers as fundamental to the success of their mission to root out the Taliban and al Qaeda. Despite this expanding focus to other parts of the globe and the focus of U.S. commanders in Afghanistan, the Department often views counternarcotics operations as the job of Federal law enforcement agencies.

Please discuss your views of the DOD's counternarcotics mission and the apparent tension that exists within the Department about the proper role of the military.

Answer. Illegal narcotics and their proceeds fuel terrorism, regional instability, and organized crime. They are a serious, evolving, and global threat—which no country can defeat alone. All agencies with counternarcotics responsibilities must work together to ensure our collective tactics, techniques, and procedures provide the agility required to counter such an asymmetric, adaptable threat. Although Federal law enforcement agencies are responsible for the majority of counternarcotics missions, DOD is a critical supporting member of the team. Combating drug trafficking and related threats requires a whole of U.S. Government approach along the continuum of drug production, interdiction, investigations, intelligence and information sharing, eradication, capability and capacity building, demand reduction, and alternative livelihood development and partnerships. These are important counternarcotics elements whether combating drugs in the United States, the Western Hemisphere, or the poppy fields of Afghanistan.

Within the United States, DOD is the lead Federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States (10 U.S.C. 124). We carry out this mission in support of the counterdrug activities of Federal, State, local, and international partner law enforcement agencies through our Geographic Combatant Commands (GCCs), their subordinate commands and task forces, and as a full partner in interagency counterdrug intelligence and oper-

ations coordination and "fusion" centers located throughout the country. These include the El Paso Intelligence Center, the U.S. Customs and Border Protection Air and Marine Operations Center in Riverside, CA, and Office of National Drug Control Strategy's High Intensity Drug Trafficking Areas. In addition, DOD supports 54 State and territorial counterdrug task forces through the National Guard Counterdrug Governors' State Plans (32 U.S.C. 112). These 2,600 National Guard soldiers and airmen leverage DOD resources and unique capabilities to act as catalysts to better coordinate State and local law enforcement efforts with those of the Federal Government in attacking both the supply and demand for illicit drugs in our Homeland.

Lastly, within the Department there is a healthy, constructive, and continuous dialogue about the proper role of the military in counternarcotics activities. As you well know with two major combat operations on going and a steady state requirement for the defense of the homeland, resources are always a limiting factor. It is this competition of resources that forces all of the United States to scrutinize each mission to ensure our military members support interagency activities that not only add measurable value to our whole-of-government counterdrug efforts, but enhance, rather than detract from the readiness of our military and civilian members.

STRATEGIC COMMUNICATIONS

Question. Over the past few years, DOD has funded a growing number of counterterrorism and counterradicalization strategic communications programs. While the Department does not have a separate budget outlining its strategic communication activities, the Government Accountability Office reports that DOD "spent hundreds of millions of dollars each year" to support its information operations outreach activities, including recent initiatives funded by the JIEDDO and GCCs. Many of these ongoing programs are in support of operations in Iraq and Afghanistan, but Military Information Support Teams from United States SOCOM are also deploying to U.S. embassies in countries of particular interest around the globe to bolster the efforts of the Department of State and the U.S. Agency for International Development (USAID).

What are your views on DOD's strategic communications role and its integration into overall U.S. foreign policy objectives?

Answer. Quite honestly, I am not a fan of the term strategic communications. I believe that we are best served by a communications policy that aligns deeds and words, and that builds on America's historic reputation for being credible and reliable—saying what we mean and doing what we say. The Department of State is the designated lead for U.S. Government communication efforts at the national level, developing and coordinating "whole-of-government" foreign policy objectives and supporting programs for the communications efforts through the NSC. Our military activities are integrated with and support these objectives and programs. All of our servicemembers have an important role to play—aligning our actions and communications activities at the tactical, operational and strategic levels in a manner that minimizes "say-do" gaps, and represents our national interests and values in a culturally appropriate manner.

Question. What is your view of the apparently expanded role of the U.S. military in supporting U.S. strategic communications programs led by the State Department and the USAID in countries other than Iraq and Afghanistan?

Answer. As noted above, I believe that the military performs a vital role in national communication programs, and one that remains consistent with our authorities and responsibilities. We provide worldwide forward-deployed military communications resources and unique capabilities in support to State and USAID efforts. Over the past decade, military activities supporting these "whole-of-government" programs have expanded in concert with growing regional challenges and our global engagement posture. However, they are but one component of extensive collaboration with our interagency partners to promote national policy objectives. We often find that DOD has capability and capacity that, when coupled with State and AID programs, provides a powerful lever to advance U.S. Government interests and objectives. I appreciate Congress's continuing support for further development of these important capabilities.

IRAN

Question. What options do you believe are available to the United States to counter Iran's growing influence in the Middle East region?

Answer. Iran continues to be one of the most destabilizing regional actors with regard to Iraq, Afghanistan, and the broader Middle East region, and therefore must be taken into account as we execute and develop future policy. Our policy and

strategy regarding Iran requires close coordination of all elements of national and international power. The President has articulated an initial policy of reaching out to Iran, which I fully support. I also support current diplomatic and economic initiatives with regard to Iran, to include U.N. actions (both sanctions and financial measures), regional initiatives, and international pressure. I fully support the Department of State's Gulf Security Dialogue initiative to strengthen and reassure our regional partners. This includes military aspects such as capacity building, border security, missile defense, and proliferation security initiatives.

Question. In your view, does Iran pose a near-term threat to the United States by way of either its missile program or its nuclear program?

Answer. While these programs will not threaten the U.S. Homeland in the near term, Iran's posturing can threaten U.S. interests in the region. These include Iranian use of proxies in Iraq, Afghanistan, Lebanon, the Palestinian territories, on the African continent, and even in the tri-border region of South America.

Question. If you believe either of these programs pose a near-term threat, what in your view are the best ways to address such a threat?

Answer. I will continue to support current initiatives with regard to Iran, to include engagement, U.N. actions, regional initiatives (to include reassuring our regional partners), financial measures, and international pressure. We encourage Iran to fulfill its responsibility with regard to international agreements to the Non-proliferation Treaty, of which Iran is a signatory, and the additional protocol.

Question. Other than nuclear or missile programs, what are your concerns, if any, about Iran?

Answer. A primary concern is Iranian malicious activity throughout the region through the use of proxies in an effort to extend Iranian influence into sovereign nations by providing weapons, technology, training, and finance. This can be seen through Iranian support to HAMAS and Hizballah, as well as interference within Afghanistan and Iraq. I am concerned Iran's continued malign activities will impact stability and potentially the regional economy. It is important to maintain and strengthen our relationships with our regional partners and allies, by continuing to build partner capacity, as well as land and maritime security to counter Iranian malign influence in the region. I will continue to work in close coordination with all applicable U.S. Government departments to ensure our policies toward Iran take a regional approach.

Question. What concerns, if any, does the election related unrest in Iran raise from a military perspective?

Answer. I am concerned that the growing influence of Iran's Islamic Revolutionary Guard Corps over Iranian politics will result in the militarization of Iranian foreign policy. Nonetheless, at the moment I do not project any significant changes to Iran's overall foreign policy objectives. I have observed no positive effects on the Iranian military as a result of recent election unrest.

CHINA

Question. China has an increasingly significant role in the security and stability of the Asia-Pacific region and the United States must determine how best to respond to China's emergence as a major regional and global economic and military power.

What is your assessment of the current state of U.S.-China military relations?

Answer. Relations between the U.S. and Chinese militaries are consistent with years past. The moratorium in exchanges unilaterally imposed by the People's Republic of China last year has been lifted, permitting the continuation of military-to-military exchanges. The increasing number of exchanges notwithstanding, I am concerned about China's continued lack of transparency with regard to People's Liberation Army modernization, capability, and strategic intent. I am hopeful that we can keep the substance and the tone of our military relationship with China on a positive trajectory.

Question. How would you characterize the quality of U.S.-China military-to-military engagements to date and what should be the U.S. goal for such engagements in the future?

Answer. U.S.-China military-to-military relations, as constituted, provide opportunities for exchange and dialogue on a representational level, but are not yet sufficient to provide enhanced understanding of China's intentions or capabilities. Moreover, the relationship is fragile, and vulnerable to perceived slights. Our goal is to establish continuous communication channels that are open not only when relations are good, but in periods of turbulence as well. We have recently had several engagements including Defense Consultative Talks, the Chief of Staff of the Army's visit, and Special Military Maritime Consultative Agreement dialogues. These indicate a

gradual willingness on the part of China to engage in a more substantial relationship, and I welcome this.

U.S. RELATIONS WITH RUSSIA

Question. U.S. relations with Russia, although strained over a variety of issues, have improved recently in some areas. At the Moscow Summit in July, you signed a new strategic framework for U.S.-Russian military-to-military engagement with your Russian counterpart.

What do you believe are the potential benefits and opportunities to improve U.S.-Russian relations either through military-to-military programs or other cooperative actions that you would recommend?

Answer. We have witnessed positive developments in our interaction with Russia since the Presidents agreed at the Moscow Summit to pursue a more constructive relationship based on mutual security interests. While we will undoubtedly continue to experience challenges in our bilateral relationship, we are committed to a course change with Russia, which will require strategic focus, effort, and discipline. The Strategic Framework General Makharov and I signed at the Summit puts our Nations' militaries on a more pragmatic and reciprocal path to cooperation in areas where we share common interest, such as counterterrorism, counterproliferation, crisis response, peacekeeping and anti-piracy. In those areas, I believe we can make the most progress towards achieving operational capability for combined missions and in formulating common strategic approaches to the challenges that face both nations. Additionally, militaries of the size and capabilities possessed by our Nations should remain engaged in constructive communications and dialogue, not only to foster understanding and address unforeseen consequences, but also to promote positive cooperation and enhance regional and global peace and stability. Enhanced communications will aid in mitigating our strategic differences and will serve to cultivate a positive change in Russia's policy approach

MISSILE DEFENSE COOPERATION WITH RUSSIA

Question. In an interview with a Russian newspaper before the July Moscow summit meeting, President Obama said the following: "We have not yet decided how we will configure missile defense in Europe. But my sincere hope is that Russia will be a partner in that project. If we combine our assets on missile defense, the United States, Russia, and our allies will be much safer than if we go it alone. I see great potential here, and I hope to have a robust discussion with President Medvedev about these possibilities for cooperation on missile defense when I am in Moscow next week."

Do you agree with the President that missile defense cooperation with Russia would serve our mutual security interests and could enhance our security against potential missile threats from nations like Iran?

Answer. Yes. We remain interested in exploring cooperative opportunities that would complement our missile defense architecture. As an example, we believe the Russian Garbarla Radar in Azerbaijan and the Armavir radar in southern Russia could be additive to our missile defense architecture and provide helpful information for early ballistic missile warning detection. It would go a long way towards reassuring the Russians that our missile defense efforts in Europe are not directed towards their nation. While we are realistic about Russian willingness to join the United States in this endeavor, cooperation could be an important element in a broader strategic partnership between the United States and Russia aimed at addressing the key security challenges facing both our Nations.

BALLISTIC MISSILE DEFENSE

Question. With the fiscal year 2010 budget request, Secretary Gates has refocused the Department's missile defense program on effective theater missile defenses to protect our forward deployed forces, allies, and friends against existing short- and medium-range missile threats from nations like North Korea and Iran. The budget request would provide $900 million in increased funding for more of the Terminal High Altitude Area Defense and Standard Missiles-3 interceptors, and more Aegis Ballistic Missile Defense ships.

Do you agree with Secretary Gates' decision to increase the focus on effective theater missile defenses to defend our forces against existing regional (short- and medium-range) missile threats from nations like North Korea and Iran?

Answer. Yes. Our forces are increasingly threatened by shorter-range ballistic missiles and the proliferation of dangerous technologies among rogue regimes and non-state actors. In addition, states like Iran and North Korea continue to develop

longer-range ballistic missiles with which to threaten the United States and our allies and friends.

Question. The administration is considering a number of options for possible missile defense in Europe against a potential future Iranian missile threat, including the previously proposed deployment of missile defense capabilities in Poland and the Czech Republic.

From a technical standpoint, do you believe there are a number of possible options for a missile defense in Europe, and do you believe a land-based Standard Missile-3 (SM–3) interceptor could provide a useful capability against future Iranian missile threats, both to Europe and potentially to the United States?

Answer. Yes. I believe there are a number of technical alternatives for missile defense architectures in Europe. Land- and sea-based SM–3 interceptors, along with the necessary sensors and warning from both ground and space, could be key components of an alternative technical architecture.

Question. The fiscal year 2010 budget request for the Missile Defense Agency includes an initiative to develop the capability to intercept ballistic missiles early in their flight, sometimes referred to as the "ascent phase." This initiative would use the SM–3 interceptor along with existing and near-term sensors. If this capability is developed successfully, it could permit the United States to intercept long-range missiles from nations like North Korea well before the Ground-base Midcourse Defense system would have to be used to defend the Nation.

What is your view of the potential value of an early intercept or ascent-phase intercept capability?

Answer. An early or ascent-phase intercept capability would improve defense of theater areas and the homeland, and we are considering options for that potential capability. This defense capability would allow more intercept opportunities and potentially conserve interceptors by allowing more shoot-look-shoot vice salvo engagements. As a hedge against evolving future threats, destroying a threat missile early in flight reduces the effectiveness of the missile's countermeasures.

SECURITY FORCE ASSISTANCE

Question. Secretary Gates has repeatedly called for strengthening the civilian capacity and capabilities of the U.S. Government, and has also stressed the importance of fostering the capabilities of international allies and partners. What is less clear, however, is whether DOD's military and stability support capabilities, in terms of resources and requirements, ought to shrink, as the capabilities of U.S. Government civilian agencies and international partners grow.

To what extent, if any, should assumptions about future growth in or availability of U.S. Government civilian capacity and capabilities shape calculations of Defense Department requirements, force structure, and investment decisions?

Answer. I would suggest that this is about growing overall U.S. Government capacity rather than simply shifting existing capacity. DOD requires substantial and enduring capabilities to conduct stability operations to succeed in contingencies where a non-permissive environment either disallows or severely constrains the deployment of civilian professionals.

That said, the U.S. Government also requires a robust civilian expeditionary capability for contingencies where the security environment is permissive—and not just for post-conflict stabilization, but also to conduct stability operations on a preventive basis—to help partners solve problems before they become crisis that may require military interventions.

On several occasions, my predecessors and I—and the Secretary of Defense—have testified before Congress regarding the national strategic importance of this civilian expeditionary force. Moreover, the Joint Staff and OSD have been working in earnest with the State Department and Congress on development of this civilian expeditionary capability since 2004. Unfortunately, progress has been very slow. It took almost 5 years to get authorization to establish a Civilian Response Corps (CRC) under the aegis of the State Coordinator for Reconstruction and Stabilization. In fiscal year 2009, Congress appropriated $75 million for the CRC, which has since resulted in the recruiting of 67 of 250 CRC–Active component personnel (the full-time first responders) and 530 of 2000 CRC–Standby component personnel (those assigned other full-time duties but who train and volunteer to deploy when available). S/CRS hopes to have all 250 CRC–A and 1,000 CRC–S in place by the end of fiscal year 2010. We are pleased with this recent progress, but frankly, the small size of the CRC suggests DOD must continue to prepare for situations where its capabilities may be overwhelmed or where the threat situation prohibits their deployment.

Question. To what extent, if any, should assumptions about future growth in, or the availability of, the military capabilities of our international partners and allies

shape calculations of Defense Department requirements, force structure, and investment decisions?

Answer. We do account for allied and partner capabilities as we consider investment decisions, although we do so on the margins. However, we do not see any large increase in partner capacity forthcoming. There are exceptions; however. For example, as we consider worldwide distribution of missile defense assets, we continually assess (and encourage) the contributions of partner nations. OEF and OIF resulted in an intensive 8-year effort to build the capacity of our coalition partners to work with us. At the height of our efforts in Iraq, we had 34 countries and 25,000 coalition troops deployed. Right now in Afghanistan, we have 41 countries and 37,000 deployed troops fighting along side us. I consider this a substantial accomplishment. These coalition forces have reduced requirements for the deployment of U.S. forces and reduced the risk to U.S. forces that are deployed. However, there is much more we can do and we need your help in three areas.

First, we need authorization to use Section 1206 Global Train and Equip authority to train and equip coalition partners. DOD appreciates the recent clarification provided by the Committees on Armed Services of the House and Senate (HASC and SASC), respectively in their reports on the National Defense Authorization Act (NDAA) for Fiscal Year 2010 bills, which endorse the use of section 1206 to train and equip partners for participation in coalition operations in Afghanistan. We look forward to clarification being included in the NDAA for Fiscal Year 2010 bill that emerges from conference.

We currently have an appropriation that allows the United States to loan equipment, called the Defense Coalition Readiness Program, but our partners cannot keep it. This greatly complicates the problem of fielding coalition partners who have no way to maintain their readiness once a deployment is complete. Foreign partners such as Georgia, Jordan, Columbia, and many others are willing to conduct multiple deployments over a period of years, so it makes little sense to let their capabilities atrophy between each deployment and start over from scratch each time.

Second, the ceiling of $350 million on section 1206 authority needs to increase. Every geographic commander has cited section 1206 as the most important program they have to address rapidly threats and opportunities in their theater. Annual global demand is about $800 million per year and, once proposals vetted, we have about $500 million in quality strategic programs operating under a $350 million cap. If we expand the use of section 1206 to train and equip coalition partners, the demand will only grow.

Third, for 3 years now, we have requested that Congress grant U.S. authority to establish a standing inventory of equipment that we know almost every coalition partner will need to deploy to the warfight. This year, we requested an appropriation of $22 million in addition to the authority. The lack of this authority creates very long lead times in the provision of equipment to foreign partners because they are often standing in line behind our own force requirements. In some cases, the lack of this authority has delayed deployment of coalition partners by 8–10 months, which simply increases risks to U.S. forces.

Question. A major operational effort in both Afghanistan and Iraq will be building their military and police forces' capability such that these forces can eventually take on the responsibility for securing their populations and fighting insurgents.

What organizational and operational realignments in military structure and resources, if any, are necessary to create, train, equip, and deploy U.S. personnel or units to meet these increased requirements for security force assistance?

Answer. SOCOM is currently designated as the proponent for Security Forces Assistance (SFA) within DOD. In this role, they lead development of joint SFA doctrine; lead the development of joint SFA training and education for individuals and units; lead the identification of required joint SFA capabilities across all warfighting domains; lead the development of joint SFA mission essential ask lists; collaborate with Joint Staff and JFCOM, in coordination the Services and GCCs, to develop global joint sourcing solutions that recommend the most appropriate forces for validated SFA requirements; serve as a source of SFA expertise to Joint Task Forces or Combatant Command Headquarters; coordinate through OSD other U.S. Government agencies on future SFA-related initiatives, strategies, concepts and plans; and assist USD (P&R) in identifying critical SFA skills, training, and experience.

Additionally, as you may know, several years ago we established the Joint Center for International Security Assistance to capture and analyze security force assistance lessons from contemporary operations in order to advise combatant commands and Military Departments on appropriate doctrine, practices, and proven tactics, techniques, and procedures to prepare for and conduct security force assistance missions efficiently. That activity currently reports to me, but that alignment is under review. Finally, I should mention that all SFA-related activities in the Department

are under review in the current Quadrennial Defense Review, which is assessing gaps in SFA capabilities, alignment of responsibilities and authorities, and SFA process.

With respect to your questions on police, DOD requires some capability to train and equip police forces to succeed in contingencies where a non-permissive environment either disallows or severely constrains the deployment of civilian professionals. But my strong preference is that the U.S. Government develops a civilian expeditionary capability that includes a robust police training component. Until this exists, DOD will have to fill the gap, as we have done in Iraq and Afghanistan.

BUILDING PARTNER CAPACITY

Question. In the past few years, Congress has provided DOD a number of temporary authorities to provide security assistance to partner nations. These include the global train and equip authority (section 1206) and the security and stabilization assistance authority (section 1207). There is growing debate over whether these temporary authorities should reside in DOD or the Department of State, if they are continued beyond their current authorizations.

What should be our strategic objectives in building the capacities of partner nations?

Answer. Building the capacity of foreign partners to counter terrorism and promote regional stability around the world is an investment in a preventive strategy that is fundamental to our national strategy. There are several reasons why this is true. First, we can save American lives and reduce stress on U.S. forces by helping partners solve problems before they become crises that require major U.S. military interventions. Second, the United States does not have sufficient military forces to deny terrorists sanctuary everywhere in the world. So we must rely on partners: helping to build their capacity and creating networks of partners working together to counter terrorism. Third, if properly trained and equipped, foreign forces can often be more effective than U.S. forces because they know the language, politics, culture, and human terrain. Fourth, the enemy uses as a recruiting tool the large U.S. military footprints abroad. Capable foreign forces can alleviate requirements for large U.S. military footprints. Finally, the United States is at peace with many countries where terrorists enjoy sanctuary or where instability threatens our security interests. So we must work with and through them to help reduce terrorist space, capability, and influence and to help promote stability.

These concepts are now firmly embedded in our defense guidance documents and the Services and combatant commands have earnest efforts underway to implement that guidance. In DOD's Guidance for Employment of the Force, preservation of peace and security is as important as combat operations. DOD's Guidance for Development of the Force now puts a premium on development of U.S. capabilities to assist foreign partners. Our global counterterrorism plan, which has both kinetic and indirect lines of operation, now prioritizes the indirect lines (working with and through partners) as the decisive and priority lines. Two sweeping DOD Directives require the Services and combatant commands to develop capabilities to conduct stability operations and irregular warfare that are on par with combat capabilities. Finally, we have created the DOD Building Partnerships (BP) portfolio, one of nine portfolios that together are inclusive of all of the activities of the Department. Our BP portfolio gives the United States a horizontal look across BP programs and activities within DOD so we can make better investment decisions in this important area.

Question. What is your assessment of these temporary capacity-building authorities, in particular section 1206 and section 1207?

Answer. As stated above, each geographic commander has cited section 1206 as the most important program he has to address rapidly threats and opportunities in their theater. State Department Ambassadors also speak very highly of this program. We consider it our gold standard security assistance program. It is critical to reducing military risk on a preventative basis. I will continue to advocate for a permanent authority.

Section 1206's flexibility allows it to meet urgent and emerging threats or opportunities. Funds are not earmarked, but allocated against priorities using a merit-based process. It requires joint DOD-Department of State formulation and approval of programs. This has brought about significantly improved interagency cooperation and effectiveness in meeting goals in the areas of building partnership capacity.

In addressing train-and-equip authorities, the recent mark-up by the HASC recognized the significant and "fundamental distinction of purpose between [FMF] requirements generated on behalf of the partner nation (consistent with U.S. policy), and [section 1206] requirements generated through a DOD-led assessment of United

States' national security needs ....'' This recognition by the HASC is a significant and positive shift in philosophy.

Section 1206 needs to be kept closely tied to DOD's mission. It should not be used to: (1) backfill State FMF shortfalls; (2) fund activities with long production times that will not meet priority military needs; (3) fund programs appropriately funded by other means (e.g., counternarcotics funds); or (4) serve as a tool of near-term convenience (e.g., a political quid pro quo).

There are some perpetual misconceptions about section 1206 and DOD's appropriate role in security assistance that I would like to clear up. Foremost, the program is often portrayed as a DOD run on a State Department mission. However, DOD has executed train and equip missions on behalf of the Secretary of State for decades. Section 1206 introduces only two innovations. It allows DOD to pay for security assistance programs, and it allows DOD to vote on which programs are implemented. In other words, complaints about section 1206 are driven by concerns over budgetary jurisdictions that have nothing to do with national security or the prerogatives of the Department of State. The Secretary of State exercises oversight of the program and DOD simply "pays" and also "votes."

In my view, this shared jurisdictional model is a very good one. DOD requires shared jurisdiction with State over the provision of security assistance in cases where we bear the preponderance of risk, including risk to the lives of our servicemembers. In my mind, there are four clear cases: (1) Combat operations where security assistance is a strategic imperative (i.e. Iraq Security Forces Fund, Afghanistan Security Forces Fund); (2) Security assistance to partners that directly affect the outcome of combat operations (Pakistan Counterinsurgency Capabilities Fund); (3) Security assistance to partners who will deploy with the United States for combat operations or other multi-national operations; and (4) Security assistance to respond to urgent threats or opportunities, to help partners solve problems before they become crises requiring major military interventions (e.g. section 1206).

Our requirement for section 1207 Security and Stabilization Assistance authority is similar. DOD should be able to effect cash transfer to State for the execution of civilian assistance programs that buy down military risk. Stability in Haiti, for instance, has remained a concern. We know from historical experience that instability led to mass migration, triggering deployment of U.S. forces to restore stability. We therefore supported a set of section 1207 civilian programs that ultimately resulted in stabilization of Cite Sole, which for decades has been the major source of political instability in the capital. Those section 1207 programs created an environment that was permissive enough to pave the way for millions of dollars of follow-up aid that reinforced the initial effort. Georgia is another good example. After Russia's invasion of Georgia last year, section 1207 was the most flexible and responsive program the U.S. Government had to provide food and livelihood support to Internally Displaced Persons and to rebuild police capacity. This was the first aid received by the Government of Georgia. It was critical to restoring stability, which was very much in our national security interest. Not every section 1207 program is going to succeed or turn a country around, but we need the ability to look for opportunities like this to buy down security risks.

Question. What role should the combatant commander play in determining the security assistance requirements within the commander's area of responsibility?

Answer. The Secretary of Defense tasks GCCs to develop plans to achieve desired theater end states that support enhancement of U.S. security and that of our allies. One of the most important tools they employ in the development of those plans is security assistance. But their plans are developed in coordination with country teams that include military security cooperation officers, and combatant command plans must also support Embassy mission strategic plans. The section 1206 program exemplifies this model. Joint formulation of program proposals is highly encouraged and has become the norm, and Embassy and combatant command concurrence is required for any proposal to be considered. It is also important to note the critical role of the foreign partner, who must also agree to the program in support of a shared security interest.

Question. What should be the relationship of the global train and equip authority to other security assistance authorities, such as DOD counternarcotics assistance and State Department foreign assistance and foreign military financing?

Answer. We are diligent in our deconfliction of section 1206 with counternarcotics (CN) funds and have disapproved section 1206 proposals that were clearly aimed at subsidizing CN efforts. That said, Congress has disapproved some section 1206 proposals in SOUTHCOM that we considered valid. In particular, we would like to use section 1206 in SOUTHCOM to train and equip professional SOFs to build additional defensive layers along our southern water border. Some Congressional staff have expressed the view that a terrorist threat must be extant in SOUTHCOM in

order to use global train and equip. That is a pre-September 11 view of the world. Any terrorist organization can buy its way into the illicit networks and routes to our South. We would like the flexibility to train and equip foreign SOFs that may not otherwise be a priority for counternarcotics funding.

With respect to foreign military financing (FMF), we consider this to be a long-term strategic tool that is of importance to DOD and the United States, but this program does operate under a number of significant constraints. The administration has initiated a review of security assistance authorities, which will address some of these current constraints, and Congress will likely see the results of that review in the form of change proposals in the next legislative cycle. I would prefer to defer on any other particulars pending the outcome of that review.

Question. In the last few years, some of the security assistance provided has gone to countries that may have troubling records on human rights issues or civilian control of the military in the past. How do authorities like section 1206 seek to ensure the near term, national security critical benefits of the assistance we provide do not produce long-term negative consequences?

Answer. Train-and-equip programs like section 1206 help our partners gain security capabilities that can stabilize ungoverned areas, consequently depriving terrorist organizations of potential safe havens. This authority also assists our partners in securing their national borders, restoring legitimate authority, and establishing the rule of law—all elements that strengthen democracy and governance.

The Department's current train-and-equip programs are implemented according to statutory requirements that no equipment, supplies, or training that are prohibited may be provided by any provision of law, nor may a capacity-building program be provided for any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law. Both the General Counsel of DOD and the Legal Adviser at the Department of State certify that each project complies with all legal requirements before they are approved by the Secretaries of Defense and State. In particular, we rely heavily on our colleagues at the Department of State for the vetting of recipient units in accordance with the Leahy amendments.

In addition to abiding by the statutory requirements, before implementing any train-and-equip program, we carefully assess, in close consultation with the Department of State, the potential political and military implications a program may have on partner nations. Program development and collaboration in the field between the chief of mission and the combatant commander is the first step in a rigorous interdepartmental process to target our security assistance toward appropriate military units within a country. This process continues in Washington through close coordination by the regional and functional offices at the Departments of Defense and State and culminates in approval by the Secretary of Defense, with the concurrence of the Secretary of State.

Special efforts must be made to avoid human rights violations that can result from myopic security assistance efforts. As you are aware, under section 1206, we are not authorized to provide equipment, supplies, or training to a foreign military unit unless it has been vetted for information regarding human rights violations by the Department of State. Both Departments consider the protection of human rights as a paramount concern, and we devote a considerable amount of time, analysis, and effort in critically vetting every proposed train-and-equip program to ensure the units receiving assistance do not have a history of human rights abuses. In addition to their role in vetting recipient units in accordance with the Leahy amendments, we also rely on our colleagues at the State Department to assess human rights and foreign policy implications broadly as part of the requirement for the Secretary of State's concurrence in all section 1206 programs.

Military train-and-equip programs must uphold the cornerstones of democracy—human rights and fundamental freedoms, and the rule of law. Please be assured that we share your concerns about promoting human rights, building enduring stability, and creating an environment for good governance to prevail.

Question. In a speech to the Nixon Center in January, you argued for a whole-of-government approach and said that the military should be more willing to say when the Armed Forces are not "the best choice to take the lead." You also said you would support transferring DOD resources to other U.S. Government departments when needed.

What factors do you believe should be considered in determining those situations in which the Armed Forces should step back from taking the lead in favor of other civilian agencies?

Answer. In a permissive environment, I believe the State Department should have the lead in the conducting of stability operations; with DOD in a supporting role,

if required. This is playing out in our planning for the responsible drawdown in Iraq.

Question. Do you continue to see a need to be able to transfer DOD resources to other U.S. Government departments?

Answer. Yes. We routinely run into situations where other Departments have the authority to conduct an activity that is critical to DOD, but they lack the funding to provide the support we need. I believe we should consider an authority whereby DOD could exercise cash transfers to other Departments in certain circumstances—to reduce risk to the lives of our servicemembers or other Government employees, for instance, or to pay for an activity that will significantly reduce the cost of DOD operations. I would cite as an example our desire to provide air traffic control equipment to a particular Central Asian country, which would enable it to handle more of our logistics flights into Afghanistan. Because this nation's air traffic control is provided by a contractor, DOD is challenged to find the authority to fund a capability that could save the U.S. Government millions of dollars in transportation costs.

COMBATANT COMMAND STRUCTURE

Question. In recent years, U.S. Africa Command and U.S. Southern Command have adopted command structures that embed civilian personnel from other government agencies, such as the State Department, the Drug Enforcement Agency, the Federal Bureau of Investigation, and others.

What is your view of this type of command structure and do you believe it should be adopted by the other GCCs?

Answer. There is a clear need to continue our efforts to improve DOD/Interagency coordination. We continually assess and analyze our interagency cooperation and coordination efforts, and will press forward with best practices and solutions. Nevertheless, there is no "one-size-fits-all" combatant commander structural model for improving interagency coordination. I believe it is particularly appropriate for combatant commands that are not actively engaged in or potentially confronted by major combat operations, to investigate the feasibility of new structures and processes that support this goal.

SOUTHCOM, for example, has adopted a strategy-focused staff organization with a goal of seamless interface with interagency counterparts. AFRICOM, on the other hand, has eliminated the traditional J-code structure, combining complimentary functions and significant structural modifications to accommodate the interagency. Importantly, we have seen improvement in interagency participation and coordination in both commands.

I would point out, however, that our other combatant commands are actively pursuing, and achieving, a high degree of interagency integration and cooperation.

All of these efforts strongly suggest we are on a positive trajectory toward our goal of achieving a comprehensive, integrated government-wide approach.

SPECIAL OPERATIONS COMMAND

Question. The Commander of SOCOM recently submitted a number of proposals to OSD designed to improve the coordination between SOCOM and the Services related to personnel management issues, including assignment, promotion, compensation, and retention of SOFs. Included in these proposals was a modification of section 167 of title 10, U.S.C., that would change the role of the SOCOM Commander from "monitoring" the readiness of special operations personnel to "coordinating" with the Services on personnel and manpower management policies that directly affect SOFs.

Do you support a change to title 10, U.S.C., to give the Commander of SOCOM greater influence on personnel management decisions and policies related to SOFs?

Answer. I support the coordination between SOCOM and the Services related to personnel issues. OSD has directed this close coordination and included language in DOD Directive 5100.01 that meets the intent of SOCOM Commander's proposals. In discussion with the SOCOM Commander and the Services, I believe that a modification to section 167 of title 10, U.S.C. is not needed at this time.

Question. Earlier this year, the Commander of SOCOM testified that "We are and will be dependent upon our Service partners for key force enablers. The non-availability of these force enablers has become our most vexing issue in the operational environment."

Do you agree that there is a shortage of enablers for missions carried out by SOFs? If so, how should these shortages be addressed?

Answer. Yes. Over the past few years, we have significantly grown our SOF combat capabilities, but did not proportionally grow enablers for those SOF elements.

Since SOF elements are not sized or resourced to maintain a large support structure, the bulk of SOF enabler support must be provided by the Services or GCCs.

To address these shortfalls, SOCOM has begun several initiatives focused on internal reprioritization, growing their own force structure, and force management. Although SOCOM currently estimates their current enabler shortage through 2015 to be approximately 30–35 percent, their proposed QDR 2010 initiatives would reduce those shortages by 10 percent. SOCOM is currently considering a variety of other initiatives, including GCC and Service provided support, to address the remaining shortfalls, and once complete, will forward those for my review.

ARMY GROUND COMBAT VEHICLE PROGRAM

Question. The Department's fiscal year 2010 budget request includes cancellation of the family of armored manned ground vehicles in the Future Combat Systems (FCS) program. In announcing his decisions to restructure FCS and cancel the manned ground vehicle, and then again later in a speech at the Army War College, Secretary Gates emphasized his commitment to help the Army get a new ground combat vehicle (GCV) in 5 to 7 years and promised to protect the Army's future year's funds that had been aligned with the FCS program for this purpose.

What, in your view, is the appropriate schedule for developing a new GCV system?

Answer. I support Secretary Gates' commitment to help the Army field a new GCV in 5 to 7 years. In the fiscal year 2010 FCS budget decision, an important factor was the need to focus that investment on delivering useful military capability sooner than later. I think the timeline proposed by the Army is reasonable. It will help allow inclusion of the lessons from the current fight over time, to see what changes are needed, and incrementally make these changes.

Question. What is the operational urgency, if any, in fielding a new GCV in a 5–7 year timeframe?

Answer. We have learned much over the last 8 years of war. The Department must strike a balance between what equipment is needed for today's fight with what equipment is desired for the future. Persistent conflict and the complex nature of the threat are re-defining the timelines for modernization. The enemy is more rapidly adapting its tactics to exploit weaknesses in our current combat vehicles, even as enhancements are made to counter those changing threats. Some of our combat vehicles have increased vulnerabilities due to space, weight, and power limitations that cannot be resolved by further upgrades alone as with the Bradley Fight Vehicle and the M113 family of vehicles. Despite our enhancements, survivability and vehicle protection requirements clearly demonstrate the need for a faster and more flexible GCV acquisition approach to field capabilities quickly and efficiently, when and where needed. The Joint Staff is supporting the Army as they fundamentally relook their requirements for a new GCV, as well as the BCT modernization strategy. The Army is also working closely with the Marine Corps in this refocused effort, and is scheduled to outline its requirements way ahead to the JROC this fall.

Question. Are you confident that DOD will protect the Army's original FCS funds to start and sustain a new ground vehicle modernization program?

Answer. Yes. The Department is committed to start a new GCV modernization program that strikes the right balance to address the span of threats current and in the future that we will likely face. There will be challenges ahead to reset, reconstitute, and revitalize our force with investments that pay dividends today, tomorrow, and well into the future.

Question. If confirmed, what actions will you take to ensure that DOD provides the funds as promised?

Answer. If confirmed, I will remain fully committed to providing the best possible military advice to our Nation's leaders and to ensure the necessary resources are provided to strike the right balance to prevail in our current conflicts while also maintaining, equipping, and preparing the force for the challenges of tomorrow. I believe that the new GCV modernization program is part of the Army effort to strike this balance.

INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE

Question. Recently, the Office of Operationally Responsive Space (ORS) launched the TACSAT 3 small satellite with a payload, know as Artemis, that can be used by commanders in the field. ORS is also in the process of developing an additional small satellite, ORSSAT 1, specifically designed to be taskable by the commanders in the field.

In your view, how will these small satellites provide additional needed ISR capability not currently available in Afghanistan and elsewhere?

Answer. Small, low cost satellites can provide the joint warfighter with highly responsive capabilities to meet unanticipated or otherwise unmet needs.

TACSAT–3 was designed to assess the military utility of hyper-spectral imaging and test real-time data downlink to a theater. Once the demonstration is complete, residual capability/capacity may be available to the warfighter to support theater needs.

ORS–1 is intended to exercise our ability to quickly provide capability to the warfighter. Once built and launched, it is anticipated it will meet specific CENTCOM needs.

Lessons learned from these activities might not only assist filling current joint warfighter needs, but also improve our Nation's ability to provide options to meet future joint warfighter needs.

REDUCTIONS IN NUCLEAR WEAPONS

Question. The President has made a commitment with Russian President Medvedev to bilaterally reduce the number of operationally deployed nuclear warheads.

Do you believe reductions in the total number of warheads, both reserve and operationally deployed are feasible?

Answer. I believe the United States, with similar reductions by Russia, can reduce the total number of nuclear warheads, and still maintain an effective deterrent. The New Strategic Arms Reduction Talks (START) Treaty negotiations do not address nuclear weapons in Reserve status, only operationally deployed weapons. The proposed range of 500–1,100 strategic delivery vehicles (which includes heavy bombers, ICBMs and SLBMs) and a limit of 1,500–1,675 warheads will be sufficient to maintain U.S. strategic deterrence. The currently ongoing Nuclear Posture Review is looking at these potential reductions in both its international dimensions and from a stockpile and infrastructure perspective and is fully informing our START Follow-On negotiating team. This review will help United States ultimately decide on the supportable limits.

Question. Do you believe reductions in the total number of START accountable delivery systems could also be reduced in a bilateral context?

Answer. Yes. In the Joint Understanding issued by both President Obama and Russian President Medvedev, it stated that each nation would determine for itself the composition and structure of its strategic offensive arms. This is as in past agreements, where the United States has opted to maintain a larger force structure of delivery vehicles with a smaller number of warheads associated with each. The Russian Federation has done the opposite and has maintained fewer strategic delivery vehicles with a larger number of warheads associated with each. Therefore, while the number of START accounted delivery systems can be reduced, these sovereign choices may require a negotiated range of delivery vehicles.

Question. If your answer to the two questions above is yes, how should capabilities and requirements be evaluated to identify which warheads and delivery systems could be retired and dismantled?

Answer. The Nuclear Posture Review, which has been underway for several months, is examining that exact issue. Specific reductions in warhead types or delivery systems have to be studied carefully to assess the impact on military requirements while being cognizant of the challenges associated with maintaining a rapidly aging stockpile. The review is taking into consideration practical reductions in the role and number of nuclear weapons in order to strengthen our nuclear deterrent and enhance the security environment. The review is looking at over 100 separate program items and is taking into consideration maintenance of the nuclear triad and its associated warheads. The final recommendations will be a product of national security strategy guidance, stability and stockpile management. In addition, we will evaluate our capabilities and requirements with a continued focus on major power stability and an increased emphasis on extended deterrence and assurance of our allies and friends.

NUCLEAR FORCE STRUCTURE

Question. With the recent changes in operations and management in the Air Force designed to address the problems from the last decade that culminated in the mistaken transport of nuclear weapons on a B–52 bomber, there appear to be significant improvements in the nuclear enterprise. One of the underlying causes of the many problems was a lack of attention and support for the nuclear enterprise from senior military and civilian leadership.

How will you ensure that the senior leadership is provided?

Answer. The mission of safeguarding our vital nuclear capabilities and maintaining our nuclear deterrence mission requires leadership at the highest levels. Even though the Air Force has made good strides in addressing some of the problems from the last decade, there is more to be done.

Work is already underway to place a greater emphasis on the nuclear deterrent mission within the Joint Staff and the Services. I have directed standup of an organization on the Joint Staff headed by a senior executive service civilian to focus on the nuclear mission, and am devoting additional staff resources to enhance development of nuclear strategy, plans, policies, exercises, and analysis. I am also directing the Joint Staff to assess resourcing and timelines for developing curricula to educate joint officers in deterrence theory and nuclear doctrine in order to provide for future leadership.

I am providing pertinent program inputs to enhance the requirements development process via the Vice Chairman of the JCS, who serves as my representative to the Nuclear Weapons Council. The Vice Chairman is also deeply involved in addressing many of the issues and concerns associated with strengthening the nuclear enterprise within the department. This is an important leadership role that I take very seriously and will continue to emphasize as we work to bolster confidence in our nuclear deterrence capabilities.

I also strongly support the Services' efforts to correct the mistakes of the recent past and prevent their reoccurrence, as well as strengthen senior leadership involvement within the greater U.S. nuclear enterprise. I fully endorse the changes made by the Air Force to date, including forming a strategic deterrence and nuclear integration directorate within the Air Staff and their recent standup of a new major "Air Force Global Strike Command," which will be responsible for the organize, train, and equip functions for nuclear operations within their service component.

Question. Some concern has been expressed that future reductions in nuclear weapons and delivery systems will once again undermine the ability to manage the nuclear enterprise effectively.

How will you ensure that the necessary reductions in the nuclear arsenal do not undermine the need to maintain the arsenal and ensure that it is secure and accounted for?

Answer. The security and reliability of our Nation's nuclear stockpile is of paramount importance. We must be vigilant against the tendency to believe that a reduction coincides with a de-emphasis. The Air Force has taken significant steps over the last 2 years to improve its organizational alignment and command focus. The Services, U.S. Strategic Command, and the Joint Staff are also working closely with the National Nuclear Security Administration and the Department of Energy to ensure that the nuclear enterprise remains effective in supporting the stockpile even as we continue to reduce the number of nuclear weapons.

We need top down focus on the recapitalization of an aging DOD and Department of Energy infrastructure. I view this as a critical requirement, and plan to work closely with the Commander, U.S. Strategic Command, the Service Chiefs, and congressional leadership to place greater emphasis on the need to invest for a safe, secure, and effective nuclear arsenal.

GUANTANAMO BAY DETENTION FACILITY

Question. Do you support closing the detention facility at the Guantanamo Bay Naval Base?

Answer. Yes, I have said so publicly since 2005. I support the President's decision to close the detention facilities at Guantanamo Bay. On 22 January 2009, President Obama signed Executive Order 13492 ordering the closure of the detention facilities at Guantanamo Bay within 1 year. We are making every effort to meet that deadline.

The Joint Staff and DOD are working with departments and agencies across the U.S. Government to conduct a comprehensive review of our detention policy and to develop a plan for closure of the detention facilities at Guantanamo Bay.

FUTURE OF NATO

Question. In your view, what existing or new missions should be the focus of NATO's strategic efforts over the next 5 years?

Answer. NATO should concentrate its strategic efforts first on Afghanistan. This will require continuing emphasis on sustaining and increasing the international community's support and resourcing of our efforts on the ground in Afghanistan. Strategic outreach, engagement, and cooperation with the international community, to include the European Union and the United Nations, and other appropriate organizations remain critical to this approach.

I believe that other strategic priorities for NATO include: the move to deterrent presence in Kosovo; consolidating gains and further capacity-building in ISFs through the NATO Training Mission-Iraq (NTM–I); and counter-piracy efforts in the Horn of Africa. This latter mission is closely linked to NATO support to the African Union, which can address some of the root causes of piracy.

Question. In your view, how should NATO proceed on the issue of further enlargement of the alliance over the next 5 years?

Answer. The question of NATO enlargement is largely a political one that must be addressed by President and Congress for the United States, and by the governments of the other 27 NATO nations.

Question. Are you satisfied with the progress of NATO member nations, particularly new member nations, in transforming their militaries, acquiring advanced capabilities, and enhancing their interoperability with the United States and other NATO member nations? Where do you see room for improvement?

Answer. Yes. While Allied progress in these three areas varies from nation to nation, each nation is continuing, within its own means and capabilities, to make progress. Much of this progress is driven by the increasing demands of the many ongoing NATO-led operations, particularly, the operation in Afghanistan. The participation of the Alliance and of each of its individual member states over the past 6 years in ISAF is producing forces that are increasingly more deployable and sustainable. It has also resulted in the development of enhanced Alliance capabilities, and has significantly improved the interoperability between not only U.S. and other allied forces, but also between the 28 NATO nations and the 14 other partner nations participating in this operation.

Despite the Alliance's accomplishments, I believe that NATO must continue to develop its capability for response to evolving threats and challenges in new ways. Cyber warfare and counter-piracy are areas in which the Alliance can further its ability to work in a comprehensive manner with other international organizations like the European Union, the United Nations, the World Bank, and non-governmental organizations. Working in concert with these entities clearly enhances the Alliance's ability to address emerging threats as well as existing challenges in Iraq and Afghanistan. There is also work to do on the defense investment front. Only five European nations consistently meet the NATO goal of investing at least 2 percent of GDP in defense. Many NATO countries need to invest more.

Question. What steps if any could or should NATO take, in your view, to reduce tensions with Russia?

Answer. NATO should continue to use the NATO-Russia Council (NRC) as the primary mechanism for Russian and Allied consultation, consensus building, co-operation, joint decision and joint action, and as the forum for dialogue with Russia with a view towards resolving problems and building practical co-operation. In fact, the NRC Foreign Ministers met in Greece on 27 June where, among other things they identified common security interests, such as the stabilization of Afghanistan, arms control, non-proliferation of weapons of mass destruction and their means of delivery, crisis management, counterterrorism, counternarcotics, and counterpiracy.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. In connection with your first nomination to be Chairman of the JCS, you answered questions on your support for U.S. accession to the United Nations Convention on the Law of the Sea.

Do you stand by your answers provided at that time expressing support for U.S. accession to the convention?

Answer. I continue to stand by my answers. I am on record in Senate and House hearings on the United Nations Law of the Sea Convention in 2003 and 2004 fully supporting United States accession to it. In all there have been eight full committee congressional hearings since 2003. All views have been fully aired. The time has come to stop going over the same ground. I urge the Senate to provide its advice and consent as soon as possible. Since President Reagan's direction in March 1983, U.S. Armed Forces have been implementing and relying on the Convention around the world.

By remaining outside the Convention, we give up the firmer foundation of treaty law for navigational rights vital to our global mobility. There are significant national security impacts from failing to join the Convention.

- The United States must accede to the Convention to remain the leader in the development of the law of the sea and to protect our national security.
- With over 150 countries that have ratified the Convention (including all our major allies except Israel and Turkey), the failure to join maintains the United States in non-party status with Iran, North Korea, Syria, and Venezuela.

- Global security depends upon a partnership of maritime nations sharing common goals and values. One of the most important of those values is respect for the rule of law. By failing to join the Convention, some countries doubt our commitment to act in accordance with international law.
- The United States is outside the process that influences law of the sea developments such as the International Tribunal for the Law of the Sea, the International Seabed Authority (where we would have blocking authority on deep seabed claims), and the Commission on the Limits of the Continental Shelf (which will rule on claims by Arctic nations, such as Russia).
- We do not have access to the sole process for gaining international recognition with legal certainty of our sovereign resource rights beyond 200 nautical miles, especially in the Arctic where Russia has already made efforts to stake its claims. The United States is the only Arctic nation not a party to the Convention.

Question. Military and civilian leaders in DOD have consistently articulated their support for accession to the convention and have stressed the benefits for our national security.

What is being done within DOD and the Military Departments to help secure U.S. accession to the Law of the Sea Convention?

Answer. We have continued to express our clear support for the Convention to the new administration, as we did with the past administration. We were pleased to see that the Convention is listed as one of the Obama administration's Treaty priorities. We have strongly advocated for the Convention in the Interagency Ocean Policy Task Force, in which the Joint Staff participates. Finally, and most important, our military continues to rely on the provisions of the Convention—for example: in the conduct of counter-piracy operations in the Horn of Africa, to transit through the Strait of Hormuz, or to conduct military activities in the Pacific—demonstrating by our actions that the Convention helps the United States protect our national security.

UNITED NATIONS PEACEKEEPING

Question. In recent testimony before the House Committee on Foreign Affairs (July 29, 2009), Ambassador Susan Rice, U.S. Ambassador to the United Nations, stated that the United States "is willing to consider directly contributing more military observers, military staff officers, civilian police, and other civilian personnel—including more women I should note—to U.N. peacekeeping operations." She also pointed out that the United States currently has 93 personnel assigned to U.N. operations, fewer than 65 other member states including the other 4 permanent members of the U.N. Security Council.

What is your view on whether the United States should contribute more military personnel to both observer and staff positions in support of U.N. peacekeeping operations?

Answer. Current U.S. military operations proscribe any substantial commitments of U.S. forces to U.N. Peacekeeping missions and I do not see that changing for the foreseeable future. However, as our commitments change we will weigh opportunities for a more active role in support of U.N. Peacekeeping Operations.

I consider U.N. peacekeeping operations to be extremely important and cost effective in comparison to unilateral operations. The United States contributes slightly more than one-quarter of the U.N. peacekeeping budget, and when requested, we coordinate support to U.N. operations such as airlift, intelligence, and the deployment of highly skilled military staff officers/observers to assist the U.N. in the planning and conduct of peacekeeping operations. The U.N. currently has about 95,000 uniformed peacekeepers deployed worldwide and this number is growing. These peacekeepers help promote stability and help reduce the risks that major U.S. military interventions may be required to restore stability in a country or region. Therefore, the success of these operations is very much in our national interest.

By law, I maintain a small division in support of the U.N. Military Staff Committee. These officers directly support Ambassador Rice and we are in the process of boosting that staff from 3 to 10. This division is working closely with U.N. Force Generation Services to increase the number of U.S. staff officers and observers assigned to U.N. peacekeeping operations. In addition, these officers are working to ensure U.N. peacekeeping mandates have realistic objectives and attainable goals.

Finally, my staff, in coordination with the State Department and combatant commands, also assists with development and execution of plans to grow peacekeepers around the world through the Global Peacekeeping Operations Initiative. As of June 2009, over 81,000 military personnel from 75 countries have been trained.

Question. What are the advantages and disadvantages of contributing additional military personnel to U.N. operations?

Answer. In some circumstances, U.S. participation and leadership can act as a catalyst that encourages other nations to participate. We recognize that some countries might be more inclined to contribute military forces if the United States commits forces to U.N. peacekeeping efforts, especially specialized capabilities and skills that are in short supply. In addition, U.S. participation can certainly improve the prospects for mission success because we do have the most capable military forces in the world. That said, however, U.S. military forces are not necessarily what the U.N. needs the most from the United States There are political and regional sensitivities that need to be taken into consideration when deploying Western troops to developing nations. So it is often more efficacious for the United States to contribute enabling capabilities, either unilaterally or together with partners, and in some circumstances, skilled military staff that have high mission leverage but a small footprint.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important to this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to the appropriate and necessary security protection, with respect to your responsibilities as the Chairman of the JCS?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JIM WEBB

QUADRENNIAL DEFENSE REVIEW

1. Senator WEBB. Admiral Mullen, during the new administration's Quadrennial Defense Review (QDR), it is important that we do not lose sight of the larger aspects of national strategy that can fall away at the expense of today's short- and mid-term ground commitments in Iraq and Afghanistan. In our current strategic environment, these commitments can affect force structure in the short-term but really not play out to our national advantage in the long-term. We need a viable force structure that addresses our long-term strategic interests. The roles and missions of the Marine Corps dating to the Key West agreements in 1948 revolve around a narrowly defined amphibious warfare mission. However, the reality is that the Marine Corps has served as the Nation's initial-reaction force for more than 200 years—a force ready to act decisively to preserve the peace on foreign shores short of war, to protect American lives abroad, to fight insurgents, and, since World War I, to participate in extensive land campaigns. Will the QDR address this contradiction and formally recognize the Marine Corps' enduring role as the Nation's force in readiness?

Admiral MULLEN. The QDR is in progress and is planned for a February 2010 submission. The QDR will assess strategies and capabilities needed to address today's conflicts and tomorrow's projected threats but will not specifically address the roles of the Marine Corps or other Services. A separate draft directive, DOD Directive 5100.1, "Functions of the Department of Defense and Its Major Components"

will address the functions of the Marine Corps with respect to specific warfighting requirements as well as those of the other Services. This directive, once approved, should help to resolve discrepancies between previously directed roles and missions and the current use and expectations of the Marine Corps.

2. Senator WEBB. Admiral Mullen, you testified in 2007 that a Navy fleet of 313 ships equates to one reflecting "maximum acceptable risk". As a maritime nation, we should improve the quality and strength of our seapower. Its recent trajectory—with today's Navy numbering 286 deployable battle force ships—is not encouraging. Importantly, China is seeking not only to expand its economic and political influence, but also to expand its territory. China's military modernization has directly supported this endeavor. The PLA [People's Liberation Army] Navy is developing blue water capabilities that will enable it to project power into Southeast Asia and beyond to the Indian Ocean and Arabian Sea. Despite these trends, several recent news reports have suggested that the QDR will recommend reductions in the number of the Navy's aircraft carriers. What is your personal view on the need for the Navy to maintain a fleet with a minimum of 313 ships and 11 deployable aircraft carriers as now mandated by law?

Admiral MULLEN. I support the warfighting analysis that underpins 313 ships as well as that behind 11 deployable aircraft carriers. The QDR is in progress and is planned for a February 2010 submission and will examine the projected strategic environment and address threats posed by the use of advanced technology in all domains (air, land, sea, space, and cyberspace). As a broad, overarching review, the QDR will provide the Services with the strategic framework and guidance to develop specific capabilities to address projected future requirements. I too am concerned with the projected size of the Navy. We need to build to a Navy of at a minimum of 313 ships. We also need a balanced Navy in terms of capabilities and a robust industrial base based on a predicable shipbuilding plan.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

COALITION SUPPORT FUNDS

3. Senator MCCASKILL. Admiral Mullen, I was concerned to read an article from the New York Times on September 15, 2009, suggesting that the Pakistani Army may be committing hundreds of murders of civilians in the Swat Valley, allegedly to prevent the spread of Taliban support. The reports come from Swat residents and human rights organizations. The Pakistani Army has acknowledged that bodies have turned up, but its spokesmen assert that the killings are the result of civilians settling scores vice any actions by its members. I urge the Department of Defense (DOD) to look into this report to determine its credibility. I have consistently raised concerns about the DOD's Coalition Support Funds (CSF) program created after September 11 to reimburse countries like Pakistan for their logistical activities and military operations aimed at defeating terrorism in concert with U.S. strategic objectives. As you may know since late 2001, Pakistan has received almost $6 billion in CSF, which equates to about 80 percent of the total $7.6 billion allocated to all allied nations under the CSF program. The Pakistani Army has not always applied these funds with prudence, and oversight for the CSF funds has been spotty. The possibility that the Pakistani Army could be receiving U.S. funds while potentially harming Pakistani civilians is of great concern and should be investigated. Does DOD have information (unclassified or classified) confirming or denying this recent story about the murders of civilians by the Pakistani Army? If so, please provide a detailed summary of the validity or inaccuracy of this report.

Admiral MULLEN. [Deleted.]

4. Senator MCCASKILL. Admiral Mullen, what oversight mechanisms are in place to monitor activities by Pakistani forces operating in places like the Swat Valley on behalf of the U.S. Government to ensure that human rights abuses are not being conducted and subsequently funded by the U.S. taxpayer via CSF or other programs?

Admiral MULLEN. Our training programs with the Pakistan Military (PAKMIL) incorporate human rights training and stress the need to conduct counterinsurgency operations in compliance with the Law of War including the Geneva Conventions. DOD and Department of State have established Human Rights Vetting procedures to comply with the Leahy Amendment for all training and assistance programs provided to the PAKMIL. CSF is a reimbursement for operating expenses incurred by Pakistani security forces but is paid to the Pakistan government's general fund. The

PAKMIL provides periodic updates to our Embassy in Islamabad on their planned operations. The U.S. Government monitors the reimbursement of operating expenses; however, international bodies oversee allegations of human rights abuses.

5. Senator MCCASKILL. Admiral Mullen, please provide your most recent assessment of the Pakistani Army's ability, training, equipping, and resolve at addressing terror threats to the United States that exist in its border areas.

Admiral MULLEN. Pakistan has made improvements and progress toward addressing their domestic security concerns, especially with regard to the areas that have been historical terrorist safe havens. It is a dramatic step forward and should be recognized here in the United States as progress by the Government of Pakistan (GoP) as well.

The PAKMIL is in the fifth month of a sustained counterinsurgency campaign in the Northwest Frontier Province (NWFP) and portions of the Federally Administered Tribal Areas. Our train and equip program with our ally is directly tied to enhancing their counterinsurgency capability and supports the U.S. Government Strategic Implementation for our Afghanistan-Pakistan Strategy. It is a pivotal part of our regional security plan and has direct impact on the Afghan insurgency by reducing transnational terrorism threats to the United States and our allies. Our support to the Pakistanis is paying dividends and we should continue to support their efforts to defeat terrorist and insurgent groups contributing to improved regional stability. The successful operations in Swat, Makaland, Baijur, Bunner, and Lower Dir are partly attributable to our training and equipping efforts.

Our team in Islamabad concludes that U.S. Government ability to dialog with the GoP is enhanced by our willingness to commit to the GoP through our efforts with Foreign Military Financing and Pakistan Counterinsurgency Capability Fund.

6. Senator MCCASKILL. Admiral Mullen, are you confident that CSF being sent to Pakistan are actually being used to reimburse that government for legitimate operations in the fight against terrorism in that region and, if so, on what basis?

Admiral MULLEN. Yes; I am confident that the CSF is being used for legitimate operations. Over the past year we have seen significant increases in Pakistan's efforts to improve their counterinsurgency capabilities. CSF is only one part of our efforts and should be viewed as part of a broader security assistance program, which not only provides for reimbursement for military operations against terrorist organizations, but also builds counterinsurgency capabilities and provides for military modernization of the PAKMIL.

The CSF reimbursement process is deliberate and thorough, with several checks and balances built into the process. The U.S. Embassy in Islamabad receives and endorses the claim, U.S. Central Command (CENTCOM) validates that the costs were incurred in support of Operation Enduring Freedom. The Office of the Secretary of Defense (OSD) Comptroller evaluates for reasonableness and alignment with previous claims. Our embassy in Islamabad is working closely with Pakistan to ensure that the process for substantiating Pakistan's claims for reimbursement is as thorough and transparent as possible. We continue to work with the PAKMIL to constantly improve CSF processes and efficiencies, while ensuring appropriate accountability and transparency for CSF.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009

7. Senator MCCAIN. Admiral Mullen, the recently enacted Weapon Systems Acquisition Reform Act of 2009 focused on ensuring that DOD can execute contracts for major weapons on a fixed-price basis by helping the Department mete out, and understand, technological and development risk and get reliable cost estimates early in those programs' acquisition cycles. However, for fixed-price contracts to really work, requirements must be stable and clear. What specific steps has the Joint Staff taken, and do you anticipate will be taken, to help ensure the requirements of the recently enacted Weapon Systems Acquisition Reform Act of 2009 to implement much needed changes to the "requirements" process?

Admiral MULLEN. We agree that requirements must be stable and clear to support improved acquisition performance. However, we have reviewed many programs that have underperformed and the problem in these cases has not normally been with "Joint Requirements Oversight Council (JROC) approved" requirements, but rather with "derived" requirements. To address this issue, my basic plan is to:

- Get the requirement right before we start development.

- Require Program Managers to brief the Configuration Steering Board on the impacts of modifications to derived requirements before approving changes.

There are many areas where we can make process improvements to get the requirements right. These include:

- Modifying our requirements process to ensure that COCOMs take the lead in definition of new capability attributes. We will leverage the work of the Senior Warfighter Forums in this area and have mandated use of their attributes and metrics in our capability documents.
- Streamlining the capabilities based assessment (CBA) at the front end of the requirements process. Changes will help ensure the CBA provides a clear statement of operational requirements to support a subsequent Analysis of Alternatives and serves as a solid foundation for further evaluation of trades in cost, schedule, and performance.
- Continuing experiments to further involve the warfighter in the requirements development process. The JROC is conducting experiments that delegate requirements authority to functional combatant commands. The respective Combatant Command's Deputy Commander acts as Chair of the Joint Capabilities Board and serves as principal advisor to the JROC.
- Building a solid Requirements Manager Certification process to ensure that the people developing requirements have a better understanding of acquisition processes, and are aware of the potential impact of changing requirements once a program has been initiated.
- Reviewing the development and implementation of Key Performance Parameters. We are currently assessing the Net-Ready Key Performance Parameter (KPP) and the application of the Energy Efficiency KPP to ensure their impacts are well understood in current and future development efforts. Working with OSD, we will ensure that requirements parameters are properly defined, are testable and are achievable within the prescribed timeline.

We are committed to improving acquisition performance and have already implemented many of the specific reforms called for in the Acquisition Reform Act. This includes:

- Facilitating increased involvement in requirements development and decision making by our core customer, the Combatant Commanders.
- Requiring early coordination with OSD AT&L and the COCOMs on Initial Operational Capability timelines for new capability development efforts.
- Inviting additional OSD advisors to participate in JCB and JROC deliberations. This includes not only those mandated by Congress (AT&L, CAPE, and Comptroller) but also others that play a vital role in requirements definition to include DOT&E.

Once new requirements are developed, we will continue to work with OSD to ensure that they are properly translated to systems requirements and then are not changed without senior level review and approval.

8. Senator McCain. Admiral Mullen, the Joint Capabilities Integration and Development Systems (JCIDS)—the process by which the Joint Staff defines acquisition requirements and evaluation criteria for future defense programs—is much too complex and needs to be revised. What principles do you think should guide specific revisions to the JCIDS?

Admiral Mullen. Changes to our requirements process should be based on the following principles:

- Clear assignment of responsibility and accountability. The level of documentation required and the necessity to defend the analysis needs to reside with the advocate.
- Different capability needs require different levels of analysis and documentation. "Leap ahead" technology efforts require a diligent approach while merely replacing existing capability may allow more streamlined assessment.
- The development of Information Technology (IT) capabilities needs to be recognized as different and should be governed by processes that are able to leverage the most current technology without repeated trips through the requirements approval process.
- Administrative systems must require documents to move faster than the capability need.
- Requirements determination is more credible when informed by affordability and technical executability.

We have made incremental changes to JCIDS since its inception almost 7 years ago and just made a major change recently, in March 2009. These changes were

based on the principles above. We are still evaluating the effects of these modifications.

9. Senator MCCAIN. Admiral Mullen, do you have any specific ideas on how the JCIDS should be revised to help the Department manage requirements creep?

Admiral MULLEN. We have conducted numerous program reviews over the last few years, many as a result of poor cost and schedule performance. When the poor performance has been related to requirements "creep" it has generally not been due to changes in JROC level KPPs but rather as a result of changes at the "derived" requirements level. The root causes for the poor performance at this level of requirements oversight is not the result of people doing bad things they are trying to get it right. Rather it is about not managing derived requirements in a structured manner with the appropriate amount of oversight. We must require our Program Management, Acquisition Professional, Requirements Management and Financial Management Team to carefully translate JROC approved requirements into "derived" requirements and mandate a thorough review by all parties before allowing any changes. I believe JCIDS should be revised or canceled.

DEFENSE SCIENCE BOARD REPORT ON FULFILLING URGENT OPERATIONAL NEEDS

10. Senator MCCAIN. Admiral Mullen, in July 2009, the Defense Science Board published a report on DOD's ability to fulfill urgent operational needs. It basically concludes that current approaches to implementing rapid responses to urgent needs are not sustainable. Citing several institutional barriers to rapid fielding of proven technologies, the report recommends formalizing a dual acquisition path by standing up a new organization and funding stream dedicated to rapid acquisition and fielding. What aspects of the report do you agree or disagree with?

Admiral MULLEN. I am in agreement with many of the report's findings. Specifically,

1. All of DOD's needs cannot be met by the same acquisition process.
2. Rapid is countercultural and will be undersupported in traditional processes.
3. Rapid responses must be based on proven technology and robust manufacturing processes.
4. An integrated triage process is needed.
5. Institutional barriers—people, funding, and processes—are powerful inhibitors to successful rapid acquisition and fielding of new capabilities.
6. Secretary of Defense should formalize a dual acquisition path, one rapid and one deliberate.

I am also in agreement with the establishment of a fund for rapid acquisition and fielding. I believe that the determination of an appropriate funding level and characterization of this fund should be more fully studied. I disagree with the report's recommendation for establishment of a new agency—The Rapid Acquisition and Fielding Agency (RAFA). If the focuses of RAFA are on speed, utilizing existing technologies, and acquisition of a "75 percent solution", then without creating another organizational layer, the existing Service and joint processes should be improved and more fully leveraged.

SERVICE-SPECIFIC RAPID ACQUISITION AUTHORITY

11. Senator MCCAIN. Admiral Mullen, over the last few months, there has been an increase by the Services and certain commands in using their Service-specific rapid acquisition authorities to field urgent capability in the Afghanistan theater. It is not surprising that there has been an increase in the use of those authorities—particularly with regard to close air support and intelligence-surveillance-reconnaissance capabilities. I have concerns, however, about the possibility that those Services and commands might not be going about the right way—that they may be using those authorities to develop and buy new, complex weapon systems for which the broader Defense Acquisition System (the "milestone system") is better suited.

Our objective here is first and foremost that our servicemembers in theater have the weapons they need when they need it. But (however well-intended), attempts to acquire weapons systems with high technology or development risk or with substantial training or sustainment requirements in a way that frustrates the Department from fielding them as intended, does not serve our servicemembers. I am concerned that attempts by those Services and commands to use processes that were intended to satisfy discrete "unit-level" requirements to acquire larger, more complex weapons systems that should probably be pursued as larger programs-of-record, will just not work. That has repercussions on our servicemembers in theater.

Do you and your vice chairman (who chairs the JROC) share this concern? If so, how do you intend to address how the Services or commands use Service-specific rapid acquisition authorities to develop, buy, and field weapons systems that should probably be vetted (from a requirements perspective), developed, and procured under the broader defense acquisition systems?

Admiral MULLEN. We understand the concern and have worked to ensure that the needs of the Warfighter are met through the appropriate process, rapid or deliberate. While there is some risk inherent in having an alternate path for acquiring solutions, the Services and combatant commanders have done a credible job of ensuring that the needs requested through the rapid process meet the "urgent and compelling" standard intended by Congress. As the urgent need is being met, the sponsors have reviewed capabilities and, as appropriate, transitioned them to Programs of Record as additional development is dictated. This is an ongoing process. Recent examples include development of follow-on Counter Radio-controlled IED Electronic Warfare and Biometrics capabilities. Though solutions in both areas were initially developed through the JUONs process, continuing development is following a more deliberate path through JCIDS, all while still providing needed solutions for the current fight.

QUESTIONS SUBMITTED BY SENATOR ROGER F. WICKER

QUADRENNIAL DEFENSE REVIEW

12. Senator WICKER. Admiral Mullen, in your prepared testimony you address end strength questions regarding all four Services, and you also address acquisition reform and management. Do you expect the ongoing QDR to provide specific guidance or identify specific requirements for force structure within the Services?

Admiral MULLEN. The QDR will address emerging security challenges and explore ways to improve the balance of efforts and resources to achieve our near-term objectives, prepare for future contingencies, and institutionalize counterinsurgency and security force assistance capabilities. A key product of the QDR will be the Force Planning Construct, a framework used by the Department to plan for prevailing in current conflicts while defending the homeland, building partner capacity, deterring potential adversaries and if necessary, conducting large scale operations. This planning construct will provide a framework for identifying critical capabilities and capacity shortfalls and inform military Departments and Combatant Commands' resource planning processes for fiscal year 2012 and beyond. Early QDR insights were captured in an update to the Guidance for the Development of the Force, signed by the Secretary of Defense in July 2009 and incorporated into Service 2011 budget submissions. The final QDR report is expected to provide Services enough specificity and strategic focus to develop their program recommendations.

13. Senator WICKER. Admiral Mullen, do you expect the QDR to address the Navy's stated requirement for 313 ships?

Admiral MULLEN. Not in direct terms. The QDR is not complete, and is planned for a February 2010 submission, but as a broad, overarching review, the QDR will provide guidance to each of the Services by means of a strategic framework for developing annual programs that address today's conflicts and tomorrow's threats. The Services, in turn, will develop program recommendations for specific capabilities and capacities necessary to meet these future challenges.

14. Senator WICKER. Admiral Mullen, through the QDR process, DOD works to identify the projected threats to national security and the resources needed to defend against them. Will the QDR address the threats DOD identified but chose not to resource due to fiscal or other constraints, and if so, will it disclose in what areas we are assuming risk?

Admiral MULLEN. The QDR is not complete, and is planned for a February 2010 submission, but it will develop the framework to meet projected future threats and force requirements within a resource-informed context. This framework will influence Service programs that will be reviewed within a resource-constrained environment. Risk will be assessed in a joint context and informed by those resource constraints. I will comment on risk in the mandated Chairman's QDR Assessment.

QUESTIONS SUBMITTED BY SENATOR DAVID VITTER

AFGHANISTAN

15. Senator VITTER. Admiral Mullen, you recently expressed concerns about the "serious and deteriorating" situation in Afghanistan. General Stanley McChrystal recently submitted a new assessment of the situation there that emphasizes a change in strategy, and he is soon expected to request thousands of additional troops. What is your current understanding of the goals of our efforts in Afghanistan?

Admiral MULLEN. The principle goal of our efforts in Afghanistan and Pakistan was outlined by the President in his 27 March policy speech. The President gave us a clear mission: disrupt, dismantle, and defeat al Qaeda and its extremist allies and prevent Afghanistan from becoming a safe haven again.

General McChrystal concluded in his recent assessment, and I concur, that we need to change our operational approach in order to be successful. We must become more population-centric in our approach and less enemy-centric. The goals of General McChrystal's new approach are to change the operational culture of the International Security Assistance Force (ISAF) to focus on protecting the people, understanding their environment, and building relationships with them, and transforming ISAF processes to be more operationally efficient and effective, creating more coherent unity of command within ISAF, and fostering stronger unity of effort across the international community. Ultimately, the objective is to defeat the Taliban insurgency and reduce the threat of al Qaeda (AQ) being able to use the region to plan further attacks on the United States.

The enemy in Afghanistan is not the insurgent; the enemy is fear. If we can remove the fear under which so many Afghans live, if we can supplant it with security and good governance, then we can provide the people of Afghanistan an alternative to Taliban rule. If they have an alternative to Taliban rule, they will choose it. The majority of Afghans have indicated that they do not support the Taliban. It is through fear and intimidation that the Taliban influence the people and garner support for their insurgency. Recognizing that the ideology shared by al Qaeda and the Taliban knows no border and that this area remains the epicenter of violent Islamic fundamentalism, an Afghanistan resistant to extremism and free of such sanctuary, will help bolster the efforts of neighboring Pakistan to follow suit. On the other hand, if the Taliban succeed in governing at the state level—as they have already succeeded in many local areas—al Qaeda could reestablish the safe havens they enjoyed in Afghanistan at the end of the last decade and the internal threat to Pakistan by extremism will only worsen. Such a sanctuary would pose a regional as well as a global threat to security.

16. Senator VITTER. Admiral Mullen, as specifically as possible, can you define what a successful completion of the mission in Afghanistan will entail?

Admiral MULLEN. I see a successful completion of the mission as a stable Afghan Government which is capable of providing security and basic services to its citizens.

Increasing the capacity of Afghan National Security Forces (ANSF) to provide security to the Afghan people is a critical component of this effort. The ANSF will eventually replace ISAF forces and security mission for their country. An ANSF that can manage the insurgency and provide sustained security would be one of the indicators that our mission in Afghanistan is complete. Another key indicator is a Government of the Islamic Republic of Afghanistan (GIRoA) that can address the corruption and ineffectiveness of national, district and provincial level leadership and governance.

We also support Afghan counterterrorism measures that target specific al Qaeda members and their support networks. As the Afghan Government strengthens its ties to its people it will help set conditions that are needed to prevent the return of al Qaeda extremists.

All elements of national power-diplomatic, informational, military, and economic-must be brought to bear for successful completion of our mission. This requires better civil-military coordination and a significant change in the management, resources, and focus of our foreign assistance. Our approach to defeating al Qaeda must be one that builds trust with Afghans and Pakistanis while applying all instruments of power. We require these diverse instruments to deny sanctuary to al Qaeda and the Taliban and to generate a stable and secure Afghanistan which will prevent al Qaeda's return after the withdrawal of coalition forces while we sustain partnership and commitment to political and economic development in that nation. We can accomplish the mission we've been assigned, but we will need resources

matched to the strategies, civilian expertise matched to military capabilities and the continued support of the American people.

Success requires governance that is acceptable to the Afghan people. It is not unreasonable to expect that the GIRoA can eventually develop the capacity to address the basic needs of the people.

17. Senator VITTER. Admiral Mullen, do you intend to support General McChrystal's expected request for additional troops?

Admiral MULLEN. I have provided my best military advice to the Secretary of Defense and to the President with respect to General McChrystal's resource request. However, as the Afghanistan-Pakistan strategy discussions are ongoing, and the President has not yet made a decision, I do not feel it is appropriate at this time to get in front of his decisionmaking process.

18. Senator VITTER. Admiral Mullen, General McChrystal's assessment indicates that U.S. strategy in Afghanistan will shift from primarily fighting the Taliban to increasing security for civilians, combating corruption in local governments, and increased training of Afghan security forces. General McChrystal has also begun to implement new strategies geared toward limiting civilian casualties, particularly by limiting the use of airstrikes. In what ways does the overall shift in strategy reflect a different understanding of our ultimate objectives in Afghanistan?

Admiral MULLEN. Doctrinal counterinsurgency strategy recognizes that success is not based solely on the insurgents. Success is achieved when the population rejects the insurgent and the root causes that drive the people to support the insurgent cause. General McChrystal notes this in his assessment and that it supports our ultimate objective in Afghanistan.

By focusing on limiting civilian casualties, General McChrystal is addressing one of the populations' most significant concerns. Any time an innocent person is killed our mission becomes more difficult and our men and women in Afghanistan understand this. In addition to the tragic loss of life, all of the leadership is aware of the negative repercussions that result from civilian casualties. As such, General McChrystal's new tactical directive provides guidance to subordinate commanders, and the force, on controlled use of munitions and tactical techniques to better safeguard the population and reduce civilian casualties, which is our moral and legal responsibility pursuant to international obligations under the Law of War. There has been no change to our rules of engagement in Afghanistan, and there is nothing in the tactical directive that precludes a commander's right to protect his forces from imminent threats.

I recognize, as does General McChrystal, that the carefully controlled and disciplined employment of force entails some risks to our troops—we must work to mitigate that risk wherever possible, but excessive use of force resulting in an alienated populace will result in increased risk to the accomplishment of our mission. I have every confidence in the ability of our forces to operate effectively and to succeed in this challenging environment under the current guidelines.

Ultimately, keeping Afghanistan from serving as a safe haven for al Qaeda in the long term will require a legitimate government that has the support of the majority of the Afghan people.

19. Senator VITTER. Admiral Mullen, are you concerned that this shift in strategy might limit the ability of our troops to aggressively pursue Taliban forces and other combatants in Afghanistan?

Admiral MULLEN. I do not think that General McChrystal's guidance precludes our troops from effectively dealing with the enemy. An effective counterinsurgency strategy has a kinetic element to it. It also has a counterterrorism element to it and, given his background, I believe General McChrystal understands this better than most. When our troops are in contact they can ask for whatever they need and I fully expect them to receive every asset that is available.

Our new operational focus, as outlined in General McChrystal's assessment report, is population-centric. This approach is designed to separate the enemy from the population, and recognizes that the good will of the Afghan people is a strategic center of gravity. In carrying out this new approach, our forces will continue to aggressively pursue enemy forces. Aggressive pursuit is not always kinetic in nature. Developing better relationships with our Afghan partners, engaging key leaders, and ensuring good governance are all important means of pursuing and defeating the enemy.

20. Senator VITTER. Admiral Mullen, are you optimistic about efforts to build civic infrastructure and pursue long-term economic development in Afghanistan, given that nation's long history of political instability and turmoil?

Admiral MULLEN. I am realistic and understand the troubled history of Afghanistan. We need to be patient, and adjust our expectations to the long-term instead of thinking we can make substantive changes in the short-term. It takes time to rebuild government institutions and commerce in a country that has endured what Afghanistan has over the last 30 years. If the Government of the Islamic Republic of Afghanistan can adequately address the insurgency and our strategy is properly resourced then I believe the country can make progress. This begins by providing the population with enduring security so that the Afghan people can improve their everyday lives. Improvements in security, coupled with economic development at the local level, set the conditions necessary to enable Afghans to reject the Taliban as a source of legitimate authority.

Afghanistan has a weak central government with whom we are working to help build legitimacy, competence and capacity. We must focus our efforts now on key ministries in Kabul such as Defense, Interior, Intelligence, Finance, and Agriculture to ensure we build capacity in the institutions that are most critical for current and long-term stability. In addition to strengthening these ministries we must increase capacity at the provincial, district, and sub-district levels where governments suffer from the same ills as the central government. The Afghan Government—at all levels—must be able to provide basic services if it is to gain the confidence and support of the Afghan people.

I agree with General McChrystal that the President's regional civil-military strategy gives us the best opportunity for stabilizing Afghanistan, building governance capacity, developing civic infrastructure, and providing for that country's long-term economic development.

21. Senator VITTER. Admiral Mullen, considering Afghanistan's role as a leading exporter of narcotics, can we realistically pursue viable agricultural alternatives and increased law enforcement as a means of reducing the impact of the drug trade on Afghanistan's instability?

Admiral MULLEN. There is no one simple way of attacking the narcotics problem in Afghanistan. This is a complex problem that must be dealt with holistically. We recognize the narco-terror nexus, and as such, we are developing a whole of government approach. Our counter-narcotics plan is being developed with interagency coordination. The plan focuses on breaking the nexus between drug traffickers and the insurgents, reducing drug production and processing, interdiction, and providing realistic economic alternatives for farmers currently engaged in poppy cultivation.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

EQUIPMENT IN AFGHANISTAN

22. Senator COLLINS. Admiral Mullen, while at Camp Leatherneck I was fortunate enough to have lunch with some marines from Maine who told me that when they arrived in Afghanistan in May, they did not have all of the equipment they needed for some time. This was very troubling news. What is being done to ensure that our troops are fully equipped when they are deployed?

Admiral MULLEN. Ensuring that servicemembers are deployed with their required combat equipment remains a critical Service and combatant commander priority. Properly equipping forces involves coordinating equipment and personnel arrival across strategic and operational logistics infrastructure.

In order to properly equip deploying units and meet the established arrival date, the Services, U.S. Transportation Command (TRANSCOM), and CENTCOM continue to coordinate the arrival of personnel and equipment in Afghanistan. In the case of the Marines, challenges associated with the deployment were based on conscious decisions by the Marine Corps to globally source equipment and personnel, bypassing normal deployment procedures in order to rapidly develop the largest initial combat capability possible.

Since the Marines' deployment to RC–South, strategic logistics infrastructure and performance improvements have been made in both the Central Asian States and Pakistan. Since the initial deployment of the Marines, CENTCOM, European Command, and TRANSCOM matured the Northern Distribution Network that includes both air and ground lines-of-communication through the Caucuses, Russia, and the Central Asian States. Furthermore, the capability of Pakistan ground line-of-communications have expanded and become more dependable.

Operational logistics infrastructure in Afghanistan has also improved significantly since the initial Marine deployments into RC–South. There are a total of eight airfields in RC–South that have been or are being improved in order to increase logistics support to the forces deployed including airfield expansions at Forward Operating Base Dwyer and Camp Bastion (Leatherneck). Enhancements of route security and expansion of the road network continues into RC–South. Future expansion of logistics infrastructure include the expansion of Shindand and Herat Airfields in RC–West and the continued enhancement of security and expansion of the road network in RC–South and RC–West.

[The nomination reference of ADM Michael G. Mullen, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 20, 2009.

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

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601:

To be Admiral

ADM Michael G. Mullen, 0000.

[The biographical sketch of ADM Michael G. Mullen, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

TRANSCRIPT OF NAVAL SERVICE FOR ADM MICHAEL GLENN MULLEN, USN

04 Oct. 1946 ..... Born in Los Angeles, CA
05 June 1968 ..... Ensign
05 June 1969 ..... Lieutenant (junior grade)
01 July 1971 ..... Lieutenant
01 Oct. 1977 ..... Lieutenant Commander
01 June 1983 ..... Commander
01 Sep. 1989 ..... Captain
01 Apr. 1996 ..... Rear Admiral (lower half)
05 Mar. 1998 ..... Designated Rear Admiral while serving in billets commensurate with that grade
01 Oct. 1998 ..... Rear Admiral
21 Sep. 2000 ..... Designated Vice Admiral while serving in billets commensurate with that grade
01 Nov. 2000 ..... Vice Admiral
28 Aug. 2003 ..... Admiral, Service continuous to date

Assignments and duties:

	From	To
Fleet Training Center, San Diego, CA (DUINS)	June 1968	Aug. 1968
Fleet Anti-Submarine Warfare School, San Diego, CA (DUINS)	Aug. 1968	Sep. 1968
USS *Collett* (DD 730) (ASW Officer)	Sep. 1968	June 1970
Naval Destroyer School, Newport, RI (DUINS)	June 1970	Feb. 1971
Nuclear Weapons Training Group, Atlantic, Norfolk, VA (DUINS)	Feb. 1971	Feb. 1971
USS *Blandy* (DD 943) (Weapons/Operations Officer)	Feb. 1971	Nov. 1972
Fleet Training Center, Norfolk, VA (DUINS)	Nov. 1972	Jan. 1973
Staff, Commander Service Force, U.S. Atlantic Fleet (DUINS)	Jan. 1973	Jan. 1973
CO, USS *Noxubee* (AOG 56)	Jan. 1973	July 1975
U.S. Naval Academy, Annapolis, MD (Company Officer/Executive Assistant to Commandant)	July 1975	May 1978
Ship Material Readiness Group, Idaho Falls, ID (DUINS)	May 1978	Oct. 1978
U.S.S. *Fox* (CG 33) (Engineering Officer)	Oct. 1978	Apr. 1981
Surface Warfare Officers School Command, Newport, RI (DUINS)	Apr. 1981	July 1981

	From	To
XO, USS *Sterett* (CG 31)	July 1981	Jan. 1983
Naval Postgraduate School, Monterey, CA (DUINS)	Jan. 1983	Mar. 1985
Surface Warfare Officers School Command, Newport, RI (DUINS)	Apr. 1985	May 1985
CO, USS *Goldsborough* (DDG 20)	June 1985	Oct. 1987
Naval War College, Newport, RI (DUINS)	Oct. 1987	Dec. 1987
Surface Warfare Officers School Command, Newport, RI (Director Surface Warfare Division Officer Course)	Dec. 1987	Sep. 1989
Office of the Secretary of Defense, Washington, DC (Military Staff Assistant to Director, Operational Test and Evaluation)	Sep. 1989	Aug. 1991
Harvard University Advanced Management Program	Aug. 1991	Nov. 1991
Surface Warfare Officers School Command, Newport, RI (DUINS)	Nov. 1991	Nov. 1991
Tactical Training Group Atlantic (DUINS)	Nov. 1991	Dec. 1991
COMNAVSURFLANT (DUINS)	Dec. 1991	Jan. 1992
AEGIS Training Center, Dahlgren, VA (DUINS)	Feb. 1992	Apr. 1992
CO, U.S.S. *Yorktown* (CG 48)	Apr. 1992	Jan. 1994
Bureau of Naval Personnel (Director, Surface Officer Distribution Division) (PERS–41)	Feb. 1994	Aug. 1995
Office of CNO (Director, Surface Warfare Plans/Programs/Requirements Division, N863)	Aug. 1995	May 1996
Office of CNO (Deputy Director, Surface Warfare Division, N86B)	May 1996	July 1996
Tactical Training Group Atlantic (DUINS)	July 1996	Aug. 1996
Commander, Cruiser Destroyer Group TWO	Aug. 1996	May 1998
Office of CNO (Director, Surface Warfare Division) (N86)	May 1998	Oct. 2000
Commander, Second Fleet/Commander, Striking Fleet Atlantic	Oct. 2000	Aug. 2001
Office of CNO (Deputy Chief of Naval Operations for Resources, Requirements, and Assessments) (N8)	Aug. 2001	Aug. 2003
Vice Chief of Naval Operations	Aug. 2003	Oct. 2004
Commander, U.S. Naval Forces, Europe/Commander, Joint Forces, Naples	Oct. 2004	May 2005
Prospective Chief of Naval Operations	May 2005	July 2005
Chief of Naval Operations	July 2005	Sep. 2007
Chairman of the Joint Chiefs of Staff	Oct. 2007	To date

Medals and awards:

Defense Distinguished Service Medal
Distinguished Service Medal with one Gold Star
Defense Superior Service Medal
Legion of Merit with one Silver Star
Meritorious Service Medal
Navy and Marine Corps Commendation Medal
Navy and Marine Corps Achievement Medal
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon with Wreath
Navy Expeditionary Medal
National Defense Service Medal with two Bronze Stars
Armed Forces Expeditionary Medal
Vietnam Service Medal with one Bronze Star
Global War on Terrorism Service Medal
Humanitarian Service Medal with one Bronze Star
Sea Service Deployment Ribbon with three Bronze Stars
Navy and Marine Corps Overseas Service Ribbon with one Bronze Star
Republic of Vietnam Gallantry Cross Unit Citation with Bronze Palm
Republic of Vietnam Civil Actions Unit Citation with Bronze Palm
NATO Medal

Foreign awards:

Italian Defense General Staff Joint Forces Medal of Honor

Special qualifications:

BS (Naval Science) U.S. Naval Academy, 1968
MS (Operations Research) Naval Postgraduate School, 1985
Surface Warfare Officer Qualification, 1968
Language Qualifications: Italian (Knowledge)
Capstone, 1995–4

Personal data:

Wife: Deborah Morgan of Sherman Oaks, CA
Children: John Stewart Mullen (Son), Born: 30 April 1979; and Michael Edward Mullen (Son), Born: 29 December 1980.

Summary of joint duty assignments:

Assignment	Dates	Rank
Office of the Secretary of Defense, Washington, DC (Military Staff Assistant for U.S. Navy Programs to the Director, Operational Test and Evaluation).	Sep. 1989–Aug. 1991	CAPT
Commander, Second Fleet/Commander, Striking Fleet Atlantic	Oct. 2000–Aug. 2001	VADM
Commander, U.S. Naval Forces, Europe/Commander, Joint Forces, Naples	Oct. 2004–May 2005	ADM
Chairman of the Joint Chiefs of Staff	Oct. 2007–To date	ADM

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM Michael G. Mullen, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michael G. Mullen.

2. **Position to which nominated:**
Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
May 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 4, 1946; Hollywood, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Deborah Morgan Mullen.

7. **Names and ages of children:**
LT John Stewart Mullen, USN, 30 years old.
LT Michael Edward Mullen, USN, 28 years old.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, firm, partnership, or other business enterprise, educational, or other institution.

None.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Advisory Council to the Board of Governors of the American National Red Cross.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognition for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

National Order of the Legion of Honor (France) awarded on May 12, 2007.

Grand Officer of the Order of the Italian Republic (Italy) awarded on April 14, 2007.

Honorary Doctor of Science from Grove City College.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL G. MULLEN.

This 1st day of May, 2009.

[The nomination of ADM Michael G. Mullen, USN, was reported to the Senate by Chairman Levin on September 24, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 25, 2009.]

NOMINATIONS OF CHRISTINE H. FOX TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE; FRANK KENDALL III TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY; GLADYS COMMONS TO BE ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL MANAGEMENT AND COMPTROLLER; AND TERRY A. YONKERS TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS AND ENVIRONMENT

THURSDAY, OCTOBER 22, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:37 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Udall, Hagan, Burris, McCain, Inhofe, Sessions, Chambliss, and Thune.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Terence K. Laughlin, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Jason W. Maroney, counsel; Roy F. Phillips, professional staff member; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Pablo E. Carrillo, minority investigative counsel; Lucian L. Niemeyer, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Paul J. Hubbard and Jennifer R. Knowles.

Committee members' assistants present: Carolyn A. Chuhta, assistant to Senator Reed; Christopher Caple, assistant to Senator Bill Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Roger Pena, assistant to Senator Hagan; Lindsay Kavanaugh, assistant to Senator Begich; Roosevelt Barfield, assistant to Senator Burris; Anthony J. Lazarski

and Jared Young, assistants to Senator Inhofe; and Lenwood Landrum, assistant to Senator Sessions.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to consider the nominations of: Christine Fox, to be Director of Cost Assessment and Program Evaluation (CAPE); Frank Kendall III to be Deputy Under Secretary of Defense for Acquisition and Technology; Gladys Commons to be Assistant Secretary of the Navy for Financial Management and Comptroller; and Terry Yonkers to be Assistant Secretary of the Air Force for Installations and Environment.

We welcome our nominees and their families to today's hearing. Senior Department of Defense (DOD) officials put in long and often uncertain hours. We appreciate the sacrifices that our families are willing to make to serve our country. Their families deserve equal gratitude for the support that they provide that is so essential to the success of these officials.

Each of our nominees has a distinguished background. Ms. Fox is the President of the Center for Naval Analyses (CNA), the Navy's Federally-Funded Research and Development Center, where she has worked as a defense analyst for the last 28 years.

Mr. Kendall has served as DOD's Director of Tactical Warfare Programs and as Assistant Deputy Under Secretary of Defense for Defense Systems, before returning to the private sector, where he consults on strategic planning, engineering management, and technology assessment issues.

Ms. Commons has served DOD as a budget analyst and comptroller for more than 30 years, most recently as Comptroller of the Military Sealift Command, Principal Deputy Assistant Secretary of the Navy for Financial Management, and Comptroller of the Marine Corps Research, Development, and Acquisition Command.

Mr. Yonkers worked for the Air Force for 22 years, serving as Deputy Assistant Secretary for Environment, Safety, and Occupational Health, and as Director of Environmental Programs for the Air Force Base Conversion, before returning to the private sector to advise clients on engineering, energy, and environmental programs beginning in 2002.

If confirmed, each of our nominees will play a critical role in the management of DOD and the Military Services. The Director of CAPE is a new position that we established in the Weapons Systems Acquisition Reform Act that we enacted earlier this year. We established the position of CAPE Director to ensure that the budget assumptions underlying acquisition programs are sound and that the Department faces up to the real costs of unrealistic requirements. We and the public have had our fill of cost overruns caused by overly optimistic assumptions at the beginning of programs.

To be successful in this position, the new director will have to be an independent truth-teller in the mold of the Director of the Congressional Budget Office and DOD's Director of Operational Test and Evaluation.

The Deputy Under Secretary of Defense for Acquisition and Technology is the number two official in the office responsible for

managing an acquisition system that spends about $400 billion a year and too often falls short of what is needed.

The Assistant Secretary of the Navy for Financial Management and Comptroller is responsible for managing the Navy's budget and for placing the Department on the road to an auditable financial statement.

The Assistant Secretary of the Air Force for Installations and Environment is responsible for managing Air Force bases and test ranges and for addressing such difficult issues as energy conservation and environmental encroachment.

These are all formidable tasks that play an essential role in the successful operation of DOD.

Senator McCain.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you, Mr. Chairman.

I join you in welcoming our nominees and their families, and I thank them for their willingness to serve in these key leadership positions. Mr. Kendall, the nominee to be the Deputy Under Secretary of Defense for Acquisition and Technology, has broad experience as an Active Duty Army officer, as an acquisition official in the Office of the Under Secretary of Defense for Acquisition, and in the private sector. Ms. Fox, the first nominee for the position of Director of CAPE, is currently the President of the CNA. She has worked for over 25 years as a defense programs evaluator and research manager with a focus on operations, cost, and acquisition, manpower, readiness and technology issues and programs.

If Mr. Kendall and Ms. Fox are confirmed—and I am confident that they will be—they will each play a vital role in implementing the provisions of the Weapons Systems Acquisition Reform Act of 2009. This legislation places singular emphasis on improving the chances for success by obtaining reliable independent cost estimates and assessments of technological maturity early, before the Department makes decisions committing billions of taxpayers' dollars to buying new weapons systems. The Act, which became law in May of this year, also gives the Department various tools and enhanced capabilities in the areas of systems engineering and developmental testing.

I'll be interested in hearing your evaluation of the methods available to you to successfully fulfill your responsibilities and address the problem of out of control cost growth in our largest, most expensive weapons systems.

Mr. Yonkers, the nominee to be the Assistant Secretary of the Air Force for Installations, Environment, and Logistics, has over 20 years of civilian service in the Air Force in positions relating to environmental engineering and compliance and closure.

The Air Force, like all the Services, is facing enormous challenges in balancing its requirements for operational readiness and wartime support with the objectives of military construction, infrastructure management, environmental compliance, and enhanced quality of life for its personnel. We appreciate the experience and energy you will bring to this position.

Similarly, Ms. Commons, the nominee to be the Navy Comptroller, has extensive experience in financial management in the

Department of the Navy, including service as a Principal Deputy Assistant Secretary of the Navy for Financial Management and Comptroller for over 6 months, serving as the Acting Assistant Secretary. I thank you for coming out of retirement to serve our sailors and marines once again.

I look forward to the testimony of the nominees today. I again thank them and their families who are here today for their service to the Nation.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

I am going to now call on Senator Reed for an introduction.

STATEMENT OF HON. JACK REED, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator REED. Thank you very much, Mr. Chairman.

I'm very pleased to introduce Frank Kendall. Frank and I have been classmates. We've known each other, I've calculated, about 42 years. Frank has served as an air artillery officer in the U.S. Army. He's commanded a battery, and I think that gives him a good starting point, because essentially all he does ultimately affects the young soldiers, sailors, airmen, and marines that serve us so well. Having led some of those young people years ago, that gives you a good perspective.

But as others have pointed out, he has had a distinguished career in civilian defense operations, as well as serving in DOD as a civilian. I can't think of anyone who has the experience and the capabilities to do this job. Welcome, Frank.

Mr. KENDALL. Thank you, Senator Reed.

Chairman LEVIN. Thank you very much, Senator Reed.

Senator Burris has asked that his statement be made a part of the record and we'll insert that here.

[The prepared statement of Senator Burris follows:]

PREPARED STATEMENT BY SENATOR ROLAND W. BURRIS

Thank you, Mr. Chairman, and welcome nominees.

I am again pleased with the nominations that President Obama has chosen to run these essential positions with our Government. The President and I agree that the candidates before us today show the dedicated leadership that is so integral to serving the American people. The Nation is looking to you nominees to play a major role in redirecting our efforts to benefit and protect all of our citizens—including servicemembers and taxpayers alike.

Now, I would like to take a moment to commend the President on his selection of these nominees and I look forward to these nominations moving quickly as we work on the ambitious agenda we have all undertaken. There is an opportunity for our partnership to foster real change and I look forward to our mutual cooperation for the benefit of this great Nation.

Thank you, Mr. Chairman.

Chairman LEVIN. There are also two letters of introduction which we'll make part of the record: a letter from Senator Warner relative to Ms. Fox and a letter from Senator Mikulski relative to Mr. Yonkers.

[The information referred to follows:]

STATEMENT OF SENATOR MARK WARNER AT THE CONFIRMATION HEARING FOR MS. CHRISTINE FOX TO BE DIRECTOR, COST ANALYSIS AND PROGRAM EVALUATION

Chairman Levin, Ranking Member McCain, distinguished members of the committee, it is my distinct privilege to express my support for the President's nominee for Director, Cost Analysis and Program Evaluation, and a fellow Virginian, Ms. Christine Fox. With Christine today is her husband of 21 years, Dr. Alan Brown.

Mr. Chairman, as you know the defense acquisition process faces enormous challenges. We must work together to find better methods for procuring weapons for our Armed Forces. The good news is that we have found the right person for the job. Christine will take a sharp pencil to this task in her new position as the Director, Cost Analysis and Program Evaluation.

I know that because I have seen Christine's work first-hand, when I served on CNA's Board of Trustees. She was then the President of the Center for Naval Analyses, a Federally Funded Research and Development Center for the Department of the Navy. Christine impressed me then as someone who had an extensive depth of knowledge on many of the most important defense issues of the time.

Not only was she considered a top-flight analyst, a trade she honed as an operations analyst focusing on tactics development and test and evaluation, but she was clearly a leader who was respected throughout the organization. It was that tremendous work ethic and reputation that resulted in Christine being promoted within the organization to serve as Vice President and Director of CNA's Operations Evaluation Group, the Division responsible for all of CNA's analytic support to the operating forces and Combatant Commanders, and later President of CNA.

Mr. Chairman and members of the Committee, Christine is an individual of the highest caliber, and I am confident that she will bring the same level of integrity, leadership, and openness to this important position as she has demonstrated at the Center for Naval Analyses.

Mr. Chairman, Christine will represent our nation well, and I offer my strongest recommendation for her nomination.

BARBARA A. MIKULSKI
MARYLAND

United States Senate
WASHINGTON, DC 20510–2003

October 19, 2009

The Honorable Carl Levin
Chairman
Senate Committee on Armed Services
Washington, DC 20510

The Honorable John McCain
Ranking Member
Senate Committee on Armed Services
Washington, DC 20510

Dear Chairman Levin and Senator McCain:

I am writing to support the confirmation of Mr. Terry A. Yonkers as Assistant Secretary of the Air Force for Installations, Environment and Logistics. I have three criteria that I use to evaluate executive branch nominees: competence, integrity, and commitment to the core mission of the Department. Based on these criteria, I support Mr. Yonkers to be our next Assistant Secretary of the Air Force for Installations, Environment and Logistics.

Mr. Yonkers has shown his competence and commitment to mission throughout his distinguished career. He has been a dedicated public servant with more than 22 years with the Department of the Air Force. His experience with the Air Force in developing strategic policy for environmental issues and directing the Air Force's Base Realignment and Closure Agency has given him the intimate knowledge of Air Force military installations and issues. He is well-poised to address and act upon Air Force installation and environmental concerns.

Mr. Yonkers has demonstrated his ability to manage a diverse team of civilians and career military and has shown how his leadership can make a tangible impact. His understanding of the DOD planning, programming, budgeting and resource policy will enable him to hit the ground running in this important appointment. Mr. Yonkers' more recent experience with private industry with ARCADIS, Inc. brings efficiencies and innovation to the Department of the Air Force in this time to tightening budgets and resources,

His confirmation will help enable the United States Air Force to address many of today's pressing questions with the leadership of a seasoned professional who is well-versed in shaping policy for infrastructure, environmental, safety and occupational health. I look forward to working with Mr. Yonkers as the Assistant Secretary of the Air Force for Installations, Environment and Logistics and have confidence in his honesty, his integrity, and ability to effectively manage the wide-ranging needs of our Air Force installations while keeping a close eye on environmental concerns. I look forward to his meeting those challenges and his leadership in the Air Force.

Sincerely,

Barbara A. Mikulski
United States Senator

Chairman LEVIN. I will now call on our nominees. First we'll call on Ms. Fox, and as each of you give us your opening comments feel free, if you wish, to introduce your family or anybody who is here with you. Ms. Fox.

STATEMENT OF CHRISTINE H. FOX, NOMINEE TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE

Ms. FOX. Thank you, Senator. Chairman Levin, Ranking Member McCain, and distinguished members of the Senate Armed Services Committee. Thank you for the opportunity to appear before you today. I am grateful that President Obama had the confidence in

me to nominate me for the position of Director, CAPE. I also want to thank Secretary Gates for his support of my nomination. If confirmed, I would be very honored to serve in this position.

Even though he could not be here today, I would like to thank Senator Warner for providing his very kind introductory remarks for the record. Senator Warner's personal endorsement means a great deal to me.

My husband, Dr. Alan Brown, is here with me today. I want to introduce him to you and give him my special thanks. He has always given me strong support and encouragement, and without that support I would not be here today.

As you have made clear in the Weapon Systems Acquisition Reform Act of 2009, you believe that high-quality, independent analysis should play an important role in ensuring that weapons systems are procured in an effective and efficient way. If confirmed, I would work to ensure that high-quality analyses are produced and available to inform the important decisions in the acquisition process. I have served as a defense analyst for a number of years, and if confirmed, I would draw from those years of experience to help achieve the goals of your legislation and to assist the Secretary of Defense.

Thank you again for the opportunity to appear before you today. I will do my best to respond to your questions.

Chairman LEVIN. Thank you very much, Ms. Fox.

Mr. Kendall.

STATEMENT OF FRANK KENDALL III, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY

Mr. KENDALL. Thank you, Mr. Chairman. Chairman Levin, Ranking Member McCain, and distinguished members of the Senate Armed Services Committee. Thank you for the opportunity to appear before your committee today. I am grateful for the confidence that President Obama has shown in me by nominating me to be the Deputy Under Secretary of Defense for Acquisition and Technology. I want to thank Secretary Gates, Deputy Secretary Lynn, and Under Secretary Carter for their support for my nomination. If confirmed, I will be deeply honored to serve.

I'd also like to thank my classmate from West Point, Senator Reed, for his support and his very kind introduction today.

Finally, I would like to thank my family for their support. Elizabeth Halpern, my wife, is with me today and I want to introduce her to you and offer her my special thanks and appreciation. My two sons are also here and I want to thank Scott and Eric Kendall for all their support and patience, particularly during my earlier time in the Pentagon from 1986 to 1994.

Eric is a member of the National Guard and an Iraq war veteran. If I am fortunate enough to be confirmed, he and his fellow soldiers, sailors, airmen, and marines will be foremost in my thoughts as I confront the Department's acquisition problems.

I am keenly aware of the high priority that this committee, Congress, the President, and the Secretary of Defense have placed on improving the results achieved by the defense acquisition system. The United States of America has the most well equipped military

in the world, but I believe that we can do much better at equipping and sustaining our forces. I believe that my background in operational units, in defense research and development organizations, in the Office of the Secretary of Defense (OSD), and the defense industry have all prepared me to make a contribution to achieving this goal.

But I have no illusions about the magnitude of the challenge that the Department faces. If the Senate confirms me in this position, I will make every effort to live up to the confidence that will have been placed in me.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Mr. Kendall.

Ms. Commons.

STATEMENT OF GLADYS COMMONS, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Ms. COMMONS. Mr. Chairman, distinguished members of the committee: It is an honor and privilege to appear before you today as President Obama's nominee for Assistant Secretary of the Navy for Financial Management and Comptroller. Thank you for the opportunity to be here today. I also want to thank Secretary Ray Mabus for his confidence in me. If confirmed, I will be honored to serve as the Assistant Secretary of the Navy, Financial Management and Comptroller.

I want to thank my family for their support. My husband of almost 40 years, Bill, is here today. My sons Billy and James and my daughter-in-law Nicole are also here. My daughter Krystal, a first year law student at Columbia University, could not be here today, but I want to thank her for being an important part of my life.

The duties and responsibilities of the Assistant Secretary of the Navy for Financial Management and Comptroller are significant. I have served in various financial management positions within the Department of the Navy, including almost 8 years as Principal Deputy Assistant Secretary. I have and will take seriously the public trust and stewardship of the resources committed to the Department.

If confirmed, I will work within the Department and with the Under Secretary of Defense-Comptroller to obtain the resources our sailors, marines, and civilians need to meet the national security requirements placed upon them by this Nation.

I understand the need to develop budgets that are balanced and supported by accurate, timely, and reliable data. I will support the goals and initiatives Secretary Mabus has established for the Department.

In closing, I am honored to have been nominated for this position. If confirmed, I will do my best to perform the responsibilities of this position.

Thank you.

Chairman LEVIN. Thank you very much, Ms. Commons.

Mr. Yonkers.

STATEMENT OF TERRY A. YONKERS, NOMINEE TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS AND ENVIRONMENT

Mr. YONKERS. Thank you, Mr. Chairman, Ranking Member McCain, and distinguished members of the Senate Armed Services Committee. It's a tremendous honor for me to be here today and be the nominee for the position of the Assistant Secretary of the Air Force for Installations and Environment. I want to thank President Obama, Secretaries Gates and Donley, for their trust and confidence in me to carry out the very important roles and responsibilities of this position.

I would like to thank Senator Mikulski for her very kind remarks and introductions.

Finally, I want to thank my wife and my family for their undying support and understanding. If I may, Mr. Chairman, I brought a gaggle this morning, so I would like to introduce: my wife of almost 40 years, Mari; my daughter Tammy; my son-in-law John Lightle; and my granddaughters Mearah and Auri, who bring real meaning and balance to my life. My son Timmothy serves with the Department of Homeland Security down at Jacksonville, FL, and was unable to be here today.

I'm deeply humbled and honored by this nomination. In my mind there is no greater calling than public service. The 22 years I spent in the service of the Air Force were the most gratifying and fulfilling time of my professional life.

The installation and environment challenges the Air Force faces today are many and diverse. Things such as energy security, environmental security, climate change, quality of life and safety of our service men and women are of paramount importance.

If confirmed, I look forward to working with Secretary Donley, General Schwartz, the entire OSD and Air Force team to meet these challenges and do everything I can to make sure all the members of the Air Force, total force, enjoy quality facilities and a decent quality of life.

As I thought about reentering public service, my friends and family asked me: Why do you want to do this, especially having been in the Pentagon during the events of September 11, 2001. For me, sir, it's very clear: because I want to serve and I want to try and make a difference.

I thank you, Mr. Chairman, for the opportunity to address the committee and will attempt to answer any of the questions that you have for me.

Chairman LEVIN. Thank you all very much.

There's now a set of standard questions which we ask of all nominees, and I would ask you to answer together. Have you adhered to applicable laws and regulations governing conflicts of interest?

Ms. FOX. Yes.

Mr. KENDALL. Yes.

Ms. COMMONS. Yes.

Mr. YONKERS. Yes, sir.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Ms. FOX. No.
Mr. KENDALL. No.
Ms. COMMONS. No.
Mr. YONKERS. No, sir.
Chairman LEVIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?
Ms. FOX. Yes.
Mr. KENDALL. Yes.
Ms. COMMONS. Yes.
Mr. YONKERS. Yes, sir.
Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to Congressional requests?
Ms. FOX. Yes.
Mr. KENDALL. Yes.
Ms. COMMONS. Yes.
Mr. YONKERS. Yes.
Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?
Ms. FOX. Yes.
Mr. KENDALL. Yes.
Ms. COMMONS. Yes.
Mr. YONKERS. Yes, sir.
Chairman LEVIN. Do you agree if confirmed to appear and testify upon request before this committee?
Ms. FOX. Yes.
Mr. KENDALL. Yes.
Ms. COMMONS. Yes.
Mr. YONKERS. Yes.
Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?
Ms. FOX. Yes.
Mr. KENDALL. Yes.
Ms. COMMONS. Yes.
Mr. YONKERS. Yes.
Chairman LEVIN. Let's try a 7-minute first round for questions.
Ms. Fox, I think you would agree and have already said that DOD's systematic use of overly optimistic cost and schedule estimates has been one of the causes of the poor performance of major defense acquisition programs. My question is this, if confirmed, will you be tough, independent, and ready to tell senior DOD officials how much programs are really going to cost, regardless of how unpopular your advice may be.
Ms. FOX. Yes, Mr. Chairman, I will.
Chairman LEVIN. The Weapons Systems Acquisition Reform Act places great emphasis on making early tradeoffs between costs, schedule, and performance so that we do not lock in what Secretary Gates has called "exquisite requirements" early in the process and then pursue them without regard to cost implications.
One of the ways that we sought to address this issue was by requiring the new CAPE Director to participate in the requirements-

setting process of the Joint Requirements Oversight Council (JROC) for the purpose of ensuring that JROC is aware of the cost implications of the choices that it makes. Are you familiar with that requirement, Ms. Fox?

Ms. FOX. Yes, sir, I am.

Chairman LEVIN. Will you ensure that JROC is aware of the cost consequences of the requirements choices, so that we can establish programs that are realistic both in terms of technology and cost?

Ms. FOX. Yes, Mr. Chairman, I will.

Chairman LEVIN. The Government Accountability Office (GAO) has estimated that operating and support costs account for 60 to 70 percent of the total life cycle cost of a weapons system, far more than the initial acquisition cost. Although the Department spends hundreds of billions of dollars on operating and support costs, it still lacks effective systems for estimating, tracking, and controlling such costs.

Ms. Fox, what steps would you take if confirmed to address that problem?

Ms. FOX. Mr. Chairman, I am aware that operating and support costs account for a major part of the life-cycle costs and, if confirmed, I would conduct an assessment of the analytic tools that are available today to estimate operating and support costs. I also would work with the CAPE organization and the Services to develop better ways to analyze and illuminate the costs associated with operations and support.

Chairman LEVIN. Now, the Quadrennial Defense Review (QDR) will define the Department's force modernization plans. It's scheduled to be completed early next year. The QDR is also expected to reach a balance between the Department's needs for current and future capabilities and between conventional operations and irregular, unconventional, and stability type operations.

Ms. Fox, what role do you expect to play, if confirmed, in the final development of the QDR?

Ms. FOX. Mr. Chairman, it is my understanding that the CAPE organization has provided analysis to the Secretary of Defense and the rest of the Department throughout the QDR. If confirmed, I would get familiar with that analysis and do whatever I could to assist in bringing the QDR to an effective closure.

Chairman LEVIN. Thank you.

Mr. Kendall, the cost overruns on the Department's 97 largest acquisition programs now total almost $300 billion over the original program estimates, and the programs are an average of 22 months behind schedule, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to expedite production and hold costs down.

We enacted the Weapons Systems Acquisition Reform Act earlier this year in an effort to begin to address that problem, among other problems. Are you familiar with the Weapons System Acquisition Reform Act?

Mr. KENDALL. Yes, I am, Mr. Chairman.

Chairman LEVIN. Will you make the implementation of that Act a top priority of your office, if you're confirmed?

Mr. KENDALL. Absolutely, Mr. Chairman.

Chairman LEVIN. As a result of the mergers in the defense industry over the last 2 decades, we've seen a number of cases in which the same company may be responsible for building a weapons system and for providing the Government with independent advice on the same weapons system. Now, section 207 of the Acquisition Reform Act requires the Department to promulgate new regulations to address organizational conflicts of interest of that kind.

Do you agree that it is problematic to have the same company acting as the prime contractor or a major subcontractor for a weapons system and at the same time working as a system engineering and technical assistance contractor providing us with the advice on that same system?

Mr. KENDALL. I do, Mr. Chairman.

Chairman LEVIN. If confirmed, will you ensure that the regulations adopted by the Department are as tough as they need to be to ensure that we get fair, independent, impartial advice from those systems engineering and technical assistance contractors?

Mr. KENDALL. Yes, I will, Mr. Chairman.

Chairman LEVIN. Over the last 8 years the Department's spending on acquisition programs has more than doubled, but the acquisition workforce has remained essentially unchanged in numbers and in skills. Mr. Kendall, in response to our advance policy questions, you stated that you do not believe that the acquisition workforce is large enough and that it has the skills needed to perform its assigned function.

Two years ago we established an acquisition workforce development fund to ensure that DOD will have the workforce that it needs to ensure that the billions of dollars that we spend on acquisition programs every year get the planning, management, and oversight that they need. Do you agree that the Department needs to take strong action to rebuild its acquisition workforce, including not only contracting officers and contract managers, but also systems engineers, software engineers, developmental testers, and cost estimators?

Mr. KENDALL. Yes, I do, Mr. Chairman.

Chairman LEVIN. Will you, if confirmed, ensure that the Department undertakes the systematic planning needed to identify the critical gaps in its acquisition workforce and that the acquisition workforce development fund is fully funded and is used for its intended purpose?

Mr. KENDALL. Mr. Chairman, I'll certainly do whatever I can to strengthen the acquisition workforce.

Chairman LEVIN. Including those steps?

Mr. KENDALL. I'll do whatever I can to ensure that it's fully funded, yes, sir.

Chairman LEVIN. Is there some reluctance to take those specific steps? Did I phrase that in a way which causes you pause?

Mr. KENDALL. No, Mr. Chairman. The only concern I have is that in a budgeting process I would not be the final decision authority on funds to go into any given account.

Chairman LEVIN. I understand.

Mr. KENDALL. I'm not able to commit to that.

Chairman LEVIN. Fair enough. Thank you.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Mr. Yonkers, I've been involved for quite a number of years now in the alternative fuels that we are looking at for our various capabilities out there, the first one being the coal-to-liquid that we're using in our B–52s. Now we've expanded that to C–17s, F–15s, and others. I felt that back in 2007 when they had the energy bill, section 526 made it very difficult, made it impossible, to actually use some of these alternative fuels.

In 2008, July 2008, DOD wrote saying that DOD supported my legislation, which was to repeal section 526, supported my legislation in part because section 526 requires an analysis which may never be possible and it potentially affects our national security. What they're saying here is that with section 526 we can't do it, essentially.

I think we know that section is targeted at fuel derived from the Canadian oil sand and the Air Force's coal-to-liquids program. The program's been a successful program and I'd like to know your feelings about it and what you intend to do in the future in terms of alternative fuels?

Mr. YONKERS. Let me address the question this way, Senator. First of all, I am familiar with the Air Force's effort to certify all of the platforms for alternative fuels, be they synthetic, biofuels, or other alternatives. I guess where I stand on most of this right now is that all options are on the table. I think what we need to do is take a look at every one of those options and evaluate them, see what makes the most sense for the U.S. Air Force, and then go with those options.

At the same time, I feel that it's necessary to comply with the law, specifically the provisions of the Energy Act of 2007, and also to be very sensitive to the greenhouse gas emissions and the role of climate change or potential impacts as a result of those.

What I would seek sir, is a balance between all of those and coming out with a solid, good rationale and decision for a path forward.

Senator INHOFE. If you feel that all of the above, you're open to all the alternatives, having section 526 in there as it is today, that eliminates those options, so you don't have those options, isn't that correct? Would you then support repealing 526?

Mr. YONKERS. I really don't know, sir, at this time exactly what the implications of that section of the law.

Senator INHOFE. All right, that's fine.

Ms. Fox, everyone agrees that we need to improve the acquisition process. We have now this new bureaucracy, I would describe it, that's in place to do that. You had stated it's likely that additional staff will be needed along with organizational changes to fulfill the expanded CAPE, as we refer to this. How can you do this without just expanding one more or creating another level of bureaucracy? Do you see a conflict there or do you think that you'll be able to control that?

Ms. FOX. Sir, I would hope that expanding the analytic talent in CAPE would not add to the bureaucracy, because I do not believe more bureaucracy is the solution. It is more the need to expand the talent in the organization to meet the needs——

Senator INHOFE. That's good enough, Ms. Fox. I just wanted to get you aware that there is concern there. I always remember what

President Ronald Reagan said many years ago in one of the greatest speeches of all time in my opinion, "there's nothing closer to life eternal on the face of this Earth than another government agency once formed." I look at this as perhaps falling in that category.

Secretary Gates has often called acquisition cost overruns the reason for cancellation of programs. One of those programs that was the reason, the major reason that it was cancelled, was the Future Combat System, which is something that I felt very strongly about. I think in looking at that problem of cost overruns I would like to have, and I assume that Mr. Kendall and Ms. Fox would both want to address this, adhering to the old Nunn-McCurdy rules, which were not really about as stringent as the Weapons System Acquisition Reform Act. But the 15 percent or more of program growth would have to notify Congress, would you still intend to comply with that?

Ms. FOX. Yes, sir.

Senator INHOFE. Okay.

Mr. KENDALL. Yes, sir.

Senator INHOFE. According to the March 2009 GAO report there's been a 17 percent increase in the challenges to Federal contracts. We've been watching this come up. That's a huge thing and I think some of these perhaps are somewhat frivolous in these challenges. But do you have any suggestion, any of you, how we can try to address this as a problem, these challenges to the contracts? This 17 percent increase is pretty dramatic.

Mr. KENDALL. Senator Inhofe, I think we have to be careful that all of our procurements are done fairly, objectively, and transparently so that there is no basis really to challenge them. That's the first thing we have to do.

I think industry now, as there are perhaps fewer opportunities, is more inclined to challenge them and that may be something that's impacting that figure also.

Senator INHOFE. All right. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Inhofe.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman, and thank you all for your willingness to serve.

Ms. Fox, let me follow up with a similar line of questioning. There are many changes involved in the Weapons System Acquisition Reform Act. One is to transform the Cost Analysis Improvement Group into the CAPE Group. You've already indicated, as Senator Inhofe suggested, that you think there are more resources necessary. Could you be more specific? Also, in this transition how much flexibility will you have in this organization of getting new people in, downsizing if you have to, and upsizing? Can you comment?

Ms. FOX. Yes, sir, I can. The Weapon System Acquisition Reform Act does expand the responsibility of the organization, and for that reason I believe that we will need to add analytic talent in the organization. Doing that carefully, in a way that maintains quality, I do consider to be a challenge, but an important one that I would address.

It is my understanding the Department already has allocated some additional billets to the CAPE organization.

Senator REED. Do you have an idea of when this organization will be up and running to your satisfaction?

Ms. FOX. I'm sorry, Senator, I do not have enough information at this time to give you an assessment.

Senator REED. One of the things that you're going to have to do, Ms. Fox, in your organization is to make a risk assessment, essentially a confidence level, that the program will stay within the estimated costs, 50 percent, 60 percent, 70 percent. How comfortable do you think you are with that sort of estimate? Is it too much to ask for that kind of estimate, or do you need a range of like X percent to Y percent? How do you proceed on that point?

Ms. FOX. Senator, I believe that a risk assessment is a vital part of cost estimation. If you don't have a feeling of how much risk you're accepting, the cost estimate for a program won't be a very valuable number. But I do believe the range and the accuracy of risk assessments will have to be determined on a case-by-case basis, so I can't give you one number. But I believe it's very important, and I believe it's doable.

Senator REED. In many cases we find operation and support costs associated with the project rise just as quickly as the other costs. Is that going to be part of your estimate, too?

Ms. FOX. Yes, sir. I think getting a handle on operational support costs and the methods for estimating them is an important part. But I don't have enough information yet to tell you exactly how we will do that.

Senator REED. Thank you.

Mr. Kendall, one of the things that we have observed over the last 7 or 8 years has been the discovery of a need for an item of equipment in a combat zone—Iraq, Afghanistan—and it seems a slow response to get that equipment out. The Mine Resistant Ambush Protected vehicle is one example, but that's one of hundreds probably. What can we do to make the system more rapid and more effective?

Mr. KENDALL. Senator Reed, I understand that the Department has addressed this problem. I haven't had a chance to review exactly what steps they've taken. I know there are offices that are set up specifically to do things very rapidly.

I would agree that a separate track, with much more streamlined processes, is necessary to support operational forces, and if confirmed, I would review that carefully to make sure that's being done as effectively as it can be.

Senator REED. You would not only look at that, but you'd also, I would presume, be responsible for that structure, the offices that would do that, the way it would be expedited?

Mr. KENDALL. As I understand it, right now those all do fall under acquisition. Some of them fall under the Director, Defense Research and Engineering. Some of them would fall directly under me as a line manager and others in my broader role in the organization.

Senator REED. Let me ask you another question, which is the defense industrial base is always an issue of concern. Can you give us a quick assessment from your perspective?

Mr. KENDALL. Sir, I can't give a complete assessment because I haven't had an opportunity to review any detailed data or to do one. But the industrial base is obviously of very great concern. I grew up in this business during the Cold War when we had a very robust, very broad industrial base. It's shrunk a lot since that time. I think there is a very open question as to the health of the base in certain areas and I think it needs to be reviewed on a case-by-case basis, particularly some segments of the industrial base. It's a very important priority for me.

Senator REED. Thank you.

Ms. Commons, this is a question that you probably are not involved with in detail, but it's one you're going to have to confront. In 2009, the Navy had substantial shortfalls in their personnel accounts and it was significant because it was delaying bonuses and freezing pay, et cetera. I've been told, particularly by my colleagues, you have to pay troops. They get very upset if they're not paid, the soldiers, sailors.

I wonder if you can give us any insight on this and anything that you would do to avoid this problem in the future?

Ms. COMMONS. Yes, sir. I know that funding the personnel account has been a challenge. I'm familiar with the reprogramming that had to take place in 2009 and I think that if confirmed I would have to look at the personnel accounts to see that they are fully funded. That would be my goal, to review those accounts to make sure that they are in fact fully funded for the troops.

Senator REED. Thank you very much, Ms. Commons.

Mr. Yonkers, Senator Inhofe raised the issue that I'm interested in. That is the efforts within the Department of the Air Force to use biofuels, to do a lot of interesting research. I think in your capacity you're going to be at the forefront of these efforts. They have broader applications, more than just Air Force and DOD. I would encourage your efforts, your energy, your enthusiasm, and your vision to do that. Thank you for your willingness to serve.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Let me thank all four of you for your willingness to serve and your families for their commitment, too.

Mr. Yonkers, you and I discussed several issues related to depots and military housing last week during your courtesy call to my office, which I appreciate very much, and I wanted to follow up on just a couple of things this morning. The National Defense Authorization Act for Fiscal Year 2010 will address the most important depot issue that we've been working on recently, which is the inclusion of major modifications in the definition of "depot maintenance". We talked about it in some detail.

I think you understand how important it is that this type of work continues to be done in the depots. For the record, I'd just like your confirmation that, if confirmed, you will comply with the provision in the National Defense Authorization Act for Fiscal Year 2010, not

make any adjustments in DOD's interpretation of the relevant provisions in the law prior to consulting with Congress, and in particular this committee.

Mr. YONKERS. Yes, sir, if confirmed, I will do that.

Senator CHAMBLISS. Thank you.

Second, we also discussed the privatized housing issue, as I noted, in most cases DOD privatized housing projects have worked extremely well and we are getting first-class housing to our men and women at a faster rate with private sector involvement. But there have been a couple of particular situations that have not worked so well. The situation with American Eagle projects at Moody Air Force Base and three other Air Force bases is a glaring exception to the positive trend, and again I'd just like your assurance that if confirmed you'll be committed to properly overseeing these projects, keeping Congress, and in particular this committee, apprised of any problems that arise with respect to those issues.

Mr. YONKERS. Yes, sir, I will if confirmed.

Senator CHAMBLISS. Thank you.

Ms. Fox, if confirmed, you would obviously be the first Director of Cost and Assessment and Program Evaluation. We obviously have high hopes for what your position can do in terms of helping curb what has been a history of spiraling cost growth within the acquisition and procurement sector of DOD. The chairman has already alluded to the numbers. Based upon your resume, I see you have extensive experience in defense analysis and management.

Based upon your experience, what do you think are the key problems with our current processes?

Ms. FOX. Sir, I believe that getting accurate cost estimates in front of decisionmakers as early as possible could help very much with the problem of spiraling costs. I also believe changing requirements after programs have been started is a large factor contributing to cost growth in acquisition programs. These are just two of many factors that we will need to look at in CAPE, sir, if I am confirmed.

Senator CHAMBLISS. Your second point is particularly well taken. I can think of a number of weapons systems that I have had personal involvement in where that's exactly what's happened. We task our defense industrial base to build us a weapon system and then all of a sudden we keep moving the goal post on them.

I think the chairman and Senator McCain's bill does address this in a very strong way, and again we're going to be looking to you for your guidance to Congress, as well as to the various Services, not to continue to move those goal posts.

Do you agree with the premises of the Weapons Acquisition Reform Act in terms of where it identifies and corrects problems in the system?

Ms. FOX. Yes, sir, I do.

Senator CHAMBLISS. Are there any other suggestions that you might have at this point that could help us in that respect?

Ms. FOX. Sir, not at this time. If confirmed, I would certainly look for them, but I have no suggestions to offer at this time.

Senator CHAMBLISS. I would just encourage you that as you go through this, we are not the experts here. It's you folks that we rely on. So if you see where there are additional improvements that

we could be making, I know the chairman, Senator McCain, and all members of the committee are interested in making sure that we truly do reform this acquisition process, because that's where we're spending a lot of taxpayer money that, frankly, we all agree we ought not to be spending. Please don't hesitate to let us know and give us justified criticism if we can make additional improvements.

Mr. Kendall, one of the things you discussed in your advance policy questions is the challenge of maintaining the strength and resiliency of our national defense industrial base. In your opinion, what has changed in the defense industrial base over the last 10 to 20 years?

Mr. KENDALL. There have been some changes in the industrial base that have basically resulted from changes in what the Defense Department has bought and how it has bought it. We've had fewer new starts, so there are fewer opportunities for design teams to do their work. Quantities have been smaller. In general, there's been a lot of consolidation in the industrial base as a result.

I'm concerned about these things. I have not seen a detailed analysis of the exact effects and at this point I'm not prepared to talk about corrective action. But I do think it's a high priority we need to look at very carefully.

Senator CHAMBLISS. You're certainly very correct in pointing out that the shrinking industrial base has been a real issue. I'm not sure that any of us know what the answer is, but again I'll say the same thing as I did to Ms. Fox, that as you get your legs under you in your new position if you see any areas that we can improve the policy related to this process, particularly to make sure that we maintain that strong industrial base, which certainly we need, we would appreciate you letting us know and don't hesitate to provide information to us on that issue.

Mr. KENDALL. Absolutely, Senator.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

I, too, want to thank our nominees for your willingness to serve and the commitment that your families make as well to that. Thank you for being here today and for the good work that you will do for our country.

Mr. Yonkers, as you may know, the Air Force is currently in the process of drafting an environmental impact statement (EIS) for the proposed air space expansion of the Powder River Complex, which will be located above South Dakota, Wyoming, Montana, and North Dakota. The draft EIS was originally scheduled to be published this past summer, but due to some delays I understand the draft EIS is now due out next spring or summer.

I have a deep and abiding interest in assisting the Air Force in completing this initiative to expand the Powder River Complex because I believe it will save a tremendous amount of dollars for the Air Force in terms of fuel costs and aircraft wear and tear. My question is: Are you familiar with that proposed air space expansion at the Powder River Complex? If so, what are your views on that expansion? If you're not familiar with it, I'd be interested in

maybe having you furnish your views for the record once you do get familiarized with that subject.

Mr. YONKERS. Thank you, Senator, for the comment. I am not familiar with this particular issue, but I'm pretty familiar with the National Environmental Policy Act (NEPA) process and the reasons for it and the utility for going through that process. I'm very sensitive to the needs of the Air Force and other members of the Department with regard to these kinds of requirements, and if I'm confirmed I'll certainly look into it and get back with you specifically with any issues or questions that you may have.

Senator THUNE. I would appreciate that, when you're confirmed, if you could take a look at that and just maybe provide some of your thoughts about it. It is a work in progress. Clearly, there are some delays associated with it. Your familiarity with the NEPA process might be useful in helping us sort through those issues and hopefully make sure that it stays on track for next spring.

I understand the concern about making sure that everything's done right and by the book to avoid any future problems down the road, and I'm certainly sympathetic to that. But it is something I think that would make a lot of sense for the Air Force from the standpoint of fuel costs and wear and tear on aircraft, as I said. I would like to at some point circle back with you on that.

One other question I wanted to raise has to do with a policy that's been put in place by the Air Force. Last year Secretary Donley signed the Air Force energy policy, which among other things established a couple of goals with respect to using alternative fuels in the Air Force aircraft fleet. Senator Inhofe alluded to this a little bit, but our goal is to test and certify the aircraft fleet on a 50–50 alternative fuel blend by 2011. By 2016, the Air Force also plans to acquire 50 percent of the Air Force's domestic aviation fuel requirement via an alternative fuel blend in which the alternative component is derived from some domestic source.

My question would be how well is the Air Force proceeding toward reaching these alternative fuel goals? Do you think those goals are realistic, and if you are confirmed, what will you do in this very influential position to have the Air Force reach these goals?

Mr. YONKERS. First of all, again, I appreciate your question. I'm not real familiar with the total portfolio of the Air Force's energy portfolio. I am familiar with that section of law with regards to the balancing between the synthetic fuels and the conventional fuels and trying to balance the greenhouse gas emissions from those.

At this point in time it would be safer to say that if I'm confirmed I'll look into that as well. It's certainly one of those areas that I think is a top priority for the Air Force, not only in terms of looking at those alternatives, but the energy efficiencies of the renewables and all of the things that were incorporated in the energy law as well as the recent executive order by President Obama and the executive order signed by President Bush.

Senator THUNE. Secretary of the Navy Ray Mabus announced last week plans to field what he dubbed "the great green fleet" by 2016. Part of that plan would be to fuel the carrier strike groups aircraft using only renewable biofuels. If confirmed, I assume you would plan on partnering with the other Services in order to col-

laborate and coordinate research and development of these types of renewable biofuels?

Mr. YONKERS. Yes, sir, and even outside DOD and the Military Services, with the Department of Energy and other agencies of Government that have those kinds of responsibilities.

Senator THUNE. Good. The Air Force is the largest purchaser of aviation fuels. Tremendous cost. If there's any spike in price of fuels, of course, it has a great impact on cost to the Air Force. But just as importantly, if not more importantly, is this dangerous reliance we have on foreign fuels. That's why those goals I hope become reality in terms of the Air Force being able to transition to fuels that are sourced domestically, so that we don't have to deal with the uncertainty of what's going to happen in the Middle East with regard to fuel supply.

These are issues that I hope that you'll really undertake to achieve those goals and to work on integrating more of the domestic fuels and the biofuels into the mix.

I appreciate that, Mr. Chairman, and thank you all again for your service.

Senator REED [presiding]. Thank you very much.

Senator Sessions.

Senator SESSIONS. Thank you, Senator Reed.

I congratulate all of you on your nominations. I think the Senate will do its duty and you'll move right along.

Mr. Kendall, the recently released request for proposal by the Air Force marks the third attempt in nearly a decade to acquire a replacement for the KC–135 refueling tanker. The first two attempts were marred by controversy. First there was a leasing scandal, and people went to jail over that; and then a bid protest. Do you believe that it's possible, given the outcomes of those attempts, that there might have been overcompensation in the development of the current request for proposal (RFP) and that as a consequence of that overcorrection to make the RFP foolproof or technically unassailable that an unintended consequence might be that the warfighter gets a less capable platform or is in some ways disadvantaged?

Have you had a chance to look at that and will you comment on it?

Mr. KENDALL. Senator Sessions, I have not. I am sorry; I can't really give an answer to your question.

Senator SESSIONS. If you were bidding on the purchase of a house or some other important item in your life, I think we would all know that price alone is not the most important thing. There are other qualities that go into making the kind of selection that Americans do every day. You want a good price, but you want a good price for the best value and the capabilities you get.

Do you believe that under normal circumstances the best value for the warfighter is what we should be seeking?

Mr. KENDALL. In general, Senator Sessions, I would agree with you, best value, in which obviously price is a very important factor.

Senator SESSIONS. Some have contended that the best price in this would be just to reproduce the existing KC–135. Originally the Air Force proposed and their goal was to obtain a game-changer, a step up in quality and capabilities. It's just something I know will be in your portfolio. It will be an important issue. It's the Air

Force's number one priority in acquisition and we are way behind schedule, and I hope that—and you will be a leader in this—will just make up your mind to do the best and fair bid and call it like it is. I think that's all we can ask, but I think we have a right to ask for that. Don't you?

Mr. KENDALL. Absolutely, Senator Sessions.

Senator SESSIONS. Do you see, Mr. Kendall, similarities between the goal for the current acquisition plan for the replacement aerial refueling tanker and the newly proposed plan for the Littoral Combat Ship? I'll just follow up to say that some might call an overemphasis on basic costs, just the lowest cost, seems to be a theme in those two bids. I realize cost is a very important component. I don't deny that. But do you have any concerns that, despite all the affirmations to the contrary, we are trending toward an acquisition strategy that is based on low-cost shootouts?

Mr. KENDALL. As I said earlier, Senator Sessions, cost is a very important factor, but in many procurements it should not be the only factor. There are other things that contribute to value as well. I share your views on that.

Senator SESSIONS. I would agree. These ships are quite different in their capabilities.

Mr. Chairman, I thank our members for this hearing. I will probably submit some written questions as follow-up. I wish you all success, and if you are fortunate to be confirmed, I know that you will commit yourself to making sure our military men and women have the best value systems that can help them be successful as they serve America, often in harm's way.

Senator REED. Thank you very much, Senator Sessions.

Ladies and gentlemen, thank you for your excellent testimony, your willingness to serve, and the willingness of your family to support that service. There are no questions that I can see, so I will use my temporary power to adjourn the hearing.

[Whereupon, at 10:35 a.m., the committee adjourned.]

[Prepared questions submitted to Christine H. Fox by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Currently, I have no changes to the Act that I would recommend.

If so, what areas do you believe might be appropriate to address in these modifications?

N/A.

DUTIES AND RESPONSIBILITIES

Question. The Weapon Systems Acquisition Reform Act (WSARA) of 2009 established the position of Director of Cost Assessment and Program Evaluation (D/CAPE) and makes that official "responsible for ensuring that cost estimates are fair, reliable, and unbiased, and for performing program analysis and evaluation func-

tions currently performed by the Director of Program Analysis and Evaluation." The duties and responsibilities of this new position are set forth in section 139c of title 10, U.S.C. and in section 2334 of such title (addressing independent cost estimation and cost analysis). If confirmed, you would be the first D/CAPE.

What is your understanding of the primary duties and responsibilities of the D/CAPE?

Answer. I have read the law signed by the President and I understand that D/CAPE is responsible for providing independent cost estimates for all major acquisition programs; ensuring that program cost and schedule estimates are properly prepared and considered in the Department's deliberations on major acquisition programs; providing guidance and oversight for Analyses of Alternatives (AOAs) to ensure that the Department considers the full range of program and non-materiel solutions. Additionally, D/CAPE is responsible for leading the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense (DOD).

Question. Do you believe that the D/CAPE has the authority needed to carry out the duties and responsibilities assigned by statute?

Answer. Yes.

Question. Do you see any need for modifications in the duties and responsibilities of the D/CAPE?

Answer. Not at this time. If confirmed, I would evaluate any need for modifications to the duties and responsibilities in the law.

Question. Assuming you are confirmed, what additional duties, if any, do you expect the Secretary of Defense to assign to you in accordance with sections 113 and 139c(b)(1)(B) of title 10, U.S.C.?

Answer. If confirmed, I expect the Secretary to assign me the duties and functions commensurate with the D/CAPE position, and any others he may deem appropriate.

QUALIFICATIONS

Question. If confirmed as D/CAPE, you will be the principal official in DOD responsible for cost estimation and cost analysis for acquisition programs; for review, analysis, and evaluation of acquisition programs; and for related matters.

What background and experience do you have that you believe qualifies you for this position?

Answer. I have served as a defense analyst, leader, and manager for nearly 30 years. I have personally conducted analyses on a broad range of issues spanning the conduct of military operations, operational testing, and systems trade-offs. I have overseen the analysis of program evaluation, acquisition, and cost issues. As the leader of a Federally Funded Research and Development Center (FFRDC), I have been responsible for providing independent, objective analyses to military and civilian leaders across the Defense Department. I have hired, trained, and developed numerous analysts and have set the analytic standard that governed their performance.

Question. What background and experience do you have in the acquisition of major weapon systems?

Answer. I have considerable experience as a manager and leader of acquisition analysis in an FFRDC environment. I have analytic experience with all phases of the acquisition process from Analysis of Alternatives through operational testing and finally, to the introduction of a new system to fielded forces.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the D/CAPE?

Answer. The WSARA of 2009 is intended to reform defense acquisition processes and to bring cost growth under control. The additional responsibilities and requirements placed upon the new CAPE organization, and the need to tailor CAPE to meet these requirements will be a tremendous challenge. The size, shape, and organization of the CAPE workforce must be reviewed in detail, and the new organization tailored to satisfy the law, and to continue providing the Secretary of Defense with the necessary support that he needs.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I expect to immediately undertake a review of the organization and its ability to fully meet statutory requirements, with the goal to provide clear recommendations regarding changes to organizational structure and additional resource demands. Given the sweeping nature of the changes involved with the law,

I fully expect that additional staff and resources are necessary to comply with the statutory requirements.

RELATIONSHIPS

Question. If confirmed, what would be your working relationship with:

The Secretary of Defense.

Answer. The D/CAPE provides the Secretary and Deputy Secretary of Defense unbiased advice, supported by strong analysis, on how to make rational trade-offs in a resource constrained environment. The Director is the principal advisor to the Secretary for cost assessment and program evaluation. If confirmed, I would closely interact with the Secretary to ensure his directives, goals, and themes are reflected in the programs of DOD.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would expect to interact with the Deputy Secretary to provide unbiased recommendations concerning resource allocation, programmatic alternatives, and cost assessments.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. If confirmed, I would work closely with the Under Secretary of Defense (Acquisition, Technology, and Logistics) (USD(AT&L)) to ensure that acquisition plans and decisions are appropriately supported with accurate and unbiased estimates of the costs to develop and procure weapon systems. The CAPE director must also provide the USD(AT&L) frequent input about the viability, execution ability, and affordability of programs that support the national military strategy.

Question. The Under Secretary of Defense (Comptroller).

Answer. If confirmed, I would work closely with the Under Secretary of Defense (Comptroller) to ensure the necessary integration of developing the Future Years Defense Program with budget plans.

Question. The Under Secretary of Defense for Intelligence.

Answer. If confirmed, I would work closely with the Under Secretary of Defense (Intelligence) to coordinate assessments of special access and compartmented intelligence programs since the CAPE Director has oversight of all DOD resource allocation, including intelligence programs. The central importance and complexity of intelligence to our tactical, operational, and strategic operations requires regular interactions with the primary intelligence official, and his staff.

Question. The Joint Requirements Oversight Council (JROC).

Answer. If confirmed, I would work as an advisor to the Joint Requirements Oversight Council for assessing the resource requirements and programmatic risk of desired capabilities. I would not be a member of the JROC, however I would attend meetings and provide assessments of programs, if invited. The importance of requirements to the acquisition process makes interaction with the JROC members a key imperative for the Director of CAPE.

Question. The Defense Business Systems Management Committee (DBSMC).

Answer. If confirmed, I would ensure regular interaction with the DBSMC, providing assessments and advice.

Question. The Director of Operational Test and Evaluation (DOT&E).

Answer. If confirmed, I would ensure a close working relationship with the DOT&E, and ensure that CAPE and DOT&E freely share information and data. I believe that operational testing is critical to ensuring that weapon systems developed within DOD meet requirements, are reliable, and are cost effective. Careful consideration of operational testing results often point to weaknesses inherent in programs that impact costs, as well as pointing to considerations important for later programs.

Question. The Service Secretaries.

Answer. Service Secretaries provide critical oversight of their departments, particularly regarding plans, programs, and policies. If confirmed, I would endeavor to establish close working relationships with Service Secretaries, working together to solve key problems relating to each Service.

Question. The Chiefs of Staff of the Military Services.

Answer. Service Chiefs have responsibilities to organize, man, train, and equip their Services to meet warfighting requirements and support combatant commanders. Their title 10 responsibility for planning and programming of resources, as well as to develop acquisition programs, ensure regular interaction between the Director of CAPE and Chiefs of Staff of the Military Services. If confirmed, I would ensure that I quickly develop close working relationships with Service Chiefs in order to jointly meet the many challenges within DOD.

Question. The combatant commanders.

Answer. The combatant commanders are the key consumers of the "products" developed in the Pentagon—the forces, programs, and other capabilities necessary to implement the National Security Strategy. It is imperative to meet the needs of the combatant commanders. If confirmed, I would endeavor to understand the needs of the combatant commanders and to advocate for programs that support their requirements. I would ensure that I know and react to their needs.

Question. The heads of the defense agencies.

Answer. The defense agencies have responsibilities to develop programs and budget to meet their requirements. If confirmed, I would be sensitive to the needs of the defense agencies and be available to help address their challenges.

Question. The Service acquisition executives.

Answer. If confirmed, I would work closely with Service acquisition executives to provide analysis, to meet the challenges of troubled programs, and if required, develop alternatives to meet defense needs.

Question. The program executive officers and program managers of major defense acquisition programs.

Answer. If confirmed, I would work closely with program executive officers and program managers to provide analysis to help meet the challenges of troubled programs and if required, develop alternatives to meet defense needs.

Question. The cost estimating offices of the military departments.

Answer. If confirmed, I would ensure a close working relationship with the cost estimating offices of the military departments, ensuring that independent cost estimates fully represent the Service acquisition plans. The cost estimating offices of the military departments provide the baseline data and plans that form the basis for cost estimates for acquisition programs.

ORGANIZATION AND STAFFING

Question. What is your understanding of the extent to which the Department has made the changes necessary to establish the office of the D/CAPE, in accordance with the statutory requirements?

Answer. My understanding is that the Department has taken preliminary steps to establish the office of the D/CAPE in accordance with the statutory requirements and some early planning has been accomplished. If confirmed, I would review these plans and move rapidly to transitioning the new CAPE organization to meet the goals of the WSARA.

Question. What steps do you believe you will need to take, if confirmed, to ensure that the office of the D/CAPE is fully functional and organized in a manner consistent with statutory requirements?

Answer. If confirmed, I would develop a strategic plan to transition the organization into fulfilling its expanded roles and responsibilities in a way that both meets the intent of WSARA and the needs of the Department. It is likely that additional staff will be needed along with organizational changes to fulfill the expanded CAPE responsibilities and fully comply with the statutory requirements of WSARA.

Question. Do you see the need for any changes in the structure, organization, or reporting relationships of the office of the D/CAPE?

Answer. Not at this time. If confirmed, I would evaluate the current structure, organization, and reporting relationships of the office of the D/CAPE and recommend adjustments, if needed. If confirmed, I would assess these issues and recommend changes as necessary.

Question. Section 139c(d)(8) of title 10, U.S.C., requires the D/CAPE to lead "the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense." Section 2334(f) of title 10, U.S.C., requires the Secretary of Defense to ensure that the D/CAPE has sufficient staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section."

Do you believe that the office of the D/CAPE currently has sufficient staff of appropriately qualified and trained personnel to carry out its duties and responsibilities?

Answer. No. I believe that the Government staff of the legacy Cost Analysis Improvement Group, which has already transitioned to Cost Assessment within CAPE, will need to grow substantially to meet the expanded cost assessment responsibilities and requirements in WSARA. The Government staff of Program Evaluation within CAPE is also likely to grow to fulfill new responsibilities within WSARA. If confirmed, I would move rapidly to develop, mature, and execute early transition and strategic plans so that CAPE will help the Department realize the program performance goals established by the President and Congress.

Question. What steps do you plan to take, if confirmed, to assess the staffing needs of your office and ensure that you have sufficient staff of appropriately qualified and trained personnel to carry out your duties and responsibilities?

Answer. If confirmed, I would review the assessments and planning done to date, and would provide further guidance as required to fully implement the WSARA. I do foresee the need for additional staff given the requirements specified in the statutory regulations.

Question. What is your view of the current staffing of cost assessment and cost estimating functions of the military departments and defense agencies?

Answer. I do not have detailed knowledge of the staffing of cost assessment and cost estimating functions of the military departments and defense agencies. However, if confirmed, as I develop the strategic plan for CAPE, I intend to examine closely its relationships with the military department and defense agency counterparts to ensure the larger DOD cost community is well positioned to support the goals of WSARA.

Question. If confirmed, what role if any do you expect to play in ensuring that the cost assessment and cost estimating functions of the military departments and defense agencies have sufficient staff of appropriately qualified and trained personnel to carry out their duties and responsibilities?

Answer. The WSARA establishes the Director, Cost Assessment and Program Evaluation in the role as the primary advocate for the entire DOD cost community. If confirmed, I would work to ensure that cost assessment and cost estimating functions for the entire Department have sufficient resources and are provided the necessary guidance and authorities that are essential to improve the performance of DOD programs.

ACQUISITION PROCESS

Question. What is your understanding of the role of the D/CAPE in the acquisition process?

Answer. My understanding is that the D/CAPE will play several key roles in the acquisition process. The D/CAPE is responsible for providing guidance and oversight for AOAs to ensure that the Department, at the earliest point possible, considers the full range of program and non-materiel alternatives that might provide the needed military capabilities, as quickly as possible, at the lowest possible cost. The D/CAPE is also responsible, throughout the entire acquisition process, for ensuring that program cost and schedule estimates are properly prepared and considered in the Department's deliberations on major acquisition programs and that the program is likely to achieve the desired capabilities.

Question. What is your view of the significance of sound, unbiased cost estimating throughout the acquisition process?

Answer. I believe that sound and unbiased cost and schedule estimates, including thorough risk assessments, are absolutely essential for effective acquisition decision-making and oversight. Achieving the goal of reducing cost and schedule growth in the Department's portfolio of acquisition programs will not be possible if good cost estimates are not available and considered throughout the acquisition process.

Question. What is your understanding of the role of the D/CAPE in the requirements and resource-allocation processes?

Answer. On the requirements side, the Director is an advisor to the Joint Requirements Oversight Council for assessing the resource requirements and programmatic risk of a desired capability. On the resources side, the Director is responsible for executing the planning and programming phases of the Department's planning, programming, budgeting, and execution system (PPBES).

Question. Do you see the need for any additional processes or mechanisms to ensure coordination between the budget, acquisition, and requirements systems of DOD and ensure that appropriate trade-offs are made between cost, schedule, and performance requirements early in the acquisition process?

Answer. The WSARA assigns greater authorities and responsibilities to the D/CAPE in the requirements and acquisition process for programs that have not achieved Milestone B approval. If confirmed, I intend to use these authorities to the fullest extent to ensure that programs are properly initiated and are postured for success. I would evaluate and recommend adjustments, if needed, in the current requirement, acquisition, and budget processes to facilitate trade-offs and to ensure program success.

Question. Do you believe that the current investment budget for major systems is affordable given increasing historic cost growth in major systems, costs of current operations, projected increases in end strength, and asset recapitalization?

Answer. I do not have detailed knowledge of the trade-offs between the current investment budget and the other pressures on resources within the total provided to the Department.

Question. If not, what role do you see for the D/CAPE in addressing this issue?

Answer. If confirmed, I would evaluate these trade-offs and recommend adjustments, if needed, and provide management direction as necessary to ensure that we have an affordable, long-term investment strategy.

Question. Many acquisition experts attribute the failure of DOD acquisition programs to a cultural bias that routinely produces overly optimistic cost and schedule estimates and unrealistic performance expectations. As Senator Levin explained at a June 2008 hearing, "contractors and program offices have every reason to produce optimistic cost estimates and unrealistic performance expectations, because programs that promise revolutionary change and project lower costs are more likely to be approved and funded by senior administration officials and by Congress."

Do you agree with the assessment that overly optimistic cost and schedule estimates and unrealistic performance expectations contribute to the failure of major defense acquisition programs?

Answer. Yes.

Question. What steps if any would you take, if confirmed, to ensure that the Department's cost, schedule, and performance estimates are realistic?

Answer. I do not have sufficient knowledge to offer a complete assessment at this time; however, if confirmed, one key step I would take is to advocate use of Independent Cost Estimates, developed or approved by the D/CAPE, at acquisition milestones and other key decision points in the acquisition process.

Question. Do you believe that early communication between the acquisition, budget, and requirements communities in DOD can help ensure more realistic cost, schedule, and performance expectations?

Answer. Yes.

Question. If so, what steps if any would you take, if confirmed, to assist in such communication?

Answer. If confirmed, I would consider expanding the joint deliberations that have been developed between the acquisition, requirements, and PPBE processes.

I would also consider improvements in information systems in the acquisition, budget, and requirements community to enable improved sharing of information between these communities, and to enhance the transparency of the information both within and outside of the Department.

Question. Nearly half of DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C., to identify seriously troubled programs. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down.

What role do you see for the D/CAPE in controlling the out-of-control cost growth on DOD's major defense acquisition programs?

Answer. I expect that the enhanced WSARA requirements for program certifications will help to place programs on a sound foundation at key decision points in the acquisition process. For new programs, the new 2366a requirements at Milestone A will be effective in helping to establish realistic program definition and cost and schedule targets, as early as possible, to help reduce future cost growth. For programs already underway, the 2366b certifications required for programs beyond Milestone B will be effective in putting troubled programs on a more stable footing and reducing further cost growth.

Question. In the Budget Blueprint that supports the fiscal year 2010 Presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage."

What role do you see for the D/CAPE in helping to ensure that the Department makes good on this commitment?

Answer. D/CAPE is the principal official in DOD responsible for cost and schedule estimation and for assessing expected program effectiveness.

Question. Over the last several years, the Government Accountability Office (GAO) has prepared a series of reports for this Committee comparing the DOD approach to the acquisition of major systems with the approach taken by best performers in the private sector. GAO concluded that private sector programs are more successful because they consistently require a high level of maturity for new technologies before such technologies are incorporated into product development pro-

grams. The Department has responded to these findings by adopting technological maturity goals in its acquisition policies.

How important is it, in your view, for the Department to mature its technologies with research and development funds before these technologies are incorporated into product development programs?

Answer. In my view it is critical for programs to reach the appropriate level of maturity before proceeding to the next acquisition stage.

Question. What role do you see for the D/CAPE in helping to ensure that the key components and technologies to be incorporated into major acquisition programs meet the Department's technological maturity goals?

Answer. If confirmed, I would ensure that technology risks and maturity levels are fully incorporated in the cost and schedule assessments, including Independent Cost Estimates, prepared for all major programs.

DOD has increasingly turned to incremental acquisition and spiral development approaches in an effort to make cost, schedule, and performance expectations more realistic and achievable.

Question. Do you believe that incremental acquisition and spiral development can help improve the performance of the Department's major acquisition programs?

Answer. Yes, I believe that incremental acquisition and spiral development could be an effective way to reduce acquisition risk and should be considered whenever appropriate across DOD's portfolio of acquisition programs.

Question. In your view, has the Department's approach to incremental acquisition and spiral development been successful? Why or why not?

Answer. I do not have the detailed knowledge to make an informed assessment. I believe that the use of this approach must be considered, on a case-by-case basis, with all factors assessed and weighed in the decision. If confirmed, I would advocate for the consideration and evaluation of spiral development and incremental acquisition strategies in all applicable situations.

Question. What steps if any do you believe are needed to ensure that the requirements process, budget process, and testing regime can accommodate incremental acquisition and spiral development approaches?

Answer. I do not have sufficient knowledge to offer a detailed assessment at this time; however, I believe that these areas need to be flexible enough to support incremental acquisition and spiral development approaches.

Question. How should the Department ensure that the incremental acquisition and spiral development programs have appropriate baselines against which to measure performance?

Answer. The Department is required to prepare and measure performance against rigorous acquisition program baselines for major acquisition programs, including acquisition programs that employ these concepts. If confirmed, I would ensure realistic independent cost and schedule estimates are prepared for all major acquisition programs, including the programs that employ these concepts.

Question. The poor performance of major defense acquisition programs has also been attributed to instability in funding and requirements. In the past, DOD has attempted to provide greater funding stability through the use of multi-year contracts. More recently, the Department has sought greater requirements stability by instituting Configuration Steering Boards to exercise control over any changes to requirements that would increase program costs.

What are your views on multi-year procurements? Under what circumstances do you believe they should be used?

Answer. In general, I believe that multi-year procurement strategies can result in savings. I recognize that multi-year contracts offer the possibility of cost savings from economic order quantities. If confirmed, I would ensure the CAPE organization prepares unbiased analyses to quantify the resultant savings from the use of multi-year procurement strategies, and to assess the impact on the Department of reductions in acquisition and budget flexibilities.

Question. What is your opinion on the level of cost savings that constitute "substantial savings" for purposes of the defense multi-year procurement statute, 10 U.S.C. § 2306b?

Answer. I do not have sufficient knowledge to offer a specific opinion at this time; however, determining substantial savings will likely require consideration on a case by case basis. I believe that consideration should include the potential trade-off between cost savings and reductions in acquisition and budget flexibilities.

Question. Under what circumstances, if any, do you believe that a multi-year contract should be used for procuring weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes but which might otherwise comply with the requirements of the defense multi-year procurement statute, 10 U.S.C. § 2306b?

Answer. I believe it is likely that the employment of multi-year strategies should be evaluated on a case-by-case basis. If confirmed, I would consider all relevant factors, including past program performance, in deliberations on possible employment of multi-year procurement strategies.

Question. How would you analyze and evaluate proposals for multi-year procurement for such programs?

Answer. If confirmed, I would ensure that proposals for multi-year procurement would be carefully and fairly assessed, with consideration of the original savings projections for historical programs, and compared with acquisition strategies that do not employ multi-year procurement. I would also ensure that multi-year savings projections are compared with actual savings achieved from historical programs.

Question. If confirmed, what criteria would you apply in assessing whether procuring such a system under a multi-year contract, is appropriate and should be proposed to Congress?

Answer. Although I do not have sufficient knowledge to recommend specific criteria at this time, some criteria to consider include a review of all statutory and regulatory requirements and, potentially, an assessment of the trade-offs between cost savings and reductions in acquisition and budget flexibilities.

Question. Under what circumstances, if any, should DOD ever break a multi-year procurement?

Answer. I believe that the extraordinary circumstances that would lead to the break in a multi-year procurement should be carefully considered on a case-by-case basis. Some factors to consider could include a dramatic change in the national security situation, a change in the fiscal environment facing DOD, or a significant change in the acquisition program itself.

Question. What other steps if any would you recommend taking to increase the funding and requirements stability of major defense acquisition programs?

Answer. If confirmed, I would take actions to ensure that independent cost estimates developed or approved by the D/CAPE are fully funded in the Future Years Defense Program, that changes to programs and cost estimates are properly tracked over time, that program cost performance is tracked consistent with the metrics specified in WSARA, and that proposed changes to programs that influence costs are fully evaluated and considered prior to implementation of changes to programs.

If confirmed, I would also recommend a careful examination of the Operations and Support costs for the Department. These accounts sometimes contribute to instability in acquisition programs by demanding a greater percentage of available resources than originally expected, thereby undermining acquisition plans. Realistically funding these accounts, and controlling cost growth where possible, may help stabilize mid- and long-term acquisition plans.

COST ASSESSMENT

Question. Section 2334 of title 10, U.S.C., requires the D/CAPE to prescribe policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of DOD.

What are the major issues that you believe should be addressed in policies and procedures for the conduct of cost estimation and cost analysis for DOD acquisition programs?

Answer. I do not have enough detailed information to make an assessment. If confirmed, I would evaluate the current policies and procedures for the conduct of cost estimation and cost analysis for DOD acquisition programs and recommend adjustments, if needed.

Question. What is your view on DOD policies and procedures currently in place for the conduct of cost estimation and cost analysis for DOD acquisition programs? Are there any significant gaps that you would like to fill or significant changes that you would like to make?

Answer. I do not have enough detailed information to make an assessment. If confirmed, I would evaluate the current policies and procedures for the conduct of cost estimation and cost analysis for DOD acquisition programs and recommend adjustments, if needed.

Question. Section 2334(a)(6) requires the Director to conduct independent cost estimates and cost analyses for certain major defense acquisition programs and major automated information system programs at key points in the acquisition process and "at any other time considered appropriate by the Director or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics."

In your view, does the office of the Director currently have the staffing and resources necessary to perform this function, or will additional resources be required?

Answer. I believe that in order to fully comply with the statutory requirements of WSARA significant additional staffing and resources will be needed, beyond those that had previously been provided to the Cost Analysis Improvement Group. If confirmed, I would move rapidly to develop, mature, and execute early transition and strategic plans so that CAPE will help the Department realize the program performance goals established by the President and Congress.

Question. What is your view of the extent to which it would be appropriate to use Federally Funded Research and Development Centers (FFRDCs) or other contractors to assist in this function?

Answer. It is my understanding that the Department has underway a major initiative to reestablish the Government acquisition workforce. Even with this trend, however, there are numerous functions, such as cost analysis research, that an FFRDC or a support contractor could provide to assist the Department in meeting its cost estimating requirements.

Question. Are there particular points in the acquisition process, other than those required by statute, at which you think that independent cost estimates and cost analyses would be appropriate?

Answer. The current acquisition process in the Department is event-driven and episodic in nature, and is driven primarily by the key milestones identified in statute. In my view, the new WSARA requirements will drive the Department to a model involving more continuous involvement of the cost analysis community. If confirmed, I would support a more continuous involvement of CAPE in following and tracking program performance, updating previous cost and schedule estimates, and in evaluating new program risks as they are identified.

Question. The Director is required to "[r]eview all cost estimates and cost analyses" conducted by the military departments and defense agencies for major defense acquisition programs and major automated information system programs other than those covered by section 2334(a)(6). At certain points in the acquisition process, the Director is required to determine whether such estimates are reasonable.

In your view, does the office of the Director currently have the staffing and resources necessary to perform this function, or will additional resources be required?

Answer. No. I believe that in order to fully comply with the statutory requirements of WSARA significant additional staffing and resources will be needed, beyond those that had previously been provided to the Cost Analysis Improvement Group. If confirmed, I would move rapidly to develop, mature, and execute early transition and strategic plans so that CAPE will help the Department realize the aggressive program performance goals established by the President and Congress.

Question. What is your view of the extent to which it would be appropriate to use FFRDCs or other contractors to assist in this function?

Answer. The cost estimating community is currently involved in the DOD insourcing initiative since many of the functions performed in this community are inherently governmental in nature. Even with this trend, however, there are numerous functions, such as cost analysis research, that an FFRDC or a support contractor could provide to assist the Department in meeting its cost estimating requirements.

Question. What action would you expect to take, if confirmed, if you were to determine that a cost estimate or cost analysis conducted by one of the military departments or defense agencies in connection with a major defense acquisition program or major automated system program was not reasonable?

Answer. If confirmed, in this situation I would direct the Deputy Director for Cost Assessments in CAPE to prepare a separate independent cost estimate. I would recommend that the program not be permitted to proceed until the new independent cost estimate was completed, considered, and properly funded in the Future Years Defense Program.

Question. Section 2334(a) also requires the Director to issue guidance relating to the proper selection of confidence levels in cost estimates for major defense acquisition programs and major automated information system programs. Section 2334(d) requires the Director (and the head of the agency responsible for the estimate) to disclose the confidence level for the estimate, the rationale for selecting the confidence level, and "if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent."

Do you support the disclosure requirement in section 2334(d)?

Answer. Yes.

Question. What is your view of the appropriate confidence level for a cost estimate for a major defense acquisition program or major automated information system program?

Answer. If confirmed, I would ensure that a complete discussion of program risk, its assessment and quantification, and the extent to which risk mitigation measures

are funded, would be a part of the preparation and documentation of every independent cost estimate conducted or overseen by CAPE. I believe that the confidence level or degree to which funding is provided to cover risks, both known and unknown, is best established on a case-by-case basis, in the context of the overall Departmental priorities and risk posture.

Question. In your view, should the confidence level vary, depending on the stage of the acquisition process that the program has reached?

Answer. Yes.

Question. What do you see as the possible consequences of selecting an inappropriate confidence level of a cost estimate?

Answer. The consequences of selecting an inappropriate confidence level for a cost estimate depend on many factors, including the size of the program, the extent to which the specific program has already experienced cost growth, and the performance of other programs in the larger DOD acquisition portfolio. The consequences could range from having a significant effect on many programs within the larger DOD acquisition portfolio, as resources are moved to pay for large cost overruns, to having a relatively small effect on a single acquisition program.

Question. Do you see the need for any change in the legislation regarding confidence levels for estimates?

Answer. I have no recommended changes at this time. If confirmed, I would evaluate the current statutory requirements, policies, and procedures for the development and setting of confidence levels for DOD acquisition programs and recommend adjustments, if needed.

PROGRAM EVALUATION

Question. Section 139c(d)(5) of title 10, U.S.C., makes the D/CAPE responsible for "[r]eview, analysis, and evaluation of programs for executing approved strategies and policies, ensuring that information on programs is presented accurately and completely." Section 139c(d)(7) makes the Director responsible for "[a]ssessments of alternative plans, programs, and policies with respect to the acquisition programs of the Department of Defense."

What is your view of the significance of independent review, analysis, and evaluation of programs, and assessments of alternative programs, to the effective management of DOD?

Answer. Independent analyses and evaluation of programs help identify underlying risk in programs—whether cost, schedule or performance risk. I believe that identifying these risks and offering the means to mitigate them will position the Department leadership to make informed decisions for acquiring and resourcing program plans.

Question. Do you see the need for any changes or improvements to the organization, process, or methodology used by the Department for such review, analysis, and assessments?

Answer. It is highly likely that additional staff will be needed along with organizational changes to fulfill the expanded CAPE responsibilities and fully comply with the statutory requirements of WSARA. I am not aware of the need to make any changes or improvements to the process or methodology at this time. However, if confirmed I would review the process and methodology and make recommendations for improvements, as appropriate.

Question. Does the D/CAPE have the staffing and resources needed to carry out this function?

Answer. Given the additional responsibilities spelled out in the WSARA law, I believe that the Director may need additional staff and resources to carry out this function. If confirmed, I plan to focus immediately on organizational changes necessary to fully comply with the intent of the legislation and the resulting impact on resources.

Question. How do you believe that the D/CAPE should interact with Service acquisition executives, program executive officers, program managers, and other program officials in preparing independent evaluations of major defense acquisition programs?

Answer. Preparation of independent evaluations of major defense acquisition programs is highly dependent on gaining unfettered access to information about the programs. I believe that the D/CAPE must create strong relationships with Service acquisition executives and other program subordinates to ensure continued access to the information. At the same time, I believe that the Director must make clear that the analyses done by the Cost Assessment and Program Evaluation organization maintain the necessary independence and continue to be unbiased and reliable in developing recommendations based on the analyses.

PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION SYSTEM

Question. What role do you expect to play, if confirmed, on matters relating to the planning and programming phases of the Planning, Programming, Budgeting and Execution (PPBE) system?

Answer. If confirmed, I expect the Secretary of Defense would assign me all of the duties, functions, and responsibilities currently specified in the Department's directives for the former position of Director, Program Analysis and Evaluation. Specifically I expect that I would be one of the Secretary's primary advisors on all program evaluation matters. Further, I expect that I would coordinate the performance of the Program Review and ensure a close working relationship with the Under Secretary of Defense (Comptroller) as he coordinates the performance of the Budget Review. I expect that I would analyze, evaluate, and provide alternative plans and programs for U.S. defense objectives and evaluate programs to ensure execution of approved strategies and policies. I anticipate performing critical reviews of requirements, capabilities, and life-cycle costs of current and proposed defense programs, including reviews of AOAs and to establish guidance for AOAs.

Question. What role do you expect to play, if confirmed, in the preparation of materials and guidance for the PPBE system?

Answer. If confirmed, I would direct preparation for overarching guidance for the programming phase of PPBE. I also expect that I would prepare and coordinate closely with the Under Secretary of Defense (Comptroller) in the preparation of Fiscal Guidance to the Defense components. Further I would expect to coordinate with the Under Secretary of Defense (Policy) in implementation of strategic policy decisions reached through processes such as the Quadrennial Defense Review. I expect that I would continue to prepare and deliver to Congress the Future Years Defense Program for DOD.

Question. Do you see the need for any changes or improvements to the PPBE system?

Answer. I do not have any recommendations at this time.

ANALYSES OF ALTERNATIVES

Question. The D/CAPE is responsible for the formulation of study guidance for AOAs for major defense acquisition programs and the performance of such analyses, as directed by the Secretary of Defense.

Do you believe that DOD has been making appropriate use of AOAs in connection with major defense acquisition programs?

Answer. I do not have sufficient knowledge at this time to offer an assessment of the Department's use of analysis of alternatives. I believe AOAs can identify areas where tradeoffs can be made to reduce cost, schedule, and performance risk.

Question. Do you see the need for any change in the timing, content, or approach that the Department takes to AOAs in connection with major defense acquisition programs?

Answer. No. The analysis of alternatives is usually done prior to Milestone A, thereby offering the earliest opportunity to influence the acquisition strategy and program content. If confirmed, I would ensure that the analysis of alternatives continues to be updated, as appropriate, as the program proceeds to a full-rate production decision.

Question. Do you believe that the office of the D/CAPE and other relevant components of the Department are appropriately organized and staffed to carry out effective AOAs in connection with major defense acquisition programs?

Answer. Properly organized, yes. Properly staffed, no—it is highly likely that additional staff will be needed along with organizational changes to fulfill the expanded CAPE responsibilities and fully comply with the statutory requirements of WSARA.

OPERATING AND SUPPORT COSTS

Question. Section 2334(e) of title 10, U.S.C., requires the Director to review and report on existing systems and methods of DOD for tracking and assessing operating and support costs on major defense acquisition programs.

Do you think that the Department is currently doing an adequate job of estimating operating and support costs for major defense acquisition programs?

Answer. I appreciate the challenges of estimating operating and support costs of increasingly complex weapon systems with ever-changing operational missions. The WSARA of 2009 requires a review of systems and methods used for developing estimates of operating and support costs. I am advised that a team led by the Cost Assessment and Program Evaluation directorate is examining the adequacy of systems

and methods used for developing estimates of these costs. If confirmed, I would review the study team's finding and conclusions and recommend adjustments, if needed.

Question. Do you think that the Department is currently doing an adequate job of tracking and assessing operating and support costs for major defense acquisition programs?

Answer. I recognize that effective systems and methods must be in place to ensure that budgets and programs reflect the most current experience in operating and support costs. The WSARA of 2009 requires a review of systems and methods used for tracking and assessing operating and support costs. I am advised that a team led by the Cost Assessment and Program Evaluation directorate is examining these systems and methods. If confirmed, I would review the study team's finding and conclusions and recommend adjustments, if needed.

Question. What would be your view of a "Nunn-McCurdy"-type system for programs that substantially exceed estimates for operating and support costs?

Answer. I understand the importance of controlling the operating and support costs of our major weapon systems. I also know that this is a complicated problem—many factors contribute to increases in operating and support cost growth. I am advised that the Cost Assessment and Program Evaluation directorate has begun assessing the feasibility and advisability of establishing some form of baseline for operating and support costs, as required in the WSARA of 2009. If confirmed, I would make a review of the team's progress on this question a near-term priority.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the D/CAPE?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

NEW POSITION

1. Senator BURRIS. Ms. Fox, how would you define success as the first person to fill this position?

Ms. FOX. The Weapon System Acquisition Reform Act (WSARA) of 2009 is intended to bring cost growth under control and to reform defense acquisition processes so that equipment is provided to U.S. forces in a timely manner. I would view success as making a positive contribution to those goals. The additional requirements and responsibilities assigned to the new Cost Assessment and Program Evaluation (CAPE) organization, and the need to tailor CAPE to meet those requirements, will also be a tremendous challenge. If I can leave CAPE in a strong position to achieve the goals of WSARA, I would consider that a success.

2. Senator BURRIS. Ms. Fox, do you feel that this position is an oversight arm for the Under Secretary of Defense (Comptroller) and the Services Comptrollers?

Ms. FOX. I plan to work closely with the Under Secretary of Defense (Comptroller) to ensure that the processes the Department uses to develop its budget plans and build the Future Years Defense Program are carefully integrated. I also plan to

work with the Department of Defense (DOD) and Service Comptrollers to ensure that the information provided to Congress in the budget, in the Future Years Defense Program, and in reports on acquisition programs is accurate and internally consistent.

3. Senator BURRIS. Ms. Fox, do you plan to work to implement a DOD standard for determining cost estimates, assessments, and requirements?

Ms. FOX. The WSARA establishes the Director of Cost Assessment and Program Evaluation as the primary advocate for the DOD cost community. I plan to evaluate the policies and procedures the Department currently uses in developing cost estimates and preparing cost analyses for acquisition programs, and I will recommend adjustments, if needed. I will also work to ensure that appropriate guidance is provided for cost assessment and cost-estimating functions department-wide and that these functions are given the resources and authorities necessary to improve the performance of DOD programs.

ACQUISITION PROCESS

4. Senator BURRIS. Ms. Fox, does the acquisition process need to be overhauled DOD-wide?

Ms. FOX. The acquisition process for major defense programs will require modification to fully implement the statutory requirements established by the WSARA. I plan to work closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that any modifications to the Department's acquisition regulations are consistent with statutory requirements and the goals of WSARA.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

FIXED-PRICE CONTRACTING

5. Senator MCCAIN. Ms. Fox, we in this committee and DOD have pursued initiatives designed to reduce development and technological risks associated with major weapons programs so as to maximize the use of fixed price-type contracts. What do you think about the feasibility of greater use of fixed price contracts, and how would you evaluate the Department's commitment or ability to move towards use of more fixed price-type contracts (and less cost-reimbursable contracts) to buy major weapons systems?

Ms. FOX. I believe that the use of fixed-price contracts is appropriate in the later stages of major weapons programs that involve both development and production activities. I believe that the specific point at which to make the transition from cost-type to fixed-price contract vehicles is best determined on a case-by-case basis. The criteria that the Department currently considers in establishing the transition point include the military requirements for the program in question, the technical definition of the program, the design stability of the end-items to be procured, the availability of information on actual costs, and the overall risk posture and priorities associated with the program. These seem reasonable to me at this time. There are cases, however, when a fixed-price contract would make sense for the entire program. An example would be a program that entails no or minimal development activities—such as acquisition efforts involving procurement of off-the-shelf items.

AUTHORITIES UNDER THE WEAPONS SYSTEMS ACQUISITION REFORM ACT OF 2009

6. Senator MCCAIN. Ms. Fox, you bring a wealth of analytical and research management experience to this new position, and we went to great lengths to ensure that you have the independence, resources, and access needed to provide the advice and information that Secretary Gates, Under Secretary Carter, and all the participants in DOD procurement and acquisition require to succeed. What do you consider to be the most important aspects and legal authorities of this new position?

Ms. FOX. The WSARA legislation makes clear that the CAPE director is responsible for providing independent cost estimates for all major acquisition programs and for ensuring that program cost and schedule estimates are properly prepared and considered in the Department's deliberations on major acquisition programs. The legislation further authorizes the CAPE director to provide guidance and oversight of Analyses of Alternative. Through this authority, the CAPE director can ensure that the full range of program and non-materiel solutions is considered in ac-

quisition decisions. These two authorities together are critical to the CAPE director's ability to achieve the goals of WSARA.

7. Senator MCCAIN. Ms. Fox, if confirmed, what resources or additional authorities do you think you may require?

Ms. FOX. The WSARA of 2009 is intended to reform defense acquisition processes and to bring cost growth under control. The additional requirements and responsibilities assigned to the new CAPE organization, and the need to tailor CAPE to meet those requirements, will be a tremendous challenge. The size, shape, and organization of the CAPE workforce must be reviewed in detail, and the new organization must be tailored to satisfy the law and to continue providing the Secretary of Defense with the analytic support that he needs.

COST ESTIMATING

8. Senator MCCAIN. Ms. Fox, if confirmed as the Director of Cost Assessment and Program Evaluation, you will be called on to testify before Congress on your independent cost estimates and analyses of major weapons programs. What cost estimate information do you think it is important for Congress to have when considering funding for major defense acquisition programs? For example, should Congress be looking at a point estimate or a range estimate?

Ms. FOX. In support of funding decisions in the authorization and appropriation processes, Congress needs accurate and complete information regarding the cost estimates that form the basis for the President's budget request, the Future Years Defense Program, and the Selected Acquisition Reports submitted for major weapon programs. Understanding the risks associated with a program's cost estimate is critically important in that regard. For example, in many instances the unit cost of a weapon system is influenced to a large degree by the number of items procured in each year of the program. Providing information of this sort to decisionmakers in DOD and Congress should result in more balanced and informed decisions in both the executive and legislative branches of Government.

9. Senator MCCAIN. Ms. Fox, in your view, is it sufficient to know the confidence level of a cost estimate or do we need to know the major cost risk drivers of a program?

Ms. FOX. I plan to ensure that a complete discussion of program risk, its assessment and quantification, and the extent to which risk-mitigation measures are funded is part of the preparation and documentation of every independent cost estimate produced or overseen by CAPE. I believe that the confidence level, or the degree to which funding is provided to cover risks, both known and unknown, is best established on a case-by-case basis, in the context of the Department's overall priorities and risk posture.

10. Senator MCCAIN. Ms. Fox, what, if anything, would you do to help us get a good understanding of the cost risk drivers?

Ms. FOX. I plan to ensure that every independent cost estimate produced or overseen by CAPE includes a complete discussion of program risk, its assessment and quantification, and the extent to which risk mitigation measures have been funded in the program's budget. Toward that end, I hope to strengthen the discussion of cost risks in the budgetary and acquisition materials that the Department provides to Congress for major defense programs

11. Senator MCCAIN. Ms. Fox, do you believe that major defense acquisition programs should be budgeted to an independent cost estimate?

Ms. FOX. Yes, I believe that the budget requests for major defense acquisition programs should generally be consistent with resource requirement projections from independent cost estimates.

12. Senator MCCAIN. Ms. Fox, independent cost estimating aside, do you believe that major defense acquisition programs should be budgeted to a specific confidence level?

Ms. FOX. I believe that the confidence level, or the degree to which funding is provided to cover risks, both known and unknown, is best established on a case-by-case basis, in the context of the Department's overall priorities and risk posture. For example, in the early development phases of a program, when more than one materiel solution is under consideration, it might be appropriate to base the initial budget requests on the higher-cost solution. Such an approach would provide high con-

fidence that the best solution for the Department can be pursued within programmed resources over the longer term.

13. Senator MCCAIN. Ms. Fox, should DOD budget for certain high risk programs, such as those that involve significant leaps in technology, at a higher confidence level?

Ms. FOX. I believe that the confidence level, or the degree to which funding is provided to cover risks, both known and unknown, is best established on a case-by-case basis, in the context of the Department's overall priorities and risk posture. In certain situations involving high-priority missions and high-risk programs, it may be necessary to establish budgets at higher confidence levels for the programs.

14. Senator MCCAIN. Ms. Fox, in a number of programs, such as the CVN–78 and DDG–1000, DOD relies on new production or design efficiencies to generate cost savings. But, the Government Accountability Office has found that "labor hour savings based on efficiencies often did not materialize as expected." When developing a cost estimate, to what extent would you consider new manufacturing or design processes as generating cost savings?

Ms. FOX. The cost estimates prepared in CAPE are based on actual costs reported by defense contractors and DOD components for current and historical defense programs. The database of actual costs for previous defense programs is maintained by the Defense Cost and Resource Center within CAPE and is available to all Government personnel in DOD. When a cost estimate is developed by CAPE, it reflects cost savings associated with new manufacturing or design processes only to the degree to which those savings have been proven and realized and are reflected in the actual cost reports for DOD programs.

15. Senator MCCAIN. Ms. Fox, to what extent are you concerned that operations and support costs are not taken into sufficient account when key procurement decisions are made on a major weapons systems throughout its acquisition cycle?

Ms. FOX. It is important that operations and support costs be considered in decisions involving the acquisition of long-term capital assets in DOD. I appreciate the challenges of estimating operating and support costs of increasingly complex weapon systems with frequently changing operational missions. The WSARA of 2009 requires a review of systems and methods used for developing estimates of operating and support costs. A team led by the Cost Assessment and Program Evaluation directorate is examining the adequacy of systems and methods used for developing estimates of these costs. I plan to review the study team's finding and conclusions and will recommend adjustments to the procedures the Department uses to estimate operations and support costs, if needed.

[The nomination reference of Christine H. Fox follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 1, 2009.

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

Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense (New Position).

[The biographical sketch of Christine H. Fox, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF CHRISTINE FOX

EDUCATION

Garfield High School, May 1972, H.S. Diploma
BS, Mathematics, George Mason University, May 1976
MS, Applied mathematics, George Mason University, August 1980

EMPLOYMENT RECORD

Center for Naval Analyses:

May 2004–Present: President
2001–2004: Vice President and Director, Operations Evaluation Group
1994–2001: Team Leader, Operational Policy Team
1992–1994: Director, Antiair Warfare Department
1989–1992: Program Director, Fleet Tactics and Capabilities
1987–1989: Team Leader, Third Fleet Tactical Analysis Team
1986–1987: Field Representative, Tactical Training Group, Pacific
1985–1986: Project Director, Electronic Warfare
1983–1985: Field Representative, Fighter Airborne Early Warning Wing, Pacific
1981–1983: Analyst, Air Warfare Division

Institute for Defense Analyses:

1979–1981: Member, Computer Group

HONORS AND AWARDS

Outstanding Alumna of the Year; George Mason University, College of Science; March 2008
NASA Public Service Medal; Return to Flight Task Force; August 2005
The CNA Corporation Board of Trustees Distinguished Service Award; April 2004
International Women's Year Award; Contribution to Aerospace/Aviation; 1995

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Christine H. Fox in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Christine H. Fox.

2. **Position to which nominated:**
Director, Cost Analysis and Program Evaluation (CAPE).

3. **Date of nomination:**
October 1, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
May 26, 1955; Bethesda, MD.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Alan C. Brown.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
George Mason University, August 1972 to May 1976, BS in Mathematics, May 1976
George Mason University, August 1976 to August 1980, MS in Applied Sciences, August 1980

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
CNA, July 1981–present
Current title: President, Center for Naval Analyses; May 2004–present
Previous title: Vice President, Operations Evaluation Group, 2001–2004
Previous title: Team Leader, Operational Policy Team, 1994–2001
Adjunct professor at Syracuse University, National Security Studies, periodically beginning April 1996 through November 2000.
Part-time consultant to George Washington University from December 1998 to April 1999.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
NASA, Return to Flight Task Force, December 2003–March 2005.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Advisory Board, Applied Physics Laboratory, University of Washington (unpaid position).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Council on Foreign Relations, June 2009–present.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
My husband and I have consistently made small donations to the Democratic National Committee (DNC). We do not have records. We believe they were always about $50 and totaled approximately $100/year. We have requested a record from the DNC but have not received it.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
Outstanding Alumna of the Year; George Mason University, College of Science; March 2008.
NASA Public Service Medal; Return to Flight Task Force; August 2005.
The CNA Corporation Board of Trustees Distinguished Service Award; April 2004.
International Women's Year Award; Contribution to Aerospace/Aviation; 1995.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
[The nominee responded and the information is contained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

No formal speeches.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

CHRISTINE H. FOX.

This 7th day of October, 2009.

[The nomination of Christine H. Fox was reported to the Senate by Chairman Levin on October 27, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2009.]

[Prepared questions submitted to Frank Kendall III by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Currently, I see no specific changes in the Act that I would recommend.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. N/A.

DUTIES

Question. Section 133a of title 10, U.S.C., describes the role of the Deputy Under Secretary of Defense for Acquisition and Technology (DUSD(AT)).

Assuming you are confirmed, what duties do you expect that the Under Secretary of Defense for Acquisition, Technology, and Logistics USD(AT&L) will prescribe for you?

Answer. If confirmed, my statutory responsibilities under section 1333a of title 10 would be to be the principal advisor to the USD(AT&L) and the Secretary of Defense for matters relating to acquisition and the integration and protection of technology. Dr. Carter and I have discussed my role in the USD(AT&L) organization, and if confirmed I will also be acting as his principle deputy. The model that we have discussed is that of a Chief Executive Officer and Chief Operating Officer with me in the Chief Operating Officer role under Dr. Carter's supervision.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have over 35 years experience in the areas of national security, defense, and acquisition. My education includes degrees in engineering, business, and law. I served on Active Duty in the Army for over 10 years including in operational units and research and development commands. As a civil servant I worked as a systems

engineer and systems analyst. I spent over 8 years in the Pentagon on the Under Secretary for Acquisition's staff first as Assistant Deputy Under Secretary for Strategic Systems (Defense Systems) and then as Director, Tactical Warfare Programs. Outside of Government, I have been the Vice President of Engineering for Raytheon Company and a consultant on national security and acquisition related matters, principally program management, technology assessment, and strategic planning, for a variety of defense companies, think tanks, and Government laboratories or research and development organizations.

Question. Do you believe that there are any additional steps that you need to take to enhance your expertise to perform these duties?

Answer. No.

Question. Do you believe that any significant changes should be made in the structure and decisionmaking procedures of the Department of Defense (DOD) with respect to acquisition matters?

Answer. I am not aware of any changes that need to be made at this time. The Weapons System Acquisition Reform Act of 2009 addressed this question and I understand that it is currently being implemented. If confirmed, I intend to keep an open mind, assess historical changes, and work within DOD and with Congress in an open and transparent manner on any recommendations concerning the structure or decisionmaking procedures for acquisition.

QUALIFICATIONS

Question. If confirmed, you will be responsible for assisting the Under Secretary in the management of an acquisition system pursuant to which DOD spends almost $400 billion each year.

What background and experience do you have that you believe qualifies you for this position?

Answer. As indicated above, I have over 35 years experience in the areas of national security, defense, and acquisition. My education includes degrees in engineering, business, and law. I served on Active Duty in the Army for over 10 years including in operational units and research and development commands. As a civil servant I worked as a systems engineer and systems analyst. I spent over 8 years in the Pentagon on the Under Secretary for Acquisition's staff first as Assistant Deputy Under Secretary for Strategic Systems (Defense Systems) and then as Director, Tactical Warfare Programs. Outside of Government, I have been the Vice President of Engineering for Raytheon Company and a consultant on national security and acquisition related matters, principally program management, technology assessment, and strategic planning, for a variety of defense companies, think tanks, and Government laboratories or research and development organizations.

Question. What background or experience, if any, do you have in the acquisition of major weapon systems?

Answer. My most extensive experience was in my previous positions in the Under Secretary of Defense for Acquisition's office from 1986 to 1994. During this period I had oversight responsibility, first for all strategic defense programs, and then for all tactical warfare programs. During my period as Director of Tactical Warfare Programs from 1989 to 1994, I chaired the Conventional Systems Committee, now called the Overarching Integrated Product Team, which was responsible for preparing for Defense Acquisition Board (DAB) decisions for the Under Secretary for Acquisition. In this capacity I was responsible to the Under Secretary for approximately 100 DAB reviews covering systems from all three military departments that spanned the spectrum of major weapon systems. After I left Government service in 1994, I was involved with a number of major weapons systems programs in my capacity as Vice President of Engineering at Raytheon. As an independent consultant I spent several years providing technical management and program management consulting to the Lead System Integrator for the Future Combat Systems program. During the period 1997 to 2008 I was also involved in reviews of a number of major acquisition programs, either as an independent consultant or as a member of a Government advisory board.

RELATIONSHIPS

Question. In carrying out your duties, what would be your relationship with:

The Secretary of Defense.

Answer. If confirmed, I would support the Secretary of Defense's priorities in acquisition and technology.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would support the Deputy Secretary's priorities in matters of acquisition and technology.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. The Under Secretary of Defense for Acquisition, Technology, and Logistics would be my immediate supervisor. If confirmed, I would be the principal advisor to the USD (AT&L) for matters relating to acquisition and the integration and protection of technology. In addition I would assist the USD(AT&L) in the performance of his duties relating to Acquisition and Technology and in any other capacity that he might direct.

Question. The other Under Secretaries of Defense.

Answer. There are many actions that require coordination among the offices of the Under Secretaries of Defense. If confirmed, I would support the USD(AT&L) in working with the other Under Secretaries of Defense to best serve the priorities of DOD.

Question. The Deputy Chief Management Officer of DOD.

Answer. If confirmed, I would work with the Deputy Chief Management Officer to support the effective and efficient organization of business operations throughout DOD.

Question. The Assistant Secretaries of Defense.

Answer. If confirmed, I would work with the USD(AT&L) to cooperate with the Assistant Secretaries of Defense to best equip the Services and implement DOD priorities.

Question. The DOD General Counsel.

Answer. If confirmed, I would work with the General Counsel's office to ensure all actions are legal, ethical, and within regulatory guidelines.

Question. The Director of Operational Test and Evaluation (DOT&E).

Answer. If confirmed, I would work with the DOT&E to ensure appropriate testing oversight for DOD acquisition programs.

Question. The Director of Cost Assessment and Program Evaluation.

Answer. If confirmed, I would work with the Director of Cost Assessment and Program Evaluation to support their efforts to provide DOD with independent analysis and resourcing assessments for weapons systems programs.

Question. The Director of Defense Research and Engineering (DDR&E).

Answer. If confirmed, I would work with the DDR&E to rapidly field technologies and capabilities to support ongoing operations, and to ensure the Department and the Nation maintain a strong technical and engineering foundation to reduce the cost, acquisition time, and risk of our major defense acquisition programs.

Question. The Director of Developmental Testing.

Answer. If confirmed, I would work with the Director of Developmental Testing to ensure that there is strong involvement early in program formulation, and that comprehensive, independent developmental testing assessments of program maturity and performance are available to inform acquisition decisions.

Question. The Director of System Engineering.

Answer. If confirmed, I would rely on the expertise and advice of the Director, Systems Engineering, encourage early involvement in supporting acquisition programs, and consider his independent assessments and recommendations in decisions pertaining to Major Defense Acquisition Programs.

Question. The Acquisition Executives in the Military Departments.

Answer. If confirmed, I would make communication and coordination with Service Acquisition Executives a top priority in daily management. I would engage with the Acquisition Executives to ensure effective oversight of acquisition programs in their areas, support transparency in sharing information about program status, take appropriate remedial actions to rectify problems, actively engage in departmental processes to improve acquisition outcomes, and support the policies and practices of the Department. I would also expect them to champion best practices and share ideas and concerns with each other, with me, and members of my organization.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I would support the Vice Chairman in general, but particularly in his role as a member of the DAB. I would also seek to ensure the requirements and acquisition processes work more effectively together in terms of stabilizing requirements, and ensuring requirements established for acquisition programs are achievable within appropriate cost, schedule, and technical risk.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the DUSD(AT)?

Answer. If confirmed, I believe there are a number of daunting challenges that will have to be confronted and it would be impossible to list them all. The highest

priority challenge would be supporting the war effort through rapid acquisition and delivery of effective capabilities to our forces engaged in combat and other counter-insurgency or counter-terror operations. Next, I anticipate a major challenge in ensuring that the Department's acquisition programs are executed within cost, schedule, and performance goals. I understand that many programs are falling short in this area and I would work to regain control of existing programs and to ensure that new programs do not repeat these problems. There is a challenge and opportunity in growing both the size and capability of the acquisition workforce particularly in the areas of program management, engineering, contracting, and cost estimating. I also believe there is a need to improve the efficiency and effectiveness of the transition of technologies from the science and technology (S&T) community into acquisition programs. Finally, maintaining the strength and resiliency of our national defense industrial base is a challenge that I anticipate will require attention.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would use my experience to leverage the resources and expertise of the Defense Department, industry and other organizations to address these issues.

Question. What do you consider to be the most serious problems in the management of acquisition functions in DOD?

Answer. I believe the top issues are effective and transparent oversight of our major programs to identify and rectify problems early; establishing acquisition programs that appropriately balance cost, schedule, performance, and risk; restricting unrealistic or unaffordable requirements appetites; strengthening both the acquisition workforce and our industrial base; and efficiently utilizing our investments in S&T.

Question. What management actions and timetables would you establish to address these problems?

Answer. I am not familiar enough with the position and the current situation to propose any actions or timetables at this time.

ACQUISITION ORGANIZATION

Question. Section 906 of the National Defense Authorization Act for Fiscal Year 2010 would realign the Deputy Under Secretaries (DUSDs) within the office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(ATL)).

What is your view of the changes made by section 906? Do you see the need for any changes to this legislation?

Answer. I do not know what the impact of these changes would be in practice; however, I do not see the need for any changes at this time.

Question. Do you believe that the office of the USD(ATL) is appropriately structured to execute its management and oversight responsibilities?

Answer. Yes.

Question. Do you believe that any change is needed in the duties and responsibilities of the DUSDs serving under the USD(ATL)?

Answer. I have not had an opportunity to review those responsibilities and do not have any recommended changes at this time.

Question. What role do you expect to play, if confirmed, in the realignment of the responsibilities of the DUSDs in accordance with the requirements of section 906?

Answer. If confirmed, I would expect to advise the Secretary of Defense, the Deputy Secretary of Defense, and the USD(AT&L) on the enacted requirements.

Question. Do you see the need for any changes in the relationship between the USD(ATL) and senior acquisition officials in the military departments?

Answer. Not at this time.

Question. Do you see the need for any additional processes or mechanisms to ensure coordination between the budget, acquisition, and requirements systems of DOD and ensure that appropriate trade-offs are made between cost, schedule, and performance requirements early in the acquisition process?

Answer. I am not familiar enough with current procedures to make a recommendation at this time. If confirmed, I would examine these issues and recommend appropriate changes if I perceived that any were necessary. My experience is that there is an unavoidable overlap between budget, acquisition, and requirements procedures that is best addressed by continuous cooperation and coordination among the individuals with responsibilities for those processes.

Question. What do you believe should be the appropriate role of the Service Chiefs in the requirements, acquisition, and resource-allocation process?

Answer. The Service Chiefs have a key role to play in the development of capability needs and in the planning and allocation of resources consistent with those

needs. Although Service Chiefs do not play a formal role in the acquisition chain of command, if confirmed I would respect, encourage, solicit, and certainly welcome their advice and inputs.

Question. What do you believe should be the appropriate role of the combatant commanders in the requirements, acquisition, and resource-allocation processes?

Answer. Combatant commanders advise on capability needs, priorities, and allocation of resources consistent with those needs. I am particularly sensitive to the need for the acquisition system to address urgent needs of the combatant commanders in support of wartime operations. If confirmed, I would respect and encourage their advice and solicit their input on meeting their needs effectively.

Question. Do you see the need for any changes in the structure or operations of the Joint Requirements Oversight Council (JROC)?

Answer. I am not familiar enough with current procedures with regard to the JROC to recommend any changes at this time.

MAJOR WEAPON SYSTEM ACQUISITION

Question. The investment budget for weapon systems has grown substantially over the past few years to more than $150 billion per year. An increasing share of this investment is being allocated to a few very large systems such as the Joint Strike Fighter, Future Combat Systems, and Missile Defense.

Do you believe that the current investment budget for major systems is affordable given increasing historic cost growth in major systems, costs of current operations, projected increases in end strength, and asset recapitalization?

Answer. I believe the investment budget will come under increasing pressure in the future. If confirmed, I would work to control both the growth in costs of existing programs, as well as seek to ensure the Department has a sustainable and affordable investment strategy for the longer term.

Question. If confirmed, how do you plan to address this issue?

Answer. If confirmed I would make this issue a top priority. Both the budget process and the acquisition process for individual programs provide vehicles to address this problem. I would advise the USD(AT&L) in his role in both of these processes and other Department leadership as appropriate to address this issue.

Question. What would be the impact of a decision by the Department to reduce purchases of major systems because of affordability issues?

Answer. There could be impacts on short- and long-term national security, sustainment of the existing force structure, the health of the industrial base, and international implications. Each program decision would have to be considered both individually and collectively to determine the impact.

Question. Nearly half of DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C., to identify seriously troubled programs. Section 206 of the Weapon Systems Acquisition Reform Act of 2009 tightened the standards for addressing such programs.

What steps if any would you take, if confirmed, to address the out-of-control cost growth on DOD's major defense acquisition programs?

Answer. If confirmed, I would review the portfolio of programs to assess the degree to which they may still have cost problems and propose appropriate measures on a case by case basis to address those problems. It would be my intent to ensure future programs start off on a sound technical and fiscal footing to reduce the risk of future growth in costs. Emphasis would be placed on realistic overall cost estimates, executable program plans, and well understood and achievable technical requirements. Acquisition strategies should provide strong incentives to successful program execution. I would also enforce policies and measures such as the statutory provisions recently enacted to discipline the system and stabilize it over time.

Question. What steps if any do you believe that the Department should consider taking in the case of major defense acquisition programs that exceed the critical cost growth thresholds established in the "Nunn-McCurdy" provision?

Answer. I believe the current statutory provision provides the authority to take appropriate measures, including major restructuring or termination.

Question. Do you believe that the office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, as currently structured, has the organization and resources necessary to effectively oversee the management of these major defense acquisition programs? If not, how would you address this problem?

Answer. Yes, to the best of my knowledge, however if confirmed I will review the organization and resources available to me to determine if changes are required.

Question. Do you see the need for any changes to the Nunn-McCurdy provision, as revised by section 206?

Answer. Not at this time.

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. If confirmed, I would use the five criteria listed in the law. They address whether the capability is essential to the national security and whether there are other alternatives that can provide the capability at less cost. They also address whether we now have reasonable cost and schedule estimates and the management to achieve them. The law also requires consideration from where the funding will come.

Question. In the Budget Blueprint that supports the fiscal year 2010 Presidential budget request, the administration committed to "set[ting] realistic requirements and stick[ing] to them and incorporat[ing] 'best practices' by not allowing programs to proceed from one stage of the acquisition cycle to the next until they have achieved the maturity to clearly lower the risk of cost growth and schedule slippage."

If confirmed, how would you help ensure that the Department makes good on this commitment?

Answer. Advanced technology is essential to maintaining the operational superiority of our weapon systems, but there must be a balance between pursuing desirable technology goals and ensuring adequate maturity before committing to major development programs that depend on new technology. If confirmed, I would seek to ensure programs do not proceed unless they are ready in all respects to advance to the next stage in the acquisition process. This requires a detailed review of the specific risks associated with each program. If confirmed, I would work closely with the DDR&E and other appropriate offices to ensure that adequate reviews are conducted.

SYSTEMS ENGINEERING AND DEVELOPMENTAL TESTING

Question. One of the premises for the Weapon Systems Acquisition Reform Act of 2009 was that the best way to improve acquisition outcomes is to place acquisition programs on a sounder footing from the outset by addressing program shortcomings in the early phases of the acquisition process. The Defense Science Board Task Force on Developmental Test and Evaluation reported in May 2008 that "the single most important step necessary" to address high rates of failure on defense acquisition programs is "to ensure programs are formulated to execute a viable systems engineering strategy from the beginning."

Do you believe that DOD has the systems engineering and developmental testing organizations, resources, and capabilities needed to ensure that there is a sound basis for key requirements, acquisition, and budget decisions on major defense acquisition programs?

Answer. I have not had an opportunity to fully study the adequacy of both systems engineering and the developmental test and evaluation organizations in DOD and the Services. If confirmed, I would, with the DDR&E, review the entire acquisition organization, including Systems Engineering and Developmental Testing to ensure changes are implemented as necessary to best accomplish the mission.

Question. If confirmed, what role do you expect to play, in working with the new Director of Systems Engineering and the new Director of Developmental Testing to address this problem?

Answer. If confirmed, I would work closely with both directors to establish a clear strategy for improving the capabilities of the technical workforce. I would also seek their expertise and active involvement in programs in their early stages to ensure the best technical approaches are being used to reduce program risk to acceptable levels and to ensure that programs are ready to proceed to production and operational testing.

Question. Do you believe that the Nation as a whole is producing enough systems engineers and designers and giving them sufficient experience working on engineering and design projects to ensure that DOD can access an experienced and technically trained systems engineering and design workforce? If not, what do you recommend should be done to address the shortfall?

Answer. I have not had the opportunity to fully study the level of shortfall, if any, in the national technical workforce today. I am concerned that the demographics of the national security workforce will present a problem within the next 5 or 10 years, if not sooner. If confirmed, I would work within the Department to understand and to mitigate these issues.

TECHNOLOGICAL MATURITY

Question. Over the last several years, the Government Accountability Office (GAO) has prepared a series of reports for this Committee comparing the DOD approach to the acquisition of major systems with the approach taken by best performers in the private sector. GAO concluded that private sector programs are more successful than DOD programs because they consistently require that new technologies achieve a high level of maturity before such technologies may be incorporated into product development programs. Section 104 of the Weapon Systems Acquisition Reform Act of 2009 addresses this issue by tightening technological maturity requirements for major defense acquisition programs.

How important is it, in your view, for the Department to mature its technologies with research and development (R&D) funds before these technologies are incorporated into product development programs?

Answer. It is very important for acquisition programs to use mature technologies and to carefully manage the risk associated with new technology insertion. Chances of program success go down dramatically when the risks associated with technologies that have not been demonstrated adequately are accepted. One effective way to mature technologies is through the use of DOD R&D funds.

Question. What steps if any would you take, if confirmed, to ensure that the key components and technologies to be incorporated into major acquisition programs meet the Department's technological maturity goals?

Answer. If confirmed, I would work with the DDR&E to ensure that the technology risk associated with defense acquisition programs is properly tailored to the phases of development to avoid program disruption or failure. The principal tool to accomplish this goal would be a rigorous, independent assessment process conducted by the DDR&E. If confirmed, I would review current processes with the DDR&E to determine their adequacy.

Question. Do you believe that the Department should make greater use of prototypes, including competitive prototypes, to ensure that acquisition programs reach an appropriate level of technological maturity, design maturity, and manufacturing readiness before receiving Milestone approval?

Answer. Yes.

Question. If so, what steps do you believe the Department should take to increase its use of such prototypes?

Answer. I believe the Department should insist on the use of competitive prototyping whenever viable. If confirmed, I would strongly encourage the use of competitive prototyping provisions in acquisition strategies.

Question. Section 2366a of title 10, U.S.C., requires the Milestone Decision Authority for a major defense acquisition program to certify that critical technologies have reached an appropriate level of maturity before Milestone B approval.

What steps if any will you take, if confirmed, to make sure that DOD complies with the requirements of section 2366a?

Answer. If confirmed, I would assist the USD(AT&L) in his role as chair of the DAB and Milestone Decision Authority (MDA) for Acquisition Category (ACAT) 1 programs in fulfilling this requirement. This would include supporting the use of independent technology readiness assessments to ensure compliance with section 2366a.

Question. What steps if any will you take to ensure that the DDR&E is adequately staffed and resourced to support decisionmakers in complying with the requirements of section 2366a?

Answer. If confirmed, I would work with DDR&E and other members of the OSD and military Service staffs to evaluate the adequacy of resources available to meet the challenges of complying with the requirements of section 2366a.

Question. Are you satisfied that technology readiness assessments adequately address systems integration and engineering issues which are the cause of many cost overruns and schedule delays in acquisition programs?

Answer. I am not familiar enough with current practices to provide an opinion at this time. If confirmed, I would work to ensure that systems integration, engineering, as well as technology maturity issues are properly addressed and coordinated.

Question. Do you plan to follow the recommendation of the Defense Science Board Task Force on the Manufacturing Technology Program and require program managers to make use of the Manufacturing Readiness Level tool on all programs?

Answer. I believe strongly that manufacturing technology is important and deserving of DOD support. I also agree that manufacturing readiness is important to program success and should be assessed rigorously before programs pass into production. If confirmed, I intend to review the specific recommendations of the DSB

report and to take action to strengthen the use of Manufacturing Readiness Levels, if needed.

Question. Beyond addressing technological maturity issues in acquisition programs, what other steps should the Department take to increase accountability and discipline in the acquisition process?

Answer. There are a great number of factors that contribute to the failure of programs to meet their schedule, cost and performance goals. As Secretary Gates has said, there is no "silver bullet" that will address all of the factors. In addition to excessive technology risk, failures can originate in acquisition strategies that do not properly motivate the Department's suppliers, unrealistic requirements, optimistic cost estimates and schedules, poor detailed program planning, poor engineering practices, and inefficient production rates, just to name a few. If confirmed, I would commit to examining all these factors both as systemic problems and in each program that comes before the USD(AT&L) for a decision. If confirmed, I would work tenaciously to minimize the frequency and the impact of all of these problems, in part by focusing on the individuals responsible for executing the Department's programs; the Program Managers and Program Executive Officers.

UNREALISTIC COST, SCHEDULE, AND PERFORMANCE EXPECTATIONS

Question. Many acquisition experts attribute the failure of DOD acquisition programs to a cultural bias that routinely produces overly optimistic cost and schedule estimates and unrealistic performance expectations. Section 101 of the Weapon Systems Acquisition Reform Act of 2009 is designed to address this problem by establishing an independent Director of Cost Assessment and Performance Evaluation, who is charged with ensuring the development of realistic and unbiased cost estimates to support the Department's acquisition programs.

Do you agree with the assessment that overly optimistic cost and schedule estimates and unrealistic performance expectations contribute to the failure of major defense acquisition programs?

Answer. Yes.

Question. If confirmed, how do you expect to work with the Director of the new office to ensure that the Department's cost, schedule, and performance estimates are realistic?

Answer. During my 8 years in the Under Secretary for Acquisition's office I worked very closely with the Cost Analysis Independent Group (CAIG) and relied heavily on their expertise. If confirmed, I would expect to work closely with CAPE and to rely on their independent estimates, as well as other sources of information, to ensure thorough and objective reviews of programs coming before the USD(AT&L) for acquisition decisions.

Question. Section 201 of the Weapon Systems Acquisition Reform Act of 2009 seeks to address this problem by promoting early consideration of trade-offs among cost, schedule, and performance objectives in major defense acquisition programs.

Do you believe that early communication between the acquisition, budget and requirements communities in DOD can help ensure more realistic cost, schedule, and performance expectations?

Answer. Yes.

Question. If so, what steps if any would you take, if confirmed, to ensure such communication?

Answer. I believe the key is leadership that is committed in all three processes to working together. If confirmed, I would work closely with the leaders in requirements, acquisition, and budgeting to ensure that our actions are coordinated and collaborative.

Question. DOD has increasingly turned to incremental acquisition and spiral development approaches in an effort to make cost, schedule, and performance expectations more realistic and achievable.

Do you believe that incremental acquisition and spiral development can help improve the performance of the Department's major acquisition programs?

Answer. Yes.

Question. What risks do you see in the Department's use of incremental acquisition and spiral development?

Answer. I am not familiar with the Department's record with regard to implementing these approaches. If confirmed, I would support the use of these practices where appropriate.

Question. In your view, has the Department's approach to incremental acquisition and spiral development been successful? Why or why not?

Answer. I am not familiar enough with the Department's experience with these strategies to have an opinion as to their success or failure. If confirmed, I will review the results that have been obtained to date.

Question. What steps if any do you believe are needed to ensure that the requirements process, budget process, and testing regime can accommodate incremental acquisition and spiral development approaches?

Answer. I am not familiar enough with the Department's experience with these strategies to have an opinion as to whether additional steps to ensure the requirements, budget and testing processes are needed. If confirmed, I will review the results that have been obtained to date.

Question. How should the Department ensure that the incremental acquisition and spiral development programs have appropriate baselines against which to measure performance?

Answer. I am not familiar enough with the Department's experience with baselines for these strategies to have an opinion as to whether appropriate baselines are being maintained or what changes are necessary. If confirmed, I will review the results that have been obtained to date.

FUNDING AND REQUIREMENTS STABILITY

Question. The poor performance of major defense acquisition programs has also been attributed to instability in funding and requirements. In the past, DOD has attempted to provide greater funding stability through the use of multi-year contracts. More recently, the Department has sought greater requirements stability by instituting Configuration Steering Boards to exercise control over any changes to requirements that would increase program costs.

Do you support the use of Configuration Steering Boards to increase requirements stability on major defense acquisition programs?

Answer. Yes.

Question. What other steps if any would you recommend taking to increase the funding and requirements stability of major defense acquisition programs?

Answer. I am not familiar enough with the current practices in the Department that seek to address funding and requirements stability to be able to make a recommendation.

FIXED PRICE-TYPE CONTRACTS

Question. Recent Congressional and DOD initiatives attempt to reduce technical and performance risks associated with developing and producing major defense acquisition programs so as to minimize the use of cost-reimbursable contracts.

Do you think that the Department should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. I do think that the Department should, when possible, consider the more frequent use of fixed price type contracts in developing or procuring major defense acquisition programs. I believe that fixed price contracts offer several advantages to stability, schedule and cost for appropriate programs. There are circumstances in which fixed price contracts are not appropriate, including in the development of entirely new designs, when contractors assume greater risk and are more likely to face very high losses. If confirmed, I will ensure acquisition contracts are designed to provide the greatest benefit to the warfighter and the taxpayer.

TECHNOLOGY TRANSITION

Question. The Department continues to struggle with the transition of new technologies into existing programs of record and major weapons systems and platforms. Further, the Department also has struggled with moving technologies from DOD programs or other sources rapidly into the hands of operational users.

What impediments to technology transition do you see within the Department?

Answer. I believe there may be several issues with technology transition, but I have not seen any data that would confirm the root causes or their relative significance. If confirmed, I would work with the DDR&E to understand the magnitude and impact of these factors and to develop measures that would improve technology transition.

Question. What steps if any will you take, if confirmed, to enhance the effectiveness of technology transition efforts?

Answer. Overcoming the impediments would be a priority for me. If confirmed, I intend to work with the DDR&E to understand this issue and to devise and implement further measures to overcome these impediments.

Question. What can be done from a budget, policy, and organizational standpoint to facilitate the transition of technologies from S&T programs and other sources, including small businesses, venture capital funded companies, and other nontraditional defense contractors, into acquisition programs?

Answer. It is very important that defense tap into these sources, which are some of the most innovative in the world, for technology that can be applied to weapons systems. I believe that R&D and acquisition processes and policies must make it easier for such entities to contribute to defense and if confirmed, I would work with the DDR&E to develop specific measures to achieve that goal.

Question. Do you believe that the Department's S&T organizations have the ability and the resources to carry technologies to higher levels of maturity before handing them off to acquisition programs?

Answer. I am not familiar enough with the current S&T programs and the maturity levels they are able to achieve to answer this question definitively.

Question. What steps if any do you believe the Department should take to ensure that research programs are sufficiently funded to reduce technical risk in programs so that technological maturity can be demonstrated at the appropriate time?

Answer. I believe technologies that are necessary or desirable to meet proposed acquisition program needs should be identified early and that specific maturation programs should be defined and agreed to by the S&T and development communities and that those programs should be collaboratively managed. I am not aware of the extent to which this is currently being done. If confirmed, I would review this area to determine if changes are necessary.

Question. What role do you believe Technology Readiness Levels (TRLs) and Manufacturing Readiness Levels (MRLs) should play in the Department's efforts to enhance effective technology transition and reduce cost and risk in acquisition programs?

Answer. TRLs and MRLs should serve as management tools to gauge the maturity of technologies that might be adopted by acquisition programs to meet performance or cost goals or adopted to achieve desired production capabilities.

MULTI-YEAR CONTRACTS

Question. The statement of managers accompanying section 811 of the National Defense Authorization Act for Fiscal Year 2008 addresses the requirements for buying major defense systems under multi-year contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multi-year contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a Government Accountability Office finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multi-year procurement contract."

What are your views on multi-year procurements? Under what circumstances do you believe they should be used?

Answer. In general, I favor multi-year procurement strategies if they provide substantial savings and if there is a firm commitment to the planned procurement. I believe that multi-year procurements can offer substantial savings through improved economies in production processes, better use of industrial facilities, and a reduction in the administrative burden in the placement and administration of contracts. The potential for multi-year procurement can be a power incentive to suppliers to reduce cost and negotiated price but it also has the disadvantage of reducing the government's flexibility during the years the strategy is being executed. Some factors in deciding whether a program should be considered for multi-year procurement are: savings when compared to the annual contracting methods; validity and stability of the requirement and funding; associated technical risks; degree of confidence in the estimates of both contract costs and anticipated savings; and promotion of national security.

Question. What is your opinion on the level of cost savings that constitute "substantial savings" for purposes of the defense multi-year procurement statute, title 10, U.S.C. § 2306b?

Answer. I understand that there has been much debate over the threshold on the level of cost savings that constitutes "substantial savings." In my view the 10 percent figure cited in the conference manager's statement is a reasonable benchmark, but I would agree that it should not be an absolute definition, as the managers' statement provides. I agree with the need to ensure that the savings achieved from

multi-year contracts are substantial, not only in terms of dollars but also in terms of the relative difference in price that the Department would otherwise pay for an annual procurement.

Question. If confirmed, under what circumstances, if any, do you anticipate that you would support a multi-year contract with expected savings of less than 10 percent?

Answer. The complexity of each situation makes a general answer difficult. I believe that multi-year contracting can provide cost savings, and therefore it should be considered as an option to best serve the warfighter and taxpayer. The total magnitude of the savings that could be achieved and the firmness of the procurement plan would be key considerations.

Question. If confirmed, under what circumstances, if any, would you support a multi-year contract for a major system at the end of its production line?

Answer. The complexity of each situation makes a general answer difficult, but it could be appropriate in some circumstances to consider a program for multi-year procurement when it is nearing the end of production. As indicated above, the total magnitude of the savings that could be achieved and the firmness of the procurement plan would be key considerations.

Question. Under what circumstances, if any, do you believe that a multi-year contract should be used for procuring weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes but which might otherwise comply with the requirements of the defense multi-year procurement statute, 10 U.S.C. § 2306b?

Answer. Additional analysis and careful review of all information should be completed whenever a multi-year contract is being considered for use in procuring weapon systems that have shown unsatisfactory program histories, but which otherwise comply with the statutory requirements. The Department would need to examine very carefully all risk factors to determine if a multi-year procurement would be appropriate.

Question. Under what circumstances, if any, should DOD ever break a multi-year procurement?

Answer. The cancellation of a multi-year contract should be a very rare event. However, there are circumstances when it could occur. One such event would be the failure to fund a program year. Another would be the failure of the contractor to perform, which ultimately could lead to a decision to terminate for default. In these circumstances, breaking a multi-year procurement could be appropriate or even required.

CONTINUING COMPETITION AND ORGANIZATIONAL CONFLICTS OF INTEREST

Question. The Defense Science Board Task Force on Defense Industrial Structure for Transformation recommended last summer that "DOD must increase its use of creative competitive acquisition strategies, within limited budgets, in order to ensure long-term innovation and cost savings, at both prime and critical sub-tier elements. Competition would not be required beyond the competitive prototype phase, as long as the current producer continuously improves performance and lowers cost—but other contractors should always represent a credible option if costs rise or performance is unacceptable." Section 202 of the Weapon Systems Acquisition Reform Act of 2009 requires DOD to take steps to promote continuing competition (or the option of such competition) throughout the life of major defense acquisition programs.

Do you agree with the recommendation of the Defense Science Board? Do you believe that continuing competition is a viable option on major defense acquisition programs?

Answer. Yes, I believe that Department should use competitive acquisition strategies whenever possible. Competition is a powerful force in the marketplace, and I believe the Department should strive to use that kind of leverage as much as possible in its programs. I believe that Department should increase its use of creative competitive acquisition strategies as much as possible to ensure long-term innovation and cost savings.

Question. In your view, has the consolidation of the defense industrial base gone too far and undermined competition for defense contracts?

Answer. I do not have enough information to provide a definitive answer.

Question. If so, what steps if any can and should DOD take to address this issue?

Answer. It is my understanding that the Department continues to discourage mergers and acquisitions among defense materiel suppliers that are not in the Department's interest or injurious to national security. I believe the Department should continue to work closely with the antitrust agencies in evaluating defense-

related mergers and mitigating negative impacts to ensure a robust, innovative, and competitive defense industry. If confirmed, I would work to adjust DOD transaction evaluation procedures/criteria as appropriate and I would look for creative ways to provide for competition in our programs.

Question. Section 203 of the Weapon Systems Acquisition Reform Act requires the use of competitive prototypes for major defense acquisition programs unless the cost of producing such prototypes would exceed the lifecycle benefits of improved performance and increased technological and design maturity that prototypes would achieve.

Do you support the use of competitive prototypes for major defense acquisition programs?

Answer. Yes, very much so. I believe that competitive prototypes provide an effective mechanism to mature key technologies, refine requirements, support preliminary design, improve cost estimation and reduce total costs. This does not mean competitive full scale prototypes are always the best acquisition approach, and I believe there are circumstances where there would not be a good business case for them. In these cases, prototyping at the subsystem level could be a preferred and viable strategy.

Question. Under what circumstances do you believe the use of competitive prototypes is likely to be beneficial?

Answer. I believe competitive prototypes could be beneficial in all cases where technologies are immature, alternative design concepts are available, requirements lack refinement, cost estimates are inadequately informed by demonstrated technical capability, and where competition is likely to drive down total cost.

Question. Under what circumstances do you believe the cost of such prototypes is likely to outweigh the potential benefits?

Answer. Given the long-term benefits that result from effective prototyping, I expect that there will be few instances where the cost of prototyping will outweigh the benefits. In some instances, such as where the materiel solution is based on mature, well integrated technologies and demonstrated designs, prototyping may be redundant. In addition, there are likely to be instances, such as some ship development programs, where the cost to develop competitive full system prototypes could be prohibitive. In those instances, I would focus on prototyping the subsystems with the greatest technical risk. Competitive prototyping requires the existence of viable competitors of course, but even in instances where there is only one viable supplier, risk reduction prototypes prior to Engineering and Manufacturing Development are likely to be beneficial to total program cost.

Question. Section 207 of the Weapon Systems Acquisition Reform Act requires the Department to promulgate new regulations to address organizational conflicts of interest on major defense acquisition programs.

What steps if any do you believe DOD should take to address organizational conflicts of interest in major defense acquisition programs?

Answer. Even the perception of an Organizational Conflict of Interest (OCI) may taint the integrity of the competitive procurement process. I support the requirements of the Weapons Systems Acquisition Reform Act and, if confirmed, would work with the Secretary in developing new Defense Federal Acquisition Regulation Supplement provisions and regulations or policies to tighten existing requirements to avoid, neutralize, or mitigate OCIs, to include limiting a contractor's ability to compete on certain future requirements. Additionally, I support the Department's activities to remedy OCIs when identified in the course of its review of defense-related mergers. If confirmed, I would highlight the sensitivity of the issue with the acquisition community and work to ensure that it is adequately reviewed when considering acquisition strategies and source selections.

Question. What are your views on the lead system integrator approach to managing the acquisition of major weapon systems?

Answer. The lead system integrator label has been applied to what are in reality "super-primes" with responsibilities for both systems integration and delivering baskets of multiple defense products. I believe that there is a need for systems integration across weapons systems, but there are other strategies to accomplish this goal then super-prime lead systems integrators. I also believe that inherently governmental functions should not be transferred to contractors.

Question. What are your views on the use of system engineering and technical assistance contractors that are affiliated with major defense contractors to provide "independent" advice to the Department on the acquisition of major weapon systems?

Answer. I believe that Systems Engineering and Technical Assistance support contractors are currently providing critical support to the Department's acquisition workforce. However, I believe these contractors should not be used to perform inher-

ently governmental functions and they should not be used in a situation where a conflict of interest or the appearance of a conflict of interest would exist. If confirmed, I would support the Department's efforts to increase Government staff and reduce its reliance on contractors and as indicated above I would work to implement the Weapons System Acquisition Reform Act provisions strengthening the conflict of interest regulations and policies.

Question. What lines do you believe the Department should draw between those acquisition responsibilities that are inherently governmental and those that may be performed by contractors?

Answer. When it comes to acquisition responsibilities, I believe that only Government personnel may make value judgments and decisions that obligate government funds and commit the Government contractually. I believe that contractors can support these functions, but that the Government must have the depth of expertise to analyze, validate, and understand any contractor provided information or analysis and make its own judgments about the obligation of Government funds and the management of Government contracts. I also recognize that a number of other important functions within the defense acquisition community should be retained for Government-only performance. Given the current workforce mix and the level of contracted support to acquisition functions, I believe a careful review is needed to assess the degree to which the Department has become too dependent on contractors.

Question. If confirmed, what steps if any would you take to ensure that defense contractors do not misuse their access to sensitive and proprietary information of DOD and other defense contractors?

Answer. It is my understanding that USD(AT&L) has issued guidance to information assurance and acquisition personnel to ensure strong measures are in place to prevent disclosure of this information at the individual contract level. I believe existing law covers misuse of this type of information and regulations will be strengthened as a result of WSARA mandated conflict of interest provisions. If confirmed, I would carefully review these measures to ensure they provide sufficient protection of sensitive and proprietary information and I would support the effort to strengthen regulations designed to prevent conflicts of interest that might provide incentives to misuse.

Question. If confirmed, what steps if any would you take to ensure that defense contractors do not unnecessarily limit competition for subcontracts in a manner that would disadvantage the Government or potential competitors in the private sector?

Answer. I believe that competition at both the prime and subcontract level is essential to the Department. If contractors are limiting competition at the subcontract level in a manner disadvantageous to the Government, it is unacceptable. If confirmed, I would review the Department's safeguards against this potential situation.

DEFENSE ACQUISITION TRANSFORMATION REPORT

Question. In February 2007, the Secretary of Defense submitted a report to Congress entitled "Defense Acquisition Transformation Report to Congress".

If confirmed, to what extent would you support and continue implementation of the defense acquisition reform initiatives set forth in that report? In particular, please discuss your views regarding the following aspects of transformation:

Answer.

- Portfolio Management: In general, I support the premise of Capability Portfolio Management, which is intended to provide an enterprise-level, horizontal (cross-component) view to better balance and harmonize joint warfighter capability needs. If confirmed, I would review the current construct to ensure it enables better-integrated and balanced advice across the full spectrum of capability needs to DOD senior leadership.
- Tri-Chair Concept Decision: I support harmonizing and ensuring good communication exists across the major Department processes for requirements, resources and acquisition and, if confirmed, would pursue management mechanisms that further those aims.
- Time-Defined Acquisitions: I am not familiar with the extent to which this concept has been implemented or what the effectiveness has been. I would agree that schedule is a key aspect of DOD acquisition decisionmaking and emphasizing time can force a much more realistic consideration of acquisition approaches and alternative technologies that can be fielded. Shorter times can also create less opportunity for requirement growth; and reduce the risk of technology and manufacturing obsolescence, but they can also increase risk if applied unrealistically. This approach may be most applicable to urgent oper-

ational needs, but again I am not familiar with how it has been implemented to date.

- Investment Balance Reviews: As with portfolio reviews, I believe there is value in looking broadly across the Department to assess the opportunities and national security threats across all the Services and to determine where to best focus our future investments.
- Risk-Based Source Selection: It is my understanding this initiative is to use techniques that enhance the quality of requests for proposals and source selections by improving technical criteria and making the Department a "smarter" buyer. If confirmed, I would review these efforts to ascertain whether they are effective and should be further strengthened.
- Acquisition of Services Policy: It is my understanding this policy imposed changes in the way the Department manages and reviews the performance of service contracts. I am aware that the Department spends more on service contracts than it does on major weapons systems, so this is an area of great concern.
- Systems Engineering Excellence: I believe that sound systems engineering is critical to acquisition programs throughout their life but especially in their early stages. If confirmed, I would encourage early and effective systems engineering and I would work closely with the Director of Systems Engineering to ensure the Department's programs utilize sound systems engineering practices. I would also work to grow the size and the quality of the Government's systems engineering workforce and to ensure that the industrial basis has adequate capacity in this area.
- Award Fee and Incentive Policy: I support linking award fee and incentive payments to objective measureable acquisition outcomes such as cost, schedule, and technical performance. If confirmed, I would intend to assess such initiatives and related policy and make any adjustments necessary to ensure that their intended purposes are being met.
- Open, Transparent, and Common Shared Data Resources with Defense Acquisition Management Information Retrieval (DAMIR): I am not familiar with DAMIR, but I understand that it currently provides enterprise visibility to acquisition program information. If confirmed, I would review the effectiveness of DAMIR and support initiatives focusing on implementation of open, transparent, and common shared data resources and steps that would improve the management of the Department's programs.
- Restructured Defense Acquisition Executive Summary (DAES) Reviews: In my experience, the DAES reviews provide a forum for OSD to work with the Services and Agencies to evaluate program execution. I believe these kinds of oversight reviews are critical and must be based on objective information aimed at identifying problems early, getting to their root, and fixing them. I think it is equally important to learn what is working well and why. If confirmed, I would review this process to assess its effectiveness at meeting these goals and consider options to improve the process.
- Policy on Excessive Pass-Through Charges: I fully support ensuring that pass-through charges on contracts or subcontracts that are entered into for or on behalf of DOD are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor.

Question. Are there other initiatives or tools discussed in the Defense Acquisition Transformation Report that you view as particularly likely, or unlikely, to be productive in achieving acquisition reform?

Answer. If confirmed, I would review the report fully to understand any additional proposed ways and means to improve the effectiveness and efficiency of the acquisition system and I would take appropriate action to implement those that are likely to be productive.

OPERATION OF THE DEFENSE ACQUISITION SYSTEM

Question. On December 2, 2008, the Department promulgated a new version of DOD Instruction 5000.02, the key guidance on the Department's acquisition of major weapon systems. The revised instruction restructured the management framework for translating capability needs and technology opportunities into stable, affordable, and well-managed defense acquisition programs.

What is your assessment of the new version of this instruction and the extent of its implementation to date?

Answer. The new instruction is a constructive step, and if confirmed, I would ensure that it is effectively implemented and seek to improve upon it consistent with the Secretary's guidance to improve acquisition.

Question. If confirmed, what steps would you take to continue implementation of the new version of DOD Instruction 5000.2 and improve upon it?

Answer. If confirmed, I would monitor the implementation and effectiveness of the new policies. If necessary, I would alter these or introduce additional policies to ensure that our programs comply with the Instruction and achieve cost, schedule, and performance objectives.

CONTRACTING FOR SERVICES

Question. Over the past 8 years, DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result, the Department now spends more for the purchase of services than it does for products (including major weapon systems).

Do you believe that DOD can continue to support this rate of growth in its spending on contract services?

Answer. It is my understanding the rate of growth in this area may have leveled off somewhat over the past year or so and that Secretary Gates is committed to scale back the role of contractors in support services. If confirmed, I would intend to work with the Department's senior leadership to address the underlying question about whether the Defense Department is adequately staffed, quantitatively and qualitatively, to carry out its responsibilities. Even if the Department decreases its spending on contracted services while increasing funding for new civilian billets to perform functions previously accomplished by contractors, the Department would need to ensure there are a sufficient number of qualified Government civilian or military personnel dedicated to perform meaningful oversight of contractor activities. I believe that the Department also needs to look carefully at the content of the services that DOD is contracting for to ensure that these taxpayer dollars are being spent efficiently and on services that are truly needed.

Question. Do you believe that the current balance between Government employees (military and civilian) and contractor employees is in the best interests of DOD?

Answer. One of the biggest surprises to me in becoming familiar with current staffing levels since my nomination is the extent to which Government employees have been replaced by contractors since I left the Department 15 years ago. I understand that during this past year, Secretary Gates has committed to alter the mix between Government employees and contractor employees and that efforts are underway to in-source a number of functions. I am not familiar enough with the current situation to assess where the correct balance lies, but I fully support Secretary Gates' initiative and as the Department moves forward with in-sourcing I would, if confirmed, work to help ensure that a more appropriate balance is achieved.

Question. What steps if any would you take, if confirmed, to control the Department's spending on contract services?

Answer. If confirmed, I would work with the Department's senior leadership to analyze not only the amount of spending on contracted services, but also the degree to which contracted services are employed in the various functional support areas. As stated above, I believe that we need to look carefully at the content of the services that DOD is contracting for to ensure that these taxpayer dollars are being spent efficiently and on services that are truly needed.

Question. At the request of the committee, GAO has compared DOD's practices for the management of services contracts to the practices of best performers in the private sector. GAO concluded that leading companies have achieved significant savings by insisting upon greater visibility and management over their services contracts and by conducting so-called "spend" analyses to find more efficient ways to manage their service contractors. Section 801 of the National Defense Authorization Act for Fiscal Year 2002 required DOD to move in this direction. Sections 807 and 808 of the National Defense Authorization Act for Fiscal Year 2008 built on this provision by requiring inventories and management reviews of contracts for services.

Do you believe the Department is providing appropriate stewardship over service contracts?

Answer. I do not have sufficient knowledge to make an assessment at this time. If confirmed, ensuring appropriate oversight of service contracts would be a high priority for me.

Question. Do you believe that the Department has appropriate management structures in place to oversee the expenditure of more than $150 billion a year for contract services?

Answer. I have not had an opportunity to assess the management structures that are in place, but if confirmed, I would work with the Department's senior leadership

to make the necessary adjustments in order to implement President Obama's direction to carry out robust and thorough management and oversight of contracts, including contracts for services.

Question. Do you believe that the Department should conduct a comprehensive analysis of its spending on contract services, as recommended by GAO?

Answer. Although I am not familiar with the specific GAO recommendations regarding a comprehensive analysis, I agree that a comprehensive analysis of spending on contracted services is necessary. I understand some efforts are underway, but I do not know the extent to which such a review may have already been carried out. If confirmed I would work to ensure that this is done effectively.

Question. Do you support the use of management reviews, or peer reviews, of major service contracts to identify "best practices" and develop lessons learned?

Answer. Yes.

Question. If confirmed, will you fully comply with the requirement of section 807 of the National Defense Authorization Act for Fiscal Year 2008, to develop an inventory of services performed by contractors comparable to the inventories of services performed by Federal employees that are already prepared pursuant to the Federal Acquisition Inventory Reform (FAIR) Act?

Answer. Yes.

Question. What additional steps if any would you take, if confirmed, to improve the Department's management of its contracts for services?

Answer. If confirmed, I would make a point of emphasizing to senior leaders the vital role they must play in diligently managing service contracts in a way that maximizes the benefit to the warfighter and the taxpayer. I would assist the USD(AT&L) in identifying and reviewing, and as appropriate implementing, additional steps that would improve the management of contracts for services.

CONTRACTOR PERFORMANCE OF CRITICAL GOVERNMENTAL FUNCTIONS

Question. Over the last decade, the Department has become progressively more reliant upon contractors to perform functions that were once performed exclusively by Government employees. As a result, contractors now play an integral role in areas as diverse as the management and oversight of weapons programs, the development of personnel policies, and the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as DOD employees.

In your view, has DOD become too reliant on contractors to support the basic functions of the Department?

Answer. Although I do not have detailed knowledge, it appears to me that the Department may have become overly reliant on support contractors. If confirmed, I would be particularly focused on ensuring we make the necessary adjustments to ensure the Defense Acquisition Workforce is not overly reliant on support contractors.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of DOD?

Answer. I do not have detailed knowledge of this subject and am unable to make a judgment, but I am concerned that this may be a problem that needs addressing and if confirmed I would work to understand the situation and take appropriate action as needed within the scope of my responsibilities.

Question. What is your view of the appropriate applicability of personal conflict of interest standards and other ethics requirements to contractor employees who perform functions similar to those performed by Government employees?

Answer. I am not familiar with the details of how personal conflict of interest standards are being applied to contractor employees today. I do believe that support contractor employees who have access to sensitive or source selection sensitive information, should be subject to similar ethical standards as the Government employees they support.

Question. U.S. military operations in Iraq and Afghanistan have relied on contractor support to a greater degree than any previous U.S. military operations. According to widely published reports, the number of U.S. contractor employees in Iraq and Afghanistan have exceeded the number of U.S. military deployed in those countries.

Do you believe that DOD has become too dependent on contractor support for military operations?

Answer. I am not familiar enough with the details of how contractor support is being used to support military operations to have a firm opinion. I know that contractors are providing many necessary services in support of military operations and that the numbers are large, but I do not know if the Department has become too

dependent on their support. It is my understanding that Deputy Secretary Lynn issued a directive to the Secretaries of the military departments and combatant commanders to undertake a review of all contracted services for possible in-sourcing as a part of a Total Force Management Strategy. If confirmed, I would work with the senior leadership of the Department to carry out this directive and to take any necessary corrective action within the scope of my responsibilities.

Question. What risks do you see in the Department's reliance on such contractor support? What steps do you believe the Department should take to mitigate such risk?

Answer. I believe the largest risks with such a large reliance on contractor support is assured availability of those services in combat zones in the future and the Department losing critical core knowledge of inherently governmental functions. The first step in mitigating such risk is to ensure the senior leaders have accurate information so that they have a clear understanding of the risks given the current workforce mix between military, civilian and contractors. Once the risks are fully understood, mitigating options should be considered as needed.

Question. Do you believe the Department is appropriately organized and staffed to effectively manage contractors on the battlefield?

Answer. I do not have the knowledge necessary to provide a definitive answer. It is my understanding that there have been shortcomings in recent years, and if confirmed, I would intend to actively participate in taking action to address any such shortcomings.

Question. What steps if any do you believe the Department should take to improve its management of contractors on the battlefield?

Answer. It is my understanding the USD(AT&L) has developed guidance and tools to improve the management of contractors on the battlefield and is developing additional guidance at this time. If confirmed, I would review these initiatives and take steps to ensure appropriate attention is given to this issue.

PRIVATE SECURITY CONTRACTORS

Question. The Special Inspector General for Iraq Reconstruction (SIGIR) recently reported that Federal agencies including DPD have spent more than $5 billion for private security contractors in Iraq since 2003. Over this period, there have been numerous reports of abuses by private security contractors, including allegations of contractors shooting recklessly at civilians as they have driven down the streets of Baghdad and other Iraqi cities. In September 2007, employees of Blackwater allegedly opened fire on Iraqis at Nisour Square in downtown Baghdad, killing more than a dozen Iraqis and wounding many more. Most recently, private security contractors were reported to have engaged in inappropriate activities at the U.S. embassy in Kabul.

Do you believe DOD and other Federal agencies should rely upon contractors to perform security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations?

Answer. I believe that the use of private security contractors, and more generally the use of contractors in wartime, deserves careful review and other alternatives should be considered, particularly in highly hazardous public areas. I also believe that if physical security contractors are used that they should not be allowed to operate with legal impunity for their actions.

Question. In your view, has the U.S. reliance upon private security contractors to perform such functions risked undermining our defense and foreign policy objectives in Iraq and Afghanistan?

Answer. I believe that all Americans and American employees in combat theaters, including military personnel and contractors, must display proper conduct or they will undermine our objectives. The failure to do so can have and has had an effect on defense and foreign policy objectives. In my view even if there is a compelling need for private security contractors, despite any risks associated with their use, they must be properly screened, trained, supervised, and held accountable for any misconduct.

Question. What steps if any would you take, if confirmed, to ensure that any private security contractors who may continue to operate in an area of combat operations act in a responsible manner, consistent with U.S. defense and foreign policy objectives?

Answer. I believe that using private security contractors in any area of combat operations must be fully coordinated across the Government to ensure there are consistent procedures and policies for all such contractors. There must also be effective legal accountability for the actions of private security contractors and as stated

above they must be properly screened, trained, and supervised. If confirmed, I would review further steps that should be taken to ensure that this is the case.

Question. Do you support the extension of the Military Extraterritorial Jurisdiction Act to private security contractors of all Federal agencies?

Answer. I am not an expert in this area, but it is my understanding that DOD has consistently supported unambiguous application of the Military Extraterritorial Jurisdiction Act (MEJA) to all U.S. Government private security contractors operating in contingency areas. In the absence of another effective mechanism to ensure legal accountability I would support the extension of MEJA to all Federal agencies.

Question. What is your view of the appropriate application of the Uniform Code of Military Justice (UCMJ) to employees of private security contractors operating in an area of combat operations?

Answer. I support the use of appropriate civilian and military legal processes to enforce accountability for the actions of all contractors deployed to an area of combat operations. I believe that in the absence of an effective civil legal system that the UCMJ could provide an acceptable alternative for holding people accountable for their actions; however, I understand that there may be legal issues associated with applying the UCMJ to civilian contractors that might have to be resolved.

Question. Office of Management and Budget Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons."

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. I understand that DOD's position is that the decision to use private security contractors (including subcontractors) is in compliance with current U.S. Government policy and regulations. I have no basis to question that legal position.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. The role of DOD contractors in various circumstances raises issues of appropriateness, and if confirmed I would intend to participate in shaping policies regarding the appropriate use of contractors to the extent appropriate given the scope of my responsibilities.

Question. Do you see a need for a comprehensive reevaluation of these issues now?

Answer. I believe this type of evaluation could support efforts to strengthen current operations as well as to more fully understanding the appropriate roles and capabilities of contractors supporting the Department in future operations, but I am not familiar with any reviews that may have been conducted or be in progress.

GOVERNMENT CONTRACTING REFORM

Question. In a memorandum to the heads of all Federal agencies, the President on March 4, 2009, directed a Government-wide review of contracting procedures, stating that "executive agencies shall not engage in noncompetitive contracts, except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer."

If confirmed, what role would you play in determining whether the use of noncompetitive contracts could be fully justified?

Answer. If confirmed, I would continue to emphasize the importance of competition. I would also review the existing processes to see if additional guidance or adjustments are required pursuant to the President's guidance. For programs whose acquisition strategies are reviewed by the USD(AT&L), I would expect to be involved in the determination as to whether competition had been appropriately provided for in the acquisition strategy and I would work closely with the Service acquisition executives and agency heads to ensure that competitive opportunities are maximized. It is also my understanding that the Department is taking steps to reinvigorate the role of the Competition Advocate to ensure that they are actively participating in acquisition strategy determinations and are engaged in the review of noncompetitive contracts.

Question. In your opinion, how would the direction in this memo affect the use of single-award and multiple-award Indefinite Delivery/Indefinite Quantity (IDIQ) contracts?

Answer. I support the direction in the memo emphasizing competition and appropriate use of various contract types and to my knowledge, the memo will not restrict the use of single and multiple award IDIQ contracts. It is my understanding that the Department does not support the use of single-award IDIQ contracts unless they

are absolutely necessary. If confirmed, I would intend to review these practices pursuant to the President's guidance.

CONTRACTING METHODS

Question. The Office of Federal Procurement Policy and DOD have long agreed that Federal agencies could achieve significant savings and improved performance by moving to "performance-based services contracting (PBSC)." Most recently, the Army Environmental Program informed the committee that it has achieved average savings of 27 percent over a period of several years as a result of moving to fixed-price, performance-based contracts for environmental remediation. Section 802 of the National Defense Authorization Act for Fiscal Year 2002, as amended, established performance goals for increasing the use of PBSC in DOD service contracts.

What is the status of the Department's efforts to increase the use of PBSC in its service contracts?

Answer. I am not yet in a position to provide the status of the Department's efforts to increase the use of "performance based services" methodologies in service contracts. However, if confirmed, I would review the Department's efforts to increase the use of PBSC.

Question. What additional steps if any do you believe the Department needs to take to increase the use of PBSC and meet the goals established in section 802?

Answer. I am not yet in a position to express a view on this subject. If confirmed, I would assess the Department's efforts in this area and ensure that appropriate steps are taken.

Question. In recent years, DOD has relied heavily on time-and-materials contracts for the acquisition of services. Under such a contract, the Department pays a set rate per hour for contractor services, rather than paying for specific tasks to be performed. In some cases, contractors have substituted less expensive labor under time-and-materials contracts, while continuing to charge Federal agencies the same hourly rates, resulting in effective contractor profits of 25 percent or more.

What is your view of the appropriate use of time-and-materials (T&M) contracts by DOD?

Answer. In my view, the use of T&M contracts often represents a poor business arrangement for the Government. If confirmed, I would engage to fully support appropriate limitations on the use of T&M contracts.

Question. What steps if any do you believe the Department should take to minimize the abuse of time-and-materials contracts?

Answer. It is my understanding that the Department has taken steps to minimize the abuse of T&M contracts but I do not have detailed knowledge of those actions. If confirmed, I would review the various initiatives and determine what, if any, additional measures are necessary to limit the use and abuse of T&M contracts.

Question. Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 requires DOD to promulgate regulations prohibiting excessive "pass-through" charges on DOD contracts. Pass-through charges are charges added by a contractor for overhead and profit on work performed by one of its subcontractors, to which the contractor provided no added value. In some cases, pass-through charges have more than doubled the cost of services provided to DOD.

What is your view of the regulations promulgated by DOD to implement the requirements of section 852?

Answer. While I have not had the opportunity to analyze this matter sufficiently in order to form an opinion, if confirmed, I would carefully review the regulations being implemented. I do believe that effective regulations to prevent excessive "pass-through" profits are necessary.

Question. What additional steps if any do you believe the Department should take to address the problem of excessive pass-through charges?

Answer. I do not have enough information to make a recommendation at this time.

INTERAGENCY CONTRACTING

Question. GAO recently placed interagency contracting—the use by one agency of contracts awarded by other agencies—on its list of high-risk programs and operations. While interagency contracts provide a much-needed simplified method for procuring commonly used goods and services, GAO has found that the dramatic growth of interagency contracts, the failure to clearly allocate responsibility between agencies, and the incentives created by fee-for-services arrangements, have combined to expose DOD and other Federal agencies to the risk of significant abuse and mismanagement. The DOD Inspector General and the General Services Administration Inspector General have identified a long series of problems with interagency

contracts, including lack of acquisition planning, inadequate competition, excessive use of T&M contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance. DOD, in conjunction with the General Services Administration and the Office of Management and Budget, is taking a number of actions to improve training and guidance on the use of this contract approach.

If confirmed, what steps if any will you take to monitor and evaluate the effectiveness of the actions currently underway or planned regarding DOD's use of other agencies' contracts?

Answer. I am not yet in a position to offer recommendations on this subject. However, interagency contracting can be an efficient and effective method to meet mission requirements, but it must be done in a way that gives best value to the taxpayer. If confirmed, I would carefully review and evaluate whether or not current or planned actions are effective and assess whether additional measures are warranted.

Question. Do you believe additional authority or measures are needed to hold DOD or other agency personnel accountable for their use of interagency contracts?

Answer. I am not yet in a position to express a view on this subject. However, if confirmed, I would review and evaluate whether or not additional authorities or measures are warranted.

Question. Do you believe contractors have any responsibility for assuring that the work requested by DOD personnel is within the scope of their contract?

Answer. My understanding is that the primary responsibility for ensuring work is within the scope of the contract rests with the contracting officer. I believe that if a contractor is uncertain whether or not supplies or services ordered are within scope of their contract they should consult with the contracting officer before expending any resources on the requested work.

Question. Do you believe that DOD's continued heavy reliance on outside agencies to award and manage contracts on its behalf is a sign that the Department has failed to adequately staff its own acquisition system?

Answer. I am not aware of the extent to which this practice is being followed nor of the extent to which it may reflect a problem with Department staffing levels, so I am not yet in a position to express a view on this subject; however, if confirmed, I would examine whether or not the Department is adequately staffed to manage and execute its contracts. The Department should only utilize the expertise of non-DOD agencies operating under Congressional authority to acquire supplies and services if those agencies have demonstrated that they contract for our goods and services efficiently, effectively, in accordance with DOD policy and if they provide a cost effective alternative to direct DOD management.

ACQUISITION OF INFORMATION TECHNOLOGY

Question. Most of the Department's Major Automated Information System (MAIS) acquisitions are substantially over budget and behind schedule. In particular, the Department has run into unanticipated difficulties with virtually every new business system it has tried to field in the last 10 years.

Do you believe that unique problems in the acquisition of business systems require different acquisition strategies or approaches?

Answer. Yes.

Question. What steps if any do you believe DOD should take to address these problems?

Answer. I have not had an opportunity to review how the Department is currently addressing the acquisition of business systems so it would be premature for me to express an opinion. If confirmed, I would review the current practices to see if changes are necessary.

Question. If confirmed, how would you work with the Chief Information Officer (CIO) of DOD to take these steps?

Answer. If confirmed, I would work closely with the DOD CIO and I would ensure the OUSD (AT&L) staff and the DOD CIO staff work closely together to identify and take any steps needed to improve the acquisition of the Department's business systems.

Problems with computer software have caused significant delays and cost overruns in a number of major defense programs. Section 804 of the National Defense Authorization Act for Fiscal Year 2003 required DOD to establish a program to improve the software acquisition process.

Question. What steps if any would you take, if confirmed, to address delays and cost overruns associated with problems in the development of software for major weapon systems?

Answer. If confirmed, I would review the implementation of section 804 and make any necessary recommendations for improvement. I believe many of the challenges in the past were the result of factors such as inadequate technical maturity, undisciplined or poorly understood requirements, poor configuration management practices, the lack of disciplined and mature software development processes, and shortages of qualified people. If confirmed, I would work to identify the root causes of the Department's software development problems, identify solutions and implement appropriate corrective action.

Question. What role if any do you believe that the Chief Information Officer of DOD should play with regard to the acquisition of information technology that is embedded in weapon systems?

Answer. Information technology is ubiquitous and integral to any weapon system today and I believe the Chief Information Officer of DOD can and should play a key role in advising on information technology and interoperability matters affecting weapon systems.

Question. Section 804 of the National Defense Authorization Act for Fiscal Year 2010 would require the Secretary of Defense to establish a new acquisition process for information technology programs.

Do you believe that the acquisition of information technology (IT) systems is sufficiently different from the acquisition of other systems to justify the development of a unique acquisition process?

Answer. While the acquisition of IT systems is similar to the acquisition of other systems in many ways, I believe they are sufficiently different that the Department should consider an alternative or tailored IT acquisition process but I have not had an opportunity to examine specific proposals. If confirmed, I would review any existing proposals and take appropriate action.

Question. If so, what do you see as the unique features that would be desirable for an information system acquisition process? What types of information technology programs do you believe should be covered by the new process?

Answer. I have not reviewed this subject in any detail, however some features of the new process that might be desirable include: relatively short duration increments/releases of capability; better informed cost estimates; and more frequent progress reviews. I also believe that strong incentive provisions should be a key feature of any dedicated information systems acquisition process.

ACQUISITION WORKFORCE

Question. Over the last 15 years, DOD has reduced the size of its acquisition workforce by almost half, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet DOD's current and future needs. Since September 11, 2001, moreover, the demands placed on that workforce have substantially increased. While DOD has started the process of planning its long-term workforce needs, the Department does not yet have a comprehensive strategic workforce plan needed to guide its efforts.

Do you believe that DOD's workforce is large enough and has the skills needed to perform the tasks assigned to it?

Answer. Not at this time, but I know that actions are underway to improve the situation. Secretary Gates has announced his intent to increase the size of the DOD acquisition workforce by approximately 20,000. If confirmed, improving both the size and the quality of the acquisition workforce would be a high priority for me.

Question. In your view, what are the critical skills, capabilities, and tools that DOD's workforce needs for the future? What steps will you take, if confirmed, to ensure that the workforce will, in fact, possess them?

Answer. The needed skills include program management, systems engineering, other engineering disciplines, test planning and management, contracting, cost estimating, risk management, pricing, manufacturing process management, and quality control among the capabilities that are essential for ensuring sound acquisition outcomes. If confirmed, I would actively support Secretary Gates' initiative to increase the size of the acquisition workforce and I would work to ensure that a balanced set of capabilities exists to fulfill the Department's roles in acquisition.

I believe the Department must attract talented people into the acquisition workforce; give them challenging work; retain capable people; and ensure all the Department's acquisition employees are fully trained and qualified for the mission critical work they are asked to perform. If confirmed, I would strive to ensure a high quality, high performance work environment where employees are valued and effective members of the DOD acquisition workforce are properly rewarded for their efforts.

Question. Do you agree that the Department needs a comprehensive human capital plan, including a gap analysis and specific recruiting, retention and training goals, to guide the development of its acquisition workforce?

Answer. In general, yes. I am not familiar with what the Department has done in this regard, but I believe that a comprehensive human capital plan that addresses recruiting and hiring, recognition and retention, and training and workforce development would be beneficial.

Question. What steps if any do you think are necessary to ensure that the Department has the ability it needs to attract and retain qualified employees to the acquisition workforce?

Answer. If confirmed, I would do all I can to ensure we have a properly sized, highly qualified, professional acquisition workforce. I understand that the largest numbers of people in the acquisition workforce are engineering, scientific and technical professionals, followed by business-oriented people, such as contracting officers. The acquisition workforce must be agile, flexible, and prepared to adapt our buying practices to match our national security needs. To attract and retain high quality people the Department must provide challenging and rewarding work and competitive compensation. I believe that there is nothing more inherently rewarding than serving one's country as the men and women of our Armed Forces and our civilian employees do and I will work to see that this attitude permeates our recruiting and retention efforts.

Question. What are your views regarding assertions that the acquisition workforce is losing its technical and management expertise and is beginning to rely too much on support contractors, Federally-Funded Research and Development Centers (FFRDCs), and, in some cases, prime contractors for this expertise?

Answer. My impression is that this is the case, at least to some degree; however, I have not reviewed any data that would confirm the extent of the problem. High quality government professionals are critical to protecting the interests of the warfighter and the taxpayer. I believe that it is important that the Department strike the right balance between our organic capability and contractor support personnel. If confirmed, I would work to understand how many support contractors we have, what they are doing, and at what cost and I would work to better understand the roles of FFRDCs and any limitations on their contributions. Once I have this information I would be in a position to assess the magnitude of the problem and to develop specific recommended solutions as needed.

Question. What is the appropriate tenure for program managers and program executive officers to ensure continuity in major programs?

Answer. I believe that program managers and program executive officers need to be in their positions long enough to be accountable for their decisions in successfully meeting appropriate milestones. The people who take on the responsibilities of these positions must be fully qualified professionals. I am aware that there are statutory tenure requirements prescribed for these and other key leadership positions, which I support. If confirmed, I would examine closely how well this policy is being implemented.

Question. Section 852 of the National Defense Authorization Act for Fiscal Year 2008 established an Acquisition Workforce Development Fund to help DOD address shortcomings in its acquisition workforce. The fund would provide a minimum of $3 billion over 6 years for this purpose.

Do you believe that the Acquisition Workforce Development Fund is needed to ensure that DOD has the right number of employees with the right skills to run its acquisition programs in the most cost effective manner for the taxpayers?

Answer. Yes.

Question. If confirmed, what steps if any will you ensure that the money made available through the Acquisition Workforce Fund is spent in a manner that best meets the needs of DOD and its acquisition workforce?

Answer. Working with the USD(AT&L), I would, if confirmed, review the process and initiatives in place to ensure critical resources are allocated to the greatest needs.

PROCUREMENT FRAUD, INTEGRITY, AND CONTRACTOR RESPONSIBILITY ISSUES

Question. Recent acquisition scandals have raised concerns about the adequacy of existing mechanisms to uphold procurement integrity and prevent contract fraud.

What is your view of the adequacy of the tools and authorities available to DOD to ensure that its contractors are responsible and have a satisfactory record of integrity and business ethics?

Answer. I have not had an opportunity to review the existing tools and authorities and am not in a position to comment or make a recommendation.

Question. In your view, are current "revolving door" statutes effective?

Answer. I do not have any information that would permit me to assess the effectiveness of the current "revolving door" statutes.

Question. What tools other than law enforcement measures could be used to help prevent procurement fraud and ethical misconduct?

Answer. It is my understanding that the Department's Panel on Contracting Integrity has developed tools and information to identify and root out fraud. Specifically, the Panel has drafted a handbook of acquisition fraud indicators in scenario form for training and awareness. I have not reviewed these products, however, if confirmed, I would assess these tools to determine whether existing measures are adequate.

Question. Are there sufficient enforcement mechanisms to ensure compliance with laws and regulations?

Answer. To the best of my knowledge there are sufficient enforcement mechanisms under existing laws and regulations.

"BUY AMERICA"

Question. "Buy America" issues have been the source of considerable controversy in recent years. As a result, there have been a number of legislative efforts to place restrictions on the purchase of defense products from foreign sources.

What benefits do you believe the Department obtains from international participation in the defense industrial base?

Answer. I do not have any information that would allow me to assess the degree to which these benefits are being realized in practice, however the potential benefits are many. I believe international participation in the defense industrial base serves to promote the interoperability, standardization, and rationalization of the conventional defense equipment used by the Armed Forces of the United States, its allies and other friendly governments. It also can help to avoid or reduce duplication in research and development initiatives and can lead to economies of scale in production of systems. These attributes can lead to savings in terms of the time and money needed to develop, produce, support, and sustain the materiel needed and used by our warfighters. In many cases, it enables the Department to achieve the advantages of competition in contracting, which includes the ability to obtain world class, best value products for our warfighters. Further, international participation in the defense industrial base encourages development of mutually beneficial industrial linkages that enhance U.S. industry's access to global markets and exposes U.S. industry to international competition, helping to ensure that U.S. firms remain innovative and efficient.

Question. Under what conditions, if any, would you support the imposition of domestic source restrictions for a particular product?

Answer. In certain instances, involving national security or the preservation of a key defense technology, design capability, or production capability, domestic source restrictions may be advisable. The Department holds (and, I understand, has exercised) the authority to "self-impose" such domestic source restrictions.

Question. Section 831 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 requires the Secretary of Defense to ensure that the U.S. firms and U.S. employment in the defense sector are not disadvantaged by unilateral procurement practices by foreign governments, such as the imposition of offset agreements in a manner that undermines the U.S. industrial base.

What steps if any do you believe the Department should take to implement this requirement?

Answer. I am not familiar enough with the ongoing steps to make a recommendation. I understand that DOD participates in an Interagency Working Group consisting of representatives from the Departments of Labor, Commerce, State and the U.S. Trade Representative to consult with other nations about limiting the adverse effects of offsets. The interagency team, chaired by the USD(AT&L), conducts consultations with foreign nations and domestic entities, including defense contractor associations and labor organizations regarding the effect of offset requirements. If confirmed, I intend to support the Secretary of Defense to make every effort to ensure that the policies and practices of the Department reflect the goal of establishing an equitable trading relationship between the United States and its foreign defense trade partners.

Question. The Defense Science Board Task Force on "Defense Industrial Structure for Transformation" found in July 2008 that U.S. policy regarding "Buy America" and the "Berry Amendment" inhibits the Nation from gaining the security and economic benefits that could be realized from the global marketplace.

What is your opinion of "Buy America" legislation and the "Berry Amendment"?

Answer. I have not had the opportunity to review the Defense Science Board Report or to evaluate its recommendations and I am not adequately familiar with the details of the existing restrictions to evaluate their costs and benefits. If confirmed, I would review this area and make recommendations for change that I concluded were needed.

THE DEFENSE INDUSTRIAL BASE

Question. What is your view of the current state of the U.S. defense industry?

Answer. I have not had the opportunity to review a detailed assessment of the health of the industrial base. Our defense and technology industrial base does develop, produce, and support militarily superior defense systems that are the most capable in the world; however I am concerned that some trends in defense investment may be having a negative effect on the Nation's industrial base. If confirmed, I would work to understand this situation in depth and to assess the need for actions that might be necessary or prudent to ensure the continued health of the industrial base.

Question. Do you support further consolidation of the U.S. defense industry?

Answer. I believe that the competitive pressure of the marketplace remains the best vehicle to shape an industrial environment that supports the defense strategy and that preserving competition is important to national security. As indicated in response to a previous question, I do not have enough information to provide a definitive answer about the acceptability of further consolidation, but I suspect that the situation varies depending on the industrial base sector considered. If confirmed, I would work with the Director of Industry Policy and others to understand this situation. If confirmed, I would also oppose business combinations when it is necessary to do so in order to maintain appropriate competition and develop and/or preserve industrial and technological capabilities (at all levels of the supply chain) that are essential to defense.

I support the Department's overall policy to review each proposed merger, acquisition, and teaming arrangement on its particular merits in the context of the individual market and the changing dynamics of that market. If confirmed, I would work with Department leadership to evaluate options to address continued consolidation.

Question. What is your position on foreign investment in the U.S. defense sector?

Answer. Generally, with appropriate security protections, I am not opposed to foreign investment in the defense sector; however, each investment must be considered on its own merits. Foreign firms can enhance competition which can lower costs of specific defense systems, as well as provide for the inclusion of leading edge technologies which have been developed abroad. In addition, such investment in the long-run will increase interoperability between the United States and its allies. Nevertheless, the Department must ensure that foreign investment in the defense sector does not create risks to national security. I support strong DOD participation in the Committee on Foreign Investment in the U.S. (CFIUS) which conducts national security reviews of foreign acquisitions of U.S. firms. I also support strong DOD participation in implementation of the export control laws to help ensure that defense-relevant U.S. technologies resident in foreign-owned firms with DOD contracts are not transferred overseas or to foreign nationals without proper authorization.

Question. What steps if any do you believe DOD should take to ensure the continued health of the U.S. defense industry?

Answer. If confirmed, I would support the Department's current strategy to rely as much as possible on competitive free market forces to create, shape, and sustain the industrial and technological capabilities needed to provide for the Nation's defense. However, I also believe that the Department needs to thoroughly understand the current and projected health of the industrial base across the spectrum of defense products and at all levels of the supply chain and should be willing to take action, within the range of options available to the Department, to ensure the continued health of the base where necessary. If confirmed, I would work to ensure sound acquisition practices that would inherently strengthen the industrial base, and I would include industrial base considerations as a factor in acquisition decisions where appropriate.

MANUFACTURING ISSUES

Question. The recent Defense Science Board (DSB) study on the Manufacturing Technology Program made a number of findings and recommendations related to the role of manufacturing research and capabilities in the development and acquisition of defense systems.

Have you reviewed the findings of the DSB Task Force on the Manufacturing Technology Program?

Answer. Not in detail, however I have been made aware of some of the recommendations in the report.

Question. What recommendations, if any, from the Task Force would you plan to implement if confirmed?

Answer. I understand that the overarching recommendation of the DSB report was to give "leadership emphasis" to manufacturing technology, and, if confirmed, I would definitely do so. Manufacturing technology can be an enabler for weapons systems production and a source of major cost savings. I also understand that the DSB recommended that manufacturing readiness should be assessed more rigorously before programs pass into production. I would agree that manufacturing readiness is an important consideration in the decision to enter production and if confirmed I would review current processes to ensure that manufacturing readiness is properly assessed.

Question. What incentives do you plan to use to enhance industry's incorporation and utilization of advanced manufacturing processes developed under the manufacturing technology program?

Answer. I have not reviewed the incentives the Department is currently using and can not comment on their adequacy or whether additional steps are necessary. In general, competitive pressure should provide the most cost effective manufacturing technologies, but where those pressures do not exist other mechanisms may have to be implemented. If confirmed, I would work to identify and implement appropriate mechanisms.

SCIENCE AND TECHNOLOGY

Question. What, in your view, is the role and value of science and technology programs in meeting the Department's transformation goals and in confronting irregular, catastrophic, traditional and disruptive threats?

Answer. I believe science and technology play a large role as the Department takes on the challenge of accomplishing an expanded range of missions, just as it does in improving the Department's capabilities for current missions. The threats to our national security have expanded into cyberspace as well as physical space. The threats the Nation faces have also expanded to include terrorist groups, insurgencies, and innovative competitors who seek to defeat our existing technical advantages. I believe the Department needs science and technology programs that respond to current, emerging, and future threats of all types.

Question. If confirmed, what direction will you provide regarding funding targets and priorities for the Department's long-term research efforts?

Answer. I have not had the opportunity to review the Department's planned technology investments in detail and I understand there are a number of reviews in progress that could shape the future direction of the Department. If confirmed, I would carefully review all technology funding portfolios in light of the results of these reviews in order to assess whether the Department's funding targets and priorities are aligned with its strategic direction.

Question. What specific metrics would you use, if confirmed, to assess whether the Department is making adequate investments in its basic research programs?

Answer. If confirmed, I would work with the DDR&E and the military Services and agencies to assess the adequacy of the Department's investments in basic research. There are a number of metrics available to assess whether the Department is making an adequate investment in basic research. Metrics to consider include: growth or decline in real dollars of the basic research program; change in number of projects; proportion of DOD-funded researchers in key science disciplines; trends in the number of patents that result by field, and number of students supported by the basic research program investments.

Question. Do you feel that there is sufficient coordination between and among the science and technology programs of the military Services and defense agencies?

Answer. I am aware that there are coordination mechanisms in place for the Department's S&T program. If confirmed, I would look at this issue more closely in cooperation with the DDR&E to determine if current coordination is adequate. At this time I do not have the information to make an assessment of the adequacy of the existing coordination mechanisms.

Question. What is the Department's role and responsibility in addressing national issues related to science, technology, engineering, and mathematics (STEM) education and workforce development?

Answer. I believe that the Department should take a proactive role in ensuring that the Nation has an adequate STEM workforce. In addition to encouraging

STEM workforce development through its research investments and education outreach efforts, I believe DOD needs to work closely with the Office of Science and Technology Policy, the National Science Foundation, and other Federal components concerned with science, engineering and mathematics education adequacy.

Question. What steps if any would you take to support efforts to ensure that the Nation has the scientific and technical workforce needed for its national security technological and industrial base?

Answer. I am aware of several activities within DOD, such as the National Defense Education Program and the National Security Science and Engineering Fellows program, that aim to expand the pool of scientists and engineers able to contribute to the national security technological and industrial base. If confirmed, I would work with the DDR&E to determine how well these programs and others like them meet the Department's science and technical workforce needs.

Question. How would you use science and technology programs to better reduce technical risk and therefore potentially reduce costs and schedule problems that accrue in large acquisition programs?

Answer. Science and technology programs, particularly in applied research and advanced development, can have a substantial impact on improving technological readiness, and thereby reduce technical risk. I believe there is an opportunity to expand the ties from these programs to large acquisition programs, particularly between Milestones A and B. If confirmed I will work with the DDR&E and the Service acquisition executives to ensure that this linkage is strengthened.

Question. Do you feel that the science and technology programs of DOD are too near-term focus and have over emphasized technology transition efforts over investing in revolutionary and innovative research programs?

Answer. I do not have the information to make this assessment at this time. If confirmed, I would review the balance between near- and far-term innovative research. The DOD S&T program should be balanced so there are opportunities for both a capabilities pull, responding to the warfighter's needs, and a technology push, responding to the promise of new technology. If confirmed, I would work with the DDR&E to ensure that this is the case.

Question. Are you satisfied that the Department has a well articulated and actionable science and technology strategic plan?

Answer. I have not had the opportunity to review the Department's existing science and technology strategic plans. If confirmed, I would work with the DDR&E and others to ensure the plans have clear and actionable guidance.

Question. Do you see a need for changes in areas such as hiring authority, personnel systems, financial disclosure and ethics requirements, to ensure that the Department can recruit and retain the highest quality scientific and technical workforce possible?

Answer. I believe any modern enterprise needs effective tools, to shape the workforce and attract the most capable people. This principle holds true for the Department. If confirmed, I would take all possible steps to ensure the Department is competitive; however I have not had the opportunity to review the Department's current efforts to recruit and retain high quality technical people so I am not in a position to recommend changes at this time.

Question. The DDR&E has been designated as the Chief Technology Officer (CTO) of DOD.

In your view, what is the appropriate role of the CTO of DOD?

Answer. The role of the CTO of the Department is defined in the DDR&E charter. I understand that the charter defines the role of the DDR&E as the Principal Staff Assistant to the Under Secretary (AT&L) and the Secretary on all technical matters. As CTO, the DDR&E should provide guidance to shape the DOD S&T program and develop technology options for the Department. The CTO should also contribute significantly to ensuring that major acquisition programs are conducted with acceptable technological risk.

Question. What authority should the DDR&E have over the Defense Advanced Research Projects Agency (DARPA)?

Answer. My understanding is that as the Department's primary corporate research activity, DARPA reports to DDR&E. The DDR&E should have all authorities necessary to ensure DARPA is effective in meeting its mission, including budgetary authority and authority over selection of agency leadership.

Question. What authority should the DDR&E have over other Service and Agency science and technology efforts?

Answer. The DDR&E should provide oversight responsibilities of the Service and Agency programs, consistent with the DDR&E charter.

Question. Do you see the need for any changes in organizational structure, workforce, or availability of resources to improve the effectiveness of the Office of the DDR&E?

Answer. At this time I have no specific recommendations for changes. I believe science and technology is critical to maintaining military superiority across a broad range of crises and military operations. Ensuring the technological superiority of our Armed Forces requires a strong DDR&E. I am aware that the DDR&E has taken steps to strengthen his organization, and I look forward to working with the DDR&E on any additional efforts that are needed.

DEFENSE LABORATORIES

Question. What is your view on the quality of the DOD laboratories as compared to the DOE national laboratories, Federal laboratories, academic laboratories, and other peer institutions?

Answer. I have no information that would allow me to make a valid comparison of the quality of these institutions. The DOD laboratories I have worked with employ a talented and mission-oriented workforce, and constitute an important Departmental resource for the Nation's national security. That said, I am certain improvements can be made. If confirmed, I would work with the DDR&E in examining the capabilities and long-term requirements of the DOD laboratories, and develop, with the Services, recommendations to enhance the capabilities of the DOD laboratories.

Question. What metrics will you use, if confirmed, to evaluate the effectiveness, competitiveness, and scientific vitality of the DOD laboratories?

Answer. The effectiveness, competitiveness, and scientific vitality of the DOD laboratories could be gauged by a combination of factors, including external review of their research programs and the Service parent organizations' assessment of their effectiveness in meeting Service requirements and other needs. These in turn are influenced by the ability to attract and retain a talented workforce, and the adequacy and robustness of their physical infrastructure. I believe collaboration with universities, industry, and other laboratories also constitute an important contributor and measure of our laboratories' effectiveness in fostering and recognizing world class research and development. The single most important factor, however, would be the laboratories success in developing and transitioning technologies, by whatever mechanism, to our warfighters.

Question. What steps if any will you take, if confirmed, to increase the mission effectiveness and productivity of the DOD laboratories?

Answer. At this time I do not have the information necessary to make specific recommendations. If confirmed, I would work with the DDR&E to ensure that DOD Labs operate at maximum effectiveness and productivity.

Question. Do you see value in enhancing the level of technical collaboration between the DOD laboratories and academic, other Federal, and industrial scientific organizations?

Answer. Yes. The effectiveness and competitiveness of our laboratories can only be helped by enhanced technical collaboration with other research and development organizations.

Question. Do you feel that past investments in research equipment; sustainment, repair and modernization; and facility construction at the DOD laboratories have been sufficient to maintain their mission effectiveness and their standing as world class science and engineering institutions?

Answer. I do not have the information that would allow me to make this assessment at this time. If confirmed, I would work with the DDR&E to understand whether the Department's investments in the DOD laboratories have been adequate.

DARPA

Question. Has DARPA struck an appropriate balance between investments in near-term technology programs that are tied to current battlefield needs and investments in longer term, higher risk, and revolutionary capability development?

Answer. From my previous years in the Pentagon, I am very much aware of the critical role DARPA has in developing new technologies and capabilities for the Department's warfighters and weapons systems, as well as for the Nation. I do not currently have insight into DARPA's investment balance between near- and far-term technologies, but if confirmed, I would work with the DDR&E to ensure that DARPA continues to meet the far reaching technology needs of DOD.

Question. Do you believe that DARPA has adequately invested in the academic research community?

Answer. I do not have current insight into the DARPA investment portfolio, so I have no real basis upon which to assess if DARPA is adequately invested in the academic research community. I do believe that a sound DOD S&T program invests in a balanced supplier base—including internal DOD laboratories, industry, and universities.

Question. What are the major issues related to DARPA investments, management, and research outcomes that you will seek to address?

Answer. If confirmed, I would work with the DDR&E to investigate the current DARPA investments, management, and research outcomes to determine which, if any, issues need to be addressed. I do not currently have sufficient information to make an evaluation.

TEST AND EVALUATION

Question. The Department has, on occasion, been criticized for failing to adequately test its major weapon systems before these systems are put into production.

What are your views about the degree of independence needed by the DOT&E in ensuring the success of the Department's acquisition programs?

Answer. The independence of the DOT&E is an important aspect of ensuring the Department's acquisition programs are realistically and adequately tested in their intended operational environment. I am aware of concerns that testing can be perceived as creating additional cost and delays in delivering capability, especially in the context of pressing real world operations. If confirmed, I would seek the advice of the DOT&E on testing and evaluation issues as a partner in the acquisition process, while allowing for the necessary independent viewpoints.

Question. Are you concerned with the level of test and evaluation conducted by the contractors who are developing the systems to be tested?

Answer. In general, I believe contractors are an important and integral part of the test and evaluation process during system development. However, in the past, implementation of acquisition reform the Department may have delegated too much of the early developmental test and evaluation responsibility to the contractors without adequate Government participation or oversight. If confirmed, my emphasis would be on integrating contractor and government test efforts to ensure that the Department's products in development are adequately and efficiently tested and that test results provide a reliable indicator of program progress toward meeting requirements.

Question. What is the impact of rapid fielding requirements on the standard testing process? If confirmed, how will you work to ensure that all equipment and technology that is deployed to warfighters is subject to appropriate operational testing?

Answer. I believe that rapid fielding requirements require rapid performance from the entire acquisition team, including the test and evaluation community. With a rapid fielding requirement, it is necessary to adjust the scope and amount of testing to address the key issues and risks that affect safety and the system's use in combat and to gain early insights into the capabilities and limitations of the system being acquired. In rapid fielding, particularly of commercial items, the focus needs to be on understanding what is being bought and whether it is acceptable, not whether the system meets a set of rigid requirements. If confirmed, I would work with all stakeholders to ensure test and evaluation processes support rapid fielding without delaying our response to these urgent requirements a moment more than is absolutely necessary.

Question. Do you believe that the developmental testing organizations in DOD and the military Services are adequate to ensure an appropriate level of developmental testing, and testing oversight, on major defense acquisition programs?

Answer. I have not had the opportunity to review the adequacy of the Department's testing resources. If confirmed I would work with the DOT&E, the Director of Developmental Testing, the Service Acquisition Executives, and others to assess the adequacy of existing and planned test resources.

Question. The National Defense Authorization Act for Fiscal Year 2003 included several provisions to improve the management of DOD test and evaluation facilities.

Are you satisfied with the manner in which these provisions have been implemented?

Answer. I understand the National Defense Authorization Act for Fiscal Year 2003 led to the establishment of the Defense Test Resource Management Center (TRMC) to plan for and assess the adequacy of the Major Range and Test Facility Base (MRTFB). This office leads developing the Department's Strategic Plan for T&E Resources and certifies the adequacy of Service and Agency Test and Evaluation budgets. If confirmed, I would consult with the TRMC Director and review the adequacy of the Department's responses to these legislative mandates.

Question. Do you believe that the Department should take any additional steps to improve the management of its test and evaluation facilities?

Answer. At this time I am not aware of any additional steps that should be taken, however, I have not had the opportunity to review the current situation. If confirmed, I would consult with the Department's stakeholders and assess any additional steps necessary to improve management of T&E facilities.

Question. As systems grow more sophisticated, networked, and software-intensive, DOD's ability to test and evaluate them becomes more difficult. Some systems-of-systems cannot be tested as a whole until they are already bought and fielded.

Are you concerned with DOD's ability to test these new types of systems?

Answer. Absolutely, testing and developing software-intensive programs in a net-centric, systems-of-systems (SoS) environment is a challenge.

Question. What steps, if any, do you believe the Department should take to improve its test and evaluation facilities to ensure adequate testing of such systems?

Answer. I do not have sufficient information to make a recommendation at this time.

BALLISTIC MISSILE DEFENSE

Question. When it was created in 2002, the Missile Defense Agency (MDA) was exempted from normal acquisition rules and processes in order to field an initial set of missile defense capabilities on an expedited basis. That fielding has now taken place, although numerous upgrades and corrections are being implemented. Each of the elements of the Ballistic Missile Defense System (BMDS) would normally meet the criteria for a Major Defense Acquisition Program (MDAP), but none of them has been managed as an MDAP. Furthermore, for most of MDA's existence, all its programs were funded with Research, Development, Test, and Evaluation (RDT&E) funds, even for non-RDT&E activities.

What management and acquisition changes or improvements if any do you believe are warranted for the ballistic missile defense programs?

Answer. I have not had an opportunity to review the ballistic missile defense programs and am not in a position to recommend any changes or improvements.

Question. Do you believe that the Under Secretary of Defense for Acquisition, Technology, and Logistics should have the same responsibilities relative to the ballistic missile defense acquisition programs as for all other MDAPs?

Answer. I have not had an opportunity to review this issue. At this point, however, I see no reason why the Under Secretary of Defense for Acquisition, Technology, and Logistics, should not have the same responsibilities for the ballistic missile defense programs as for all MDAPs.

Question. If confirmed, what steps if any would you plan to take to ensure that the ballistic missile defense programs of DOD follow sound acquisition and management practices and processes?

Answer. I am not adequately familiar with current practices at this time to make an assessment of their effectiveness

Question. For many years DOD and Congress have agreed on the principle that major weapon systems should be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat.

Do you agree that any ballistic missile defense systems that we deploy operationally must be operationally effective, suitable, survivable, cost-effective, affordable, and should address a credible threat?

Answer. Yes.

Question. If confirmed, what steps if any would you take to ensure that the BMDS and each of its elements meet these criteria?

Answer. Rigorous and realistic testing of missile defenses is imperative. I understand that the Missile Defense Agency presently is executing a plan which includes the use of a Development/Operational Testing approach that allows the U.S. Strategic Command warfighter community (which includes all Combatant Commanders) and all the Service Operational Test Agencies to be integral parts of the test program. If confirmed, I would need to review these plans and the proposed test activities to determine whether additional steps or other emphases are necessary or appropriate.

Question. Today, there are many hundreds of short- and medium-range ballistic missiles that can reach forward-deployed U.S. military forces, allies, and other friendly nations. A Joint Staff study, the Joint Capabilities Mix study, has repeatedly concluded that the United States needs about twice as many Standard Missile-3 and Terminal High Altitude Area Defense interceptors just to achieve the minimum inventory needs of regional combatant commanders to defend against such threats.

Do you agree that U.S. missile defense efforts should be prioritized on providing effective defenses against existing ballistic missile threats, especially the many hundreds of short- and medium-range ballistic missiles that are currently within range of our forward-based forces, allies, and other friendly nations?

Answer. If confirmed, I would review the balance among the elements of the ballistic missile defense program in light of the results of ongoing Department strategic reviews and take action to influence plans accordingly based on the results of those reviews.

Question. What do you believe should be the appropriate role of the combatant commanders and the military in determining requirements, force structure, and inventory levels for ballistic missile defense forces?

Answer. Combatant commanders are the ultimate employers of the capabilities that the acquisition community delivers. As such, they should have a strong voice in determining the priorities for requirements, force structure, and necessary inventory levels. Title 10 provides for the military departments to have responsibility to organize, train, and equip the forces employed by the combatant commands. MDA serves as the materiel developer for ballistic missile defenses and as such has a role in determining what capabilities are achievable and what inventory quantities are feasible at what cost. These three roles are interdependent. At this point in time I am not aware of any reason to adjust these roles.

Question. For many years, Congress and DOD have agreed on the principle of "fly before you buy," namely demonstrating that a weapon system will work in an operationally effective, suitable, and survivable manner before deciding to acquire and deploy such systems. This demonstration requires rigorous, operationally realistic testing, including independent Operational Test and Evaluation (OT&E), to provide an accurate assessment of how weapon systems will perform in combat conditions. The DOT&E has expressed concerns that the testing of the Ground-Based Midcourse Defense system has not been sufficient to provide confidence in its operational capability.

Do you agree that ballistic missile defense testing needs to be operationally realistic, and should include Operational Test and Evaluation, in order to assess operational capabilities and limitations of ballistic missile defense systems, prior to making decisions to deploy such systems?

Answer. I agree that operationally realistic testing should be conducted prior to making decisions to deploy such systems.

Question. If confirmed, what steps if any would you take to ensure that the BMDS, and each of its elements, undergoes independent operational test and evaluation?

Answer. If confirmed, I will work with the Missile Defense Agency and the DOT&E to see what testing is planned to ensure that adequate tests are conducted.

Question. The Missile Defense Agency has developed ballistic missile defense systems and capabilities and procured the initial inventories of missile defense element weapon systems. However, the military departments are notionally intended to procure, operate, and sustain these missile defense systems.

What do you believe is the appropriate role for the military departments in the procurement, operation, and sustainment of ballistic missile defense systems, and at what point do you believe these systems should be transitioned and transferred to the military departments?

Answer. I understand the Missile Defense Agency and the military departments are in the process of preparing overarching and element-specific Memorandum of Agreements to define responsibilities and relationships in preparation for Ballistic Missile Defense System (BMDS) operations and deployment. If confirmed, I would work with the Missile Defense Agency and the military departments to ensure processes and policies are in place to accomplish the transition and transfer in a timely manner and within budget. At this point in time I have not had the opportunity to assess the most appropriate point at which responsibility for these systems should be transferred to the military departments.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Question. What do you see as the major successes and challenges facing the DOD Small Business Innovation Research (SBIR) program?

Answer. I have not had an opportunity to review the SBIR program in depth and am not in a position to comment on its major successes and challenges. If confirmed, I would make this program a high priority.

Question. What steps would you take to ensure that DOD has access to and invests in the most innovative small businesses?

Answer. If confirmed, I would evaluate current efforts and look broadly for ways to improve our access to the research, ideas, and products of the most innovative small businesses.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the USD(AT&L)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

GULF RANGE—OIL DRILLING

1. Senator BILL NELSON. Mr. Kendall, in a 2005 letter (see attached), Secretary of Defense Donald Rumsfeld stated that "above surface and permanent structures are incompatible with military training" in the Eastern Gulf of Mexico (the "Gulf Range Complex"). Given the increases in the lethality and capability of today's weapons development programs, the scope of testing and evaluation evolutions requires more, not less, range space. What requirements are necessary to maintain the viability of America's largest testing and evaluation range in the Eastern Gulf of Mexico?

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 30 2005

The Honorable John Warner
Chairman, Committee on Armed Services
225 Russell Building
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter of October 7, 2005, concerning the potential effect of Department of Interior-administered oil and gas leasing on military training and readiness in the Eastern Gulf of Mexico. The Department of Defense (DoD) fully supports the national goal of exploration and development of our nation's offshore oil and gas resources. The DoD, the Department of the Interior, and affected states have worked together successfully for many years to ensure unrestricted access to critical military testing and training areas, while also enabling oil and gas exploration in accordance with applicable laws and regulations.

DoD conducts essential military testing and training in many of the 26 Outer Continental Shelf (OCS) planning areas. Prior analysis and existing agreements with Interior recognize that areas east of the 86° 41' line in the Gulf of Mexico (commonly know as the "Military Mission Line") are especially critical to DoD due to the number and diversity of military testing and training activities conducted there now, and those planned for the future. In those areas east of the Military Mission Line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing, and training.

As the planning process for Interior's new 5-year OCS oil and gas leasing program proceeds, DoD will continue both to evaluate its military requirements and to work with Interior to ensure the 2007-2012 oil and gas program, and any future lease sales resulting from it, strike the proper balance between our nation's energy and national security goals.

Sincerely,

cc:
The Honorable Carl Levin
Ranking Member

Mr. KENDALL. I do not have enough information at this time, on either DOD's test ranges in general or the specific situation with regard to the Gulf Range Complex, to be able to answer this question definitively, but I am aware that there are concerns about the adequacy of DOD's test ranges. If confirmed, I will work closely with the Director, Test Resource Management Center, the Director, Developmental Test and Evaluation, and the Director Operational Test and Evaluation, to ensure the DOD has adequate testing resources consistent with the testing requirements for increasingly capable new weapons.

2. Senator BILL NELSON. Mr. Kendall, how might future weapons development programs be impacted if the Gulf Range Complex is encroached upon by petroleum extraction?

Mr. KENDALL. I am not familiar enough with the issue to make an assessment. I do believe, however, that we will need to ensure that we strike the proper balance between our Nation's energy and national security goals and if confirmed I will work to ensure that DOD's needs are adequately taken into account in striking that balance.

3. Senator BILL NELSON. Mr. Kendall, what data is available to show the number, type, and requirements necessary for the testing and evaluation mission?

Mr. KENDALL. I have not been privy to any data pertaining to the broad T&E mission or the specific mission of the Gulf Range Complex. If confirmed, I would examine the available data on the requirements for the testing and evaluation mission to assess its adequacy and implications.

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

KODIAK LAUNCH COMPLEX

4. Senator BEGICH. Mr. Kendall, if confirmed, you will have purview over the adequacy of existing and planned test resources for the Department of Defense (DOD). Kodiak Launch Complex (KLC) in Alaska was built in response to Missile Defense Agency (MDA) test resource requirements for Ground-Based Midcourse Defense. However, it has recently come to my attention that MDA plans to terminate a long standing operations and sustainment contract with KLC, thereby jeopardizing the viability of the facility. KLC is a national treasure that has the capabilities to support a host of DOD customers requiring launch capability. I understand designation as a Major Range and Test Facility Base (MRTFB) would ensure KLC had adequate sustainment dollars so it could continue serving its customer in a cost-effective, efficient manner. I encourage you to consider designating KLC as a MRTFB. If confirmed as the Deputy Under Secretary of Defense for Acquisition and Technology, will you review recent decisions that are negatively impacting national test assets like KLC?

Mr. KENDALL. If confirmed, I will review all national test assets within my purview and the recent decisions impacting them, including those impacting the KLC.

ACQUISITION PROCESS

5. Senator BEGICH. Ms. Fox and Mr. Kendall, does the acquisition process need to be overhauled DOD-wide?

Mr. KENDALL. I understand that the DOD has recently substantively revised and improved the policies and procedures that govern the Department's acquisition system and that other changes are in progress. Some of those policy changes are included in DOD Instruction 5000.02, Operation of the Defense Acquisition System, issued in December 2008. In addition I understand that changes responding to the direction in the Weapon Systems Acquisition Reform Act of 2009 are in place or underway. At this time I am not in a position to make a judgment as to whether a DOD wide overhaul is needed. If confirmed, I would ensure that all acquisition policies and procedures are closely monitored to ensure objectives are being achieved and to identify any additional needed changes. My view at this time is that the DOD should fully implement and evaluate the impact of these recent changes before considering whether another major DOD-wide overhaul is needed.

6. Senator BEGICH. Mr. Kendall, should DOD acquisition programs be a multi-year?

Mr. KENDALL. I believe that the use of multi-year procurement should be dependent on the circumstances of each program. Multi-year procurements can offer savings for the Department and the taxpayer through improved economies in production processes, better use of industrial facilities, and a reduction in administrative processing and complexity. Multi-year procurements would generally not be appropriate if projected savings are insignificant and if future order quantities are uncertain. If confirmed, I would support application of multi-year contracting when properly justified and authorized by law.

7. Senator BEGICH. Mr. Kendall, can you give me an example of a civilian sector technology that should be leveraged?

Mr. KENDALL. There are many examples of commercial technology that DOD can leverage. Commercial items—such as software, information technology, microcircuits and related electronic devices—are already embedded in many defense-unique applications including some of the Department's most highly advanced systems. Cutting-edge work in many areas of critical importance to the Department, including work on computer and communications technology, is being done in the private sector. In areas like these, where commercial industry drives much of the innovation and pays for the bulk of the research and development, the Department should acquire the best available technology and either employ it directly or militarize it to meet unique military needs. I believe this can be done at a fraction of the time and cost it would take if the Department tried to develop the technology itself and that the DOD should be aggressively looking for opportunities to leverage commercial technology.

CONTRACT OVERSIGHT

8. Senator BEGICH. Mr. Kendall, should DOD or the unified commanders provide oversight and manage contractors on the battlefield?

Mr. KENDALL. I believe that there are important roles for the Office of the Secretary of Defense (OSD), DOD agencies, military Services, and the combatant commanders in oversight and management of contracts and of contractors on the battlefield. I understand that USD(AT&L) develops policy and provides guidance and tools for the management and overall oversight of contracts and contractors supporting contingency operations. I also understand that the management of DOD contracts flows through the contracting organization, which may be a DOD agency, a Service organization, a specific command organization or a non-DOD organization such as the Department of State. At the operational level, however, combatant commanders currently play, and in my view should continue to play, a critical role in formulating and enforcing policies and procedures governing the conduct of all contractor personnel in the areas of operation under their control.

CONTRACT AWARDING

9. Senator BEGICH. Mr. Kendall, should DOD review the awarding of contracts as they relate to large defense contractors and small business, minority- and women-owned businesses?

Mr. KENDALL. I understand that Federal Acquisition Regulations require contracting officers to afford small businesses (including minority- and women-owned small businesses) maximum practicable opportunities to participate in acquisitions as prime contractors and as subcontractors. In my opinion, DOD should review the implementation of this policy, however, I am not aware of the degree to which DOD currently reviews the awarding of contracts to small business, minority and women owned businesses. If confirmed, I would assess the current review procedures to determine their adequacy.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

ACQUISITION RISK 20 YEARS AGO AND NOW

10. Senator MCCAIN. Mr. Kendall, you have a lot of experience with DOD acquisition stretching back to the 1980s and, as the Director of Tactical Warfare Programs in OSD, you were a witness to one of industry's and DOD's most spectacular—and expensive—failures, the Navy's A–12 Avenger program, which continues in litigation to this day. Looking back on the systemic problems that led to the demise of the A–12, what improvements in DOD and Service acquisition systems that would prevent another A–12 have been implemented, and, perhaps more importantly, what vulnerabilities still exist?

Mr. KENDALL. In my opinion, the A–12 was a "perfect storm" of acquisition mistakes. The list of mistakes would include the following: it was a fixed-price development contract for an ambitious and risky development program with options for not-to-exceed initial production lots that in theory, but not practice, placed all the risks of shortfalls in performance on the contractor; to my knowledge, there were no competitive risk reduction prototypes or focused technology maturation efforts prior to entering Engineering and Manufacturing Development; the schedule and cost assumptions were very aggressive; technical performance margins were inadequate; the acquisition strategy was that two primes would form a joint venture for the development program and then compete for production—a situation that discouraged

cooperation; the contractors profit model, and their willingness to absorb losses in the development program, depended on the Government procuring large quantities of aircraft, an assumption that quickly changed as the cold war came to an end; the program was initially a highly classified "black program" which limited external oversight; and my understanding is that problems within the program were concealed to "protect" the program from budget cuts and closer scrutiny, preventing early corrective action.

I would like to be confident that the changes of the last 20 years guarantee that none of these problems could occur again, but I am not in a position to make that statement. I understand there have been a number of improvements in DOD acquisition policies and procedures over the last 20 years, most recently the new DOD 5000.2 acquisition regulation and the changes being implemented under the Weapons System Acquisition Reform Act. That DOD and Congress are still searching for ways to more effectively manage defense acquisition programs and that the DOD continues to encounter problems in cost, schedule, and performance are strong indicators that more action is needed. If confirmed, I would work to implement the changes that have been initiated, to assess their effectiveness, to identify more opportunities for improvement, and to implement those opportunities. It is very clear to me that we still have more to do to improve DOD acquisition planning and execution, even if DOD never experiences a failure as dramatic as the A–12 again.

11. Senator MCCAIN. Mr. Kendall, considering the current authorities and responsibilities of the Under Secretary and Deputy Under Secretary for Acquisition and Technology, please describe how you and your OSD team would be able to detect an acquisition program in trouble and take corrective measures . . . or can a debacle like the A–12 happen again?

Mr. KENDALL. At this time, I believe that the current authorities and responsibilities of the USD(AT&L) and the PDUSD(AT&L) are adequate to permit the actions necessary to detect that a program is in trouble and take corrective action. I have not had an opportunity to assess how these authorities and responsibilities are currently being utilized and implemented and if more changes are needed. I believe that the most recent version of DOD Instruction 5000.02 is designed to ensure that acquisition programs are set up initially for success, that problems are proactively identified, and appropriate changes made as required. Similarly the recent Weapons Systems Acquisition Reform Act provides a number of measures designed to prevent or detect and correct problems and to discipline the system to avoid debacles like the A–12. If confirmed, I would work to ensure that these changes and other measures are implemented effectively and to identify any other actions or policies that might be required to prevent problems, identify them when they occur, and to ensure timely corrective action.

FIXED-PRICE CONTRACTING

12. Senator MCCAIN. Ms. Fox and Mr. Kendall, we in this committee and DOD have pursued initiatives designed to reduce development and technological risks associated with major weapons programs so as to maximize the use of fixed price-type contracts. What do you think about the feasibility of greater use of fixed-price contracts, and how would you evaluate the Department's commitment or ability to move towards use of more fixed price-type contracts (and less cost-reimbursable contracts) to buy major weapons systems?

Mr. KENDALL. I believe that there are opportunities for greater use of fixed-price contracting, but that we should only use fixed price contracts when the risk allocated to the contractor is reasonable. More specifically, I think that when we have a thorough understanding of our requirements and can communicate them clearly, when the needed technologies are mature, when we have a solid design foundation, and when costs and schedules are reasonably predictable, then we have the basis for considering a fixed-price development or production contract.

RAPID ACQUISITION REFORM

13. Senator MCCAIN. Mr. Kendall, at his confirmation hearing last March, Under Secretary of Defense Ashton Carter testified that, particularly in the context of ongoing combat operations in theater, he considered issues with the rapid acquisition process to be a top challenge facing the acquisition community today. Do you agree with that view? If so, why?

Mr. KENDALL. I agree with Dr. Carter that rapid acquisition remains a top challenge. Operations Iraqi Freedom and Enduring Freedom have clearly demonstrated

the importance of having specific departmental structures capable of rapidly responding to urgent warfighting needs. My view is that the time consuming processes associated with the formal acquisition system are not compatible with meeting urgent operational needs. If confirmed, rapid acquisition will be a matter of the highest priority for me.

14. Senator MCCAIN. Mr. Kendall, in the context of rapid acquisitions, do you see value in a more streamlined path by which the Department can procure military-purpose items that require no development by the government, and that can, therefore, be acquired on firm fixed-price basis?

Mr. KENDALL. I definitely see value in the development of a streamlined path for rapid acquisition and in that context, I believe there will be opportunities to employ fixed-price contracts when we can clearly state our requirements and those requirements can be satisfied by nondevelopmental items or items for which development is limited, straightforward, and low risk.

15. Senator MCCAIN. Mr. Kendall, might such a path, particularly when coupled with competition, incentivize smaller contractors to develop relevant technologies on their own in the shortest time possible at the most reasonable cost to the taxpayer and help terminate seemingly endless, budget-busting development programs, which preclude rapidly fielding needed capability to the warfighter?

Mr. KENDALL. I agree that a rapid acquisition path can provide incentives for small contractors to develop relevant technologies in a comparatively short time compared to the normal acquisition process, particularly in a competitive situation. This approach, however, is best suited for products that are not inherently highly complex designs of new capabilities that require longer and more disciplined development programs. Some programs, by their very nature, require substantial development investments spanning a period of years. I believe that rapid acquisition programs, particularly in wartime, can provide great value to DOD, but they can't always substitute for more complex and highly structured major weapon systems programs. I'm not in a position to comment on the best balance between rapid acquisition programs and more traditionally structured programs or the extent to which rapid acquisition could displace traditionally structured programs, but I do see a need for both types of programs.

MILITARY PURPOSE NONDEVELOPMENTAL ITEMS

16. Senator MCCAIN. Mr. Kendall, while the Department should always acquire commercial items and commercially available off-the-shelf items of supply when those items fulfill requirements, do you agree that in some cases attempts to adapt commercial items for military purposes through military research and development funding has resulted in program cost problems, excessive delays, and even terminations? The Armed Reconnaissance Helicopter is one example.

Mr. KENDALL. I'm not familiar with the details of the Armed Reconnaissance Helicopter program or of other cases in which DOD has attempted to modify commercial items to meet military needs, but I have no doubt that these types of problems have occurred. In general, I believe that expanding the use of commercial items in DOD systems, including using commercial platforms as the basis for military products, can offer opportunities for reduced cycle time, faster insertion of new technology, lower life cycle costs, greater reliability and availability, and support from a robust industrial base. However, I also believe that no matter what the acquisition approach chosen by DOD, there is the potential to underestimate risks, costs, and schedules and to impose requirements that lead to cost problems, delays, and terminations. If confirmed, I would work to ensure that DOD selects the most effective approach to meeting its requirements and that the plans to field the desired capability are realistic, whatever the acquisition approach.

17. Senator MCCAIN. Mr. Kendall, in the context of traditional procurements, what are your views on items that are developed by industry without any Government funding that are determined to meet a military requirement but do not necessarily meet the definition of commercial items?

Mr. KENDALL. At this time, I am not aware of any reason why items like those described shouldn't be acquired by DOD or couldn't be acquired under existing policies. If confirmed, I will assess whether there are obstacles to procuring noncommercial items developed by industry without Government funding.

18. Senator MCCAIN. Mr. Kendall, outside the context of rapid acquisitions, do you believe the Department should explore ways that do not involve Government funding for research and development to encourage industry to produce nondevelopmental items that could meet military needs?

Mr. KENDALL. In my view, industry's independent research and development efforts can offer critical and often unanticipated capabilities to DOD. I believe that the Department should be open-minded about how nondevelopmental products could be acquired and used by the Armed Forces. Given the accelerating rate of innovation in the private sector and the internal capabilities of the defense industrial base, I also believe it is important to encourage efforts in this area. If confirmed, I would assess the steps DOD is currently taking to encourage industry to produce nondevelopmental items that meet military requirements in order to determine whether additional steps are appropriate.

QUESTION SUBMITTED BY SENATOR JEFF SESSIONS

TANKER COMPETITION

19. Senator SESSIONS. Mr. Kendall, following the previous competition, Boeing now has access to the Northrop/EADS team's pricing data. Do you feel that it is fair for Boeing to have such a strategic advantage?

Mr. KENDALL. In my opinion DOD should make every effort to ensure that all its competitive procurements are fair and open. Unfortunately, I do not have enough knowledge of the situation with regard to the data Boeing was provided to express an opinion on its impact or what might be done to correct any lack of fairness.

[The nomination reference of Frank Kendall III follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 5, 2009.

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

Frank Kendall III, of Virginia, to be Deputy Under Secretary for Acquisition and Technology, vice James I. Finley, resigned.

[The biographical sketch of Frank Kendall III, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF FRANK KENDALL III

EDUCATION

Rensselaer Polytechnic Institute, Sept. 1966 to June 1967
U.S. Military Academy, West Point, NY, 1967–1971, B.S., June 1971
California Institute of Technology, Pasadena, CA, 1971–1973, MS, Aerospace Engineering, 1972, Aeronautical Engineer Degree, 1974
Long Island University, C.W. Post Center, 1977–1980, MBA, June 1980
Georgetown University Law Center, 2000–2003, J.D., Feb. 2004

EMLOYMENT RECORD

January 2008 to Present: Managing Partner, Renaissance Strategic Advisors, Arlington, VA.
2004 to Present: Attorney, self employed, Falls Church, VA.
1997 to Present: Private Consultant, self-employed, Falls Church, VA.
1994–1996: Vice President of Engineering, Raytheon Co. Lexington, MA
1994: Vice President, SAIC, McLean, VA
1989–1994: Director of Tactical Warfare Programs, Office of the Secretary of Defense Washington, DC. (title changed at various points, "Acting" Director, 1989 to 1991)
1986–1989: Assistant Deputy Under Secretary of Defense for Defense Systems, Office of the Secretary of Defense, Washington, DC.

1982–1999: U.S. Army Reserve; retired with the rank of Lieutenant Colonel
1982–1986: U.S. Army Ballistic Missile Defense Systems Command, various civil service positions in engineering management and systems analysis
1967–1982: Active Duty U.S. Army; left Active Duty with the rank of Captain (includes time as West Point Cadet, 1967–1971)

HONORS AND AWARDS

Military Awards, U.S. Army:

Meritorious Service Medal with oak leaf cluster
Army Commendation Medal
National Service Medal

Federal Civilian Awards:

Defense Distinguished Civilian Service Medal
Secretary of Defense Meritorious Civilian Service Medal
Presidential Rank Award of Distinguished Executive (SES)
Presidential Rank Award of Meritorious Executive (SES)
Army Commander's Award for Civilian Service

Other Awards:

Defense Industrial Preparedness Association Gold Medal
Rodney Smith Memorial Award for Excellence in Engineering (U.S. Military Academy)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Frank Kendall III in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Frank Kendall III.

2. **Position to which nominated:**
Deputy Under Secretary of Defense (Acquisition and Technology), Department of Defense.

3. **Date of nomination:**
August 5, 2009.

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

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 26, 1949; Pittsfield, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Eva Elizabeth Halpern.

7. **Names and ages of children:**
Scott McLeod Kendall, age 32; and Eric Sten Kendall, age 27.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Pittsfield High School, 1963–1966, H.S. Diploma, June 1966
Rensselaer Polytechnic Institute, Sept. 1966 to June 1967
U.S. Military Academy, West Point, NY, 1967–1971, B.S., June 1971
California Institute of Technology, Pasadena, CA, 1971–1973, MS, Aerospace Engineering, 1972, Aeronautical Engineer Degree, 1974
Long Island University, C.W. Post Center, 1977–1980, MBA, June 1980
Georgetown University Law Center, 2000–2003, J.D., Feb. 2004

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1999 to Present: Private Consultant, self-employed, Falls Church, VA. Independent consultant to various defense contractors, government organizations, and Federally funded laboratories in the areas of technical management, program management, systems engineering, systems analysis, and strategic planning.
2004 to Present: Attorney, self-employed, Falls Church, VA. Worked as a consultant on human rights issues and represented individual clients, almost entirely on a pro bono basis and primarily individual asylum cases.
January 2008 to Present: Managing Partner, Renaissance Strategic Advisors, Arlington, VA. Partner in a small aerospace and defense consulting firm. The firm's work is in the areas of strategic planning, merger and acquisition support and support to start-up aerospace and defense companies.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1967–1982: Active Duty U.S. Army; left Active Duty with the rank of Captain
1982–1999: U.S. Army Reserve; retired with the rank of Lieutenant Colonel
1982–1986: U.S. Army Ballistic Missile Defense Systems Command, various civil service positions in engineering management and systems analysis
1986–1989: Assistant Deputy Under Secretary of Defense for Defense Systems, Office of the Secretary of Defense, Washington, DC.
1989–1994: Director of Tactical Warfare Programs, Office of the Secretary of Defense Washington, DC.
1994–2004: Member and Vice Chairman, Defense Intelligence Agency Science Advisory Board
1995–2004: Member, Army Science Board
1995–2009: Consultant on the Defense Science Board on various studies
1998 (approximate) Consultant on the Naval Studies Board

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Managing Partner, Renaissance Strategic Advisors, LLC, Arlington, VA (provides consulting services to a variety of aerospace and defense contractors or related businesses)
Self-employed as a Private Consultant and Attorney at Law, sole proprietorships. (Inactive consulting agreements with Institute for Defense Analysis, SAIC, JSA Partners, Centra Technologies).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Board Member, Amnesty International USA, New York, NY
Board Member and Board Chair, Tahirih Justice Center, Falls Church, VA
Associate member, Sigma Xi, Research Society
Member, Phi Kappa Phi, Honor Society
Member, American Bar Association
Member, American Immigration Lawyers Association
Member, Virginia Bar Association

Member, New York State Bar Association
Member, Virginia Trial Lawyers Association
Member, Association of the U.S. Army
Member, Navy League
Member, Air Force Association
Member, National Defense Industries Association
Member, Association of Graduates, USMA.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

No offices held.

Participated as a volunteer in the Kerry and Obama campaigns, no formal affiliation or position.

Participated the Democratic Voter Protection program in the 2004 and 2008 elections as a volunteer.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Recipient	Amount
2008	
President	
Barack Obama	
Primary	$2,300
General	2,117
Senate	
Kay Hagen	1,000
James Martin	1,000
Jeff Merkley	1,000
Ronnie Musgrove	1,000
Jack Reed	1,000
Jeanne Shaheen	1,000
Mark Warner	1,000
House	
Patrick Murphy	250
Sharen Neuhardt	250
Other	
Democratic National Com	1,003
Democratic Party of VA	1,000
2007	
House	
Judy Feder	250
Patrick Murphy	250
2006	
Senate	
Sherrod Brown	1,000
Maria Cantwell	1,000
Bob Casey	1,000
Claire McCaskill	2,000
Jim Pederson	2,000
John Testor	1,000
James Webb	2,000
Sheldon Whitehouse	1,000
House	
Judy Feder	250
Jim Moran	500
Patrick Murphy	250

Recipient	Amount
Other	
Democratic National Com	1,250
2005	
Other	
DSCC	500
Tim Kaine (VA Gov)	250
2004	
President	
John Kerry	2,000
Senate	
Brad Carson	1,000
Betty Castor	2,000
Tom Daschle	2,000
Ken Salazar	1,000
Other	
Democratic National Com	6,000
DSCC	2,250

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Military Awards, U.S. Army:

Meritorious Service Medal with oak leaf cluster
Army Commendation Medal
National Service Medal

Federal Civilian Awards:

Defense Distinguished Civilian Service Medal
Secretary of Defense Meritorious Civilian Service Medal
Presidential Rank Award of Distinguished Executive (Senior Executive Service)
Presidential Rank Award of Meritorious Executive (Senior Executive Service)
Army Commander's Award for Civilian Service

Other Awards:

Defense Industrial Preparedness Association Gold Medal
Rodney Smith Memorial Award for Excellence in Engineering (U.S. Military Academy)
Four year ROTC scholarship to Rensselaer Polytechnic Institute (used 1 year of scholarship before attending West Point)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"The Sentry Ballistic Missile Defense System" with Mr. Tom Purdue, Journal of Defense Research (1982) (classified publication, best recollection of title)

"Exploiting the Military Technical Revolution; A Concept for Joint Warfare," Strategic Review (spring 1992)

"Defense Contractor and Government Relationships," RDA Magazine (1995) (approximate title and date)

"Drawing the Line: Three Case Studies in Procurement Ethics," Program Manager Magazine (July–August 1998)

"Reclaim American Values; Prisoner Treatment Hands Power to Enemies," with LTG Charles Otstott (Ret.), Defense News (April 16, 2007)

"End Impunity for U.S. Contractors in Iraq" Op Ed, The Topeka Capital Journal (August 10, 2007)

Guantanamo Military Commissions Observer Bloq Postings for Human Rights First:

"Guantanamo: It All Seems So Normal", Human Rights First (April 9, 2008)
"They Clearly Never Met Any Military Attorneys", Human Rights First (April 11, 2008)
I Will Leave in Your Hands the Camel and All That It Carries," Human Rights First (April 11, 2008)

"If There are Any Policies Dealing With How We Are to Treat and Handle Minors Who Are Captured, I Don't Care What You Think-That's Discoverable," Human Rights First, (April 14, 2008)
"Not Quite the Thing to Do Here," Human Rights First (July 14, 2008)
"The Sandman and Alfred Hitchcock Come to Guantanamo," Human Rights First (July 15, 2008)
"Doctors or Butchers, How Would I Know," Human Rights First (July 16, 2008)
"The Constitution (chose one) Does/Does Not Apply at Guantanamo," Human Rights First (July 17, 2008)
"Today's Score From Guantanamo; Constitution-1, No-Constitution 3" Human Rights First (July 18, 2008)

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

NDIA Test and Evaluation Conference, Power Point presentation "Been There, Done That; or How I Learned to Love Defense Acquisition" March 8, 2005.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

FRANK KENDALL III.

This 1st day of October, 2009.

[The nomination of Frank Kendall III was reported to the Senate by Chairman Levin on December 2, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

[Prepared questions submitted to Gladys Commons by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the war-fighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Goldwater-Nichols has effectively enhanced civilian control and delineated many important relationships within the Department of Defense (DOD). At this time, I am not aware of the need for any changes to Goldwater-Nichols. If con-

firmed, however, any changes that I identify will be forwarded to the Under Secretary and the Secretary of the Navy.

DUTIES OF THE ASSISTANT SECRETARY OF THE NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER)

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) is responsible for all financial management activities and operations within the Department of the Navy. This position is also responsible for advising the Secretary of the Navy on all financial management matters.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have over 30 years of comptroller and financial management experience within DOD. I first began working in the Department in 1971 as a Budget Analyst within the Office of Naval Research. Over the next 30 years, I served as a Supervisory Budget Analyst at Naval Facilities Engineering Command, a Budget Officer within Headquarters Marine Corps, and the Comptroller of the Marine Corps Research, Development and Acquisition Command. In 1994, I became the Principal Deputy Assistant Secretary of the Navy for Financial Management and Comptroller. During this tenure, I served for 7 months as Acting Assistant Secretary of the Navy for Financial Management and Comptroller. From 2002–2004, just prior to my retirement from Federal Service, I served as comptroller of Military Sealift Command.

Question. Do you believe that there are any actions that you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. While I have relevant experience for the position, I believe learning and the need for improvement are lifelong, continuing processes. If confirmed, I will increase my knowledge by learning more about current specific issues regarding the Department's budget through discussions with subject matter experts and by studying existing documents.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. I believe that there are three major challenges facing the next Assistant Secretary of the Navy (Financial Management and Comptroller). First, the next Assistant Secretary will need to balance the budget while ensuring that the requirements and systems needed by the warfighter are provided during two ongoing military conflicts. Second, the Assistant Secretary will need to ensure that accurate, reliable and timely financial information is available to leadership to assist during critical periods of decisionmaking. Third, the Assistant Secretary will need to continue ongoing efforts to recruit, train, and develop the financial management workforce.

Question. Assuming you are confirmed, what plans do you have to address these challenges?

Answer. In order to ensure that these challenges are met, if confirmed, I will work closely with the Under Secretary of Defense (Comptroller), the Secretary and Under Secretary of the Navy, the Chief of Naval Operations and the Commandant of the Marine Corps.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. If confirmed, my priorities will be three-fold. First, I will aim to provide accurate, reliable, and timely financial management information to the Department's military and civilian leadership. Second, I will ensure that the Department remains a good steward of the taxpayer's dollars. Third, I am committed to the continual development of a professional financial management workforce.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Assistant Secretary of the Navy (Financial Management and Comptroller) and each of the following:

The Secretary of the Navy.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) is the principal assistant and advisor to the Secretary and Under Secretary of the Navy on fiscal and budgetary matters. The Assistant Secretary of the Navy (Financial Management and Comptroller) also performs such other duties as the Secretary or Under Secretary may prescribe.

Question. The Under Secretary of the Navy.

Answer. As stated above, the Assistant Secretary of the Navy (Financial Management and Comptroller) serves as a principal assistant and advisor to the Under Secretary of the Navy.

Question. The other Assistant Secretaries of the Navy

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) works directly with the other Assistant Secretaries of the Navy to ensure that the financial management activities of their respective organizations are supported.

Question. The General Counsel of the Navy

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) must work closely with the General Counsel of the Navy to ensure that all fiscal law requirements for the Department are satisfied.

Question. The Chief of Naval Operations.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) should ensure that the Chief of Naval Operations has the financial support necessary to execute his duties and responsibilities.

Question. The Commandant of the Marine Corps.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) should ensure that the Commandant of the Marine Corps has the financial support necessary to execute his duties and responsibilities.

Question. The Under Secretary of Defense (Comptroller).

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) must work closely with the Under Secretary of Defense (Comptroller) to ensure the appropriate development and execution of the budgetary and fiscal policies and initiatives of the President, the Secretary of Defense, and Secretary of the Navy.

Question. The Deputy Chief Management Officer of the Department of Defense.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) must work with the Deputy Chief Management Officer of the Department of Defense to ensure the implementation of business systems architecture and to help identify business process improvements.

Question. The Assistant Secretaries for Financial Management of the Army and Air Force.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) must work closely with these individuals to ensure that decisionmaking at all levels reflects the strongest cooperation possible between the military Services.

Question. The Chief of Legislative Affairs for the Department of the Navy.

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) should work closely with the Chief of Legislative Affairs to ensure that all budgetary and legislative matters are properly conveyed to the appropriate Members of Congress.

CIVILIAN AND MILITARY ROLES IN THE NAVY BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Navy (Financial Management and Comptroller) and the senior military officers responsible for budget matters in Office of the Chief of Naval Operations and Headquarters, Marine Corps, in making program and budget decisions, including the preparation of the Navy Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) is responsible for all budget matters within the Department. The senior military officers, including the Director of the Office of Budget, serve as principal military advisors to me in my capacity to oversee the development of the Department's Program Objective Memorandum.

BUSINESS TRANSFORMATION

Question. DOD recently established the Business Transformation Agency (BTA) to strengthen management of its business systems modernization effort.

What is your understanding of the mission of the BTA and how its mission affects the responsibilities of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. It is my understanding that the BTA provides the framework for DOD's future business environment. I understand that the Department of the Navy is allowed to execute plans within this framework and has the flexibility to support unique mission requirements as necessary. The overall goal to improve business operations throughout DOD should support Department of the Navy efforts to provide decisionmakers accurate, reliable, and timely financial information.

Question. What is your understanding of the role of the Assistant Secretary of the Navy (Financial Management and Comptroller) in providing the Navy's views to the BTA, or participating in the decisionmaking process of the BTA, on issues of concern to the Navy?

Answer. The Departments are participants in the governance process, as well as key implementers. The Assistant Secretary should be involved in establishing and implementing DOD-wide financial management standards and improvement programs that affect the Department of the Navy. If confirmed, I would be an active participant, providing input to support the development of improved Department of the Navy business operations.

Question. Section 908 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 requires each of the military departments to establish an Office of Business Transformation to transform the budget, finance, accounting, and human resource operations of the military department.

What is your understanding of the mission of the Navy Business Transformation Office and how its mission affects the responsibilities of the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. My understanding of the mission of the Department of the Navy Business Transformation Office is that they are to improve the effectiveness and efficiency of the Department's business operations through optimizing its underlying end-to-end business process. While the overall responsibilities of the office would remain unchanged, the Assistant Secretary of the Navy (Financial Management and Comptroller) has the opportunity to leverage existing DON organizational processes and the integration of acquisition, finance and logistics functions to increase the effectiveness and efficiency of DON business operations. This will support on-going efforts to provide accurate, reliable and timely financial information and assist the Assistant Secretary of the Navy (Financial Management and Comptroller) in performing their statutorily authorized responsibilities.

Question. What is your understanding of the role of the Assistant Secretary of the Navy (Financial Management and Comptroller) in the transformation of the budget, finance, and accounting operations of the Department of the Navy?

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) is responsible for the budget, finance, and accounting operations of the Department of the Navy. If confirmed, I will work closely with the Department's civilian and military leaders to ensure that budget, finance, and accounting operations are considered in changes to DON business processes. I will provide leadership and advice in the financial management functional area and ensure that those efforts are aligned with DOD priorities to achieve auditable financial statements.

Question. Do you believe that the organizational structure of the Department of the Navy is properly aligned to bring about business systems modernization and financial management improvements?

If not, how do you believe the Department should be restructured to more effectively address this issue?

Answer. Yes, I believe that it is. However, there have been many changes in the organizational structure since I retired in 2004. I need to be made more aware of these new structures and to see how they align.

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and initiatives, problems with financial management and data continue.

What do you consider to be the top financial management issues that must be addressed by the Department of the Navy over the next 5 years?

Answer. During these difficult economic times, the top financial management issues will be the development of a balanced budget that meet the Department's warfighting priorities; ensuring the availability of accurate, reliable, and timely financial information; the capability to produce auditable financial statements; and continued recruitment, development, and training of the financial management workforce.

Question. If confirmed, how would you plan to ensure that progress is made toward improved financial management in the Navy?

Answer. If confirmed, I would work closely with civilian and military leaders within the Department and the Office of the Secretary of Defense (OSD) (Comptroller) to ensure the allocation of sufficient resources to the Department's warfighting priorities. I would also continue ongoing efforts to improve financial management systems and processes to achieve auditable financial statements.

Question. If confirmed, what private business practices, if any, would you advocate for adoption by DOD and the Department of the Navy?

Answer. I am not currently aware of any private business practice that I would advocate for adoption. However, if confirmed, I will certainly be willing to consider any of the best financial management practices within the private sector, other well-run Federal or State Government agencies or the nonprofit sector to see if they could be adapted to the Department's processes.

Question. What are the most important performance measurements you would use, if confirmed, to evaluate changes in the Navy's financial operations to determine if its plans and initiatives are being implemented as intended and anticipated results are being achieved?

Answer. Some key performance measures to determine if the plans and initiatives are being implemented as intended and anticipated results are being achieved include timely distribution and allocation of funds, timely obligation of funds, funds balance with Treasury (net percent unreconciled), percent of invoices paid on time, timeliness of financial data (date of information), percent of vendor payments made electronically, interest penalties paid, etc. If confirmed, I would use these metrics along with the scheduled timelines included in the Department's Financial Improvement Plan to evaluate changes in the Navy's financial operations.

Question. Section 1003 of the NDAA for Fiscal Year 2010 would establish an objective for DOD to ensure that its financial statements are validated as ready for audit by not later than September 30, 2017. The provision would require the Department to establish interim goals, including objectives for each of the military departments.

What, in your view, would be a reasonable objective for the Department of the Navy to ensure that its financial statement is validated as ready for audit?

Answer. I understand that the Department has a Financial Improvement Plan and is making progress toward achieving auditable financial statements. However, there remains a substantial amount of work to be done to improve our business systems and processes. There are also difficult issues that must be addressed, such as the valuation of major weapon systems and equipment. I have not had the opportunity to review the plan in detail and could not at this time predict a reasonable date for ensuring the auditability of the Department's financial statement.

Question. What interim objectives do you believe the Department of the Navy should establish, to demonstrate measurable progress toward a financial statement that is validated as ready for audit?

Answer. I am not currently in a position to recommend interim goals. I am confident that work is being performed within the Department to develop objectives which would help demonstrate measurable progress. If confirmed, I will review the objectives that have been prepared and determine whether they appear to be reasonable and effective at demonstrating measurable progress. My intention would be to adjust or recreate these objectives as appropriate.

Question. What is the role of the Assistant Secretary of the Navy (Financial Management and Comptroller) in this effort?

Answer. The Assistant Secretary of the Navy (Financial Management and Comptroller) provides the overall leadership within the Department to achieve auditable financial statements. However, the ability to produce auditable statements is influenced by all the business operations and processes within the Department. If confirmed, I will work with the civilian and military leadership, process owners and the OSD Comptroller to meet the requirement for auditable financial statements.

Question. If confirmed, how will you work with the Chief Management Officer of the Department of the Navy and the Navy Business Transformation Office in this effort?

Answer. The business practices within the Department are beyond the control of the Assistant Secretary of the Navy (Financial Management and Comptroller). However, these processes are critical to ensure an auditable financial statement. For this reason, if confirmed, I will work closely with the Chief Management Officer of the Department as well as the Navy Business Transformation Office.

SUPPLEMENTAL FUNDING AND ANNUAL BUDGETING

Question. Since September 11, 2001, DOD has paid for much of the cost of ongoing military operations through supplemental appropriations, and the fiscal year 2010 budget included a full-year request for overseas contingency operations.

What are your views regarding the use of supplemental appropriations to fund the cost of ongoing military operations?

Answer. I believe that it is important to move away from the use of supplemental appropriations. All requirements for military operations should be included within the budget. Such a move is easier to perform in stable times. However, during times of conflict, when new and emergent requirements arise, this becomes very difficult. When these new requirements emerge, it is essential that we identify a funding mechanism to support these requirements.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S.C., is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by DOD?

Answer. Yes. If confirmed, I will respect the views and prerogatives of the Department's oversight committees. As the Department has in the past, I will continue to work closely with the committee as necessary to achieve a resolution of the issues.

INCREMENTAL FUNDING OF SHIPS

Question. Both the executive and legislative branches have traditionally followed a policy of full funding for major capital purchases such as ships. In recent years, the Department of the Navy has been using alternative funding methods for the purchase of ships, such as incremental funding in the shipbuilding account, or by the purchase of an initial ship of a class of ships through RDT&E funds, and thereby incrementally funding the lead ship.

What is your opinion of these types of funding strategies and of the pros and cons of incrementally funding ship construction?

Answer. The Office of Management and Budget and OSD (Comptroller) policies require full funding of programs when procured. I do not have sufficient insight into the alternative funding methods used by the Department in recent years. If confirmed, I will review the funding strategies in the shipbuilding accounts to ensure that they comply with fiscal law and OMB and OSD policy. I believe that funding Naval ship construction is an important challenge and if confirmed, will work within the Navy and with OSD (Comptroller) to identify funding strategies that would benefit the Department and the taxpayer.

BUDGETING FOR THE NAVY'S NEXT GENERATION ENTERPRISE NETWORK

Question. As part of its efforts to close out the Navy/Marine Corps Intranet (NMCI) contract, the Department of the Navy is planning to purchase infrastructure and a Government purpose rights license from the incumbent NMCI contractor. The Navy asked Congress for special authority to spread out these purchase costs over several years; however, one of the reasons that the Navy was unable to budget in advance for these expenses is that the Navy is only now completing negotiations on the price of these items.

Why weren't the costs of infrastructure and a Government purpose rights license negotiated upfront on the NMCI contract, rather than waiting until this late in the contract?

Answer. The NMCI acquisition strategy was developed almost 10 years ago. While development of the strategy was not under the purview of the Assistant Secretary of the Navy (Financial Management and Comptroller), I believe at the time it was based on prevailing best industry practices and the resultant lower cost to the Department and taxpayer. Under this strategy, the Department would adopt a commercial off-the-shelf solution and would not have to facilitize and/or own equipment which would become obsolete because of the rapidly changing technological environment.

Question. In your opinion, are there regulatory changes that should be made to prevent the Navy from repeating such occurrences and permit the Navy to budget for such expenses in advance?

Answer. I do not believe regulatory changes are necessary. I believe the Department needs the flexibility to adopt best industry practices when they result in savings to the Department and the taxpayer.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. To address pay and personnel record keeping, and other personnel management requirements, DOD is developing the Defense Integrated Military Human Resources System (DIMHRS), an integrated, joint military personnel and pay system envisioned for use by all the Services.

What is your understanding of the status of the development and implementation of DIMHRS in the Department?

Answer. I understand that DIMHRS is DOD's solution for integrated record keeping. However, I do not have detailed information concerning the status of its development and implementation. If confirmed, I will look into the status of DIMHRS development and implementation.

Question. What is your understanding of the Navy and Marine Corps views of the pros and cons of implementing DIMHRS?

Answer. I understand that there are many benefits associated with an integrated record system. However, I do not have sufficient knowledge to comment on the Navy and Marine Corps views concerning the implementation of DIMHRS. If confirmed, I will work closely with the civilian and military leaders of the Department regarding the development and implementation of DIMHRS.

PERSONNEL BUDGET SHORTFALLS

Question. During fiscal year 2009, the Navy experienced significant shortfalls in its personnel accounts that required a reprogramming to overcome, as well as other stopgap measures taken to avoid Anti-Deficiency Act violations, such as a reduction in advertising, a delay of new bonuses, a freeze of some civilian hiring, and a delay of new permanent change of station moves until the new fiscal year.

In your opinion, has the Navy corrected the issues and revised the budget assumptions that gave rise to the personnel funding shortfall?

Answer. At this time I do not know if the Navy has corrected the issues and revised the budget assumptions that gave rise to the personnel funding shortfall during fiscal year 2009. If confirmed, I am committed to reviewing the personnel accounts to ensure that they are fully funded consistent with existing fiscal law, regulations and OSD directives.

Question. Does the Navy continue to assume risk in its personnel accounts, and if so, where and to what extent?

Answer. I do not have insight into the risk assumed in the personnel accounts. If confirmed, I commit to review the accounts to ensure adequate funding for the force structure budgeted.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Question. Section 219 of the NDAA for Fiscal Year 2009 authorized the Secretary of Defense, in consultation with the Secretaries of the military departments, to " . . . establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not more than 3 percent of all funds available to the defense laboratory . . . to fund innovative basic and applied research and several other purposes at these laboratories." Similar to the model of the Department of Energy Laboratory Directed Research and Development program, the purpose of section 219 is to provide funding and discretion to the Navy's laboratory and technical center directors, to support the continued infusion of new ideas that support Navy missions, and in particular to authorize the directors to exercise some discretion in investing in promising technologies and other laboratory activities.

What should the role and authority of the Navy comptroller's organization be in implementing this statute?

Answer. The role of the Navy Comptroller organization in implementing this statute is to develop a budgetary strategy which ensures funds are available for the purposes set forth in section 219. The Comptroller organization would also be responsible for developing the appropriate financial and accounting methods for implementation of section 219. If confirmed, I will ensure that the financial strategy and financial and accounting methods are in place to support the statute.

Question. How would you intend to enable the laboratory director's discretion over such funding to support its effective implementation, similar to the Department of Energy model?

Answer. I understand that efforts are underway to provide the necessary guidance for successful implementation of the statute and to enable laboratory directors to initiate and oversee their local section 219 programs. If confirmed, I will work with the Assistant Secretary of the Navy (Research, Development and Acquisition) who

has programmatic oversight of the program, and Office of the Secretary of Defense (Comptroller) to ensure successful implementation.

BUDGETING TO ADDRESS OPERATIONAL NEEDS AND TECHNOLOGICAL OPPORTUNITIES

Question. The Services are often faced with situations in which an urgent operational need or a new technological opportunity arises on a timeline that is inconsistent with the relatively slow budgeting and programming process.

How should the Navy change its processes so that its budgeting, programming, and planning processes are more adaptable to emerging operational needs and technological opportunities?

Answer. Every effort should be made to include any operational needs or technological opportunities within the budget. It is impossible, however, to include everything and still meet the deadlines imposed for timely submission. To the extent that the needs are known, they are included in the budget. If confirmed, I will review the processes to see if changes can be made that will be more adaptable to emerging operational needs and technological opportunities.

CONGRESSIONALLY DIRECTED SPENDING

Question. Congress often provides the Navy with additional resources for research, procurement, operation and maintenance, and other activities above the President's recommended levels.

If confirmed, how will you work with Congress during the authorization and appropriations process to ensure that proposed congressional funding items are reviewed for their military value and technical merit before their inclusion in legislation?

Answer. If confirmed, I will maintain an open dialogue with Congress to ensure that the needs of the Department as well as the administration are conveyed.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy (Financial Management and Comptroller)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

PRIORITY OF FUNDING

1. Senator BURRIS. Ms. Commons, what future systems should have priority of funding to support warfighters?

Ms. COMMONS. Future requirements are currently being reviewed as part of the Department of Defense (DOD) Quadrennial Defense Review. The results of this review will shape the Department of the Navy's (DON) priorities. I view my role as ASN (FM&C) as one of supporting the warfighting priorities of the CNO and CMC, under the direction of the Secretary of the Navy. I will seek to ensure that our cost estimates, budgets, and financial operations inform and optimize the attainment of program priorities of the Secretary, CNO, the CMC, the DOD leadership, the President, and Congress.

2. Senator BURRIS. Ms. Commons, is there a conflict between Marine Corps and Navy funding priorities in the out-years of the current program objective memoranda (POM)?

Ms. COMMONS. I am not aware of a conflict between Marine Corps and Navy funding priorities in the out-years of the current POM. Issues arising during the POM process are handled in accordance with the Secretary of the Navy's guidance. Secretary Mabus has established a leadership governance council to be the principal decisionmaking body for DON, and the vehicle through which we work the POM approval process. The council consists of two bodies, the senior group is made up of the Secretary, Under Secretary and two Service chiefs and a subordinate group chaired by the Under Secretary includes the Service vice chiefs, Assistant Secretaries, General Counsel, two Deputy Under Secretaries, and several others. These groups will meet throughout the POM process to review options and determine resolution of a wide range of DON issues. The final POM product will be a Departmental product which reflects the results of these deliberations.

JOINT OPERATIONS

3. Senator BURRIS. Ms. Commons, how do you intend to support the current and future joint operations that the unified commanders are executing?

Ms. COMMONS. The Navy and Marine Corps as DOD Service components effectively man, train, and equip forces to provide mission-ready, joint-capable forces and enforce the importance of sustained and persistent cooperation and collaboration in times of relative peace to mitigate situations that could lead to conflict and crisis and support all combatant command (COCOM) operations. The Navy supports these multiple COCOM requirements as vetted and prioritized through the Joint Staff. Additionally, the Navy is the COCOM Support Agent for two COCOMS; U.S. Joint Forces Command and U.S. Pacific Command. In this role, per DOD Directive 5100.3, Navy provides the administrative and logistic support for missions or tasks directly assigned to the combatant command headquarters or their joint subordinate commands.

HOMELAND SECURITY AND CIVIL AUTHORITIES

4. Senator BURRIS. Ms. Commons, is there a role for you to play in homeland security and support to civil authorities?

Ms. COMMONS. The Department of Navy (DON) will have a role in homeland security and assistance to civil authorities as directed by and consistent with Executive Orders and applicable laws and directives. The use of DON resources to support these efforts will be dependent on legal provisions.

FINANCIAL OVERSIGHT

5. Senator BURRIS. Ms. Commons, do you believe that the current financial internal controls are sufficient to perform your ability to limit waste, fraud, and abuse?

Ms. COMMONS. Yes. The DON has a robust Managers' Internal Control Program based on OMB Circular A–123. This program requires: (1) establishing controls over operational, business, and financial processes; (2) testing them on a regular schedule; and (3) reporting the results of the testing. In addition, as part of the Navy's ongoing Financial Improvement Program, we are strengthening financial controls to support audit readiness. Current controls are adequate to limit waste, fraud, and abuse; the future control environment will be increasingly effective.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

6. Senator BURRIS. Ms. Commons, are there any financial impediments to implementing the Defense Integrated Military Human Resources System (DIMHRS)?

Ms. COMMONS. No, there are no financial impediments associated with the Navy's use of the DIMHRS Core. The Service has developed a Program Office cost estimate and the program is fully funded for execution in fiscal year 2010 and fiscal year 2011. As we evaluate the delivered core capabilities of DIMHRS, we will be able to fully define our plan for the future integrated pay and personnel system, and address total resource requirements.

AUDITABLE FINANCIAL STATEMENTS

7. Senator BURRIS. Ms. Commons, you acknowledge in your responses to the committee's advance policy questions that a top financial management goal is ensuring the availability of accurate, reliable, and timely financial information and the capability to produce auditable financial statements. Based on your experience as a Comptroller, what specifically must be done to ensure the goal of auditable financial statements is achieved?

Ms. COMMONS. The DON will continue to execute its two-prong strategy to establish robust controls over business systems and processes impacting financial reporting: (1) DON will continue the execution of the Financial Improvement Program and; (2) DON will continue the progressive implementation of Navy Enterprise Resource Planning (ERP) throughout the Department. The Financial Improvement Program's primary goal is to establish robust internal controls over business processes impacting financial reporting. In tandem, as more major commands implement Navy ERP, business and financial controls throughout the Navy will be strengthened and standardized. Departmental internal controls will be regularly tested and corrective actions will be implemented if necessary which will lead to accurate, auditable financial reports.

As a first step toward auditable financial statements in DON, the Marine Corps has achieved audit readiness on its Statement of Budgetary Resources. An independent private auditor is now examining this assertion and will offer an opinion in November 2010. Not only is this an important milestone on the path to auditability for DON and DOD, but all of the Services will leverage the lessons learned by the Marine Corps during the audit. This will result in more effective preparations for future audits of financial statements within DOD.

8. Senator BURRIS. Ms. Commons, you state in your responses that "a substantial amount of work must be done to improve our business systems and processes." We have been hearing this for a long time in Congress. What do you consider to be the most pressing changes that must be accomplished to bring about improvement during your tenure if confirmed as Assistant Secretary?

Ms. COMMONS. We must continue to lead change in the Departmental business and financial culture. The changes will be based on establishing robust internal controls over business processes and systems. As these controls are established, we must also regularly monitor their effectiveness through testing, report the results, and make adjustments when necessary to ensure the controls are operating as intended. The Financial Improvement Program stresses a strengthened regime of internal controls over business processes.

Navy ERP, as it continues to be rolled out, will standardize and shore up system and process controls. Navy ERP will also require the acquisition, logistics, and financial communities to jointly retool their policies and procedures for the efficiency of the entire enterprise.

To augment Navy ERP and the Financial Improvement Program, we must continue to field a talented, highly-trained workforce. This investment in human capital is necessary and will yield a favorable return.

[The nomination reference of Gladys Commons follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 29, 2009.

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

Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy, vice Douglas A. Brook, resigned.

[The biographical sketch of Gladys Common, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GLADYS COMMONS

EDUCATION

1969 - Fayetteville State University, Bachelor of Science
1979 - American University, Masters of Public Financial Management
1987 - Industrial College of the Armed Forces, No degree granted

EMPLOYMENT RECORD

2002–2004 - Comptroller of the Military Sealift Command
Mar.–Oct. 1998 - Acting Assistant Secretary of the Navy for Financial Management and Comptroller
1994–2002 - Principal Deputy Assistant Secretary of the Navy for Financial Management and Comptroller
1987–1994 - Comptroller of the Marine Corps Research, Development, and Acquisition Command
1983–1986 - Budget Officer and Head of the Materiel Program and Budget Branch, Materiel Division, Installation and Logistics Department, Headquarters Marine Corps.
1980–1983 - Supervisory Budget Analyst and Branch Head of the Budget and Operations Branch, Naval Facilities Engineering Command.
1977–1980 - Lead Budget Analyst, Operations Program/Budget Division, Naval Data Automation Command
1971–1977 - Budget Analyst, Office of Naval Research
1969–1971 - Claims Representative, Social Security Administration

HONORS AND AWARDS

The Presidential Rank Award of Meritorious Executive (2000)
Department of Defense Meritorious Civilian Service Award (2002)
Department of the Navy Distinguished Civilian Service Award (3) (1998, 2001, 2004)
The American Society of Military Comptrollers President's Award (2000)
Numerous Outstanding and Sustained Superior Performance Awards (1974–2004)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Gladys Commons in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Gladys Lee Commons,
Gladys J. Commons,
Gladys Lee James (Maiden).

2. **Position to which nominated:**
Assistant Secretary of the Navy (Financial Management and Comptroller).

3. **Date of nomination:**
September 29, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
November 2, 1948; Maple Hill, NC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Willie Commons, Jr.

7. **Names and ages of children:**
Willie Commons III, age 33; James McCarthur Commons, age 28; and Krystal Renee Commons, age 22.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
C.F. Pope High School, 1961–1965, High School Diploma, May 1965
Fayetteville State University, 1965–1967, 1968–1969, Bachelor of Science, May 1969
University of North Carolina at Chapel Hill, 1967–1968, No degree granted
American University, 1977–1979, Masters of Public Financial Management, June 1979
Industrial College of the Armed Forces, 1986–1987, No degree granted

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Retired. March 2004–Present
Election Officer. County of Fairfax, Virginia Korean Baptist Church, 7200 Ox Road, Fairfax Station, VA (1 day elections in 2007, 2008, 2009)
Comptroller. Military Sealift Command, 914 Charles Morris Court, Bldg. 210, Washington Navy Yard, Washington, DC,10/2002–03/2004
Principal Deputy Assistant Secretary of the Navy (Financial Management and Comptroller, 1000 Navy, Room 4E768, Pentagon, Washington, DC, 02/1994–10/2002

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
2002–2004 Comptroller of the Military Sealift Command
Mar.–Oct. 1998 - Acting Assistant Secretary of the Navy for Financial Management and Comptroller
1994–2002 - Principal Deputy Assistant Secretary of the Navy for Financial Management and Comptroller
1987–1994 - Comptroller of the Marine Corps Research, Development and Acquisition Command.
1983–1986 - Budget Officer and Head of the Materiel Program and Budget Branch, Materiel Division, Installation and Logistics Department, Headquarters Marine Corps.
1980–1983 - Supervisory Budget Analyst and Branch Head of the Budget and Operations Branch, Naval Facilities Engineering Command.
1977–1980 - Lead Budget Analyst, Operations Program/Budget Division, Naval Data Automation Command
1971–1977 - Budget Analyst, Office of Naval Research
1969–1971 - Claims Representative, Social Security Administration

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Warner Baptist Church - Beaconess.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

The Presidential Rank Award of Meritorius Executive (2000)

Department of Defense Meritorius Civilian Service Award (2002)

Department of the Navy Distinguished Civilian Service Award (1998, 2001, 2004)

The American Society of Military Comptrollers President's Award (2000)

Numerous Outstanding and Sustained Superior Performance Awards (1974–2004)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GLADYS COMMONS.

This 14th day of October, 2009.

[The nomination of Gladys Commons was reported to the Senate by Chairman Levin on October 27, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2009.]

[Prepared questions submitted to Terry A. Yonkers by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I have seen the benefits of the Goldwater-Nichols Act in terms of jointness, provision of military advice to the President, and interagency cooperation. At this time I see no specific changes in the act that I would recommend.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Currently I am not aware of any specific proposals being considered. If confirmed, I would work with the Secretary of the Air Force on any proposed changes that pertain to installations, environmental, energy, safety, or logistics concerns.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force for Installations and Environment?

Answer. The Assistant Secretary of the Air Force for Installations, Environment and Logistics is responsible for the overall supervision of all matters pertaining to Air Force installations, environment and logistics. The Assistant Secretary provides guidance, direction, and oversight for all matters pertaining to the planning, acquisition, sustainment and disposal of Air Force real property and natural resources, environmental program compliance, energy management, safety and occupational health of its personnel and life cycle integrated logistics support.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have nearly 40 years of professional experience as an environmental engineer, program manager, and policy director. I served 22 years of my professional career with the Department of the Air Force working environmental, safety, occupational health issues at all command levels within the Air Force. I previously served as the acting Deputy Assistant Secretary of the Air Force (Environment, Safety, and Occupational Health (ESOH)) with worldwide responsibility for the Air Force's ESOH programs and policies and an annual ESOH budget in excess of $2 billion. I spent 3 years of my Pentagon experience assigned to Air Force budget committees with responsibility for making corporate level decisions regarding allocation of Air Force fiscal, fixed, and personnel assets. I served as the Chief of Environmental Programs for the Air Force's Base Realignment and Closure Office and was instrumental in standing up the organization, developing the policies and procedures for expediting the clean up of contaminated sites and returning properties to local communities for productive reuse and managing an annual budget of over $400 million. I spent nearly 10 years of my Air Force career in the Pentagon and have worked with my counterparts in the Office of the Secretary of Defense (OSD) and the military Services to develop practical and effective solutions to any number of ESOH challenges.

My 15 years of private sector experience provides different perspectives that will provide balance and enhance my ability to deal with the challenges of this position. Four of those years included working for Southern California Edison Company learning the electrical generation and distribution business and the planning and licensing procedures to bring nuclear, hydroelectric, solar, wind, and fossil fuel facilities on-line. The last 7 years have been spent as a Senior Vice President with ARCADIS–US, Inc. as a business development manager and strategic advisor to the company's global construction and environmental business interests

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. Yes. I will need to become reacquainted with the issues and challenges facing the Air Force in those areas for which I will have responsibility. I will need to build a working relationship with the Air Force team and my counterparts in OSD and the military Services as well as the senior leadership in other Federal agencies and communities who will be key to helping accomplish the mission of the Air Force. If confirmed, within the first few months I plan to visit a number of air bases (Active, Reserve, and Guard) and the Logistics Centers (Hill AFB, Tinker AFB, and Robins AFB) to hear first hand from those on the front lines what challenges and recommendations they have to improve business practices and effectiveness of their jobs. I will meet with the Air Force services centers responsible for executing the energy, logistics, environmental, family housing and construction projects so critical to the Air Force mission and quality of life. If confirmed, I will also plan to meet with key members of agencies like the Environmental Protection Agency, Department of Energy, Department of Interior, General Services Administration,

Council on Environmental Quality (and others) to outline how we can work together to develop synergies and achieve solutions to mutual problems.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. I would expect the Secretary to prescribe the duties and functions commensurate with the position and consistent with those specified in law.

RELATIONSHIPS

Question. If confirmed, what would be your professional relationship with:

Secretary of the Air Force.

Answer. If confirmed, I will meet and communicate with the Secretary of the Air Force on a regular and as required basis. I will provide him with my honest assessment and advice and support him in the implementation of his decisions and policy.

Question. Under Secretary of the Air Force.

Answer. If confirmed, I will work closely with the Under Secretary especially on energy issues and initiatives and advise and assist in the execution of those Air Force programs for which he/she is responsible.

Question. Air Force Chief of Staff.

Answer. The Chief of Staff of the Air Force, except as otherwise prescribed by law, performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary. If confirmed, I would, as the senior civilian charged with policy decision for installations and environment initiatives, work hand in hand with the Chief of Staff to carry out the duties prescribed by the Secretary of the Air Force.

Question. Air Force Vice Chief of Staff.

Answer. If confirmed, I will similarly work closely with the Vice Chief of Staff of the Air Force on installations, logistics, and environment issues.

Question. Deputy Under Secretary of Defense for Installations and Environment.

Answer. If confirmed, I plan to foster a harmonious working relationship with all my civilian contemporaries in OSD. I will communicate openly and directly with the Deputy Under Secretary of Defense for Installations and Environment in articulating the views of the Department of the Air Force.

Question. Other Assistant Secretaries of the Air Force.

Answer. If confirmed, I will establish and maintain close and professional relationships with each of the Assistant Secretaries and seek to foster an environment of cooperative teamwork, working together on the day-to-day management and long-range planning needs of the Air Force.

Question. Assistant Secretaries of the Army and Navy for Installations and Environment.

Answer. If confirmed, I will move quickly to establish and maintain a close and professional relationship with the Assistant Secretaries of the Army and Navy for Installations and Environment. I believe coordination with them will be critical in meeting national goals in energy and environmental security, installation management, housing and utility privatization.

Question. General Counsel of the Air Force.

Answer. The Air Force General Counsel has a significant role to play in virtually all policy decisions in the Air Force. If confirmed, I expect to have a strong relationship with The General Counsel and consistently seek his sound legal advice.

Question. Judge Advocate General of the Air Force.

Answer. If confirmed, I expect to establish a strong relationship with the Judge Advocate General of the Air Force as the Air Force's senior military legal counsel and senior leader of the Air Force Judge Advocate Corps.

Question. Deputy Chief of Staff of the Air Force for Installations and Logistics.

Answer. If confirmed, I will move quickly to establish a close and active professional relationship with the Deputy Chief of Staff for Installations ad Logistics. This relationship will be critical, and if confirmed, one of my first tasks will be to meet with him to understand his priorities and how we can work together to meet our respective responsibilities.

Question. Civil Engineer of the U.S. Air Force.

Answer. A close working relationship is equally vital with the Civil Engineer of the United Sates Air Force. If confirmed, I will act quickly to meet with the Civil Engineer to understand his priorities and explore opportunities to work together.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that confront the Assistant Secretary of the Air Force for Installations and Environment?

Answer. Enhancing our ability to carry out the Air Force mission in the most efficient and cost-effective manner will always be a priority made even more pronounced with expected budgets. I anticipate challenges in finding the right balance between maintaining a high status of readiness while optimizing the use of our scarce resources in the areas of military construction, infrastructure management, depot maintenance and logistics, and environmental compliance. Energy security and meeting the goals of the Energy Acts and Executive Orders will be a priority that presents challenges with tremendous opportunities especially in the areas of renewable energy technologies and application. If confirmed, I look forward to meeting the evolving challenges presented by global climate change and control of greenhouse gases and the implications these may have on national security. Quality of life programs implemented through Military Construction, Family Housing, and the Air Force's safety and occupational health programs will also continue to present budget challenges as the Air Force balances resources allocations.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will take the following initial actions: (1) articulate a clear vision, expectations, and priorities in those areas for which I will be responsible consistent with national priorities and the Air Force mission; (2) evaluate existing policies and procedures within the department to make sure they are aligned with the vision and path forward; (3) evaluate whether the organizational structure is optimal to meet the vision and requirements of the Air Force; (4) continue to recruit the best and the brightest and give the leadership team the support and flexibility they need to do their jobs; (5) look outside the department and harness the best ideas, processes and technologies being successfully used in the private sector as well as other government agencies; and (6) establish reasonable metrics to judge performance and establish feedback loops to ensure these metrics and policies are being implemented effectively and efficiently.

Question. What do you consider to be the most significant problems in the performance of the functions of the Assistant Secretary of the Air Force for Installations and Environment?

Answer. I am not in a position at this time to know what the most serious problems are with respect to the responsibilities of the Assistant Secretary of the Air Force (Installations, Environment, and Logistics). However, I know from experience that national priorities will change and we must be open minded and flexible in the way we approach problems and issues. We must continue to adjust to meet these emerging priorities and challenges staying focused on meeting the missions of the Air Force in the most responsible, efficient and cost-effective manner possible. If confirmed, one of my first tasks will be to understand the short- and longer-term issues facing the Air Force in Installations, Environment, and Logistics and consider how these challenges affect other Air Force programs. Once this evaluation is completed, I should have a good idea of which problems are most pressing and which present the highest risk and also understand the unintended consequences of taking one option as opposed to another.

Question. If confirmed, what management actions and timelines would you establish to address these problems?

Answer. I would initiate the review of Air Force programs immediately, evaluate the risks and prioritize the most pressing problems that will require focused attention. I will collaborate with my counterparts in DOD, the military services and within the Air Force where those issues overlay or may impact the responsibilities of others and develop a plan to address these issues.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force for Installations and Environment?

Answer. If confirmed, I will establish priorities consistent with those of the President of the United States, the Secretary of Defense, and the Secretary of the Air Force.

Question. Do you have any specific plans to help improve the quality of life for Air Force families who are under considerable strain as a result of repeated deployments?

Answer. I am not in a position at present to develop specific plans with respect to improving the quality of life of our airmen and their families. However, I clearly recognize the pressures repeated deployments have placed on our Air Force families. If confirmed, I will work in concert with the Secretary of the Air Force and the other Services to institute positive change in those areas that can be influenced by the

installations and environment portfolio. The Assistant Secretary of the Air Force for Installations and Environment has responsibility for, among other things, two largely distinct programs—the military construction program and the environmental program.

Question. In the competition for resources inherent in the DOD budget process, which of these two major programs do you believe should have priority in terms of funding? Why?

Answer. I am not in a position at present to comment on the relative funding priorities of construction and environmental programs. However, I can say with confidence, we have outstanding professionals on the SAF/IE team who have dedicated their lives to working these programs. If confirmed, I will work with these experts and ensure the final decisions that are made are in the best interest of the Air Force, the Department of Defense (DOD), and most importantly, our Nation.

MILITARY CONSTRUCTION

Question. Over the last several years, the Air Force has had the smallest share of DOD's overall military construction program. Additionally, the military construction programs of the Air National Guard and the Air Force Reserve have been substantially underfunded.

What would be your highest priorities for allocating military construction funding for the Air Force over the next several years?

Answer. The military construction program priorities should fall in line with overall Air Force priorities. Today, those priorities are reinvigorating the nuclear enterprise, partnering with the joint and coalition team to win today's fight, developing and caring for airmen and their families, modernizing air and space inventories, and regaining acquisition excellence. If confirmed, I will work to ensure that those top priorities receive appropriate military construction funding.

Question. If confirmed, what would be your intention with regard to the funding levels for military construction for the Guard and Reserve in future budget requests?

Answer. If confirmed, I will ensure that the Air Reserve components are treated equitably within the corporate process and receive their fair share of Air Force resources.

FAMILY HOUSING AND PRIVATIZATION

Question. In recent years, DOD and Congress have taken significant steps to improve family housing. The housing privatization program was created as an alternative approach to speed the improvement of military family housing and relieve base commanders of the burden of managing family housing. If confirmed for the position of Assistant Secretary of the Air Force for Installations and Environment you will have a key role in decisions regarding military family housing.

What are your impressions of the overall quality and sufficiency of Air Force family housing both in the United States and abroad?

Answer. I'm not in a position to judge the quality and sufficiency of the Air Force's family housing at this time. However, one of my first tasks, if confirmed, will be to make an evaluation of how the Air Force is doing with regard to family housing and meeting the goals of the department as well as the expectations of our service men and women.

Question. What are your views regarding the privatization of family housing?

Answer. Quality family housing communities are critical to the men and women of the Air Force and their families. If confirmed, I will ensure our military members and their families are provided access to safe, quality and affordable housing so that they may better carry out the Air Force mission. From my limited understanding, I believe the family housing privatization program has made significant progress in improving the housing and quality of life for airmen and their families.

Question. What is your view of the structure and general goals of the Air Force's current housing privatization program?

Answer. I understand that the Air Force goal is to privatize 100 percent of its housing in the United States and overseas by 2010. I understand the Air Force is on a path to meet this goal and I will do everything within my power to ensure the Air Force achieves its goal.

Question. Do you believe the housing program should be modified in any way? If so, how?

Answer. I do not have any specific changes I can recommend today. However, if confirmed, I plan on exploring all avenues to partner with industry in the most effective and mutually beneficial way. If I uncover any areas where legislative help is needed, I will request congressional assistance.

Question. In light of the bankruptcy of American Eagle, does the Air Force intend to change the nature of its individual agreements with privatization contractors to the same sort of LLC arrangement as the other Services maintain?

Answer. I am not currently in a position to comment on the details of the American Eagle initiative. However, if confirmed I will review the Air Force Housing Privatization program to better understand the best practices within DOD and the Air Force and implement any necessary modifications.

Question. The Air Force has stated as its goal to privatize 100 percent of military family housing in the continental United States (CONUS), Hawaii, Alaska, and Guam by the end of fiscal year 2010.

What is your understanding regarding the status of this privatization goal and when do you expect the Air Force will finish its housing privatization efforts?

Answer. The Air Force continues to remain committed to providing high quality housing to airmen and their families. The Air Force continues to work towards the goal of privatization of 100 percent of CONUS bases by the end of fiscal year 2010.

BASE CLOSURE AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process is currently underway. What do you see as the roles and responsibilities of the Department of the Air Force in implementing BRAC decisions?

Answer. I believe the Air Force's roles and responsibilities are to implement the final decisions of the 2005 BRAC expeditiously and efficiently in the best interest of the local community, the Federal Government, the Air Force, and the American taxpayer.

Question. What would your role be, if confirmed, in carrying out these responsibilities?

Answer. If confirmed, I will ensure the Air Force has the proper resources and policies in place to properly implement the BRAC 2005 decisions, fulfill its statutory obligations and meet the mission needs of the Air Force, other Services, and defense agencies. I will also seek to cooperate with State and local governments, environmental regulators, and redevelopment authorities and the private sector to implement the decisions with consideration for the interests of all stakeholders.

Question. If confirmed, what priorities would you set for the process of disposal of any property at Air Force bases affected by BRAC decisions?

Answer. I understand the Air Force has implemented a BRAC Master Plan that considers a number of criteria to facilitate disposal of property. I will take a close look at this master plan and evaluate if it meets the goals and expectations for property disposal commensurate with the local community's redevelopment plans and objectives. Historically, environmental cleanup issues have impeded the disposal and unrestricted use of BRAC properties. I also want to determine if environmental cleanup of BRAC properties can be improved both in terms of schedule and unrestricted use and adjust the BRAC program accordingly.

Question. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active and decisive role in the reuse of property.

In your view, what are the roles and responsibilities of the Department of the Air Force within the 2005 BRAC property disposal process with respect to working with local communities?

Answer. Collaboration and communication are critical to success. If confirmed, I would work closely with the communities and State and local agencies affected by the BRAC 05 closures, ensure environmental cleanup is performed, and utilize all available assets to place the property into the hands of the local communities in a timely manner. This approach can ensure that the community will quickly recover from the impacts of base closure and realignments.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. If confirmed, I want to understand the communities' redevelopment plans and schedules. The Air Force needs to work closely with the Office of Economic Adjustment (OEA) to ensure that affected communities have all the resources necessary to accomplish their comprehensive planning for the reuse of base property. I will evaluate the Air Force's BRAC Master Plan and environmental cleanup program to ensure these are in line with community development planning.

Question. Is the Air Force moving aggressively to implement the joint basing agreements that were mandated by BRAC 2005?

Answer. I understand the Air Force is working with OSD and the other military Services to implement the joint basing decisions mandated by BRAC 2005. Meeting the joint basing goals will be one of my priorities if confirmed, and I am fully committed to this challenge.

Question. What do you see as the main concerns related to the implementation of BRAC-directed joint basing agreements?

Answer. I am not familiar with specific concerns with BRAC-directed joint basing agreements at this time. However, if confirmed, I will focus my initial efforts to ensure the Air Force has moved smartly and quickly to put the right foundational elements in place to support a seamless transition to a joint base with minimal impact to the mission and the base population.

Question. Will the Air Force have any trouble finishing the BRAC 2005 round on time?

Answer. The Air Force reports its BRAC 2005 program is on track and will be complete with implementing its recommendations within the statutory time limit.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in the past have testified that the military Services underinvest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of underinvestment in our installations has led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity. If confirmed, what recommendations would you have for restoring and preserving the quality of our infrastructure?

Answer. If confirmed, I will review the current and future requirements for our infrastructure, to ensure that the Air Force can support its missions and the Secretary of the Air Force's priorities.

ENHANCED USE LEASES

Question. Congress has provided the authority for each of the Service Secretaries to lease underutilized non-excess property and to use revenues generated by those leases to enhance infrastructure and operating costs on those installations. This so-called "enhanced use lease" (EUL) authority is being used in different ways and for different purposes by each of the military departments. The Air Force, after some hesitation, seems to be embracing EUL opportunities including the recent implementation of a creative agreement at Hill Air Force Base in Utah.

What is your understanding of the EUL authority?

Answer. I understand that Congress provided EUL authority to the military Services and that it applies to underutilized property that has not been declared excess. I understand the Service Secretaries can enter into lease arrangements with private sector providers in exchange for infrastructure and operating cost considerations. I understand that the EUL must be shown to promote the national interest or be in the public interest.

Question. What do you see as the future of the Air Force's EUL program?

Answer. If confirmed, I will build upon the successes of the Air Force's EUL program. I view the EUL program as a significant asset management tool for the Air Force. Accordingly, it will help reduce the amount of underutilized assets, and create resources that can supplement Air Force goals and mission requirements.

Question. What EUL projects do you see as most viable in the near term?

Answer. If confirmed, I will continue the efforts underway and will focus on opportunities to support the Air Force's ongoing renewable energy and infrastructure initiatives. Further, I will continue traditional real estate transactions as the real estate market continues to rebound.

Question. If confirmed, what will be the main concentration of the EUL program?

Answer. I believe the EUL program will provide Air Force the ability to leverage assets and establish long-term relationships with private and government partners. These efforts will cultivate meaningful support and improvement for Air Force installations and surrounding communities by enhancing future economic growth. Further, I believe the program can help substantially in achieving the Air Force's and DOD's energy and water efficiency goals.

Question. Will you consider the authority to provide support to energy initiatives?

Answer. Yes. If confirmed, I will ensure the Air Force considers and continues seeking out energy opportunities looking at all renewable energy options as well as how we can support Smart Grid technologies and applications.

Question. Will you continue to focus on the construction of facilities and in-kind reimbursement to base operating costs?

Answer. Yes. I believe it is essential for the AF to leverage its non-excess real estate assets to obtain private sector capital to offset operating costs and for facility construction. These are "win/win" projects that will help installation commanders sustain base operations and meet their most urgent needs.

Question. The Congressional Budget Office has expressed concern that EUL authority could be used to acquire expensive facilities through long-term leases that commit DOD to make payments (rather than receiving payments) over an extended period of time. Do you believe that it would be appropriate to use EUL authority to commit future years DOD funds for long-term projects to acquire facilities that have not received approval through the normal budgeting process?

Answer. No. My understanding of the EUL authority is that acquiring facilities through long-term leasing committing future years funding is not allowed.

Question. If confirmed, how would you address proposals to use EUL authority in this manner?

Answer. Based upon my current understanding of EUL authority, I would not support any such proposals.

BASE OPERATING SUPPORT

Question. In your view, is the Air Force receiving adequate funding for base operating support?

Answer. If confirmed, I will review the current and future requirements for base operating support funding to ensure that the AF can support its missions.

Question. Based on your experience, how might the Department of the Air Force distribute base operating funds to best ensure sound investment of constrained resources?

Answer. I believe our commanders are in the best position to determine how best to allocate limited base operating support dollars. I am committed to ensuring our Wing commanders have the resources to execute their missions at the tactical level.

AIR FORCE LABORATORY AND TEST CENTER RECAPITALIZATION

Question. There has been concern over the adequacy of recapitalization rates of the Department's laboratory facilities and test centers. Historically, Air Force laboratories and test centers do not appear to have fared well in the internal Air Force competition for limited military construction and facility sustainment funds.

What metrics would you use to assess the amount of investment in the recapitalization of Air Force laboratories and test centers to determine its adequacy?

Answer. I am not currently in a position to comment on Air Force laboratory and test center recapitalization but if confirmed, I will actively work to establish the right metrics to assess their recapitalization rates.

Question. How would you propose to address this recapitalization issue for the Air Force laboratories and test centers?

Answer. I am not currently in a position to comment on Air Force laboratory and test center recapitalization. However, if confirmed, I will work with the appropriate OSD and Air Force leadership to address the recapitalization of Air Force laboratories and test centers.

JOINT STRIKE FIGHTER BASING DECISIONS

Question. The Air Force intends to announce soon a down select of bases for the future bed down of the F–35 Lighting.

What is your understanding of the Air Force's process for making basing decisions for the Joint Strike Fighter?

Answer. It is my understanding that the Air Force has a comprehensive process which evaluates every basing decision including the beddown of major weapon systems. The process is initiated by the Air Force Major Commands taking into account a number of criteria such as facility and infrastructure requirements, airspace, environmental and energy demand/impacts, logistic support requirements and quality of life support facility requirements. These requirements are arrayed against possible beddown locations and reviewed by an Executive Steering Group and finally by the Secretary and the Chief. The results of this initial analysis is the release of a candidate basing list.

Once the possible basing alternatives have been identified, the Air Force begins the National Environmental Policy Act (NEPA) process including coordination with the public and local communities. The NEPA analysis culminates in a record of decision followed by an announcement of the preferred beddown.

Question. Based on your understanding of the basing decision process, including the implications of the NEPA, what is your view on how the decision process can

best suit the needs of the Department while also complying with the legal and regulatory requirements associated with such decisions?

Answer. I see NEPA as an excellent tool and well suited to assist the Air Force in making better, more informed, basing decisions when looking at a set of reasonable alternatives. This informed decisionmaking further assists the Air Force in mitigating potential impacts to a broad spectrum of environmental issues including air and water quality; noise and encroachment; and endangered species and historic preservation—all of which have a basis in regulatory guidance.

Question. What factors contribute to the possibility of litigation filed in response to basing decisions like the one underway within the Department of the Air Force with respect to the Joint Strike Fighter?

Answer. Factors that can contribute to the possibility of litigation include—but are not limited to—issues associated with the Clean Air Act, Endangered Species Act, aircraft noise, and historic preservation or simply not appropriately complying with the NEPA process.

ENVIRONMENTAL RESTORATION

Question. Over the past several years, the Air Force has maintained level funding in its installation restoration accounts, but more still needs to be done to remediate the long legacy of environmental contamination.

What do you see as the main priorities for clean-up within the Air Force program?

Answer. The prevention of exposure hazards and the remediation of contaminated land are the main priorities of the Air Force environmental restoration program. The Air Force has set a goal of having Remedies-in-Place or Responses Complete (RIP/RC), whichever comes first, by fiscal year 2012 (2 years ahead of the DOD goal of 2014) and the completion of Site Inspections of currently identified Military Munitions Response Program (MMRP) sites by fiscal year 2010.

Question. What will you do to ensure that adequate funding is requested and received to ensure that clean-ups under the Installation Restoration Program and under the Military Munitions Remediation Program continue apace?

Answer. If confirmed, I will work with Air Force leadership and the corporate structure programming and budgeting process to ensure adequate funds are available to meet aggressive restoration goals.

Question. Based on your experiences in both the government and private sectors, what changes, if any, in the DOD restoration program do you think could help expedite clean-up efforts at active and former defense sites?

Answer. DOD is doing a good job cleaning up its contaminated sites and, if confirmed, I will work with the Deputy Under Secretary for Installations & Environment to review the department's cleanup program and metrics.

Question. At the beginning of 2009, there were 11 sites within DOD that were listed on the National Priority List (NPL) but were not yet covered by signed interagency Federal Facility Agreements (FFA). Seven of the 11 were Air Force sites.

What is your understanding of the status of these agreements and do you believe it is important to have signed FFA for NPL sites?

Answer. I fully support working as partners with the Environmental Protection Agency and State regulators in NPL cleanup agreements. To that end, it is important to have signed FFA in place.

POLLUTION PREVENTION

Question. In each annual budget request since at least fiscal year 2006, the Air Force has requested over $80 million for pollution prevention programs. However, for fiscal year 2010, the Air Force requested less than $45 million.

What is your understanding of the reasons for this significant reduction in pollution prevention funding?

Answer. If confirmed, I will review the budget request for pollution prevention programs to ensure that they are adequate to meet the challenges the Air Force faces.

Question. If confirmed, what would be your intentions with regard to future funding for pollution prevention programs?

Answer. I believe funding for pollution prevention is an investment in the future that will reduce maintenance costs, create a healthier and safer work place for military and civilian workers, and meet the goals and expectations of the Department. If confirmed, I will review requirements for Air Force pollution prevention programs to ensure that they are adequate to meet the challenges the Air Force faces and comply with the new executive order.

ENERGY POLICY

Question. The Secretary of the Air Force, in a June 16, 2009, memorandum, established the Assistant Secretary of the Air Force for Installations and Environment as the Office of Primary Responsibility supporting the Under Secretary of the Air Force in his capacity as the Department's Senior Energy Official.

If confirmed, what would your responsibilities be for setting and implementing energy policy within the Department?

Answer. If confirmed, I will support the Under Secretary of the Air Force, in his or her role as the Air Force's Senior Energy Official, and will oversee implementation of the energy program throughout the Air Force. My responsibilities would include working with the Secretary and the Under Secretary of the Air Force, the other Assistant Secretaries, and the Air Force Chief of Staff and Vice Chief of Staff to develop overarching energy policy within the U.S. Air Force.

Question. What do you see as the key elements of the Air Force's energy strategy?

Answer. I understand the Air Force's stated goals are to reduce energy demand, increase the availability and types of energy supplies, and change the Air Force's culture to make energy a consideration in all we do. If confirmed, I will continue to support these goals.

Question. What is your understanding of the energy conservation goals within the Air Force and DOD?

Answer. Congress and the President have established various energy conservation goals that will reduce dependence on foreign sources of energy and help sustain the Air Force's mission readiness and responsiveness on a global scale. These goals include reducing the Air Force's facility and ground vehicle energy consumption each year, while increasing the amount of renewable energy and alternative fuels we use.

Question. If confirmed, what steps would you take to promote energy conservation within the Department of the Air Force?

Answer. I strongly support energy conservation, and I will encourage energy conservation using both traditional and innovative strategies to ensure that the Air Force meets or surpasses all energy standards and goals. If confirmed, I will continue to endorse the Air Force's energy vision to make energy a consideration in every activity. I will also continually encourage the sharing of best practices with sister Services, Federal agencies, and other stakeholders outside of the Air Force to identify those ideas and initiatives that can lead to greater energy security.

Question. With respect to renewable energy, which strategies do you believe provide the best prospects for meeting the energy needs at Air Force installations and in the ground fleet?

Answer. If confirmed, I will promote the development and use of renewable and alternative energy at facilities and in ground vehicles and equipment. I will work with the other Assistant Secretaries and the Commanders at the Major Commands and installations to identify potential opportunities to expand the availability and use of renewable and alternative energies. Likewise, I will work with OSD (Deputy Under Secretary, Installations and Environment) to identify research and development opportunities and investments that will support meeting the department's energy goals.

Question. What renewable technologies and fuel types have the most potential for certification and use by aircraft?

Answer. If confirmed, I will perform a comprehensive review of Air Force efforts regarding the specific technologies and fuel types and recommend to the Secretary of the Air Force and Chief of Staff of the Air Force those alternative fuel sources that I believe would be worthwhile to pursue further.

Question. With respect to aviation fuel requirements, what examples, if any, can you provide of policies or initiatives currently in practice that both conserve fuel use and cost while balancing appropriate readiness levels and pilot training requirements?

Answer. While I have not had the opportunity to examine all of the Air Force's initiatives in this area, I am aware that the Air Force's published policy calls for operational aviation effectiveness through validating mission and training requirements, moving flight training to simulators when practical, and developing a fuel conservation culture within the aviation operations community. I know the Air Force has taken proactive steps in these areas. If confirmed, I will encourage continued efforts to conserve fuel use and cost while optimizing readiness and training.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. The encroachment of commercial development near military installations has negatively impacted Air Force operations at military airfields and ranges.

What do you see as the main constraints on the Air Force's ability to use its facilities, including training ranges?

Answer. Operations at facilities and ranges are affected by a variety of constraints including development in the clear zones, height of buildings and structures, and commercial facilities that affect the electronics on aircraft particularly radar. Training may be moved or delayed because of seasonal or time of day restrictions. In other instances operations can be affected by competition for airspace or incompatible development adjacent to our test and training ranges, or under our Military Training Routes, and Special Use Airspace.

Question. If confirmed, what policies or steps would you take to curtail the negative impacts on operations and training resulting from encroachment?

Answer. I believe that we need to work closely with local communities as they develop their land use plans. If confirmed, I will ensure encroachment issues are treated comprehensively and that the appropriate programs or initiatives are implemented to address potential readiness problems. We need to understand the community needs and they need to know how land use planning can affect our ability to meet military training and readiness needs. If confirmed, I will ensure the Air Force has a comprehensive encroachment policy and management program that supports proactive engagement on encroachment challenges with a broad range of tools and strategies.

Question. How can the Air Force address the issues of encroachment around its bases in the United States, particularly with respect to encroachment caused by residential development?

Answer. The best way to address the issues of incompatible development is to actively establish long-term working relationships with our local communities and participate in the local land use planning processes.

OCCUPATIONAL SAFETY

Question. In 2006, the Secretary of the Air Force implemented within the Air Force the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Program (VPP).

What is your understanding of the Air Force's VPP?

Answer. I understand VPP is a voluntary program where the Air Force takes proactive steps and conducts self-assessments to meet the health and safety standards set by OSHA. I know that similar voluntary programs have been successfully adopted in the private sector. I see the VPP program as a tool to stay focused on the Air Force's health and safety programs and to constantly improve the Air Force's already good health and safety record.

Question. If confirmed, what would be your responsibilities under the VPP?

Answer. I believe my primary responsibility lies in overseeing VPP implementation and providing policy guidance for the Air Force Safety Center, major commands and installations.

Question. If confirmed, how will you ensure that safety programs under your cognizance are effective and successful?

Answer. If confirmed, I will work closely with the Air Force Vice Chief of Staff as co-chair of the Air Force Environment, Safety and Occupational Health Council to monitor performance and provide guidance as needed. I will partner with the Air Force Chief of Safety to ensure policy implementation fosters improved workforce safety and mission execution.

LOGISTICS

Question. Within the Department of the Air Force, the Assistant Secretary of the Air Force for Installations and Environment also has responsibility for logistics.

What is your understanding of these responsibilities?

Answer. I understand SAF/IE has overall responsibility for installations, energy, environment, safety and occupational health, and weapon systems logistical support for the Department of the Air Force. Specific to logistics the Assistant Secretary (I&E) provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, policies, programs, and budgets for logistics.

Question. If confirmed, what would be your priorities with respect to materiel support, supply chain management, and sustainment?

Answer. If confirmed, my priorities will be to advocate for and support the resources within the corporate structure to meet the logistic functions of the Air Force. I will continue to seek process improvements to reduce the cost, energy, and environmental footprint of the Air Force's logistics centers while improving the Air Force's ability to meet the warfighting mission. I will continue to support research

and development into new materials and technologies that will improve the performance, cost, and sustainability of Air Force weapon systems. Maintaining the robust technology sustainment capabilities organic to the three Logistics Centers, in my view, is critical to meeting the sustainment challenges of the Air Force and will be a priority for me, if confirmed.

Question. What initiatives are you aware of within the Department of the Air Force that are designed to account for the full life cycle costs of munitions, particularly as those costs relate to disposal, unexploded ordnance and munitions-constituent contamination?

Answer. I am not aware of any specific initiatives, however, I fully understand our responsibilities to be good stewards of the environment and if confirmed I will ensure we comply with the environmental laws as established by Congress.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force for Installations and Environment?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

AGING AIR FORCE INFRASTRUCTURE

1. Senator BILL NELSON. Mr. Yonkers, if confirmed, you would be responsible for the Air Force's aging range infrastructure at Eglin Air Force Base (AFB), Cape Canaveral, and Tyndall AFB. For example, Cape Canaveral's critical communications hub, the "X/Y building," needs to be replaced at a cost of $21 million. Additionally, the Air Force has identified over $55 million in required electrical and water upgrades for the Eastern Range. These are critical systems for access to space. Moreover, critical research, development, test, and evaluation infrastructure at Eglin AFB and Tyndall AFB is crumbling. Your advance policy questions note that the Air Force is behind military construction (MILCON) funding for base infrastructure. Please provide your views on the historical underfunding of MILCON for launch, research, test, and evaluation infrastructure.

Mr. YONKERS. I believe that maintaining and enhancing installation infrastructure to carry out the Air Force mission in the most efficient and cost-effective manner should always be a priority. I would anticipate the Air Force to continue to work through challenges in finding the right balance between maintaining a high status of readiness while optimizing the use of their scarce resources in the areas of military construction and infrastructure management. If confirmed, I look forward to helping the Air Force in this endeavor.

2. Senator BILL NELSON. Mr. Yonkers, how will you work with the Secretary of the Air Force to rebalance funding priorities for infrastructure improvements throughout the Air Force, specifically launch, research, test, and evaluation infrastructure?

Mr. YONKERS. If confirmed, I look forward to participating in corporate level decisions regarding allocation of Air Force fiscal resources to ensure infrastructure im-

provements, specifically launch, research, test and evaluation infrastructure, are properly considered in enterprise-wide resource balancing.

3. Senator BILL NELSON. Mr. Yonkers, how might divestment or enhanced use lease arrangements help with addressing this need?

Mr. YONKERS. In my view, divestment and enhanced use lease arrangements are two of the tools available to the Air Force in the management and modernization of its infrastructure. I believe divestment and enhanced use lease arrangements are opportunities for the Air Force to leverage the expertise and capital of the private sector to assist the Air Force in improving its infrastructure and facilities.

AIR FORCE HOUSING PRIVATIZATION

4. Senator BILL NELSON. Mr. Yonkers, will you review the existing agreements between the Air Force and housing privatization developers?

Mr. YONKERS. If confirmed, I intend to conduct a review of the Air Force's existing agreements with the housing privatization developers.

5. Senator BILL NELSON. Mr. Yonkers, will you review the Army's and the Navy's housing privatization procedures and identify those practices that are disparate? Once you have completed your review, would you seek to implement those "best practices" that yield the best housing for the servicemember, security for the Government, and value for the taxpayer? Please provide your findings and conclusions.

Mr. YONKERS. If confirmed, I intend to undertake a review of the Army and Navy housing privatization procedures and take full advantage of best practices that may be applied to the Air Force housing privatization program in order to provide quality housing that the Air Force members and their families expect and deserve.

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

BASE REALIGNMENT AND CLOSURE

6. Senator BEGICH. Mr. Yonkers, the 2005 Base Realignment and Closure (BRAC) process is currently underway. As a result of BRAC, Elmendorf AFB and Fort Richardson will become a joint base. What concerns or challenges relating to the implementation of joint basing agreements do you foresee?

Mr. YONKERS. I am not familiar with specific concerns with BRAC-directed joint basing agreements at this time. However, if confirmed, I will focus my initial efforts to try to ensure the Air Force moves smartly and quickly to put the right foundational elements in place to support a seamless transition to a joint base with minimal impact to the mission and the base population.

7. Senator BEGICH. Mr. Yonkers, how will you ensure that joint basing agreements are executed in a manner least disruptive to the base population and missions?

Mr. YONKERS. If confirmed, I will work with my counterparts in the Army and Navy to ensure the military departments and bases involved in each joint base take great care to pre-plan their joint base transition function-by-function to minimize disruptions to base personnel, missions, and surrounding communities.

8. Senator BEGICH. Mr. Yonkers, in your answers to the advance policy questions you list factors that will contribute to the possibility of litigation in response to Joint Strike Fighter (JSF) basing populations that include aircraft noise, historic preservation, the Clean Air Act, and the Endangered Species Act. How does the current bed-down strategy attempt to mitigate some of the issues you identified that may lead to litigation?

Mr. YONKERS. As a Government agency, I would expect the Air Force to comply with all laws and regulations governing clean air, historic preservation, noise, endangered species, and the National Environmental Policy Act (NEPA). I understand part of the beddown strategy is for the Air Force to conduct an Enterprise-Wide look which includes environmental factors as well as operational criteria to identify candidate bases having the greatest potential to accommodate the F–35 training and operational mission. I also understand that the Air Force will conduct a NEPA analysis as required by law based on this candidate list.

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

JOINT OPERATIONS

9. Senator BURRIS. Mr. Yonkers, how do you intend to support the current and future joint operations that the unified commanders are executing?

Mr. YONKERS. If confirmed, providing support to the joint warfighter would be a priority for me. I have not yet had the opportunity to be read-in on current and future joint operations. If confirmed, I would work quickly to become knowledgeable on joint operational matters and the underlying support provided by the Air Force installations, environment, and logistics portfolio of capabilities.

HOMELAND SECURITY AND CIVIL AUTHORITIES

10. Senator BURRIS. Mr. Yonkers, is there a role for you to play in homeland security and support to civil authorities?

Mr. YONKERS. If confirmed, I would work quickly to understand the extent of my responsibilities and the assets available in the Air Force installations, environment, and logistics portfolio to fully support homeland security and civil authorities to meet our national objectives.

ENCROACHMENT

11. Senator BURRIS. Mr. Yonkers, what actions in terms of encroachment on all Air Force bases do you need to take to perform your duties?

Mr. YONKERS. I believe the most effective encroachment prevention and mitigation is accomplished at the installation level. If confirmed, one of my primary responsibilities will be to ensure the commanders at the bases have the policy, guidance, and resources needed to address encroachment challenges. I understand the Air Force currently has encroachment management initiatives to look at a number of these issues.

At the corporate Air Force level, if I am confirmed, I expect my responsibilities will include ensuring that the Air Force has clear and well articulated policies regarding encroachment, and engaging with other Federal agencies having jurisdictions over federal lands or programs that could impact the Air Force's ability to carry out its flying and other operational missions and find ways to resolve encroachment problems.

CONSERVATION

12. Senator BURRIS. Mr. Yonkers, how important is green technology in implementing the energy policy in the Air Force?

Mr. YONKERS. I am well aware of the important role that green technologies play in meeting energy security, efficiency, and conservation goals. While I am not familiar with everything the Air Force is doing using green technologies, if confirmed, I will perform a comprehensive review of efforts in this area to ensure that the Air Force meets or surpasses all energy standards and goals.

13. Senator BURRIS. Mr. Yonkers, do you see future opportunities for the Air Force to partner with civilian agencies with its conservation initiatives?

Mr. YONKERS. Yes. It is my view that partnering is crucial to leveraging research and development technology efforts and best business practices across the federal government, as well as technology and specialized skills found in the civilian agencies. If confirmed, I would look forward to working with other federal agencies to ensure the Air Force uses all the tools available to achieve energy conservation goals.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

F–35 JOINT STRIKE FIGHTER BASING DECISIONS

14. Senator MCCAIN. Mr. Yonkers, the Air Force intends to select bases for the future stationing of the F–35 JSF for training and operations at both Active and Air Guard installations, a matter of critical concern to local communities. Implementation of this selection process will undoubtedly take up a majority of your time if confirmed as Assistant Secretary. In your opinion, should the internal Air Force assessments of installations and ranges used to select bases for the F–35 be open and transparent to allow review by local communities affected by the basing decisions?

Mr. YONKERS. I understand that the Air Force is reviewing basing options for the F–35. Consistent with my previous Air Force experience, I would expect them to follow an open and transparent process by engaging interested Congressional Members and explaining the rationale for their strategic basing decisions. Additionally, the Environmental Impact Analysis Process that the Air Force would conduct in compliance with the NEPA, is very transparent and open to public comment and participation. All inputs received as a result of this "open public process" would be evaluated in decision making before the final Record of Decision is signed identifying the final basing locations.

15. Senator MCCAIN. Mr. Yonkers, if confirmed, how would you ensure an open, transparent process?

Mr. YONKERS. If confirmed, I understand one of my responsibilities would be to chair the Air Force Strategic Basing Executive Steering Group (SB–ESG) which oversees basing decisions and is intended to ensure a standardized, transparent, and repeatable process in determining overall Air Force basing opportunities. As the SB–ESG evaluates basing decisions, I would work to ensure the Air Force shares information with appropriate congressional members and responds to questions throughout the process. Additionally, I would expect to use the Environmental Impact Analysis Process to solicit comments from members of the community and community leaders. This should help ensure a process that incorporates public concerns and comments as part of the final basing decisions issued in the Record of Decision.

16. Senator MCCAIN. Mr. Yonkers, concerning the objective data being used by the Air Force to assess bases, do you agree that a public review of this data will ensure that Air Force leaders have accurate and current information prior to subsequent basing decisions?

Mr. YONKERS. I believe the Air Force has implemented a new Strategic Basing Process which should help ensure congressional members, State and local officials and the communities surrounding all Air Force installations are informed on what basing decisions are being made and the reasoning behind the decisions. I have read the basing process and agree it should ensure the data used to make up the objective basing scores will be accurate, current, and verifiable. This process, in conjunction with the Environment Impact Analysis Process required for all basing decisions will ensure that all operational and environmental facets are appropriately assessed as part of the final basing decision.

17. Senator MCCAIN. Mr. Yonkers, what is your understanding of the current Air Force plan for a public review of the data used to assess bases for the F–35?

Mr. YONKERS. I am aware of the Air Force Strategic Basing process but do not have insight into the current Air Force plan for the public review of the data used to assess bases for the F–35. If confirmed, I will support the Air Force's commitment to following a standardized, transparent and repeatable process for making basing decisions.

18. Senator MCCAIN. Mr. Yonkers, please provide the current planning timeline for the Air Force to select bases and commence F–35 operations.

Mr. YONKERS. I'm not in a position at this time to know the details of the Air Force plans or schedule to select bases and commence F–35 operations. If confirmed, I look forward to understanding the Air Force timeline and how I can best support it.

AMELIORATING THREAT OF LITIGATION

19. Senator MCCAIN. Mr. Yonkers, you mentioned in answers provided to the committee prior to this hearing about a question concerning potential litigation as a result of the NEPA process that "Factors that can contribute to the possibility of litigation include—but are not limited to—issues associated with the Clean Air Act, Endangered Species Act, aircraft noise, and historic preservation or simply not appropriately complying with the NEPA process." If confirmed, what would you propose to mitigate these factors related to the F–35, so that basing decisions can be implemented quickly?

Mr. YONKERS. The NEPA is a process that requires identification, assessment, and mitigation of possible environmental impacts. The NEPA evaluation includes impacts to air quality, water quality, endangered species, historic buildings and assets, impacts from noise, and a number of other environmental factors. If confirmed, I will become knowledgeable about the F–35 NEPA process and its progress as well

as the mitigation measures proposed in the mitigation plan to ensure the F–35 basing decisions can be implemented as quickly as practicable.

PROCESS FOR AWARDING IN INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS

20. Senator MCCAIN. Mr. Yonkers, the Air Force recently awarded to several vendors an indefinite delivery/indefinite quantity contract, known as Worldwide Environmental Restoration and Construction 2009 (WERC 09), to provide a range of environmental remediation and clean-up services with an estimated cost of $3.0 billion over the next 5 years. As the nominee to be the Assistant Secretary of the Air Force for Installations and Environment, your position will require you to provide overall policy and guidance for the Air Force's environmental programs, including determining budgets and funding decisions regarding environmental actions. The amount of the funds requested annually for Air Force environmental programs in budget requests to Congress will have a direct impact on the number and amount of delivery orders issued under WERC 09. Furthermore, your office will provide the primary appointed civilian oversight Air Force environmental programs, including the execution of delivery orders carried out by the Air Force Center for Engineering and the Environment (AFCEE) under WERC 09. If confirmed as Assistant Secretary of the Air Force for Installations and Environment, what roll and responsibilities would you have, if any, in assisting in the development of Air Force budgets for environmental program?

Mr. YONKERS. I understand the requirements and initial budget estimates for the Air Force's environmental program are identified at the installation, major command, or service center level and then vetted through the Air Force corporate process. One of the final steps of this process is a roll-up of all Air Force programs and requirements at the Air Force Council level which I will be a member, if confirmed. The Council's responsibility is to balance the critical needs of the Air Force across all program areas and make recommendations to the Secretary and the Chief of Staff of the Air Force to be incorporated into the DOD's President budget.

21. Senator MCCAIN. Mr. Yonkers, are you aware of the process that AFCEE will use to award each delivery order under WERC 09? If so, please describe them.

Mr. YONKERS. I am generally aware that the AFCEE is responsible for executing the environmental programs for the Air Force including the development of task orders, evaluation of responses to proposals, award of those task orders and overseeing the performance of contractors in completing the work required under a task order. I also understand that the AFCEE develops the criteria including the contracting method used to evaluate proposals and award each delivery order. I understand and expect that AFCEE would follow a similar process with regard to task orders awarded under WERC 09.

22. Senator MCCAIN. Mr. Yonkers, in your opinion, for the selection of contractors for task or delivery orders, is the current process open, transparent, and based on competitive assessments of the best value to the Government? Why or why not?

Mr. YONKERS. It is my understanding that the Civil Engineer who reports through command channels to the Chief of Staff of the Air Force is responsible for execution of the Air Force's environmental program. The actual development of task orders and the selection of awardees are the responsibility of the AFCEE. I understand that AFCEE uses industry days and other such venues to help them develop appropriate acquisition strategies for their contracts and that these venues are open to all contractors. Generally, I believe the AFCEE uses competitive assessments in accordance with laws and guidance, when awarding task orders.

23. Senator MCCAIN. Mr. Yonkers, are you aware of any Air Force policy or guidance that would govern the award of task or delivery orders that are to be awarded to each contractor under WERC 09? If so, please explain.

Mr. YONKERS. I am aware that Air Force policies and instructions already in place establish broad goals and objectives with regard to the Air Force's environmental programs and expectations. These policies and instructions cover a wide array of environmental programs and requirements covering the four main pillars of the Air Force's environmental program: remediation, pollution prevention, compliance, and natural/cultural resources. I am not aware that any of these policies govern or intend to govern the award of any task or delivery order under WERC 09. WERC 09 is executed by AFCEE, under the direction of Air Force Civil Engineering, and within the chain of command of the Air Force Chief of Staff.

24. Senator MCCAIN. Mr. Yonkers, what role would you have, if any, in issuing task orders under WERC 09 to prime contractors under this program?

Mr. YONKERS. If confirmed, I understand I would have no role in the issuance, governance, or execution of task orders under WERC 09. WERC 09 is managed and executed by AFCEE under the direction of Air Force Civil Engineering, and within the chain of command of the Air Force Chief of Staff.

25. Senator MCCAIN. Mr. Yonkers, in your opinion, do the processes that apply to the award to task or delivery orders eliminate the potential of influence or subjective award of a delivery order? Why or why not?

Mr. YONKERS. From my limited understanding, the current process appears open, transparent, and designed to minimize the potential for influence or subjective award. I understand the authority to award task orders resides solely with the Contracting Officer. There are checks and balances within the award process and separate lines of authority that prevent undue influence within the award process.

26. Senator MCCAIN. Mr. Yonkers, are the processes to be used by AFCEE for task or delivery order awards formally published and adopted as a regulation or other guiding document? If so, please provide those regulations or other documents to your response.

Mr. YONKERS. I understand the Federal Acquisition Regulation addresses and governs the award of task orders and delivery orders.

27. Senator MCCAIN. Mr. Yonkers, what special steps, if any, would you take to ensure that others might not purposefully or inadvertently make decisions that might result in the inappropriate awarding of task or delivery orders under this program?

Mr. YONKERS. I understand the Assistant Secretary (Installations, Environment, and Logistics) does not have a role in the execution or governance of task orders administered by the AFCEE or other Air Force service centers. From my experience, I believe that the acquisition processes and professionals, especially contracting officers are very good at complying with both the letter and intent of the procurement laws. I believe that the process, including numerous checks and balances are in place to avoid inadvertent decisions or inappropriate award of task or delivery orders.

If confirmed, I would continue to support the separation of policy and execution authority. I would work closely with the General Counsel of the Air Force to eliminate any appearance of influence by the Assistant Secretary (Installations, Environment, and Logistics) on the task order selection process.

[The nomination reference of Terry A. Yonkers follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 3, 2009.

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

Terry A. Yonkers of Maryland, to be an Assistant Secretary of the Air force, vice William Anderson, resigned.

[The biographical sketch of Terry A. Yonkers, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF TERRY A. YONKERS

EDUCATION

Hemet High School, attended 1963–1967 (diploma awarded June 1967)

Mt San Jacinto JC, attended 1967–1969 (degree: AA awarded June 1969)

University of California, Riverside, attended 1969–1972 (BS, biology, awarded June 1972)

University of California, Riverside, 1972–1973 (Secondary Teaching Credential awarded June 1973)

National Defense University, 1992–1993 (Diploma of completion awarded July 1993)

Federal Executive Institute, 1997 Carnegie Mellon University, Program for Executives, 1999

Massachusetts Institute of Technology, Seminars in International Relations and National Security, 2000

George Mason University, 1998–2000 (Masters of Public Admin awarded Jan 2001)

EMPLOYMENT RECORD

2002 to present. ARCADIS U.S., Inc. 630 Plaza Drive, Highlands Ranch, CO.

Senior Vice President, Federal Business Development Director, Jan. 2000–June 2001. U.S. Air Force, 1660 Pentagon, Washington DC.

Acting Deputy Assistant Secretary (Environment, Safety, and Occupational Health). Nov. 1996–Dec. 2000, U.S. Air Force, 1660 Pentagon, Washington DC.

Supervisory Environmental Engineer and Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs, Installations and Environment.

1990–1996. Air Force Base Conversion Agency (BRAC), Director of Environmental Programs.

1986–1990. Air Force Systems Command, Deputy Director of Environmental Programs.

1984–1986. Air Force Regional Civil Engineer, Dallas Region. Environmental Engineer and Regulatory Liaison.

1980–1984. Air Force Flight Test Center, Edwards AFB, CA. Environmental Engineer.

HONORS AND AWARDS

Air Force Outstanding Civilian Service Award (May 2002)

Secretary of Air Force—Letter of Recognition (March 2000)

Air Force National Capital Region Work Force Mentoring Program, Certificate of Appreciation (September 2001/2000)

Air Force Organizational Excellence Award (1998)

Air Force Systems Command finalist for General Thomas D. White award (1986)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Terry A. Yonkers in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior

to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Terry Arthur Yonkers.

2. **Position to which nominated:**
Assistant Secretary of the Air Force (Installations, Environment, and Logistics).

3. **Date of nomination:**
August 3, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 5, 1949; Hemet, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mari Helen Yonkers (Maiden Name: Norwood).

7. **Names and ages of children:**
Timmothy Raul Yonkers, age 38; Tammara Jonese Lightie, age 35.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Hemet High School, attended 1963–1967 (diploma awarded June 1967).
Mt San Jacinto JC, attended 1967–1969 (degree: AA awarded June 1969)
University of California, Riverside, attended 1969–1972 (BS, biology, awarded June 1972)
University of California, Riverside, 1972–1973 (Secondary Teaching Credential awarded June 1973)
National Defense University, 1992–1993 (Diploma of completion awarded July 1993)
Federal Executive Institute, 1997
Carnegie Mellon University, Program for Executives, 1999
Massachusetts Institute of Technology, Seminars in International Relations and National Security, 2000
George Mason University, 1996–2000 (Masters of Public Admin awarded Jan 2001)

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
July 2002 to present. ARCADIS U.S., Inc. 630 Plaza Drive, Highlands Ranch, CO, Senior Vice President, Federal Business Development Director
Jan. 2000–June 2002. U.S. Air Force, 1660 Pentagon, Washington DC, Acting Deputy Assistant Secretary (Environment, Safety, and Occupational Health).
Nov. 1996–Dec. 2000. U.S. Air Force, 1660 Pentagon, Washington DC, Supervisory Environmental Engineer and Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs, Installations and Environment. Represented the ASAF on corporate POM and budget committees, developed, and managed environmental policies and programs, spearheaded special projects e.g., SAF/MI manpower and reorganization initiative.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1990–1996, Air Force Base Conversion Agency (BRAC), Director of Environmental Programs
1986–1990, Air Force Systems Command, Deputy Director of Environmental Programs
1984–1986, Air Force Regional Civil Engineer, Dallas Region. Environmental Engineer and Regulatory Liaison
1980–1984, Air Force Flight Test Center, Edwards AFB, CA. Environmental Engineer

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Senior Vice President, ARCADIS U.S., Inc.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
President, Ashley II Homeowners Association, Davidsonville, MD.

Society of American Military Engineers, Chairman of Global Climate Change Committee.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Hillary Clinton for President, 9/18/2007 - $1,000
Sestak for Congress, 6/18/2007 - $500
09/27/2007 - $500
12/27/2007 - $200
06/23/2009 - $300
Obama Victory Fund, 9/18/2008 - $1,000
Obama for America, 9/30/2008 - $1,000.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Air Force Outstanding Civilian Service Award (May 2002)
Secretary of Air Force - Letter of Recognition (March 2000)
Air Force National Capital Region Work Force Mentoring Program, Certificate of Appreciation (September 2001/2000)
Air Force Organizational Excellence Award (1998)
Air Force Systems Command finalist for Gen. Thomas D. White award (1986)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

The Military Engineer, "Climate Changes & National Security", co-author.
Magazine of the Society of American Military Engineers, No. 657, Jan.–Feb. 2009.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

TERRY A. YONKERS.

This 28th day of August, 2009.

[The nomination of Terry A. Yonkers was reported to the Senate by Chairman Levin on December 2, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

NOMINATIONS OF DR. CLIFFORD L. STANLEY TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS; ERIN C. CONATON TO BE UNDER SECRETARY OF THE AIR FORCE; AND LAWRENCE G. ROMO TO BE DIRECTOR OF THE SELECTIVE SERVICE SYSTEM

THURSDAY, NOVEMBER 19, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, E. Benjamin Nelson, Udall, Burris, McCain, Thune, and LeMieux.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jonathan D. Clark, counsel; Madelyn R. Creedon, counsel; Gabriella Eisen, counsel; Creighton Greene, professional staff member; Gerald J. Leeling, counsel; Jason W. Maroney, counsel; William G.P. Monahan, counsel; John H. Quirk V, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: Joseph W. Bowab, Republican staff director; Daniel A. Lerner, professional staff member; Lucian L. Niemeyer, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles and Breon N. Wells.

Committee members' assistants present: Christopher Caple, assistant to Senator Bill Nelson; Ann Premer, assistant to Senator Ben Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Jennifer Barrett, assistant to Senator Udall; Roosevelt Barfield, assistant to Senator Burris; Anthony J. Lazarski, assistant to Senator Inhofe; Jason Van Beek, assistant to Senator Thune; and Brian W. Walsh, assistant to Senator Martinez.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to consider the nominations of Dr. Clifford Stanley to

be Under Secretary of Defense for Personnel and Readiness; Ms. Erin Conaton to be Under Secretary of the Air Force; and Mr. Lawrence Romo to be Director of the Selective Service System.

We welcome our nominees and their families to today's hearing. Senior Department of Defense (DOD) officials put in long and uncertain hours and we appreciate very much the sacrifices all of our nominees make to serve their country, their continuing sacrifices in most of their cases. But their families deserve equal gratitude for the support that they provide, because that support is essential to the success of these officials.

Today's nominees are highly qualified for the positions to which they've been nominated. Dr. Stanley served 33 years in the Marine Corps, became the Marines' first African American regimental commander, and retired in 2002 as a two-star general. Since that time, Dr. Stanley has served as Executive Vice President of the University of Pennsylvania and President of Scholarship America.

If confirmed, he will be the principal advisor to the Secretary of Defense on the recruitment, retention, pay and benefits, health care, readiness, and quality of life of the men and women of our Armed Forces. He will also be the primary official responsible for shaping and developing DOD's 680,000-person civilian workforce as the Department implements the Secretary's new hiring plan.

Ms. Conaton has served as Research Staff Director for the Hart-Rudman Commission on National Security in the 21st Century, a professional staff member of the House Armed Services Committee, and most recently as the Staff Director of the House Armed Services Committee. If confirmed, she will be the second-ranking official in the Department of the Air Force and will serve as the Chief Management Officer of the Air Force. Previous Under Secretaries have also been designated DOD's Executive Agent for Space. We do not know yet whether Ms. Conaton will exercise this responsibility.

Ms. Conaton is, of course, well known to all members of our committee for her hard work, and her capable leadership in our conferences on the National Defense Authorization Act. I am confident that we're going to be able to forgive her for her persistence in supporting the House position in these conferences, and I think the person sitting to her right is very well aware of just how well she did in her persistence and how she accomplished things which should not have been accomplished.

Mr. Romo retired as a lieutenant colonel after a career in the Air Force Reserves. He's currently Soldier and Family Assistance Program Manager for the Army's Fifth Recruiting Brigade and an Admissions Liaison Officer for the Air Force Academy. If confirmed, he will be responsible for managing the Selective Service System of our country.

We look forward to the testimony of our nominees and to their speedy confirmation. I now call upon Senator McCain, and then we will quickly call upon our dear friend, Ike Skelton, for an introduction.

STATEMENT OF SENATOR JOHN McCAIN

Senator McCAIN. Thank you, Mr. Chairman. I welcome our friend Congressman Skelton, Chairman of the House Armed Services Committee, who is here with a mistaken mission this morning.

But we're always happy to see him and we very much appreciate the environment that persists, thanks to the efforts of Ms. Conaton and our staff, that makes us work successfully together and maintaining a record of defense authorization bills being signed by the President of the United States for many years now.

I welcome all the nominees and their families. I thank them for their willingness to serve in these key leadership positions. Dr. Stanley, the nominee to be the Under Secretary of Defense for Personnel and Readiness, has a distinguished 33-year career as a Marine Corps officer, culminating in his assignments as Commanding General, Marine Corps Air-Ground Combat Center, Twentynine Palms, and Deputy Commanding General, Marine Corps Combat Development Command in Quantico. His employment as President of Scholarship America demonstrates his commitment to public service and the importance of education and personnel development.

The manpower and readiness challenges facing DOD and the Services in this 8th year of the war on terrorism are many. In your advance policy question responses, you identified the challenges of continuing to sustain the All-Volunteer Force and ensuring appropriate compensation and personnel policies, quality health care, and essential support to military families and wounded warriors. I agree with you and I would add that the challenge of formulating policies and programs aimed at ensuring the highest possible readiness of our personnel and operational units during a time of great stress, at preventing sexual assaults and suicides, at bringing under control the rising costs of personnel as an overall part of the DOD budget without eroding readiness, at restructuring the national safety personnel system and creating an acquisition workforce that is capable of delivering weapons systems on time and within budget.

Dr. Stanley, I would be remiss if I didn't mention the challenge that will probably fall under your purview of eliminating or changing the DOD homosexual conduct policy. As I've stated before, I believe that the current "Don't Ask, Don't Tell" policy works, is not a failure, as some have proclaimed. I would be opposed to any attempt to modify existing policy in ways that will harm military readiness or place upon the shoulders of military leaders an extra burden that they simply do not need.

If change in policy is contemplated, it should be accompanied by input and studies by the Joint Chiefs, input by people like yourself, hearings, and votes before this fundamental policy, which has worked successfully in my view, is changed for political reasons.

Ms. Conaton, the nominee for the position of Under Secretary of the Air Force, is currently the Staff Director for the House Armed Services Committee, and I know you'll be missed by Chairman Skelton. You'll be missed by all of us. You've done an outstanding job and I congratulate you for all the work you've done. You'll be an asset to Secretary Donley and General Schwartz, and I congratulate you on your nomination.

Mr. Romo is the nominee to be the Director of the Selective Service System. An Air Force Academy graduate, Mr. Romo served over 20 years in the Air Force and Air Force Reserve. Since 1999, as a civilian employee of the Army's Recruiting Command he has head-

ed up the Soldier-Family Assistance Program in the San Antonio, TX, region.

The Selective Service System, while an independent agency, continues to be an important element in our national defense planning. The all-volunteer military as a strategic national resource has never been more capable and respected. I certainly hope we'll never face the requirement to reinstate the draft. It's essential that we retain the Selective Service System and the means to do so.

I look forward to the testimony of the nominees today and I again thank them and all their families for their service.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain. I am going to submit Sentor Burris' statement for the record.

[The prepared statement of Senator Burris follows:]

PREPARED STATEMENT BY SENATOR ROLAND W. BURRIS

Thank you, Mr. Chairman, and welcome nominees.

I am again pleased with the nominations that President Obama has chosen to run these essential positions within our Government. The President and I agree that the candidates before us today show the dedicated leadership that is so integral to serving the American people. The Nation is looking to you nominees to play a major role in redirecting our efforts to benefit and protect all of our citizens—including servicemembers and taxpayers alike.

Now, I would like to take a moment to commend the President on his selection of these nominees and I look forward to these nominations moving quickly as we work on the ambitious agenda we have all undertaken. There is an opportunity for our partnership to foster real change and I look forward to our mutual cooperation for the benefit of this great Nation.

Thank you Mr. Chairman.

Chairman LEVIN. Now we're going to call upon our good friend Chairman Ike Skelton of the House Armed Services Committee for an introduction. We welcome you enthusiastically, Ike. It's always great to see you.

STATEMENT OF HON. IKE SKELTON, U.S. REPRESENTATIVE FROM THE STATE OF MISSOURI

Mr. SKELTON. Thank you, Senator. It's an honor to be here this morning, Mr. Chairman, Senator McCain. It's a bittersweet moment for me. I'm here to recommend and urge the confirmation of Erin Conaton, the Staff Director of the House Armed Services Committee, to be the Under Secretary of the U.S. Air Force.

Seldom is there a combination or confluence of talent, good judgment, knowledge, devotion to duty, common sense, and, as we say in Missouri, good get-along, particularly someone who is of the tender age of Erin Conaton. She's a remarkable young lady.

We on the Armed Services Committee have been the beneficiaries of her hard work, good judgment, and fantastic talent. I know that the Air Force will be in good hands. She's a good manager. She handles people very well. She's respectful and her knowledge is as good as anyone I have ever run into in a position comparable to hers.

I ask that my formal remarks be placed in the record.

Educated at Georgetown, Tufts University, on the Hart-Rudman Commission as a staffer, as you mentioned in your opening remarks, she came as a staff member of the House Armed Services Committee, and when I became the ranking member she was the

ranking staff director, and now since we've been in the majority she has been the director and has run the House Armed Services Committee as well as anyone in the history of my some 33 years in this Congress.

I'm privileged to know her. We are all privileged to have been the beneficiaries of her fantastically first-rate work, and she's a good friend. I know that our country will be in not just good hands, but better hands, with her as Under Secretary of the Air Force.

I sincerely urge her confirmation and I know she will make us all proud.

[The prepared statement of Representative Skelton follows:]

PREPARED STATEMENT BY REPRESENTATIVE IKE SKELTON

Thank you, Mr. Chairman and Senator McCain.

I'm honored to speak today in support of Erin C. Conaton's nomination to be the Under Secretary of the Air Force. Most of you are already well-acquainted with Erin, and some of you have worked with her throughout the years of her tenure as a staff member on the House Armed Services Committee.

I have come to depend upon Erin Conaton as a trusted advisor and friend since she joined the House Armed Services Committee staff in 2001. While I am not happy about the prospect of losing her to the Pentagon and no longer working with her on a daily basis, I know that her talents are suited to taking on the responsibilities of Under Secretary of the Air Force.

The combination of Erin's integrity, intelligence, and experience in the ways of Capitol Hill and the Pentagon would make her extremely valuable to any organization, and I believe the Air Force would be very fortunate to have her on board. There is no doubt in my mind that the Pentagon, the Obama administration, and our country would be well served by Erin's confirmation by the Senate.

Erin has an impressive academic and professional background. She holds a bachelor's degree from Georgetown University's School of Foreign Service and a master's degree from the Fletcher School of Law and Diplomacy at Tufts University. Before becoming a congressional staffer, Erin was highly recommended to me as a result of her outstanding work as the Research Staff Director for the U.S. Commission on National Security/21st Century, also known as the Hart-Rudman Commission.

Erin joined the House Armed Services Committee staff in 2001, serving as a professional staff member covering a range of defense policy issues. In 2005, she became the committee's minority staff director. At the start of the 110th Congress in 2007, Erin assumed the post of majority staff director, serving all of the members of our committee and overseeing the committee's 70-person staff.

In the 9 years that I have had the privilege to know and work closely with Erin, she has consistently demonstrated her leadership ability, mastery of national security issues, and dedication to our men and women in uniform. Erin's work ethic is unparalleled, but more importantly, she has a rare gift for getting along with people. Despite the demands of working on Capitol Hill, Erin is unflappable and approaches every challenge with a level head, whether working with Members of Congress, congressional staff, or administration officials.

I'm delighted that the Obama administration recognized that Erin Conaton would be an excellent nominee for the next Under Secretary of the Air Force. I can't brag on her enough, and I respectfully urge the Senate Armed Services Committee to recommend that the Senate confirm Erin's nomination as quickly as possible. I know Erin will make us proud as she continues her career in public service with the Department of the Air Force.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Chairman Skelton. I know how much that extraordinary tribute and introduction means to Ms. Conaton, and it does mean a great deal to us as well.

Your entire statement will of course be made a part of the record. We know that you have a heavy load on your schedule, so that you are excused. You're free to leave at any time that you wish.

Let me now ask all three of our witnesses the standard questions, and then we'll call upon each of them for their opening statements. They can introduce families or whoever else that is with

them that they would like to introduce. Here are the standard questions that we ask all three of you:

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

Dr. STANLEY. Yes.

Ms. CONATON. Yes, Senator.

Mr. ROMO. Yes, sir.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. STANLEY. No, Senator.

Ms. CONATON. No, Senator.

Mr. ROMO. No, Senator.

Chairman LEVIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Dr. STANLEY. Yes, Senator.

Ms. CONATON. Yes, Senator.

Mr. ROMO. Yes, Senator.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to Congressional requests?

Dr. STANLEY. Yes, Senator.

Ms. CONATON. Yes, Senator.

Mr. ROMO. Yes, Senator.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Dr. STANLEY. Yes, Senator.

Ms. CONATON. Yes, Senator.

Mr. ROMO. Yes, Senator.

Chairman LEVIN. Do you agree, if confirmed, to appear and testify upon request before this committee?

Ms. CONATON. Yes, Senator.

Dr. STANLEY. Yes, Senator.

Mr. ROMO. Yes, Senator.

Chairman LEVIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. ROMO. Yes, Senator.

Ms. CONATON. Yes, Senator.

Dr. STANLEY. Yes, Senator.

Chairman LEVIN. Okay. Now I think in terms of the order here for you to give your opening statements and introduce people who accompany you today, we'll first call upon you, Dr. Stanley, then Ms. Conaton, and then Mr. Romo. That'll be the order.

Dr. Stanley.

STATEMENT OF DR. CLIFFORD L. STANLEY, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

Dr. STANLEY. Thank you, Senator. Good morning. Chairman Levin, Senator McCain, members of the committee, I appreciate the opportunity to appear here today. I thank President Obama for

having the confidence in me to nominate me to be the Under Secretary of Defense for Personnel and Readiness of DOD. I am also appreciative to Secretary Gates and Deputy Secretary Lynn for their support.

My wife, Rosalyn, and daughter, Lieutenant Commander Angela Stanley, U.S. Navy, are here today. Accompanying my wife is our service dog and family companion, Juno. Not present today, but serving in uniform, is my niece, Air Force Staff Sergeant Michelle Stanley.

My wife's support throughout my career and the inherent challenges associated with special needs as we moved from duty station to duty station have afforded me added insights into the needs of military families. The service of our daughter, niece, and many friends still serving has kept me current on many of the issues shared by both men and women currently serving in uniform.

The President and Congress, particularly the members of this committee, are working together to support our military, their families, and Defense Department personnel serving our Nation. If confirmed, I will do my best to ensure optimal standards of personnel support and operational readiness.

That concludes my statement.

Chairman LEVIN. Thank you very much, Dr. Stanley.

Ms. Conaton.

STATEMENT OF ERIN C. CONATON, NOMINEE TO BE UNDER SECRETARY OF THE AIR FORCE

Ms. CONATON. Thank you, Chairman Levin. Let me just say at the outset, thank you to you, Senator McCain, and to Representative Skelton, for those extraordinarily kind words.

It's an honor to appear before all of you today and an honor to be nominated for this position. At the outset, I would like to thank President Obama for nominating me and Secretary Gates, Deputy Secretary Lynn, and Secretary Donley for supporting this nomination. If confirmed, I greatly look forward to working with all of them.

My current boss and mentor, Chairman Skelton, likes to note Cicero's adage that gratitude is the greatest of all virtues. I've always agreed with him in this and all things, and in that regard I need to say a few more words of thanks.

First, I have a lot of friends and family here today. It's not an understatement to say that I would not be here without their unwavering support. I'd like to acknowledge my parents, Stan and Pat; my aunt and uncle, Judy and Tom; my brother and sister-in-law, Sean and Erin; my sister and her partner, Meg and Drew. But most especially, I'm thrilled that my 2-year-old niece Nora can be here today and that her 4-year-old brother William was able to be excused from pre-school to be here with us.

Chairman LEVIN. He would have probably been here even if he weren't excused. [Laughter.]

Ms. CONATON. I think that's right.

Second, I'm confident that I would not be nominated for this position if it was not for the gentleman from Missouri, Chairman Ike Skelton. I have benefited greatly from his wisdom, counsel, and from his friendship. He's already provided me some additional wis-

dom in the event that I'm confirmed by reminding me that I should always ask myself, what would Harry Truman do.

I have to admit that the prospect of not working directly with him every day made the choice to accept this nomination very difficult. I can only hope that I will make him proud if confirmed to this position.

Finally, I would like to thank the tremendous staff associated with this committee and the staff of the House Armed Services Committee, which I have been privileged to lead. These staffs, both those who work in member offices and those who serve the committees directly, are extraordinary professionals. I have been privileged to work with them over these years and I have learned much from our debates, deliberations, and friendships.

Mr. Chairman, this committee knows well the challenges facing the Air Force and has been instrumental in efforts to address them. The Air Force is a great Service, with a proud history and a commitment to service shared by the nearly 700,000 members of the Air Force family, Active Duty, Reserve, National Guard, and civilians. If confirmed, I would consider it a privilege to become part of that family and to help Secretary Donley, General Schwartz, and General Chandler in their strong leadership of this Service. I would also welcome the opportunity to contribute to the joint effort, working with the other Services, the team that makes up the Office of the Secretary of Defense, and Congress.

I also would like to say what an honor it is to be on the same panel as Dr. Stanley and Mr. Romo, and I would look forward to working with both of them.

With that, Mr. Chairman, I thank you, Senator McCain, and the committee again for this opportunity, and I look forward to your questions.

Chairman LEVIN. Thank you so much, and again our thanks for your great service to the House committee and the way in which you've worked with our staff as well. I know your comments are appreciated by them and appreciated by us.

Mr. Romo.

STATEMENT OF LAWRENCE G. ROMO, NOMINEE TO BE DIRECTOR OF THE SELECTIVE SERVICE

Mr. ROMO. Chairman Levin, Ranking Member McCain, and members of the committee, good morning. I'm indeed honored and humbled that President Obama has expressed his confidence in me to become the 12th Director of Selective Service. Pending Senate confirmation, I look forward to serving my country in this unique position.

At one time or another, I think most of us have dreamt about being in place in charge of an organization where we can make a difference. If I am confirmed as Director, you will be placing me in a fortunate situation as someone who is very interested in national security and our Armed Forces. I believe I am highly qualified to preserve the best aspects of a proud agency that has a distinguished 69-year history, while making improvements to operational efficiency, motivating employees and volunteers, and boosting morale.

The Selective Service System is an important Federal agency with dedicated people doing terrific work, but there is always room for improvement. I know about people and I have studied how the Selective Service System operates. I understand its importance to national defense and readiness as America's only proven defense manpower insurance for our Nation's all-volunteer military. I stand ready to make the needed improvements to the agency's structure and priorities and defend its budget and necessary existence as a key component of our national defense.

Because of personal experiences with the military and our wonderful veterans, I also understand and believe in the role that every young man must play with regard to the Selective Service. I will encourage the 2 million men reaching age 18 every year in the United States that they must live up to their patriotic, legal, and civic obligation to help provide for the common defense by registering with the Selective Service.

With your support, I stand ready to take up the challenges of this important assignment, and I thank you for considering me. I want to thank you all for the service you do to our country.

Chairman LEVIN. Thank you so much, Mr. Romo.

Let me start asking questions of Dr. Stanley. Dr. Stanley, our servicemembers and their families are under severe stress. One component of the stress is the repeated and lengthy combat deployments, especially in the Army and the Marine Corps, and the lack of adequate dwell time for our servicemembers. What can you tell us about your views on that issue and what would be your plans and hopes in terms of that challenge?

Dr. STANLEY. Yes, Senator. As I alluded to in my opening statement, the All-Volunteer Force is actually going to be one of the top priorities, if confirmed.

The All-Volunteer Force is actually one of the highest priorities. Under that subset of the All-Volunteer Force is, of course, wounded warrior, dwell time issues, family issues, the stress that's affecting our military today. So if confirmed, I promise that that will be one of the top priorities that I'll be focusing on as Under Secretary of Defense for Personnel and Readiness.

Chairman LEVIN. Dr. Stanley, in April, Secretary Gates determined that DOD had gone too far in relying on service contractors to perform basic functions and announced that the Department would seek to substitute civilian employees for contractors in critical roles. He stated: "Our goal is to hire as many as 13,000 new civil servants in fiscal year 2010 to replace contractors and up to 30,000 new civil servants in place of contractors over the next 5 years."

Would you agree that the civilian employee workforce of the Department plays a critical role in the success of the Department's activities, and if confirmed will you make the planning and management of that change and of the civilian workforce a high priority?

Dr. STANLEY. Yes, Senator, I would and I do.

Chairman LEVIN. Our servicemembers have now been fighting in Operations Enduring Freedom and Iraqi Freedom for many years, and the wear on our servicemembers and their families continues to grow. Timely access to mental health care for both servicemembers and their families must be a priority as these brave men

and women work through what they've experienced in combat and the hardships that they faced at home while their loved ones are away at war.

What efforts should be undertaken to increase the number of mental health professionals available to servicemembers and their families?

Dr. STANLEY. Mr. Chairman, as I understand it, we know that the mental health stress on our troops, their families, and really also the entire DOD is very significant. If confirmed, this would be an area that I would put a lot of emphasis in. We know that right now probably one of the most important things that I could do if confirmed would be to actually ensure that we have the right people selected to help with that process of selecting the best people as we look at these difficult, challenging issues of stress within the Armed Forces.

Chairman LEVIN. By the way, I didn't announce this before, but let's have a 9-minute first round for questioning.

Senator McCain made reference to the "Don't Ask, Don't Tell" policy. The President has made it clear that he would like to see that Federal statute repealed. You will be responsible for leading the implementation of any change in the policy within DOD if that policy is changed. Before it's changed, there will, of course, be significant input from the uniformed military and from others. There will be hearings, of course, before any change is voted on, and then there will be votes to determine whether in fact such a change should take place.

If you are confirmed, will you give us your best objective opinion on the question of whether or not "Don't Ask, Don't Tell" should be maintained or dropped?

Dr. STANLEY. Yes, Senator, I will.

Chairman LEVIN. Ms. Conaton, the Under Secretary position also serves as the chief management officer of the Air Force, as I mentioned. We established that provision in 2007 out of the frustration that we had with the inability of the military departments to modernize their business systems and their processes. We chose to have the Under Secretary serve concurrently as chief management officer because no other official in the Air Force other than the Secretary sits at a high enough level to cut across stovepipes and implement comprehensive change.

I think you've given us one of the great opportunities that we'll have to achieve a comprehensive change because you know this subject so well. Will you make modernization of the Air Force's business systems and processes a top priority?

Ms. CONATON. Yes, Senator, I will.

Chairman LEVIN. Give us an idea, if you can, how you're going to balance your duties as the chief management officer with the other duties that you'll have as Under Secretary?

Ms. CONATON. Yes, thank you, Chairman Levin. My understanding of the roles and responsibilities of this position is that as Under Secretary of the Air Force I would be responsible for being the principal assistant and deputy to the Secretary and to take on such roles and responsibilities as he sees as appropriate.

In addition to that, you point out rightly—and obviously I was involved from the Hill perspective in helping to give the responsi-

bility to this position for chief management officer. I think you're right to point out the daunting nature of that task. I've been informed that the Air Force already has an office dedicated to the chief management officer's responsibilities up and running. If confirmed, I'll look forward to working with them to see how far along they are and be able to give you by best assessment of where we stand and to balance those duties with the other things that Secretary Donley would ask me to take on.

Chairman LEVIN. The efforts to improve business systems in DOD, for instance by purchasing commercial off-the-shelf systems, frequently fail because too many people in the Department want to keep doing things the same way that they've always been done, refuse to give up unique business processes and data requirements that don't fit into new systems.

Instead of instituting approaches that have worked in the private sector, the Department ends up spending hundreds of millions, indeed billions, to tailor off-the-shelf systems to interface with obsolete systems and to meet the unique demands of DOD users. Now, such changes have resulted in delays, duplication, added expense, and system failure.

Do you believe that you will have the authority needed to work across stovepipes and to drive the change in the Air Force's business processes that is so needed, so much needed to effectively implement new business systems?

Ms. CONATON. Yes, Mr. Chairman, I believe that is the intent of the law as it was passed by this Congress and that is the way it is being implemented in the Department. If I find upon confirmation that there are additional authorities needed, I would certainly let this committee know that.

Chairman LEVIN. That was my next question: Will you let us know promptly when you've run into those obstacles if you need additional authorities, because this has been a longstanding goal of this committee, indeed the House committee and Congress. So if you'll do that we would appreciate it.

Ms. CONATON. Yes, Mr. Chairman.

Chairman LEVIN. On the question of the next tanker aircraft, do you agree that the new tanker is needed, first of all, I assume?

Ms. CONATON. Yes, sir.

Chairman LEVIN. But will you, in your role, to the extent that you are involved, will you bring to that role the neutrality, the fairness, the objectivity which is so essential?

Ms. CONATON. Yes, Mr. Chairman. My sense and my commitment is to ask questions upon confirmation that would lead to this competition being concluded to the best interests of the warfighter. I think it's very important that this be a fair and open competition and that it be clear to those who see the results how the decision was made, and I would look forward to being able to ask those questions in a neutral and objective manner.

Chairman LEVIN. Thank you.

The issue of climate change and the interrelated issue of energy use, and that particularly involves the potential for renewable energy use, that issue has been receiving huge and needed attention throughout the Government, including here on Capitol Hill. The largest user of fossil fuels in the Federal Government is DOD,

which creates a significant carbon footprint, and as a result is going to need to do its part to reduce carbon emissions in the years to come.

Can you give us your views on this challenge and this essential effort, so that we can reduce this footprint in a significant way?

Ms. CONATON. Mr. Chairman, I concur with you that DOD and indeed the Department of the Air Force are significant users of fossil fuels, including in the case of the Air Force for aviation fuel. In my capacity as staff director at House Armed Services Committee, I'm aware that the Air Force has put in place goals for reducing that and for increasing the percentage of renewable fuels that are part of the fleet's operation.

If confirmed, I believe that energy policy will be a critical area to look at and one of the responsibilities that I would look forward to taking on. Thank you.

Chairman LEVIN. Thank you.

My time is up. I have asked that Senator Ben Nelson take over the chairmanship here because I must leave, and I'm very much appreciative of his willingness to do so. According to our early bird rule, I will call on Senator Udall next and then turn the gavel over to Senator Nelson.

Senator Udall, you're next.

Senator UDALL. Thank you, Mr. Chairman.

I wanted to start out by giving a special welcome to Ms. Conaton. I served in the House Armed Services Committee and many people would probably think all that I know is tied to Chairman Skelton, but it's actually tied to Ms. Conaton's mentorship and her great friendship. So this is an exciting day for me as well as for you.

If I might, I'd like to share a concern with you. It's a comment at this time, not a question. I'm sure you're aware that the Air Force recently came out with its Joint Strike Fighter (JSF) candidate basing selection. I'm still trying to understand how the Air Force arrived at some of its calculations, and I intend to schedule a briefing with the Air Force soon to get some more clarity. I wanted to just let you know that's a concern of mine and it'll continue to be a concern of mine as we move forward.

But again, welcome, and I look forward to your confirmation process moving quickly and getting to the point where you no longer have to say "if confirmed," but it'll be "I have been confirmed and now I can go to work."

Ms. CONATON. Thank you, Senator.

Senator UDALL. Great to see you here today.

Mr. Romo, if I might, a comment as well that I could direct your way. As I understand it, current DOD policy prevents individuals who fail to register with the Selective Service within the legal timeframe between the ages of 18 and 26 from joining the military. That seems fair to me. But the same policy also prevents them from ever obtaining a Federal job, and waivers to the policy are permitted, as there should be, at times when circumstances could explain why an individual didn't fit into that timeframe.

But my office has petitioned for a number of Coloradans, without success. It seems that, frankly, in some cases the punishment may exceed the crime. I'd like to follow up with you and see if there isn't

some remedy in those cases that have merit. I just wanted to bring that to your attention.

Mr. ROMO. Thank you for the question, Senator Udall, and thank you for serving the people of Colorado. I spent a good time there at the Air Force Academy and I enjoyed my experience. Maybe not the first year, but I enjoyed the other years.

Senator UDALL. Not the first year.

Mr. ROMO. But in answer to your question, our job is to implement the policy that the President and Congress directs. You set the standards in the statutes and, candidly, it's up to you to decide which way you want to direct us. If you say for us to look at different processes, we'll be happy to look which way you want to go.

My job when I'm in there, if confirmed, is to assess and evaluate the situation and to optimize the procedure and processes. For example, we want to do a quicker turn-around when you have inquiries when somebody is looking to get a certificate that they registered for Selective Service for a student loan, a Federal grant. We want to make sure we have a quick turn-around because 90 days is unacceptable right now, what I've been told. But that's my position right now.

Senator UDALL. Thank you for that interest and clarification. Again, I look forward to working with you to see if we can resolve some of these cases in Colorado and perhaps look more broadly in those cases where, as I said, the punishment may exceed the crime or the oversight.

Dr. Stanley, great to have you here. I can find fault with only one part of your application. It's that you seem to have no family members serving in the U.S. Army. You have all the other Service branches covered. [Laughter.]

I'd like to follow up on the same line of questioning and comments that the chairman directed your way, starting with the mental health of our service men and women. At Fort Carson in Colorado and across the country at many installations, there's a combination of combat stress and repeated deployments, mental illness, failures of leadership, drug and alcohol problems that have led to broken soldiers, broken families, and increased incidence of suicides and homicides.

You know and I know there's a stigma attached to mental health issues, not just in the military community, but in society at large, quite frankly. We can't pass laws to eliminate it. I wish we could some days. So it's all the more critical, I believe, for our military leaders to stand up and demonstrate the courage to talk about this. Our military leaders must work to change the culture.

I would note, General Mark Graham, he just left his post at Fort Carson after a very significant 2 years, was one of those leaders.

Will you commit to helping in this effort, is the question I'd like to direct to you.

Dr. STANLEY. Yes, Senator, absolutely. I'm aware of the stigma associated with mental health issues, particularly anyone going to seek counseling for mental health, having served on Active Duty as well as even in my current experience. If confirmed, I certainly will look into that.

Just for the record, Senator, my father and my brother served in the U.S. Army.

Senator UDALL. I'm glad I gave you that opportunity to clarify the record. That was my intent. [Laughter.]

Let me move to "Don't Ask, Don't Tell," if I might, a sensitive topic, but an important topic. As a commander, you saw and experienced "Don't Ask, Don't Tell" being implemented. I'm sure you're aware that gays and lesbians are already serving in our Armed Forces and thousands of gays and lesbians are civilian employees at DOD. Today you'll be looking at "Don't Ask, Don't Tell" as a soon to be very senior member of the President's DOD leadership team. We all heard the Commander in Chief say last month that he intends to end "Don't Ask, Don't Tell," and I thought the President sent a clear message to every servicemember in uniform, straight and gay, regardless of Service or rank, that this change was coming.

Some in Congress believe the President is prepared to include repeal of "Don't Ask, Don't Tell" among his policy recommendations to Congress in the defense budget that he submits to us early next year. Is that a recommendation you're prepared to support?

Dr. STANLEY. Senator, I clearly recognize that this is a very sensitive issue, and it's an issue that I'm prepared to address if confirmed. I certainly will be taking input from all sources. This is DOD, it's outside of the government, it's Congress, the Senate—in general, a lot of input, the Service Chiefs in particular and our commanders, all the way down really from the deck plate down to the squad level.

This is a very challenging subject, but one that I know we can get our arms around. I have to provide, based upon that input, a recommendation to Secretary Gates. Based upon whatever I get, which I don't know right now—and I enter this discussion or know what we're talking about with no preconceived notions. I fully expect that it will be a challenge, but I am up for that challenge, if confirmed.

Senator UDALL. Thank you for that forthright answer. I look forward to working with you further, when you're confirmed if I have anything to say about it. I would associate myself with the remarks of the chairman on "Don't Ask, Don't Tell" as well.

Again, I want to thank the panel for your willingness to serve, for your wonderful and illustrious careers that you've had already, and I know our men and women in uniform will be well served by all three of you and the important work that you're about to undertake.

Mr. Chairman, thank you and I yield back any time I have. Thanks.

Senator BEN NELSON [presiding.] Thank you, Senator.

First of all, thank you all for your willingness to serve in these new responsibilities.

According to the list, I call upon myself to begin my questioning. Dr. Stanley, Secretary Gates announced earlier this year and Chairman Levin referred to it as well that the Department would scale back the role of outside contractors in support services. The goal as I understand it is to reduce the number of support service contractors from the current 39 percent to 26 percent and replace them with full-time Government employees.

I understand DOD's efforts to efficiently utilize its resources and I realize that an overreliance on contractors can lead to the erosion of the in-house capacity that's essential to effective government performance as well. But I want to be assured that this policy is grounded in a very thoughtful analysis that considers both base mission and local community implications as well.

If DOD makes these conversions without a strategic plan in place, we have the potential to erode our industry base in key mission areas as well. From the information that's been provided to me by U.S. Strategic Command (STRATCOM) in Nebraska, it appears that STRATCOM's current conversion plan will reduce the contractor population to 227, or 22 percent of the total workforce, by 2015. My sense is that for too many years we were outsourcing too much, with too little emphasis on why and whether it was justified.

But regardless of the makeup of the workforce of the Department, outsourcing or insourcing, it just has to make sense and be oriented towards the best utilization of resources, both money and people. So what review of these base level decisions like the decisions at Offutt and STRATCOM will DOD be undertaking to ensure that those decisions are both appropriate and consistent with the direction provided by the Secretary?

Dr. STANLEY. Yes, Senator. As I understand your question, we are looking at DOD reducing the number of contractors overall. I am not aware of all the details yet. I am aware that the Air Force has been working on some of this, but I sense that the contractor issue is much bigger than even that.

If confirmed, I will certainly take this on as a responsibility within my Department to coordinate with all the Services to ensure that we have equitable as well as reasonable and responsible strategic planning in the details of that, and also work very closely with Congress and this committee to ensure that we move forward properly.

Senator BEN NELSON. The consistency is extremely important, so that what we do accomplish is what the goal sets out for us, and that is the wise use of resources, both money and people, in the best possible manner. A strategic plan of some sort I think would be important to assure that process is both consistent and we get the best use of the resources. I'll be looking forward to further information on that as you develop your efforts.

As part of that process of putting together a strategic plan, I hope that you would approach it on a business case analysis process. I think the best decisions are typically made when there is a strategic effort under way and you can give it a good business basis for the decision, as opposed to establishing a number and work backwards toward reaching that. That's why I was a little concerned when I saw that a number had been achieved rather than doing it on a case by case basis to establish what the number should be.

Dr. Stanley also, as you have already been asked questions related to personnel and readiness, it's a broad portfolio. Can you identify what will be your top priorities, perhaps your top three priorities, in seeking that personnel and readiness role that is going to be so vital to the future of our military?

Dr. STANLEY. Yes, Senator. I would have to say that the All-Volunteer Force is number one and it's the umbrella. It's the piece that actually covers everything, because it's so all-encompassing. As you already stated, the portfolio of the Under Secretary of Defense for Personnel and Readiness is a broad portfolio.

But right under that, I'd have to look at our wounded warriors and the stress and all of the things that go along with that, because that's so significant as we now are at war on two fronts, which is very significant, and we have thousands of marines, sailors, airmen, and Army soldiers, who are actually committed and will be committed, depending on decisions that are going to be made.

That's the wounded warriors, the stress, all the things that we don't know about. Then I'd have to say families. We cannot sustain the All-Volunteer Force if we don't have our families, not only on board, but taking care of our families, and we can't have our deployed people actually worried about what's happening with families back here. There's so much that has to be addressed there. Of course, there's schools, there's other exceptional issues that relate to families, employment opportunities for spouses, things like that, that are significant issues.

I would say that starts out the three. I almost hesitate to stop there because there are significant issues in the All-Volunteer Force.

Senator BEN NELSON. Part of the taking care of families and our servicemembers probably includes the compensation arrangements that we're constantly trying to improve to be more competitive, to keep the All-Volunteer Force rather than to lose it due to competition from the outside.

Dr. STANLEY. Yes, Senator.

Senator BEN NELSON. Do you have any particular thoughts about the compensation package at the moment, what you might be doing to look at improving it, modifying it? It's not always just about salary. It includes a number of other pieces as well.

Dr. STANLEY. Senator, if confirmed, it's certainly going to be an issue that I'll be looking at. That's why I was almost hesitating to stop at three.

Senator BEN NELSON. I'll let you have four.

Dr. STANLEY. Yes, absolutely. There is a balancing now. We're now talking about not only the compensation, but also how much we can afford in an All-Volunteer Force, what in fact should we be paying out in terms of compensation, what shouldn't we be doing. There's always going to be a yin and a yang when it comes, because for every stimulus there's going to be some reaction.

The bottom line is that the compensation piece is something, if confirmed, I'd have to look at very closely because I know that health care costs, as well as the personnel costs in general, are eating our organization, our DOD, and our Nation, and we have to address that. It's an issue we have to balance.

Of course, this goes into equipment, all the other issues associated with that. There is not an endless stream of money and I am very much aware of that. So if confirmed, that will be part of that priority list.

Senator BEN NELSON. Very good. Thank you.

Ms. Conaton, during the Air Force posture hearing earlier this year the KC–X tanker was listed as one of the Air Force's top procurement priorities, and I expect that one of your biggest challenges will be, as already mentioned, awarding the contract to build this next generation of aerial refueling tankers.

Once you get this vital contract awarded, do you have an estimated time line and strategic vision for how the National Guard units that have the KC–135s might be rolled into fielding the plan?

Ms. CONATON. Senator, I do not at this point, not being confirmed, have a detailed sense of how the Guard will play with this. I guess I would say generally that the tanking, the aerial refueling capacity, is critical, not only to the Air Force, but truly to the totality of the Services, given the joint fight, and the Guard as part of the total force of the Air Force is critical. That would be one of the things I'd be very happy to look at more carefully if confirmed, is how the Guard will play in the replacement of current KC–135 aircraft.

Senator BEN NELSON. With the new role of the Guard in the military today, obviously they'll play a very vital role in our readiness as it would relate to the new tankers. So having a plan in place to field it is going to be vital. I hope that will be a high priority in connection with the awarding of the contract and the detailing of everything that follows the awarding of the contract with the fielding of the plan.

Ms. CONATON. Yes, Senator.

Senator BEN NELSON. Thank you.

Senator Burris.

Senator BURRIS. Thank you, Mr. Chairman.

I am very interested in these high-level positions and found it necessary to be here to listen to the testimony of these very important appointments. Unfortunately, I didn't have the opportunity to be visited personally by any of you, so I really instructed my staff so I could be here to see who would be taking these high-level positions. I must say that the President has selected very well. I am looking forward to your responsibility in these important positions that you've been appointed and entrusted to.

Just permit me to ask a couple simple questions. I want to ask Dr. Stanley in reference to "Don't Ask, Don't Tell." If confirmed, Doctor, you will move in immediately and I would assume that there are some cases pending for dismissal. What is your position on that situation if you were to come in contact with them? I know you say you have to follow the law, but we also have the President saying that we intend to make some changes in that law, which was passed by this Congress.

I'd just like to hear a little bit more on your position on that, please.

Dr. STANLEY. Senator, forgive me if I make sure, if I repeat the question back, but you're talking about pending cases, what would be my position on those pending cases?

Senator BURRIS. That's correct.

Dr. STANLEY. If confirmed and there are pending cases there, they would fall under the existing statute as I would understand it. Not sure where, as I sit here right now, if confirmed, that I would be directly involved in what's going on in the Service pur-

view right then. But that's about all I can say about that at this time because I'm tissue paper-thin on your question there.

Senator BURRIS. It's a very sensitive issue, Dr. Stanley, and we're hoping that we can get something done in this Congress in reference to that that would free up your hands and we would not even be bothered with this issue, because we need all the volunteers who will commit to serve this country of ours to be able to serve and to serve in the capacity as honorable and as brave as their capacity will allow them to.

But let me ask you this question. My colleague Senator Blanche Lincoln has put a bill into the Senate called the Selective Service Continuum of Care Act, which would provide advance physical and dental screening to our Reserve components prior to deployment. If you are confirmed, Doctor, how would you address the need for pre-deployment screening and care of our national Reserve component?

Dr. STANLEY. Senator, I'm not aware of the specific law or amendment or what's being put forward right now. This is the first I've heard of that. However, on the overall issue of our Reserve and our Guard and pre-deployment issues in general, I'm very much aware and believe that we should do more with that.

I know it's an area that we'd be looking at. If confirmed, I certainly am committed to ensuring that our Guard and Reserve continue to ratchet up. I'm going back to my time when I was on Active Duty and I know that was an area we needed work on. As I was getting ready for this confirmation hearing, I know there's more work that needs to be done.

Senator BURRIS. Good to have experience, right? You've been there, done that, right?

Ms. Conaton, if confirmed, how would you plan to work with the new Director of Cost Assessment and Program Evaluation (CAPE), a position that has been created this past year to advise the Secretary of Defense on program cost efficiency?

Ms. CONATON. Senator, as you rightly point out, that new position was created by this committee and this Congress as part of an effort to get weapons system acquisition reform jump-started in the Department. I think it's a very important step. I think the acquisition challenges that the Department faces are not unique to one Service. They're across the board. I think one of the critical things about the position that you mentioned, the Director of CAPE, is to get accurate and precise cost estimates at the beginning of a program so that we have greater confidence in the ability of the program to continue forward without significant cost overruns.

But both costs and requirements are a critical issue to deal with at the beginning of a weapons system program. I would look forward to working with the director.

Senator BURRIS. Also, what priority would you place on the U.S.'s advancement of unmanned drones and their use in surveillance missions? Do you believe that unmanned aircraft pilots should also be trained to fly manned aircraft as well?

Ms. CONATON. Senator, we all are aware of how important unmanned systems have become, although it's been pointed out to me that there is still a person controlling that aircraft, so to say that it's unmanned is perhaps a little bit of a stretch.

Senator BURRIS. Not in the cockpit.

Ms. CONATON. Not in the cockpit, that's correct, sir.

Senator BURRIS. In the drone cockpit, a cockpit in Las Vegas or somewhere.

Ms. CONATON. Yes, sir.

Senator BURRIS. Or Nevada, whatever.

Ms. CONATON. I think they've been critical in the missions of intelligence, surveillance, and reconnaissance. As we all know, we have two wars going and the commanders in the theater have a tremendous demand for those types of capabilities. I think Unmanned Aerial Vehicle systems are things that we're going to be continuing to look at over the next couple of years.

As to the role of what the pilot training should be for this, that would be an area that I would want to look at more closely if confirmed. I know that the Air Force is doing a lot of thinking about that. I know how important that issue is. I appreciate you putting it back on my radar screen and it's something I would look carefully at if confirmed.

Senator BURRIS. Thank you.

Mr. Romo, on the Selective Service, which all the 18-year-old males must register. Do you have any idea how many or what type of a failure there is in registering of 18-year olds?

Mr. ROMO. Certainly. When I was a young officer, I was in Strategic Air Command at Offutt. "Peace Is Our Profession" was our motto. Why? Because we have deterrence. We have different levels of deterrence. That was obviously a nuclear deterrent when I was a missile launch officer. But we have a deterrent with the Selective Service System that's essential for our national security.

Right now we have an All-Volunteer Force that works tremendously. I have the great fortune of working with a recruiting brigade of Recruiting Command and these soldiers do a tremendous job in getting some recruits for us, for our volunteer Army.

But it's essential that we maintain an optimal amount of security and register these young men when they're 18 years old. There are over 6,000 young men that turn 18 years old every day in this country.

Senator BURRIS. Say that again? I'm sorry, I didn't hear that.

Mr. ROMO. Over 6,000 young men have their 18th birthday every day in our country.

It's up to us to register those young men by having an optimal marketing plan. We have a tremendous registration rate of 90 percent and we want to make sure that we raise that, at least minimally maintain that. But that's why we do it, so we can maintain a deterrent. We have two wars going on and if the President and Congress direct us to have a draft we are ready, and we want to show our foes that we are ready to have the draft to supplement the volunteer force if we have somebody that threatens us.

Senator BURRIS. Mr. Romo, would you look at that marketing budget, because I'm pretty worldly in reading news, but I don't even recall hearing any type of advertising recently or in the last 5 or 6 years that young men turning 18 are required to register. I heard about it when the law came out, but I don't hear that regularly. I'm just wondering whether or not we're really doing enough promotion in regards to that.

Mr. ROMO. I had a great briefing by the public affairs of the Selective Service, and I will ensure that they will send to you the ways they currently market. With the wars going on, we have to be very creative. What I mean by that is creative for marketing, but creative in using the least amount of dollars for the marketing. They do air public service radio spots, for example, and they market through the State directors and the volunteer local boards that they do have all around the country. So there are many ways, but specifically I'll make sure that they send that to you.

We do have a great relationship, by the way, with the Military Entrance Processing Command (MEPCOM) at Great Lakes, IL. We do have a data center and a regional center there.

Senator BURRIS. I don't think you have a problem with those. The Navy recruits are coming to Great Lakes by the ton. I was up there the other day and God knows I really appreciate how those young people are coming forward. The Navy shapes them up and ships them out. I'll tell you, they'll be ship-shape when they leave there.

Mr. Chairman, thank you very much. I want to commend our witnesses this morning. I'm very impressed and look forward to your being confirmed and carrying out your duties. God bless you and good luck.

Senator BEN NELSON. Thank you, Senator.

Senator LeMieux.

Senator LEMIEUX. Mr. Chairman, thank you very much.

First of all, I want to thank all of the folks that are here today who are up for confirmation for your service to the public. It strikes me that we don't thank people enough for the time that they spend working for the people, and you all have long and storied careers doing that. So thank you for dedicating yourself to public service.

Dr. Stanley, I'd like to start with you if I may and ask you a few questions. We're all seeing these reports about the stress that our military is under, both fighting out in the field and here back in the States. I'm concerned, as I know you are, about the suicide rate that's rising. I want to read a few statistics and facts for you and then ask you a question.

We learned recently that 99 soldiers killed themselves in 2006, the highest rate of military suicide in the 26 years the military has been keeping statistics. In 2007 we had 115, in 2008 133, and as of this Monday, we have 140 Active Duty Army soldiers that have committed suicide. The suicide rate for the Army for 2008 was calculated at roughly 20.2 per 100,000 soldiers, which is the first time since the Vietnam war that it's higher than the adjusted civilian rate.

In your position to be in charge of personnel and readiness, these have to be big issues, to make sure that, one, the people that are enlisting into the military are not only physically but mentally ready, and that once they enlist and become members of our armed services, that they continue to have the support they need, and the training they need, and the counseling they need to endure the very difficult duty of fighting a war.

I would like for you, if you would, sir, to speak to those issues and what plans you have to make sure that our troops are ready

on the front end and continue to be mentally strong throughout their time in the armed services.

Dr. STANLEY. Yes, Senator. I guess the first thing to say is that in the priorities I laid out that was actually at the very top. It's among my top three. The All-Volunteer Force in itself, when we look at the quality of people who are coming in, but also focusing on our wounded warriors and those injured, the stress associated with combat and those who are pending combat, has been very significant. I'm aware of it.

Suicide is not new, but it's going off the page here. It's been something that I've been personally familiar with from my time on Active Duty. Even one suicide is too many. So with that, you have the commitment, if confirmed, this will be an area that will be a priority. It's not only in terms of what's working right now, but also looking at better ways to do what we're doing, because we have to work with the Services, work with the Service Chiefs, and then have the kind of environment, because of the cultures of our different Services, to be able to work together, because what they don't need right now is for me to come down and say, this is what you're going to do.

I think it's important that we have to work together. I'm looking forward to that opportunity if confirmed, because I think leadership more than anything right now and working as a team at DOD is absolutely critical at this time, and our civilian support, too, and Congress.

Senator LEMIEUX. Thank you, Doctor.

Let me ask you another question, if I can, on a different topic. I know that you have personal experience with this and I wanted you to speak to your views about military personnel who have disabled spouses or children. I view, and I know that many do, that public service is not just done by the person who's involved in the public service, whether it's the military or it's here working in Congress. It's done by our families.

We have to take care of the whole family unit. I know this is something that touches your heart and I would be interested in what goals you have with respect to these exceptional family members who have these challenges and what we can do to support them as well.

Dr. STANLEY. Yes, Senator. I'm smiling because if I flub this one my wife's going to take care of me.

Senator LEMIEUX. We don't want that to happen.

Dr. STANLEY. No, sir.

I will tell you that at no point in my career—and we've been married 38 years—have my decisions been alone, even as a commander, a commanding general—I've had somebody right there with me. We talked about my decision to retire. We talked about my decision to move to different duty stations. It wasn't that I was going to even think about refusing the Commandant's orders. The fact is that I literally had a family. I still have a family and that's very important.

I bring that to the table of experience not to say that it's omnipotent or all-knowing, but it's a very sensitive area. Then when you start talking about exceptional family issues, from autism to any range of different issues, I'm very sensitive to that also. Again I go

back to an earlier question here, working with our separate Service cultures, working in areas where duty stations, we have great people in our military, but there are a lot of things they don't know or understand about the sensitivities dealing with the only special school for this particular ailment. The architectural barriers that you would face in one duty station as opposed to another. Employment of the spouse, that you can work in certain duty stations—this is now with disabilities—but you can't work over here. Going overseas, fine, but if you go to certain duty stations the architectural issues are going to be a challenge, as well as the schooling and things like that.

Now, does that say that I know everything? No, Senator. But what it does tell me, I'm awfully sensitive to how complex these issues are and how much I'll be ready to do it. Quite frankly, even if I'm confirmed in this position, I'm not going to be doing it without having the spousal support. I have to stop there, Senator.

Senator LEMIEUX. I appreciate that answer. Thank you. I know you're going to do a great job.

If I may ask, Mr. Chairman, I have one question of Ms. Conaton. The military is extremely important to my home State of Florida, and certainly the Air Force is extremely important to Florida. We are very pleased with these JSFs going to Eglin and to the training of them and having training there. I want to know if you have any thoughts on what the role will be. I think there are 59 planned at Eglin and we're going to maybe potentially have more. I don't know if you're up to speed on that yet, but we think that we're well suited at Eglin to train for these JSFs, and I want to get your comments and thoughts on that.

Ms. CONATON. Thank you, Senator. I am not yet fully briefed, not yet being over with the Air Force, on the basing plans. I know how important the training mission is and I recognize the significant contribution that Eglin has made in that regard. If I'm confirmed, I'll be very happy to work with you to understand your concerns more and to see what is actually being planned inside the Air Force.

Senator LEMIEUX. Maybe we'll have a chance to go there together and work on that issue.

Ms. CONATON. I'd welcome that. Thank you.

Senator LEMIEUX. Mr. Chairman, that's all the questions I have.

Senator BEN NELSON. Thank you, Senator.

I have no further questions, but let me say to all of you and to your families and friends, thank you for your service, your commitment, and we look forward to a rather speedy confirmation. Thank you all.

We are adjourned.

[Whereupon, at 10:43 a.m., the committee adjourned.]

[Prepared questions submitted to Dr. Clifford L. Stanley by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delin-

eated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Not at this time.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. N/A.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. During my 33 years of serving in the Marine Corps, I experienced first hand the sacrifices that our Armed Forces make and the daunting challenges the Department of Defense (DOD) faces now and in the future. I served in a diversified number of positions including the Commander of the Marine Corps Combat Development Command, the Assistant Deputy Chief of Staff for Manpower and Reserve affairs at Marine Corps Headquarters. After my wife's paralysis in 1975, she and I personally lived the trials disabled servicemembers and their families encounter today. After retiring from the Marine Corps, I served as the President of Scholarship America where I implemented sweeping reforms that moved this organization forward while overcoming latent bureaucracy and financial challenges. These experiences along with a lifetime devotion to inspiring others towards leadership, education and diversity, have given me a strong appreciation of the formidable tasks ahead.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense for Personnel and Readiness?

Answer. I believe the most important challenge is continuing to properly sustain the Nation's all volunteer force, particularly during this time of conflict. This includes ensuring appropriate compensation and personnel policies that recognize the talent and sacrifices of our servicemembers. Ensuring quality health care and, particularly, mental health support will be paramount. DOD must deliver world-class support to families and to wounded, ill, and injured servicemembers. At the same time, I understand that our current engagements have illuminated the need to change the way the Department conducts operations. As the Quadrennial Defense Review charts a course for the Department of the future, the Under Secretary for Personnel and Readiness will need to make sure that the human resource systems for civilian and military personnel, Active and Reserve, produce servicemembers and employees who are trained and equipped with skills to realize that future.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. Although I do not have specific recommendations at this time, if confirmed, I would review the plans that are currently in place to address these challenges, and determine whether they need to be modified or amplified. I would intend to collaborate with my colleagues in the Office of the Secretary of Defense, the Military Services, and the Joint Staff in charting the right course for the Department.

DUTIES

Question. Section 136 of title 10, U.S.C., provides that the Under Secretary of Defense for Personnel and Readiness, subject to the authority, direction and control of the Secretary of Defense, shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary and nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve components, and health affairs.

Assuming you are confirmed, what duties do you expect the Secretary of Defense will prescribe for you?

Answer. If confirmed, I expect the Secretary of Defense would assign me all of the duties, functions, and responsibilities currently mandated by law and specified in the Department's directives for the position of Under Secretary of Defense for Personnel and Readiness.

Question. In carrying out these duties, what would be your relationship with the following officials:

The Secretary of Defense,

Answer. If confirmed, I would serve the Secretary as his principal advisor and advocate for the management of human resources in the Department.

Question. The Deputy Secretary of Defense,

Answer. If confirmed, I would serve the Deputy Secretary as his principal advisor and advocate for the management of human resources in the Department.

Question. The Chairman and the other members of the Joint Chiefs of Staff,

Answer. If confirmed, I would coordinate with the Chairman of the Joint Chiefs of Staff to ensure that he has all the information and support necessary to perform the duties of principal military advisor to the President, National Security Council, and Secretary of Defense.

Question. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)).

Answer. If I am confirmed, PDUSD(P&R) would be my principal staff assistant and advisor in all matters relating to the management and well-being of the military and civilian personnel in the DOD Total Force structure.

Question. The Assistant Secretary of Defense for Health Affairs (ASD(HA)).

Answer. If I am confirmed, ASD(HA) would be my principal advisor for all DOD health policies, programs, and force health protection activities.

Question. The Assistant Secretary of Defense for Reserve Affairs (ASD(RA)).

Answer. If I am confirmed, ASD(RA) would be my principal advisor for all Reserve component matters in DOD.

Question. The DOD General Counsel,

Answer. If confirmed, I would anticipate regular communication, coordination of actions, and exchange of views with the General Counsel and the attorneys assigned to focus on personnel and readiness policy matters. I would expect to seek and follow the advice of the General Counsel on legal, policy, and procedural matters pertaining to the policies promulgated from the USD(P&R).

Question. The DOD Inspector General,

Answer. The DOD Inspector General is in charge of promoting integrity, accountability, and improvement of DOD personnel, programs, and operations to support the Department's mission and serve the public interest. If confirmed, I would fully assist in any investigations or issues that relate to personnel and readiness.

Question. The Chief of the National Guard Bureau,

Answer. The Chief, National Guard Bureau is a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-Federalized National Guard forces and on other matters as determined by the Secretary of Defense. If confirmed, I would work through ASD(RA) to ensure effective integration of National Guard capabilities into a cohesive Total Force.

Question. The Service Secretaries,

Answer. If confirmed, I would work closely with the Secretaries of the Military Departments on all matters relating to the management and well-being of military and civilian personnel in the DOD Total Force structure.

Question. The Assistant Secretaries for Manpower and Reserve Affairs of the Army, Navy, and Air Force,

Answer. If confirmed, I would work with these officials as partners in carrying out the human resource obligations of the Services.

Question. The Deputy Chiefs of Staff of the Army and Air Force for Personnel, the Chief of Naval Personnel, and the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs.

Answer. If confirmed, I would work closely with these officers to ensure that DOD attracts, motivates, and retains the quality people it needs.

Question. The combatant commanders.

Answer. If confirmed, I would foster mutually respectful working relationships that translate into providing the Total Force capabilities needed to complete combat missions.

Question. The Joint Staff, particularly the Director for Manpower and Personnel (J–1)?

Answer. If confirmed, I would seek a close coordinating relationship and open channels of communication with the Joint Staff regarding personnel and readiness policy issues.

SYSTEMS AND SUPPORT FOR WOUNDED WARRIORS

Question. Servicemembers who are wounded and injured performing duties in Operations Enduring Freedom and Iraqi Freedom deserve the highest priority from their Service for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from Active Duty, if required, and con-

tinuing support beyond retirement or discharge. Yet, as the revelations at Fort Stewart in 2003 and Walter Reed in 2007 revealed, the Services were not prepared to meet the needs of returning wounded servicemembers.

What is your assessment of the progress made to date by DOD and the Services to improve the care, management, and transition of seriously ill and injured servicemembers and their families?

Answer. Although I cannot make a complete assessment at this time, it is my opinion the DOD is improving in these areas, but I believe there is still much to be done. If confirmed, I would work to further the progress for our wounded warriors and their families. I would ensure that the Office of Wounded Warrior Care and Transition Policy continues to ensure wounded, ill, injured, and transitioning warriors receive quality care and seamless transition support. I would also work to ensure DOD continues collaborative efforts with the Department of Veterans Affairs on compensation and benefits, transition assistance, and care coordination.

Question. What are the strengths upon which continued progress should be based?

Answer. The greatest strength is the Department's commitment to take care of its wounded warriors and their families.

Question. What are the weaknesses that need to be corrected?

Answer. The challenges lie in being continually vigilant to ensure recovering servicemembers and families receive the full care that they need and deserve.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase support for wounded servicemembers and their families, and to monitor their progress in returning to duty or to civilian life?

Answer. I do not have any specific recommendations at this time. If confirmed, I would make providing needed care and support for servicemembers, veterans, and their families one of my top priorities.

Question. Studies conducted as a result of the revelations at Walter Reed point to the need to reform the disability evaluation system.

What is your assessment of the need to streamline and improve the disability evaluation system?

Answer. I do not have enough information to make a complete assessment at this time but if confirmed, I would work to create improvements in the system.

Question. If confirmed, how will you address any need for change?

Answer. If confirmed, I would work closely with the Department of Veterans Affairs toward reform of the disability evaluation system. I fully support the Department's efforts towards providing a comprehensive, fair, and timely medical and administrative processing system to evaluate injured or ill servicemembers' fitness for continued service.

DISABILITY SEVERANCE PAY

Question. Section 1646 of the Wounded Warrior Act, included in the National Defense Authorization Act (NDAA) for Fiscal Year 2008, enhanced severance pay and removed a requirement that severance pay be deducted from VA disability compensation for servicemembers discharged for disabilities rated less than 30 percent incurred in the line-of-duty in a combat zone or incurred during the performance of duty in combat-related operation as designated by the Secretary of Defense. In adopting this provision, Congress relied on the existing definition of a combat-related disability contained in title 10, U.S.C. 1413a(e). Rather than using the definition intended by Congress, DOD adopted a more limited definition of combat-related operations, requiring that the disability be incurred during participation in armed conflict.

If confirmed, will you reconsider the Department's definition of combat-related operations for purposes of awarding enhanced severance pay and deduction of severance pay from VA disability compensation?

Answer. It is my understanding that an evaluation is being conducted on the DOD's definition. If confirmed, I would ensure that process includes in its review the intentions of the legislation.

HOMOSEXUAL CONDUCT POLICY

Question. The current Homosexual Conduct Policy, commonly referred to as "Don't Ask, Don't Tell," went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a Federal statute. Although there have been some changes in how this policy has been implemented, the basic policy has not changed. President Obama has made it clear that he intends to work with the military and with Congress to repeal the policy.

What is your view on repealing or changing this policy?

Answer. If confirmed, I would work closely with the Service Secretaries and Chiefs to provide the Secretary of Defense the best advice possible on the way forward regarding this issue.

Question. In your view, would changing this policy have an adverse impact on unit cohesion and good order and discipline in the military?

Answer. If Congress revises the Homosexual Conduct Policy statute and if confirmed, I would work closely with the Services to ensure the revising of this policy is done in a way that maintains our highest state of military readiness.

Question. If confirmed, what role would you play in efforts to repeal or change this policy?

Answer. If Congress changes the law and if confirmed, I, as the Under Secretary for Personnel and Readiness, would be responsible for leading the implementation of the change in the policy within DOD.

Question. If the policy is changed by Congress, would you recommend a phase-in period for implementation of the new policy?

Answer. If the statute is changed and if confirmed, I would consult with the Service Secretaries and Chiefs to ensure the implementation of the new policy is done in a way that maintains our highest state of military readiness.

Question. If confirmed, what role will you play in implementing a new policy?

Answer. If the statute is changed and if confirmed, I would lead the effort to implement a new policy while carefully considering the advice of and working closely with the Service Secretaries, the Service Chiefs, and the Chairman of the Joint Chiefs of Staff. I would ensure that this change is done in a way that maintains our highest state of military readiness.

MUSLIMS IN THE MILITARY

Question. Last week's fatal attack against soldiers and civilian employees at Fort Hood was allegedly carried out by a Muslim Army officer. There is a risk that heightened sensitivities arising out of this attack could lead to harassment or prejudice against Muslims in the military. Correspondingly, there have been fears expressed about the susceptibility of Muslims in uniform to arguments that current combat operations are, in effect, a war against Islam.

What is your assessment of the role that Muslims play today in our Armed Forces?

Answer. I believe that men and women of our Armed Forces volunteer to defend our Constitution and the freedoms that document afford us. Each servicemember, regardless of their faith affiliation, or the lack thereof, is pivotal to the success of our national security efforts.

Question. If confirmed, what steps, if any, would you take to address the potential for harassment against Muslims in the military and to improve the ability of the Services to identify and respond to any member who displays violent tendencies based on beliefs?

Answer. In order to safeguard the rights of servicemembers, there must be both formal and informal feedback procedures that quickly identify and assess any harassment, should it occur. Responses to grievances, or any identified shortcomings in command climate assessments, must be quick, thoughtful, and effective. If confirmed, I would review the viability of these feedback systems, and take measures to correct them as appropriate.

DIVERSITY IN THE MILITARY

Question. How do you define diversity in the Armed Forces?

Answer. In a broad context, I believe diversity is the combination of attributes from all walks of American life. Some key aspects of diversity are race, ethnicity, and gender which are the attributes most associated when we talk about "looking like America."

Question. Do you believe that achieving greater diversity is a priority for DOD?

Answer. Yes.

Question. Please describe examples in which improved diversity has led to greater organizational effectiveness in your experience.

Answer. I believe that every organization improves with more diversity. Diverse perspectives and views make organizational decisions more inclusive, effective, and successful.

Question. If confirmed, what steps would you take to ensure that continued progress toward diversity goals is achieved without violating reverse discrimination principles of law?

Answer. If confirmed, I would seek to understand the efforts of DOD to effectively promote diversity. I think that diversity is a leadership issue, so as part of my ini-

tial engagement, I would consult with the Department's senior leaders while monitoring progress toward achieving the Department's goals.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. The Department has in recent years developed comprehensive policies and procedures to improve the prevention of and response to incidents of sexual assaults, including providing appropriate resources and care for victims of sexual assault. However, numerous incidents of sexual misconduct involving military personnel in Iraq and Afghanistan are still being reported. Victims and their advocates claim that they are victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate treatment for the victim. They assert that their command fails to respond appropriately with basic medical services and with an adequate investigation of their charges followed by a failure to hold assailants accountable.

Do you consider the current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. It is my understanding that the Department has put considerable effort into the development of policies and programs designed to address sexual assault. If confirmed, I would review those policies to ensure they provide the appropriate care to victims and hold offenders accountable.

Question. What problems, if any, are you aware of in the manner in which this new confidential reporting procedure has been put into operation?

Answer. I have not been informed of any specific problems in the implementation of the confidential reporting option, called restricted reporting. I am aware that the restriction of no investigation when a victim chooses restricted reporting has concerned commanders responsible for the actions of their unit members. I believe that the Department must find a balance between victim care and offender accountability but the most important is to have victims come forward and get the support they need following an assault.

Question. What is your view of the steps the Services have taken to prevent sexual assaults in combat zones?

Answer. I do not have enough information to make an assessment at this time, but I am aware the Department has focused on educating servicemembers deploying to combat zones about how to prevent sexual assault and what to do should it occur. If confirmed, I would vigorously continue efforts to eliminate sexual assaults.

Question. What is your view of the adequacy of the training and resources the Services have in place to investigate and respond to allegations of sexual assault?

Answer. I cannot make an assessment at this time, but if confirmed, evaluating the adequacy of training and resources allocated to sexual assault investigation and response would be a top priority.

Question. If confirmed, what actions will you take to ensure senior level direction and oversight of efforts to prevent and respond to sexual assaults?

Answer. Sexual assault reaches across the Department, and as such, outreach and accountability efforts need to have the same reach. If confirmed, I would ensure that the Department has the right structure in place to engage the Departmental leadership, and the leadership of other agencies such as the Departments of Veterans Affairs, Health and Human Services, and Justice, in planning, guiding, and evaluating our efforts.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD regarding religious practices in the military?

Answer. The Department does not endorse the establishment of religion, but it does guarantee its free exercise. The Department and the Military Services ensure servicemembers may observe the tenets of their respective religions, including the right to hold no specific religious conviction or affiliation.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular articles of faith?

Answer. My understanding is that wearing particular articles of faith are permissible so long as the articles are neat and conservative, do not negatively impact the readiness, good order or discipline of the unit and the mission is not jeopardized. If confirmed, I would continue to evaluate this issue.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. Yes.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. My experience, and my belief, is that the military chaplaincy has done an admirable job in ministering amidst the pluralistic environment of the military. Even as chaplains express their faith, they and their commanders also are asked to be as inclusive as possible when ministering to an interfaith group. I believe that as a group, military chaplains work to balance these responsibilities well.

SERVICE ACADEMIES

Question. What do you consider to be the policy and procedural elements that must be in place at each of the Service Academies in order to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. I believe the Department's sexual assault and sexual harassment policies provide a foundation for combating sexual misconduct at the Service Academies. There must be policies and procedures that encourage victims to come forward and that hold offenders accountable, as well as effective training programs. It is my understanding that the academies have institutionalized prevention and response programs. I further understand that the Department reviews the efforts of the Academies annually. If confirmed, I would continue that oversight and determine whether additional measures need to be taken.

Question. What is your assessment of corrective measures taken at the U.S. Air Force Academy to ensure religious tolerance and respect, and of Air Force guidelines regarding religious tolerance that were promulgated in August 2005?

Answer. I do not have enough information to make an assessment at this time. I believe it is imperative that leaders, at all levels, must continue to ensure that every member of DOD respects the spirit and intent of laws and policies surrounding the free exercise of religion.

WOMEN IN COMBAT

Question. The expanding role of women and the implementation of women-in-combat policies in the Armed Forces is a matter of continuing interest to Congress and the American public.

Does DOD have sufficient flexibility under current law relating to women in combat to make changes to assignment policy for women when needed?

Answer. In my opinion, yes.

Question. Do you believe any changes in the current policy for women in combat are needed?

Answer. I am not aware of any changes necessary at this time. It is my understanding that Department policy and practices are reviewed on a recurring basis to ensure compliance and effective use of manpower. If confirmed, I would continue that process.

RISING COSTS OF MEDICAL CARE

Question. In testimony presented to Congress in February, 2009, the Assistant Director of the Congressional Budget Office asserted that "medical funding accounts for more than one-third of the growth projected for operations and support funding between 2009 and 2026." In April, 2009, Secretary Gates told an audience at Maxwell Air Force Base that "health care is eating the Department alive."

What is your assessment of the long-term impact of rising medical costs on future DOD plans?

Answer. I am informed that Governmental estimates indicate these costs could rise to nearly 12 percent of the DOD budget in just a few years. If confirmed, I would research means to ensure that DOD provides quality care, and it does so in a way that provides the best value for our servicemembers and their families.

Question. If confirmed, what actions would you initiate or recommend to the Secretary to mitigate the effect of such costs on the DOD top-line?

Answer. I cannot make specific recommendations at this time. If confirmed, I would work closely with our healthcare leadership in DOD to examine every opportunity to assure military beneficiaries are provided the highest quality care possible while managing cost growth and to provide that advice to the Secretary of Defense.

Question. What reforms in infrastructure, benefits, or benefit management, if any, do you think should be examined in order to control the costs of military health care?

Answer. I believe that to control the costs of military health care we need to research all possibilities. If confirmed, I would examine the costs of our direct care facilities, seeing where efficiencies can be gained and investing wisely in infrastructure requirements. In the long term, the promotion of healthy life styles and prevention among our beneficiaries will also help reduce the demand for health services.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel and related entitlement spending continues to rise and is becoming an ever increasing portion of the DOD budget.

What actions do you believe can be taken to control the rise in personnel costs and entitlement spending?

Answer. I am aware that an increasing proportion of the Department's finite resources are devoted to personnel related costs. At the same time, I believe we cannot fail to adequately provide for and support our all volunteer force and their families. This includes maintaining a sufficient rotation base for both our Active and Reserve personnel. If confirmed, I know achieving a "right sized" mix of Active Duty, Reserve, civilians, and contractors is imperative. An important part of this challenge will be striking the right balance between personnel, recapitalization, and operational and support costs, while ensuring that related entitlements are appropriate and well-reasoned.

Question. If confirmed, what actions will you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. If confirmed, I would work closely with the Services and the DOD Comptroller to monitor personnel costs and program execution throughout each year. End-strength, recruiting, and personnel movement/PCS are examples of areas where proactive management can ensure that these programs are realistically funded and minimize the scope of any end-of-year reprogramming.

Question. What is your assessment of the cost effectiveness of the Services' use of bonuses to encourage recruiting and retention?

Answer. It is my impression that recruiting and retention bonuses are cost-effective tools available to the Services in achieving strength and experience objectives. They provide an effective and easily targetable incentive without the long-term costs associated with entitlements or across-the-board incentives but they must be continually examined to ensure proper implementation and efficacy.

MENTAL HEALTH ISSUES

Question. The final report of the DOD Task Force on Mental Health, issued in June 2007, found evidence that the stigma associated with mental illness represents a "critical failure" in the military, preventing individuals from seeking needed care. The report states, "Every military leader bears responsibility for addressing stigma; leaders who fail to do so reduce the effectiveness of the servicemembers they lead." In light of increasing suicide rates in the Services and the increase in the number of servicemembers diagnosed with post-traumatic stress, it is more important than ever to ensure that servicemembers and their families have access to mental health care and that the stigma associated with seeking such care is eliminated.

In your view, what actions are necessary to alleviate this stigma?

Answer. I believe that reducing our servicemembers' reluctance to seek psychological help is at a critical juncture. If confirmed, I would work to ensure that anti-stigma efforts target command and the servicemembers. Educating leaders on the critical nature of mental health in individual readiness reinforces the importance of seeking assistance for mental health problems.

Question. What is your view of the need for revision of military policies on command notification when servicemembers seek mental health care?

Answer. I am informed that recent updates provide more explicit guidance to better balance patient confidentiality rights and the commander's right to know for operational and risk management decisions. This is a very sensitive area and if confirmed, I would favor efforts to continuously refine policies to strike the right balance between an individual's health care privacy and the commanders' responsibilities to their fellow servicemembers and to the mission.

Question. If confirmed, what actions will you take to ensure that sufficient mental health resources are available to servicemembers in theater, and to the servicemembers and their families upon return to home station?

Answer. I am generally aware of the Department's recent efforts to determine workforce requirements necessary to meet the mental health needs of our servicemembers and their families. Achieving the military and civilian workforce

goals and fully utilizing all the medical, educational, and counseling resources at the Department's disposal will help meet these critical needs.

OFFICER MANAGEMENT ISSUES

Question. If confirmed as the Under Secretary of Defense for Personnel and Readiness, you would have significant responsibilities with regard to officer management policies, the promotion system, and recommending officers for nomination to positions of authority and responsibility.

Do you believe the current DOD procedures and practices for reviewing the records of officers pending nomination by the President are sufficient to ensure the Secretary of Defense and the President can make informed decisions?

Answer. Yes.

Question. Are these procedures and practices fair and reasonable for the officers involved?

Answer. Yes.

Question. If confirmed, what changes, if any, would you make to the officer management system?

Answer. I have no specific recommendations at this time. If confirmed, I would make an assessment of the officer management system a priority.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination for promotion.

If confirmed, what role would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. If confirmed, I would ensure all procedures and practices regarding general and flag officer nominations allow the leadership to thoroughly vet all officer records and enable the Department to nominate the best qualified officers for consideration by the President.

Question. What is your understanding of the ability of the Services to timely document credible information of an adverse nature for evaluation by promotion selection boards and military and civilian leaders?

Answer. I genuinely and fully appreciate the importance of fully considering credible adverse information during the evaluation of military candidates for advancement. If appointed, I would make certain that these procedures are viable and strong, and that the Secretary of Defense and the President have all the information on nominations required to make a fully informed decision.

Question. If confirmed, what steps will you take to ensure that only the best qualified officers are nominated for promotion to general and flag officer rank?

Answer. If confirmed, I would ensure the most careful review of all general and flag officer nominations at the highest levels of the military and civilian leadership of the Department. Nominations including adverse or alleged adverse information should be intensely scrutinized.

TECHNICAL TRAINING OF GENERAL AND FLAG OFFICERS

Question. Do you believe that the appropriate numbers of general officers in the Military Services have advanced training and degrees in scientific, acquisition, and technical disciplines, and that career paths for officers with technical skills are appropriate, so as to ensure that the Department can better execute complex acquisition programs, adapt to a rapidly changing technological threat environment, and make informed investment decisions of DOD resources?

Answer. Although I cannot make a detailed assessment, I believe the Department must sustain officer development programs that are responsive to ever-changing and emerging needs. This imperative is particularly acute in the technical, scientific, and acquisition arenas. If confirmed, I would work with the Department's senior leaders to create a responsive personnel and training program.

Question. If not, what will you do to address this deficiency?

Answer. Identifying appropriate skills and education to maintain currency in the technological threat environment is a continuous process. If confirmed, I would aggressively seek to ensure that human resource policies and practices are fully adaptable to the needs of the Nation in this dynamic, and often complex, environment.

READINESS RESPONSIBILITIES

Question. Section 136 of title 10, U.S.C., gives the Under Secretary of Defense for Personnel and Readiness certain responsibilities for military readiness. Some important issues that affect military readiness, however, such as logistics and materiel readiness, have been placed under the jurisdiction of the Under Secretary for Acquisition, Technology, and Logistics. Furthermore, the secretaries of the Military Services have the title 10 responsibilities for most readiness issues including training, equipping, and maintaining the military forces.

If confirmed, where would the readiness responsibilities of these other officials end, and where would your readiness responsibilities begin?

Answer. I view the responsibilities of the Under Secretary for Personnel and Readiness as to advise the Secretary on all matters of readiness. These include oversight of military training, personnel and medical readiness, and the analysis of broad mission assessments from the combatant commanders to the readiness of key units in support of the Secretary's deployment decisions. As for readiness responsibilities across the Department, if confirmed, I would work collaboratively with OSD, Joint Staff, and Service colleagues to ensure our forces are ready to execute the National Military Strategy.

Question. What specific readiness issues would you and your subordinates be assigned?

Answer. That would depend on the type of readiness issues. If confirmed, I would direct the readiness staff to focus on the identification of readiness and training issues. For those identified, the action would be taken up by the appropriate lead within the Department. For example, personnel retention issues would be addressed by the military personnel policy and our Military Service partners. Other issues, such as H1N1 response, would be led by the ASD for Health Affairs, leaders at NORTHCOM and in the interagency.

Question. Would you recommend any changes to the current organization to more effectively align some of these responsibilities?

Answer. Not at this time.

Question. In 1999, Congress required the Department to develop and implement a new readiness reporting system, uniformly applied, which would provide decision makers with more accurate and reliable assessments and data regarding the actual capabilities and readiness of U.S. forces. In June 2002, DOD issued a directive establishing the Defense Readiness Reporting System (DRRS) and requiring that all military departments align their readiness reporting processes with DRRS. Since then, DOD and the Services have taken a number of developmental steps, but DRRS is not yet fully operational and aligned with the Services' reporting processes. According to a Government Accountability Office study released in September 2009, entitled "DOD needs to strengthen management and oversight of the DRRS" (GAO–09–518), the Department has yet to successfully plan, organize, resource, and execute relevant or necessary interoperability, user, and other tests to validate DRRS for deployment as the Department's readiness reporting system replacement.

In your view, what is the importance to the mission and activities of the Department of an accurate, reliable, and timely system for the measurement and reporting of the readiness of military forces?

Answer. I believe the Department needs accurate and timely readiness assessments of military forces. These are the gauge by which we measure the ability to execute the missions assigned by the President and Secretary of Defense. Accurate assessments allow the Department to effectively plan and manage its forces, and signal where capability shortfalls exist or assets are needed.

Question. What is your understanding and assessment of the Department's current readiness reporting systems, the DRRS program, and the progress made to date developing and deploying DRRS? If confirmed, what actions, if any, would you direct to improve the development and deployment of DRRS?

Answer. I do not have detailed knowledge on the current situation, but it is my understanding the DRRS effort is focused toward establishing accurate mission assessments from our combatant commanders and the Military Services. If confirmed, I would personally review DRRS implementation to ensure we are meeting the needs of the senior leadership and a unity of effort across the Department to drive this important effort to a fully operational capability.

ACTIVE-DUTY END STRENGTH

Question. In the recently enacted NDAA for Fiscal Year 2010, Congress authorized higher Active-Duty end strengths for all the Services.

In your view, what is the appropriate Active-Duty end strength for each of the Services?

Answer. I cannot make an informed assessment at this time. I believe strongly that our forces, both Active and Reserve, must be large enough to not only satisfy deployed demands, but also have a rotation base that recognizes the personal needs of our volunteers and their families. If confirmed, I would devote considerable attention to this important issue.

Question. What challenges will the Services face in maintaining these higher end strengths?

Answer. Foremost, the challenge of monitoring and responding to retention and recruiting trends, especially as the economy improves. Recruiting challenges could include education level, aptitude, weight, and medical issues that render a number of potential recruits ineligible.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. DOD continues to face significant shortages in critically needed military medical personnel in both the Active and Reserve components. The committee is concerned that growing medical support requirements will compound the already serious challenges faced in recruitment and retention of military medical, dental, nurse, and behavioral health personnel.

If confirmed, will you undertake a comprehensive review of the medical support requirements for DOD and the sufficiency of the plans to meet recruiting and retention goals in these specialties?

Answer. Yes.

Question. What legislative and policy initiatives, including bonuses and special pays, do you think may be necessary to ensure that the Military Services can continue to meet medical support requirements?

Answer. Although I do not have any specific recommendations at this time, I believe there may be a need for more flexible recruiting and retention strategies such as the recently granted authority to use bonuses and special pays as needed to recruit, hire, and retain medical specialties.

DWELL TIME

Question. For many military members, dwell time goals are not being met, and recent testimony suggests that dwell time will not improve appreciably over the next 12–18 months.

In your view, what can be done to increase dwell time for both Active and Reserve component members, and when will these improvements be seen?

Answer. From my perspective the largest impact to dwell time will come from the balance of the drawdown in Iraq and the President's upcoming decision on the force plans for Afghanistan. Increases in end strength for the Army, the Marine Corps, and Special Operations Forces over the past several years should translate into dwell times increasing.

Question. In your view, would additional Army end strength in 2011 or 2012 improve dwell time ratios and reduce stress on the force, and if so, what numbers of Active and Reserve component members would be necessary?

Answer. I do not have enough information to make an assessment at this time. I would defer to the analysis of the Quadrennial Defense Review as to whether current end strength increases are sufficient in light of anticipated strategy and projected needs.

OPERATIONAL AND PERSONNEL TEMPO

Question. Section 136 of title 10, U.S.C., states that the Under Secretary of Defense for Personnel and Readiness, subject to the authority, direction, and control of the Secretary of Defense, is responsible for the monitoring of operations and personnel tempo of the Armed Forces, and to establish uniform standards, where practicable, for the deployment of personnel.

In your view, how will shifting resources from Iraq to Afghanistan affect personnel tempo and dwell time ratios?

Answer. The Iraq drawdown should increase the dwell time for our units as fewer forces will need to be deployed. How much this would increase dwell time depends on the level of forces needed for Afghanistan. There will be more clarity on this issue when the strategy and commensurate force plans for Afghanistan are finalized.

Question. In your view, what will be the effect on recruiting, retention, and readiness of the Army and Marine Corps of the current rates of operations and personnel tempo through 2010?

Answer. I do not have enough information to assess the impacts on readiness. It is my understanding that current rates of operations and personnel tempo have not

negatively impacted recruiting and retention. If confirmed, I would monitor these areas carefully as the Department's recent successes may be due to current economic factors.

Question. In your judgment, what would be the impact on the current rates of operations and personnel tempo of assigning principal responsibility for crisis and consequence management for natural, domestic disasters to Reserve component forces?

Answer. I cannot make an informed assessment at this time. If confirmed, I would certainly study this matter closely.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. Over the past 8 years, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Numerous problems arose in the planning and procedures for mobilization and demobilization, e.g., inadequate health screening and medical readiness, monitoring, antiquated pay systems, limited transition assistance programs upon demobilization, and lack of access to members of the Individual Ready Reserve. Reserve Force management policies and systems have been characterized in the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. It is my understanding that improvements have been made in increasing the alert and mobilization times prior to mobilization; however, we need to ensure that we provide predictability to servicemembers, their families and employers. If confirmed, I would monitor this issue as I believe strongly that National Guard and Reserve personnel deserve first-class mobilization and demobilization procedures, health screening, and transition assistance programs.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. It is my understanding that one of the most significant enduring changes is in the implementation of service force generation plans, which have transitioned many of the Reserve components into an operational force. This enables units to train for a mission prior to mobilization and deploy and redeploy on a predictable time line.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. Not at this time. If confirmed, I would review existing authorities and determine if any modifications are necessary.

Question. Do you believe that National Guard and Reserve personnel should be mobilized to perform duties that should more appropriately be assigned to civilians deployed to Afghanistan?

Answer. I do not have detailed knowledge on this matter, but it is my understanding that some Guard and Reserve personnel have been utilized to provide a bridge to meet immediate operational needs until more civilians are available to respond to the requirements.

MEDICAL AND DENTAL READINESS OF THE RESERVES

Question. Medical and dental readiness of Reserve component personnel has been an issue of significant concern to the Committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the Reserves?

Answer. I do not have any recommendations at this time. If confirmed, I would review these reporting responsibilities and recommend changes as appropriate.

Question. How would you improve upon the Department's ability to produce a healthy and fit Reserve component?

Answer. I do not have specific recommendations at this time, but I believe strongly that command emphasis and individual accountability must be in place for producing and maintaining a healthy and fit force. Both medical and dental readiness requires senior level attention and direction.

LESSONS LEARNED

Question. What do you believe are the major lessons learned from Operation Enduring Freedom and Operation Iraqi Freedom which you would seek to address if confirmed as Under Secretary of Defense for Personnel and Readiness?

Answer. Our Nation's Total Force is a combination of interrelated components: Active, Reserve, and civilian, and all are necessary for a successful campaign. Success also depends on the care given to those deployed and to their families as we keep the trust of our Nation by properly caring for our warriors and their families. We must ensure that the force is adaptive in acquiring necessary skills, such as foreign language capability to meet today's missions.

DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE

Question. Some survivors of Prisoners of War (POW)/Missing in Action (MIA) military personnel and their advocates allege that insufficient attention and resources are being committed to recovery of U.S. personnel missing from conflicts from World War II to the present.

In view of the mission of Defense Prisoner of War/Missing Personnel Office (DPMO), do you think that this organization, as well as the Joint POW/MIA Accounting Command should receive greater resources in terms of personnel and budget than is currently the case?

Answer. The DPMO is under the purview of USD(Policy), and I respectfully defer to USD Flournoy on the appropriate levels of personnel and budget to support DPMO's mission.

Question. Do you believe the Under Secretary of Defense for Personnel and Readiness should have a larger role in the oversight of the POW/MIA accounting community?

Answer. DPMO has an important mission that I fully support. If confirmed, I would work closely with USD(Policy) to provide any assistance she may need from me.

MILITARY QUALITY OF LIFE

Question. In January 2009, the Department published its second Quadrennial Quality of Life Review, which focused on the importance of key quality of life factors for military families, such as family support, child care, education, health care and morale, welfare, and recreation services.

How do you perceive the relationship between quality of life improvements and your own top priorities for military recruitment and retention?

Answer. Quality of life efforts impact the recruitment and retention of military personnel and are key to maintaining the All-Volunteer Force. Satisfaction with various aspects of military life by the servicemember and the family affects members' decision to reenlist. If confirmed, I would assess how effectively our programs meet the needs of servicemembers and their families, and ensure that they are contributing positively to recruitment, retention, and readiness.

Question. If confirmed, what further enhancements to military quality of life would you make a priority, and how do you envision working with the Services, combatant commanders, family advocacy groups, and Congress to achieve them?

Answer. I would aggressively pursue the President's agenda to improve quality of life for military families by focusing our efforts on identifying the clearest possible understanding of the needs of our force and their families, and rapidly responding to gaps or shortfalls with quality programs. We must communicate effectively to ensure families know how to access available support when they need it.

FAMILY SUPPORT

Question. Military members and their families in both the Active and Reserve components have made, and continue to make, tremendous sacrifices in support of operational deployments. Senior military leaders have warned of growing concerns among military families as a result of the stress of frequent deployments and the long separations that go with them.

What do you consider to be the most important family readiness issues for servicemembers and their families, and, if confirmed, how would you ensure that family readiness needs are addressed and adequately resourced?

Answer. If confirmed, I would make family readiness issues one of my top priorities. I would prioritize and resource appropriately quality physical and mental healthcare, spouse career assistance, childcare, other elements of dependant support, and education needs.

Question. How would you address these family readiness needs in light of global rebasing, BRAC, deployments, and growth in end strength?

Answer. If confirmed, I would continue the Department's current approach to identify and address family readiness needs, to gather information from commands, servicemembers and families, professional organizations, and researchers about these and other stressors.

Question. If confirmed, how would you ensure support to Reserve component families related to mobilization, deployment and family readiness, as well as to Active Duty families who do not reside near a military installation?

Answer. If confirmed, I would ensure that the Department's Yellow Ribbon Program is properly focused and funded to address the issues faced by members of the Guard, Reserve, and their families. The program should provide information, access, referrals, and outreach to military members and their families. This needs to be underwritten by a coordinated, community based network of care encompassing DOD, VA, State, local, and private providers. My goal would be a full range of services available to Active, Guard, and Reserve members and their families.

Question. If confirmed, what additional steps will you take to enhance family support?

Answer. If confirmed, I would encourage the implementation of flexible family support programs that meet the needs of our servicemembers and their families whether they live on military installations, near military installations, or far from military installations.

ACCESS TO HEALTH CARE

Question. As evidenced in a family support hearing held by the Subcommittee on Personnel earlier this year, one of the major concerns for military family members is access to health care. Military spouses told the Subcommittee that the health care system is inundated, and those stationed in more remote areas may not have access to adequate care.

If confirmed, what steps would you take to ensure complete access to health care for the families of servicemembers?

Answer. If confirmed, I would strive to deliver on our obligation to fully support the families of our servicemembers with a health care organization that anticipates and meets all of their health care needs with an accessible, top quality system that puts the patient and family at the center of its focus.

OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Question. In the NDAA for Fiscal Year 2010 (section 563), Congress required the establishment of an Office of Community Support for Military Families With Special Needs within the Office of the Under Secretary of Defense for Personnel and Readiness. The purpose of this office is to enhance and improve DOD support for military families with special needs, be they educational or medical in nature.

In your view, what should be the priorities of this Office of Community Support for Military Families With Special Needs?

Answer. If confirmed, I would support the establishment of this office and work with the Services to identify and make available those programs that already exist that can provide special services to this population. Medical and education programs for military families with special needs would be a high priority for me.

Question. If confirmed, how would you ensure outreach to those military families with special needs dependents so they are able to get the support they need?

Answer. If confirmed, I would ensure increased communication effort to reach families with special needs, to include base newspapers, commissaries and exchanges, childcare centers and youth facilities, DOD schools, and a variety of DOD and Service Web sites, blogs, and social media outlets.

MEDICAL RESEARCH PROGRAMS

Question. What do you see as the highest priority medical research investment areas for DOD?

Answer. I believe the highest priorities are to address critical research capability gaps related to the treatment and recovery of wounded warriors, such as the diagnosis and treatment of Traumatic Brain Injury, Post Traumatic Stress Disorder. and other elements of combat-related stress, development of improved prosthetics, treatment of eye injury, and other deployment and battlefield-related injuries.

Question. If confirmed, how will you assess the amount of investment made in these research areas to determine if they are sufficient to meet DOD goals and requirements?

Answer. If confirmed, I would review the current research portfolio to ensure it prioritizes and resources research appropriately.

Question. How will you ensure that DOD medical research efforts are well coordinated with similar research programs within the private sector, academia, the Services, the Department of Veterans Affairs, and the National Institutes of Health?

Answer. If confirmed, I would support coordination efforts to ensure that research is being conducted jointly, building on and partnering with industry, academia, and

other Government agencies to ensure the greatest return to our warfighters. I am aware that joint technology coordinating groups have been established to engage with those partners to ensure that our research reflects the best interests of our soldiers, sailors, airmen, and marines.

Question. How will you ensure that new medical technologies (including drugs and vaccines) are independently and adequately tested before their use by DOD organizations and personnel?

Answer. If confirmed, I would ensure that the Department applies the highest standards of the Food and Drug Administration (FDA) to ensure new medical technologies, drugs, and vaccines are safe and effective before they are adopted for use in the Department.

Question. What are your biggest concerns related to the DOD medical research enterprise?

Answer. Although I do not have detailed knowledge of the entire research portfolio, I am especially interested in ensuring the responsiveness of the research program to medical readiness and our warfighters medical needs.

TRICARE SUPPORT CONTRACTS

Question. TRICARE managed care support contracts are among the largest service support contracts in DOD, and are a critical element of ensuring access to health care for DOD's 9.3 million beneficiaries. After months of delay, three vendors were selected for performance under the so-called T–3 TRICARE contracts, however, GAO has sustained protests filed in two of these contracts. If confirmed, large health care and information technology contracts and acquisitions will be under your purview.

How will you assess the adequacy and appropriateness of the Office of P&R's acquisition and contracting processes, and what steps would you take to improve them?

Answer. I am informed that care for all DOD beneficiaries will continue without interruption under extensions of the Department's current TRICARE contracts. If confirmed, I would conduct a review of the existing acquisition workforce to ensure that they are properly trained and staffed, understand their responsibilities, and are aligned within the organization in accordance with the principles and guidelines from the Office of Management and Budget (OMB) and the Department, as well as good management practices. I would also evaluate the existing policies and processes governing the contracting for DOD health care and complementary products to determine if the Department is leveraging the best practices of government and industry in meeting these acquisition challenges. Finally, I would partner with subject matter experts in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics to seek their ideas and support to implement these solutions.

ARMED FORCES RETIREMENT HOME

Question. Although defined as an independent Government entity, the Armed Forces Retirement Home (AFRH) is subject to the authority, direction and control of the Secretary of Defense. As such, the committee expects oversight of not only the quality of operations of the AFRH in serving our Nation's veterans, but also prudent business planning for its future financial viability.

If confirmed, what would be your relationship with the Chief Operating Officer (COO) of the AFRH?

Answer. The Secretary of Defense has delegated oversight responsibilities to the USD(P&R) and the PDUSD(P&R). These responsibilities include the appointment, performance evaluation, and compensation of the COO, appointment of the Home(s) Directors, Deputy Directors, Associate Directors, and members of the local Board(s) of Trustees. If confirmed. I would exercise oversight responsibilities and ensure medical care and retirement community services meet or exceed those established in law. I would ensure the local Board(s) of Trustees operate consistently with statute, provide guidance to the COO and Directors of the facilities, and provide me with an annual assessment of all aspects of AFRH. I would ensure health care accreditation is maintained and all findings from the recently completed DOD Inspector General (IG) comprehensive management and medical services inspection are resolved. I would also ensure staff and resident concerns are addressed through climate assessments and frequent monitoring of AFRH and DOD IG hotline complaints and I would be responsive to all complaints to ensure appropriate corrective action is taken.

Question. What is your view of the challenges that the Department faces in ensuring the highest quality service and care for veterans, as well as ensuring the future viability of the home in challenging economic times?

Answer. If confirmed, the highest quality of care and services for residents would be a primary focus of mine. I would maintain accreditation by the Commission on Accreditation of Rehabilitation Facilities and Continuing Care Accreditation Commission (CARF/CCAC) for independent, assisted living and long-term care.

It is my understanding that one of the biggest challenges in 2010 will be the opening of a new facility in Gulfport, MS, with resident occupancy beginning in October. Another significant project is approved for 2010 construction at AFRH–Washington.

MORALE, WELFARE, AND RECREATION

Question. Morale, Welfare, and Recreation (MWR) programs are critical to enhancement of military life for members and their families, especially in light of frequent and lengthy deployments. These programs must be relevant and attractive to all eligible users, including Active Duty and Reserve personnel and retirees.

What challenges do you foresee in sustaining MWR programs and, if confirmed, what improvements would you seek to achieve?

Answer. From my own military experience, I know that commanders have long appreciated the benefits of strong MWR programs so critical to Espirit de Corps, stress reduction, and personal health and well-being. Although there are very extensive installation MWR facilities and programs, I believe there is an immediate challenge in ensuring that MWR programs for our deployed forces meet their needs. In the longer term, I believe the Department needs to understand what programs are valued by servicemembers and their families in order to make wise investments. In addition, there is a need to understand where gaps exist. The MWR customers need to be involved in expressing their needs and satisfaction with our programs and policies. If confirmed, these are all areas I would aggressively pursue.

COMMISSARY AND MILITARY EXCHANGE SYSTEMS

Question. Commissary and military exchange systems are critical quality of life components for members of the Active and Reserve Forces and their families.

What is your view of the need for modernization of business policies and practices in the commissary and exchange systems, and what do you view as the most promising avenues for change to achieve modernization goals?

Answer. The commissary and exchange operate within a broad structure of military community and family support programs and policies that have a profound impact on the military quality of life and standard of living. The commissary and exchange programs and policies must continue to evolve to meet the needs and expectations of our changing force and a changing marketplace. We need to ensure commissaries and exchanges provide the necessary support for today's total military force.

I believe management efforts should be aimed at reducing overhead and pursuing new avenues to reach our military families who do not live on military installations. The commissary system should deliver customer savings and also achieve high satisfaction ratings.

The military exchange resale community must continue to work, individually and collaboratively, to adapt marketing and selling practices, invest in technologies, and improve merchandise availability to be more responsive to military customers.

Question. In the Ronald W. Reagan NDAA for Fiscal Year 2005, Congress required the Secretary of Defense to establish an executive governing body for the commissary and exchange systems to ensure the complementary operation of the two systems.

What is your understanding of the purpose, composition and performance of the executive governing body?

Answer. The Department established the DOD Executive Resale Board as the governing body to provide advice to the USD(P&R) regarding the complementary operation of the commissary and exchange systems. The Board works to resolve issues and has been instrumental in pursuing matters of mutual benefit to the elements of the military resale system. The Board is chaired by the PDUSD(P&R), and members include both the senior military officers and civilians who oversee and manage the commissary and exchanges systems.

Question. If confirmed, what would your role be with respect to the governing body, and what would your expectations be for its role?

Answer. The Secretary designated the PDUSD(P&R) as the chairperson of the Executive Resale Board. If confirmed, I would ensure the Board would continue to meet regularly to review operational areas of mutual interest to the commissary and exchange systems.

CIVILIAN PERSONNEL SYSTEMS

Question. Section 1113 of the NDAA for Fiscal Year 2010 repealed the statutory authority for the National Security Personnel System (NSPS), and required that all NSPS employees be converted to other personnel systems by no later than January 1, 2012.

If confirmed, will you ensure that NSPS employees are converted to other personnel systems as quickly as practical, and with as little disruption to their organizations and their work as possible?

Answer. Yes.

Question. Section 1113 also provides DOD with extensive personnel flexibilities for its civilian employees that are not available to other agencies. In particular, section 9902(a) of title 5, U.S.C., as added by section 1113, directs the Department to establish a new performance management system for all of its employees. Section 9902(b) directs the Department to develop a streamlined new hiring system that is designed to better fulfill DOD's mission needs, produce high-quality applicants, and support timely personnel decisions.

What experience have you had in the development and implementation of civilian human resource management systems?

Answer. During my military career, I worked extensively with both military and civilian human resource systems, particularly when I served at Marine Corps Headquarters for Manpower and Reserve affairs and also as the Commanding General of Marine Corps Air Ground Combat Center at Twentynine Palms, CA. During my tenure at the Center, we were honored to receive the Department of the Navy's Nathaniel Stinson Equal Employment Opportunity Award. As the President of Scholarship America, I worked extensively at addressing human resource challenges.

Question. Do you agree that DOD's civilian employee workforce plays a vital role in the functioning of the Department?

Answer. Yes.

Question. What is your view of the personnel flexibilities provided by section 1113?

Answer. I understand these flexibilities have been provided by Congress to better enable the Department to meet its mission requirements. If confirmed, I would explore these flexibilities and work to implement those that would best support the Department's mission and the well-being of the workforce.

Question. If confirmed, will you make it a priority to implement these flexibilities in a manner that best meets the needs of the Department and promotes the quality of the Department's civilian workforce?

Answer. Yes.

Question. How will you approach this task?

Answer. If confirmed, I would work to assess which flexibilities more effectively support mission accomplishment, while addressing the well-being of the workforce. I would ensure these flexibilities are implemented in an expeditious, fair, and transparent manner. Furthermore, I would establish assessment criteria and conduct periodic assessments to ensure the flexibilities are meeting the stated objectives.

Question. Section 1112 of the NDAA for Fiscal Year 2010 directs the Department to develop a Defense Civilian Leadership Program to recruit, train, and advance a new generation of civilian leaders for the Department. Section 1112 provides the Department with the full range of authorities available for demonstration programs under section 4703 of title 5, U.S.C., including the authority to compensate participants on the basis of qualifications, performance, and market conditions. These flexibilities are not otherwise available to DOD.

Do you agree that the Department needs to recruit highly qualified civilian personnel to meet the growing needs of its acquisition, technical, business, and financial communities?

Answer. Yes.

Question. In your view, has the existing civilian hiring process been successful in recruiting such personnel and meeting these needs?

Answer. Although I believe the Department currently has a highly talented workforce, I wholeheartedly support the initiatives to streamline and reform the civilian hiring process. There is much work to be done in this area, and if confirmed, I would ensure that the Department is actively engaged in the Government-wide initiative to reform civilian hiring and aggressively pursues improvements within the Department.

Question. If confirmed, will you make it a priority to implement the authority provided by section 1112 in a manner that best meets the needs of the Department and promotes the quality of the Department's civilian workforce?

Answer. Yes.

HUMAN CAPITAL PLANNING

Question. Section 115b of title 10, U.S.C., as added by section 1108 of the NDAA for 2010 requires the Secretary of Defense to develop and annually update a strategic human capital plan that specifically identifies gaps in the Department's civilian workforce and strategies for addressing those gaps. Section 115b requires that the plan include chapters specifically addressing the Department's senior management, functional, and technical workforce and the Department's acquisition workforce.

Would you agree that a strategic human capital plan that identifies gaps in the workforce and strategies for addressing those gaps is a key step toward ensuring that the Department has the skills and capabilities needed to meet future challenges?

Answer. Yes.

Question. Do you see the need for any changes in the requirements of section 115b, regarding the requirement for a strategic human capital plan?

Answer. I have no recommendations at this time. If confirmed, I would look at the strategic human capital planning that the Department has conducted over the past years against the section 115b requirements to determine if any changes may be needed to improve the Department's overall workforce planning effort.

Question. If confirmed, will you ensure that DOD fully complies with these requirements?

Answer. Yes.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. In recent years, DOD has become increasingly reliant on services provided by contractors. Over the past 8 years, DOD's civilian workforce has remained essentially unchanged in size. Over the same period, the Department's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result of the explosive growth in service contracts, contractors now play an integral role in the performance of functions that were once performed exclusively by government employees, including the management and oversight of weapons programs, the development of policies, the development of public relations strategies, and even the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Federal employees.

Do you believe that the current balance between civilian employees and contractor employees is in the best interests of DOD?

Answer. If confirmed, I would support the Secretary's initiative announced with the fiscal year 2010 budget to reduce the number of support service contractors from the current 39 percent of the workforce to the pre-2001 level of 26 percent. I believe the desired outcome of the Department's in-sourcing initiative is a balanced total workforce of military, Government civilians, and contractor personnel that appropriately aligns functions to the public and private sector, and results in the best value for the taxpayer.

Question. In your view, has DOD become too reliant on contractors to perform its basic functions?

Answer. If confirmed, I would support the Department's ongoing efforts to critically examine currently contracted functions. Striking a balance between Government and contractor performance that ensures uncompromising Government control of critical functions, while providing best value to the taxpayer, is imperative.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of DOD?

Answer. I cannot make an informed assessment at this time. It is my understanding that, as part of the Department's in-sourcing initiative, all contracts for Services will be reviewed to ensure unauthorized personal services are not being provided.

Question. Do you believe that DOD should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. I am informed that the Office of Management and Budget is reviewing the definition of "inherently governmental" function and the manner in which agencies identify critical functions to be performed by Federal employees. If confirmed, I would review the OMB study and evaluate if a reappraisal of the Department's critical and "inherently governmental" functions is required.

Question. If confirmed, will you work with other appropriate officials in DOD to address these issues?

Answer. Yes.

ACQUISITION WORKFORCE

Question. Over the past 15 years, DOD has dramatically reduced the size of its acquisition workforce, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet current and future needs. Since September 11, 2001, moreover, the demands placed on that workforce have substantially increased. Section 852 of the NDAA for Fiscal Year 2008 established an Acquisition Workforce Development Fund to help DOD address shortcomings in its acquisition workforce. The fund would provide a minimum of $3 billion over 6 years for this purpose.

Do you believe that DOD acquisition workforce is large enough and has the skills needed to perform the tasks assigned to it?

Answer. No. If confirmed, I would fully support the Secretary's goal to add approximately 20,000 acquisition workforce professionals to the Department over the next 5 years.

Question. Do you support the use of the DOD Acquisition Workforce Development Fund to ensure that DOD has the right number of employees with the right skills to run its acquisition programs in the most cost effective manner for the taxpayers?

Answer. Yes.

LABORATORY PERSONNEL DEMONSTRATION PROGRAM

Question. The laboratory demonstration program founded on section 342 of the NDAA for Fiscal Year 1995 as amended by section 1114 of the NDAA for Fiscal Year 2001, section 1107 of the NDAA for Fiscal Year 2008, section 1108 of the servicemember for Fiscal Year 2009, and section 1105 of the NDAA for Fiscal Year 2010, paved the way for personnel management initiatives and new flexibilities at the defense laboratories. These innovations have been adopted in various forms throughout other DOD personnel systems.

If confirmed, will you fully implement the laboratory demonstration program and the authorities under these provisions?

Answer. Yes.

Question. If confirmed, will you ensure that the directors of the defense laboratories are provided the full range of personnel flexibilities and authorities provided by Congress?

Answer. Yes.

SCIENTIFIC AND TECHNICAL WORKFORCE

Question. Do you feel that DOD's research and technology organizations (e.g., DARPA, laboratories, and technical centers) have sufficiently innovative and flexible personnel systems to enable them to compete successfully to hire a very limited pool of clearable scientists and engineers in the face of competition from industry, academia, federally funded R&D centers, and other Federal (non-DOD) laboratories?

Answer. I cannot make an informed assessment at this time. If confirmed, I would explore with DOD's research and technology organizations whether they have the flexibilities they need to compete successfully for the scientists and engineering talent and to address shortfalls, as appropriate.

Question. What new personnel system innovations and flexibilities would you delegate to DOD technical organizations to enable them to better compete for technical talent?

Answer. Although I have no recommendations at this time, if confirmed, I would explore with the DOD technical organizations the additional flexibilities they may need to better enable them to meet their mission requirements.

DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM

Question. Section 1114 of the NDAA for Fiscal Year 2010 suspends the implementation of the Defense Civilian Intelligence Personnel System (DCIPS) for 1 year, and requires that a review of DCIPS be conducted by an independent organization.

What is your view of DCIPS?

Answer. I do not have detailed knowledge of the program. I am informed that an independent review of DCIPS will be undertaken shortly and, if confirmed, I would look forward to the results of that review.

Question. If confirmed, will you ensure that the independent review required by section 1114 is carried out as required, and is used to guide the Department's decisions on the further implementation of DCIPS?

Answer. Yes.

FOREIGN LANGUAGE PROFICIENCY

Question. A Foreign Language Transformation Roadmap announced by the Department on March 30, 2005, directed a series of actions aimed at transforming the Department's foreign language capabilities, to include revision of policy and doctrine, building a capabilities based requirements process, and enhancing foreign language capability for both military and civilian personnel.

In your view, what should be the priorities of the Federal Government to expanding the foreign language skills of civilian and military personnel and improving coordination of foreign language programs and activities among the Federal agencies?

Answer. DOD is the Nation's largest employer of personnel with foreign language skills, both civilian and military. If confirmed, I would support efforts to educate a broader pool of Americans with skills in critical languages. I believe the Nation must build a globally-competent workforce by educating a larger pool of language and internationally competent high school and college graduates from which DOD and other Federal Government agencies can recruit.

Question. If confirmed, what steps would you take to identify foreign language requirements, and to design military and civilian personnel policies and programs to fill those gaps?

Answer. It is my understanding that the Department is currently engaged in building programs to address the need for language capability in its forces and its civilian workforce. If confirmed, I would work with the Joint Staff and the military departments to ensure that requirements are identified within the force, and that training, education, and personnel management programs are designed to meet those requirements.

Question. What is your assessment of an appropriate time frame within which results can be realized in this critical area?

Answer. If confirmed, I would support efforts to build foundational language capability within the Department. Language acquisition, particularly at advanced levels, takes a considerable amount of time, this is particularly true in the more difficult languages. To improve language proficiency and regional expertise in the officer corps, the Department needs to start early in servicemembers' careers and grow capability over time.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. The Department and the Services continue to work toward adoption of Defense Integrated Military Human Resources System (DIMHRS) as a cross-service, fully integrated personnel and pay system. Under the proposed timeline, the Army is the first in line to launch DIMHRS, with the Air Force, Navy, and Marine Corps to follow. Recent reports indicate technical difficulties have postponed the Army's launch date.

What is your assessment of the need for an integrated, cross-Service personnel and pay system?

Answer. The functional needs that formed the basis for DIMHRS still exist. However, it is my understanding that each service will be allowed to build their own integrated, personnel and pay systems using the original DIMHRS configured software investment to the maximum extent practical. If confirmed, I would assess this plan to ensure that it meets DOD's needs.

Question. What metrics would you use to assess the Department's and Services' progress in developing and deploying DIMHRS?

Answer. I believe the best metrics for determining success are improved accuracy and timeliness of military compensation and better tracking of our servicemembers as they change status from Active to Reserve/Guard, and possibly back, and compliance with policies and laws governing personnel and pay eligibility.

Question. What is the status of the implementation of DIMHRS?

Answer. I do not have details of the status of DIMHRS, but it is my understanding that since implementation of DIMHRS is now a service responsibility, there are specific implementation plans or schedules for each service. If confirmed I intend to closely monitor each service's progress and implementation.

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place?

Answer. I do not have any recommended changes at this time. If confirmed, I would review and assess the current schedule and process.

Question. If confirmed, what role do you plan to play in oversight over and direction of Service efforts to develop and deploy DIMHRS?

Answer. The USD(P&R) is responsible and accountable for any system whose primary purpose is Human Resources Management (HRM) activities within the DOD. If confirmed I would review and assess the current direction and effort the Services are taking in development and deployment of their respective systems. I would actively participate in the governance structure to include the NDAA 2010 mandated DIMHRS Transition Council and would focus on compliance with enterprise standards the individual service systems must support.

GI BILL BENEFITS

Question. Last year Congress passed the post-September 11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on Active Duty since September 11. The maximum benefit would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of the post-September 11 Veterans Educational Assistance Act on recruiting and retention of servicemembers?

Answer. The post-September 11 GI Bill only became effective on August 1, 2009, so it is premature to fully gauge the impact of the post-September 11 GI Bill on either recruiting or retention. If confirmed, I would monitor the effects of the implementation of this act very closely.

Question. What is your view of the effectiveness of the transferability provisions contained in the act on retention of mid- and late-career servicemembers?

Answer. Since participation requires substantial time in service, and a commitment to additional service, the impact promises to be positive, even though it has just begun. I am informed that almost 80,000 career servicemembers have taken advantage of this provision. If confirmed, I would monitor the effects of the provisions of this act very closely.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. The Department recently completed work on the 10th Quadrennial Review of Military Compensation (QRMC), releasing Volume I of its report in February 2008 and Volume II in July 2008. Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employee Retirement System than the current military retirement benefit; increasing TRICARE fees for retirees; and the adoption of dependent care and flexible spending accounts for servicemembers.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. I have not reviewed this report in detail, but I know that one of its major recommendations was the consolidation of special and incentive pays—a provision already enacted and now being implemented.

It is my understanding that the 10th QRMC explored and examined alternatives to the current compensation system and proposed alternatives for the Department to consider. If confirmed, I look forward to reviewing this and other proposals with the Military Departments and Services.

Question. Do you believe that servicemembers should have access to flexible spending arrangements?

Answer. I don't have a recommendation at this time but, if confirmed, I would review this issue carefully.

LEGISLATIVE FELLOWSHIP PROGRAM

Question. Each year, the Services assign mid-career officers to the offices of Members of Congress under the Legislative Fellows Program. Upon completion of their legislative fellowships, officers are supposed to be assigned to follow-on positions in their Services in which they effectively use the experience and knowledge they gained during their fellowships.

What is your assessment of the value of the Legislative Fellows program to DOD?

Answer. I believe this program is a valuable educational experience for our military and civilian members. Fellows coming to Congress from DOD provide a valuable perspective. From my past experiences, I know that those with the clear understanding of how the Department interacts with Congress are advantaged when they move to senior leadership positions.

Question. What is your assessment of the career development and the utilization of officers who have served as legislative fellows?

Answer. I do not have sufficient insight to make an assessment, but I believe the experiences and insights legislative fellows gain are valuable in senior leadership positions.

Question. What do you consider to be the appropriate number of legislative fellows by Service each year?

Answer. I cannot make a specific recommendation, but it is my understanding that DOD expanded from 26 to 100 legislative fellows over the past 2 years. If confirmed, I would review this program and recommend changes as appropriate.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Personnel and Readiness?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR EVAN BAYH

RESET ISSUES

1. Senator BAYH. Dr. Stanley, after years of persistent combat in Iraq and Afghanistan the readiness of our Armed Forces continues to be consumed as soon as it is created. Congress and particularly this committee have consistently resourced every funding request and dedicated billions of dollars specifically for reset. I understand the demand for forces and operational tempo remains high and we are here to help you, yet after years of investing and attempting to restore the readiness of our Armed Forces, it appears we still have not made any progress toward that goal. What needs to be done to address this continued decline in readiness?

Dr. STANLEY. There is no doubt persistent operations around the globe have challenged our ability to keep our forces ready. In my view, efforts underway to address the challenges of persistent combat have been effective. Our forces have been upgraded with advanced equipment and new capabilities to address today's complex operations and irregular warfare. While I would strive to make improvements in the process and improve readiness, currently I believe that our forces are fully capable and ready for the missions assigned to them.

DEFENSE READINESS REPORTING SYSTEM

2. Senator BAYH. Dr. Stanley, in 1999, Congress required the Department of Defense (DOD) to develop and implement a new readiness reporting system, uniformly applied, which would provide decision makers with more accurate and reliable assessments and data regarding the actual capabilities and readiness of U.S. forces. In June 2002, DOD issued a directive establishing the Defense Readiness Reporting System (DRRS) and requiring that all military departments align their readiness reporting processes with DRRS. Since then, DOD and the Services have taken a number of developmental steps, but DRRS is not yet fully operational and aligned with the Services' reporting processes. According to a Government Accountability Office (GAO) study released in September 2009, the Department has still yet to successfully plan, organize, resource, and execute relevant or necessary interoperability, user, and other tests to validate DRRS for deployment as the Department's readi-

ness reporting system replacement. After 10 years, why have we still not fully implemented DRRS?

Dr. STANLEY. It is my understanding that DRRS should be fully operational by the end of fiscal year 2011, and, if confirmed, I would work to achieve that goal.

CUTS TO OPERATIONS AND MAINTENANCE

3. Senator BAYH. Dr. Stanley, as you well know readiness rates within the Services continue to deteriorate. One disturbing trend which could exacerbate the overall readiness of the Services would be funding cuts to operation and maintenance (O&M) accounts. Rising costs, reprogramming requests, and other needs of the Department often require offsets which historically have been taken out of O&M. How do you see this trend progressing and what affects do you anticipate it having on overall readiness of the Services?

Dr. STANLEY. Sufficient levels of funding are essential to ensure our forces are fully trained and unit equipment is properly maintained. The budgeting process takes place on an annual basis, and the only way to improve the process is to remain actively engaged year round. If confirmed, I would work to ensure that these accounts are responsibly funded and maintained.

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

HEALTHCARE FOR MILITARY IN ALASKA

4. Senator BEGICH. Dr. Stanley, Active Duty military, their families, and retirees face many challenges accessing health care in Alaska. The military treatment facilities at Forts Wainwright and Elmendorf are top quality and provide many services to military members and their families. However, many specialties are either not available at the military treatment facilities or at capacity, and cannot accommodate all customers. Many civilian specialists in Alaska do not participate in the TRICARE network. As a result, certain health care needs of military members and their families in Alaska are not being met. If confirmed, what steps would you take to improve access to healthcare in Alaska?

Dr. STANLEY. It is my understanding that existing access challenges for health care services for servicemembers stationed in Alaska partly depend on the part of the State in which a servicemember is stationed and that other challenges have been created by the deployment of health care professionals. At the same time, I have been informed that a number of areas in Alaska possess an impressive range of services from basic care to specialty medical treatments. While the circumstances surrounding limitations on health care services vary, and are complex, if confirmed, I pledge to work to improve these services to the best of my ability so that our servicemembers have access to the fullest spectrum of health care possible; they deserve no less.

5. Senator BEGICH. Dr. Stanley, if confirmed, please describe how you would work with TRICARE Management Agency as they work to increase the TRICARE network in Alaska to provide for better access to health care for our servicemembers and their families.

Dr. STANLEY. I have been informed that TRICARE is currently reviewing its processes for recruiting health care providers in Alaska, and a number of initiatives to improve these processes are under consideration to increase the number of providers, ensure both beneficiary and provider satisfaction, with the ultimate aim to increase confidence in the quality of the TRICARE-authorized provider base in Alaska. If confirmed, I would use this ongoing process as a starting point to improve health care for servicemembers stationed in Alaska.

KOSOVO REST AND RECUPERATION

6. Senator BEGICH. Dr. Stanley, servicemembers deployed to Kosovo, typically national guardsmen, are authorized a mid-tour leave for rest and recuperation (R&R). However, the current regulations only authorize funding for travel from Kosovo to Baltimore, MD (BWI) as the point of embarkation in the United States. Travel from BWI to the servicemember's R&R location is then paid for by the servicemember. For those from Alaska, this can cost as much as $1,400 round trip, much more than their counter parts in the lower 48 contiguous States. This is an unacceptable financial burden many National Guard members cannot afford, especially those from remote Alaskan villages where they may be the only wage earner in the family. The

impact of this financial burden may deter recruitment and retention of economically challenged Alaskan Natives. At my urging, the Secretary of the Army proposed adding two additional points of embarkation be authorized; Houston, TX and Los Angeles, CA. The Army's proposal was sent to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) on June 3, 2009. I have since followed up with the P&R office multiple times, but in the past 5 months no progress or final determination has been made. The unit from Alaska stationed in Kosovo has since redeployed. However, other units that deploy to Kosovo in the future will continue to bear the unfair financial burden. If confirmed, what action, if any, will you take on this matter and what do you believe is an appropriate length of time to address and respond to matters of interest to Members of Congress?

Dr. STANLEY. If confirmed, I would look into this issue and pursue possible remedies. Additionally, I pledge to ensure that matters of interest to Members of Congress are answered in a timely manner.

QUESTION SUBMITTED BY SENATOR ROLAND W. BURRIS

SELECTED RESERVE CONTINUUM OF CARE ACT

7. Senator BURRIS. Dr. Stanley, my colleague, Senator Blanche Lincoln, has a bill called the Selected Reserve Continuum of Care Act, which would provide advanced physical and dental screenings to our Reserve component prior to deployment. If you are confirmed, how would you address the need of pre-deployment screenings and care of our Nation's Reserve component?

Dr. STANLEY. If confirmed, I would ensure that DOD continues to strive for excellence in maintaining the medical and dental health of our members for a fully operational and ready Total Force. I would work with Secretary Gates to provide our servicemembers with all appropriate levels of health care.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

MILITARY VOTING

8. Senator CHAMBLISS. Dr. Stanley, this year Congress passed landmark legislation known as the Military and Overseas Voter Empowerment Act (MOVE Act) designed to help one of our most disenfranchised voting blocks in America; our military servicemembers serving overseas. If confirmed, will you pledge to give Bob Carey and the Federal Voting Assistance Program all the personnel and support they need to carry out this new legislation?

Dr. STANLEY. If confirmed, I would ensure that P&R supports the implementation of legislation.

9. Senator CHAMBLISS. Dr. Stanley, one of the provisions in the MOVE Act not adopted by Congress was sec. 590(b) of S.1390, a provision based upon legislation crafted by Senator Cornyn as part of his bill, S. 1265. This provision would have established voting assistance centers at military installations, under the specific terms of the National Voter Registration Act (or the "motor-voter" law). DOD opposed this provision and it was ultimately removed from the bill. If confirmed, will you review the Department's position on this issue and pledge to work with the appropriate congressional offices to reach an agreeable solution to ensure we provide military servicemembers and their families the proper amount of voting assistance?

Dr. STANLEY. I support the Deputy Secretary's decision, as stated in the December 16, 2009 letters to Senators Schumer and Cornyn, that DOD "will designate all military installation voting assistance offices as NVRA agencies." It is my understanding, that the Department is currently developing those regulations and is coordinating with the Department of Justice to ensure correct implementation of the relevant statutory authorities.

10. Senator CHAMBLISS. Dr. Stanley, specifically, regarding section 583(b) of the recently enacted National Defense Authorization Act for Fiscal Year 2010, what are your thoughts in relation to how you would advise the Secretary of Defense regarding exercising the authority granted to him to designate voting assistance offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)(2))?

Dr. STANLEY. I support the Deputy Secretary's decision, as stated in the December 16, 2009 letters to Senators Schumer and Cornyn, that DOD "will designate all military installation voting assistance offices as NVRA agencies." It is my under-

standing, that the Department is currently developing those regulations and is coordinating with the Department of Justice to ensure correct implementation of the relevant statutory authorities.

END STRENGTH

11. Senator CHAMBLISS. Dr. Stanley, for years Congress felt that the end strength of our military was insufficient to conduct two wars, properly reset our forces and give them the amount of dwell time they need, and continue to prepare for future wars. This year, Congress passed legislation authorizing fiscal year 2010 Active Duty end strengths for the Army, of 562,400; the Marine Corps, of 202,100; the Air Force, of 331,700; and the Navy, of 328,800. It also authorizes the Secretary of Defense to increase the Army's Active Duty end strength by 30,000 above 2010 levels during fiscal year 2011 and fiscal year 2012 if sufficient funding is requested in the budgets for those fiscal years. If confirmed, will you pledge to review all demands across our military, taking into consideration the demands of tasks outside of deployments as well as a part of deployments to ensure we properly size the military?

Dr. STANLEY. If confirmed, one of my top priorities would be an ongoing examination of demands placed on our troops and their families. Our servicemembers (Active and Reserve) continue to perform extraordinarily well in light of the great demands we have placed upon them. I believe strongly that we cannot fail to have the right numbers and kinds of uniformed personnel to win our wars, and to deter potential adversaries. I understand that our Active and Reserve forces must be large enough to not only satisfy deployed demands, but also have a rotation base with requisite dwell time to accommodate both essential non-deployment challenges (such as training) and the personal needs of our troops and their families. I know that Secretary Gates shares my concerns on this issue, and I would work diligently with him to ensure that our force rotations maximize the length of dwell time and enhance military life for servicemembers and their families.

12. Senator CHAMBLISS. Dr. Stanley, if confirmed, will you also review policies on properly identifying servicemembers down to the individual level who are in violation of existing dwell time/deployment time ratio guidelines to ensure we are not overusing individuals and properly using those with little to no deployment time?

Dr. STANLEY. Yes.

FORT GORDON/WOUNDED WARRIOR CARE

13. Senator CHAMBLISS. Dr. Stanley, there is no more important task than properly caring for wounded warriors and their families. I am particularly proud of the work being done at Augusta, GA in this regard. Fort Gordon and the Medical College of Georgia have developed an interagency model for supporting our wounded warriors through the continuum of care that is truly innovative and impressive. If confirmed, will you look into this model and assess its potential for expansion?

Dr. STANLEY. Yes.

14. Senator CHAMBLISS. Dr. Stanley, if confirmed, will you also review the Medical College of Georgia Nursing School's program to train Federal Recovery Coordinators for Wounded Warriors and the potential for a Recovery Coordinator Center of Excellence at Fort Gordon?

Dr. STANLEY. Yes.

[The nomination reference of Dr. Clifford L. Stanley follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 15, 2009.

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

Clifford L. Stanley, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness, vice David S.C. Chu, resigned.

[The biographical sketch of Dr. Clifford L. Stanley, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. CLIFFORD STANLEY

EDUCATION

University of Pennsylvania, 2003–2005, Doctorate, 05/2005
Johns Hopkins University, 1975–1977, Masters, 05/1977
South Carolina State University, 1965–1969, Bachelors, 05/1969
Theodore Roosevelt High School, 1962–1965, Diploma, 06/1965

EMPLOYMENT RECORD

President, Scholarship America, 07/2004–07/2009
Executive Vice President, University of Pennsylvania, 10/2002–10/2003
Deputy Commanding General, Marine Corps Combat Development Command, Quantico, VA, 07/2000–09/2002
Commanding General, Marine Corps Air Ground Combat Center, Twentynine Palms, CA, 07/1998–07/2000
Director of Marine Corps Public Affairs, Pentagon, Washington, DC, 07/1996–07/1998
Assistant Deputy Chief of Staff, Manpower Reserve Affairs (Manpower Policy), Washington, DC, 06/1994–07/1996
Fleet Marine Officer, USS *Mount Whitney*, Norfolk, VA, 08/1993 to 05/1993. Infantry Regimental Commander/Assistant Chief of Staff G–4, 1st Marine Division, Camp Pendleton, CA, 07/1991–07/1993
Head, Marine Corps Combat Development Command Battle Assessment Team, Quantico, VA and Saudi Arabia, 02/1991–06/1991
Advisor for POW/MIA Affairs and Assistant for Australia and New Zealand, Office of the Secretary of Defense, Pentagon, Washington, DC, 09/1989–02/1991
White House Fellows Program, Office of the Director of the FBI, Washington, DC, 06/1988–08/1989
Student, National War College, Fort McNair, Washington, DC, 06/1987–06/1988
Battalion Commander/Depot Inspector, Marine Corps Recruit Depot, Parris Island, SC, 06/1986–06/1987
Executive Officer Infantry Battalion, 2nd Marine Division, Camp Lejeune, NC, 06/1984–06/1986
Student, Marine Corps Command and Staff College, Quantico, VA, 07/1983–06/1984
Special Assistant and Marine Corps Aide, Office of the Assistant Secretary of the Navy, Manpower and Reserve Affairs, Pentagon, Washington, DC, 10/1981–07/1983
Officer in Charge, Infantry Writer Unit, Ceremonial Parade Commander, Marine Barracks 8th and I, Washington, DC, 06/1979–10/1981
Infantry Company Commander, 3rd Marine Division, Okinawa, Japan, 05/1978–06/1979
Student, Amphibious Warfare School, Quantico, VA, 08/1977–06/1978
Instructor, United States Naval Academy, Annapolis, MD, 07/1974–08/1977
Infantry Company Commander, 2nd Marine Division, Camp Lejeune, NC, 08/1973–08/1974
Platoon Commander, Officer Candidate School, Quantico, VA, 07/1972–08/1973
Supply Officer, Marine Corps Combat Development Command, Quantico, VA, 05/1971–07/1972
Supply Officer, Headquarters Battalion, 3rd Marine Division, Okinawa, Japan, 06/1970–05/1971
Student, Supply Officer School, Camp Lejeune, NC, 03/1970–05/1970.
Student, The Basic School, Quantico, VA, 10/1969–03/1970.

HONORS AND AWARDS

Honorary Doctor of Laws Degree from Spalding University
Honorary Doctor of Laws Degree from South Carolina State University
NAACP Meritorious Service Award
NAACP Roy Wilkins Award
Defense Distinguished Service Medal
Legion of Merit Medal
Defense Meritorious Service Medal
Meritorious Service Medal (2 awards)

Navy Commendation Medal
Navy Achievement Medal
Honor Graduate from Johns Hopkins University
Honor Graduate Marine Corps Command and Staff College
White House Fellow
American Legion Award for Inspirational Leadership
South Carolina State University Hall of Fame
Clifford L. Stanley Park (named in my honor), Twentynine Palms, CA
Department of the Navy Nathaniel Stinson EEO Award
Order of the Sword (honor received from enlisted marines)
Employee of the Year in Minneapolis/St. Paul Minnesota
Scholarship America Scholarship created in my honor

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Clifford L. Stanley in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Clifford Lee Stanley.

2. **Position to which nominated:**
Under Secretary of Defense for Personnel and Readiness.

3. **Date of nomination:**
October 15, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 31, 1947; Washington, DC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Rosalyn Hill Stanley (Maiden Name: Rosalyn Yvonne Hill).

7. **Names and ages of children:**
Angela Yvonne Stanley; age 34.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Pennsylvania—2003 to 2005—Doctorate—05/2005
Johns Hopkins University—1975 to 1977—Masters—05/1977

South Carolina State University—1965 to 1969—Bachelors—05/1969
Theodore Roosevelt High School—1962 to 1965—Diploma—06/1965

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

President, Scholarship America, Minneapolis, MN, dates of employment: 07/2004 to 07/2009.

Executive Vice President, University of Pennsylvania, Philadelphia, PA, dates of employment: 10/2002 to 10/2003.

Deputy Commanding General, Marine Corps Combat Development Command, Quantico, VA, dates of employment: 07/2000 to 09/2002.

Commanding General, Marine Corps Air Ground Combat Center, Twentynine Palms, CA, dates of employment: 07/1998 to 07/2000.

Director of Marine Corps Public Affairs, Washington, DC, dates of employment: 07/1996 to 07/1998.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Member, Secretary of the Navy Advisory Committee on Naval History, 08/2008 to Present.

Member, Naval Research Advisory Committee, 12/2007 to 11/2008.

Assistant Deputy Chief of Staff, Manpower and Reserve Affairs (Manpower Policy), Washington, DC, 06/1994 to 07/1996.

Fleet Marine Officer, USS *Mount Whitney,* Norfolk, VA, 08/1993 to 05/1993.

Infantry Regimental Commander/Assistant Chief of Staff G–4, 1st Marine Division, Camp Pendleton, CA, 07/1991 to 07/1993.

Head Marine Corps Combat Development Command Battle Assessment Team, Quantico, VA and Saudi Arabia, 02/1991 to 06/1991.

Advisor for POW/MIA Affairs and Assistant for Australia and New Zealand, Office of the Secretary of Defense, Pentagon, Washington, DC, 09/1989 to 02/1991.

White House Fellows Program, Office of the Director of the FBI, Washington, DC, 06/1988 to 08/1989.

Student, National War College, Fort McNair, Washington, DC, 06/1987 to 06/1988.

Battalion Commander/Depot Inspector, Marine Corps Recruit Depot, Parris Island, SC; 06/1986 to 06/1987.

Executive Officer Infantry Battalion, 2nd Marine Division, Camp Lejeune, NC, 06/1984 to 06/1986.

Student, Marine Corps Command and Staff College, Quantico, VA, 07/1983 to 06/1984.

Special Assistant and Marine Corps Aide, Office of the Assistant Secretary of the Navy, Manpower and Reserve Affairs, Pentagon, Washington, DC, 10/1981 to 07/1983.

Officer in Charge, Infantry Writer Unit, Ceremonial Parade Commander, Marine Barracks 8th and I, Washington, DC, 06/1979 to 10/1981.

Infantry Company Commander, 3rd Marine Division, Okinawa, Japan, 05/1978 to 06/1979.

Student, Amphibious Warfare School, Quantico, VA, 08/1977 to 06/1978.

Instructor, U.S. Naval Academy, Annapolis, MD, 07/1974 to 08/1977.

Infantry Company Commander, 2nd Marine Division, Camp Lejeune, NC, 08/1973 to 08/1974.

Platoon Commander, Officer Candidate School, Quantico, VA, 07/1972 to 08/1973.

Supply Officer, Marine Corps Combat Development Command, Quantico, VA, 05/1971 to 07/1972.

Supply Officer, Headquarters Battalion, 3rd Marine Division, Okinawa, Japan, 06/1970 to 05/1971.

Student, Supply Officer School, Camp Lejeune, NC, 03/1970 to 05/1970.

Student, The Basic School, Quantico, VA, 10/1969 to 03/1970.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Member, Board of Director, Seminars International, Inc.

Member, Board of Director, Marine Corps Heritage Foundation

Trustee, Spalding University

Parliamentarian and Chair of Membership Committee, South Carolina State University Foundation

Limited Partner, New Horizons Investments (LLC)

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Life Member, Kappa Alpha Psi Fraternity
Life Member, South Carolina State University Alumni Association
President, Men's Club, Grace Baptist Church of Germantown
Member, Board of Deacons, Grace Baptist Church of Germantown
Life Member, National Naval Officers Association
Life Member, White House Fellows Foundation and Association
President/Board Chair, Pat McCormick Educational Foundation

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Not applicable.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Not applicable.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

6/21/2008—$100 contribution to Obama campaign
3/23/2008—$500 contribution for Carlos Del Toro campaign
3/09/2008—$100 contribution to Obama campaign
3/03/2008—$50 contribution to Obama campaign
Spouse made $50 contribution to Obama campaign some time before March 2008.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Honorary Doctor of Laws Degree from Spalding University
Honorary Doctor of Laws Degree from South Carolina State University
NAACP Meritorious Service Award
NAACP Roy Wilkins Award
Defense Distinguished Service Medal
Legion of Merit Medal
Defense Meritorious Service Medal
Meritorious Service Medal (2 awards)
Navy Commendation Medal
Navy Achievement Medal
Honor Graduate from Johns Hopkins University
Honor Graduate Marine Corps Command and Staff College
White House Fellow
American Legion Award for inspirational leadership
South Carolina State University Hall of Fame
Clifford L. Stanley Park (named in my honor), Twentynine Palms, CA
Department of the Navy Nathaniel Stinson EEO Award
Order of the Sword (honor received from enlisted marines)
Employee of the Year in Minneapolis/St. Paul Minnesota
Scholarship America Scholarship created in my honor

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Doctoral Dissertation: The Importance of Character Development in American Colleges and Universities (2005).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

CLIFFORD L. STANLEY.

This 2nd day of November, 2009.

[The nomination of Dr. Clifford L. Stanley was reported to the Senate by Chairman Levin on December 2, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2010.]

[Prepared questions submitted to Erin C. Conaton by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater Nichols Act provisions?

Answer. I believe strongly that Goldwater Nichols has had major and positive impacts on U.S. military operations and authorities. My view has been informed by my years at the House Armed Services Committee in oversight of this law and its implications for the current force. At this time I am not aware of any reason to amend the Goldwater-Nichols Act. If I am confirmed, I will be mindful of the need to periodically review organizational and management frameworks to ensure their continued validity and consistency with the provisions of Goldwater-Nichols.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. If I identify areas that I believe merit changes, I will propose those changes through the appropriate established process.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. If confirmed, I will bring over a decade of broad experience in national security policy and programs to this position. In my experience on the House Armed Services Committee since 2001, I have been involved in shaping legislation and conducting oversight of the choices and challenges facing our military since September 11 and through the wars in Iraq and Afghanistan, including the issues facing the U.S. Air Force. I have worked closely with the Military Services, the national security interagency community, and a variety of oversight committees in Congress. I have also helped the chairman and members of the House Armed Services Committee to grapple with tough fiscally-constrained trade-offs among programs and to consider the implications of changes in defense law and policy. Finally, I bring the experience of managing a highly experienced, professional staff in support of the members of the committee and the U.S. military. I believe I could use these skills and my experience to benefit the Air Force and the broader Department of Defense (DOD) if I am confirmed.

DUTIES

Question. Section 8015 of title 10, U.S.C., states the Under Secretary of the Air Force shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

What is your understanding of the duties and functions of the Under Secretary of the Air Force?

Answer. The position of the Under Secretary of the Air Force is established by law within the Office of the Secretary of the Air Force. Subject to the Secretary of the Air Force's direction and control, the Under Secretary exercises the full authority of the Secretary to conduct the affairs of the Department of the Air Force (except as limited by law, regulation, or limitations imposed by DOD or the Secretary of the Air Force). The Under Secretary also serves as the Chief Management Officer (CMO) of the Air Force pursuant to section 904 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008, and, if designated by the Secretary of the Air Force, as DOD Executive Agent for Space.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Under Secretary of the Air Force, as set forth in section 3015 of title 10, U.S.C., or in DOD regulations pertaining to functions of the Under Secretary of the Air Force?

Answer. At this time, I am unaware of any reason to change the duties and functions of the Under Secretary as set out in title 10 and pertinent DOD regulations. If I am confirmed and I identify areas that I believe merit changes, I will propose those changes through the appropriate established processes.

Question. Assuming you are confirmed, what additional duties, if any, do you expect will be prescribed for you?

Answer. If confirmed, I look forward to working with the Secretary of the Air Force to further understand his vision and how I can best support him and his goals for the Air Force. I expect the Secretary to prescribe for me duties relating to the Under Secretary of the Air Force's responsibilities, particularly in the role of CMO.

Question. Section 904(b) of the NDAA for Fiscal Year 2008, directs the Secretary of a military department to designate the Under Secretary of such military department to have the primary management responsibility for business operations. Previously the Under Secretary of the Air Force had special responsibilities for space programs including the acquisition responsibility for space programs.

Answer. If confirmed, will you be responsible for acquisition of Air Force space programs in addition to the business operations responsibilities?

Currently the organization and management of space issues within the Air Force headquarters is under internal review, as well as through the Quadrennial Defense Review and Space Posture Review processes. These reviews and studies will inform and assist the Air Force in developing the way ahead, to include lines of authority and organizational structures. If confirmed, I would expect to be a major participant in these ongoing processes and would look forward to working with this committee to understand any new organizational construct or responsibilities that result from these reviews.

RELATIONSHIPS

Question. If confirmed, what would be your working relationship with:

The Secretary of Defense.

Answer. The Secretary of Defense is responsible for all matters within DOD. The Secretary of the Air Force is subject to the authority, direction and control of the Secretary of Defense, and the Under Secretary of the Air Force works for the Secretary of the Air Force. From 2002–2007, the Secretary of the Air Force designated the Under Secretary of the Air Force to perform the duties of the DOD Executive Agent for Space. In this role, the Under Secretary developed, coordinated, and integrated policy, plans, and programs for space systems and major defense space acquisitions. If confirmed and designated by the Secretary of the Air Force to perform the duties of the DOD Executive Agent for Space, I would look forward to working closely with the Secretary of Defense on space-related matters.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense assists the Secretary of Defense in carrying out his duties and responsibilities and performs those duties assigned by the Secretary of Defense or by law. If confirmed, I will work closely with the Deputy Secretary of Defense on a range of matters. In particular, I would look forward to working with and supporting the Deputy Secretary of Defense in his role as CMO of DOD.

Question. The Deputy Chief Management Officer of DOD.

Answer. The Deputy CMO of DOD is the senior official responsible for assisting the Secretary of Defense and the Deputy Secretary of Defense, acting as the CMO, to effectively and efficiently organize the business operations of DOD. The Office of the Deputy CMO supervises and oversees the Defense Business Transformation Agency and the DOD Performance Improvement Officer. If confirmed, I would look forward to developing an effective working relationship with the Deputy CMO, particularly in my capacity as the Air Force CMO.

Question. The Director of the Business Transformation Agency.

Answer. The Director of the Business Transformation Agency heads an organization which is responsible for guiding the Department's business operations modernization. The Director reports to the Deputy Under Secretary of Defense for Business Transformation (AT&L). The Business Transformation Agency fosters transformational business operations in order to support American warfighters and seeks to provide accountability by systematically improving business processes, enterprise resource planning systems and investment governance. If confirmed, I anticipate working very closely with the Director of the Business Transformation Agency on matters affecting the Air Force, pursuant to section 908 of the NDAA for Fiscal Year 2009 and other applicable laws.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. If confirmed, I will work closely with the Chairman through the Chief of Staff of the Air Force on appropriate matters affecting the Air Force.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman has the same statutory authorities and obligations of the other members of the Joint Chiefs of Staff. If confirmed, I will work closely with the Vice Chairman through the Chief of Staff of the Air Force on appropriate matters affecting the Air Force.

Question. The Secretary of the Air Force.

Answer. Subject to the authority, direction and control of the Secretary of Defense, the Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. The Under Secretary of the Air Force is subject to the authority, direction and control of the Secretary of the Air Force. If confirmed, I expect to be assigned a wide range of duties and responsibilities by the Secretary involving, but not limited to, organizing, supplying, equipping, training, maintaining, and administering the Air Force. I look forward to working closely with the Secretary as his deputy and principal assistant.

Question. The Chief of Staff of the Air Force.

Answer. The Chief of Staff of the Air Force is subject to the authority, direction and control of the Secretary of the Air Force, presides over the Air Staff, and is a principal advisor to the Secretary. In addition, he is a military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, I would foster a close working relationship with the Chief of Staff to ensure that policies and resources are appropriate to meet the needs of the Air Force and respect his additional responsibilities as a member of the Joint Chiefs of Staff.

Question. The assistant Secretaries of the Air Force.

Answer. If confirmed, I will assist the Secretary in building a close relationship with the assistant Secretaries of the Air Force to carry out the goals and priorities of the Department. I understand the importance of teamwork and information sharing and will make this a top priority. If confirmed, I look forward to working with the assistant Secretaries to further the Secretary's vision for the Air Force.

Question. The General Counsel of the Air Force.

Answer. As the Chief Legal Officer of the Air Force, the General Counsel of the Air Force is the senior civilian legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force. If confirmed, I would look forward to developing a good working relationship with the General Counsel.

Question. The Inspector General of the Air Force.

Answer. The Inspector General of the Air Force is a general officer who is detailed to the position by the Secretary of the Air Force. When directed, the Inspector General inquires into and reports on matters affecting the discipline, efficiency and economy of the Air Force. He also proposes programs of inspections and investigations as appropriate. If confirmed, I would look forward to developing a good working relationship with the Inspector General.

Question. The Surgeon General of the Air Force.

Answer. The Surgeon General of the Air Force is the functional manager of the Air Force Medical Service and provides direction, guidance and technical management of Air Force medical personnel at facilities worldwide. The Surgeon General advises the Secretary of the Air Force and Air Force Chief of Staff, as well as the assistant Secretary of Defense for Health Affairs, on matters pertaining to the medical aspects of the air expeditionary force and the health of Air Force personnel. If confirmed, I would look forward to developing a good working relationship with the Surgeon General.

Question. The Air Force Business Transformation Office.

Answer. The Air Force Business Transformation Office is responsible for assisting the Under Secretary of the Air Force in performing the duties of Air Force CMO

as they relate to improving the effectiveness and efficiency of Air Force business operations. The Air Force Deputy CMO has been designated as the Director of the Air Force Business Transformation Office. The office advises Air Force senior leadership on establishment of strategic performance goals, management of Air Force-wide cross functional activities to meet those goals and implementation of continuous process improvement initiatives. If confirmed, I anticipate a very active and involved role with the Air Force Business Transformation Office on matters affecting the Air Force-wide business operations.

Question. The Judge Advocate General of the Air Force.

Answer. The Judge Advocate General of the Air Force is the senior uniformed legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force and provides professional supervision over The Judge Advocate General's Corps in the performance of their duties. If confirmed, I would look forward to developing a good working relationship with The Judge Advocate General.

Question. The Chief of the National Guard Bureau.

Answer. The Chief of the National Guard Bureau is the senior uniformed National Guard officer responsible for formulating, developing, and coordinating all policies, programs, and plans affecting Army and Air National Guard personnel. Appointed by the President, he serves as principal adviser to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on National Guard matters. He is also the principal adviser to the Secretary and Chief of Staff of the Air Force on all National Guard issues and serves as the department's official channel of communication with the Governors and Adjutants General. If confirmed, I will look forward to developing a good working relationship with the Chief of the National Guard Bureau on appropriate matters affecting the Air Force.

Question. The Under Secretaries of the Military Services.

Answer. If I am confirmed, I will work diligently to foster a close working relationship with the Under Secretaries of the Army and Navy. I look forward to sharing information and expertise that will assist in the management of the Department of the Air Force and our coordination with the other Services on matters of mutual interest, particularly in our capacities as CMOs for our respective Services.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges, if any, that you would confront if confirmed as Under Secretary of the Air Force?

Answer. This is a time of great challenges, for DOD generally and for the Air Force in particular. Current strategic reviews, ranging from the QDR to the Nuclear and Space Posture Reviews, will reassess the strategic environment within which the military is operating, presumably with attendant implications for the missions, force structure, and operations of the joint force. The Air Force has come through a period of challenge with regards to its nuclear enterprise and its acquisition processes. The Service also must contend with balancing the need to support the joint warfighter in the current conflict while ensuring we can prevail in the next fight, whatever that may be. There is a need to balance modernization of current platforms and to continue to invest in new capabilities that will be needed in future conflicts. The Air Force must also ensure that it can continue to recruit, train, deploy, and retain highly-skilled airmen and to support those airmen and their families. At a time of great fiscal challenge for our Nation, these challenges will continue to pose hard choices for the Service in its overall budget, particularly in the investment accounts.

If confirmed, I look forward to understanding these challenges more clearly and to working closely with DOD and Air Force leadership, along with this committee, to develop strategies for addressing the major challenges facing the Air Force.

Question. If confirmed, how would you prioritize and what plans would you have, if any, for addressing these challenges?

Answer. In my view, the Secretary and Chief of Staff have laid out clear priorities—reinvigorating the nuclear enterprise; partnering with the joint and coalition team to win today's fight; developing and caring for airmen and their families; modernizing air and space inventories, organizations, and training; and recapturing acquisition excellence. Since the Secretary and Chief were confirmed last year, the Air Force has made much progress. If confirmed, I look forward to working with senior DOD and Air Force leadership—as well as this committee—to ensure continued progress is made. All of these priorities will require sustained leadership and effort with an eye toward ensuring the best support for the warfighter and the wise use of taxpayer resources.

MANAGEMENT OF SPACE ACTIVITIES

Question. The Under Secretary of the Air Force is traditionally designated as the DOD Executive Agent for Space. In this role, the Under Secretary develops, coordinates, and integrates policy, plans and programs for space systems and major defense space acquisitions.

Will you be designated as the DOD Executive Agent for Space?

Answer. If confirmed, I will be assigned a wide range of duties and responsibilities subject to the authority, direction and control of the Secretary of the Air Force. Recently, the Under Secretary of the Air Force has also served as the DOD Executive Agent for Space. The roles and responsibilities for the Air Force in space policy and programs are currently under review both by DOD and the Air Force. Based on that review, I expect the Secretary of the Air Force to make a judgment about the best organizational construct for accomplishing the Air Force's space mission. I anticipate being an active participant in those deliberations and to serving in whatever capacity for space policy and programs that the Secretary finds most appropriate and beneficial to the Air Force. Beyond this specific area, I look forward to working as the Secretary's deputy and principal assistant across the range of his responsibilities.

Question. As the DOD Executive Agent for Space, how will you ensure that each of the Military Services remains fully engaged in and knowledgeable about space programs and the advantages that such programs can bring to the warfighter?

Answer. If confirmed and designated by the Secretary of the Air Force as the DOD Executive Agent for Space, I would foster a close working relationship with the Under Secretaries of the Army and Navy, as well as the appropriate Under and Assistant Secretaries of Defense and the Defense Advanced Research Projects Agency, to ensure space acquisition planning, programming and budgeting are synchronized to continue to deliver the best space capability to the warfighter.

Question. What is your view of the relationship of the Under Secretary of the Air Force, as the Executive Agent for Space, to the Under Secretary of Defense for Policy, and the assistant Secretary of Defense for Networks and Information Integration with regard to space policy and systems?

Answer. If confirmed and designated by the Secretary of the Air Force as DOD Executive Agent for Space, I would work collaboratively with both these individuals and their organizations to shape space policy to maintain continuity of existing space services while improving how the department acquires new space systems. The Executive Agent for Space responsibilities can most successfully be accomplished with close coordination with these organizations for the development of space policy and the integration of space systems into broader departmental efforts.

Question. In your view, what are the authorities of the Executive Agent for Space regarding: (1) the budgets, programs, and plans of the various Service and Defense Agency space programs; and (2) milestone decisions for space acquisition programs of the various Services and Defense Agencies?

Answer. With respect to planning, budgeting, and programming, I view the authorities of the DOD Executive Agent for Space as an integration function across the entire department and space communities. If confirmed, I view the synchronization of space budgets between the Services and the coordination of space and nonspace acquisitions as paramount to delivering fully integrated weapon systems to the battlefield. If designated by the Secretary of the Air Force as the Executive Agent for Space, I would communicate our progress annually in the National Security Space Plan, which is an assessment of space plans and architectures of the DOD Components developed in coordination with several other Federal agencies.

Currently, the Under Secretary of Defense for Acquisition, Technology and Logistics has milestone decision authority for space acquisition programs. If confirmed, I look forward to assisting the Under Secretary in managing and delivering space capabilities to the warfighter.

OPERATIONALLY RESPONSIVE SPACE

Question. Congress established an Office for Operationally Responsive Space (ORS) to explore the concept of providing military commanders the capability to rapidly launch rockets with small satellites designed to support a specific area of operations with communications and other sensors and to reconstitute space based capabilities if lost.

What is your view of the goals and current capabilities of ORS and the status of efforts to develop and acquire small satellite capability?

Answer. While I am familiar with the congressional goals of ORS, if confirmed, I will need to familiarize myself more deeply to evaluate the current status and progress the ORS Office has made toward these goals. The Nation continues to need

the ability to rapidly reconstitute and augment warfighters' space capabilities with solutions that can be delivered in operationally relevant timelines. If confirmed and appropriate to the responsibilities assigned to me by the Secretary, I will work closely with the other Services, members of the Intelligence Community, and the larger space enterprise to develop a responsive space capability to address emerging needs of our Theater Commanders.

SPACE LAUNCH

Question. On May 2, 2005, Boeing and Lockheed Martin announced plans to merge the production, engineering, test, and launch operations associated with providing Evolved Expendable Launch Vehicle (EELV) services to the U.S. Government. The companies believed the merger could save $100–150 million per year for the U.S. Government while continuing to provide assured access to space.

Answer. These cost savings have not yet materialized and it appears as if the cost of an individual launch is in fact increasing.

Question. If confirmed how would you ensure that this merger does in fact result in cost savings to the U.S. Government?

Answer. It is my understanding that, per congressional direction, the OSD Cost Analysis and Program Evaluation office is conducting a validation of the savings brought about by the merger. The Air Force is supporting this effort, and is partnering with industry as the consolidation of workforce and facilities proceeds. If confirmed, I would plan to become more familiar with these efforts to evaluate the actual cost savings and other benefits of the merger.

Question. Maintaining assured access to launch has been the national security goal of the Air Force. In your view is that goal achieved with the EELV vehicles or is there a need for alternative launch options?

Answer. I firmly believe in the continued national security need for assured launch access. It is my understanding that by maintaining the Atlas V and Delta IV families of launch vehicles, the EELV program achieves assured access to space as laid out in the administration's current Space Transportation Policy (NSPD–40). If confirmed and consistent with the duties assigned to me by the Secretary, I plan to develop a more informed answer to this question and to understand more fully the committee's concerns on this issue.

Question. The increasing pace of space launches has stressed the launch processing capability of the ranges. What in your view is needed to increase the launch throughput at the east and west coast ranges?

Answer. I am not yet informed enough on this specific question to give a complete answer. If confirmed and consistent with the duties assigned to me by the Secretary, I plan to develop a more informed answer to this question and to understand more fully the committee's concerns on this issue.

MILITARY SPACE ACQUISITION POLICY

Question. The present generation of military space systems are being modernized in virtually every mission area, including: (1) strategic missile warning; (2) assured communications; (3) navigation; and (4) intelligence and surveillance. At the same time, virtually every one of these modernization programs has suffered substantial problems with regard to cost, schedule, and technical performance. As a result of the budgetary pressure on future space programs, the most recent space acquisition programs, the Space Radar and Transformational Satellite programs were cancelled.

In your view what are the key execution problems that have caused the schedule delays and budgetary increases in space development programs?

Answer. Over the past decade and a half the Air Force has attempted to adapt to the changing landscape of the industrial base, the force structure, and the increasing requirement needs of the warfighter—resulting in increased complexity and the pursuit, in several cases, of not yet mature technologies. I think the Air Force needs to focus on stabilizing requirements, ensuring technical maturity, instilling fiscal discipline and on improving and increasing the acquisition workforce.

Question. If confirmed, what steps would you take to correct problems in the space acquisition process?

Answer. It is my view that the Air Force needs to focus on increasing the size and capabilities of the acquisition workforce, stabilizing requirements, and instilling fiscal discipline. If confirmed, I will work with Air Force and DOD leadership and this committee to ensure the Air Force acquisition process is held to the highest standards and executed with professionalism and integrity, and in the best interest of the taxpayer.

NEXT GENERATION MILITARY COMMUNICATIONS CAPABILITIES

Question. The demand for military communications capabilities continues to grow at a rapid pace.

With the cancellation of the Transformational Satellite Communications System (TSAT) program what are your thoughts on how the Air Force can meet the growing demand for communications and increased bandwidth requirements?

Answer. With the cancellation of the TSAT, there is a need to maintain the Advanced Extremely High Frequency for protected communications and Wideband Global Satellite Communications systems for wideband communications to ensure continuity of service to our warfighters. If confirmed and consistent with the duties assigned to me by the Secretary, I will familiarize myself more deeply with the details of these programs, looking for ways to leverage the significant technology investment with TSAT and for opportunities to field some of those capability advances into other systems.

AIRCRAFT RECAPITALIZATION

Question. If confirmed, what role would you plan in efforts to recapitalize the Air Force aircraft inventory and how would you prioritize the recapitalization effort?

Answer. If confirmed, my role in the recapitalization would be to support the ongoing efforts of the Secretary and Chief of Staff. One of the Air Force's five priorities is to "modernize our aging air and space inventories." To accomplish this effort, I would continue to focus on the Air Force's top procurement priorities included in the fiscal year 2010 presidential budget request: specifically, the KC–X tanker program, the Joint Strike Fighter (F–35), the MQ–9 Reaper, and space programs working closely with the Air Force and OSD senior leadership.

LONG-RANGE BOMBERS

Question. The B–1s, B–2s, and B–52s will begin to be retired in the 2030 timeframe.

Do you believe that the United States needs to develop a new manned bomber?

Answer. I believe that the Air Force must ensure that it can continue to provide long-range persistent strike capabilities to the President in his role as Commander in Chief. Given the anticipated life expectancy of the current force, now is an appropriate time for DOD and the Air Force to consider what options are available to continue to provide such capability. The bomber force provides a broad-based set of options across the spectrum of national security challenges: from the assurance they provide to our regional allies, to their deterrent effect on potential adversaries, through the full spectrum of conventional warfare, and as a critical component of our Nation's nuclear triad.

Question. It is my understanding that options for a future long-range persistent strike aircraft—whether manned or unmanned—are under consideration in the context of the Quadrennial Defense Review. If confirmed, I look forward to working with the senior DOD and Air Force leadership on the consideration of these options.

What role do you see for unmanned bombers?

Answer. This is a critical question confronting DOD and the Air Force. While I am familiar with some of the debate on this issue from my role to date on a congressional oversight committee, I would look forward, if confirmed, to understanding better the considerations and challenges for the Air Force, including the benefits and military utility of "the man or woman in the cockpit" for the future bomber force.

More generally, we have enjoyed great success in the current fights with unmanned aerial systems (UASs) in the mission sets of intelligence/surveillance/reconnaissance and light attack in permissive environments where we are unchallenged in the air, space, and cyber domains. If confirmed, I will continue the Air Force's development of UASs and the UAS roadmap to ensure we expand UAS mission areas commensurate with industry's ability to develop reliable, effective systems that support the needs of the combatant commanders.

Question. When, in your view, must a decision on this issue be made?

Answer. I think our first step on a decision should be made as an outcome of the ongoing Quadrennial Defense Review and Nuclear Posture Review, as Secretary Gates has stated. If confirmed, I will work closely with Secretary Donley to ensure the Air Force provides its best analysis of the current and projected state of global power capabilities and its best options to the Secretary of Defense.

PROMPT GLOBAL STRIKE

Question. What, in your view, is the definition of prompt global strike?

Answer. It is my view that Prompt Global Strike is the capability to provide rapid, precise conventional strikes for anti-access and high value targets anywhere in the world. Prompt Global Strike enables the United States to deter and/or strike global targets conventionally with timeframes reduced from days to hours.

Question. What steps do you believe are needed to achieve the goal of prompt global strike?

Answer. My current view is that there are several steps needed to achieve the goal of prompt global strike. First, we need to have a high fidelity intelligence, surveillance, and reconnaissance. Next, we must have a robust command and control network that enables rapid decisionmaking and that provides safeguards to assure other nations of our intent. Finally, we need the capability to provide rapid, precise global strike even in the absence of forward presence. If confirmed, I would look at this area in more depth to familiarize myself with the Air Force's current thinking and plans.

DUTIES AND RESPONSIBILITIES AS CHIEF MANAGEMENT OFFICER

Question. Section 904 of the NDAA for Fiscal Year 2008 designates the Under Secretary of the Air Force as the Air Force's CMO. Section 908 of the NDAA for Fiscal Year 2009 requires the CMO of each of the military departments to carry out a comprehensive business transformation initiative, with the support of a new Business Transformation Office.

What is your understanding of the duties and responsibilities of the Under Secretary as the CMO of the Department of the Air Force?

Answer. It is my understanding that the responsibilities of the CMO, consistent with section 904 of the NDAA for Fiscal Year 2008, include the following: ensuring the Air Force's capability to carry out DOD's strategic plan in support of national security objectives; ensuring the core business missions of the Department of the Air Force are optimally aligned to support the Department's warfighting mission; establishing performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness and monitoring and measuring this progress; and working with DOD's CMO to develop and maintain a strategic plan for business reform. Under section 908 of the NDAA for Fiscal Year 2009, the CMO is also responsible for carrying out an initiative for business transformation for the Air Force. If confirmed, I will ensure the core function and missions of the Air Force are optimally aligned to support the joint warfighting mission. I intend to fulfill the requirements of the law by establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of Air Force programs.

Question. What background and expertise do you possess that you believe qualify you to perform these duties and responsibilities?

Answer. During my time as Staff Director of the House Armed Services Committee, I was involved in the hearings and deliberations that resulted in the NDAAs for Fiscal Year 2008 and Fiscal Year 2009. I believe that this background, along with my oversight of both acquisition policy and national military policy generally, will position me well to help improve Air Force business and mission transformation to support of COCOMs and joint/coalition partners. If confirmed, I would look forward to the challenge of helping the Air Force meet the intent of these important laws.

Question. Do you believe that the CMO and the Business Transformation Office have the resources and authority needed to carry out the business transformation of the Department of the Air Force?

Answer. While I have not yet had an opportunity to conduct an in-depth review of these authorities, I have favorable first impressions. If, upon further analysis, I become convinced more resources are required to affect transformation, I would work closely with the Secretary to ensure the Air Force is applying sufficient effort to this important issue.

Question. What role do you believe the CMO and the Business Transformation Office should play in the planning, development, and implementation of specific business systems by the military departments?

Answer. Consistent with the laws that established them, the CMO and the Business Transformation Office should work with the Secretary and Chief to set transformation priorities aligned to DOD and Air Force needs. They should work to ensure business systems solutions make economic sense and are feasible; build on or replace existing systems; and enforce sound execution through application of the DOD certification process, pursuant to the NDAA for Fiscal Year 2005 and amplified in the NDAA for Fiscal Year 2010, that requires all business systems over $1 million in modernization cost be certified as meeting a mission need and supported by a business case.

Question. What changes, if any, would you recommend to the statutory provisions establishing the position of CMO and creating the Business Transformation Office?

Answer. I am not yet familiar enough with the functioning of the Air Force office to make recommendations at this time. If confirmed, I will continue to assess the requirement for additional or modified authorities and look forward to working with this committee to ensure that the objectives of the CMO, as intended by Congress, are met.

Question. Section 2222 of title 10, U.S.C., requires that the Secretary of Defense develop a comprehensive business enterprise architecture and transition plan to guide the development of its business systems and processes. The Department has chosen to implement the requirement for an enterprise architecture and transition plan through a "federated" approach in which the Business Transformation Agency has developed the top level architecture while leaving it to the military departments to fill in most of the detail. The Air Force's business systems, like those of the other military departments, remain incapable of providing timely, reliable financial data to support management decisions. In particular, the Government Accountability Office has reported that the Air Force has not yet followed DOD's lead in establishing new governance structures to address business transformation; has not yet developed comprehensive enterprise architecture and transition plan that plug into DOD's federated architecture in a manner that meets statutory requirements; and instead continues to rely upon old, stovepiped structures to implement piecemeal reforms.

If confirmed, what steps, if any, would you take to ensure that the Air Force develops the business systems and processes it needs to appropriately manage funds in the best interest of the taxpayer and the national defense?

Answer. If confirmed, I will work with the Air Force comptroller to ensure that Air Force funding execution is more visible in real time to senior leaders. While I have not yet been briefed in detail on the status and challenges for Air Force systems, I would work to ensure that our systems and processes achieve the outcome of enhancing our ability to manage funds; ensure a detailed schedule is put in place and managed to achieve that outcome; and ensure audits are conducted to validate performance.

Question. Do you believe that a comprehensive, integrated, enterprise-wide architecture and transition plan is essential to the successful transformation of the Air Force's business systems?

Answer. Yes, I do.

Question. What steps would you take, if confirmed, to ensure that the Air Force's enterprise architecture and transition plan meet the requirements of section 2222?

Answer. If confirmed, I will engage the business transformation staff in a detailed review of how the Air Force is developing and using its business enterprise architecture to manage transformation. I would make it a priority to meet very early on with the Deputy CMO and Business Transformation staff to validate the current state of the Air Force business enterprise architecture and its alignment to the DOD architecture. I would focus our review on how the architecture is being applied within the Air Force governance process, and would direct and implement any needed improvements.

Question. What are your views on the importance and role of timely and accurate financial and business information in managing operations and holding managers accountable?

Answer. I think timely financial information is critical in managing the operations of large organizations. I understand the frustration of many at the difficulty in achieving audits of DOD financial statements and appreciate congressional efforts, through section 1003 of the NDAA for Fiscal Year 2010, to motivate the Department to move more expeditiously to producing auditable statements. If confirmed, I will be active in supporting the Secretary of the Air Force's continued focus on financial issues within the Department.

Question. How would you address a situation in which you found that reliable, useful, and timely financial and business information was not routinely available for these purposes?

Answer. If confirmed, I would use that situation as an opportunity to improve the process of providing such financial and business information. I would make this area a priority, especially if it aligns to the major strategic mission priorities of the organization, and assign actions with accountability for corrections. Finally, I would provide active follow-up to ensure the needed results were achieved.

Question. What role do you envision playing, if confirmed, in managing or providing oversight over the improvement of the financial and business information available to Air Force managers?

Answer. If confirmed, I will focus on establishing the priorities for business performance improvements on behalf of the Secretary of the Air Force and report on progress toward achieving these goals. As the CMO, I would expect to be an active and key member of the Air Force governance process, enforcing Department priorities in decisions regarding programs, organizations and processes across the functional staff and Air Force Major Commands.

ACQUISITION ISSUES

Question. What are your views regarding the need to reform the process by which the Department of the Air Force acquires major weapons systems?

Answer. Reforming the acquisition process for major weapons systems is a critical issue for the Air Force, as well as for DOD more broadly. I am familiar with some of the past challenges in this area, as well as many of the concerns that motivated Congressional action through the Weapons System Acquisition Reform Act of 2009. My initial impression is that the Air Force has taken focused actions to reform its acquisition processes and is continuing to work to make further improvements. If confirmed, I would expect to learn more about the challenges facing Air Force acquisition and to help the leadership team take further steps to keep requirements in check and improve cost, schedule, and performance measures.

Question. What steps would you recommend to improve that process?

Answer. If confirmed, I would continue the acquisition improvements begun by the Secretary of the Air Force and the Chief of Staff in May 2009. As I understand it, these improvements seek to address the major acquisition improvement areas laid out in the Weapons Systems Acquisition Reform Act of 2009. Specifically, I believe the Air Force should continue to improve the size and training of the workforce; control requirements; create financial and budget stability in major defense programs; improving major source selection processes; and address clear lines of acquisition authority and accountability across the Air Force.

Question. If confirmed, what role do you expect to play in the major defense acquisition programs of the Department of the Air Force?

Answer. If confirmed, I will assist the Secretary of the Air Force in his goal of recapturing acquisition excellence. His initiative includes efforts to revitalize the Air Force acquisition workforce, improve the requirements generation process, instill budget and financial discipline, improve Air Force major systems source selections, and establish clear lines of authority and accountability within our acquisition organizations. I would look forward to helping the Secretary to achieve his acquisition goals in whatever capacity he believes I am best suited to serve.

Question. Department-wide, nearly half of DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C. The cost overruns on these major defense acquisition programs now total $295 billion over the original program estimates, even though the Department has cut unit quantities and reduced performance expectations on many programs in an effort to hold costs down. Many of those programs are being executed by the Department of the Air Force.

What steps, if any and if confirmed, would you take to address the out-of-control cost growth on the Department of the Air Force's major defense acquisition programs?

Answer. I am in support of the principles that motivated the Weapons Acquisition Reform Act of 2009. I think that law lays out both the drivers of program challenges and the need to take very seriously any critical breaches of Nunn-McCurdy thresholds. As such and if confirmed, my analysis of the Air Force's acquisition programs would focus on the assumptions used in establishing program baselines. Such baselines must be based on realistic schedule and technical assumptions and accurate cost estimates. If confirmed, I will place an emphasis on realistic budgeting based on improved program cost estimates.

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. The direction provided by Nunn-McCurdy and by the Weapon Systems Acquisition Reform Act of 2009 is essential in determining whether to terminate or continue a program that has experienced a critical cost growth. I agree with the new law that, when such breaches occur, we must understand what the root cause of that breach is. I further agree with the presumption for termination that must guide one's analysis and also the requirement that, if a program is restructured, it should be required to receive new milestone approval before proceeding. While there are programs that will be essential to national security, I believe the Department must undertake hard analysis in looking at the alternatives in such a case.

Question. Many experts have acknowledged that DOD may have gone too far in reducing its acquisition work force, resulting in undermining of its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. Yes.

Question. If so, what steps do you believe the Department of the Air Force should take to address this problem?

Answer. If confirmed, I will continue Air Force's efforts to increase the size of and improve the training of the acquisition workforce.

Question. Section 852 of the NDAA for Fiscal Year 2008 establishes a Defense Acquisition Workforce Development Fund (DAWDF) to provide the resources needed to begin rebuilding the Department's corps of acquisition professionals.

Do you believe that a properly sized workforce of appropriately trained acquisition professionals is essential if the Air Force is going to get good value for the expenditure of public resources?

Answer. Yes.

Question. What steps do you expect to take, if confirmed, to ensure that the Air Force makes appropriate use of the funds made available pursuant to the DAWDF?

If confirmed, I will join the Service Acquisition Executives in monitoring and guiding the use of DAWDF against the Air Force plan and provide course corrections if Air Force needs dictate and as may be required by OSD direction, congressional guidance, and acquisition law.

Question. Would you agree that shortened tours as program managers can lead to difficulties in acquisition programs? If so, what steps would you propose to take, if confirmed, to provide for stability in program management?

Answer. Yes, I believe program management tenure is important to program stability. If confirmed, I will support the Air Force's commitment to add rigor in the management of tenure.

Question. Major defense acquisition programs in the Department of the Air Force and the other Military Departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes.

Question. What steps, if any, do you believe the Air Force should take to address funding and requirements instability?

Answer. Emphasis needs to be placed on realistic budgeting based on improved program cost estimates. In my view, there is a need to stabilize program funding and to improve the requirements generation process to minimize changes during the weapons system's development process. If confirmed, I look forward to understanding the Air Force's existing situation in more depth and to identifying any additional steps that should be taken.

Question. The Comptroller General has found that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

Answer. Yes.

Question. If so, what steps do you believe the Department of the Air Force should take to address these problems?

Answer. I believe the acquisition reform steps recently put in place by Congress, OSD, and the Air Force will have a beneficial impact toward improving the acquisition process. It is critical to continue the revitalization of the Air Force acquisition workforce, improve the requirements generation process, instill budget and financial discipline, improve Air Force major systems source selections, and establish clear lines of authority and accountability within acquisition organizations. The Weapon Systems Acquisition Reform Act and regulations require preliminary design review prior to engineering and manufacturing development, giving more credibility to program cost baselines.

Question. By some estimates, DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Air Force should take to improve the staffing, training, and management of its acquisition of services?

Answer. It is my understanding the Air Force has implemented a multi-functional team approach to services acquisition both pre- and post-award; engaged general of-

ficers and senior executive leaders in oversight and management in each major command across the Air Force; and developed training courses now run out of the Defense Acquisition University (DAU). If confirmed, I will seek to become more knowledgeable about ongoing Air Force initiatives.

Question. Do you agree that the Air Force should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. I agree the Air Force needs such processes and systems and that they should be consistent with Defense Department expectations. As of yet, there is not a single system across DOD that has this capability. Having clear OSD expectations would be critical in the development of such a system. In the interim, it is my understanding that the Air Force is using existing data systems such as Federal Procurement Data System-Next Generation and Contract Business Information System. If confirmed, I will work with DOD to encourage development of consistent expectations across DOD.

Question. Recent congressional and DOD initiatives have attempted to reduce technical and performance risks associated with developing and producing major defense acquisition programs, including ships, so as to minimize the need for cost-reimbursable contracts.

Do you think that the Air Force should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. I believe that fixed price-type contracting should be used to the greatest degree appropriate. However, each contract has to be evaluated on a case by case basis to determine the appropriateness of this contact type. Its use would be appropriate when technologies are mature enough to enable accurate cost and schedule estimates by the industry offerors competing for a contract. The use of a fixed-price type contract, where appropriate, permits an equitable and sensible allocation of program risk between the Government and the contractor. I will certainly keep this consideration in mind, if confirmed, in considering options for future contracts. This recent focus on increased use of fixed price and fixed price incentive contract types is consistent with recent USD(AT&L) emphasis in this area.

Question. Section 811 of the NDAA for Fiscal Year 2008 amended section 2306b of title 10, U.S.C. to ensure that DOD enters multiyear contracts only in cases where stable design and stable requirements reduce risk, and only in cases where substantial savings are expected. The statement of managers accompanying the conference report addressed the requirements for buying major defense systems under multiyear contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multiyear contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a Government Accountability Office finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multiyear procurement contract."

Answer. If confirmed, will you ensure that the Air Force fully complies with the requirements of section 2306b of title 10, U.S.C., as amended by section 811 of the NDAA for Fiscal Year 2008 (Public Law 110–181) with respect to programs that are forwarded for authorization under a multiyear procurement contract?

Answer. Yes.

Question. If confirmed, under what circumstances, if any, do you anticipate that you would support a multiyear contract with expected savings of less than 10 percent?

Answer. In my opinion, 10 percent savings is a reasonable target for the "substantial savings" threshold. Based on what I know at this point, there is no specific Air Force program that I am aware of that would justify a multiyear contract with projected savings of less than 10 percent. Approval of multiyear procurement authority has historically depended on the ability to obtain significant savings, a sufficiently stable weapon system design, an adequately validated requirement, and a commitment to stable funding over the life of the contract.

Question. If confirmed, under what circumstances, if any, would you support a multiyear contract for a major system at the end of its production line?

Answer. I am aware of the statement of manager's language that accompanied section 811 in the NDAA for Fiscal Year 2008. This language endorsed the finding of the Government Accountability Office "that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be

a poor candidate for a multiyear procurement contract." I agree with this conclusion. There are no specific circumstances I can imagine at this point that would argue for an exception to this general argument against the use of a multiyear contract at the end of a production line.

Question. What is your understanding of the new requirements regarding the timing of any Air Force request for legislative authorization of a multiyear procurement contract for a particular program?

Answer. My understanding is that by no later than 1 March of the year in which the Secretary requests legislative authority to enter into a multiyear contract for a particular program, the Secretary must determine that each of the requirements laid out in section 811 of the NDAA for Fiscal Year 2008 have been met by the contract and provide the basis for such determination to the congressional defense committees.

AIR FORCE SCIENCE AND TECHNOLOGY

Question. What do you see as the role that Air Force science and technology programs will play in continuing to develop capabilities for current and future Air Force systems?

Answer. If confirmed, this is an area on which I would need to increase my familiarity, but I see the goal of Air Force science and technology programs continuing to be support of the warfighter with superior systems. I would expect the Air Force Science and Technology program to continue to focus on the Air Force strategic priorities—winning today's fight, modernizing our air and space inventories, and recapturing acquisition excellence.

Question. What in your view have been the greatest contributions of Air Force science and technology programs to current operations?

Answer. One of the enduring strengths of the Air Force has been the continual stream of advanced technologies and capabilities that have flowed out of the laboratory and gone into the development centers and Programs of Record with eventual transition to the warfighter. For example, the contributions of the Global Positioning System, smart weapons, and new technologies to help identify battlefield targets have had a profound impact on current operations.

Question. What metrics would you use, if confirmed, to judge the value and the investment level in Air Force science and technology programs?

Answer. Based on my current knowledge and without a deep understanding of the Air Force's efforts in this area, I believe the ultimate metric is to assess what has been transitioned into operational use. If confirmed, I will be guided by Air Force strategic priorities—to win today's fight, modernize our air and space inventories, and recapture acquisition excellence, and specifically, the goal to bolster intelligence, surveillance and reconnaissance, cyber and advanced conventional weapons support to the joint warfighter.

AIR FORCE LABORATORIES AND RESEARCH, DEVELOPMENT AND ENGINEERING CENTERS

Question. What role should Air Force laboratories play in supporting current operations and in developing new capabilities to support Air Force missions?

It is my view that the Air Force science and technology program—including the labs—should continue to develop and transition innovative and relevant technologies; build and nurture a technically skilled, highly educated and adaptive workforce able to provide effective solutions for today's issues; and conduct innovative research to maintain our technological edge over potential adversaries.

If confirmed, how will you ensure that the Air Force laboratories and research and development centers have the highest quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed warfighters and develop next generation capabilities?

Answer. If confirmed, I will spend time educating myself on the details of the Air Force's current initiatives in this area. The quality of the workforce is a critical consideration. In that regard, I would expect to work closely with the Air Force leadership to ensure the service is taking full advantage of the expedited hiring authorities to rebuild the workforce with the highest quality talent available and appropriately using all authorities for training these individuals. I will rely on and support the senior leadership of the acquisition community to assess and invest in infrastructure, including workforce, research facilities and funds necessary to support the future technology needs of the Air Force. It is my understanding that the results of the assessment of laboratory health and infrastructure required by the NDAA for Fiscal Year 2010 will form the basis for decisions on required infrastructure investments.

Question. Do you support the full utilization of authorities established by Congress under the Laboratory Personnel Demonstration program that is currently being run in many Air Force Research, Development, and Engineering Centers (RDECs)?

Answer. I fully support the intent behind the Lab Demo program—to improve recruitment and retention of high-quality employees and to shape the laboratory work force into a more flexible structure that can effectively respond to rapid changes in the technology market place. If confirmed, I will work with the laboratory leadership to monitor the Lab Demo program to ensure it remains effective for its primary purpose and propose changes to the program as they become required.

Question. Do you believe that all RDECs in the Air Force's Research, Development, and Engineering Command (RDECOM) need enhanced personnel authorities in order to attract and retain the finest technical workforce? Would you support expansion of the Laboratory Personnel Demonstration authorities to all of RDECOM's laboratories and engineering centers?

Answer. Yes, I believe the Lab Demo project has helped the Air Force recruiting and retention of highly qualified scientists and engineers. I don't yet have sufficient knowledge of the implications of expanding the program, but if confirmed, I look forward to being briefed in greater detail on potential expansion.

Do you believe that the Air Force's laboratories and engineering centers should have a separate, dynamic personnel system, uniquely tailored to support laboratory directors' requirements to attract and retain the highest quality scientific and engineering talent?

Answer. If confirmed, I look forward to learning more about and addressing this issue, looking carefully at the Air Force's experience with the Lab Demo program.

Question. How will you assess the quality of Air Force laboratory infrastructure and the adequacy of investments being made in new military construction and sustainment of that infrastructure?

Answer. I am aware that a provision in the NDAA for Fiscal Year 2010 directs the Secretary of Defense to report to Congress on the health of the Department's laboratory infrastructure. A Joint Assessment team, including representatives from the Air Force, has been formed to collect data and perform the analysis as required by the act. If confirmed, I will work closely with the leadership of the acquisition community to ensure that the Air Force Research Laboratory continues to have adequate infrastructure for meeting the Air Force technology requirements and warfighter needs.

AIR FORCE INFORMATION TECHNOLOGY PROGRAMS

Question. What major improvements would you like to see made in the Air Force's development and deployment of major information technology systems?

Answer. If confirmed, this is an area I would want to explore in greater depth. My current view, however, is that major information technology systems should be developed and deployed in conjunction with other DOD components to the maximum extent possible. A major information technology system would likely have applicability to organizations other than just the Air Force. Therefore, the Air Force should be partnering with those organizations to ensure unity of effort in development and sustainment of non stove-piped solutions.

Question. How will you encourage process and cultural change in organizations so that they maximize the benefits that new enterprise information technology systems can offer in terms of cost savings and efficiency?

Answer. Again, this is an area in which I look forward to becoming more expert, if confirmed. In order to maximize the benefits of new enterprise information technology, the Air Force should couple its existing process improvement program with IT systems that can effectively meet the requirements of those processes. I see great benefit in reducing the time airmen spend on administrative work and using that time to focus on operational requirements. If confirmed, I will strive to make that happen.

Question. What is the relationship between Air Force efforts at implementing enterprise information technology programs and supporting computing services and infrastructure to support Air Force missions and efforts being undertaken by the Defense Information Systems Agency (DISA) and the Assistant Secretary of Defense for Networks and Information Integration?

Answer. The Air Force and DISA have always had a strong relationship. It is my understanding that the Air Force has already taken steps to move computing services to the DISA Defense Enterprise Computing Centers. A pilot program is underway and the Air Force will use the results of this program to plan for the future

migration of services across the country. If confirmed, I will continue to foster that relationship.

HOUSING PRIVATIZATION

Question. DOD has been engaged in the privatization of many of its support functions. Among the most significant privatization efforts is military family housing units and utility systems.

In your view, what challenges does the Air Force face in implementing housing privatization and, if confirmed, how would you propose addressing those challenges?

Answer. I believe that such housing privatization efforts can be beneficial for the Department as they leverage private sector resources for the betterment of the force. I think it is important to ensure that any private investment is providing a quality product for our airmen and their families. I do not know of any specific challenges with Air Force housing privatization. If confirmed, I plan on learning more about the Air Force's experiences and challenges. Once I am more familiar with the specifics of the Air Force program, I look forward to working with this committee on any specific areas that raise concern. It is critical that the Air Force remains committed to providing high quality housing to airmen and their families.

Question. What adjustments, if any, would you anticipate as a result of the current lending environment?

Answer. From my limited exposure to this area, the current credit market is delaying closure of some of the Air Forces' privatization deals. If confirmed, I will work with current and future privatization project owners to evaluate what adjustments, if any, need to be made in order to ensure success of this important program.

Question. What actions would you propose, if any, to accommodate installations where there are housing shortfalls beyond the ability of the current privatization agreement?

Answer. Quality housing communities are critical to Air Force members and their families. I understand the Air Force is currently determining on-base housing requirements. If confirmed, I will work with Air Force leadership, local community leaders, and privatization partners to ensure Air Force housing privatization deals are agile enough to accommodate unforeseen housing shortfalls. I am committed to ensuring our military members and their families are provided access to safe, quality and affordable housing.

Question. What are your views regarding barracks privatization?

Answer. If confirmed, I will make access to quality housing for unaccompanied airmen a priority. I will work with the Air Force's senior military leadership to review and determine the most beneficial means to provide housing within the dormitory system, whether acquisition is pursued through traditional military construction avenues or privatization will have to be determined to meet the goals of the department as well as the expectations of our service men and women.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the Military Services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

What is your assessment of Air Force infrastructure investment?

Answer. If confirmed, I will review the current and future requirements for our infrastructure, to ensure that the Air Force can support its mission requirements and the Secretary of the Air Force's priorities.

Question. If confirmed, what actions, if any, would you propose to increase resources to reduce the backlog and improve Air Force facilities?

Answer. If a thorough review of infrastructure investment indicates the Air Force is taking too much risk, then if confirmed, I will work closely with Air Force leadership to make appropriate fiscal adjustments to reduce the backlog and improve facilities.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The Defense Base Realignment and Closure (BRAC) process has resulted in the required closure or realignment of numerous major Air Force installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

If confirmed, would you change any of the existing efforts to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. Close cooperation between military installations is vital during the BRAC closure process. If confirmed, I will review Air Force efforts at BRAC-impacted communities to ensure the Air Force is meeting the full spirit and intent of BRAC by allowing communities an active role in determining reuse of properties.

Question. What, in your view, are the advantages or disadvantages, if any, of the use of no cost Economic Development Conveyances as a means of early property transfers under BRAC as opposed to seeking for full fair market value?

Answer. I understand the debate that exists on the use of no cost EDCs. If confirmed, I would want to understand more fully the Air Force's historical experience and their view of the specific advantages and disadvantages of economic development conveyances.

SYSTEMS AND SUPPORT FOR WOUNDED WARRIORS

Question. Air Force personnel who are wounded and injured performing duties in Operations Enduring Freedom and Iraqi Freedom deserve the highest priority from the Air Force for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from Active Duty if required, and continuing support beyond retirement or discharge.

What is your assessment of the progress made to date by the Air Force and DOD to improve the care, management, and transition of seriously ill and injured Air Force personnel and their families?

Answer. I believe that DOD and the Air Force are committed to providing our Wounded Warriors the best care possible. I have been advised that the Air Force has increased its number of Recovery Care Coordinators, and it has modified promotion, evaluation, and retention policies that previously put combat wounded airmen at a disadvantage. I believe that wounded airmen who wish to continue to serve should be given every opportunity to do so. If confirmed, I would continue the Air Force's commitment to review and assess all efforts ensuring that we are meeting the needs of our wounded airmen and their families.

Question. What are the strengths upon which continued progress should be based?

Answer. It is my understanding that the recovery care coordinator program is the key to ensuring airmen receive full-spectrum care, and I have been advised that the Air Force plans to convert contract positions to civil service to provide a more stable workforce of trained professionals providing a high level of personalized care.

Question. What are the weaknesses that need to be corrected?

Answer. It is my understanding that the Air Force wants to improve the program by earlier identification of wounded airmen's abilities and capabilities. If confirmed, I will join the Air Force's effort to evaluate the current process and do what is necessary to insert the identification of abilities and capabilities sooner in the process, to help wounded airmen make more timely career decisions.

Question. What is your assessment of the need to streamline and improve the disability evaluation system?

Answer. I support the attention that has been given to the Disability Evaluation System Pilot Program by DOD and Department of Veteran Affairs at 27 military installations across the United States. This is an area that will continue to need attention and aggressive efforts at streamlining and improvement. If confirmed, I would look forward to working with DOD and Air Force leadership to continue such improvements.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase support for wounded Air Force personnel and their families, and to monitor their progress in returning to duty or to civilian life?

Answer. If confirmed, I will work with the Secretary of the Air Force to continue to assess the efficiency and appropriateness of the Air Force's Warrior and Survivor Care Program to ensure the Air Force meets the needs of our wounded airmen.

HOMOSEXUAL CONDUCT POLICY

Question. The current homosexual conduct policy, commonly referred to as "Don't Ask, Don't Tell," went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a Federal statute. Although there have been some changes in how this policy has been implemented, the basic policy has not changed. President Obama has made it clear that he intends to work with the military and with Congress to repeal the policy.

What is your view on repealing or changing this policy?

Answer. The President has stated an intent to work with Congress to repeal this policy. It is my understanding that he has entered into a dialogue with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff about how to best proceed in this effort. I further understand that DOD intends to follow the law in this matter as it currently exists and to follow it however it may be changed. I support the Department's commitment to the law and to working with Congress on a way forward as regards this policy.

Question. In your view, would changing this policy have an adverse impact on unit cohesion and good order and discipline in the Air Force?

Answer. I understand that the Air Force is committed to maintaining good order and discipline, and ensuring a climate of mutual respect. If confirmed, I would work to understand the view of the senior leadership of the service as to whether there would be any possible impact on unit cohesion, as well as good order and discipline.

Question. If confirmed, what role would you play in efforts to repeal or change this policy?

Answer. If confirmed, I will work closely with the Secretary of the Air Force to assess, advise and support him throughout review of the current policy.

Question. If the policy is changed by Congress, would you recommend a phase-in period for implementation of the new policy?

Answer. If confirmed, I would advise development of a thorough, complete and deliberate plan to implement any new policy, giving careful attention to the counsel of military leaders.

Question. If confirmed, what role will you play in implementing a new policy?

Answer. If confirmed, I will work closely with the Secretary of the Air Force to assess, advise and support him in the implementing any new policy.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. The Department has in recent years developed comprehensive policies and procedures to improve the prevention of and response to incidents of sexual assaults, including providing appropriate resources and care for victims of sexual assault. However, numerous incidents of sexual misconduct involving military personnel in Iraq, Kuwait, and Afghanistan are still being reported. Victims and their advocates claim that they are victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate treatment for the victim. They assert that their command fails to respond appropriately with basic medical services and with an adequate investigation of their charges followed by a failure to hold assailants accountable.

Do you consider the current sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. I am advised that DOD and Air Force leadership have assertively developed and executed policies that have led to an improved environment for all airmen. I am also advised that the combined aspects of the revised sexual assault prevention and care program, including a confidential reporting process, appear to be serving Air Force personnel well. This is a critical issue. Those who serve must know that they can come forward confidentially to report a crime and that such reporting will be taken seriously. If confirmed, I will give this issue careful attention and work for constant improvement.

Question. What problems, if any, are you aware of in the manner in which this new confidential reporting procedure has been put into operation?

Answer. I am not aware of specific changes that are needed at this time. If confirmed, I will ensure I understand the current status of this effort in the Air Force and work with the Secretary on any areas identified for improvement.

Question. What is your view of the steps the Air Force has taken to prevent sexual assaults in combat zones?

Answer. I understand that the Air Force deploys a fully trained Sexual Assault Response Coordinator (SARC) to each of our Air Expeditionary Wings and intends to support an additional location. I believe it is vital to have a robust sexual assault training and awareness program in a deployed environment to ensure all personnel, regardless of military branch, know that the SARC is there to support them.

Question. What is your view of the adequacy of the training and resources the Air Force has in place to investigate and respond to allegations of sexual assault?

Answer. I have been informed that since 2006, all airmen entering basic training and all pre-commissioning programs are educated about sexual assault, their reporting options, and how to seek assistance if they have been a victim of this crime. I also understand that additional education and training courses are ready to implement across the Air Force this year to reach airmen throughout their time in the Air Force regardless of the length of their service. If confirmed, I will assess wheth-

er additional steps should be taken to support victims and hold offenders accountable.

Question. If confirmed, what actions will you take to ensure senior level direction and oversight of efforts to prevent and respond to sexual assaults?

Answer. If confirmed, I will fully support the Secretary's oversight of the Air Force's Sexual Assault Prevention and Response Program. This is a problem though that does not affect the Air Force alone. In that regard, I would greatly support sustained partnerships with DOD and Congress, and with national subject matter experts and advocacy groups to get it right. Senior leadership must send a clear message that sexual assault is a criminal action and cannot and will not be tolerated in the Air Force. All servicemembers must have confidence that senior leaders will take any accusation seriously and that any evidence of a crime will result in prosecution.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD regarding religious practices in the Air Force?

Answer. It is my understanding that the Air Force actively supports free exercise of religion, mutual respect, and accommodation. If confirmed, I would continue the Air Force's commitment to upholding the free exercise of each person's religious convictions under the Constitution, and review policies as necessary to assure continued compliance with the First Amendment.

Question. Do these policies accommodate, where appropriate, religious practices that require adherents to wear particular articles of faith?

Answer. I understand that they do.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I understand that they do.

Question. In your opinion, do existing policies and practices regarding public prayers offered by Air Force chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. I understand that they do.

AIR FORCE ACADEMY

Question. What do you consider to be the policy and procedural elements that must be in place at the Air Force Academy in order to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. I understand the Academy has institutionalized a comprehensive program of both prevention and response to sexual assault and sexual harassment. If confirmed, I will support vigilant oversight of this issue.

Question. What is your assessment of corrective measures taken at the Air Force Academy to ensure religious tolerance and respect, and of Air Force guidelines regarding religious tolerance that were promulgated in August of 2005?

Answer. I understand that corrective measures taken by the Air Force meet the constitutional obligations of protecting free exercise of religion rights of servicemembers with different beliefs, including no religious beliefs, and guard against governmental establishment of religion, and promote mutual respect. If confirmed, I will support vigilant oversight of this issue.

RISING COSTS OF MEDICAL CARE

Question. In testimony presented to Congress in February 2009, the Assistant Director of the Congressional Budget Office asserted that "medical funding accounts for more than one-third of the growth projected for operations and support funding between 2009 and 2026." In April 2009, Secretary Gates told an audience at Maxwell Air Force Base that the cost of "health care is eating the Department alive."

What is your assessment of the long-term impact of rising medical costs on future Air Force plans?

Answer. My view is that the rising cost of health care costs is a tremendous problem for all Services. In the Air Force over the last 5 fiscal years, medical costs have increased almost 8 percent annually. DOD and the Services must strike a balance between maintaining its compact with servicemembers and their families to provide them high-quality medical care and the costs associated with this function which is taking up an increasingly great portion of the defense budget. Congress is also a critical partner in any decisions affecting medical care for servicemembers. If con-

firmed, I would work with the Secretary of the Air Force, appropriate officials in OSD and the other Services, and Congress to further address this issue.

Question. If confirmed, what actions would you recommend to mitigate the effect of such costs on the Air Force top-line?

Answer. The challenge of military health care costs cannot be solved in one service alone. TRICARE is a Department-wide system and any efforts to deal with rising costs must be dealt with across that system. Working to increase the utilization of the direct care system should lower costs as we recapture care that is being delivered in the private sector. Leveraging strategic partnerships across all services as well as civilian trauma centers, university medical centers, and the VA can provide a broad range of clinical opportunities for our entire medical team which in turn reduces expenditures in the private sector. For that reason, if confirmed, I will look forward to working with OSD, senior leadership from the Air Force and other Services, and Congress to strike the appropriate balance for these competing priorities.

Question. What reforms in infrastructure, benefits, or benefit management, if any, do you think should be examined in order to control the costs of military health care?

Answer. Reforms in these areas, in order to be effective, would need to be addressed across DOD. Doing so would necessitate working with a range of infrastructure, healthcare, and military personnel experts from OSD, the Services, and Congress to identify effective options. If confirmed, I would look forward to being an active participant in these efforts.

PERSONNEL AND ENTITLEMENT COSTS

Question. In addition to health care costs, personnel and related entitlement spending continue to soar and is becoming an ever increasing portion of the DOD and Air Force budgets.

What actions do you believe can be taken to control the rise in personnel costs and entitlement spending?

Answer. Personnel costs and entitlement spending now constitute a significant portion of DOD's budget. In the Air Force, 34 percent of the fiscal year 2010 budget supports pay and allowance for the Active Duty, Guard, Reserve, and civilian workforce. A major goal of the Air Force leadership is caring for airmen and their families. Part of that effort must be the recruitment and retention of the highest quality airmen and providing for them in their retirement. The Air Force, and the broader Department, must recognize, however, the pressure this puts on other parts of the budget. If confirmed, I will work with the rest of the Air Force leadership to continue to balance personnel costs with other high priority Air Force requirements.

Question. If confirmed, what actions will you take to avoid a requirement for massive end-of-year reprogramming to cover personnel costs?

Answer. If confirmed, I will work closely with Financial Management in DOD and Air Force to ensure budgeting is accurate. In addition, I will monitor execution, end-strength, and incentives to ensure a proper balance.

Question. What is your assessment of the Air Force's use of bonuses?

Answer. My understanding is that the Air Force has a relatively small bonus program compared to the other services; and its strategy is to surgically target bonuses towards those airmen with the skills most needed to accomplish its mission. From my knowledge to date, I believe the Air Force is using bonus programs judiciously and effectively to meet its retention goals.

Question. What is your assessment of the Air Force's use of aviation career incentive pay or assignment incentive pay for UASs operators, both those who are rated pilots and those who are not?

Answer. I have not yet had an opportunity to review the use of aviation career incentive pay for UASs operators. If confirmed, I will look into this issue.

MENTAL HEALTH ISSUES

Question. The final report of the DOD Task Force on Mental Health, issued in June 2007, found evidence that the stigma associated with mental illness represents a "critical failure" in the military, preventing individuals from seeking needed care. The report states, "Every military leader bears responsibility for addressing stigma; leaders who fail to do so reduce the effectiveness of the servicemembers they lead." In light of increasing suicide rates in each of the Services and the increase in the number of servicemembers experiencing symptoms of post-traumatic stress, it is more important than ever to ensure that servicemembers and their families have access to mental health care and that the stigma associated with seeking such care is eliminated.

In your view, what actions are necessary to alleviate this stigma?

Answer. I strongly agree with the assessment of the Task Force and believe it is incumbent on every senior leader to ensure access to mental health care and to reduce the stigma associated with utilizing such services. If confirmed, I will examine efforts currently underway to address any stigma associated with accessing mental health services and work to ensure that all servicemembers understand that seeking help for problems in any area of their lives is a sign of strength. I will also work to ensure that Air Force leaders at every level consistently re-enforce the message that seeking help is a sign of strength and is supported.

Question. What is your view of the need for revision of military policies on command notification when Air Force personnel seek mental health care?

Answer. If confirmed, I will review existing policies in this area and make any recommendations necessary to ensure that these policies strike the proper balance between providing privacy for those seeking mental health care and the needs of the Air Force to maintain the ability to safely conduct the mission.

Question. If confirmed, what actions will you take to ensure that sufficient mental health resources are available to servicemembers in theater, and to Air Force personnel and their families upon return to home station?

Answer. It is my understanding that 45 Air Force mental health professionals are deployed in support of the joint warfighting effort. I support Air Force efforts to provide mental health services to those in combat. If confirmed, I would like to understand the additional needs that exist both for the joint deployed force and for Air Force personnel and their families once they return to home station and would plan to review the effectiveness of recruitment and retention efforts currently in place.

MEDICAL PERSONNEL RECRUITING AND RETENTION

Question. DOD and the Air Force continue to face significant shortages in critically needed military medical personnel in both the Active and Reserve components. The committee is concerned that growing medical support requirements will compound the already serious challenges faced in recruitment and retention of military medical, dental, nurse, and behavioral health personnel.

If confirmed, will you undertake a comprehensive review of the medical support requirements for the Air Force and the sufficiency of the plans to meet recruiting and retention goals in these specialties?

Answer. Yes. If confirmed, I will partner with The Surgeon General, Air Force A1, and Air Force Recruiting Service for this comprehensive review

Question. What legislative and policy initiatives, including bonuses and special pays, do you think may be necessary to ensure that the Air Force can continue to meet medical support requirements?

Answer. Bonuses and special pays are important tools that help the Air Force retain quality medical service personnel. I am not aware of any new requirements for legislative or policy initiatives in this area. If confirmed, I will review the Air Force's programs for recruiting and retaining military and civilian medical personnel in order to identify areas that may benefit from new policy or legislative initiatives.

MILITARY QUALITY OF LIFE

Question. In January 2009, the Department published its second Quadrennial Quality of Life Review, which focused on the importance of key quality of life factors for military families, such as family support, child care, education, health care, and morale, welfare, and recreation services.

How do you perceive the relationship between quality of life improvements and your own top priorities for Air Force recruiting and retention?

Answer. I believe there is a direct relationship between Quality of Life programs and success in the recruiting and retention of airmen. Quality of Life programs are the cornerstone of regenerating, sustaining, and retaining the military's most important asset—its people. Our airmen are only as strong as the network of family and friends around them and it is crucial that we take care of families so our airmen can focus on the mission.

Question. If confirmed, what further enhancements to Air Force quality of life programs would you make a priority, and how do you envision working with the Department, combatant commanders, family advocacy groups, and Congress to achieve them?

Answer. If confirmed, I will support policies and programs that enable the Air Force to achieve and sustain a "Ready Air Force Family." I will support the Secretary of the Air Force's efforts to work closely with DOD and Service counterparts, combatant commands, and Congress to identify, resource, and execute the programs

that will most effectively provide our military members and their families a quality of life that will sustain them and retain this most important national resource.

FAMILY SUPPORT

Question. Military members and their families in both the Active and Reserve components have made, and continue to make, tremendous sacrifices in support of operational deployments. Senior military leaders have warned of growing concerns among military families as a result of the stress of frequent deployments and the long separations that go with them.

What do you consider to be the most important family readiness issues for Air Force personnel and their families, and, if confirmed, how would you ensure that family readiness needs are addressed and adequately resourced?

Answer. Military families deserve our continued support. Important issues center on available and adequate child care, spouse employment, quality education for children, family separation during deployments and subsequent reintegration, and financial readiness.

Question. If confirmed, I will work closely with DOD and Air Force leadership to gain a more comprehensive understanding of the issues facing Air Force families, including approaches to resourcing existing programs. Based on that, I hope to make a more informed judgment on the adequacy of funding for these important programs.

How would you address these family readiness needs in light of global rebasing, BRAC, deployments, and growth in end strength?

Answer. I believe that each of the factors mentioned in the question above increases the demand for family support services. If confirmed, I look forward to gaining a broader understanding of the specific impact of these issues and will foster an environment of support for all airmen and their families regardless of where they reside.

Question. If confirmed, how would you ensure support to Reserve component families related to mobilization, deployment and family readiness, as well as to Active Duty families who do not reside near a military installation?

Answer. The Reserve component is a critical part of the Air Force's Total Force approach and these families are equally deserving of support. There are additional challenges in providing effective support to Reserve families who may not live in close proximity to a base or to other military families. If confirmed, I will need to gain a broader understanding of these issues and the range of possible options for addressing them. My intent would be to foster an environment of support for all airmen and their families regardless of where they reside.

Question. If confirmed, what additional steps will you take to enhance family support?

Answer. In my capacity as staff director for the House Armed Services Committee, I have general knowledge of family support issues from multi-Service perspective. If confirmed, I will work closely with the Air Force leadership to explore and understand Air Force family support programs in more detail.

ACCESS TO HEALTH CARE

Question. As evidenced in a family support hearing held by the Subcommittee on Personnel earlier this year, one of the major concerns for military family members is access to health care. Military spouses tell us that the health care system is overwhelmed, and those stationed in more remote areas may not have access to adequate care.

If confirmed, what steps would you take to ensure complete access to health care for the families of servicemembers?

Answer. I concur with the subcommittee that this is a critical issue; adequate high-quality health care should be what military families can expect. If confirmed, I look forward to understanding more fully the challenges faced specifically by the Air Force and to identify options for addressing these challenges, particularly to ensuring that the Air Force medical service has the appropriate manpower at each installation to execute the Family Health Initiative.

MORALE, WELFARE, AND RECREATION

Question. Morale, Welfare, and Recreation (MWR) programs are critical to enhancement of military life for members and their families, especially in light of frequent and lengthy deployments. These programs must be relevant and attractive to all eligible users, including Active Duty and Reserve personnel members and families assigned overseas, and personnel deployed in support of military training and operations.

What challenges do you foresee in sustaining MWR programs, and, if confirmed, what improvements would you seek to achieve?

Answer. The challenge continues to be maintaining the delicate balance of funding warfighting needs and family member support programs. MWR programs are needed to regenerate airmen and provide comfort for their families so human performance is optimized. If confirmed, I will continue to emphasize the importance of these programs to support the well-being of all our airmen.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. In recent years, the Air Force and DOD have become increasingly reliant on services provided by contractors. Over the past 8 years, DOD's civilian workforce has remained essentially unchanged in size. Over the same period, the Department's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result of the explosive growth in service contracts, contractors now play an integral role in the performance of functions that were once performed exclusively by government employees, including the management and oversight of weapons programs, the development of policies, the development of public relations strategies, and even the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as Federal employees.

Do you believe that the current balance between civilian employees and contractor employees is in the best interests of the Air Force and DOD?

Answer. I agree with President Obama's government contracting memorandum of March 4, 2009, directing the executive departments and agencies to ensure that contracts are not wasteful or inefficient, that contracts are designed to meet Federal Government needs, and that inherently governmental functions are not outsourced. Congress through recent NDAAs has taken productive efforts to emphasize the importance of not outsourcing inherently governmental activities and to grow the acquisition workforce. If confirmed, I would work with the Secretary of the Air Force and leaders across the Air Force to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. In your view, has the Air Force become too reliant on contractors to perform its basic functions?

Answer. I believe DOD generally has become too reliant on contractors to perform basic functions. While I am not specifically familiar yet with the Air Force's contracting approach, I continue to believe that inherently governmental functions should not be outsourced, consistent with President Obama's government contracting memorandum of March 4, 2009. If confirmed, I would work with the Secretary of the Air Force and leaders across the Air Force to assess this matter so as to ensure compliance with the law and with the President's policy.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of the Air Force?

Answer. The Federal Acquisition Regulation restricts the use of personal services contracts. If confirmed, I would work with the Secretary of the Air Force and leaders across the Air Force to ensure compliance with applicable law and policy.

Question. Do you believe that the Air Force and DOD should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. I fully support the principles and policies set forth in President Obama's memorandum of March 4, 2009. That memorandum directs the Office of Management and Budget, in coordination with the Secretary of Defense, among others, to develop and issue "government-wide guidance to assist branch agencies in reviewing, and creating processes for ongoing review of, existing contracts in order to identify contracts that are wasteful, inefficient, or not otherwise likely to meet the agency's needs and to formulate appropriate corrective action in a timely manner." I believe that any such review must include a review of inherently governmental functions and other critical government functions and how they are performed. If confirmed, I will support any such review and corrective action, particularly as it relates to matters under the purview of the Under Secretary of the Air Force.

Question. If confirmed, will you work with other appropriate officials in DOD to address these issues?

Answer. If confirmed, I will work collaboratively with appropriate Air Force and DOD officials to ensure these matters are addressed in the best interest of the Air Force and DOD.

CIVILIAN PERSONNEL SYSTEMS

Question. Section 1113 of the NDAA for Fiscal Year 2010 repealed the statutory authority for the National Security Personnel System (NSPS), and required that all NSPS employees be converted to other personnel systems by no later than January 1, 2012.

Answer. If confirmed, will you ensure that Air Force NSPS employees are converted to other personnel systems as quickly as practicable, and with as little disruption to their organizations and their work as possible?

Answer. Yes.

Question. Section 1113 also provides DOD with extensive personnel flexibilities for its civilian employees that are not available to other agencies. In particular, section 9902(a) of title 5, U.S.C., as added by section 1113, directs the Department to establish a new performance management system for all of its employees. Section 9902(b) directs the Department to develop a streamlined new hiring system that is designed to better fulfill DOD's mission needs, produce high-quality applicants, and support timely personnel decisions.

Do you agree that the Air Force's civilian employee workforce plays a vital role in the functioning of the Department?

Answer. Yes.

Question. What is your view of the personnel flexibilities provided by section 1113?

Answer. I understand that the Air Force is already an active participant in DOD and government-wide teams looking into options for a possible new civilian hiring system and performance management system. In the interim, I believe that the flexibilities granted by Congress can help ensure that the Department is able to hire high quality applicants during this period of transition. If confirmed, I will do everything I can to ensure and facilitate Air Force's continued participation in these important projects and to execute the changes in law as intended by Congress.

Question. If confirmed, will you make it a priority to implement these flexibilities in a manner that best meets the needs of the Air Force and promotes the quality of the Air Force's civilian workforce?

Answer. Yes.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. The Department and the Services continue to work toward adoption of the Defense Integrated Military Human Resources System (DIMHRS) as a cross-Service, fully integrated personnel and pay system. Under the proposed timeline, the Army is the first in line to launch DIMHRS, with the Air Force, Navy, and Marine Corps to follow. Recent reports indicate technical difficulties have postponed the Army's launch date.

What is your assessment of the need for an integrated, cross-Service personnel and pay system?

Answer. The integration of both personnel and pay into one common system will provide several key benefits for both the Air Force and for DOD. Some of these benefits are; the retirement of outdated legacy systems (reducing maintenance costs), the reduction of payroll errors, the ability to leverage the latest in industry technology, and the improved delivery of human resource information to our airmen.

Question. What is the status of the implementation of DIMHRS in the Air Force?

Answer. It is my understanding that per USD (AT&L) direction, the Air Force is evaluating the DIMHRS product as built to date to assess how best to use the DIMHRS solution to the maximum extent possible. If confirmed, I intend to look into the issue and to become more familiar with the status of DIMHRS implementation in the Air Force.

Question. If confirmed, what changes, if any, would you recommend to the implementation schedule and process currently in place for the Air Force?

Answer. If confirmed, I would ensure the Air Force progresses in a measured approach to the program, considering lessons learned throughout each phase of the build-out increments to ensure DIMHRS is leveraged to the maximum extent possible. As I learn more about Air Force implementation, I would assess any changes that might be needed.

Question. If confirmed, what role do you plan to play in oversight over and direction of Air Force efforts to develop and deploy DIMHRS?

Answer. If confirmed, my duties as the CMO for the Air Force would be to work closely with the Air Force acquisition and functional communities. I would ensure appropriate metrics for effective management are applied, and would strive to identify efficiencies via business process reengineering, policy changes and reducing customization of commercial technology.

GI BILL BENEFITS

Question. Last year, Congress passed the post-September 11 Veterans Educational Assistance Act that created enhanced educational benefits for servicemembers who have served at least 90 days on Active Duty since September 11. The maximum benefit would roughly cover the cost of a college education at any public university in the country.

What is your assessment of the effect of the post-September 11 Veterans Educational Assistance Act on recruiting and retention of servicemembers for service in the Air Force?

Answer. In my current capacity as Staff Director, I have heard from a broad variety of servicemembers how much they value and appreciate the new GI Bill. Traditionally, educational benefits have been a strong consideration for members who want to enter Military Service; as well as, an incentive for members to continue serving to maximize educational opportunities. I believe that these new educational benefits will have a positive impact on recruitment and retention. If confirmed, I will ensure that there is a process to assess the impact of this important new benefit on Air Force recruiting and retention.

Question. What is your view of the effectiveness of the transferability provisions contained in the act on retention of mid- and late-career servicemembers?

Answer. I am aware that the transferability provisions were highly sought by many servicemembers and their families. My initial assessment, from my current position, is that these provisions are having a beneficial effect. But if confirmed, I would familiarize myself with the relevant data and monitor the impact of the provision on retention of mid- and late-career servicemembers.

QUADRENNIAL REVIEW OF MILITARY COMPENSATION

Question. Last year, the Department released the 10th Quadrennial Review of Military Compensation (QRMC). Among other recommendations, the QRMC proposes a new defined benefit retirement plan that more resembles the benefits available under the Federal Employee Retirement System than the current military retirement benefit; increasing TRICARE fees for retirees; and the adoption of dependent care and flexible spending accounts for servicemembers.

What is your assessment of the QRMC recommendations, particularly the proposed new defined retirement plan?

Answer. I believe that any reduction in pay, allowances or benefits could have an adverse effect on morale and retention. But any new proposal should be carefully considered to understand the direct and second-order implications. If confirmed, I will ensure that any new proposal is reviewed to understand the consequences of implementation and assess whether support is in the best interest of military personnel.

Question. Do you believe that servicemembers should have access to flexible spending arrangements?

Answer. Flexible spending accounts can provide employees with options and should be given consideration. If confirmed, I would ensure that full and fair consideration is given to any program that offers advantages to personnel, particularly if there is no adverse budgetary impact.

LEGISLATIVE FELLOWSHIP PROGRAM

Question. Each year, the Services assign mid-career officers to the offices of Members of Congress under the Legislative Fellows Program. Upon completion of their legislative fellowships, officers are supposed to be assigned to follow-on positions in their services in which they effectively use the experience and knowledge they gained during their fellowships.

What is your assessment of the value of the Legislative Fellows program to the Air Force and to the career development of the officers involved?

Answer. I am a strong supporter of the Legislative Fellows program from my experience with the House Armed Services Committee. The Legislative Fellows program can provide mid-career officers with an invaluable experience as it exposes top tier officers, on track to be future Air Force senior leaders, to the inner workings of the legislative process as it relates to DOD issues. Additionally, the relationships they form with civilian leaders and their staffs in Congress can benefit the officer, especially as he or she progresses into senior officer ranks.

Question. What is your assessment of the Air Force's utilization of officers who have served as legislative fellows?

Answer. My understanding is that the Air Force been successful in properly utilizing fellows after they complete the program. Every effort is made to assign them

to follow on positions which utilize their legislative experience. If confirmed, I would look more carefully at the utilization of prior legislative fellows.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward thinking management of senior executives.

What is your vision for the management and development of the Air Force senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. I believe that the Senior Executive Service is crucial to providing the consistent leadership and continuity of excellence in these critical career fields. It is my understanding that the Air Force has implemented a rigorous corporate approach to overall management of the senior executive corps, which facilitates recruitment, development, compensation, and succession planning for senior civilian leaders. If confirmed, I will continue to support this approach.

Question. Over the last 10 years, the Air Force budget has almost doubled, but the number of senior executives in the Department of the Air Force has remained almost unchanged.

Do you believe that the Air Force has the number of senior executives it needs, with the proper skills to manage the Department into the future?

Answer. I have not yet had the opportunity to review the number of Air Force senior executives and their associated skill sets. If confirmed, I will look into the issue.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MARK BEGICH

HEALTHCARE FOR MILITARY IN ALASKA

1. Senator BEGICH. Ms. Conaton, Active Duty military, their families, and retirees face many challenges accessing health care in Alaska. The military treatment facilities at Forts Wainwright and Elmendorf are top quality and provide many services to military members and their families. However, many specialties are either not available at the military treatment facilities or at capacity, and cannot accommodate all customers. Many civilian specialists in Alaska do not participate in the TRICARE network. As a result, certain health care needs of military members and their families in Alaska are not being met. If confirmed, what steps would you take to improve access to healthcare in Alaska?

Ms. CONATON. If confirmed, I look forward to working with the other Services, the Coast Guard, the Health Affairs office in the Office of the Secretary of Defense, and Congress to explore ways to increase healthcare access in Alaska. I would also seek Air Force discussions with the TRICARE Management Agency, the Department of Veterans Affairs, and Indian Health Service to identify potential options for improv-

ing the health care not only for TRICARE beneficiaries, but for other Federal beneficiaries and residents of the State of Alaska.

2. Senator BEGICH. Ms. Conaton, if confirmed, please describe how you would work with TRICARE Management Agency (TMA) as they work to increase the TRICARE network in Alaska to provide for better access to health care for our servicemembers and their families.

Ms. CONATON. It is my understanding that the Air Force, other Services, and Coast Guard are already engaged with the TMA to increase access for our TRICARE beneficiaries in Alaska. If confirmed, I look forward to familiarizing myself on this issue and learning more about the Air Force plans and progress.

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

COST ASSESSMENT AND PROGRAM EVALUATION

3. Senator BURRIS. Ms. Conaton, if confirmed, how do you plan to work with the new Director of Cost Assessment and Program Evaluation (CAPE) position that has been created this past year to advise the Secretary of Defense on program cost efficiency?

Ms. CONATON. Based on my involvement in the passage of the Weapon Systems Acquisition Reform Act (WSARA) of 2009 from my current position with the House Armed Services Committee, I believe strongly in the benefits of the new Director of CAPE. This position should help greatly in improving the cost effectiveness and accountability of Department of Defense (DOD) programs. If confirmed, I would fully support the CAPE Director to help ensure that the Air Force incorporates accurate and precise cost estimates into program cost, technical, and schedule baselines early in the life of a program. These measures are critical to acquisition program success and increased congressional and public confidence in Air Force programs. I would strive to work effectively with the CAPE Director to meet the new direction set forth in the WSARA, aggressively utilize resources available through the Workforce Development Fund, and support and execute the Secretary of the Air Force's acquisition improvement plan.

UNMANNED SYSTEMS

4. Senator BURRIS. Ms. Conaton, what priority will you be placing on U.S. advancement of unmanned drones and their use in surveillance missions?

Ms. CONATON. If confirmed, the advancement of unmanned aerial systems (UASs) and their use in intelligence, surveillance, and reconnaissance missions will be a high priority for me. General Schwartz has previously said that UASs are a game-changing capability. The effects they provide have emerged as one of the most in-demand assets the Air Force provides the Joint Force. If confirmed, I look forward to working with Secretary Donley and General Schwartz to fully understand their perspective on these issues and further expand this capability.

5. Senator BURRIS. Ms. Conaton, do you believe that unmanned aircraft pilots should also be trained to fly manned aircraft as well?

Ms. CONATON. It is my understanding that the Air Force has developed a new model to train pilots of unmanned aerial systems in a way that does not require them to fly a manned airframe beyond their Initial Flight Training (IFT). Given the significant and rapidly increasing demand for UAS support, I think it is appropriate for the Air Force to look at nontraditional means of meeting the demand for UAS pilots. If confirmed, I look forward to gaining a greater understanding of the Air Force's plans in this regard.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

ENVIRONMENTAL IMPACT STUDIES FOR THE STATIONING OF THE F–35 LIGHTNING

6. Senator MCCAIN. Ms. Conaton, the Air Force recently announced 10 candidate bases for the stationing of the F–35 Lightning, also known as the Joint Strike Fighter. Within the next 2 months, the Air Force will start the Environmental Impact Study (EIS) required by the National Environmental Policy Act. As you may know, the Air Force has encountered problems with a similar assessment for the stationing of F–35s at Eglin Air Force Base (AFB), resulting in a delay in construction of facilities, a reduction in the number of F–35s to be stationed at Eglin AFB, and a lawsuit

by a local community. If confirmed, what actions would you propose to ensure the same issues for the Air Force do not delay the upcoming EIS?

Ms. CONATON. If confirmed, I would work to ensure the Air Force follows through on its new basing process which—as I understand it—was developed based on lessons learned from the initial, BRAC-directed, F–35 beddown. I understand this new process takes an enterprise-wide look to identify the best-suited candidate base for the mission, and should allow the Air Force to more deliberately plan for contingencies that arise from fielding complex weapon systems, such as the F–35. If confirmed, I look forward to working with all of the players involved in this decision, including this committee, to avoid future delays.

7. Senator MCCAIN. Ms. Conaton, in your opinion, is the Air Force adequately addressing the concerns over the noise associated with F–35 operations?

Ms. CONATON. As I am not yet confirmed, I have not had access to details regarding noise concerns with F–35 operations. If confirmed, I look forward to understanding this issue better and providing a more detailed response.

8. Senator MCCAIN. Ms. Conaton, what else can be done to allow communities to accurately and objectively understand the true impact F–35 operations will have with regards to noise?

Ms. CONATON. I understand the Air Force is conducting the necessary noise analysis as part of the EIS process. I believe it is important for the public to have an accurate understanding of the impact of F–35 noise. If confirmed, this is an area I would want to explore in greater depth.

9. Senator MCCAIN. Ms. Conaton, can you provide for the record an estimated timeline for the Air Force to achieve the major milestones in the EIS through the Record of Decision in order to meet the operational need dates for the F–35?

Ms. CONATON. I have not yet had the opportunity to review the Air Force timeline of the EIS for the F–35. If confirmed, I look forward to working with Secretary Donley and Congress to help ensure an appropriate basing strategy for the F–35.

UNDER SECRETARY OF THE AIR FORCE AS EXECUTIVE AGENT FOR SPACE

10. Senator MCCAIN. Ms. Conaton, in the past, the Under Secretary of the Air Force has been designated as the Air Force's executive agent for space programs. However, prior to leaving office 10 months ago, John Young, the former Under Secretary of Defense for Acquisition, Technology, and Logistics expressed doubts that the Under Secretary of the Air Force, who must balance the competing interests of all Air Force programs, is the right person for this task. What are your views on this issue?

Ms. CONATON. I understand the organization and management of space issues within the Air Force headquarters is under internal review, as well as through the Quadrennial Defense Review and Space Posture Review processes. Based on my limited knowledge, I am hopeful these reviews and studies will sufficiently inform and assist the DOD and the Air Force in developing the way ahead, to include lines of authority and organizational structures. If confirmed, I would expect to work collaboratively with leaders across the DOD on a wide range of duties and responsibilities that the Secretary of the Air Force would assign to me.

11. Senator MCCAIN. Ms. Conaton, do you think that DOD and the Air Force might be better off with a non-Service specific, joint approach, as advocated by former Under Secretary Young?

Ms. CONATON. The roles and responsibilities for the Air Force in space policy and programs are currently under review both by DOD and the Air Force. Based on that review, I expect the Secretary of Defense and the Secretary of the Air Force to make a judgment about the best organizational construct for accomplishing DOD's and the Air Force's space missions. I anticipate being an active participant in those deliberations and to serving in whatever capacity for space policy and programs that the Secretary finds most appropriate and beneficial to the Air Force. Beyond this specific area, I look forward to working as the Secretary's deputy and principal assistant across the range of his responsibilities.

ACQUISITION REFORM

12. Senator MCCAIN. Ms. Conaton, in May 2009, Air Force leadership completed an Air Force acquisition improvement plan (AIP), which laid out how the Air Force

intends to reform its procurement of major weapons systems. Among the critical areas where the Air Force found problems was "overstated and unstable requirements that are difficult to evaluate during source selection". Do you agree with that finding?

Ms. CONATON. Yes.

13. Senator MCCAIN. Ms. Conaton, what steps do you think the Air Force should take to prevent it from happening?

Ms. CONATON. I understand the Air Force is taking corrective actions to improve how program requirements are translated into system requirements for evaluation in a source selection. The AIP requires leadership involvement early in the development of program requirements of major weapons systems, including certifying that operational requirements are feasible, i.e., technically achievable and executable within the estimated schedule and budgeted life-cycle cost. Further, I understand that the Air Force plans to use multifunctional independent review teams for all competitive acquisitions over $50 million, to assess critical decision points within the business and contract clearance process. If confirmed, this is an area I would expect for focus on in more depth.

14. Senator MCCAIN. Ms. Conaton, do you see value in pursuing incremental acquisition strategies that deliver early, if only partial, operational capability, rather than strategies that deliver the 100 percent solution?

Ms. CONATON. Yes, I see significant value in pursuing incremental acquisition strategies to get needed capability to warfighters earlier, especially in this time of rapidly evolving technology and threats.

15. Senator MCCAIN. Ms. Conaton, how important is it to freeze program requirements at contract award and to require that any subsequent changes to "key performance parameters" be accompanied by adequate funding and schedule considerations that are reviewed (and agreed on) by the Chief of Staff prior to validation by the Joints Requirements Oversight Council (JROC)?

Ms. CONATON. Being involved from my current position in the drafting and passage of the Weapons System Acquisition Reform Act, I am convinced that getting a handle on requirements early in a program is critical. It is crucial to freeze program requirements at contract award and to require that any subsequent changes to "key performance parameters" be accompanied by funding and schedule considerations agreed on by the Chief of Staff prior to validation by the JROC. Freezing requirements helps to stabilize programs, reduce acquisition risk and improve the requirements generation process both for the Air Force and its industry partners by minimizing requirement changes during the weapons system's development process.

16. Senator MCCAIN. Ms. Conaton, one critical area that the Air Force identified for reform in its May 2009 acquisition improvement plan was the need for clear lines of authority and accountability within the Air Force's acquisition organizations. According to the Air Force, the hierarchical wing/group/squadron structure has diminished "functional mentoring and support," which once provided Air Force contracting officers with the sense of authority that allowed necessary independent decisionmaking. The Air Force's findings seem to be that, under the current organizational structure, the best and brightest of the Air Force uniformed acquisition work force aren't being allocated to where they are most needed and the Air Force seems to be structurally limited in being able to develop new uniformed talent for that work force. Do you share those concerns? If so, how can those shortcomings be corrected within the existing organizational structure?

Ms. CONATON. I share the concerns raised by the Secretary of the Air Force and the Chief of Staff in the May 2009, Acquisition Improvement Plan. Based on my current knowledge, I concur with the Air Force realignment of the current Wing/Group/Squadron organizational structure to a Directorate/Division/Branch structure for most acquisition organizations. I understand that this realignment is manpower neutral and is designed to improve clear lines of authority and accountability within the acquisition organizations. I believe it will strengthen functional management, improving hiring, training, and development of personnel in addition to supporting the independence of the contracting function. The strength and quality of the acquisition workforce is a key issue and one that I would expect to focus on, if confirmed.

17. Senator MCCAIN. Ms. Conaton, in 2008, GAO sustained bid protests on two of the Air Force's highest acquisition priorities—the KC–X aerial refueling tanker replacement program and the Combat Search and Rescue helicopter replacement program (CSAR–X). In its May 2009 Air Force acquisition improvement plan, Air

Force leadership agreed that those GAO decisions (and other events) required that the Air Force needed to re-examine its procedures for large system acquisition source selections. In doing so, the Air Force recognized two critical areas that needed to be addressed: "incomplete source selection training that has lacked 'lessons learned' from the current acquisition environment" and " the delegation of decisions on leadership and team assignments for major defense acquisition program source selections have been too low." Do you agree with that appraisal?

Ms. CONATON. Yes, I agree with that appraisal.

18. Senator MCCAIN. Ms. Conaton, what specific step do you think should be taken to ensure that Air Force personnel have the required experience and training to conduct source selections—particularly on major weapons programs?

Ms. CONATON. I understand the Air Force is identifying acquisition professionals with recent source selection experience and using them for major weapons systems acquisitions. The recency of experience, along with the prerequisite acquisition training and certification, should provide the Air Force the necessary skill sets needed for source selections. If confirmed, I look forward to learning more in this area to further develop my initial assessment.

INTERNATIONAL TRAINING OF F–16 PILOTS BY THE AIR FORCE

19. Senator MCCAIN. Ms. Conaton, for the past 20 years, 95 percent of the international F–16 pilot training undertaken by the Air Force as part of the foreign military sales program has been conducted by the 162nd Air National Guard Fighter Wing based at Tucson Airport in Arizona, in part due to the great flying weather and access to the Barry M. Goldwater Range. There is an initiative pending within the Air Force concerning the U.S. military location to support training of international F–16 pilots from the Netherlands and Singapore. A decision to shift a part of this training to another area of the country away from adequate training ranges should be based on assessing the best value to the Government and the most effective venue for international pilot training and not on creating new missions for underutilized units or political concerns. If confirmed, can you review this initiative and report back to the committee on the factors being considered by the Air Force regarding this decision?

Ms. CONATON. I am not yet familiar with the current Air Force thinking on this training. If confirmed, I would be happy to take a closer look at this initiative and discuss what I learn with the committee.

[The nomination reference of Erin C. Conaton follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 10, 2009.

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

Erin C. Conaton of the District of Columbia, to be Under Secretary of the Air Force, vice Ronald M. Sega, resigned.

[The biographical sketch of Erin C. Conaton, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ERIN C. CONATON

EDUCATION

The Fletcher School of Law and Diplomacy, Tufts University, Aug. 1993–May 1998; received Master of Arts in Law and Diplomacy, May 1995; completed all requirements for Ph.D. other than dissertation from 1995–1998

School of Foreign Service, Georgetown University, Aug. 1988–May 1992; received Bachelor of Science in Foreign Service, May 1992

EMPLOYMENT RECORD

Staff Director, Committee on Armed Services, U.S. House of Representatives, 2007–2009
Minority Staff Director, Committee on Armed Services, U.S. House of Representatives, 2005–2007
Professional Staff Member, Committee on Armed Services, U.S. House of Representatives, 2001–2005
Research Staff Director, U.S. Commission on National Security/21st Century (Hart-Rudman Commission), 2000–2001
Research Associate, U.S. Commission on National Security/21st Century (Hart-Rudman Commission), 1998–2000
Graduate Fellow, Central Intelligence Agency, January–March 1998
Summer Associate, Overseas Private Investment Corporation, summer 1995
Summer Graduate Fellow, National Security Council, summer 1994
Director of Client Services, Yield Enhancement Strategists, Pearl River NY, 1993
Financial Analyst, Salomon Brothers Inc. New York, NY, 1992–1993

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Erin C. Conaton in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Erin Cathleen Conaton.

2. **Position to which nominated:**
Under Secretary of the Air Force.

3. **Date of nomination:**
November 10, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 26, 1970; Hackensack, NJ.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

The Fletcher School of Law and Diplomacy, Tufts University, 1993–1998, received Master of Arts in Law and Diplomacy in May 1995; continued onto the Ph.D. and left completing all requirements except the doctoral dissertation.

School of Foreign Service, Georgetown University, 1988–1992, graduated with a Bachelor of Science in Foreign Service in May 1992.

Immaculate Heart Academy, Washington Township, NJ, 1984–1988; received high school diploma, 1988.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Staff Director, Committee on Armed Services, U.S. House of Representatives, Washington DC, January 2007–present.

Minority Staff Director, Committee on Armed Services, U.S. House of Representatives, Washington DC, September 2005–January 2007.

Professional Staff Member, Committee on Armed Services, U.S. House of Representatives, Washington DC, June 2001–September 2005.

Research Associate and then Research Staff Director, U.S. Commission on National Security/21st Century (Hart-Rudman Commission), September 1998–June 2001.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Graduate Fellow, Central Intelligence Agency, January–March 1998

Summer Graduate Fellow, National Security Council, summer 1994

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

N/A.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, Women in International Security

Class Agent, Fletcher School of Law and Diplomacy Class of 1995

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

N/A.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Volunteer member of defense policy team for Obama/Biden Campaign

Volunteer member of defense policy team for Kerry/Edwards Campaign

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

6/16/08 - Obama/Biden Campaign, $500

7/27/08 - Obama/Biden Campaign, $1,000

10/08/08 - Obama/Biden Campaign, $800

11/03/06 - Democratic Congressional Campaign Committee, $200

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

1998, National Finalist, White House Fellows Program

1996–1997, International Security Studies Fellowship, The Fletcher School of Law and Diplomacy, Tufts University

1993–1997, Jacob K. Javits Fellowship, U.S. Congress and U.S. Department of Education, Washington, DC

1992, Graduated magna cum laude, Phi Beta Kappa from Georgetown University as a School of Foreign Service Scholar and recipient of Dean's Citation for Service

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Conaton, Erin C. and Laurent L. Jacque. Management and Control of Foreign Exchange Risk (A Guide for Instructors). Kluwer Academic Press, 1997.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

N/A.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ERIN C. CONATON.

This 15th day of November, 2009.

[The nomination of Erin C. Conaton was reported to the Senate by Chairman Levin on December 2, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

[Prepared questions submitted to Lawrence G. Romo by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. If confirmed as the Director of Selective Service what would be your principal responsibilities and duties?

Answer. The principal responsibilities of the Director are noted in the Military Selective Service Act: to be ready to provide both trained and untrained manpower to the Armed Forces in the numbers and timeframes requested by the Department of Defense (DOD), and to be prepared to manage an Alternative Service Program for those men classified as conscientious objectors. This charter implies that Selective Service be organized, staffed, and trained to perform these tasks.

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. Actually, my entire career has taken me on a path leading to this appointment. I have an affinity for military service: beginning as an USAF Academy graduate, a serving officer in the Active and Reserve components, and am currently working for the U.S. Army as a civilian. Public service is my life's preoccupation, both in and out of uniform. I believe that, even beyond a proven ability to build productive relationships among communities, the Texas Legislature, and the Federal Government, I was appointed to this position because of my familiarity with DOD, my demonstrated commitment to a strong national defense, and a career of public service.

RELATIONSHIPS

Question. The mission of the Selective Service System (SSS) is to provide manpower to the Armed Forces in time of national emergency and to manage an Alternative Service Program for men classified as conscientious objectors during a draft.

If confirmed, what would your relationship be to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness?

Answer. It is clear that the chief customer of Selective Service is the Secretary of Defense. Today, Selective Service receives its guidance on the number of conscripts that may be required in a crisis, as well as the desired timeframes from the manpower planners in his Department. The Agency's primary contact within

DOD is the Under Secretary for Personnel and Readiness. The SSS also works very closely with the Military Entrance Processing Command which also comes under his structure. As necessary, there is also direct liaison with the Office of the Secretary of Defense regarding SSS policy issues. Over many years, these relationships have worked well and I will ensure that they continue.

Question. If confirmed, what would your relationship be to the Assistant Secretaries for Manpower in the Military Services; the uniformed personnel chiefs of the Military Services; the Chief of the National Guard Bureau; the Reserve component chiefs; and the manpower officials in the Joint Staff?

Answer. As an independent civilian Agency, Selective Service's principal interface with DOD is the Under Secretary of Defense for Personnel and Readiness. Joint and Service manpower officials express their needs up their chain of command to OSD. This said, Selective Service has historically responded to the Services on Service-unique issues. For example, the SSS has been assisting individual Service recruiting efforts by including a recruiting brochure for the Active and Reserve components in our registration acknowledgment envelope mailed to more than 94,000 men each week. As Director, I will meet with the Service Secretaries as necessary. The Chief of the Bureau and the Reserve Chiefs support the Agency by placing 150 National Guard and Reserve officers in Selective Service assignments and assisting with the registration of young men.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Director of the SSS?

Answer. There are four: getting the registration message out to the public given budget limitations, maintaining the registration compliance rate above the 90 percent range, assuring the public that if a draft is reinstated it will be fair and equitable, and defending the System against challenges from those who believe that our Nation no longer needs our capability.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. To heighten awareness of the registration requirement among men 18 through 25 years old I would focus more mass mailings to targeted shortfall areas, augmented with public service advertising. This would expand the reach and frequency of the registration message. In support of this approach, I would add momentum and sustainability by encouraging more States to link driver's permits and licenses to the Federal registration requirement. Finally, I would ensure a top-to-bottom review of all mobilization programs to determine the exact costs for readiness and whether the proper level of readiness has been achieved. Selective Service needs to be as ready and capable as is necessary to fulfill its responsibilities. With the foregoing accomplished, justification for the Agency and its mission would be self-evident.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the SSS?

Answer. I believe they are two: eroding public awareness of the Federal registration requirement and the loss of trained personnel from the Agency. I am sensitive to the fact that the public awareness task is never completed because another 6,000+ young men turn 18 years old every day in the United States and excellent Selective Service employees are leaving for retirement or other jobs. Trained, dedicated personnel are the lifeblood of any service organization like Selective Service.

Question. What plans do you have for addressing these challenges?

Answer. One of my first actions would be to spend about 60 days assessing the structure, budget, and programs of the System. Given the sizeable Agency investment in information technology over several years, a smarter realignment of programs and people is possible. New assignments and new challenges ought to excite staff and aid retention. Resources should be available for reprogramming in sync with priorities that I will set.

MILITARY PERSONNEL AND THE SELECTIVE SERVICE SYSTEM

Question. The SSS is authorized to use military members, from both the Active and Reserve components, to accomplish its mission. Currently, about 150 members of the National Guard and Reserve fulfill their military training obligations with the SSS.

Please describe the current military manpower requirements of the SSS and any initiatives taken by DOD and each of the Services to lower the number of uniformed military personnel who support the SSS.

Answer. Over the years, OSD and the Military Services have been most cooperative in satisfying the Agency's military requirements, and working with them, Selective Service has reduced its uniformed assets. Since the mid-1990s, SSS has continuously realigned and updated those requirements. So the Agency now has assigned only 150 part-time National Guard and Reserve officers instead of 728 in 1993. Field grade officer positions were reduced by about 22 percent. Finally, SSS has eliminated all full-time military—from 19 in 1994 to 0 in 2005.

Question. To your knowledge, have there been proposals to substitute civilian positions for Active Duty or Reserve component personnel, and what are your views about such an initiative?

Answer. Yes, SSS has proposed replacing higher cost Active Duty positions with civilians. Although there has been a 100 percent reduction in Active Duty officers (19 in 1994 to 0 in 2005), there has not been a one-for-one replacement with civilians. In fact, civilian full-time staff has also gone down from 277 in 1992 to 136 in 2008. Further, the Agency has never sought replacements for its declining number of part-time Reserve component personnel. Declining military and civilian personnel has been compensated for by applying more automation, changing policies, reshaping the organization, and smart staff training. These approaches have worked and the Agency has been doing more with less, so there is no need to surge employees of any type.

Question. What are your personal views about the requirement for military personnel to operate and manage the SSS?

Answer. While there is a benefit from military representation in the Agency, and the SSS currently has this with part-time National Guard and Reserve officers, Congress created Selective Service to be the independent, civilian buffer between the end user of conscripts, DOD, and American society. This approach has been working for over 69 years. But I do not believe that it is appropriate for military personnel to occupy decision-making positions; these ought to be civilian.

COORDINATION WITH SECONDARY SCHOOLS

Question. The SSS has cultivated ties with organizations representing secondary school principals and counselors and community organizations in an effort to ensure knowledge of the requirements of law and voluntary compliance.

What Selective Service programs exist to inform and influence parents, teachers, and other organizations regarding the requirement to register with the SSS, and how widespread are these programs?

Answer. SSS is already reaching out to influencers, schools, young men themselves, and other groups. Some are national in scope, such as radio Public Service Announcements to all the major media markets, high school kits to volunteer Selective Service registrars in 18,051 schools, and awareness materials to professional associations which deal with youth: National Association of Secondary School Principals, National School Boards Association, American Association of Collegiate Registrars and Admissions Officers, and the National Association of Financial Aid Administrators. Examples of national influencer groups include: The League of United Latin American Citizens, National Urban League, Organization of Chinese Americans, and the National Congress of American Indians. Additionally, several programs focus on local or regional communities, such as YMCAs, local ethnic media, immigration services organizations, and others. These local efforts are concentrated in areas of low registration compliance. Finally Selective Service has an extensive network of 10,000 civilian Board Members who are ambassadors for our programs in virtually every county in America.

Question. What is your understanding of the level of voluntary participation by secondary schools in assisting the Selective Service in achieving compliance by male students?

Answer. The Nation's secondary schools are supportive. The Selective Service registrars in 18,051 high schools are volunteer staff or faculty members who distribute SSS awareness materials, approach young men directly to register, and send them to the library to register on the Internet at www.sss.gov. Today, SSS has 87 percent of the Nation's high schools participating with registrars.

Question. If confirmed, would you recommend imposing legal obligations on school systems that received Federal funding to assist in overcoming ignorance of the law and apathy toward compliance?

Answer. There is no doubt that a legal mandate would foster greater registrations, however, it might be perceived as the Government being too heavy handed. I believe that the programs already in place at SSS are working, and improvement will come as more and more States adopt driver's license legislation supporting the

Federal registration law. But registration awareness remains a challenge and has to be continuously evaluated. If confirmed, this will be one of my priorities.

ASSISTANCE TO MILITARY RECRUITING

Question. What programs, if any, does the SSS have in place to assist military recruiting?

Answer. The SSS is assisting military recruiting by placing information about military opportunities available in all Active and Reserve components in its registration acknowledgments. These are mailed to more than 188,000 men each month. So, DOD piggybacks on a routine SSS mailing. One very big selling point is the fact that SSS names and addresses are the most accurate to be found anywhere because they are recently submitted by the men themselves. Therefore, there is no wasted postage to contact them. DOD expressed its satisfaction by replacing its previous joint program with the SSS mailing.

Question. What are your views and recommendations about additional methods the SSS might use in assisting in recruiting efforts?

Answer. Conceptually, there should be additional ways that SSS might aid in this area if we put our heads together. However, all would involve a change in law. Some would be seen as aggressive. For example, if reenlistment rates or enlistments themselves fall in the Reserve components as a result of many protracted deployments, SSS might draft exclusively for them. A variation of this could be a National Guard and Reserve draft, in which the military person completes his basic and advanced training on Active Duty, then performs a full-time homeland security mission in the United States for a period of time, followed by a part-time assignment in a Guard or Reserve unit. The Nation is definitely not at this point currently; and I am sure DOD remains satisfied with the current arrangement only.

Question. What are your views and recommendations about initiatives DOD might implement to assist the SSS in achieving higher compliance rates?

Answer. I cannot think of anything additional that DOD might do for the SSS to achieve higher registration compliance. The Department already provides SSS its commercially-developed recruiting list and has given full-page ad space in one of its publications. Additionally, each Service ensures a new recruit is registered with Selective Service or registers him through the enlistment contract as he processes into the military. So DOD is already helping the SSS.

STATE BY STATE COMPLIANCE

Question. For years the SSS has issued "report cards" by State measuring the percentage of eligible men turning 20 who have registered in accordance with the law.

What programs and requirements used by States have proven most successful in achieving above average compliance rates?

Answer. The two most successful programs at the State level which foster registration compliance are State driver's license legislation and laws which parallel the Federal Solomon and Thurmond amendments. Driver's license legislation links a driver's permit, license, license renewal, and State ID card to registering by means of the license application or submitting one's Selective Service number. The SSS now has 37 States, 3 Territories, and the District of Columbia participating. This is a wonderful source of registrations because every young man wants a license as soon as he can get it. The other great source of registrations is State law which links a man's eligibility for State-funded higher education benefits and State jobs to the Federal registration requirement. To date, 21 States and Territories have enacted both of these laws.

Question. What recommendations, if any, do you have for legislation or for new programs at both the Federal and State level, for increasing compliance levels nationwide?

Answer. At the Federal level, I currently see no need for new or adjusted legislation. However, we hope that at the State level driver's license legislation might eventually include all 50 States and every U.S. territory.

Question. In your view, is the current budget of the SSS sufficient to prevent declines in compliance rates?

Answer. The past couple of years' worth of slippage in compliance rates is really due to changes in priorities for resources at SSS, not the lack of resources themselves. I think that SSS knows what works and what does not in registration compliance. If confirmed, I intend to do an assessment of the current needs of the SSS.

INCENTIVES TO INDIVIDUALS FOR COMPLIANCE

Question. Selective Service registration currently is a requirement for a number of opportunities, including Federal student loans, job training, employment, and U.S. citizenship.

In your view, is it appropriate to require registration with the SSS as a prerequisite for these Federal programs?

Answer. Yes. Together with Congress and most State legislatures, I believe that it is not too much to ask men seeking a government benefit or opportunity to be in compliance with the law.

Question. Are there any additional incentives that you consider appropriate to encourage more young men to register in a timely manner?

Answer. I believe that SSS has the bases covered. From its point of view, the one that needs to be expanded, the one that is the most productive source of registrations is driver's license legislation. But this is dependent upon the wishes of the 10 States that have not yet enacted such legislation.

PERFORMANCE OF THE SELECTIVE SERVICE SYSTEM

Question. Past Directors of Selective Service have indicated that the address information of Selective Service registrants is accurate because of provisions for voluntary submission of changes and through reliance on the U.S. Postal Service's National Change of Address system.

What is your estimate of the current accuracy of the address information of Selective Service registrants in the prime induction group?

Answer. It is highly accurate. Actual mailings average over a 97 percent successful contact rate.

Question. What additional steps is the SSS taking to ensure the accuracy of address information?

Answer. Use of the Postal National Change of Address System is supplemented with changes provided by the registrant himself from our acknowledgment mailing to him at his residence, through changes a registrant mails in to the SSS using a card at any Post Office, from changes he provides by telephone, and with address updates he supplies on the Internet. So our procedures are working.

MILITARY CONSCRIPTION

Question. The demands placed on our military forces over the past 8 years have led to calls by some to reinstate the draft. Legislative proposals have been introduced in the Senate and the House of Representatives that would require all young men and women in the United States to perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security.

What are your views on reinstating the draft to support the current wars?

Answer. I see Selective Service as a service organization and, as such, it does not make policy; it responds to and implements policy. Policymaking is the realm of this committee and the administration. If confirmed, it would be my job to lead the Agency in conducting a timely, fair, and equitable draft if Congress and the President so direct. It would not be within my purview to determine when and if such a draft is necessary.

Question. Women now make up a significant portion of our military, and their service has been invaluable. In your opinion, should women be required to register for Selective Service?

Answer. Since the founding of the Nation, the United States has never drafted women. To do so would require presidential policy and congressional lawmaking decisions. The primary customer, DOD, has taken the position that there is no military necessity to register, let alone, draft females, especially since a general draft would be intended to replace combat casualties and women can volunteer. As a matter of longstanding law and policy, the Nation continues to exclude women from front-line, ground combat assignments. If confirmed, it would be my job to lead the Agency in conducting a timely, fair, and equitable draft if Congress and the President so direct. It would not be within my purview to determine whether registration should be expanded to include women.

Question. Are there any circumstances under which you would recommend reinstating the draft? If so, what are these circumstances?

Answer. If confirmed, it would be my job to lead the Agency in conducting a timely, fair, and equitable draft if Congress and the President so direct. It would not be within my purview to determine when and if such a draft is necessary. Historically the Nation's policymakers have considered a draft when confronted with very

serious threats from a hostile adversary or group of adversaries, or if a conflict was to be protracted over several years and volunteers were too few, or if there appeared to be no other solution to filling critical vacancies in the Armed Forces. This call belongs to others.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Absolutely. I see it as a matter of integrity and principle that the Agency Head be the facilitator between Selective Service and Congress in an ongoing dialogue. I have mentioned public awareness of the registration requirement, but the other type of awareness is Agency awareness by the oversight committees. This can only be achieved if I am responsive; if confirmed, I intend to be responsive.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Director of Selective Service?

Answer. If confirmed, I envision my job as Director to be the lead in the exchange of information between the committee and the SSS. Selective Service is a public agency doing the public's business. It can only retain its program credibility if what it does is open to public view and congressional scrutiny.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. I assure you that, if confirmed, I and Selective Service will be forthright and responsive in any communications to or from a congressional committee.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, if confirmed I shall provide documents in a timely manner and will also consult if there is any delay or denial of documents.

[The nomination reference of Lawrence G. Romo follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 28, 2009.

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

Lawrence G. Romo, of Texas, to be Director of the Selective Service, vice William A. Chatfield, resigned.

[The biographical sketch of Lawrence G. Romo, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LAWRENCE G. ROMO

Lawrence G. Romo, Lieutenant Colonel USAFR (Retired), is the current Soldier and Family Assistance Program Manager for the U.S. Army 5th Recruiting Brigade, responsible for the family programs of seven Recruiting Battalions in a multi-State area. As an integral part of the Team Well-Being Program, he ensures enhanced wellness of soldiers and family members. Further, he is an Admissions Liaison Officer for the U.S. Air Force Academy, having performed this function for 29 years as both an additional and primary military duty. Since 1988, Mr. Romo has served annually on various Congressional Service Academies Nomination Selection Panels.

Prior to these duties, he served in various U.S. Air Force assignments both on Active Duty and in the Reserve. He served as a USAF Academy Admissions Advisor, in various positions supporting the operation of the Minuteman Missile Weapon and

Launch System, in Training Operations, and as an Air Transportation Officer. Upon retiring from the U.S. Air Force Reserve, Mr. Romo was the USAF Academy Liaison Officer Director for South Texas.

He joined the Federal Civil Service in 1987 serving from 1987 until 1992 as an item manager for the Directorate of Special Weapons, and from 1992 through 1999, he was the Transition Assistance Program Specialist at Kelly Air Force Base.

Mr. Romo is also the Chairman of Bexar County Veterans Committee and a member of the American Legion, American GI Forum, Association of U.S. Army, and the Military Officers Association of America. Currently, he serves as Chairman of the San Antonio Commission for Children and Families for the City of San Antonio, TX. He earned his Bachelor of Science degree from the USAF Academy and a Master of Education degree from Montana State University-Northern (formerly Northern Montana College).

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lawrence G. Romo in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Lawrence Guzman Romo, Nickname: Larry.

2. **Position to which nominated:**
Selective Service System Director.

3. **Date of nomination:**
October 28, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 13, 1956; San Antonio, TX.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Birgit Romo (Maiden Name: Haase).

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

USAF Academy, Attendance dates: July 1974–May 1978, Bachelor of Science Degree awarded May 1978.

Northern Montana College (now called Montana State University-Northern), March 1981–May 1983, Masters of Education Degree awarded June 1983.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

09/09 to Present - Soldier Family Assistance Program Manager, 5th Recruiting Brigade, 2503 Dunstan Rd, Fort Sam Houston, TX. Administer a variety of social service type programs for U.S. Army Recruiting Command (USAREC) soldiers and family members for seven battalions in a multi-State area.

09/99 to 09/08 - Soldier Family Assistance Program Manager, HQ San Antonio Recruiting Battalion, 1265 Buck Rd, Suite SA, Fort Sam Houston, TX; Administer a variety of social service type programs for over 250 U.S. Army Recruiting Command (USAREC) soldiers and family members in south and central Texas.

05/98 to Present - USAF Admissions Liaison Officer, hours per week: 4; part-time, LTC (Ret) USAF Reserves, 2304 Cadet Road, USAF Academy, CO. Serve as a volunteer Air Force Admissions Liaison Officer working with and interviewing students parents, civic leaders in areas cities/towns, high schools and junior colleges on obtaining USAF Academy/AFROTC College scholarship opportunities information.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Commission for Children and Families, Appointed by Councilwoman Delicia Herrera July 2007 (est.)–Present

Bexar County Veterans Advisory Committee, Appointed by County Commissioner Sergio Rodriguez, Aug. 2006–Present

Served on City of San Antonio Bond Advisory Committee, Appointed by Councilwoman Delicia Herrera, Sep. 2007 (est.)

Served on City of San Antonio Police Chief Selection Advisory Committee, Appointed by Councilwoman Delicia Herrera, Feb. 2006 (est.)

Served on City of San Antonio District 6 Parks and Recreation Committee, Appointed by Councilman Enrique Barrera, Oct. 2001 (est.)

Served on Initial Base Redevelopment Committee for Reuse of Kelly AFB, 1998 (est.), appointed by Kelly AFB and San Antonio City Council

Serve as a Volunteer USAF Admissions Liaison Officer, May 2006–Present

Served as a USAF Reserves Officer, as the USAF Admissions Liaison Officer Director, Deputy Director, May 1998–Apr. 2006

Served as a USAF Reserves Officer, as an Air Transportation Officer, 433 Airlift Wing and a Additional Duty USAF Admissions Liaison Officer, Feb. 1986–Apr. 1998

Served as an Active Duty USAF Officer, as a Deputy Commander for Operations and Training, USAF Basics Military Training School, July 1984–Jan. 1986

Served as an Active Duty USAF Officer in Minuteman Missile Operations positions as a Codes Controller, Combat Crew Flight Commander, Combat Crew Commander and Combat Crew Deputy Commander, Apr. 1980–June 1984

Served as an Active Duty USAF Officer, USAF Training programs for Pilot and Minuteman Missile Operations, July 1979–Mar. 1980

Served as an Active Duty USAF Officer, as a USAF Academy Minority Affairs Admissions Advisor, June 1978–June 1979

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Wood Glen Homeowners Association

Alamo Silver Wings Airborne Association

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Chairman, City of San Antonio Commission for Children and Families, City Commission, June 2007–Present

Chairman, Bexar County Veterans Advisory Committee, County Board/Committee, June 2006–Present

Member, American Legion Post #2, Veterans Service Organization and Nonprofit, June 2001–Present

2nd Vice Commander, American Legion Post #2, Veterans Service Organization and Nonprofit, June 2007–May 2008

Commissioner, Fiesta San Antonio Commission, Event Organizing Nonprofit, 1984–2004

Member, Fiesta San Antonio Commission, Event Organizing Nonprofit, 1984–Present

Member, Beethoven Maennerchor, Social and Nonprofit, 1998–Present

Member, North San Antonio Hills Lions Club, Service Organization and Nonprofit, 2002–Present

Member, Knights of Columbus, Service Organization and Nonprofit, 2004–Present

Member, American GI Forum, Veterans Service and Nonprofit, 2001–Present

Member, Military Office Association of America (MOAA), Veterans Service Organization and Nonprofit 2007–Present

Member, USAF Academy Association of Graduates, University Alumni Group and Nonprofit, 1978–Present

Member, Association of the U.S. Army, Military/Veterans Service Organization, 2007–Present

Member, Regional Clean Air and Water, Civic, 2004–Present

President, Wood Glen Homeowners Association, Not for Profit, 2001–Oct. 2009

Member, Alamo Silver Wings Airborne Association, Military/Veterans Service Organization, 2004–Present.

Member, AARP, Seniors Advocacy, 2006–Present.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Bexar County Democratic Party Precinct Chair, May 2003 (est.)–Present

Candidate, City Council, San Antonio District 6, May 2001 and May 2005

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Chairman, Texas Democratic Veterans, Political Caucus Group, Oct. 2005–Oct. 2009

Precinct Chairman/Advisor, Bexar County Democratic Party Central Executive Committee, Political, May 2000–Present

GLBT Allies Member, Stonewall Democrats (San Antonio), Political Party Advocacy Group, 2006 (est.)–Present

Member, Northwest Democrats (Bexar County), Political Party Advocacy Group, 2001–Present

Member, Veterans for John Kerry, Campaign Organization, 2004

Member, Mission Democrats (Bexar County), Political Party Advocacy Group, 2008–Present

Treasurer, Frances Carnot for State Representative, Campaign Organization, 2008

Member, National Veterans and Hispanic Steering Committees for Hillary Clinton, Campaign Organization, Oct. 2007–May 2008

Southwest Regional Coordinator, Veterans for Obama, Campaign Organization, June 2008–Nov. 2008

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

2007–2008 - Contributed $561 to the Hillary Clinton for President Campaign, I estimate three separate $100 checks during this time period with the other amounts each under $100 for a total of $561.

2008 - I gave the Barack Obama for President Campaign no more than $150 total, probably less, during this time period with each amount under $100.

2006 - Barbara Radnofsky for U.S. Senator - Estimate I gave Barbara Radnofskyfor U.S. Senator Campaign one check for $100 and a few other donations under $100 each for a total of no more than $250.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

April 1974 - USAF Academy Appointment/Scholarship

July 1974 - National Defense Service Medal

May 1978 - Awarded BS degree from the USAF Academy, CO

May 1978 - Air Force Training Ribbon

May 1980 - Promoted to First Lieutenant, USAF

May 1980 - Combat Readiness Medal

May 1982 - Promoted to Captain, USAF

May 1982 - Air Force Longevity Service Award Ribbon

May 1983 - Small Arms Expert Marksmanship Ribbon

June 1983 - Awarded Master Education degree from Northern Montana College, MT

May 1984 - USAF Squadron Officer School Graduate
June 1984 - Air Force Outstanding Unit Award
September 1984 - Awarded Air Force Commendation Medal
January 1986 USAF Air Command and Staff College Graduate
May 1992 - Promoted to Major, USAF Reserves
February 1996 - Reserve Component Service Medal
May 1998 Awarded Air Force Commendation Medal
May 1999 Promoted to Lieutenant Colonel, USAF Reserves
February 2002 USAF Air War College Graduate
December 2002 (est.) - Awarded Air Force Meritorious Service Medal
February 2004 Selected as the U.S. Army Recruiting Command Runner-up Civilian Employee of the Year for 2003

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Letter to the Editor, "Risky Bullis Business," San Antonio Express-News (July 24, 2008).

Over the past several years I also have made several blog posts on the following Web sites: www.texasdemocraticveterans.org, latinosfortexas.com, changethecaucus.org, and burntorangereport.com.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

LAWRENCE G. ROMO.

This 13th day of November, 2009.

[The nomination of Lawrence G. Romo was reported to the Senate by Chairman Levin on December 2, 2009, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 3, 2009]

NOMINATIONS OF DOUGLAS B. WILSON TO BE ASSISTANT SECRETARY OF DEFENSE OF PUBLIC AFFAIRS; DR. MALCOLM ROSS O'NEILL TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY; MARY SALLY MATIELLA TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER; PAUL LUIS OOSTBURG SANZ TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY; JACKALYNE PFANNENSTIEL TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT; AND DR. DONALD L. COOK TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

THURSDAY, DECEMBER 17, 2009

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m. in room SD–G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Burris, Thune, and Burr.

Also present: Senator Shaheen.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Roy F. Phillips, professional staff member; Arun A. Seraphin, professional staff member; Russell L. Shaffer, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Daniel A. Lerner, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Kevin A. Cronin and Paul J. Hubbard.

Committee members' assistants present: Carolyn A. Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Greta Lundeberg and Yariv Pierce, assistants to Senator Bill Nelson; Patrick Hayes, assistant to Senator Bayh; Gordon I. Peterson, assistant to Senator Webb; Lindsay Kavanaugh, assistant to Senator Begich; Roosevelt Barfield, assistant to Senator Burris; Jason Van Beek, assistant to Senator Thune; Brian W. Walsh, assistant to Senator LeMieux; and Chris Joyner, assistant to Senator Burr.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

The committee meets today to consider the nominations of Douglas Wilson to be Assistant Secretary of Defense for Public Affairs; Malcolm Ross O'Neill to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology; Mary Sally Matiella to be Assistant Secretary of the Army for Financial Management and Comptroller; Paul Luis Oostburg Sanz to be General Counsel of the Department of the Navy; Jackalyne Pfannenstiel to be Assistant Secretary of the Navy for Installations and Environment; and Donald Cook to be Deputy Administrator for Defense Programs of the National Nuclear Security Administration (NNSA).

We welcome all of our nominees and their families to today's hearing. We appreciate the sacrifices that our nominees are willing to make to serve their country, but their families also deserve our gratitude for the support that they provide, which is essential to the success of these officials.

All of today's nominees are well qualified for the positions to which they've been nominated.

Mr. Wilson has capped a distinguished career in public service by serving as Deputy Assistant Secretary of Defense for Public Affairs from 1997 to 2001. He is currently the Executive Vice President of the Howard Gilman Foundation, President of the Leaders Project, and Chairman of the Board of Directors of the Public Diplomacy Collaborative at Harvard University. Mr. Wilson's family moved from Michigan to Arizona more than 50 years ago, but enough time has passed so we can forgive that. [Laughter.]

Dr. O'Neill has served in the U.S. Army, rising to the command of the Army Laboratory Command, and has served as director of the Ballistic Missile Defense Organization. He went on to work as Vice President and Chief Technical Officer of Lockheed Martin from 2000 to 2006. He is currently the Chairman of the Board on Army Science and Technology of the National Academies.

Ms. Matiella has worked for 29 years in accounting and budget positions with the Army Air Force Defense Finance and Accounting Service in the Office of the Secretary of Defense. She has also served as Chief Financial Officer for the Forest Service, and Assistant Chief Financial Officer for accounting at the Department of Housing and Urban Development.

Ms. Pfannenstiel served as chairman of the State of California Energy Commission from 2004 until 2009. She also chaired the Governor's Climate Action Team Subgroup on Energy and Land Use, and worked on the creation of California's low carbon fuel standards.

Dr. Cook worked at Sandia National Laboratories for 28 years, rising to serve as program director for Sandia's Infrastructure Program and Security Technologies Program before leaving to become the managing director of the Atomic Weapons Establishment in the United Kingdom from 2006 to 2009. Dr. Cook is a graduate, I proudly say, of the University of Michigan.

Finally, Mr. Oostburg served as chief minority counsel for the House Committee on International Relations from 2001 to 2006, when he took his current position as general counsel of the House Armed Services Committee (HASC). We've come to know Mr. Oostburg from our conferences with the House over the last 3 years. We appreciate his work on a series of very difficult issues, including the Military Commissions Act of 2009 and the terrorism exception to the Foreign Sovereign Immunities Act.

We will miss your presence in our conferences, but at least we still have Congressman Skelton. That will make up for it. We look forward to working with you in your new capacity.

Now, if confirmed, our nominees will all play critical roles in helping to manage the Department of Defense (DOD) and the Department of Energy, at a time when we are fighting two wars and when we face a wide array of difficult acquisition, management, and financial challenges.

We look forward to the testimony of our nominees and to their speedy confirmation.

Now, before I call on our dear friend Congressman Skelton for his introduction, I'm going to ask our nominees standard questions. You can each answer, if you would, at the same time, simultaneously.

The first question. Have you adhered to applicable laws and regulations governing conflicts of interest?

[All six witnesses answered in the affirmative.]

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[All six witnesses answered in the negative.]

Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[All six witnesses answered in the affirmative.]

Will you cooperate in providing witnesses and briefers in response to congressional requests?

[All six witnesses answered in the affirmative.]

Will those witnesses be protected from reprisal for their testimony or briefings?

[All six witnesses answered in the affirmative.]

Do you agree, if confirmed, to appear and testify, upon request, before this committee?

[All six witnesses answered in the affirmative.]

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly-constituted committee, or to consult with the committee regarding the basis for any good-faith delay or denial in providing such documents?

[All six witnesses answered in the affirmative.]

Chairman Skelton, we're delighted, again, to see you here. I want you to know that this is the first time this committee—perhaps any committee—has met in this reconstituted room. I just hope that you will not report to the House the magnificent digs that we in the Senate now have——[Laughter.]

—because we know that there would be a claim, at our next conference, for some kind of funding for some new House committee room. So, if you could just keep this fairly to yourself, we would very much appreciate it.

We're always delighted to see you, Ike.

Chairman Skelton.

STATEMENT OF HON. IKE SKELTON, U.S. REPRESENTATIVE FROM THE STATE OF MISSOURI

Mr. SKELTON. Thank you very much, Chairman Levin.

This is a bittersweet moment for me. The barbershop song, "Wedding Bells are Breaking up that Old Gang of Mine." I could rewrite that and say, "The Pentagon is breaking up that old gang of mine," because this will be the third person of the outstanding staff that we have in the HASC that will be going to work somewhere else, like the Pentagon.

Chairman LEVIN. Is there some strategic purpose here, to take over the Pentagon?

Mr. SKELTON. I didn't think you'd find out. [Laughter.]

Paul Oostburg is an outstanding lawyer. This comes from my being a country lawyer, and having grown up around lawyers, and knowing them my entire life. He is as good as they come. Undergraduate at Georgetown, Harvard Law School, a master's degree at Princeton, he's extremely well educated. I think he spent some excellent time as clerk for a Federal judge in Puerto Rico. His ability to grasp complex issues, give sound advice on a myriad number of issues—he helped rewrite the Commissions Act that we cleaned up in the Defense bill this year; he also helped with detainee policy, counternarcotics, issues relating to U.S. Southern Command, and many other issues where we needed sound legal advice.

I cannot brag on him enough. He is truly an outstanding human being, an outstanding lawyer, and he will make the Navy proud. We'll miss him. But, when you have someone that is so talented, that has the finest work ethic available, you can't help but pat him on the back and wish them well, and that's what I do.

I wholeheartedly recommend him as general counsel to the U.S. Navy. The Navy will be all the better for it.

Thank you.

[The prepared statement of Representative Skelton follows:]

PREPARED STATEMENT BY REPRESENTATIVE IKE SKELTON

Thank you, Mr. Chairman and Senator McCain.

I'm honored to speak today in support of the nomination of Paul Oostburg Sanz to be the General Counsel of the U.S. Navy. Many of you, and certainly many of your staff members, have gotten to know Paul in his current position as General Counsel of the House Armed Services Committee.

Paul Oostburg Sanz became General Counsel of the House Armed Services Committee in January 2007, just at the time I had the honor to begin serving as committee chairman. In the almost 3 years since, Paul has played a critical role in day-to-day operations of the committee and has also been a trusted advisor on the legal issues facing the Department of Defense.

It is no exaggeration to say that Paul's ability to grasp complex issues, his attention to detail, and his years of experience on Capitol Hill were instrumental in helping our committee and Congress to achieve the enactment of the last three annual National Defense Authorization Acts.

Our committee and Congress have particularly benefited from Paul's expertise on matters related to detainee policy and the Military Commissions Act, as well as issues related to counternarcotics, matters related to U.S. Southern Command, and international legal issues.

A look at Paul's resume gives you a good idea about the breadth and diversity of his experience. He earned a law degree at Harvard University Law School and earned a Master's in Public Affairs degree from Princeton University.

His international experience includes service as Peace Corps English teacher in Guinea-Bissau, and work in South Africa conducting political party training during the historic 1994 national elections. Paul also worked on conflict-resolution issues for the U.S. Embassy in Liberia, and on democracy and governance programs for the U.S. Agency for International Development Mission in Mozambique.

Before coming to Capitol Hill, Paul clerked for a U.S. District Court Judge in Puerto Rico. From May 2001 to December 2006, Paul served as the Deputy Chief Counsel for the House Committee on International Relations, providing strategic and procedural counsel to our distinguished colleague, the late Congressman Tom Lantos, who at that time was the committee's ranking member.

It is clear that Paul has the education, experience, and intellectual gifts to be an excellent General Counsel for the U.S. Navy. I also believe Paul has the temperament to serve our country exceptionally well in this position. In the time I have worked with Paul, he has approached every problem and every challenge thrown his way with a calm demeanor and rational analysis. Then he gets to work, and his hard work pays off.

Paul is such a talented and decent person that I am not surprised he has been offered a nomination to serve this administration. The prospect of Paul's departure from the Hill gives me no joy, but I am happy that his talents have been recognized and that our country will continue to benefit from his service.

I commend the Obama administration for nominating Paul Oostburg Sanz as the next General Counsel of the Navy, and I respectfully urge the Senate Armed Services Committee to recommend that the Senate confirm Paul's nomination as quickly as possible.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Chairman Skelton.

We know how much that introduction means to Mr. Oostburg, and it means a great deal to us, that you come over here again, to take your time. We know that you have a schedule to meet, and so you, of course, are free to leave at any time you so choose.

Mr. SKELTON. Thank you very much.

Chairman LEVIN. Thank you again, Ike.

Our next introduction will be by a great friend of the Senate and all of the members of the Senate.

Senator Shaheen.

STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator SHAHEEN. Thank you very much, Chairman Levin.

I'm delighted to be here this morning, and appreciate your holding this hearing.

I want to congratulate each of the nominees before the committee today, and thank you all for choosing to assume these very important leadership positions at Defense and Energy. I look forward to voting on your nominations on the floor of the Senate. Hopefully, we'll get that done before too long, as soon as we get healthcare done.

Chairman LEVIN. We hope before that, actually. [Laughter.]

Senator SHAHEEN. Yes. Good, yes, we do.

I've had the opportunity, like Senator Levin, to hold a number of hearings in Foreign Relations for nominees, and I always feel like it's a wedding, because everybody's so pleased, and friends and family are here, and it's a wonderful time. Congratulations to each of you.

I'm, really, especially proud to be here today to express my strong support for Doug Wilson, President Obama's nominee to be the new Assistant Secretary of Defense for Public Affairs at DOD. Doug has a distinguished 30-year career in public and private sectors. He has served throughout the U.S. Government as a diplomat, legislative advisor, foreign policy expert, and communications strategist, and he will bring invaluable skills, deep knowledge, extraordinary poise, and a strong character to a very important and challenging position at the Defense Department.

I've had the pleasure of knowing Doug for over 25 years. We first met in 1983, when both of us were working for former Senator Gary Hart, trying to get him elected President. Doug had served as Senator Hart's chief foreign policy advisor, and became his deputy campaign manager during that 1984 presidential campaign.

Doug is a graduate of Stanford University and the Fletcher School of Law and Diplomacy, and began his career in the U.S. Foreign Service, serving in posts throughout Europe. He went on to become the Director of Congressional and Intergovernmental Affairs at the U.S. Information Agency, and later, the senior advisor there. He served in DOD, under President Bill Clinton and Secretary William Cohen, as Deputy Assistant Secretary of Defense for Public Affairs, an experience which obviously will serve him very well in this new position.

During his time at the Pentagon, Doug coordinated strategic communications and public relations for the Department on critical defense issues, including defense reform, base closures, and North Atlantic Treaty Organization (NATO) expansion. His impressive tenure at DOD twice earned him the DOD Medal for Distinguished Public Service, the Pentagon's most prestigious civilian honor.

Doug returns to public service from the nongovernmental community, where he serves as the Executive Vice President of the Howard Gilman Foundation. In that capacity, he has managed the charitable organization's domestic and international policy programs. He also co-founded, with former Defense Secretary Cohen, the Leaders Project, which identifies and brings together successor generation leaders from around the world to discuss key international and security issues.

I'm also proud to recognize Doug's tenure as the Chairman of the Board of Directors at Harvard's Public Diplomacy Collaborative. As the former Director of Harvard's Institute of Politics, I like to mention that whenever possible.

Mr. Chairman, today DOD faces some of the most difficult and complex challenges in our history. We're at war in two countries, our men and women in uniform and their families face multiple deployments and increasing physical and mental strain. As we know, our financial resources are constrained. But yet, our country continues to underpin security and stability around the globe. We need the very best people we are able to get, to assume these critical challenges.

I am so pleased to be here to give my unqualified endorsement for Doug Wilson as a nominee to this new position. I hope he will move very quickly through the committee and through the Senate.

Thank you, Mr. Chairman.

[The prepared statement of Senator Shaheen follows:]

PREPARED STATEMENT BY SENATOR JEANNE SHAHEEN

Chairman Levin, Ranking Member McCain, and all of my colleagues on the Senate Armed Services Committee, thank you for holding this hearing to consider a number of important nominees for critical positions in our Department of Defense (DOD).

During my time in the Senate, I have had the pleasure of chairing a number of nomination hearings for the Senate Foreign Relations Committee, and I always enjoy the opportunity to participate in these events . . . to see the families and friends that have supported each of the nominees . . . to hear their unique backgrounds and experiences . . . and to listen to their optimism and hope on taking on these new and exciting challenges.

I want to congratulate each of the nominees before the committee today and thank you all for choosing to take on these important leadership roles. I look forward to voting on your nominations on the Senate floor and to working with you in the coming years.

I am proud to be here today to express my strong support for Douglas Wilson, President Obama's nominee to be the new Assistant Secretary of Defense for Public Affairs at DOD.

Doug has a distinguished 30 year career in the public and private sectors, and has served throughout the U.S. Government as a diplomat, legislative advisor, foreign policy expert, and communications strategist. He will bring invaluable skills, deep knowledge, extraordinary poise, and a strong character to an important and challenging position at DOD.

I have had the great pleasure of knowing Doug for over 25 years. I first met him in 1984 during the Presidential campaign of then-Senator Gary Hart. Doug had served as Senator Hart's Chief Foreign Policy Advisor and became his Deputy Campaign Manager during his 1984 Presidential campaign.

A graduate of Stanford University and the Fletcher School of Law and Diplomacy, Doug began his career in the U.S. Foreign Service, serving in posts throughout Europe. He went on to become the Director of Congressional and Intergovernmental Affairs at the U.S. Information Agency (USIA) and later the Senior Advisor to the Director of USIA.

Doug served in DOD under President Bill Clinton and Secretary William Cohen as Deputy Assistant Secretary of Defense for Public Affairs, an experience which will serve him well as he takes on this new challenge. During his time in the Pentagon, Doug coordinated strategic communications and public relations for the Department on critical defense issues including defense reform, base closures, and NATO expansion. His impressive tenure at DOD twice earned him the DOD Medal for Distinguished Public Service, the Pentagon's most prestigious civilian honor.

Doug would return to public service from the nongovernmental community, where he serves as the Executive Vice President of the Howard Gilman Foundation. In that capacity, he manages the charitable organization's domestic and international policy programs. He also cofounded, with former Defense Secretary Cohen, The Leaders Project which identifies and brings together successor generation leaders from around the world to discuss key international and security issues.

As a former Director of Harvard University's Institute of Politics, I am also proud to recognize Doug's tenure as the Chairman of the Board of Directors at Harvard's Public Diplomacy Collaborative.

Mr. Chairman, today, DOD faces some of the most difficult and complex challenges in its history. We are at war in two countries. Our men and women in uniform and their families face multiple deployments and increasing physical and mental strain. Our resources are constrained, yet, our country continues to underpin security and stability around the globe. We need our best people in place if we are to meet these critical challenges.

I am fully confident that Douglas Wilson's lifetime of distinguished service, valuable experiences, and impressive successes will serve him well as the Assistant Secretary of Defense for Public Affairs. I fully support his nomination and hope that the committee will favorably report him to the full Senate for expeditious consideration.

I want to commend the President for an excellent choice and thank the committee once again for holding this hearing today. Congratulations to you all.

Chairman LEVIN. Thank you so much, Senator Shaheen. We greatly appreciate your being with us, and I know how much Mr. Wilson does, as well. Thank you.

We are now going to ask our witnesses to make their opening statements. Please feel free to introduce any family members or other friends that you might have with you today. We know how important it is that you have the support of family and friends, as I mentioned before.

We'll start with you, Mr. Wilson.

STATEMENT OF DOUGLAS B. WILSON, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. WILSON. Thank you very much, Mr. Chairman.

I very much appreciate the opportunity to come before you and this committee today to discuss the position of Assistant Secretary of Defense for Public Affairs, for which President Obama has nominated me for your consideration.

I'm grateful to the President for this nomination. I'm grateful, as well, to Secretary Gates and to Deputy Defense Secretary Lynn for their confidence in me in support of this nomination.

Senator Jeanne Shaheen has been a friend for well over 25 years. She is one of the most decent and able people I have ever met in public life, and I'm greatly honored that she would take time from a very busy schedule to have appeared here today on my behalf.

Mr. Chairman, I know that you and many of your colleagues will remember the late Doc Cook who was the former head of Washington Headquarters Services, known as "the Mayor of the Pentagon." Doc used to always say to us that when you see a frog on top of a fencepost, you know that he had help getting there. My family and friends have helped this frog, throughout my life. I'm very lucky to have several here today, including my partner of 15 years. Neither my sister from California nor my parents, who have lived for over 60 years in Tucson, AZ, where I grew up and where our family home remains, were able to be here today, but I know they share my pride in being nominated for this position.

Mr. Chairman, I am the son of a U.S. veteran. My father, Charles Wilson, as we discussed, is himself the son of a Jewish delicatessen owner from Detroit. It was Dexter Street, by the way.

Chairman LEVIN. It was on Dexter.

Mr. WILSON. Yes, sir.

Chairman LEVIN. What was the name?

Mr. WILSON. It was Wilson's Deli, on Dexter.

Chairman LEVIN. Oh, it was Wilson's. All right.

Mr. WILSON. Yes, sir.

Chairman LEVIN. Thank you.

Mr. WILSON. Thank you, sir.

He is one of the last surviving members of the military team that participated in the battle of Iwo Jima in World War II. Last year, he shared his Iwo Jima diary with me. In that diary his language is sparse and direct, and it deals with the details on which he needed to focus to provide and care for the Navy Seabee platoon he commanded. It was a very strong and very personal reminder

of the duties and obligations to our men and women in uniform that all who are privileged enough to serve in a leadership position at the Pentagon must carry with them at all times.

The position of Assistant Secretary of Defense for Public Affairs has been filled by some truly outstanding individuals, including Pete Williams and the late Ken Bacon. If confirmed, I will strive to live up to the standards of professionalism, credibility, fairness, accuracy, and trust that they set in supporting our men and women in uniform and in dealing with those who report on their activities.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you so much, Mr. Wilson.

Dr. O'Neill, you're next.

STATEMENT OF DR. MALCOLM ROSS O'NEILL, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY

Dr. O'NEILL. Yes, sir.

Mr. Chairman and members of the Senate Armed Services Committee, thank you for the opportunity to appear before you today as a nominee for the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

I'd like to take a moment to introduce my wonderful wife, Judy, who is sitting behind me; my beautiful daughter, Bonnie Long, who is sitting next to Judy; her husband, Brad; and my precious grandchildren, Charles Wesley, Mary Kate, and John Gregory Long. My son, John Hai, his wife, Becky, and his two small children are in San Diego, where I hope they are watching us on video.

Today, I seek your consent to my serving as an Assistant Secretary of the Army. I understand that you will evaluate my qualifications and potential to fulfill the requirements of the job. I am ready to contribute experience, dedication, ethical discipline, and hopefully a few new ideas to serve in this position.

I'm certainly humbled by the challenge to our Nation and its leadership posed by the multifaceted needs for such a position. I'm aware that the job is a difficult one, and that many issues can be identified in each functional area.

These are very hard times economically, so it's even more important today to manage our acquisition systems very carefully. The Army must obtain maximum value for its investment. Experience is vital, since lessons learned often lead to success. I've been in the acquisition, logistics, and technology business for 43 years, and I served 34 years on Active Duty as an Army officer, both in peacetime and combat.

My first acquisition job was on the source selection team for what was called SAM–D, which is now called the Patriot Missile System. My most recent technology job was chairing the Board on Army Science and Technology for the National Academies and the National Research Council.

In 1991, I was selected as the first Director of the Army Acquisition Corps, and I became convinced that the key to program management success was people. I still believe that today. I also believe that technology can be the difference-maker on the battlefield. For this reason, the interaction between the technologists and the

warfighter must be almost continuous. Army leadership must aggressively pursue future system options and stimulate an information exchange between warfighters, industry, academia, and Army technologists.

I also believe that logistics demands intensive management and close cooperation between operational forces and the sustaining base.

Our soldiers, their families, other Americans, our friends worldwide, and our national leaders expect the Army's best effort. If confirmed, I'll use my training and experience in each functional area to help keep the Army strong, up to date, efficient, and effective. I believe that I possess the background, experience, and commitment necessary to perform the functions of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

Senator, I look forward to your comments and questions.

Chairman LEVIN. Thank you so much, Dr. O'Neill.

Ms. Matiella.

STATEMENT OF MARY SALLY MATIELLA, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Ms. MATIELLA. Mr. Chairman, distinguished members of the committee, it is an honor and a privilege to appear before you today as President Obama's nominee for Assistant Secretary of the Army for Financial Management and Comptroller. I am truly humbled and deeply honored by the President's nomination and by Secretary McHugh's support of my nomination. Thank you so much for the opportunity to be here.

Allow me to thank my family. Their love, support, and encouragement made it possible for me to be here today. My son, Frank, is here, in support of my being here. He works here in Washington, DC, as a proud graduate of the College of William and Mary, and he resides in Rosslyn. Unfortunately, my husband, Frank, of 34 years, and a career Air Force officer, my daughter, Maria Alexandra, and my son-in-law, Justin, were not able to be here today. I do want to say that Alexandra and Justin both graduated from Michigan Tech, up in Houghton, MI. So, I know northern Michigan pretty well. It's beautiful.

Chairman LEVIN. It's already had 100 inches of snow up there. [Laughter.]

Ms. MATIELLA. Yes. I'll stay with it, it's beautiful.

I also want to thank my extended family: my deceased father, Arturo; my mother, Angelina; my sisters, Joanna and Josie; my brothers, Abraham, Art, and Gilbert. This extended family has truly supported me, my whole life.

The Office of the Assistant Secretary of the Army for Financial Management and Comptroller is tackling many difficult challenges. There is an urgent need to develop balanced budgets that are supported by accurate, timely, and reliable data. If confirmed, I will not only draw upon my experiences, but will draw upon the experiences and suggestions of this committee and all of the staff of the Army to tackle these challenges.

I have 29 years' experience in Federal financial management, both in DOD and in other Federal departments. In these 29 years,

I've held a variety of positions: budget analyst for the Air Force; systems accountant for U.S. Army South, Director of Accounting for the Defense Finance and Accounting Service, accountant for the Office of the Under Secretary of Defense Comptroller, Chief Financial Officer for the U.S. Department of Agriculture Forest Service, and Assistant Chief Financial Officer for the Department of Housing and Urban Development.

In this variety of experiences, I've obtained many lessons learned, and I've also seen a lot of best practices. It is the application of these best practices, this knowledge, that I hope to bring to the office of the Assistant Secretary of the Army for Financial Management and Comptroller. These best practices are what's going to help me bring, hopefully, improvements to the Office of Financial Management and Comptroller.

In closing, I am honored to have been nominated for Assistant Secretary of the Army for Financial Management and Comptroller. If confirmed, I promise to direct all my experiences and abilities to tackling the Army's many financial management challenges.

I look forward to addressing your concerns and questions.

Thank you.

Chairman LEVIN. Thank you Ms. Matiella.

Mr. Oostburg.

STATEMENT OF PAUL LUIS OOSTBURG SANZ, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY

Mr. OOSTBURG. Thank you Mr. Chairman, and good morning, members of the committee.

At first, let me just thank you for your introductory remarks.

I have to truly say that, if confirmed, I will miss engaging with your committee through your very able staff. It's something that I'd truly miss.

It is an honor and privilege to appear before you this morning. Let me first extend my appreciation to President Obama, Secretary Mabus, and Under Secretary Work for the trust and confidence they have placed in me with the nomination to serve as the 22nd General Counsel of the Department of the Navy.

I also want to express my gratitude to the Honorable Ike Skelton, my current boss and chairman of the HASC, as well as to Erin Conaton, the current staff director of the committee. Both Chairman Skelton and Erin have been tremendous supporters and mentors who have allowed me the great privilege to serve the people and the men and women in military as my current post as general counsel to the HASC.

Chairman Skelton, as many of you know, is a remarkable lawyer himself, and a great statesman—and from his introductory remarks of me, he is also very generous—which has made the experience of working for him, and with the extraordinarily talented professional staff of the committee, all the more rewarding. I cannot thank him and my colleagues on the committee enough.

Mr. Chairman, I am joined this morning by my family. Let me begin with my mother, Carmen Oostburg, who has encouraged me to excel throughout my life, and who, as a military wife, knows well the importance of the cause that I'm about to and hope to serve. I also am joined by my sister, Carmen, my in-laws, who

drove up from North Carolina to be here, Moselle and Pete Knigh—Pete, incidentally, also served in the Air Force—my sparkling daughter, Keira, and, of course, my bride of 7 years, Tonya, who is always my true north and safe harbor.

I will be remiss if I do not also mention my brother, Egbert, who is a lieutenant in the Navy, and his family, Eva, Sebastian, Julie, Sabrina, and Jackson. They live in San Diego and could not make the trek today.

Also not here, but remembered every day, is my late father Egbert, who joined the Air Force, soon after my siblings and I were born in Puerto Rico, and retired as a surgeon, after many years of service.

Mr. Chairman, more than anything, I especially appreciate the opportunity to serve that this nomination affords. My several years working as general counsel on HASC, and before that, on the House Committee on Foreign Relations, have given an intimate, up-close look at the sacrifices that our sailors, marines, other servicemembers, and their families, make on our behalf every day. We all are indebted to them, and I count myself among the fortunate to have a chance to repay that debt, in a small way, with my service in a civilian capacity. I can think of no higher honor. It is because of their sacrifice that I pledge, if confirmed, not only to maintain the sterling reputation of the nearly 700 attorneys of the Office of the General Counsel for the Department of the Navy, but also, in cooperation with our uniformed colleagues in the Offices of the Navy Judge Advocate General and the Marine Corps Staff Judge Advocate, and under the leadership of the Secretary of the Navy, to lead the office in maximizing the ability of the Department of the Navy to defend the Nation within the law.

Again, thank you, and I look forward to your questions.

Chairman LEVIN. Thank you.

Ms. Pfannenstiel?

STATEMENT OF JACKALYNE PFANNENSTIEL, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT

Ms. PFANNENSTIEL. Thank you, Mr. Chairman and distinguished members of the Senate Armed Services Committee. It's an honor to appear before you today.

I'm deeply grateful to President Obama for nominating me to this important position, and to Secretary Mabus and Under Secretary Work, for their support.

Before I begin, I'd like to introduce my son, Matt Deutsch, and his friend, Whitney Wallace. They're both graduates of Wake Forest Law School and attorneys in North Carolina. I'm grateful that they could drive up to be with me today. My other son, Steven, is a sophomore at George Washington University. He had just returned to California, after his final exams, and was not able to get back here in time. With me also are my sister, Kathy Pratt, from Maine, and my companion, Dan Richard.

I'm sorry my parents could not make the trip from Connecticut. They would have taken considerable interest and pride in this proceeding.

Both of my grandfathers, as well as my father's mother, served in the Navy. During World War II, my father was on the crew of the USS *Finback* when that submarine rescued the future President, George H.W. Bush, after his plane was shot down over the Pacific.

I recognize momentous challenges facing the Assistant Secretary of the Navy for Installations and Environment. It is no small task to maintain our facilities in a state of readiness, to preserve the quality of life for our sailors and marines and their families, and to meet and exceed our environmental obligations. Moreover, Secretary Mabus has raised the bar for the Department of the Navy by committing that we will be leaders among the Services, the Federal Government, and the Nation, in achieving aggressive goals for energy efficiency. His initiatives are tied directly to our national security interests, but achieving them we will have other benefits, including better use of limited resources and healthier communities. I would be honored to assist him in achieving these goals.

If confirmed, I will carry out the policy directives of the President, Congress, the Secretary of Defense, and the Secretary of the Navy. My priorities would be to assure that the naval and marine facilities have the necessary support to accomplish their mission, to assist the Secretary of the Navy in achieving his aggressive energy goals, and to work closely with Members of Congress, State and local officials, and the public to mitigate the impact of our installations on the local communities.

I look forward to working with this committee.

Thank you.

Chairman LEVIN. Thank you very much, Ms. Pfannenstiel.

Dr. Cook.

STATEMENT OF DR. DONALD L. COOK, NOMINEE TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Dr. COOK. Mr. Chairman and members of the committee, I'm honored to be the President's nominee for the position of Deputy Administrator for Defense Programs at the Department of Energy's NNSA.

I appreciate the confidence placed in me by Secretary Chu and NNSA Administrator D'Agostino.

If confirmed, I'll work with Congress to ensure safe and efficient operations of the nuclear weapon complex while also preparing NNSA's defense programs for the future in order to meet the demanding challenges of the 21st century.

Now, I'd like to introduce two family members who are with me today, and also thank my wife, Peggy, who could not be here, for her support and willingness to allow me to pursue this position. Peggy is in Seattle with our older daughter, Julia Cook Dombrowski, and our newly born granddaughter. With me are our younger daughter, Cynthia Cook, a member of the U.S. Foreign Service and currently public affairs officer with the U.S. Consulate in Dhahran, Saudi Arabia and our son-in-law, Cynthia's husband, Brad Carlson, also with the Foreign Service as a special agent in the Diplomatic Security Service, on assignment in Washington, DC.

My entire career has been dedicated to either the U.S. or the United Kingdom (U.K.) nuclear deterrent programs. Up until my most recent assignment, this covered areas of small science, big science, engineering development, major construction projects, infrastructure projects, and security investments required to meet an increased threat.

From 2006 to 2009, as I served as the Managing Director and the Chief Executive Officer of the Atomic Weapons Establishment in the United Kingdom. That assignment gave me a good understanding of manufacturing processes for special material components, qualification of weapon components and subsystems, assembly, transport, support and service, including surveillance, and, finally, decommissioning, dismantlement, disassembly, and disposal.

Communication and productive interaction with the Ministry of Defense, the local community, the nuclear regulatory authorities, and the workforce of both employees and contractors, was important to success.

I believe that my experience in both the United States and the United Kingdom, made possible through the special relationship of the 1958 Mutual Defense Agreement, qualifies me to perform the duties and functions of the Deputy Administrator for Defense Programs, and I hope that you'll agree.

In my view, the major challenges confronting the Deputy Administrator for Defense Programs are the changes required in the nuclear weapons stockpile and the nuclear weapons complex as both continue to age. At the very least, these changes include, first, progressing to a smaller stockpile; second, applying recognized, but as yet undeployed, means of improving the safety, the security, and the effectiveness of warheads, without changing the military requirements, and without recourse to underground nuclear testing; and then, third, to do both the first and second with a workforce that is now nearly completely different from the workforce that put the complex and the stockpile in place.

Safety and security must be an intrinsic part of the job, not add-ons. It's my view that giving the directors of the labs and plants accountability for the "whats"—that means the outputs, including good safety and security—as an inherent part of the job, but without instructing them on the "hows," the process of doing it, would improve not only the productive work outputs, but also safety and security. This viewpoint is based on personal experience in both the United States and in the United Kingdom.

The Nuclear Deterrent Program is inherently a complex, high-technology program. The quality of understanding of the underlying science of weapon performance in an aging stockpile, including weapon safety and weapon security, is extremely important. Capital investments made by Congress in the Stockpile Stewardship Program over the last decade have enabled important improvements in understanding.

But, the most advanced experimental and computational facilities or advanced manufacturing facilities are not worth much without the right people to run them and use them. If confirmed, working to retain and develop critical nuclear weapons expertise in both the NNSA Federal employee workforce and the contractual workforce will be a high priority of mine.

I am impressed with program elements such as NNSA's Stockpile Stewardship Academic Alliances and Future Leaders Program, and I want to continue them. I support efforts, such as mentoring young weapon designers, most of whom have never participated in a nuclear test, with real work. I believe that some of the best people are drawn to the hardest problems. Articulating those problems clearly, so that they can be undertaken and solved, will be one of my objectives.

In addition, if confirmed, I would pursue effective contract mechanisms that support cultivation of critical skills at all contractor sites.

I'm mindful of the relationship between Defense Programs and Congress. Defense Programs is fortunate to have received good support for the nuclear weapons program. I have pledged to meet regularly with Members of Congress and key staff to support an open dialogue.

With your approval, it would be my great privilege to serve the Nation and to lead the dedicated men and women of Defense Programs in the challenges that lie ahead.

I thank you for your consideration.

Chairman LEVIN. Thank you, Dr. Cook.

Senator Burr is our acting ranking member here this morning, and I'm wondering, because Senator McCain is tied up on the floor, whether or not, you might wish to give an opening statement.

Senator BURR. Mr. Chairman, I do not wish to give an opening statement, but I would ask unanimous consent to enter into the record Senator McCain's opening statement.

Chairman LEVIN. We thank you very much for that. That statement, of course, will be made part of the record.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT BY SENATOR JOHN MCCAIN

Thank you, Senator Levin.

I join you in welcoming our nominees and their families, and I thank them for their willingness to serve in these key leadership positions.

I'll start by recognizing my Arizona constituent, Maria Matiella, who has been nominated to be the Assistant Secretary of the Army for Financial Management and Comptroller. As a resident of Tucson, with a BA and MBA from the University of Arizona, she is, not surprisingly, extremely well-qualified for this position.

Ms. Matiella began her 29 years of Federal service in 1980, serving in various key budgetary positions in the Air Force, Army, and Department of Defense (DOD), culminating in her assignment as Director of Accounting for the Defense Finance and Accounting Service from 1995 to 1998. She served most recently as Assistant Chief Financial Officer for Accounting for the Department of Housing and Urban Development from 2004 through 2008. She is also a military spouse—her husband, Francisco, is a retired Air Force officer. Thank you for your desire to serve again.

Douglas Wilson is the nominee to be the Assistant Secretary of Defense for Public Affairs. Mr. Wilson is well-qualified, having served as the Principal Deputy Assistant Secretary of Defense for Public Affairs from 1997 through 1999, and with a variety of public interest organizations in the private sector since then.

Paul Oostburg Sanz, the nominee to be the General Counsel of the Department of the Navy, will be introduced by Chairman Skelton, who, at this point has seen both his committee's chief of staff and, now, committee counsel jump ship. We welcome the distinguished chairman of the House Armed Services Committee, and we thank him for his generosity to the Department and his participation today.

Jackalynne Pfannenstiel, the nominee for Assistant Secretary of the Navy for Installations and Environment, has extensive experience in energy policy and regulation in California, and served as Commissioner and Chairman of the California Energy Commission. You will, no doubt, have a lot of heavy lifting ahead of you, but

I trust you will have strong support from the Navy and Marine Corps, and I compliment you on your willingness to serve in the Department of the Navy.

Dr. Malcolm O'Neill, the nominee to be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, retired from Active Duty in the Army in 1996 as a lieutenant general. He served as the Director of the Ballistic Missile Defense Organization and Commander of the U.S. Army Laboratory Command. With his strong acquisition and research and development background, Dr. O'Neill will play a vital role in implementing the provisions of the Weapon Systems Acquisition Reform Act of 2009 and in striving to ensure that key procurement and modernization programs in the Army, including the successor to the Future Combat System, are successfully managed.

Finally, Dr. Donald Cook has been nominated to be Deputy Administrator for Defense Programs in the National Nuclear Security Administration. Dr. Cook has extensive experience in key positions at Sandia National Laboratories, and most recently, as the Managing Director of the Atomic Weapons Establishment for the United Kingdom from 2006 to 2009. Like our other nominees today, he is also highly qualified for this position.

I look forward to the testimony of the nominees today, and I again thank them and their families for their service.

Chairman LEVIN. Let's have an 8-minute first round for questioning.

Let me start with you, Mr. Wilson. In 2003 and 2004, the Assistant Secretary of Defense for Public Affairs established a group of retired military officers to act as surrogates, supporting the Department's views while appearing on TV and radio programs, and as military analysts. The officers received favorable access from the Pentagon, and all those who raised questions or concerns did not receive that kind of access.

The issue is still under investigation by the DOD Inspector General, but in response to the committee's advance policy questions, you said that "It is inappropriate and contrary to Department policies to selectively benefit any individuals or groups, including retired military personnel, by providing them special treatment or increased access to Department officials." I'm wondering, if confirmed, Mr. Wilson, will you review applicable Department directives and issue any additional guidance that may be needed to ensure that the Department does not provide different access or favorable access or benefits on a selective basis to individuals who support the administration's views?

Mr. WILSON. Yes, I will, if confirmed, Senator. Access should be provided on an equal and balanced basis, and if confirmed, I do plan to review those policies.

Chairman LEVIN. In August 2009, Stars and Stripes reported that the Office of Assistant Secretary of Defense for Public Affairs had used a private contractor to profile journalists seeking to report on ongoing combat operations, categorizing them as either positive, negative, or neutral. Now, Secretary Gates put an end to that profiling within the last few months, when that practice became public. In your response to the committee's advance policy questions, you said that "I don't believe in any system that rates reporters based on a perception that their reporting is positive or negative. In my view," you said, "we should never be a party to efforts to place so-called 'friendly reporters' into embeds while blocking so-called 'unfriendly reporters.'"

My question is, if confirmed, will you review applicable Department directives, issue, again, any guidance that may be necessary to ensure that public funds are not used to profile reporters and

to differentiate among reporters, based on whether or not their reporting is "friendly?"

Mr. WILSON. Yes, Senator, if confirmed I will do that.

Chairman LEVIN. Is it your view that in the selection of radio and television talk shows that are broadcast by the Armed Forces Radio and Television Service (AFRTS), that there should be an effort to assure fairness and balance?

Mr. WILSON. Yes, I do believe that, Senator.

Chairman LEVIN. As a matter of fact, because the AFRTS is a publicly-owned entity that broadcasts to our men and women in uniform in circumstances that often preclude competition, does not the Armed Forces Radio and Television have a—indeed, a greater responsibility for fairness and balance than other media outlets might have?

Mr. WILSON. Senator, I believe the Armed Forces Radio and Television Service has a responsibility to present fair, balanced, and accurate programs and information. If confirmed, I intend to make sure that those standards are met.

Chairman LEVIN. Thank you. Dr. O'Neill, a couple years ago, the Gansler Commission reported on significant deficiencies in the Army acquisition workforce. We've learned that the shortages in the Army workforce extend to virtually every aspect of acquisition, including program managers, system engineers, software engineers, developmental testers, and cost estimators. We've enacted a Defense Acquisition Workforce Development Fund, and Secretary Gates has announced an aggressive hiring plan to address this problem. If confirmed, will you make it a top priority to rebuild the Army acquisition workforce and to ensure that the Army has a workforce that's appropriately staffed, qualified, trained, and organized to accomplish its mission?

Dr. O'NEILL. Yes, sir.

Chairman LEVIN. Dr. O'Neill, major Army modernization efforts have not had a great deal of success over the last few decades, in many instances. Strategies, plans, investment priorities have changed, from digitization to Force 21, to Army After Next, to Interim Force, to Objective Force, to Future Combat System (FCS) and modularity, and with each change in uniformed or civilian leadership. Now it remains to be seen whether the restructuring of Army modernization efforts last year, with the cancellation of the ground vehicle portion of the FCS program, is going to provide an opportunity to apply the lessons of the last decade and to gain and develop a more sound and more stable modernization strategy.

What steps do you believe we need to take for the Army to avoid the mistakes of the recent past and to develop a stable modernization program that lives up to its technological and affordability promises?

Dr. O'NEILL. Senator, the FCS program was a very large program. It had a single integrating contractor, called a "lead system integrator." The task was very difficult. The amounts of resources that were required were very large. I think that the management challenge was a bit too much.

What Secretary Gates has done is, he has directed the Army to take the concept of the Future Combat System, turn it into a num-

ber of chewable, as it were, pieces, and have an overall integration effort to pull those pieces together.

The combat vehicle is being reconsidered. As it presently exists, it has been canceled. The non-line-of-sight cannon has been canceled, as of this month.

If confirmed, one of my first goals will be to take a detailed look at the remnants—the residuals of the Future Combat System, and see how we can organize those to be success-oriented.

Chairman LEVIN. Is there going to have to be a much greater emphasis now, going back to research and development of the new system?

Dr. O'NEILL. Yes, sir. Exactly. The ideas, I think, that led to some of the cost overruns and schedule slippages were that decisions were made in anticipation of successful testing of the maturation of technologies that weren't as simple as we thought. I think that's one of the guidelines for a future acquisition management; and that is, to ensure that the research has matured to an adequate level before you make the kinds of decisions, moving into engineering development, building systems. I think the idea of competitive prototyping is key in that regard.

Chairman LEVIN. Thank you.

Senator Burr.

Senator BURR. Thank you, Mr. Chairman.

Mr. Chairman, I'd like to highlight the good judgment of the administration to have nominated individuals with North Carolina ties. [Laughter.]

In full disclosure to the committee, I think it's important that I say I show great favor towards anybody who graduated from Wake Forest, because it shows good judgment by not just the students, but the parents. I congratulate those two law school students. [Laughter.]

Mr. Oostburg Sanz, are you aware of the widespread contamination of the Camp Lejeune water system that existed in the 1950s through the 1980s?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. You may also be aware that in 1989 the Environmental Protection Agency designated Camp LeJeune as a National Priority Listed site, and under title 42, U.S.C., the Agency for Toxic Substances and Disease Registry (ATSDR) at Centers for Disease Control (CDC), and I quote "shall" conduct public health assessments, and, if they deem it necessary, conduct human health effects studies of National Priority Listed sites.

The Congressional Research Service has stated that in their reading of title 42, the Navy, as the primary responsible party for Camp LeJeune's site, is statutorally required to fund such studies.

Would you agree that the Navy has a statutory responsibility, here, to act as promptly as they can?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. Would you think it's reasonable to seek information that will inform the public if there's a higher rate of death among those who served at Camp LeJeune, and if those rates were higher from that death?

Mr. OOSTBURG. Yes, Senator.

Senator BURR. Ms. Pfannenstiel, again, I congratulate you on the successful graduation of students. That's only surpassed by the success of getting a job, these days, for those of us that have recent college graduates.

You have quite a background in utilities, as a commissioner in California, and a long tenure with a company. Let me just ask you. In California, were Pacific Gas and Electric Company (PG&E) to be identified as a party responsible for a site where environmental contamination occurred, would the State of California allow PG&E to direct the State's investigation of the site, and permit it to determine the amount of funding it provided for the investigation?

Ms. PFANNENSTIEL. That seems unlikely, Senator.

Senator BURR. A little bit of background. Currently the Department of the Navy, the primary party responsible for Camp LeJeune, for the Marine Corps, is asserting that it can determine which Federally funded and statutorally mandated scientific studies will be conducted to investigate water contamination that occurred at the base between 1957 and 1987. Title 42, U.S.C. vests the authority to determine the need and scope of research conducted on the National Priority Lists solely with ATSDR at the CDC. ATSDR is authorized to conduct its research independent from the primary responsible party. That makes common sense, whether you're in California or whether you're in the Federal Government.

Essentially, what the Department of the Navy's doing with respect to withholding funds for key government studies which will investigate the environmental contamination at Camp LeJeune, the Navy's refusing to fund a mortality study, recommended by the U.S. Government scientists, and we don't know if the death rate for marines and sailors who lived at Camp LeJeune is greater than that of marines from other bases.

In light of the documented levels of contaminants present in the tapwater at Camp LeJeune, do you think it makes sense to conduct a study that would help us determine those death rates?

Ms. PFANNENSTIEL. Senator, my understanding is that the studies are ongoing, that the Navy has funded, and continues to fund, the studies that you referenced.

My further understanding is that there are other studies that are being proposed. While I have not been privy to the results of the studies, it is my understanding that as the studies are completed, other studies will be funded, as indicated by the Navy.

Senator BURR. You are correct that there are ongoing studies, and the two most crucial to determine what I just covered are the mortality study and the health study, which have yet to be funded by the Department of the Navy for ATSDR. It's absolutely crucial that funding commitment happen before we get to the end of January, or all of a sudden we restart the clock and there's another 6 months. Do I have a commitment from both of you that you'll do everything within your power to see that the Navy fulfills its statutory obligation?

Mr. Oostburg Sanz?

Mr. OOSTBURG. Absolutely. If confirmed, my primary responsibility, as chief legal officer of the Department of the Navy, is to make sure it's in full compliance with all applicable laws that apply

to the Department of the Navy. Certainly, to the extent that there's an obligation on the Department of the Navy to conduct a study which it has yet not conducted, I would work with my colleagues in the Department to make sure that occurred.

Senator BURR. Thank you.

Ms. Pfannenstiel?

Ms. PFANNENSTIEL. Certainly, Senator. If I'm confirmed into this position, I will commit to investigate and see what studies need to be done and what the status is.

Senator BURR. To further follow up, it is not the function of the Navy to determine which studies; solely the statutory responsibility of an agency within the CDC, under title 42, U.S.C.

If I could turn to Dr. O'Neill, for just a second, with regard to the Army's Family Medium Tactical Vehicles (FMTVs).

Chairman LEVIN. Senator Burr, excuse me for 1 minute.

Senator BURR. Yes.

Chairman LEVIN. I'm going to have to leave for a couple minutes. When you're done, could you turn it over to Senator Burris? I will be back, however, in a few minutes.

Senator BURR. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator BURR. I appreciate that.

With regard to the FMTV contract award decision, on December 14, the Government Accountability Office (GAO) ruled that the Army's capability evaluation in the bid process was flawed. This is a major issue, because capability was 40 percent of the FMTV rebuy evaluation. I'm sure that the Navy, in doing its due diligence and reexamining the capability factor within the bid, will look at different levels of in-place and qualified capabilities, such as proper tooling, eco-facilities, and a qualified cab design, all of which impact production and raise cost-related risk.

Would you agree with that?

Dr. O'NEILL. Yes, Senator, I agree.

Senator BURR. Since the Weapons Systems Acquisition Reform Act of 2009 was unanimously passed by Congress in May—happened to be the same time that the FMTV rebuy competition was taking place—it would now be prudent to review the FMTV rebuy within the guidelines of this new required process, to ensure the American taxpayers and our soldiers get the best product at the best value.

Would you agree with that, as well?

Dr. O'NEILL. Senator, I agree, in principle, but I must say that I have not yet been briefed in detail on the situation with regard to FMTV. I have read, in the newspaper—and it makes all the sense in the world, with the Reform Act introducing concepts like Cost Assessment and Program Evaluation—very reasonable things to do. I certainly am inclined to be very positive about that approach in relooking at FMTV.

But, as I said, I am not privy to the decisions being made by the Army at this time in response to the GAO sustaining of the protest.

Senator BURR. Thank you for that, and I will assure you that we've learned, in Washington, if it's printed in the paper, it must be fact. [Laughter.]

You can take that to the bank.

FMTV is a multibillion-dollar program that meets the definition of a major defense acquisition program. Since the GAO has determined that the Army did not evaluate 40 percent of Oshkosh correctly, this would be a great opportunity for you to take a pause and to reevaluate the entire process, in light of the above-mentioned legislation. Would you see that as the right opportunity to take advantage of?

Dr. O'NEILL. Senator, I think it would be a good time, if confirmed, for me to play a strong role, depending upon how quickly a resolution of this matter needs to be done.

Senator BURR. Dr. O'Neill, I appreciate that.

I would yield the microphone to my good friend Senator Burris.

Senator BURRIS [presiding]. Thank you, Senator Burr. I appreciate that.

If you've noticed a difference, his family couldn't spell; they forgot the "I–S." [Laughter.]

It's a pleasure for me to be with these distinguished nominees, and I would like to thank our witnesses for appearing before this committee as we consider your nomination for the various offices in DOD—the Army, the Navy—and, of course, with the National Nuclear Security Administration.

As this country fights two wars, ongoing in Afghanistan and Iraq, we need strong leaders within DOD to ensure that we take care of our soldiers and our personnel serving in the military, and be responsible for the taxpayers as we spend billions and billions of taxpayers' dollars.

Now, we have sought, in this budget, which we're hoping to pass very shortly in the Defense appropriation, major increases on behalf of our Service personnel that's serving, also those who have served. This Congress is committed to doing what we can for those who allow us to do what we do here in America. By coming on board with these positions that you've been nominated to, and, hopefully, shortly confirmed to, you have the obligation of making sure that personnel who protect us get the best that we can give to them. I would just like to ask a few questions.

First, to Mr. Wilson. What do you envision will be your role in addressing whether photographs, purportedly showing the abuse of detainees in Iraq and Afghanistan, should be released, and whether doing so endangers U.S. troops serving abroad? If you have a situation arising similar to what happened at Abu Ghraib, what would be your reaction, if you're confirmed, sir?

Mr. WILSON. Senator, I am familiar with the example that you give, from what I've read in the papers. According to the directive which outlines the duties of the Assistant Secretary of Defense for Public Affairs, I would certainly be involved in, and have a primary responsibility for, decisions regarding the release of such photographs.

Senator BURRIS. Thank you.

Dr. O'Neill, in the advance policy questions, you stated, "The Army should use the type of contract that is best suited for the acquisition at hand, considering primarily complexity and risk." In evaluating contracts, under what condition would fixed-price contracts be more suitable?

Dr. O'NEILL. Senator, fixed-price contracts are very suitable. Fixed-price contracts are the contracts you want to get as close as possible to, because you make an agreement to pay so much for "the thing." What you have to have for fixed-price instruments is good knowledge of what you are buying. The easiest thing is to buy from a catalog or when you go to the showroom, and you look at the car, you buy the car. Fixed-price contracting is where you want to go. You want to push toward that. You want to push away from time and materials, where you tell somebody that you're going to give them so much money and so long to do something, but we're not quite sure what that is, or cost-plus type contracts, where you tell a person, "We're going to do this program, and we'll pay what we think it costs, but the cost might increase." Fixed-price contracting should be our goal, and fixed-price contracting can be done, where you can write a specification for delivery of a particular object.

Senator BURRIS. Under what circumstances, Doctor, would a noncompetitive contract be justified? What safeguards can be put in place to protect the taxpayer?

Dr. O'NEILL. Senator, you would have a noncompetitive contract when and if you were in a situation where you couldn't establish a ball game, as it were; there was no one else who could do the job.

Senator BURRIS. Are you talking about sole-sourcing?

Dr. O'NEILL. That's sole-sourcing, yes, sir. That would be a noncompetitive.

Senator BURRIS. How about emergency situations?

Dr. O'NEILL. Also in an emergency situation, where, for example, you have a contractor who has already demonstrated that he's doing something, and you need to double that production, for example; you realize that no other industry in America has the necessary capital equipment, trained people, you need it in the field in 2 years. What you do is, you tell that company, "You're going to get a sole-source extension to double the production of that piece of equipment."

Senator BURRIS. Lastly, Doctor, what would you do to address and limit cost overruns and cost-plus contracts? What are some of the tools to address this issue?

Dr. O'NEILL. To work with cost-plus, what I would do is try to buy the thing in stages, reduce the risk, eliminate risk, insofar as you can, and, as the risk approaches zero, then you go from a cost-type contract to a firm fixed-price contract.

Senator BURRIS. Thank you.

Ms. Matiella, you're going to be the Assistant Secretary of the Army, and the Chief Financial Management and Comptroller. Is that correct?

Ms. MATIELLA. If confirmed.

Senator BURRIS. We'll take care of that.

I notice on your resumé—you have an excellent resumé. You're also a certified public accountant?

Ms. MATIELLA. Yes, I am.

Senator BURRIS. Okay, that's not on your resumé, that I saw.

Ms. MATIELLA. Oh, gee.

Senator BURRIS. Okay. Because I thought, if you're going to be a comptroller—of course, I was a comptroller of the State of Illinois, and I was not a certified public accountant. That's the reason why I raised that question.

Ms. MATIELLA. Yes.

Senator BURRIS. I thought maybe you were trying to get elected. You know about the financial statements and all that, that's going to be necessary to keep track of the accounting process.

Ms. MATIELLA. Yes, I do.

Senator BURRIS. Okay. Now, what do you do to increase the transparency of the Army's budget? What would you do, Madam Assistant Secretary, if confirmed?

Ms. MATIELLA. If confirmed, I would look into where we are, in terms of systems. The data comes in. It has to be visible through the system. So make sure that the systems are in place that would show that kind of visibility and that kind of transparency. I think that would be one of my focuses, if confirmed.

Senator BURRIS. Mr. Oostburg, what role should the general counsel play in addressing allegations of fraud and abuse of contracting for the wars in Iraq and Afghanistan?

Mr. OOSTBURG. The Office of General Counsel and, if confirmed as general counsel, the leader of that office, my primary responsibility would be to make sure the Department of the Navy fully complies with all the laws and regulations of this great country. The Office of the General Counsel currently has at least two assistant general counsels that are dedicated to acquisition issues. There's a dedicated staff that, their main focus, day to day, is to ensure that these types of issues are addressed; and, working in cooperation with our uniformed colleagues in the Navy Judge Advocate and the Marine Corps Staff Judge Advocate's Office, we would make sure that the Department fully complies with all acquisition.

Senator BURRIS. Mr. Chairman, my time is expired. May I have leave to have a couple more minutes?

Chairman LEVIN [presiding]. Of course.

Senator BURRIS. Thank you, Mr. Chairman.

Ms. Pfannenstiel, you are up for the position of the Assistant Secretary of the Navy for Installations and Environment. Do you know Secretary Mabus?

Ms. PFANNENSTIEL. Yes, I do, Senator.

Senator BURRIS. I won't hold it against you. [Laughter.]

He's a good friend of mine. Got to do a good job for him, okay?

Ms. PFANNENSTIEL. I will. Thank you.

Senator BURRIS. What do you foresee will be your working relationship with the Environmental Protection Agency and other State regulatory agencies with this position?

Ms. PFANNENSTIEL. My understanding is that the position of Assistant Secretary for Installations and Environment is a representative of the Department of the Navy, with many other State and Federal agencies, including the Environmental Protection Agency.

Senator BURRIS. Okay. Following up on a question that Senator Burr had raised, once the scientific studies for water contamination at Camp Lejeune have been completed, what type and level of information-sharing would you do with those affected by the contamination, and the Secretary of Veterans Affairs? I also serve on the

Veterans Affairs Committee, and we had some damaging testimony from children born at Camp LeJeune that there are now males suffering from breast cancer. That is unconscionable that we have that type of a situation existing in our military bases. Then there's denial, in some instances, by some of our Services. Could you respond to that, please?

Ms. PFANNENSTIEL. Yes, Senator Burris. When the information is complete, when the Navy has received the results of the studies that are ongoing, there will be, I understand—that will determine what steps need to be taken. My understanding is that there has been an effort, even at this point, to reach out, to try to communicate with all of the past Service people and families and civilian contractors who were at the Fort during the period of time of the contamination. Now, if I'm confirmed into this position, I would certainly be in a place to see the results and make sure that the communications were as extensive as possible.

Senator BURRIS. I think you did about as best as you could with that question. I appreciate that. Don't want to commit yourself.

Dr. Cook, I just need a clarification. You're going to be in the Defense Department, but you're working with the NNSA in it. Where are you housed?

Dr. COOK. Let's see, Senator Burris. I'm nominated for the Deputy Administrator of the NNSA, which is a part of the Department of Energy.

Senator BURRIS. Not DOD.

Dr. COOK. That's correct. But, it works very closely with DOD.

Senator BURRIS. Oh, I see. How closely?

Dr. COOK. Meetings somewhere occurring every single day.

Senator BURRIS. So, you're going to be wearing two hats.

Dr. COOK. The national security enterprise includes DOD, the Department of Energy, Department of Homeland Security, and other Federal Government departments. But the hat that I'll be wearing is a fairly clear one, and I'm sure I'll be held accountable for it, if confirmed.

Senator BURRIS. Good luck, to all of you. I'll look forward to you being confirmed. You all are doing a great service.

Thank you very much, Mr. Chairman, I appreciate the extra time.

Chairman LEVIN. Thank you very much, Senator Burris.

Ms. Matiella, let me ask you, I understand that during your service in the Agriculture Department, that you led the Forest Service to its first unqualified audit opinion, and if you are confirmed, you would work towards establishing priorities for the preparation of auditable financial statements. What challenges did you face when you were doing that audit for the Forest Service, on the path to a clean audit?

Ms. MATIELLA. The first challenge was communicating the expectations and the requirements to the folks out in the field. At that point, financial management was very spread out throughout the whole United States. So, communicating the requirements.

Number two, was ensuring that the documentation was in place. All of the data has to supportable. We have to make sure that, in fact, all of the obligation records, all the expense and revenue records were in place.

Once we felt comfortable that we had the supportable data, then we worked with the auditors to help them obtain that documentation. We also implemented a general ledger transaction-driven accounting system, which was critical. That was Joint Financial Management Improvement Program-certified.

We had the system in place, the documentation in place, the expectations were clear, and we worked very closely, not only with headquarters, but the auditors.

Chairman LEVIN. Any particular challenges that you see in realizing a clean audit for the Army, if you're confirmed?

Ms. MATIELLA. Well——

Chairman LEVIN. You may not be able to foresee them, but, if you do foresee them, you can share them with us now.

Ms. MATIELLA. I'll share the fact that the issues of documentation, proper systems, laying out policies and procedures would be a challenge for DOD, as it is for every department in the Government. We all, generally—and that's what's good about me having spent time in different departments, is, I can see that we have generally, the same kinds of challenges.

Chairman LEVIN. Okay. Thank you.

Mr. Oostburg, the Chief of Naval Operations (CNO) recently stated that the Navy is going to assign female sailors to submarines, starting in 2011. What is your understanding of the status of this change in policy? What role would you expect to play in implementing a new policy? What is your understanding of the conclusions and lessons that have been learned from Operation Iraqi Freedom and Operation Enduring Freedom about the feasibility of current policies regarding women in combat?

Mr. OOSTBURG. Senator, my understanding is that Secretary Mabus, the CNO, and others in the leadership of the Department of the Navy are very much committed to ensuring that women in the Navy and Marine Corps have as fulsome opportunity to serve as possible, and part of that is allowing women to serve on submarines.

With regard to legal implications of that assignment, as far as I know at this time, I'm not aware of any, but certainly there are manpower considerations, such as making sure that there is not just an adequate number of women that are assigned to any particular submarines, but that the types of assignments are such that they are able to support one another. I would imagine those same types of considerations are at play with regard to other assignments within the Department of the Navy. If confirmed as chief legal officer and working with my colleagues in the uniformed Services, I would hope to help the Secretary implement those changes.

Chairman LEVIN. Now, there's going to be some deliberation and discussion, and perhaps change, in the "Don't Ask, Don't Tell" policy, which went into effect in 1994, after months of congressional hearings and debate. What role, if you are confirmed, do you expect to play in deliberations over efforts relative to that policy, to repeal or change that policy?

Mr. OOSTBURG. Senator, as I understand, DOD and the various Services are undergoing a very thorough review of what changes need to perhaps be suggested to Congress with regard to changes

in the law. In addition, they're looking to see how they can change the implementation of the policy as it currently stands. Certainly, there's the case out of the Ninth Circuit which has some implications with regard to how administrative separation occurs, and what considerations need to be taken into account in those instances. If confirmed, I would look to give my best legal advice to the Secretary as he helps to formulate his response to how the existing law and policies are enacted.

Chairman LEVIN. Okay. Ms. Pfannenstiel, the Department of the Navy has a number of valuable properties which need to be conveyed, or perhaps will be conveyed, as part of the recent Base Realignment and Closure (BRAC) round. The Department has some properties that they have retained which go back as far as the 1993 BRAC round, so no longer being used by the Navy. The question is the disposal of those properties.

Now, the committee provided some new legislative direction in the National Defense Authorization Act for Fiscal Year 2010, which was aimed at expediting transfer of those properties to local redevelopment authorities. We provided clear flexibility, where perhaps there had been too much rigidity before. But, we gave great discretion to the Department now to use many number of different paths and routes to dispose of those properties. We're hoping that we're going to see some real progress in the next 6 months in that effort.

Will you make it a high priority to expedite the transfer of these properties, in a manner which is equitable, both to the Department and to local communities?

Ms. PFANNENSTIEL. Yes, Senator, I will. If I am confirmed into the position, then clearly the conveyance of the properties that have been identified under the BRAC process is a high priority, and I will certainly commit to you that I will make it one of my highest priorities.

Chairman LEVIN. Thank you very much.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

I want to thank all our nominees for their service and willingness to serve, and congratulate you on your nominations. We look forward to working with you, as your process moves forward.

If I might, Mr. Chairman, I'd like to direct one question to Dr. Cook.

As you may know, in the National Defense Authorization Bill for Fiscal Year 2010, there was a provision passed stating that it's the intent of Congress that modernization of the nuclear weapons complex, among other things, is key to enabling further reductions in the nuclear forces of the United States. My question is, what are your views on modernizing the nuclear weapons complex?

Dr. COOK. Thank you for the question, Senator.

It is a complex subject by itself. The state of the nuclear weapon complex and the state of the nuclear weapon stockpile are, in fact, intertwined. Human capital—the amount of capability to understand adequately the changes that are required in the nuclear weapon stockpile after the armed services, DOD, and U.S. Strategic Command (STRATCOM) decide the changes that are required, then they need to be supported by the NNSA. Certainly, the NNSA will help inform the decision. But, in fact, the work that's required

is specific to each of the weapon systems that comprise the U.S. nuclear deterrent. The nuclear weapon complex can cover the range of possibilities that is required, but it would be useful to understand the details of the changes in the nuclear weapon stockpile that need to be made. Certainly, all who work in the area are hopeful that the Nuclear Posture Review, which will be—is scheduled to be released on February 1—help in that decision, and then we can proceed.

The difficulty in changing the nuclear weapon complex itself, as downsizing or some elements of revitalization are made, is to make a set of decisions which are inherently intertwined over the next few years, that we don't regret a decade or two beyond. There are a number of studies that are going on; they're looking very carefully at the kind of changes that are required. All of this, however, comes in an assumption of the future nature of the deterrent that we need.

I hope I've answered part of your question. If not, you can certainly follow up.

Senator THUNE. Okay. I appreciate that. We may follow up with you. It bears on a lot of other issues, including the Strategic Arms Reduction Treaty negotiations and everything else. Many of us believe that that is essential, that we modernize the stockpile. We look forward to working with you on that.

Dr. COOK. Thank you very much.

Senator THUNE. Mr. Chairman, that's all I had. Thank you.

Thank you all, again, for your service.

Chairman LEVIN. Thank you, Senator Thune.

Ms. Pfannenstiel, the Navy's use of active sonar systems that search for underwater threats by emitting sound into the water, has been challenged by a number groups, including State governments, including groups that have a particular interest in this issue, alleging that the use of the systems does not comply with certain regulatory and legal requirements.

What is your understanding, if you have one, of the effect of these systems on marine life, particularly marine mammals?

Ms. PFANNENSTIEL. I understand that the Navy is sponsoring—and is, in fact, the major sponsor, around the world, in the study of the effects on marine mammals—and that study is underway. There clearly needs to be remediation, if there is, in fact, an effect that the Navy finds from the studies. Meanwhile, while the studies are underway, I understand that the Navy is taking whatever remedial action is necessary, awaiting the results.

Chairman LEVIN. Are you going to be actively involved in the Navy's effort to basically "go green" at its installations and purchases?

Ms. PFANNENSTIEL. Yes, sir, if confirmed, I expect to work with the Secretary on the initiatives he has offered on the green proposals.

Chairman LEVIN. All right. Will you make that a high priority?

Ms. PFANNENSTIEL. That would be a very high priority with me, Senator.

Chairman LEVIN. Good. Thank you.

Dr. Cook, there's been reference made to a nuclear weapons treaty. One of the treaties which is under consideration is the Com-

prehensive Test Ban Treaty. If the President submits that treaty again to the Senate, can you tell us, what role would you be playing in addressing the technical question of whether or not the United States can maintain a stockpile safely, securely, and reliably, without testing?

Dr. COOK. Yes, thank you for the question, Senator.

If confirmed as Deputy Administrator for Defense Programs at NNSA, the role that I would play would be informing, as deeply as possible, the technical choices that are available in the present stockpile to extend the life. I would, as asked, maintain an open relationship with Congress and would ensure that the NNSA provides answers to all the questions.

I believe that it's a very important time. The United States has not required an underground nuclear test since September 1992 and, at present, doesn't have a current need to do so. The nature in which the choices for the deterrent are made, as I indicated to Senator Thune, are critically dependent on the resources that—again, the humans we have and the understanding, but also the facilities.

My own view is that it is possible to continue a vital nuclear deterrent without recourse to underground nuclear testing, if certain capabilities are available on a continuing basis. But, they come to the core, those that are required for good people, good experimental information, advanced computation, to determine whether something is likely either to work or not. Without that, a nuclear test might be required. But, with that, we can determine that one would not be required by the approach that we take.

Chairman LEVIN. With that being those three elements, I believe, that you just identified?

Dr. COOK. Yes, sir.

Chairman LEVIN. Again, we thank you all for your previous service to our Nation, to your willingness to continue to serve in the positions to which you've been nominated. We hope that the committee can act promptly on your nominations. Whether or not we're successful in some of the other more public endeavors that we're involved in, we hope that we can move your nominations promptly so that the Nation can have a Christmas gift, perhaps, in having you all confirmed. I can't guarantee that, but we'll do everything we can.

We will stand adjourned.

[Whereupon, at 11:01 a.m., the committee adjourned.]

[Prepared questions submitted to Douglas B. Wilson by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. No. I agree with the emphasis in the Goldwater-Nichols Act on jointness and the establishment of unified and specified combatant commanders. The effectiveness of joint operations has been clearly demonstrated in Iraq and Afghanistan. I strongly support continued and increased efforts to improve the jointness of our military forces.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. N/A.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of Defense.

Answer. If confirmed, I anticipate having regular interaction with the Secretary in order to remain abreast of his insights, priorities, and decisions. I will offer him my counsel and stand ready to serve him on the full range of issues facing the Department from a communication perspective. I will assist the Secretary in fulfilling the Department's communications responsibilities to Congress, within and across the administration, to the general public, and—of critical importance—within the Department to civilian and military personnel.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I anticipate my relationship with the Deputy Secretary will be much the same as my relationship with the Secretary of Defense.

Question. The Under Secretaries of Defense.

Answer. My role—and the role of the entire Department of Defense (DOD) Public Affairs team—would be to provide communications counsel and support at all levels in the Department. The Under Secretaries play a critical role in policy development and implementation, and if confirmed, I would look forward to engaging with all of them to develop effective communication with Congress, within the administration and to their key public and private sector audiences.

Question. The Assistant Secretary of Defense for Legislative Affairs.

Answer. The Assistant Secretary for Legislative Affairs has set the highest standards and has assigned the highest priority to keeping Congress fully informed on all aspects of the Department. If confirmed, I'll look forward to working very closely with Assistant Secretary King to ensure that the Office of Public Affairs helps her and helps the Secretary to meet those standards regarding our communications with Congress on all national security and defense-related matters.

Question. The DOD General Counsel.

Answer. I take the legal responsibilities and obligations of public affairs work very seriously. If confirmed, I will be pro-active in working with the General Counsel and his office to ensure that our communication activities are implemented according to regulation and statute. I believe that it is particularly important during wartime that we communicate to Congress and to the broader public the legal framework and the many unique legal aspects of DOD activities.

Question. The Service Secretaries.

Answer. The Service Secretaries have a most important role in the department's internal communications in keeping with their title 10 responsibilities. They also interact regularly with Members of Congress and their staffs. If confirmed, I would work closely with them, and in close consultation with the service public affairs chiefs, to help and support them as they discharge these responsibilities, and—through the Defense Media Activity (DMA)—ensure communications consistency, clarity, and regularity.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I would expect to work with the Chairman and with the relevant press and public affairs personnel of his office to help communicate with our forces across DOD, and with Congress and the public, as appropriate.

Question. The Members of the Joint Chiefs of Staff.

Answer. If confirmed, I would expect to work with the Chiefs as with the Service Secretaries, as appropriate and relevant to help communicate with our forces. In addition, I would look forward to working with the Chiefs to assist them in communicating the Department's messages and policies to Congress and the public, as appropriate.

Question. Senior Uniformed Officers Responsible for Public Affairs, including the Army's Chief of Public Affairs, Navy's Chief of Information; Marine Corps' Director of Public Affairs; and Air Force's Director of Public Affairs.

Answer. If confirmed, I anticipate frequent interaction with the senior Public Affairs professionals from the services. I believe these are critical relationships for the Assistant Secretary of Public Affairs; together, we must and will work to find the

best ways to gather facts and communicate information clearly, credibly, and consistently about the wide variety of programs, operations, and issues affecting the Department and Services.

Question. The Pentagon Press Corps.

Answer. As a former Principal Deputy Assistant Secretary of Defense for Public Affairs, I understand the importance of establishing a strong working relationship with the Pentagon Press Corps. If confirmed, I will work hard to ensure that my relationships with the members of the Pentagon Press Corps are based on mutual trust, fairness, and respect for the roles and responsibilities which define the respective positions we hold.

DUTIES

Question. DOD Directive 5122.05 of September 2008, describes the responsibilities and functions of the Assistant Secretary of Defense for Public Affairs (ASD(PA)).

What is your understanding of the duties and functions of the ASD(PA)?

Answer. I understand the responsibilities of the position outlined in the directive. In this position, if confirmed, I would serve as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for setting DOD policy and execution on news media relations, public information, internal information, community relations, public affairs and visual information training and audio visual matters, and for Department representation on inter-departmental communications matters.

Question. Assuming you are confirmed, what changes, if any, in the duties and functions of ASD(PA) do you expect that the Secretary of Defense would prescribe for you?

Answer. If confirmed, I do not anticipate changes in the duties and functions of the position as described in the directive at this time.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have served in public and private sector roles in strategic communication, foreign policy, national security policy and public diplomacy. These include service as a Principal Deputy ASD(PA) in DOD, as a congressional director and senior advisor at the former U.S. Information Agency, as a congressional staffer and in the field as a Foreign Service Information Officer. I have also led global research-based communications efforts for private-sector clients such as Microsoft, and for the past 8 years have focused on identifying and bringing together successor generation leaders from around the world and from all walks of life in my capacity as Board Member and Executive Vice President of the non-profit Howard Gilman Foundation. Taken together, I believe this experience has given me a deep understanding of the importance of communicating fairly, credibly, accurately, and regularly with Congress, the American people and international audiences. I have learned in particular that communication is a two-way process, involving listening as well as transmitting information and messages.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next ASD(PA)?

Answer. I believe the next ASD(PA) will not only be responsible for effectively communicating Department information and messages to Congress, to the American public, and to international audiences—but he or she will also be responsible for working even more closely with colleagues and counterparts who also have communications responsibilities within the national security framework—diplomatic, intelligence, foreign assistance, public diplomacy, legal and financial, both within the administration and within Congress. All involved must work together to develop credible and consistent message frameworks as well as both rapid pro-active and rapid-response communications efforts within those frameworks. All of this must be done within a continually-changing technological environment shaped by the many communications and social networking tools available not just to government communicators but to individuals, groups and mass audiences. The challenge here will be to understand that these new tools are themselves not a "one-size-fits-all" panacea, but instead must be tailored for use when and where they can be effective, either singly or in combination with other communications tools.

Question. If confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan to make every effort to ensure that my daily activities and those of the entire Office of Public Affairs team are governed by DOD Directive 5122.05 and in particular by the longstanding Principles of Information now incorporated within that Directive. If confirmed, I also plan to make every effort to

reach out as appropriate to my counterparts and colleagues who share national security communications responsibilities—and to working with the Assistant Secretary of Defense for Legislative Affairs to reach out as appropriate to Congress—to focus on ways to better ensure that our individual and collective communications efforts are mutually reinforcing; play to the strengths we each bring to supporting America's national security objectives; better understand the strengths and weaknesses of the new communications and social media tools in realizing our policy goals; and take into account the specific audiences we each are addressing, be they domestic and/or international, as we develop and implement our individual and collective communications efforts. We must ensure that those efforts are reliable, credible, trustworthy, and help accomplish the goals that the administration and Congress have set.

RESPONSIBILITIES

Question. DOD Directive 5122.05 provides that the ASD(PA) shall "ensure a free flow of news and information to the news media, the general public, the internal audiences of the Department of Defense, and the other applicable fora, limited only by the security restraints in DOD Directive 5200.1 and any other applicable statutory mandates or exemptions."

What guidelines would you use, if confirmed, to determine what information can and cannot be released to the news media and the public?

Answer. The Department has longstanding Principles of Information, which are included as an enclosure to DOD Directive 5122.5. If confirmed, I would work to ensure that conclusions we reach regarding the dissemination of information are consistently based upon and reflect the principles outlined.

Question. Aside from restrictions related to classified and sensitive-source materials, if confirmed, what restrictions, if any, would you apply in approving material prepared for release by DOD officials?

Answer. As a general matter, the first principle of information is that it is "DOD policy to make available timely and accurate information so that the public, Congress, and the news media may assess and understand the facts about national security and defense strategy."

There will be times when judgment is applied to a particular piece or class of information that warrants additional consideration on the basis of source, sensitivity of ongoing operations, the need to verify facts, and other factors. Judgments of this nature must be applied all the time, but the principle remains the same: accurate and fast.

Question. If confirmed, how would you attempt to ensure that media representatives are given maximum access to ongoing military operations in Iraq and Afghanistan in order to be able to provide fair and accurate reporting?

Answer. Perhaps the best and most effective way to ensure such access is to encourage news media to take full advantage of embedding opportunities. These opportunities were specifically designed to promote maximum access to ongoing military operation in Iraq and Afghanistan, and if confirmed, I would intend to continue this policy and facilitate these opportunities to the maximum extent possible.

CONTRACTOR PERFORMANCE OF INFORMATION OPERATIONS

Question. In October 2008, DOD announced a plan to award contracts in excess of $300 million to U.S. contractors to conduct "information operations" through the Iraqi media.

What is your understanding of the appropriate scope of DOD information operations and the relationship between DOD information operations and the Department's public affairs activities?

Answer. Information operations are distinct and separate from Public Affairs operations. Information operations encompass a wide variety of activities and capabilities that go far beyond efforts to engage local media.

I believe it is important that public affairs, information operations, and other disciplines that operate in the global information environment work closely together to achieve synchronized effects and prevent conflicting messages and information. It is my understanding that DOD has a standing committee, the Global Engagement Strategic Coordination Committee (GESCC), where stakeholders meet to share information and coordinate DOD activities in the information environment, as well as other fora and processes to ensure both internal Department and interagency coordination. It is my understanding that DOD is putting processes and mechanisms in place to ensure that influence efforts are disciplined, accountable, effective, and appropriately targeted.

Question. If confirmed, what role, if any, do you expect to play in determining the appropriate scope of DOD information operations through the media?

Answer. I would expect that my office will work closely with Information Operations to understand how Commanders are trying to shape their operational environment and ensure that information activities are complementary, synchronized, credible and support U.S. Government and DOD goals. I expect to work with offices across DOD through the GESCC and other internal and interagency forums to coordinate and manage DOD information activities.

Question. What is your view on the effectiveness of information operations conducted by the United States through the Iraqi media?

Answer. It is my understanding that Information Operations is not the only means by which the U.S. Government engages the Iraqi population via the Iraqi media. Public Affairs and key leader statements and interviews are just a few of the many other ways to make a message available to the media. Effectiveness is achieved when Public Affairs, Information Operations, and other disciplines closely coordinate their activities to ensure consistency; credibility and appropriateness of activities and messages.

Question. Do you believe that it is appropriate for the United States to pay for media campaigns to build up support for the government and the security forces of Iraq at a time when the Iraqi Government has a surplus of tens of billions of dollars?

Answer. I have limited knowledge of the Iraqi Government's resources. That said, I believe that building support among the population for Iraqi governmental institutions and the rule of law is essential to the success of the U.S. mission in Iraq. Toward that end, it may be appropriate at some level to ensure resourcing for communication campaigns to further that goal. I believe the emphasis should always be on reinforcing the Iraqi Government's capabilities to communicate to their people. As with any allocation of U.S. taxpayer resources, DOD must be mindful of its responsibilities to the taxpayers, and use good judgment when allocating our resources.

Question. Do you believe that the U.S. Government, or the Iraqi Government, should be responsible for developing a message to build up support for the government and security forces of Iraq, and for developing media campaigns for this purpose?

Answer. Ideally, the Iraqi Government should develop its message and we should work closely with them to support and assist them in getting that message to the Iraqi people. Programs that build support for the Iraqi Government and security forces lead to increased force protection for U.S. forces. The responsibility for force protection rests with our military commanders. We need to retain the ability to develop messages and communicate those messages effectively to protect our servicemembers and achieve our objectives—but it is my understanding that, as we continue the transition to full Iraqi control of security, the need for and appropriateness of independent U.S. campaigns in this arena is decreasing.

Question. In your view, is DOD's use of private contractors to conduct information operations through the Iraqi media appropriate?

Answer. Private contractors can be a valuable asset for DOD, providing access to skills and expertise (e.g. media content development, media campaign development, media production, linguistic services, and cultural assessments) that are not widely resident in U.S. Government agencies. That said, it is my understanding that, as we continue the transition to full Iraqi control of security, the need for and appropriateness of independent U.S. campaigns in this arena, including by private contractors, is decreasing. I also want to stress my firm belief in close and ongoing oversight of all contractor activities.

Question. Do you see a risk that a DOD media campaign designed to build up support for the government and security forces of Iraq could result in the inappropriate dissemination of propaganda inside the United States through the internet and other media that cross international boundaries?

Answer. I have been informed that U.S. military commanders disseminate content in the foreign target audience language, dealing with regional issues, on sites that are of interest to the target audience. Indeed, our commanders take significant measures to prevent "inappropriate dissemination inside the United States." That said, we live in a continuous global information environment, where any product that is disseminated will likely migrate around the world. In this environment, it is always possible that some products might be picked up by users in the United States and/or republished—while that is a legitimate concern, I would respectfully characterize this result not as "inappropriate dissemination of propaganda inside the United States", but as the unintended consequences of living in a communications environment where technology sometimes seems to be ahead of the efforts to

regulate its application and effects. I understand that DOD is working to enhance and increase its governance mechanisms for its information activities—both Information Operations (IO) and Public Affairs (PA)—and if confirmed, I will work closely with my IO counterparts in DOD to ensure that we make every effort to identify and correct cases where information activities directed at foreign audiences create confusion within the United States. If confirmed, I will also work to ensure that DOD web-based influence efforts are in compliance with DOD policy.

Question. A spokesman for the Iraqi Government has been quoted as saying that any future DOD information operations in the Iraqi media should be a joint effort with the Iraqi Government. According to a November 7, 2008 article in the Washington Post, the spokesman stated: "We don't have a hand in all the propaganda that is being done now. It could be done much better when Iraqis have a word and Iraqis can advise."

Do you believe that DOD information operations through the Iraqi media should be conducted jointly with the Iraqis?

Answer. I believe that all of our engagement now—not just information operations—with the Iraqi media should either be conducted jointly or at least closely coordinated with the Iraqis.

Question. Under what circumstances do you believe that it is appropriate for DOD to conduct information operations in a sovereign country without the knowledge and support of the host country and without acknowledgement of U.S. sponsorship?

Answer. I would not be able to give a knowledgeable or comprehensive response to this question without knowing more about current issues and implications relevant to presenting a meaningful response. If confirmed, I believe I will be able to respond to this question in a fuller and more knowledgeable way.

RETIRED MILITARY OFFICERS

Question. In April 2008, the New York Times reported that DOD had accorded special treatment and valuable access to retired military personnel who provided favorable commentary to the media, while not offering similar access to other analysts and cutting off access to some retired military personnel who provided less favorable commentary.

What is your view of the appropriate relationship between DOD and retired military personnel who offer commentary on DOD operations and activities to the media?

Answer. I am aware of the controversy that took place more than a year ago regarding the relationship between DOD and retired military personnel who offer commentary on DOD operations and activities to the media. Retired military personnel who offer commentary on DOD operations and activities to the media should be afforded the same access to publicly releasable information as members of the media in accordance with the principles of DOD Public Affairs. If confirmed, I will take a critical look at past practices so that we ensure equal access as we go forward.

Question. What is your view of the propriety of DOD providing preferred treatment or increased access to retired military personnel who provide favorable commentary to the media?

Answer. It is inappropriate and contrary to DOD policies to selectively benefit any individuals or groups, including retired military personnel, by providing them special treatment or increased access to DOD officials.

Question. What is your view of the propriety of DOD reducing access to retired military personnel who provide unfavorable commentary to the media?

Answer. Speedy and widespread access to DOD publicly releasable information must be made available to all, regardless of an individual's point of view. Such access is essential to maintaining the trust and confidence of our citizenry, regardless of the media commentary that follows.

Question. Do you believe that DOD's existing rules and regulations adequately address this issue, or are additional rules and regulations needed?

Answer. I don't now know all of the Departments existing rules and regulations relevant to this issue, but if confirmed, I'll examine the Department's existing policies and directives to ensure they appropriately address the issue of equal access to publicly releasable information.

PROFILING OF REPORTERS

Question. In August 2009, Stars and Stripes (S&S), the editorially independent daily newspaper for the military community, reported that DOD was using a Washington public relations firm to compile profiles of reporters covering U.S. military operations in Afghanistan. According to the article, the profiles included ratings and

pie charts purporting to depict whether the work of individual journalists was "positive," "negative," or "neutral," as well as advice on how best to place a reporter with a military unit to ensure positive coverage and "neutralize" negative stories.

What is your view of the propriety of DOD rating journalists as "positive," "negative," or "neutral"?

Answer. While I am not familiar with all aspects of this case, I understand that the contract to assess reporters and their work had been issued by one particular command in Afghanistan and that the contract is no longer in effect. I don't believe in any system that "rates" reporters based on a perception that their reporting is positive or negative. Our focus should be the accuracy of the facts conveyed, and if and when errors are made, we should act to correct the record.

DOD has a long history of enabling news media representatives of all kinds—print, photo, TV and radio—to view the Department's operations first-hand, regardless of any perception that a particular reporter or his or her news product was "supportive" or "non-supportive" on a given military issue. If confirmed, I fully intend to continue in this tradition

Question. In your view, should DOD be taking affirmative action to manage the placement of individual reporters to ensure positive coverage and neutralize negative stories?

Answer. No. In my view, we should never be a party to efforts to place so-called "friendly reporters" into embeds while blocking so-called unfriendly reporters.

Question. Do you believe that DOD's existing rules and regulations adequately address this issue, or are additional rules and regulations needed?

Answer. I am not completely familiar with all of the DOD's existing rules and regulations regarding this issue—particularly those which may have been designed and implemented after I completed my tenure as Principal Deputy ASD(PA). From what I do know, I believe DOD has an effective set of ground rules in place for the media to embed in a fair and impartial way. While I recognize there is not always a perfect relationship between the Department and the media or the military and the media, if confirmed, I will work to foster a mutual respect between the Department and the media for one another's professional needs and do my utmost to strengthen and improve these working relationships.

PRINCIPLES OF INFORMATION AND PRIVACY INTERESTS

Question. Under the Principles of Information included in DOD Directive 5122.05, it is stated that "information will be withheld only when disclosure would adversely affect national security, threaten the safety or privacy of the men and women of the Armed Forces, or if otherwise authorized by statute or regulation." The Privacy Act is one of the laws that control access to information in government systems of records, however, it is unclear about what standards the Department applies in determining what information would violate individual privacy and should be withheld.

What other standards, legal or otherwise, should be applied by the Department in determining what information relating to individuals who are involved in newsworthy incidents shall be made available to the public?

Answer. I believe in maximum disclosure and minimum delay consistent with the facts, circumstances and privacy and security considerations of each case. If confirmed, I would apply these principles, including to those cases that require the involvement of the Department's Office of General Counsel.

Question. Under what circumstances, if any, do you believe the Privacy Act would justify withholding from public disclosure information regarding actions taken by senior DOD officials in their official capacity?

Answer. I recognize that DOD is required by law to protect the privacy of individuals—including DOD civilian and military employees and contractors. However, there are numerous mechanisms, such as the Freedom of Information Act which offer means by which information can be requested relating to official actions of DOD personnel. I believe the department has to strike the right balance between an individual's right to privacy and the public's right to know.

Question. Under what circumstances, if any, do you believe the Privacy Act would justify withholding information from Congress?

Answer. If confirmed, my focus would be on being responsive to Congress and the public. I would consult with department's legal authorities for an assessment and guidance in any instance where Federal statute or government directives limit that ability.

STARS AND STRIPES

Question. S&S is an editorially independent news organization, but it is also authorized and funded in part by DOD. In the past, representatives of the Society of Professional Journalists have asserted that the Office of the Secretary of Defense (OSD) and the American Forces Information Service (AFIS) have attempted to improperly use command influence in shaping the editorial content of the S&S newspapers and Web site.

In your opinion, what is the appropriate journalistic role of the S&S newspapers and internet-based outlets within DOD?

Answer. S&S has a long and rich history of serving the military community. The S&S organization has been established to be journalistically and editorially independent, and I can see no reason to change that.

Question. What is your understanding of the role and responsibilities of the ASD(PA) and the Director of AFIS with regard to the operation of and reporting in the S&S newspapers?

Answer. DOD Directive 5122.11 prescribes clear oversight and policy guidance roles over S&S for both the ASD(PA) and the Director of DMA, the organization that replaced AFIS.

Question. The S&S Ombudsman serves as an independent advocate for the First Amendment rights of the organization's reporters and staff, as well as an intermediary between the staff, the Defense Department, the military commands and the readers.

Do you support the assignment of an independent Ombudsman for S&S?

Answer. Yes, I do support the role of an independent Ombudsman.

Question. What guidance would you provide, if confirmed, with regard to the role, responsibilities and functions of the S&S Ombudsman?

Answer. If confirmed, I expect to work with the Ombudsman and to rely upon him or her to provide advice and counsel on the proper functioning of the S&S.

Question. In the past, S&S Ombudsmen have reported that access to information varies from base to base and is a continuing issue for S&S reporters. The Ombudsman stated that the failure to revise and update the governing directive, DOD Directive 5122.11, dated October 5, 1993 (certified as current in 2004), "leaves open the chances of misunderstanding and conflict between the paper and commands over the role of S&S reporters, especially on base."

In your view, is the guidance for access of S&S reporters to sources and information on military installations clearly articulated in governing policy directives?

Answer. I have not reviewed governing policy directives since I concluded my tenure as Principal Deputy ASD(PA) in January 2001. If confirmed, I will review those policy directives to ensure there is clarity and consistency.

Question. If confirmed, will you agree to review DOD Directive 5122.11 and to revise and update it if warranted?

Answer. Yes.

Question. Rising costs of producing a newspaper, competition with the internet and commercial news sources, and budgetary pressures to cut costs have raised questions about the level of support that the Department and military commanders throughout the chain of command should give to S&S.

In your opinion, what efficiencies, if any, regarding business operations, operating expenses, sources of income, and DOD guidance regarding command sponsorship of need to be implemented to achieve more effective and efficient operations.

Answer. My understanding is that S&S has already taken a number of actions to streamline operations, conserve resources and save money. If confirmed, I will work to ensure that, at a time when financial resources are not unlimited, that this vital service continues to provide news and information to the military community as efficiently and cost-effectively as possible.

SOCIAL NETWORKING SITES AND DOD

Question. Social networking web sites such as Facebook, Twitter, and MySpace present unique challenges for the Armed Forces with respect to protection of classified or official information and vulnerability for hackers to gain access to military networks.

If confirmed, what will your responsibilities be with respect to establishing DOD-wide policies relating to access to social networking sites on military computers or phones?

Answer. It is my understanding that senior Department officials are currently reviewing a number of issues surrounding use of social networking sites and internet based capabilities and will be determining DOD-wide policies relating to access to social networking sites from military computer systems. The public affairs role will

be to provide policy and public affairs guidance on the best and most effective use of these communication tools.

Question. What do you view as the key issues in determining whether there should be a uniform DOD policy in this regard? Do you think that each Service should establish its own policies with respect to conditions for access to such networking sites?

Answer. To the extent Internet-based capabilities provide enterprise functionality, their use requires an enterprise-wide policy that will enable the joint collaboration that DOD needs to be successful in the current communications environment. Coordinated DOD policy on internet capabilities and social networking must take into account the real security and bandwidth concerns that apply to certain missions, and we must recognize that commanders in those situations must retain the flexibility to regulate their environments. If confirmed, I am prepared to help consider, develop and implement DOD policies within this framework.

REVIEW OF THE EARLY BIRD

Question. On a daily basis, the Office of the Secretary of Defense compiles current news articles from around the Nation and the world and provides them on the http://ebird.osd.mil.

Please describe the policies and review mechanisms currently in place that are relied on to select articles for publication in the Early Bird?

Answer. The Early Bird aims to provide a representative, balanced and impartial sampling of articles, broadcast segments, and online reporting/commentary reflecting important developments on the key issues with which the Defense Department is dealing.

There are broad guidelines to ensure that the Early Bird presents timely and accurate news and media commentary. My understanding is that the ASD(PA) and other members of the OSD/PA team regularly review Early Bird procedures to ensure that this daily news compendium remains useful to senior DOD decisionmakers and that it adapts to the changing news media landscape.

Question. What do you consider to be the appropriate objectives in publishing the Early Bird and, if confirmed, what standards would you rely upon to achieve these objectives?

Answer. I believe the Early Bird should provide a daily news compendium that provides an objective, representative sampling of news and commentary reflecting important developments on the key short- and long-term issues with which the Defense Department is dealing. The information should be chosen on a non-political basis and should be timely and relevant. If confirmed, I will make every effort to ensure that the Early Bird gives its readers a representative, balanced and impartial daily monitor of defense-related newspaper, broadcast, cable, and online (including blogs) news and opinion.

FREEDOM OF INFORMATION ACT

Question. If confirmed, what would your role and responsibilities be, if any, with regard to DOD's implementation of the requirements and interpretation of the Freedom of Information Act?

Answer. If confirmed, I would do my part to ensure that information sought under the act would be released expeditiously, although it is my understanding that Washington Headquarters Services is the DOD proponent responsible for the Freedom of Information Act program.

Question. If confirmed, what responsibilities would you have within DOD under the Privacy Act and how would you fulfill those responsibilities?

Answer. Public officials across Government have an obligation to respect and protect the privacy of individuals. The need to provide information to the public quickly and accurately in accordance with the principles of information must always take into account the importance we must attach to not violating the privacy of individuals as a result of disclosing that information.

If confirmed, I will work to ensure that the Department's communications and public affairs personnel understand their obligations and that training is available to ensure that.

DETAINEE PHOTOS

Question. In October 2008, the U.S. Court of Appeals for the Second Circuit ruled in favor of a Freedom of Information Act request regarding photographs purportedly showing the abuse of detainees in Iraq and Afghanistan. In October 2009, Congress passed and the President signed a statute authorizing DOD to withhold such photographs from disclosure if such disclosure would endanger U.S. troops serving

abroad. After the Secretary of Defense signed the required certification on November 30, 2009, the Supreme Court vacated the Second Circuit ruling.

What is your view of the extent to which photographs and other information regarding U.S. military operations should be withheld from the public and the press on the ground that the disclosure of such photographs and information would endanger U.S. troops serving abroad?

Answer. I understand that current DOD media ground rules for combat operations are based on two important and overriding principles: protecting the operational security of our forces and preserving the sanctity of our next-of-kin notification process I believe these principles, and not questions regarding potential embarrassment that are not directly linked to protecting the operational security of our forces, should remain the guiding factors. I also believe strongly that the families of those killed or wounded in service of our country should be notified, in person whenever possible, by uniformed representatives, not notified through news media reports. The Defense Department and the members of the press corps each have roles and responsibilities that define their actions, and each are responsible for exercising good judgment in carrying out those roles and responsibilities. I believe that news organizations should apply those standards and take into account the wishes of the family before publishing photos of dead or mortally wounded servicemembers.

Question. How, in your view, should we draw the line between the withholding of information to protect U.S. troops and the withholding of information to save the United States from potential embarrassment over improper or inappropriate conduct?

Answer. I believe the DOD Principles of Information appropriately draw that line. Those Principles state, in part, that information will not be classified or otherwise withheld to protect the Government from criticism or embarrassment but it does allow for information to be withheld when disclosure would adversely affect national security, threaten the safety or privacy of U.S. Government personnel or their families, violate the privacy of the citizens of the United States, or be contrary to law.

Question. Do you believe that the Freedom of Information Act, the Privacy Act, and DOD implementing policies adequately address this issue, or are additional statutory changes or regulatory guidance needed?

Answer. With the additional authorities granted by the President, I think the current rules, regulations, and authorities now in place allow the Department to conduct military operations with the maximum amount of transparency possible, addressing the need to "make available timely and accurate information so that the public, Congress, and the news media may assess and understand the facts about national security and defense strategy", as outlined in the Principles of Information, while also fulfilling the very real need to do everything we can to safeguard the lives of our troops. If confirmed, I would plan to work on an ongoing basis with the Department's legal authorities to ensure that the Freedom of Information Act, the Privacy Act and DOD implementing policies are reviewed regularly and, when or if necessary, updated to continue to meet these standards.

AMERICAN FORCES RADIO AND TELEVISION SERVICE

Question. DOD Regulation 5120.20–R includes in the mission of the American Forces Radio and Television Service (AFRTS) a responsibility "(t)o provide U.S. military members, DOD civilians, and their families stationed outside the Continental United States and at sea with the same type and quality of American radio and television news, information, sports, and entertainment that would be available to them if they were in the CONUS." In describing policy for political programming, this regulation states "All AFRTS political programming shall be characterized by its fairness and balance" and shall maintain "equal opportunities" for political programs.

What is your understanding of the term "political programming" as used in DOD Regulation 5120.20–R and how it applies to programs featuring partisan political commentary?

Answer. My understanding is that AFRTS, like all U.S. radio and television networks and stations, must follow Federal Communications Commission (FCC) policies and definitions. The FCC defines "political programming" as programming paid for by a political candidate or organization. If confirmed, I shall ensure that AFRTS continues to adhere to the FCC policies on Political Broadcasting and Cablecasting, which requires "equal opportunities" for political candidates and organizations.

Question. What is your understanding of the concept of "fairness and balance" in the context of the Armed Forces and AFRTS?

Answer. My understanding is that "Fairness and Balance" requires AFRTS to provide an impartial selection of political programming chosen from all U.S. national

commercial and public networks, and that AFRTS and its outlets maintain the same "equal opportunities" balance offered by these sources.

Question. What is your understanding of the process and procedures used to select and oversee political programming broadcast on the AFRTS network?

Answer. My understanding is that there are published policies and procedures in place within AFRTS to ensure that the decisionmaking process and procedures are properly documented and meet the requirements of applicable DOD directives and regulations for providing uncensored and "fair and balanced" programming for the AFRTS audience. If confirmed, I will actively work to ensure ongoing review that these procedures are implemented.

Question. What effect do listener surveys and statistical data regarding national popularity, if any, have on program selection? In your view, what effect should they have?

Answer. My understanding is that AFRTS conducts audience surveys at both the worldwide and local level. I have been informed that the results of these surveys are combined with weekly U.S. national programming ratings from Nielsen (television), Arbitron (radio), and monthly ratings from Talkers Magazine (radio talk/commentary programs) as guides in selecting programming for distribution on AFRTS. Since the AFRTS mission is to provide the best and most popular American television and radio programming to its audience, these surveys, the AFRTS demographics, and national ratings are important tools for determining AFRTS programming selection and scheduling, and should continue to be among the important barometers in ensuring that AFRTS provides fair and balanced programming for its listeners.

Question. If confirmed, how will you ensure that the requirement for fairness and balance and equal opportunity in political programming is fulfilled?

Answer. I believe that the dedicated corps of civil servants and Active Duty military personnel who are responsible for AFRTS programming have made every effort to ensure the fairness and balance of AFRTS programming for over 67 years. I have great respect for the men and women who serve in both civilian and military capacities at the Department, including the men and women responsible for AFRTS programming, and if confirmed, I will both rely on their professionalism and experience, and ensure that they continue to comply with the applicable DOD directives and regulations.

AMERICAN FORCES INFORMATION SERVICE

Question. American Forces Information Service (AFIS) produces news, feature articles, and television reports on all aspects of military life. These products focus on what senior defense leaders are saying on all aspects of military life. News and feature articles are uploaded throughout the day, 7 days a week. Television news reports are available daily on the Web and are broadcast on the Pentagon Channel.

In your view, what long-term goals should the Department support for AFIS?

Answer. I believe that the Department long-term goals for DMA should be that DMA provide the very best internal communications services and products possible, and that it is fully resourced to accomplish this mission. (See below for an explanation of the transition from AFIS to DMA)

Question. If confirmed, would you support expanding or increasing AFIS services?

Answer. If confirmed, my intent in this area would be to ensure DMA adopts and maximizes the use of the most relevant and effective media technology; e.g. social media, to communicate the Department's policies, programs and activities to the Department's internal audience. (See below for an explanation of the transition from AFIS to DMA)

Question. In December 2008, the DOD Inspector General reported that Assistant Secretaries of Defense for Public Affairs had failed to appoint an AFIS Director for more than 7 years. The Inspector General reported that this failure had allowed the misuse of AFIS budgetary resources to support OASD(PA) programs, jeopardized AFIS resources, and subjected those resources to abuse.

If confirmed, what steps if any would you take to ensure appropriate segregation of duties between the policy and oversight functions in the OASD(PA) and the operational functions that AFIS performs?

Answer. First, it is my understanding that the 2005 Defense Base Closure and Realignment Commission recommendations required the DOD to consolidate Service Media Activities into a DOD Field Activity under the ASD(PA)—with the new Defense Media Activity (DMA) to be located at Fort Meade, MD. As a result of this consolidation, on October 1, 2008, AFIS and Service personnel and resources were placed under operational control of DMA (no longer AFIS). My understanding is that new DOD directives published recently for the OASD(PA) and DMA organiza-

tions, and guidance provided previously by the Principal Deputy ASD for Public Affairs have already provided policies and made organizational changes that ensure an appropriate segregation of the policy and oversight functions in OASD(PA) and the operational duties of DMA. If confirmed, I will continue to enforce those policies and sustain the organizational changes.

AMERICA SUPPORTS YOU

Question. In November 2004, DOD established the America Supports You (ASY) program, with the stated objective of showcasing and communicating to U.S. military members the support of the American people, as expressed by individuals and through community groups, corporations, businesses, and other organizations. In December 2008, the DOD Inspector General reported that the Office of the ASD(PA) had inappropriately transferred funds to S&S to finance ASY activities; awarded more than $8 million in contracts to a public relations firm managed by a close friend of a senior official in the office; allowed the firm to use the ASY name and logo to collect monetary donations for a privately-managed ASY fund; engaged in inappropriate fundraising activities, including the solicitation of contributions from corporations; and used the ASY program to solicit support from celebrities and the media.

What is your understanding of the current status of the ASY program?

Answer. It is my understanding that the ASY program has been reviewed and redesigned as a communications outreach initiative that is part of the broader DOD Community Relations mission. But I am not familiar with all of the specifics of the redesigned program.

Question. What is your view of the program?

Answer. I am not familiar with the details of the ASY program as currently constituted. I believe that it is important to make sure that our men and women in uniform know what thousands of individual citizens, community groups, businesses and others are doing to support them and their families both at home and abroad. But any programs through which the Department communicates that information to the military must be designed and administered in financially and legally responsible ways. If confirmed, I will review the Inspector General Audit report and ensure appropriate internal management controls are in place so that any and all community relations initiatives are carried out within the framework of DOD policies and regulations.

Question. What role do you believe DOD should play in engaging with community groups, corporations, businesses, and individuals to solicit or encourage support for military members engaged in missions overseas?

Answer. Having served as the Principal Deputy ASD(PA), I know that the civilian and military staff who works in the Office of Community Relations work very hard to foster public awareness and understanding of DOD missions, personnel, facilities, equipment and programs through various activities. Engaging with key sectors of U.S. society enables the Office of Community Relations to provide information, facts and figures that promote that awareness and understanding. When members of the public ask how they can help our men and women in uniform, the Department helps to serve the men and women of the military by being able to respond to those questions, and inform the public about ways in which they can engage and support the troops and their families.

Question. To what extent do you believe it is appropriate for DOD to engage public relations firms to assist it in engaging with the American public in support of military members engaged in missions overseas?

Answer. I believe that private contractors can often provide access to skills and expertise that may not be readily available in the Department. However, there should be appropriate oversight of all contractor activities.

Question. Do you believe that DOD's existing rules and regulations adequately address these issues, or are additional rules and regulations needed?

Answer. I am not familiar with changes or updates that may or may not have been made to existing DOD rules and regulations since I concluded my tenure as Principal Deputy ASD(PA). At this point, it is my sense that the Department's existing rules and regulations do address the issue of fostering community relations and public awareness of DOD missions, people, facilities, equipment, and programs. However, I believe that the public and the military are best served by a process of ongoing policy review, to ensure that as the world and missions change, the Department can be adaptable. If confirmed, I would be committed to regular evaluation of organizational structures and effective use of internal management controls to ensure that Public Affairs policies, programs, and guidelines remain relevant, balanced, and fair.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the ASD(PA)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee of Congress, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR ROLAND W. BURRIS

RELEASE OF PHOTOS

1. Senator BURRIS. Mr. Wilson, what do you envision will be your role in addressing whether photographs purportedly showing the abuse of detainees in Iraq and Afghanistan should be released to the public and whether doing so will endanger U.S. troops serving abroad?

Mr. WILSON. Department of Defense Directive 5122.05 outlines the responsibilities and functions of the Assistant Secretary of Defense for Public Affairs as the Principal Staff Assistant and advisor to the Secretary and Deputy Secretary of Defense for communications and media relations including news media relations, public liaison, and community relations. I believe that directive outlines the role I would play, if confirmed, in addressing whether such photographs should be released to the public and whether doing so will endanger U.S. troops serving abroad.

Within that framework, I also pledge to adhere, if confirmed, to the Principles of Information encoded in Directive 5122.05, which state that "Information will not be classified or otherwise withheld to protect the Government from criticism or embarrassment. Information will be withheld only when disclosure would adversely affect national security or threaten the safety or privacy of the men and women of the Armed Forces."

With the additional authorities granted by the President, I think the current rules, regulations, and authorities now in place allow the department to conduct military operations with the maximum amount of transparency possible, while also fulfilling the very real need to do everything we can to safeguard the lives of our troops.

[The nomination reference of Douglas B. Wilson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
December 3, 2009.

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

Douglas B. Wilson, of Arizona, to be an Assistant Secretary of Defense, vice Dorrance Smith, resigned.

[The biographical sketch of Douglas B. Wilson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DOUGLAS B. WILSON

EDUCATION

College:

1968–1972: Stanford University, Stanford, CA: Bachelor's degree in political science, Phi Beta Kappa

Graduate School:

1972–23: Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, Master's degree in international relations

EMPLOYMENT RECORD

Current Job:

June 2009–present: Executive Vice President (Policy), The Howard Gilman Foundation

Previous Jobs:

July 2007–June 2009: President, The Leaders Project

September 2005–September 2007: Vice President and Managing Director, Seattle Office, Penn, Schoen & Berland;

- September 2007–April 2008, Senior Consultant, Penn, Schoen & Berland, LLC

March 2002–September 2005: Vice President, The Cohen Group

- May–November 2004: Arizona State Director, Kerry-Edwards 2004

January 2001–March 2002: Vice President for Strategic Development, Business Executives for National Security

July 1997–March 1999; June 2000–January 2001 –Deputy Assistant Secretary of Defense for Public Affairs and Principal Deputy Assistant Secretary of Defense for Public Affairs

March 1999–June 2000: Political Director, Democratic Leadership Council

January–July 1997: Senior Advisor, U.S. Information Agency

May–November 1996: Arizona State Director, Democratic Coordinated Campaign

January 1993–May 1996: Director, Office of Congressional and Intergovernmental Affairs, U.S. Information Agency

May 1989–January 1993: Founder and President, Douglas Wilson & Associates, Inc.

August 1987–May 1989: Chief of Trade and Protocol, City of Phoenix, and Executive Director, Phoenix Sister Cities Commission (Note: I also served in both positions on contract with my company, Douglas Wilson & Associates, from May 1989–June 1992)

June 1981–May 1987: Foreign Policy Advisor to Senator Gary Hart

- Served with the "Hart for President" campaign 1983–June 1984

October 1974–June 1981: Foreign Service Information Officer, U.S. Information Agency

- Director, American Cultural Center and Deputy Public Affairs Officer, U.S. Consulate-General, Naples, Italy (1974–1975)
- Deputy Program Officer, U.S. Embassy, Rome, Italy (1975–1977)
- Assistant Cultural Affairs Officer, U.S. Embassy, London (1977–1979)
- First Secretary for Press and Information, U.S. Embassy, London (1979–1981)

Consultancy:

2002–December 1, 2009: Consultant (communications) for The Boeing Company

September 2008–April 2009: Periodic consultant (communications) for Compass Partners (Sammamish, Washington)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details

the biographical, financial and other information of the nominee. The form executed by Douglas B. Wilson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Douglas Barry Wilson.

2. **Position to which nominated:**
Assistant Secretary of Defense for Public Affairs.

3. **Date of nomination:**
December 3, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
November 29, 1950; Tucson, AZ.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced since 1987, ex-wife: Jane Daniel.
Partner since 1996: Thomas W. Wharton.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
1964–1968: Rincon High School, Tucson, AZ—high school diploma.
1968–1972: Stanford University, Stanford, CA: Bachelor's degree in Political Science, Phi Beta Kappa.
1972–1923: Fletcher School of Law and Diplomacy, Tufts University, Medford, MA—Master's degree in international relations.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
June 2009–present: Executive Vice President (Policy), The Howard Gilman Foundation. Work from home office in Delaware. Foundation is located in New York City, NY.
June 2002–Dec. 2009: Consultant (communications),The Boeing Company. Work from home office in Delaware. Reporting offices are in Arlington, VA (Rosslyn and Crystal City).
May 2002–June 2009: President, The Leaders Project, nonprofit organization focusing on identifying and bringing together successor generation leaders from around the world and from all walks of life to promote the development of new networks and new thinking on issues of current and continuing international concern.

I am cofounder and have been president of the organization since its inception in 2002. I was paid by the organization from July 2007–June 2009. Worked from home in Seattle, WA, July 2007–June 2008. Worked from home in Rehoboth Beach, DE, June 2008–June 2009.

September 2005–April 2008. Penn, Schoen & Berland, LLC. (PSB) a research-based strategic communications firm. I served full-time as Vice President and Managing Director of the firm's Seattle Office from September 2005–September 2007, when I became a part-time employee of the firm in order to turn my attention full time to The Leaders Project. Worked from PSB offices in Bellevue, WA, from September 2005–September 2007. Worked from home in Seattle, WA from September 2007–April 2008.

March 2002–September 2005: Vice President, The Cohen Group (TCG) a strategic consulting firm headed by former U.S. Secretary of Defense William Cohen. My work was primarily in strategic communications. Worked from TCG offices in Washington, DC.

- May–November 2004. With concurrence of my employer, I took a leave of absence to serve as Arizona State Director for the 2004 Kerry-Edwards Presidential campaign, working from Arizona Democratic Party offices in Phoenix, AZ.

January 2001–March 2002: Vice President for Strategic Development for Business Executives for National Security (BENS), a nonprofit organization which brings together business executives from across the Nation to apply their experience and expertise to national security issues. I worked from BENS offices in Washington, DC.

July 1997–March 1999; June 2000–January 2001: First as Deputy Assistant Secretary of Defense for Public Affairs, then as Principal Deputy Assistant Secretary of Defense for Public Affairs. I worked at the Pentagon.

March 1999–June 2000: Political Director for the Democratic Leadership Council (DLC). I worked at DLC headquarters in Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

January 1993 - Assistant to USTR-designate. Assisted U.S. Trade Representative-designate Mickey Kantor during Bush-Clinton transition period, including help as requested with organization of USTR office and Senate confirmation proceedings.

August 1987–June 1992 - Chief of Trade and Protocol and Executive Director, Phoenix Sister Cities Commission, City of Phoenix, AZ. First as a free-lance contractor, then as head of consulting firm (see above), created and developed a fully-integrated international office for the City of Phoenix and coordinated Phoenix Sister Cities Commission programs.

October 1994–July 1997 - U.S. Information Agency. From October 1994–June 1996, I was the Director of Congressional and Intergovernmental Affairs. From January 1997–July 1997, I was a senior advisor to the director.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Founding Chairman, Board of Directors, The Public Diplomacy Collaborative at Harvard University

Executive Vice President (Policy), The Howard Gilman Foundation

Member, Board of Directors, Third Way (nonprofit organization)

Member, Board of Directors, National Security Network (nonprofit organization)

Member, Board of Directors, HDI (Humpty-Dumpty Institute) (nonprofit organization)

Member, Board of Directors, U.S. Center for Citizen Diplomacy (nonprofit organization)

Periodically do consulting work for Compass Partners, a research-based communications partnership based in Seattle, WA (Sammamish).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

See answer to question 11 above.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

September–November 1992: Volunteered as Political Director for the Arizona Clinton-Gore presidential campaign.

June–November 1996: Director, Arizona Democratic Coordinated Campaign

May–November 2004: Arizona State Director, Kerry-Edwards 2004 presidential campaign

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

May–November 2004: Arizona State Director, Kerry-Edwards 2004 presidential campaign

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

$2,000 - 2004 Kerry for President
$2,000 - 2004 Lieberman for President
$1,000 - 2004 Gephardt for President
$500 - February 23, 2004, Arizona Democratic Party
$1,000 - March 30, 2004 Erskine Bowles for U.S. Senate (NC)
$500 - May 13, 2004 - Raul Grijalva for U.S. Congress (AZ)
$1,500 - June 25, 2004 - Raul Grijalva for U.S. Congress (AZ)
$500 - May 3, 2005 - Friends of Martin O'Malley
$1,000 - June 27, 2005 - Arizona Democratic Party
$1,000 - September 28, 2005 - Cantwell 2006
$500 - April 24, 2006 - Friends of Tammy Duckworth
$1,000 - October 23, 2006 - Harry Mitchell for Congress
$2,300 - July 14, 2007 - Hillary Clinton for President
$2,300 - October 18, 2007 - Hillary Clinton for President (Contribution returned after her campaign ended)
$1,000 - February 26, 2008 - Jeanne Shaheen for Senate
$2,300 - June 19, 2008 - Obama for America
$2,300 - September 22, 2008 - Obama Victory Fund
$1,000 - May 19, 2009 - Richard Aborn for District Attorney (NYC)
$1,000 - September 29, 2009 - Martin O'Malley Campaign
$500 - September 2009 - Tommy Sowers for Congress
$1,000 - November 16, 2009 - Pete for Indiana, Peter Buttegieg Campaign for Indiana State Treasurer

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Tucson Daily Citizen Annual Community Achievement Award (1968)
Nominee, USIA's Leonard Marks Foundation Award for Creative Diplomacy (1980)
USIA Nominee, William Jump Award for Exemplary Achievement in Public Administration (1981)
American Political Science Association Congressional Fellowship (1981–82)
Department of Defense Medal for Distinguished Public Service (1999 and 2001)
U.S. Coast Guard Meritorious Public Service Award (1999)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Soviet-Egyptian Relations: Opportunities and Complications," Stanford Quarterly Review (winter 1972).

"British Television Through Foreign Eyes," Television: The Journal of the Royal Television Society (London) (May–June 1981 issue).

"An article I wrote about the withdrawal of former U.S. Senator Gary Hart from the 1988 presidential race appeared in several publications in May 1987, including the Arizona Republic and the International Herald Tribune.

I worked in Phoenix from 1987 until 1992, and wrote several guest opinion pieces for The Arizona Republic, including articles on Senator Hart, foreign policy and Arizona economic development.

Dallas Morning News: November 1, 2003: Jill Schuker & Doug Wilson: Public diplomacy demands investment in people.

Des Moines Register, August 25, 2008, Guest column: Use public diplomacy to boost U.S. image.

Change for America Transition Book - Center for American Progress (November 2008) - I wrote the chapter on Public Diplomacy.

Huffington Post - I am a periodic guest blogger on the Huffington Post, and have written three blogs to date:

August 15, 2009: Remembering Ken Bacon
August 8, 2005: PeterJennings
July 10, 2005: Campaign for American Leadership in the Middie East

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have given a number of presentations, but none were formal or from prepared text, and none were on topics directly related to the position for which I've been nominated.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DOUGLAS B. WILSON.

This 14th day of December, 2009.

[The nomination of Douglas B. Wilson was reported to the Senate by Chairman Levin on February 2, 2010, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 11, 2010.]

[Prepared questions submitted to Dr. Malcolm Ross O'Neill by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. This milestone legislation is now more than 20 years old and has served our Nation well. I believe that the framework established by Goldwater-Nichols has significantly improved inter-Service and joint relationships and promoted the effective execution of responsibilities. However, the Department, working with Congress, should continually assess the law in light of improving capabilities, evolving threats, and changing organizational dynamics. Although I am currently unaware of any reason to amend Goldwater-Nichols, if confirmed, I hope to have an opportunity to assess whether the challenges posed by today's security environment require amendments to the legislation.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. As noted above, I have no specific proposals to modify Goldwater-Nichols. As with any legislation of this magnitude, however, I believe it may be appropriate to review past experience with the legislation with a view toward identifying any areas in which it can be improved upon, and then consider with Congress whether the act should be revised.

Question. Do you see the need for any change in the roles of the civilian and military leadership of the Department of the Army regarding the requirements definition, resource allocation, and acquisition processes?

Answer. I have no specific proposals regarding the roles and assigned missions at this time, however, it may be appropriate to review roles of the civilian and military participants in this process with a view toward identifying areas that can be improved upon.

Question. What do you believe should be the appropriate role of the Service Chiefs in the requirements, acquisition, and resource-allocation process?

Answer. It is my belief that the existing role of Service Chiefs in overseeing the Joint Requirements Oversight Council (JROC) in validating joint capabilities requirements is appropriate. Similarly, their collaboration in the resource allocation process is very important.

Question. What do you believe should be the appropriate role of the combatant commanders in the requirements, acquisition, and resource-allocation processes?

Answer. In my view the existing warfighting responsibilities of combatant commanders, and their role as cited in the Defense Department Reorganization Act of 1986, is appropriate. I support the Weapon Systems Acquisition Reform Act language that the input of combatant commanders must be considered in the development of joint requirements.

Question. Do you see the need for any changes in the structure or operations of the JROC?

Answer. I have no current basis to assess the effectiveness of either the structure or organization of the JROC at this time. However, based upon my past interaction with the JROC, I always felt that the USD(ATL) should have been a full member for the purpose of providing technical insights on various system options. Also, under certain circumstances, it would be helpful for Service Acquisition Executives to be invited to participate in the JROC.

DUTIES

Question. Section 3016(b)(5)(A) of title 10, U.S.C., states that the principal duties of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA(ALT)) shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

What is your understanding of the duties and functions of the ASA(ALT)?

Answer. The ASA(ALT) is one of five assistant Secretaries of the Army. The principal duty of the ASA(ALT) is the overall supervision of acquisition, logistics, and technology matters within the Department of the Army. The ASA(ALT) serves, when delegated, as the Army Acquisition Executive, the Senior Procurement Executive, the Science Advisor to the Secretary, and as the senior research and development official for the Department of the Army. The ASA(ALT) also serves, when delegated, as the Army Science Advisor to the Secretary, and as the senior research and development official for the Department of the Army. The ASA(ALT) appoints, manages, and evaluates program executive officers and direct-reporting program managers and manages the Army Acquisition Corps and the Army Acquisition Workforce. The ASA(ALT) executes the DA procurement and contracting functions, including exercising the authorities of the agency head for contracting, procurement, and acquisition matters pursuant to laws and regulations, the delegation of contracting authority; and the designation of contracting activities. He or she oversees the Army Industrial Base and Industrial Preparedness Programs and ensures the production readiness of weapon systems. The ASA(ALT) oversees all DA logistics management functions, including readiness, supply, services, maintenance, transportation, and related automated logistics systems management.

Question. What recommendations, if any, do you have for changes in the duties and functions of the ASA(ALT), as set forth in section 3016(b)(5)(A) of title 10, U.S.C., or in Department of Defense (DOD) regulations pertaining to functions of the ASA(ALT)?

Answer. I have no specific recommendations at this time. If confirmed, however, I look forward to the opportunity to serve in the position before recommending any potential changes in the duties and functions of the ASA(ALT).

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Most recently, I served as a consultant and Chairman of the Board on Army Science and Technology (S&T) of the National Academies, responsible for leading a team of scientists, engineers, and policy experts who discern key Army technical issues and define the areas in which studies by the National Research Council can assist the Army to exploit advanced technologies in Army systems.

From 2000 until my retirement from Lockheed Martin in 2006, I was Vice President and Chief Technical Officer of Lockheed Martin Corporation and provided staff supervision for Lockheed Martin's approximately 60,000 engineers and scientists,

planned the independent R&D investment portfolio across the corporation, and sponsored cooperative technology development efforts with GE Global Research Center and Sandia National Laboratory.

My acquisition, logistics, and technology experience spans 43 years. I was a career Army officer serving for 34 years, having served as a uniformed acquisition specialist at the end of my career. I have a Ph.D. in Physics from Rice University, was a program manager for Defense Advanced Research Projects Agency (DARPA), the North Atlantic Treaty Organization (NATO), the Army, and the Strategic Defense Initiative Organization. I commanded the Army Laboratory Command and served in the Office of the Assistant Secretary of the Army for Research, Development and Acquisition. As Director of the Ballistic Missile Defense Organization, I was head of a contracting agency. All of these positions have cumulatively prepared me for this position if confirmed.

Question. What background or experience do you have in the acquisition of major weapon systems?

Answer. I was a program manager for DARPA, NATO, the Army, and the Strategic Defense Initiative Organization. Also, I was Director of the Ballistic Missile Defense Agency, an independent procurement activity reporting directly to the U.S. Department of Agriculture.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the ASA(ALT)?

Answer. I believe that my experience provides a unique mix of qualifications that will enable me, if confirmed, to discharge the responsibilities of the Office. However, one must become familiar with the current situation and should always be looking for opportunities to expand knowledge to make well-informed decisions. If confirmed, I welcome the opportunity to visit Iraq and Afghanistan to better understand the acquisition footprint and how we can better support the soldiers on the ground.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense and the Secretary of the Army would prescribe for you?

Answer. If confirmed, I would expect that I would be held accountable for the Army's acquisition, logistics, and technology efforts.

RELATIONSHIPS

Question. In carrying out your duties, what would be your relationship with:

The Secretary of the Army.

Answer. If confirmed, I will support the Secretary of Army's priorities in acquisition, logistics, and technology.

Question. The Under Secretary of the Army.

Answer. If confirmed, I will support the Under Secretary of the Army, both in his role as the Under Secretary and in his role as Chief Management Officer.

Question. The Chief of Staff of the Army.

Answer. If confirmed, I will work with the Chief of Staff of the Army to ensure that our soldiers receive world class equipment and support to perform their missions within available resources.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).

Answer. If confirmed, I will work with the USD(AT&L) in connection with Army acquisition, logistics, and technology programs, and I will support the USD(AT&L) in the discharge of his responsibility to supervise DOD acquisition. I assume that my duties as Army Acquisition Executive will bring me into close working contact with the USD(ATL), and I am confident that our collaboration will be very beneficial for the Army and DOD.

Question. The Director of Cost Assessment and Program Evaluation.

Answer. If confirmed, I will work with the Director of Cost Assessment and Program Evaluation to support their efforts to provide DOD with independent analysis and resourcing assessments for weapons systems programs.

Question. The Director of Operational Test and Evaluation.

Answer. If confirmed, I will work with the Director of Operational Test and Evaluation to ensure appropriate operational testing oversight for Army acquisition programs.

Question. The Director of Procurement and Acquisition Policy.

Answer. If confirmed, I will work with the Director of Procurement and Acquisition Policy to ensure appropriate oversight for Army acquisition programs, procurement and contracting.

Question. The Director of Defense Research and Engineering.

Answer. If confirmed, I will work with the Director of Defense Research and Engineering to rapidly field technologies and capabilities to support ongoing operations and to ensure the Army and the Nation maintain a strong technical and engineering foundation to reduce the cost, acquisition time, and risk of our major defense acquisition programs.

Question. The Director of Systems Engineering.

Answer. If confirmed, I will rely on the expertise and advice of the Director, Systems Engineering, encourage early involvement in supporting acquisition programs, and consider his independent assessments and recommendations in decisions pertaining to Major Defense Acquisition Programs.

Question. The Director of Developmental Testing.

Answer. If confirmed, I will work with the Director of Developmental Testing for oversight of developmental testing for Army acquisition programs.

Question. The Joint Requirements Oversight Council.

Answer. If confirmed, I will work with the JROC to ensure maximum collaboration with other Military Services for joint programs to the benefit of the Department.

Question. The Service Acquisition Executives of the other Military Departments.

Answer. If confirmed, I will collaborate with the other Service Acquisition Executives to share information about relevant acquisition programs, seek opportunities to improve acquisition processes, and support the policies and practices of the Department.

Question. The Assistant Secretary of the Army for Civil Works.

Answer. If confirmed, I will work with the Assistant Secretary of the Army for Civil Works where relevant to Army acquisition programs and management of contracting.

Question. The Chief Systems Engineer of the Army.

Answer. If confirmed, I will ensure that the Chief Systems Engineer will become a highly visible and vital player within the ASA(ALT) office.

Question. The Commander of the Defense Contract Management Agency.

Answer. If confirmed, I will work with the Commander of the Defense Contract Management Agency to ensure effective administration of Army contracts.

Question. The Defense Business Systems Management Committee.

Answer. If confirmed, I will work with the Defense Business Systems Management Committee in connection with Army acquisition, logistics, and technology programs.

Question. The Business Transformation Agency.

Answer. If confirmed, I will work with the Business Transformation Agency in connection with Army acquisition, logistics, and technology programs.

Question. The Assistant Secretary of Defense for Networks and Information Integration.

Answer. If confirmed, I will work with the Assistant Secretary of Defense for Networks and Information Integration in connection with Army acquisition, logistics, and technology programs.

Question. The Chief Information Officer of the Army.

Answer. If confirmed, I will work with the Chief Information Officer of the Army in connection with Army acquisition, logistics, and technology programs.

Question. The General Counsel of the Army.

Answer. If confirmed, I will work with the General Counsel to ensure all Office of the ASA(ALT) actions comport with law, regulation, and policy.

Question. The Inspector General of the Army.

Answer. If confirmed, I will work with the Inspector General of the Army in connection with Army acquisition, logistics, and technology programs.

Question. The Surgeon General of the Army.

Answer. If confirmed, I will work with the Surgeon General of the Army in connection with Army acquisition, logistics, and technology programs

Question. The Army Business Transformation Office.

Answer. If confirmed, I will work with the Army's Chief Management Officer and the Office of Business Transformation in connection with Army acquisition, logistics, and technology programs.

Question. The Judge Advocate General of the Army.

Answer. If confirmed, I will work with the Judge Advocate General of the Army when appropriate.

Question. The Auditor General of the Army.

Answer. If confirmed, I will work with the Auditor General of the Army in connection with Army acquisition, logistics, and technology programs.

Question. The Chief of the National Guard Bureau.

Answer. If confirmed, I will work with the Chief of the National Guard Bureau to ensure that the National Guard receives world class equipment to perform their missions within available resources.

Question. The Director of the Army National Guard.

Answer. If confirmed, I will work with the Director of the Army National Guard to ensure that our soldiers receive world class equipment and the best logistic support to perform their missions within available resources.

Question. The Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Technology, and Logistics.

Answer. If confirmed, I will work with the Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to ensure that appropriate oversight and direction is provided to the Army acquisition workforce and Army acquisition programs, policies, procedures and contracting efforts.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the ASA(ALT)?

Answer. I believe the principal challenge facing the ASA(ALT) is effectively supporting the Army during a time of war while concurrently achieving essential and efficient modernization.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with senior Department of the Army officials, as well as the Office of the Secretary of Defense, to address these challenges and meet the acquisition priorities of the Secretary of the Army. Meeting these challenges will require a holistic focus on the overall Acquisition system that includes requirements generation, the allocation of fiscal resources, and sound acquisition program management. I would maintain emphasis on enhancing the acquisition workforce and on adopting sound business practices to ensure that the Army achieves the maximum benefit from its scarce fiscal resources.

Question. What do you consider to be the most serious problems in the management of acquisition functions in the Army?

Answer. I believe the shortage of human capital in the skill sets and quantities required presents an enormous challenge in executing the Army's acquisition mission.

Question. What management actions and timetables would you establish to address these problems?

Answer. I expect that it will take several years before the right skill sets are resident within the Army acquisition workforce, but I believe the Army has the flexibilities today to deliver warfighting capability more rapidly, and if confirmed, I will work to institutionalize those enablers and will also pay close attention to human capital planning and development.

MAJOR WEAPON SYSTEM ACQUISITION

Question. Do you believe that the Army's current investment budget for major systems is affordable given historic cost growth in major systems, costs of current operations, projected increases in end strength, and asset recapitalization?

Answer. I have not had the opportunity to assess the Army's current investment strategy for its' major defense acquisition systems; however, if confirmed I will become familiar with the various competing interests associated with the fielding of modern capability and the resource environment that supports this process.

Question. If confirmed, how do you plan to address this issue?

Answer. If confirmed, I would work with the Army resource and requirements communities to assess the Army's major weapons systems programs to ensure that the Army's investment strategy for those systems is both affordable and operationally relevant.

Question. What would be the impact of a decision by the Army to reduce purchases of major systems because of affordability issues?

Answer. I do not yet have access to the information needed to assess what impact reducing the purchase of major systems would have on the Army. If confirmed, I will carefully consider potential impacts and ensure that any decisions made in this area is fully informed and based on all available information.

Nearly half of DOD's 95 largest acquisition programs have exceeded the so-called "Nunn-McCurdy" cost growth standards established in section 2433 of title 10, U.S.C., to identify seriously troubled programs. Section 206 of the Weapon Systems Acquisition Reform Act of 2009 tightened the standards for addressing such programs.

Question. What steps if any would you take, if confirmed, to ensure sufficient transparency of technology development programs to ensure that uncontrolled cost growth or breaches of critical cost growth thresholds established in the "Nunn-McCurdy" provision are identified for appropriate action?

Answer. The Weapon System Acquisition Reform Act of 2009 reinforces the oversight and reporting process for major programs. It will take some time for the results of these actions to be seen in individual acquisition programs. If confirmed, I would insist on clarity and rigor in the oversight of major programs to ensure the acquisition process supports the needs of the force and is a responsible steward of the resources available.

Question. What steps if any would you take, if confirmed, to address out-of-control cost growth on Army's major defense acquisition programs?

Answer. It is my understanding that cost growth in many Army programs has resulted from emerging requirements arising from operating in a wartime environment. If confirmed, I would insist on clarity and rigor in the oversight of major programs to ensure the acquisition process supports the needs of the force and is a responsible steward of the resources available.

Question. What steps if any do you believe that the Army should consider taking in the case of major defense acquisition programs that exceed the critical cost growth thresholds established in the "Nunn-McCurdy" provision?

Answer. I am not currently familiar with the specific requirement imposed by law in cases where a program experiences a "critical" Nunn-McCurdy breach. However, to the extent that the law requires that actions be taken to determine whether a program should continue or be terminated, I will, if confirmed, insist on strict compliance with all statutory and regulatory requirements associated with the Nunn-McCurdy reporting process.

Question. Do you believe that the office of the ASA(ALT), as currently structured, has the organization and resources necessary to effectively oversee the management of these major defense acquisition programs?

Answer. I have not yet had the opportunity to assess this matter. If I am confirmed, I intend to conduct an assessment to ensure that the Office of the ASA(ALT) is structured and adequately resourced to effectively oversee the management of the Army's major defense acquisition programs.

Question. If not, how would you address this problem?

Answer. If confirmed, I intend to conduct an assessment to ensure that the Office of the ASA(ALT) is structured and adequately resourced to effectively oversee the management of the Army's major defense acquisition programs. If the structure of the ASA(ALT) office was not sufficient in either organization or resourcing to accomplish its statutory mission, I would make that fact clear to Army, DOD, and congressional leadership. I believe that, with the cooperation of executive and legislative bodies, we could work to resolve any issues of this nature.

Question. Do you see the need for any changes to the Nunn-McCurdy provision, as revised by section 206?

Answer. I am currently unaware of any reason to amend the Nunn-McCurdy provision as revised by section 206 of the Weapon System Reform Act of 2009. However, if confirmed; I will have an opportunity to assess whether the challenges posed by the cost growth in major programs require amendments to the legislation.

Question. What principles will guide your thinking on whether to recommend terminating a program that has experienced "critical" cost growth under Nunn-McCurdy?

Answer. It is my view that a decision on whether to recommend terminating a program that has experienced critical cost growth under Nunn-McCurdy must be made on a case by case basis and must be fully coordinated with all stakeholders.

SYSTEMS ENGINEERING AND DEVELOPMENTAL TESTING

Question. One of the premises for the Weapon Systems Acquisition Reform Act of 2009 was that the best way to improve acquisition outcomes is to place acquisition programs on a sounder footing from the outset by addressing program shortcomings in the early phases of the acquisition process. The Defense Science Board (DSB) Task Force on Developmental Test and Evaluation reported in May 2008 that "the single most important step necessary" to address high rates of failure on defense acquisition programs is "to ensure programs are formulated to execute a viable systems engineering strategy from the beginning."

Do you believe that the Army has the systems engineering and developmental testing organizations, resources, and capabilities needed to ensure that there is a sound basis for key requirements, acquisition, and budget decisions on major defense acquisition programs?

Answer. Based on previous experiences, I believe the answer may be no. If confirmed, I will assess the state of the Army's capability in this discipline.

Question. If not, what steps would you take, if confirmed, to build such organizations, resources, and capabilities in the Army?

Answer. See response above.

Question. Do you believe that the Nation as a whole is producing enough systems engineers and designers and giving them sufficient experience working on engineering and design projects to ensure that the Army can access an experienced and technically trained systems engineering and design workforce?

Answer. No. The development of system engineering talent and the expanding of system engineering curricula in universities to include systems-of-systems is a major focus of industry. Good systems engineers are earning top dollar. More well-trained systems engineers can only benefit the United States.

Question. If not, what do you recommend should be done to address the shortfall?

Answer. If confirmed, I will work to enhance DOD's ability to compete with industry for this talent.

TECHNOLOGICAL MATURITY

Question. Over the last several years, the Government Accountability Office (GAO) has reported that private sector programs are more successful than DOD programs because they consistently require that new technologies achieve a high level of maturity before such technologies may be incorporated into product development programs. Section 104 of the Weapon Systems Acquisition Reform Act of 2009 addresses this issue by tightening technological maturity requirements for major defense acquisition programs.

How important is it, in your view, for the Army to mature its technologies with research and development funds before these technologies are incorporated into product development programs?

Answer. In my view, it is very important to mature technologies within the research and development program. Research and development should be used to reduce program risk, by demonstrating that component technologies can be integrated into systems and perform as required in a relevant environment. Making the investment to mature technologies in research and development can reduce the risk of costly overruns in subsequent phases of the development process.

Question. What steps if any would you take, if confirmed, to ensure that the key components and technologies to be incorporated into major acquisition programs meet the Army's technological maturity goals?

Answer. If confirmed, I will ensure that all technologies are peer reviewed for maturity before they transition to a program of record, and ensure the application of recent DOD policy requiring early systems engineering activities prior to Milestone B.

Question. Do you believe that the Army should make greater use of prototypes, including competitive prototypes, to ensure that acquisition programs reach an appropriate level of technological maturity, design maturity, and manufacturing readiness before receiving Milestone approval?

Answer. Yes.

Question. If so, what steps do you believe the Army should take to increase its use of such prototypes?

Answer. It is my understanding that the use of competitive prototyping is already a key part of Army development programs. If confirmed, I will continue to emphasize its importance and ensure adequate resources are made available to support prototyping.

Question. Section 2366a of title 10, U.S.C., requires the Milestone Decision Authority for a major defense acquisition program to certify that critical technologies have reached an appropriate level of maturity before Milestone B approval.

What steps if any will you take, if confirmed, to make sure that the Army complies with the requirements of section 2366a?

Answer. If confirmed, I will ensure the Army conducts Technology Readiness Assessments (TRA) to document that technologies have reached an appropriate level of maturity before receiving Milestone B approval. I will also ensure that processes, tools, and resources are available to meet the requirements of section 2366a, and also ensure that MDAs are aware of their responsibilities as they pertain to section 2366a.

Question. What is your view of the recommendation of the DSB Task Force on the Manufacturing Technology Program that program managers should be required to make use of the Manufacturing Readiness Level tool on all programs?

Answer. While I have not had the opportunity to assess the DSB's recommendation, it has been my view, that program managers should be very sensitive to the manufacturing maturity of their systems, since the cost and performance of their programs could be significantly affected by a mistake in this area. Manufacturing Readiness Levels provide a tangible measure of manufacturing maturity which can be useful in helping them identify manufacturing risks earlier in the process.

Question. Beyond addressing technological maturity issues in acquisition programs, what other steps should the Army take to increase accountability and discipline in the acquisition process?

Answer. Although I have not had the opportunity to fully assess the current acquisition process, if confirmed, I will assess current milestone review and reporting processes and, in coordination with appropriate stakeholders and the Office of the Secretary of Defense, make appropriate adjustments, as appropriate.

UNREALISTIC COST, SCHEDULE, AND PERFORMANCE EXPECTATIONS

Question. Many acquisition experts attribute the failure of DOD acquisition programs to a cultural bias that routinely produces overly optimistic cost and schedule estimates and unrealistic performance expectations. Section 101 of the Weapon Systems Acquisition Reform Act of 2009 is designed to address this problem by establishing an independent Director of Cost Assessment and Performance Evaluation, who is charged with ensuring the development of realistic and unbiased cost estimates to support the Department's acquisition programs.

Do you agree with the assessment that overly optimistic cost and schedule estimates and unrealistic performance expectations contribute to the failure of major defense acquisition programs?

Answer. Yes.

Question. If confirmed, how do you expect to work with the Director of the new office to ensure that the Army's cost, schedule, and performance estimates are realistic?

Answer. The Director, CAPE has a key role in the 2366a and 2366b certification process, and as such, if confirmed, I will work closely with him to ensure that cost, schedule, and performance estimates are performed early, independently validated, and managed throughout a program's life cycle.

Question. Section 201 of the Weapon Systems Acquisition Reform Act of 2009 seeks to address this problem by promoting early consideration of trade-offs among cost, schedule, and performance objectives in major defense acquisition programs.

Do you believe that early communication between the acquisition, budget and requirements communities in the Army can help ensure more realistic cost, schedule, and performance expectations?

Answer. If confirmed, I will work closely with the requirements and budget communities to ensure that we are enabling the rapid delivery of capability to our warfighters with acceptable risk, and work to establish a culture within the acquisition community to team with their counterparts in the requirement and budget communities to this end as well.

Question. If so, what steps if any would you take, if confirmed, to ensure such communication?

Answer. If confirmed, I will work closely with the requirements and budget communities to ensure that we are enabling the rapid delivery of capability to our warfighters with acceptable risk, and work to establish a culture within that acquisition community to team with their counterparts in the requirement and budget communities to this end as well.

Question. DOD has increasingly turned to incremental acquisition and spiral development approaches in an effort to make cost, schedule, and performance expectations more realistic and achievable.

Do you believe that incremental acquisition and spiral development can help improve the performance of the Army's major acquisition programs?

Answer. I do not have firsthand knowledge regarding the Army's experience with spiral development or incremental acquisition process. However, in my experience, spiral development adds cost and schedule delays in achieving the objective capability. As long as interim capability is useful, and time to reach objective capability is not fixed, this is an excellent way to reduce performance risk. If confirmed, I will seek to apply these tools when appropriate in managing the Army's acquisition portfolio.

Question. What risks do you see in the Army's use of incremental acquisition and spiral development?

Answer. See response above.

Question. In your view, has the Army's approach to incremental acquisition and spiral development been successful? Why or why not?

Answer. See response above.

Question. What steps if any do you believe are needed to ensure that the requirements process, budget process, and testing regime can accommodate incremental acquisition and spiral development approaches?

Answer. See response above.

Question. How should the Army ensure that the incremental acquisition and spiral development programs have appropriate baselines against which to measure performance?

Answer. See response above.

FUNDING AND REQUIREMENTS STABILITY

Question. The poor performance of major defense acquisition programs has also been attributed to instability in funding and requirements. In the past, DOD has attempted to provide greater funding stability through the use of multi-year contracts. More recently, the Department has sought greater requirements stability by instituting Configuration Steering Boards to exercise control over any changes to requirements that would increase program costs.

Do you support the use of Configuration Steering Boards to increase requirements stability on major defense acquisition programs?

Answer. I am aware that Configuration Steering Boards have been instituted throughout DOD, and I fully support the objectives behind their establishment. If confirmed, I will have an opportunity to more fully assess whether these forums are achieving the desired results.

Question. What other steps if any would you recommend taking to increase the funding and requirements stability of major defense acquisition programs?

Answer. I believe that funding and requirements stability is an essential component of successful acquisition programs. If confirmed, I would work closely with senior officials within the Army and the Office of the Secretary of Defense to improve this aspect of the Department's business practices.

FIXED PRICE-TYPE CONTRACTS

Question. Recent Congressional and DOD initiatives attempt to reduce technical and performance risks associated with developing and producing major defense acquisition programs so as to minimize the use of cost-reimbursable contracts.

Do you think that the Army should move towards more fixed price-type contracting in developing or procuring major defense acquisition programs? Why or why not?

Answer. It is my opinion that the Army should use the type of contract that is best suited for the acquisition at hand, considering primarily complexity and risk, and also any other factors that may be relevant to effectively incentivize efficient and economical contractor performance. If confirmed, I will ensure that Army acquisition strategies reflect sound business judgment in selecting the appropriate contract type.

TECHNOLOGY TRANSITION

Question. The Department continues to struggle with the transition of new technologies into existing programs of record and major weapons systems and platforms. Further, the Department also has struggled with moving technologies from DOD programs or other sources rapidly into the hands of operational users.

What impediments to technology transition do you see within the Army?

Answer. In my view, the most significant impediment to technology transition is the alignment in schedule and funding of acquisition programs with the availability of the mature technologies. Assessment of technological maturity, i.e. the Technology Readiness Level of the desired improvement is also a major consideration. Close and continuous coordination between technology developers and acquisition programs is a key to ensuring successful technology transition.

Question. What steps if any will you take, if confirmed, to enhance the effectiveness of technology transition efforts?

Answer. If confirmed, I will ensure that acquisition programs coordinate with the S&T developers to transition mature technologies as appropriate.

Question. What can be done from a budget, policy, and organizational standpoint to facilitate the transition of technologies from S&T programs and other sources, including small businesses, venture capital funded companies, and other nontraditional defense contractors, into acquisition programs?

Answer. It is my understanding that the Army is engaged in a variety of initiatives to effectively transition technologies to the soldier. If confirmed, I look forward to becoming more familiar with the various programs and policies that impact on the Army capability to transition capability from the S&T base to acquisition programs.

Question. Do you believe that the Army's S&T organizations have the ability and the resources to carry technologies to higher levels of maturity before handing them off to acquisition programs?

Answer. See response above.

Question. What steps if any do you believe the Army should take to ensure that research programs are sufficiently funded to reduce technical risk in programs so that technological maturity can be demonstrated at the appropriate time?

Answer. If confirmed, I will work with all stakeholders to ensure that the Army S&T effort is resourced to accomplish its mission.

Question. What role do you believe Technology Readiness Levels and Manufacturing Readiness Levels should play in the Army's efforts to enhance effective technology transition and reduce cost and risk in acquisition programs?

Answer. Although I have not had the opportunity to fully assess this issue, it is my view that Technology Readiness Levels provide a standardized metric to identify the maturity of new technologies, or existing technologies used in a new or novel fashion. By ensuring that new technologies are at adequate maturity levels to warrant continued progression through the acquisition process, the Army mitigates the risk of having schedule and cost overruns that can result from having immature technology matured within an acquisition program. It is my understanding that Manufacturing Readiness Levels are an evolving tool, and if confirmed I will evaluate their effectiveness in reducing cost and risk in acquisition programs.

MULTI-YEAR CONTRACTS

Question. The statement of managers accompanying section 811 of the National Defense Authorization Act for Fiscal Year 2008 addresses the requirements for buying major defense systems under multi-year contracts as follows: "The conferees agree that 'substantial savings' under section 2306b(a)(1) of title 10, U.S.C., means savings that exceed 10 percent of the total costs of carrying out the program through annual contracts, except that multi-year contracts for major systems providing savings estimated at less than 10 percent should only be considered if the Department presents an exceptionally strong case that the proposal meets the other requirements of section 2306b(a), as amended. The conferees agree with a GAO finding that any major system that is at the end of its production line is unlikely to meet these standards and therefore would be a poor candidate for a multi-year procurement contract."

What are your views on multi-year procurements?

Answer. I am convinced that multi-year procurements can bring useful savings to acquisition programs, stimulate private investment by industry, and improve the health of supporting activities, i.e. subcontractors, training agencies, sustainers, etc. It is my understanding that current Federal acquisition policy addresses how and when multi-year procurements should be used. If confirmed, I will work to ensure that this procurement approach is applied properly.

Question. Under what circumstances do you believe they should be used?

Answer. Multi-year contracts should be used when the use of such a contract will result in substantial savings over the costs of annual contracts, and the contracts will result in increased efficiency, through reduced administrative burden and substantial continuity of production or performance.

Question. What is your opinion on the level of cost savings that constitute "substantial savings" for purposes of the defense multi-year procurement statute, title 10, U.S.C. § 2306b?

Answer. I have not formed an opinion on the subject at this time; however, if confirmed, I will examine the issue and, if warranted, offer suggestions for revision.

Question. If confirmed, under what circumstances, if any, do you anticipate that you would support a multi-year contract with expected savings of less than 10 percent?

Answer. I have not yet formed an opinion on this subject. If confirmed, I will insure that Army acquisition practices remain transparent and support any decision reached regarding savings associated with multi-year procurements.

Question. If confirmed, under what circumstances, if any, would you support a multi-year contract for a major system at the end of its production line?

Answer. See response above.

Question. Under what circumstances, if any, do you believe that a multi-year contract should be used for procuring weapons systems that have unsatisfactory program histories, e.g., displaying poor cost, scheduling, or performance outcomes but which might otherwise comply with the requirements of the defense multi-year procurement statute, title 10 U.S.C. § 2306b?

Answer. See response above.

Question. Under what circumstances, if any, should the Army ever break a multi-year procurement?

Answer. See response above.

CONTINUING COMPETITION AND ORGANIZATIONAL CONFLICTS OF INTEREST

Question. The DSB Task Force on Defense Industrial Structure for Transformation recommended last summer that "DOD must increase its use of creative competitive acquisition strategies, within limited budgets, in order to ensure long-term innovation and cost savings, at both prime and critical sub-tier elements. Competition would not be required beyond the competitive prototype phase, as long as the current producer continuously improves performance and lowers cost – but other contractors should always represent a credible option if costs rise or performance is unacceptable." Section 202 of the Weapon Systems Acquisition Reform Act of 2009 requires DOD to take steps to promote continuing competition (or the option of such competition) throughout the life of major defense acquisition programs.

Do you agree with the recommendation of the DSB?

Answer. I am not yet familiar with the details of this DSB study. If confirmed, I would carefully consider these recommendations for their potential implementation in appropriate circumstances.

Question. Do you believe that continuing competition is a viable option on major defense acquisition programs?

Answer. In general, I agree with this statement. I understand, however, that the availability of technical data is often a limiting factor to using competitive contracts for major weapon systems. If confirmed, I intend to look in to this area with a view toward improving the Army's ability to compete major weapon systems when appropriate.

Question. In your view, has the consolidation of the defense industrial base gone too far and undermined competition for defense contracts?

Answer. No, not yet, but it could happen. I believe that the interests of the government are always best served by an industrial base that is sufficiently broad to support meaningful competition.

Question. If so, what steps if any can and should the Army take to address this issue?

Answer. I support the need for DOD review, in conjunction with the Department of Justice and the Federal Trade Commission, of any mergers which would further limit competition. If confirmed, I would ensure that Army acquisition managers look beyond their specific programs to also assess the impact of consolidation on future programs.

Question. Section 203 of the Weapon Systems Acquisition Reform Act requires the use of competitive prototypes for major defense acquisition programs unless the cost of producing such prototypes would exceed the lifecycle benefits of improved performance and increased technological and design maturity that prototypes would achieve.

Do you support the use of competitive prototypes for major defense acquisition programs?

Answer. Yes.

Question. Under what circumstances do you believe the use of competitive prototypes is likely to be beneficial?

Answer. If confirmed, I will examine this issue to ensure the Army optimizes the use of prototyping.

Question. Under what circumstances do you believe the cost of such prototypes is likely to outweigh the potential benefits?

Answer. See response above.

Question. Section 207 of the Weapon Systems Acquisition Reform Act requires the Department to promulgate new regulations to address organizational conflicts of interest on major defense acquisition programs.

Do you agree that organizational conflicts of interest can reduce the quality and value of technical support services provided to the Army and undermine the integrity of the Army's acquisition programs?

Answer. Yes.

Question. What steps if any do you believe the Army should take to address organizational conflicts of interest in major defense acquisition programs?

Answer. I cannot list any specific steps at this time, however, if confirmed, I will work with the Office of the Secretary of Defense to determine and implement appropriate policies, procedures, and other measures necessary to address this problem.

Question. What are your views on the use of system engineering and technical assistance contractors that are affiliated with major defense contractors to provide "independent" advice to the Army on the acquisition of major weapon systems?

Answer. I support the applicable statutory and regulatory guidance that governs the use of such contractor personnel. If confirmed, I will work to ensure that Army acquisition programs closely adhere to the guidance in this area.

Question. What lines do you believe the Army should draw between those acquisition responsibilities that are inherently governmental and those that may be performed by contractors?

Answer. The Army must continue to ensure that inherently governmental functions are performed only by government employees. If confirmed, I will work with senior leaders throughout the DOD to provide the acquisition workforce with clear guidance concerning inherently governmental functions.

If confirmed, what steps if any would you take to ensure that defense contractors do not misuse their access to sensitive and proprietary information of the Army and other defense contractors?

Answer. If confirmed, I will review the issue and determine the best method to ensure that defense contract employees are informed regarding the potential misuse and safeguarding of sensitive and proprietary information of both the Army and other defense contractors.

Question. If confirmed, what steps if any would you take to ensure that defense contractors do not unnecessarily limit competition for subcontracts in a manner that would disadvantage the government or potential competitors in the private sector?

Answer. If confirmed, I will evaluate the issue and work with my staff to develop or reinforce policies that will encourage defense contractors to utilize competitive procedures for the award of subcontracts so that the government and potential private sector competitors are not disadvantaged.

LEAD SYSTEM INTEGRATORS

Question. Section 802 of the National Defense Authorization Act for Fiscal Year 2008 prohibits new contracts for lead systems integrator (LSI) functions in the acquisition of a major system after October 1, 2010.

What is your view of the benefits and risks of using LSI to help the Army manage major defense acquisition programs?

Answer. While I am not yet in position to offer an informed view of the benefits and risks associated with using a LSI, I understand that there is a general perception of lack of Government control and oversight over a program that employs the LSI as the prime contractor.

Question. Do you believe that the Army currently has the capacity to manage its major defense acquisition programs without the assistance of lead system integrators?

Answer. I am not yet in position to provide an informed assessment of whether the Army currently has the capacity to manage its major defense acquisition programs without a LSI. I believe that the Army's acquisition community should be structured organizationally to manage its major acquisition programs with or without the utilization of LSIs.

Question. If not, what steps would you take, if confirmed, to ensure that the Army develops the required capability?

Answer. If confirmed, I would examine the size and the age of the acquisition workforce and its impact on the oversight of acquisition programs today and into the future. The October 2007 "Report of the Commission on Army Acquisition and Program Management in Expeditionary Operations," often referred to as the Gansler Commission Report, recommended an increase in the stature, quantity, and career development of military and civilian contracting personnel and recommended additional training and tools for overall contracting activities. I understand that the Army is in the process of implementing these recommendations.

OPERATING AND SUPPORT COSTS

Question. Operating and support (O&S) costs far exceed acquisition costs for most major weapon systems. Yet, DOD has placed far less emphasis on the management of O&S costs than it has on the management of acquisition costs.

Do you believe that the Army has appropriate organizations, capabilities, and procedures in place to monitor and manage O&S costs?

Answer. It has been my experience that O&S costs have not been managed as intensely and professionally as acquisition costs. If confirmed, I will review this issue to ensure the Army manages O&S costs as intensely and professionally as acquisition costs.

Question. If not, what steps would you take, if confirmed, to develop such organizations, capabilities, and procedures?

Answer. See response above.

CONTRACTING FOR SERVICES

Question. Over the past 8 years, DOD's spending on contract services has more than doubled, with the estimated number of contractor employees working for the Department increasing from an estimated 730,000 in fiscal year 2000 to an estimated 1,550,000 in fiscal year 2007. As a result, the Department now spends more for the purchase of services than it does for products (including major weapon systems).

Do you believe that the Army can continue to support this rate of growth in its spending on contract services?

Answer. If confirmed, I will conduct an assessment of the acquisition of services to include organization, policy and processes to ensure the Army has an effective management structure in place that is properly resourced.

Question. Do you believe that the current balance between Government employees (military and civilian) and contractor employees is in the best interests of the Army?

Answer. It is my opinion that a blended workforce of military, Government civilians, and contractor employees is necessary. If confirmed, I will lead the effort to identify the best mix of resources that would be in the best interest of the Army.

Question. What steps if any would you take, if confirmed, to control the Army's spending on contract services?

Answer. If confirmed, I will lead the effort to conduct strategic spend analyses of the Army's service contracts. This will hopefully generate useful recommendations to enhance the Army's overall management of the service contracting process.

Question. At the request of the committee, the GAO has compared DOD's practices for the management of services contracts to the practices of best performers in the private sector. GAO concluded that leading companies have achieved significant savings by insisting upon greater visibility and management over their services contracts and by conducting so-called "spend" analyses to find more efficient ways to manage their service contractors. Section 801 of the National Defense Authorization Act for Fiscal Year 2002 required DOD to move in this direction. Sections 807 and 808 of the National Defense Authorization Act for Fiscal Year 2008 built on this provision by requiring inventories and management reviews of contracts for services.

Do you believe that the Army has appropriate organizations, capabilities, and procedures in place to manage its service contracts?

Answer. At this time I have no basis to offer a response. If confirmed, I will assess the Army's organizations, capabilities, and procedures in place to manage its service contracts.

Question. If not, what steps would you take, if confirmed, to develop such organizations, capabilities, and procedures?

Answer. If confirmed, I will use the results of my analysis to determine the optimum organizations, capabilities and procedures for the management of service contracts.

Question. Do you believe that the Army should conduct a comprehensive analysis of its spending on contract services, as recommended by GAO?

Answer. See response above.

Question. Do you support the use of management reviews, or peer reviews, of major service contracts to identify "best practices" and develop lessons learned?

Answer. I understand the Army has implemented peer reviews to address statutory requirements for independent management reviews of contracts for services, and for the sharing of lessons learned gleaned from those reviews. If confirmed, I will continue to study and support the mechanisms that effectively facilitate the identification of best practices and sharing of lessons learned to benefit the Army enterprise, including peer reviews.

Question. If confirmed, will you fully comply with the requirement of section 807 of the National Defense Authorization Act for Fiscal Year 2008, to develop an inventory of services performed by contractors comparable to the inventories of services

performed by Federal employees that are already prepared pursuant to the Federal Acquisition Inventory Reform Act?

Answer. If confirmed, I will support the Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs to ensure compliance with section 807 in reporting and maintaining the inventory of contractor activities, as well as identifying activities that should be considered for conversion to employees of DOD.

Question. What additional steps if any would you take, if confirmed, to improve the Army's management of its contracts for services?

Answer. If confirmed, I will investigate what steps the Army has taken thus far in response to recent GAO testimony on Acquisition Reform.

CONTRACTOR PERFORMANCE OF CRITICAL GOVERNMENTAL FUNCTIONS

Question. Over the last decade, the Department has become progressively more reliant upon contractors to perform functions that were once performed exclusively by Government employees. As a result, contractors now play an integral role in areas as diverse as the management and oversight of weapons programs, the development of personnel policies, and the collection and analysis of intelligence. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as DOD employees.

In your view, has the Army become too reliant on contractors to support the basic functions of the Department?

Answer. If confirmed, I will assess the Army's reliance on contractors to determine the appropriate mix of military personnel, civilian employees, and contractors. This assessment will include the Army's ongoing effort to increase the acquisition workforce.

Question. Do you believe that the current extensive use of personal services contracts is in the best interest of the Army?

Answer. If confirmed, I will review this issue to fully understand the extent to which personal services contracts are currently used and whether their use is appropriate.

Question. What is your view of the appropriate applicability of personal conflict of interest standards and other ethics requirements to contractor employees who perform functions similar to those performed by Government employees?

Answer. In my opinion, appropriate personal conflict of interest standards and other ethics requirements should be applied to contractor employees when they are performing functions similar to those performed by Government employees. It is my understanding that standards and requirements are applied to contractor employees in a manner consistent with the Federal Acquisition Regulation (and its Defense and Army supplements). It is also my understanding that this subject has been studied and is being further studied by DOD as to the appropriate way to accomplish the goal. If confirmed, I will use the resources of my office to ensure that such standards and requirements are applied as intended. The Army must always be an honest and transparent steward of the taxpayer dollars.

Question. U.S. military operations in Iraq and Afghanistan have relied on contractor support to a greater degree than any previous U.S. military operations. According to widely published reports, the number of U.S. contractor employees in Iraq and Afghanistan have exceeded the number of U.S. military deployed in those countries.

Do you believe that the Army has become too dependent on contractor support for military operations?

Answer. In my opinion, contractors provide vital life, safety, and health support to both wartime and peacetime military operations. Their contributions allow the military personnel to focus more on warfighting operations. In the absence of contractor support, the Army would be required to significantly increase its strength level in order to provide comparable support. That said, we should constantly evaluate whether the use of contractors provides the greatest effectiveness and efficiency in support of the mission. We should ensure that the Army maintains core competencies within its ranks, and does not inappropriately contract out inherently governmental functions.

Question. What risks do you see in the Army's reliance on such contractor support?

Answer. In my opinion, the Army has come to rely on such support as an essential element of its ability to conduct operations. This situation presents potential operational risks in future situations where comparable contract support may be unavailable. It also may result in the Government incurring excessive costs for this support.

Question. What steps do you believe the Army should take to mitigate such risk?

Answer. From what I have read, the number of qualified Contracting Officer Representatives has increased allowing for the requisite degree of oversight of contractor performance. Additionally, I understand that the Office of the Secretary of Defense is fielding a database to better track information on contractor personnel and contracts performed in Iraq and Afghanistan.

Question. Do you believe the Army is appropriately organized and staffed to effectively manage contractors on the battlefield?

Answer. I believe the Army's initiatives in increased contracting manpower authorizations and training have been a critical first step which will lead to more effective utilization of operational contract support. However, in my opinion, it will take time to fill the increased authorizations with properly trained acquisition professionals, and fully train the non-acquisition commanders and staffs.

Question. What steps if any do you believe the Army should take to improve its management of contractors on the battlefield?

Answer. In my opinion, the Army has made significant strides in developing new Policy, Doctrine, Organizations, Material solutions and Training focused on improving Operational Contract Support. It is my opinion that continued Army senior leader emphasis on the full implementation of these initiatives is required.

GOVERNMENT CONTRACTING REFORM

Question. In a memorandum to the heads of all Federal agencies, the President on March 4, 2009, directed a Government-wide review of contracting procedures, stating that "executive agencies shall not engage in noncompetitive contracts, except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer."

If confirmed, what role would you play in determining whether the use of noncompetitive contracts could be fully justified?

Answer. I fully support the President's direction in this important area. It is my understanding that, subject to direction by the Secretary of the Army, the ASA(ALT) serves as the Army's senior procurement executive. If confirmed, in that capacity I would be responsible for reviewing and approving all noncompetitive contracts over $78.5 million, as well as for the promulgation of Army-specific policy relating to competition.

Question. In your opinion, how would the direction in this memo affect the use of single-award and multiple-award Indefinite Delivery/Indefinite Quantity contracts?

Answer. In principle, I believe that either contract vehicle may be used consistent with the need for competition. It is essential, however, that competition be fully considered during the acquisition planning process to ensure selection of the most appropriate contract type. If confirmed, I would carefully assess this issue in conjunction with the Director of Defense Procurement and Acquisition Policy.

CONTRACTING METHODS

Question. The Office of Federal Procurement Policy and DOD have long agreed that Federal agencies could achieve significant savings and improved performance by moving to performance-based services contracting (PBSC). Most recently, the Army Environmental Program informed the committee that it has achieved average savings of 27 percent over a period of several years as a result of moving to fixed-price, performance-based contracts for environmental remediation. Section 802 of the National Defense Authorization Act for Fiscal Year 2002, as amended, established performance goals for increasing the use of PBSC in DOD service contracts.

What is the status of the Army's efforts to increase the use of PBSC in its service contracts?

Answer. I understand that the Army is making strides in using PBSC and if confirmed, this is an area that I intend to study.

Question. What additional steps if any do you believe the Army needs to take to increase the use of PBSC and meet the goals established in section 802?

Answer. See response above.

Question. In recent years, DOD has relied heavily on time-and-materials contracts for the acquisition of services. Under such a contract, the Department pays a set rate per hour for contractor services, rather than paying for specific tasks to be performed. In some cases, contractors have substituted less expensive labor under time-and-materials contracts, while continuing to charge Federal agencies the same hourly rates, resulting in effective contractor profits of 25 percent or more.

What is your view of the appropriate use of time-and-materials contracts by the Army?

Answer. I understand that time-and-material contracts are the least preferred contract type. They may be appropriate in limited circumstances such as when the requirement cannot be defined and work must start. Once the requirement becomes better defined, however, time-and-materials contracts should be replaced with fixed-price or cost type contracts.

Question. What steps if any do you believe the Army should take to minimize the abuse of time-and-materials contracts?

Answer. If confirmed, I will work to ensure that the Army reviews its contract portfolio on a regular basis to identify those that can be converted to other more appropriate contract vehicles.

Question. Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 requires DOD to promulgate regulations prohibiting excessive "pass-through" charges on DOD contracts. Pass-through charges are charges added by a contractor for overhead and profit on work performed by one of its subcontractors, to which the contractor provided no added value. In some cases, pass-through charges have more than doubled the cost of services provided to DOD.

What is your view of the regulations promulgated by DOD to implement the requirements of section 852?

Answer. If confirmed, I intend to review regulations promulgated to implement section 852.

Question. What additional steps if any do you believe the Army should take to address the problem of excessive pass-through charges?

Answer. I am not familiar with the degree to which excessive pass-through charges are a problem in Army contracting. If confirmed, I will review this matter to determine what additional steps, if any, may be necessary.

INTERAGENCY CONTRACTING

Question. GAO recently placed interagency contracting—the use by one agency of contracts awarded by other agencies—on its list of high-risk programs and operations. While interagency contracts provide a much-needed simplified method for procuring commonly used goods and services, GAO has found that the dramatic growth of interagency contracts, the failure to clearly allocate responsibility between agencies, and the incentives created by fee-for-services arrangements, have combined to expose DOD and other Federal agencies to the risk of significant abuse and mismanagement.

If confirmed, what steps if any will you take to monitor and evaluate the effectiveness of the actions currently underway or planned regarding Army's use of other agencies' contracts?

Answer. If confirmed, I will ensure that the Army's acquisition workforce implements these policies and procedures by making interagency contracting an item of special interest in Army program management reviews.

Question. Do you believe additional authority or measures are needed to hold Army or other agency personnel accountable for their use of interagency contracts?

Answer. I understand that recent guidance was issued by the Government to provide for adequate measures of accountability. If confirmed, I will ensure that the Army implements these policies and procedures.

Question. Do you believe contractors have any responsibility for assuring that the work requested by Army personnel is within the scope of their contract?

Answer. Yes, in my view contractors have a responsibility to ensure the work they perform is within the scope of their contract. A contract is a bilateral document and both parties have responsibilities. If confirmed, I will ensure that the Army acquisition workforce reinforces this concept.

Question. Do you believe that the Army's continued heavy reliance on outside agencies to award and manage contracts on its behalf is a sign that the Army has failed to adequately staff its own acquisition system?

Answer. While I would not characterize it as a failure to adequately staff the Army's acquisition system, the Army's compliance with downsizing directives has possibly resulted in an over reliance on outside agencies to award contracts.

ACQUISITION OF INFORMATION TECHNOLOGY

Question. Most of the Department's Major Automated Information System (MAIS) acquisitions are substantially over budget and behind schedule. In particular, the Department has run into unanticipated difficulties with virtually every new business system it has tried to field in the last 10 years.

Do you believe that unique problems in the acquisition of business systems require different acquisition strategies or approaches?

Answer. If confirmed, I will review whether different strategies are appropriate for MAIS acquisitions.

Question. What steps if any do you believe the Army should take to address these problems?

Answer. See response above.

Question. If confirmed, how would you work with the Chief Information Officer of the Army to take these steps?

Answer. If confirmed, I intend to work closely with the Army Chief Information Officer in all matters under his purview.

Question. Problems with computer software have caused significant delays and cost overruns in a number of major defense programs. Section 804 of the National Defense Authorization Act for Fiscal Year 2003 required DOD to establish a program to improve the software acquisition process.

What steps if any would you take, if confirmed, to address delays and cost overruns associated with problems in the development of software for major weapon systems?

Answer. I have not been briefed on the Army's delays and cost overruns associated with problems in the development of software for major weapon systems. If confirmed, I will make the study of this matter a priority.

Question. Section 804 of the National Defense Authorization Act for Fiscal Year 2010 would require the Secretary of Defense to establish a new acquisition process for information technology programs.

Do you believe that the acquisition of information technology systems is sufficiently different from the acquisition of other systems to justify the development of a unique acquisition process?

Answer. Not at this time, but if confirmed, this is a matter that I will review and assess in greater depth.

Question. If so, what do you see as the unique features that would be desirable for an information system acquisition process?

Answer. See response above.

Question. What types of information technology programs do you believe should be covered by the new process?

Answer. I am not in a position at this time to make recommendations in this area. However, if confirmed, I will review the acquisition process for the Department's IT programs.

ACQUISITION WORKFORCE

Question. Over the last 15 years, DOD has reduced the size of its acquisition workforce by almost half, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet DOD's current and future needs. Since September 11, 2001, moreover, the demands placed on that workforce have substantially increased. While DOD has started the process of planning its long-term workforce needs, the Department does not yet have a comprehensive strategic workforce plan needed to guide its efforts.

Do you believe that Army's workforce is large enough and has the skills needed to perform the tasks assigned to it?

Answer. I understand the Secretary of Defense announced on April 6, 2009, an initiative to grow the capacity and capability of the defense acquisition workforce by 20,000 new personnel by fiscal year 2015, and that the Army is in the process of implementing this initiative. If confirmed, I will assess the composition the Army's acquisition workforce in all discipline areas to determine if there are any shortages or gaps in necessary skills.

Question. In your view, what are the critical skills, capabilities, and tools that the Army's workforce needs for the future? What steps will you take, if confirmed, to ensure that the workforce will, in fact, possess them?

Answer. At this time, I am not sufficiently informed as to which critical skills sets, capabilities and tools are needed by the Army's workforce. If confirmed, I will evaluate the state of the current acquisition workforce in light of existing and future program needs. Generally speaking, I believe there is a need for talent in system engineering, and the S&T discipline. I have read also that the Army has taken steps to build the size and skill level of its contracting workforce, and if confirmed, I will assess the health of this community to determine if additional emphasis is needed.

Question. Do you agree that the Army needs a comprehensive human capital plan, including a gap analysis and specific recruiting, retention and training goals, to guide the development of its acquisition workforce?

Answer. I agree that a comprehensive human capital plan would be useful in evaluating current workforce capabilities and determining future needs and gaps. An

Army acquisition human capital plan should be aligned with an overarching Army plan and also be consistent with a DOD human capital plan, specifically as it relates to the acquisition community.

Question. What steps if any do you think are necessary to ensure that the Army has the ability it needs to attract and retain qualified employees to the acquisition workforce?

Answer. I believe it is essential that the Army has effective recruiting and retention tools. At this time I cannot suggest specific steps that should be undertaken, but if confirmed, I would assess this area to determine whether changes in regulation or policy may be needed.

Question. What are your views regarding assertions that the acquisition workforce is losing its technical and management expertise and is beginning to rely too much on support contractors, FFRDCs, and, in some cases, prime contractors for this expertise?

Answer. It is well known that since the end of the Cold War, the Army has seen a significant reduction in the size of its Government/acquisition workforce. This situation has resulted in a tremendous loss of managerial and technical expertise. Concurrently, workload has increased substantially, which has resulted in a growing reliance on support contractors. If confirmed, I will further study this area and work to appropriately rebalance the acquisition workforce.

Question. What is the appropriate tenure for program managers and program executive officers to ensure continuity in major programs?

Answer. I understand that tenure requirements for program managers are based on the Acquisition Category level of the Program and range from 3 to 4 years. I also understand that the Army and/or Defense Acquisition Executive have the authority to adjust the tenure requirement based on unique aspects of the program. I believe this policy represents the appropriate balance between program continuity and the professional development of the workforce.

Question. Section 852 of the National Defense Authorization Act for Fiscal Year 2008 established an Acquisition Workforce Development Fund to help DOD address shortcomings in its acquisition workforce. The fund would provide a minimum of $3 billion over 6 years for this purpose.

Do you believe that the Acquisition Workforce Development Fund is needed to ensure that the Army has the right number of employees with the right skills to run its acquisition programs in the most cost effective manner for the taxpayers?

Answer. Yes, I believe the Defense Acquisition Workforce Development Fund is essential to carry out Secretary of Defense's guidance to grow the capacity and capability of the defense acquisition workforce. Providing the emphasis and resources to support the recruiting and hiring, training and development, and retention of this workforce is crucial.

Question. If confirmed, what steps if any will you ensure that the money made available through the Acquisition Workforce Fund is spent in a manner that best meets the needs of the Army and its acquisition workforce?

Answer. If confirmed, I will ensure decisions on use of the Fund are supported by appropriate analysis, and that the Army has meaningful metrics in place to ensure the Fund is executed in a manner consistent with its statutory purpose.

PROCUREMENT FRAUD, INTEGRITY, AND CONTRACTOR RESPONSIBILITY ISSUES

Question. Recent acquisition scandals have raised concerns about the adequacy of existing mechanisms to uphold procurement integrity and prevent contract fraud.

What is your view of the adequacy of the tools and authorities available to the Army to ensure that its contractors are responsible and have a satisfactory record of integrity and business ethics?

Answer. A number of tools and authorities have been developed over the years to ensure contractors are responsible and have a satisfactory record of integrity and business ethics. If confirmed, I will become familiar with current authorities and ensure that the Army does business with contractors that have a satisfactory record of integrity and business ethics.

Question. In your view, are current "revolving door" statutes effective?

Answer. In my opinion, they are effective, but require continued monitoring and oversight.

Question. What tools other than law enforcement measures could be used to help prevent procurement fraud and ethical misconduct?

Answer. In my opinion, aggressive oversight of contractor and government performance is critical to minimizing procurement fraud and ethical misconduct.

Question. Are there sufficient enforcement mechanisms to ensure compliance with laws and regulations?

Answer. Yes, I believe that there are sufficient enforcement mechanisms to ensure compliance with laws and regulations.

"BUY AMERICA" AND THE DEFENSE INDUSTRIAL BASE

Question. "Buy America" issues have been the source of considerable controversy in recent years. As a result, there have been a number of legislative efforts to place restrictions on the purchase of defense products from foreign sources.

What benefits do you believe the Army obtains from international participation in the defense industrial base?

Answer. Based on my experience, foreign firms often bring innovation and cost control. I also recognize that the United States is a major exporter of defense equipment and that reciprocal trade arrangements have been beneficial to U.S. defense contractors. If confirmed, I will look for opportunities to avail ourselves of needed defense technologies from all sources.

Question. Under what conditions, if any, would you support the imposition of domestic source restrictions for a particular product?

Answer. If confirmed, I will comply with all applicable laws and departmental policy prohibiting foreign purchases.

Question. What is your opinion of "Buy America" legislation and the "Berry Amendment"?

Answer. See response above.

Question. What is your view of the current state of the U.S. defense industry?

Answer. The U.S. defense industry has been generally stable over the last decade largely because of defense spending levels.

Question. Do you support further consolidation of the U.S. defense industry?

Answer. The interests of the Army are usually best served by maintaining competitive markets for required products and services. I will support DOD in reviewing, in conjunction with the Department of Justice and the Federal Trade Commission, proposed mergers which may impact DOD's competition objectives.

Question. What is your position on foreign investment in the U.S. defense sector?

Answer. I believe it is important for DOD to carefully review foreign investments in U.S. firms providing defense technology in order to minimize risk to national security.

Question. What steps if any do you believe the Army should take to ensure the continued health of the U.S. defense industry?

Answer. If confirmed, I will ensure that the Army continually assesses the condition of the U.S. industrial base and take appropriate steps to ensure its viability.

ARMY MODERNIZATION

Question. In general, major Army modernization efforts have not been successful over the past decade. Since the mid-1990's, Army modernization strategies, plans, and investment priorities have evolved under a variety of names from Digitization, to Force XXI, to Army After Next, to Interim Force, to Objective Force, to Future Combat System (FCS) and Modularity. Instability in funding, either as provided by DOD or Congress, has been cited by the Army and others as a principal cause of program instability. For the most part, however, the Army has benefited from broad DOD and Congressional support for its modernization and readiness programs even when problems with the technical progress and quality of management of those programs have been apparent—the Armed Reconnaissance Helicopter is a recent example.

What is your assessment of the Army's modernization record?

Answer. The Army's modernization record clearly depicts the complexities of an Army in transition during a time of war. I believe that the Army must continue to adapt to a rapidly changing threat environment. If confirmed, I look forward to working with the Secretary of Defense and Congress to equip and modernize the force.

Question. If confirmed, what actions, if any, would you propose to take to achieve a genuinely stable modernization strategy and program for the Army?

Answer. Stable, predictable Total Obligation Authority allows the Army to balance its needs, chart a course, and stick to it. If confirmed, I would work with the Secretary of the Army, Secretary of Defense, and Congress to arrive at that stable funding level, and subsequently, a stable modernization program.

Question. What is your understanding and assessment of the Army's modernization investment strategy?

Answer. I understand that the Army's Modernization Investment Strategy is built on assessing the likelihood of evolving threats and planning future capabilities to mitigate that threat. It is an imprecise science, and requires almost constant review

and correction, and must balance investments in future development with improvements to today's equipment. If confirmed, I plan a thorough review of these investments.

Question. In your view does the Army's modernization investment strategy appropriately or adequately address current and future capabilities that meet requirements for unconventional or irregular conflict?

Answer. My preliminary assessment is that the Army is making appropriate investments to counter unconventional and irregular threats. The key for me, if confirmed, will be to ensure the Army successfully balances current and future initiatives.

Question. If confirmed, what other investment initiatives, if any, would you pursue in this regard?

Answer. I do not have sufficient knowledge to make an accurate assessment at this time. If confirmed, I intend to conduct a full review of the Army's investment initiatives.

Question. If confirmed, what actions, if any, would you propose to ensure that all these initiatives are affordable within the current and projected Army budgets?

Answer. I believe one of the strengths of the Defense Program is to specifically address affordability and the out-year projection of long-term funding requirements. Those processes have been strengthened by initiatives within OSD and by Congress. If confirmed, I believe I would have the required visibility and management structure that would allow me to provide these judgments to Congress.

Question. In your view, what trade-offs would most likely have to be taken should budgets fall below or costs grow above what is planned to fund the Army's modernization efforts?

Answer. While I do not have sufficient insight into what actions might be required, any trade-offs must occur after all areas of risk are carefully considered in coordination with the Secretary of Defense and Congress.

ARMY WEAPON SYSTEM PROGRAMS

Question. What is your understanding and assessment of the following research, development, and acquisition programs?

Early Infantry Brigade Combat Team Modernization

Answer. While I am not yet in a position to provide an informed assessment of the Early Infantry Brigade Combat Team modernization program, I understand that the Army's goal is to improve the situational awareness, survivability, and lethality of the soldiers who travel into harm's way through a comprehensive and dedicated process of incremental improvements. It is my understanding that the Early Infantry Brigade Combat Team Modernization program takes the best equipment available that was developed under the former future combat systems program and inserts them into the units that need them the most, the Infantry Brigades.

Ground Combat Vehicle

Answer. I am not yet in a position to provide an informed assessment of the Ground Combat Vehicle program. I have been advised, however, that the Ground Combat Vehicle is likely to be a new design that uses the best assets of the current combat vehicles as well as proven technology from the cancelled Manned Ground Vehicles program.

Stryker Combat Vehicle, including the Stryker Mobile Gun Variant

Answer. I am not yet in a position to offer an informed assessment of the Stryker program; however, I understand that Stryker variants have been in production since 2004 and that this system has been used successfully in Iraq and is preparing to deploy to Afghanistan.

Joint Light Tactical Vehicle (JTLV)

Answer. While I am not yet in a position to provide an informed assessment of JLTV, I understand that it is a relatively new joint Service developmental program which consists of a family of vehicles with companion trailers, capable of performing multiple mission roles.

Armed Aerial Scout (AAS) Helicopter

Answer. I understand that the AAS program is needed to meet existing capability gaps in the area of manned armed aerial reconnaissance. I have been informed that the Army is currently studying alternatives to meet the gaps, and if confirmed, I will undertake a thorough review of this program.

M1 Abrams Tank Modernization

Answer. The Abrams Tank has been an integral part of the Army's force structure for decades and requires modernization. I am not yet in a position to provide an informed assessment of this effort. If confirmed, I will become more familiar with this program.

M2 Bradley Infantry Fighting Vehicle Modernization

Answer. The Bradley also has been an integral part of the Army's force structure for decades and requires modernization. I am not yet in a position to provide an informed assessment of this effort. If confirmed, I will become more familiar with this program.

Warfighter Information Network-Tactical (WIN–T)

Answer. I am not able to provide an informed assessment of the WIN–T program. I understand that WIN–T is the Army's network modernization program that is absolutely essential to the Army. It delivers the high speed secure voice, video, and data, while allowing for full mobility of the network. If confirmed, I will become more familiar with this program.

Logistics Modernization Program (LMP)

Answer. I am not able to provide an informed assessment on LMP at this time. I understand this Program is the ongoing effort to modernize the primary business systems of the Army Materiel Command (AMC) Commodity Commands. If confirmed, I will become more familiar with this program.

Joint Tactical Radio System (JTRS)

Answer. I understand that JTRS is a DOD initiative to develop a family of software-programmable tactical radios that provide mobile, interoperable, and networked voice, data and video communications. At this time, however, I am not able to provide an assessment of the JTRS program. If confirmed, I will become more familiar with this program.

UH–58D Kiowa Warrior Safety and Life Extension Program

Answer. It is my understanding that the Kiowa Warrior life extension program is a necessary upgrade to improve aircraft performance safety and reliability. At this time, however, I am not able to provide an assessment of the Kiowa Warrior life extension program. If confirmed, I will become more familiar with this program.

MINE RESISTANT AMBUSH PROTECTED VEHICLES

Question. If confirmed, what would you propose should be the Army's long-term strategy for the utilization and sustainment of its large Mine Resistant Ambush Protected (MRAP) vehicle fleet?

Answer. I understand that the MRAP vehicles were procured in response to a Joint Urgent Operational Need Statement from Multi-National Corps-Iraq in June 2006. While I am not yet in position to provide an informed assessment of MRAPs, if confirmed, I would work to determine the appropriate long-term strategy for the utilization and sustainment of the Army's fleet of MRAPs.

RESIDUAL FUTURE COMBAT SYSTEMS LEAD SYSTEMS INTEGRATOR CONTRACT

Question. The FCS program has now devolved into three elements: a new ground combat vehicle (GCV) program, a plan to continue small technology spin outs to infantry brigades in increments, and a residual effort to develop software based on the system-of-systems common operating environment system. Plans for restructuring the spin outs for an early fielding to select infantry brigades appear to be close to completion. However, most of the base contract for what used to be FCS remains in place, including the Lead System Integrator (LSI) fee structure, with only the manned ground vehicle portions terminated.

What is your understanding and assessment of the former and restructured elements of the now terminated FCS program?

Answer. While I am not yet in a position to provide an informed assessment of the former and restructured elements of the terminated FCS program, I understand that the Army terminated its LSI relationship with The Boeing Company. Boeing now serves as a traditional prime contractor under the revised contract for Engineering, Manufacturing, and Development (EMD).

Question. What is your understanding and assessment of the FCS program's residual LSI management concept and contract?

Answer. I understand that under the revised contract for EMD, Boeing is performing the functions of a prime contractor and conducts the normal systems engi-

neering and integration work that is required for any developmental program. If confirmed, I would examine the FCS program's residual LSI management concept and contract in order to provide an informed assessment.

Question. In your view, what should be the current and future role of the LSI and, if confirmed, what modifications, if any, would you propose to the LSI contract and fee structure; on what timeline?

Answer. It is my understanding that the Army has terminated its LSI relationship with The Boeing Company. If confirmed, I will review this matter and make recommendations as appropriate.

MANAGEMENT OF THE GROUND COMBAT VEHICLE PROGRAM

Question. As of December 2009, Program Executive Office-Integration, the former Program Executive Office responsible for oversight and management of the terminated FCS program, will oversee and manage the new GCV program. This is despite the fact that Program Executive Office-Ground Combat Systems has the depth of expertise and experience necessary to successfully oversee and manage the development of tracked combat vehicles for the Army.

What is your understanding and assessment of this management structure for the Army's next generation GCV?

Answer. I am not yet in a position to provide an informed assessment of the management structure for the Army's next generation GCV. I have been advised, however, that the current management structure under Program Executive Office-Integration for development of the Ground Combat Vehicle leverages the last 8 years of Manned Ground Vehicles development.

Question. If confirmed, what current or future modifications, if any, would you propose making to the oversight and management structure of the GCV program?

Answer. If confirmed, I will become more familiar with this program and make modifications as required.

MODULARITY

Question. Modularity refers to the Army's fundamental reconfiguration of the force from a division-based to a brigade-based structure. The new modular brigade combat team is supposed to have an increased capability to operate independently based upon increased and embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as or more capable than the divisional brigades they replace because they will have a more capable mix of equipment—such as advanced communications and surveillance equipment. To date, the Army has established over 80 percent of its planned modular units, however, estimates on how long it will take to fully equip this force as required by its design has slipped from 2011 to 2019.

What is your understanding and assessment of the Army's modularity transformation strategy?

Answer. It is my understanding that the Army's modular transformation was designed to create a more expeditionary capable force that will address the full-spectrum of missions emerging from a post-Cold War strategy. I have been advised that the Army continuously addresses changes to its unit designs by incorporating lessons learned and changes in technology that keep the formations relevant and effective. If confirmed, I look forward to making an assessment of the strategy.

Question. In your view, what are the greatest equipment and sustainment challenges in realizing the transformation of the Army to the modular design?

Answer. I have been advised that the Army faces two major challenges with regard to transformation—restoring balance to a force experiencing the cumulative effects of 8 years of war and setting conditions for the future to fulfill the Army's strategic role as an integral part of the Joint Force. The Army must sustain equipment in the current fight while modernizing future capabilities.

Question. If confirmed, what actions or changes, if any, would you propose relative to the Army's modular transformation strategy and plans for equipping and sustaining the force?

Answer. I am not yet in a position to provide an informed assessment on the Army's modular transformation strategy and plans for equipping and sustaining the force. If confirmed, I would closely examine the transformation strategy to ensure a focus on resources that sustain the current fight while making critical investments to Army modernization.

MANUFACTURING ISSUES

Question. The recent DSB study on the Manufacturing Technology Program made a number of findings and recommendations related to the role of manufacturing research and capabilities in the development and acquisition of defense systems.

Have you reviewed the findings of the DSB Task Force on the Manufacturing Technology Program?

Answer. I have not yet reviewed the findings of the DSB Task Force on the Manufacturing Technology Program.

Question. What recommendations, if any, from the Task Force would you plan to implement if confirmed?

Answer. If confirmed, I will review the Army's current funding and implementation strategy and look for opportunities to increase effectiveness and efficiency.

Question. What incentives do you plan to use to enhance industry's incorporation and utilization of advanced manufacturing processes developed under the manufacturing technology program?

Answer. The Army invests in manufacturing technology areas that promise to provide the most military capability or cost reduction to end items in production. The Army's industry partners benefit from this investment by their increased competitive advantage.

SCIENCE AND TECHNOLOGY

Question. What, in your view, is the role and value of S&T programs in meeting the Army's transformation goals and in confronting irregular, catastrophic, traditional and disruptive threats?

Answer. It is my understanding that the Army's S&T investment strategy is shaped to foster innovation and accelerate/mature technology to enable Future Force capabilities while exploiting opportunities to rapidly transition technology to the Current Force. It is my view that the S&T program should retain the flexibility to be responsive to unforeseen needs identified through current operations.

Question. If confirmed, what direction will you provide regarding funding targets and priorities for the Army's long-term research efforts?

Answer. I believe that it is important to maintain a balanced and responsive S&T portfolio. If confirmed, I will review S&T investment, objectives, and metrics and determine an appropriate future strategy.

Question. What specific metrics would you use, if confirmed, to assess whether the Army is making adequate investments in its basic research programs?

Answer. It is my understanding the Army currently has a number of periodic reviews of its in-house and extramural basic research programs. If confirmed, I intend to carefully evaluate these reviews to derive appropriate metrics for the Army's basic research investments.

Question. Do you feel that there is sufficient coordination between and among the S&T programs of the military services and defense agencies?

Answer. Coordination between these S&T programs is vitally important. If confirmed, I will assess the coordination process.

Question. What is the Department's role and responsibility in addressing national issues related to science, technology, engineering, and mathematics education and workforce development?

Answer. I believe the Army, which is significantly dependent on S&T to fulfill its national defense mission, has effective policies and programs in place to help maintain the technical edge our Nation needs to ensure its security and to be globally competitive. It is important to recognize that the Army not only needs to attain and retain the talent today, but also needs to develop a talented future workforce to maintain the technical edge. If confirmed, I plan to continue and strengthen, where necessary, Army educational outreach programs and initiatives.

Question. What steps if any would you take to support efforts to ensure that the Nation has the scientific and technical workforce needed for its national security technological and industrial base?

Answer. If confirmed, I will take advantage of the current legislative authorities and encourage full participation and engagement throughout the Army's laboratory complex to build the Nation's scientist, mathematician, engineering and technician talent pool, including reaching underrepresented populations, and recruiting and retaining the highest quality workforce.

Question. How would you use S&T programs to better reduce technical risk and therefore potentially reduce costs and schedule problems that accrue in large acquisition programs?

Answer. In my view, it is very important to mature technologies within the research and development program. Research and development should be used to re-

duce program risk, by showing that component technologies can be integrated into systems and perform as required in a relevant environment. Making the investment to mature technologies in research and development can reduce the risk of costly overruns in the product development phase.

Question. Do you feel that the S&T programs of the Army are too near-term focus and have over emphasized technology transition efforts over investing in revolutionary and innovative research programs?

Answer. If confirmed, I will assess this balance, solicit guidance regarding levels of acceptable risk, and rebalance S&T investments accordingly.

Question. Are you satisfied that the Army has a well articulated and actionable S&T strategic plan?

Answer. If confirmed, I will assess the Army plan and determine if it provides an appropriate path for the evolution of Army S&T.

Question. Do you see a need for changes in areas such as hiring authority, personnel systems, financial disclosure and ethics requirements, to ensure that the Army can recruit and retain the highest quality scientific and technical workforce possible?

Answer. If confirmed, workforce quality will be one of my highest priorities. There are tools in place, including direct hire authority and flexible personnel system to grow and maintain a high quality workforce. I look forward to working with Congress on maintaining and enhancing these authorities as appropriate.

DEFENSE LABORATORIES

Question. What is your view on the quality of the Army laboratories as compared to the DOE national laboratories, Federal laboratories, academic laboratories, and other peer institutions?

Answer. In my view, the quality of the Army laboratories compares favorably to other laboratories and institutions. If confirmed, I will undertake a review of Army laboratory capability with a view toward enhancing their capability.

Question. What metrics will you use, if confirmed, to evaluate the effectiveness, competitiveness, and scientific vitality of the Army laboratories?

Answer. If confirmed, I will work closely with my staff to identify and develop appropriate metrics to evaluate laboratory effectiveness. It is my understanding that the Army currently conducts peer reviews annually to assess the vitality of the laboratories.

Question. What steps if any will you take, if confirmed, to increase the mission effectiveness and productivity of the Army laboratories?

Answer. If confirmed, I will work to ensure that the Army laboratories have the best possible workforce, facilities, and processes to meet the technology needs of the Army. I intend to closely monitor the effectiveness of the laboratories and implement improvements as necessary.

Question. Do you see value in enhancing the level of technical collaboration between the Army laboratories and academic, other Federal and industrial scientific organizations?

Answer. I believe there is value in technical collaboration and it is my understanding a strong collaboration between Army, industry and universities already exists. The Army's S&T program is shaped collaboratively through close partnerships with warfighters, S&T developers across DOD, other Federal agencies, industry, academia, and international partners. If confirmed, I would work to ensure that the Army continues to collaborate when appropriate.

Question. Do you feel that past investments in research equipment; sustainment, repair and modernization; and facility construction at the Army laboratories have been sufficient to maintain their mission effectiveness and their standing as world class science and engineering institutions?

Answer. I am not sufficiently informed to determine if past investments have been adequate to support the Army's research facilities; however, maintaining appropriate levels of funding in this area for the future will be critical. Recent legislative authorities provided by Congress will be helpful in maintaining mission effectiveness and standing of Army research facilities.

TEST AND EVALUATION

Question. The Department has, on occasion, been criticized for failing to adequately test its major weapon systems before these systems are put into production.

What are your views about the degree of independence needed by the Director of Operational Test and Evaluation in ensuring the success of the Army's acquisition programs?

Answer. I believe it is appropriate to have an independent operational test and evaluation authority separate from the materiel developer to plan and conduct operational tests, report results, and provide evaluations on operational effectiveness, operational suitability, and survivability.

Question. Are you concerned with the level of test and evaluation conducted by the contractors who are developing the systems to be tested?

Answer. If confirmed, I will examine the amount of reliance the Army has on system contractors performing developmental testing to confirm none are performing inherently governmental functions. It is my understanding that system evaluations are generally performed by Army organizations.

Question. What is the impact of rapid fielding requirements on the standard testing process?

Answer. I understand that the Army test and evaluation community has adjusted processes as necessary and has worked diligently ensuring systems fielded to soldiers are safe, effective, and reliable. If confirmed, this is an area that I would further study to determine whether any enhancements are appropriate.

Question. If confirmed, how will you work to ensure that all equipment and technology that is deployed to warfighters is subject to appropriate operational testing?

Answer. If confirmed, I will provide policy and oversight in this area, as well as continue the effective working relationship that the Army acquisition community has with the Army and DOD test community.

Question. Do you believe that the developmental testing organizations in the Army are adequate to ensure an appropriate level of developmental testing, and testing oversight, on major defense acquisition programs?

Answer. I am not fully informed at this time to make an appropriate assessment of this matter. If confirmed, I will review this area and work closely with the Army and DOD test community to optimize this capability.

Question. If not, what steps would you take, if confirmed, to address any inadequacies in such organizations?

Answer. If confirmed, I will monitor the status of these organizations to ensure that they remain capable of accomplishing their mission.

Question. As systems grow more sophisticated, networked, and software-intensive, DOD's ability to test and evaluate them becomes more difficult. Some systems-of-systems cannot be tested as a whole until they are already bought and fielded.

Are you concerned with Army's ability to test these new types of systems?

Answer. I am aware that testing of system-of-systems requires consideration of live, virtual, and constructive test capabilities. I understand that system-of-systems testing is challenging; if confirmed, I will work to continue to ensure that system capabilities and limitations are clearly established before testing of these systems.

Question. What steps, if any, do you believe the Army should take to improve its test and evaluation facilities to ensure adequate testing of such systems?

Answer. If confirmed, I will provide support to the Army test and evaluation community and support efforts to ensure that they are properly resourced.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Question. What do you see as the major successes and challenges facing the Army Small Business Innovation Research (SBIR) program?

Answer. I understand that the Army has a successful SBIR program that has transitioned technology to the soldier. If confirmed, I will make every effort to ensure that the SBIR program reaches out to innovative small businesses that have not traditionally dealt with the military.

Question. What steps would you take if confirmed to ensure that the Army has access to and invests in the most innovative small businesses?

Answer. A cornerstone of the SBIR program is the identification of innovative approaches to Army requirements. If confirmed, I will continue to effectively communicate Army needs to the thousands of innovative small businesses through an aggressive outreach program to the small business community as well as continuing to develop high impact SBIR topics that can provide innovative solutions to soldier needs. Close coordination among the SBIR program, small businesses and the Acquisition community ensures that these innovative solutions will be available to the soldier.

Question. What steps would you take if confirmed to ensure that successful SBIR research and development projects transition into production?

Answer. If confirmed, I will take all steps available to maximize the opportunity for the successful transition of SBIR technology into production.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the ASA(ALT)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KAY HAGAN

ARMY RESEARCH OFFICE

1. Senator HAGAN. Dr. O'Neill, North Carolina hosts the Army Research Office, which reports to the Army Research Lab within Army Materiel Command. I believe their location in Durham is of great benefit to the Army due to the cluster of high-end industry and university research being conducted in the Research Triangle. In 2009, North Carolina published a Defense Asset Inventory and Target Industry Cluster Analysis that identified the State's industry, academic, and research and development (R&D) capacity to support key functional technological areas to include: fuel and power; unmanned systems; human factors; performance materials; command control, communications, computers, intelligence, surveillance, and reconnaissance; and reset. If confirmed, please highlight where the Army Research Office's work can connect to your focus areas within the Army Secretariat of Acquisition, Logistics, and Technology?

Dr. O'NEILL. The Army Research Office is the primary conduit through which basic research activities that are of interest to the Army, and performed at academic institutions, are funded and managed. These research efforts are fundamental to providing scientific and technical solutions for the warfighter across the entire spectrum of Army operations. The Army Research Office benefits from its proximity to leading universities from its headquarters in Research Triangle Park. If confirmed, I would ensure that the Army continues to take advantage of the technical expertise and industrial base found in North Carolina, and across the country in order to achieve its modernization objectives.

2. Senator HAGAN. Dr. O'Neill, can you comment on how you can ensure the Army's overall R&D efforts, to include, the Army Research Office, are coordinated and resources leveraged?

Dr. O'NEILL. I believe that it is important to maintain a balanced and responsive science and technology (S&T) portfolio in order to develop, accelerate and mature technologies. The Army Science and Technology Master Plan is the Army's strategic plan for the S&T enterprise and helps ensure research is well coordinated and leveraged across the Army research and development complex. The Army also coordinates with the S&T programs of the other Military Services and defense agencies through the Defense S&T Reliance 21 Program. Finally, the Army works closely with its partners in academia and industry to ensure we are leveraging the full capabilities of the country in supporting the warfighter. If confirmed, I would ensure that these well-established and effective processes continue.

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

CONTRACTING IN THE ARMY

3. Senator BURRIS. Dr. O'Neill, in your advance policy responses, you stated that the "Army should use the type of contract that is best suited for the acquisition at hand, considering primarily complexity and risk." In evaluating contracts, under what situations would fixed price contracts be more suitable?

Dr. O'NEILL. A firm fixed-price contract is suitable for acquiring commercial items or for acquiring other supplies or services when the contracting officer can establish fair and reasonable prices at the outset, such as when: (a) There is adequate price competition; (b) There are reasonable price comparisons with prior purchases of the same or similar supplies or services made on a competitive basis or supported by valid cost or pricing data; (c) Available cost or pricing information permits realistic estimates of the probable costs of performance; or (d) Performance uncertainties can be identified and reasonable estimates of their cost impact can be made, and the contractor is willing to accept a firm-fixed price representing assumption of the risks involved.

4. Senator BURRIS. Dr. O'Neill, under what circumstances would a noncompetitive contract be justified, and what safeguards can be put in place to protect the taxpayer?

Dr. O'NEILL. The Competition in Contracting Act provides seven general exceptions to the baseline requirement for full and open competition. It is my understanding that the most commonly used exceptions are: (i) when supplies or services are available from only one responsible source; (ii) unusual and compelling urgency; and (iii) preservation of the industrial mobilization capabilities. While these authorities have been in existence for many years, I believe their use must be carefully scrutinized and that noncompetitive contracts should be used only when fully justified by the underlying facts.

In a noncompetitive environment, the receipt of contractor cost or pricing data and the use of independent government cost estimates can assist the contracting officer in ensuring that the contract price is fair and reasonable. Additional safeguards include increased oversight, internal controls, risk assessments, and quality management.

5. Senator BURRIS. Dr. O'Neill, what will you do to address and limit cost overruns in cost-plus contracts?

Dr. O'NEILL. I believe that it is important to: (i) adequately define contract requirements and develop realistic cost estimates in the first instance; (ii) to fully and clearly communicate those requirements to industry during the proposal and evaluation process; and (iii) to provide vigorous program and contract oversight. Additionally, in appropriate circumstances, the use of contract incentives can be beneficial. If confirmed, I would ensure that Army policies placed appropriate emphasis on cost control, and I would hold acquisition managers accountable for results.

6. Senator BURRIS. Dr. O'Neill, what are some tools to address this issue?

Dr. O'NEILL. In addition to the points summarized in my preceding response, an important technique to control costs is the Earned Value Management System (EVMS). EVMS provides a systematic means for contractors to plan the timely performance of work; budget resources; account for costs and measure actual performance against plans. More importantly, it provides early warning of significant deviations from a contractor's plan to permit corrective actions. If confirmed, I will ensure that Army program managers make full use of this important tool.

[The nomination reference of Dr. Malcolm Ross O'Neill follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
December 3, 2009.

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

Malcolm Ross O'Neill of Virginia, to be an Assistant Secretary of the Army, vice Claude M. Bolton, Jr., resigned.

[The biographical sketch of Dr. Malcolm Ross O'Neill, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. MALCOLM ROSS O'NEILL

CIVILIAN EDUCATION

Ph.D., Department of Physics, Rice University, Houston, TX, Aug. 1972–May 1975
MA, Department of Physics, Rice University, Houston, TX, Aug. 1968–May 1970
BS, Department of Physics, DePaul University, Chicago, IL, Aug. 1958–May 1962

MILITARY EDUCATION

Field Artillery Officer Basic, 1962
Ranger, 1962
Airborne, 1963
Jumpmaster, 1963
Ordnance Guided Missile Course, 1964
Military Assistance (Advisor), 1964
Defense Language Institute (Vietnamese), 1965
Ordnance Career Course, 1968
Command and General Staff College, 1972
Defense Systems Management College, 1974
Army War College, 1980

EMPLOYMENT RECORD

2006–present, Consultant, Self-employed and Chairman, Board on Army Science and Technology, The National Academies, Washington, DC

2000–2006, Vice President and Chief Technical Officer of Lockheed Martin Corporation Chief Technical Officer

1996–2000, Vice President, Mission Success and Operations, in the Space and Strategic Missiles Sector Operations and Best Practices, Lockheed Martin Corp.

1993–1996, Director, Ballistic Missile Defense Organization, Department of Defense (on Active Duty as a Lieutenant General, U.S. Army)

1990–1993, Deputy Director, Strategic Defense Initiative Organization (SDIO), Department of Defense (on Active Duty, U.S. Army)

1989–1990, Director, Deputy for Program Assessment and International Cooperation, Office of Assistant Secretary of the Army for Research Development and Acquisition, (on Active Duty, U.S. Army)

1987–1989, Commander, U.S. Army Laboratory Command (on Active Duty, U.S. Army)

1985–1987, Director, Kinetic Energy Weapons, SDIO, Department of Defense (on Active Duty, U.S. Army)

1983–1985, Program Manager, Multiple Launched Rocket System, U.S. Army (on Active Duty, U.S. Army)

1981–1983, Deputy Program Manager, NATO Patriot Management Organization, Munich, Germany (on Active Duty, U.S. Army)

1977–1980 Program Manager, Strategic Fire Control and Talon Gold, Defense Advanced Research Projects Agency, Department of Defense (on Active Duty, U.S. Army)

1974–1976, R&D Coordinator, U.S. Army High Energy Laser Project Office, Redstone Arsenal, AL (on Active Duty, U.S. Army)

1970–1971, Assistant Chief of Staff (Ammunition), Danang Support Command, U.S. Army, Vietnam (on Active Duty, U.S. Army)

1966–1967, Aide de Camp to Commanding General, U.S. Army Missile Command, Redstone Arsenal, AL (on Active Duty, U.S. Army)

1966–1966, Instructor, Ordnance Guided Missile School, Redstone Arsenal, AL (on Active Duty, U.S. Army)

1965–1966, Advisor, 21st Recon Company, 21st ARVN Division (on Active Duty, U.S. Army)

1962–1964, Forward Observer/Platoon Leader, Mortar Battery, 1st Battle Group, 187th Infantry, 82nd Airborne Division (on Active Duty, U.S. Army)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Malcolm Ross O'Neill in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Malcolm Ross O'Neill.

2. **Position to which nominated:**
Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

3. **Date of nomination:**
December 3, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 25, 1940; Chicago, IL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to former Judy Maxine Hester.

7. **Names and ages of children:**
Bonnie Kathleen Long, 39; John Hai O'Neill, 38.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Senn High School, Chicago, IL, 1954–1958.
DePaul University, Chicago, IL, 1958–1962, BS Physics, 1962.
Rice University, Houston, TX, 1968–1970, MA Physics, 1970.
Rice University, Houston, TX, 1972–1974, PhD Physics, 1975.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
VP, Mission Success and Operations, Space and Strategic Missiles Sector, Lockheed Martin Corporation, Bethesda, MD, 1996–2000.
VP, Chief Technical Officer, Lockheed Martin Corp., Bethesda, MD, 2000–2006.
Consultant, Self-Employed, Vienna, VA, 2006–Present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Officer, U.S. Army 1962–1996, Retired as Lieutenant General.
Member, U.S. Air Force Scientific Advisory Board, 2001–2004.
Member, Board of Visitors, Defense Acquisition University, Fort Belvoir, VA.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Member, Board of Visitors, Clark School of Engineering, University of Maryland.
Member, Board of Affiliates, Sloan Masters Program, Rice University.
Director, Draper Laboratory, Cambridge, MA.
Director, Edmund Optics Corporation, Barrington, NJ.
Director, Information Systems Labs, San Diego, CA.
Director, Electronic Warfare Associates, Herndon, VA.
Chairman, Board on Army Science and Technology of the National Academies, Washington, DC.
Consultant, UT-Battelle LLC, Oak Ridge National Lab, Oak Ridge, TN.
Consultant, Vanguard Research Inc., Arlington, VA.
Consultant, Physical Sciences, Inc., Andover, MA.
Consultant, Lockheed Martin Corporation, Bethesda, MD.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, National Academy of Engineering, Washington, DC.
Honorary Fellow, American Institute of Aeronautics and Astronautics, Washington, DC.
Member, National Defense Industrial Association, Washington, DC.
Member, American Association for Advancement of Science, Washington, DC.
Member, Association of the U.S. Army, Washington, DC.
Member, U.S. Tennis Association, Washington, DC.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

No political offices held; have never been a candidate for any political office.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

No political memberships, offices held or services rendered to any parties or election committees.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

In years 2004 and 2005 contributed approx. $2,000 each year to Lockheed Martin Political Action Committee.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Illinois State Scholarship
Distinguished Military Student, De Paul University
Rice University Fellowship Society of Sigma Xi (Science honor society)
Distinguished Graduate, Army Ordnance Guided Missile School, AL
Distinguished Graduate, Defense Language Institute, Monterrey, CA
Honor Graduate, Ordnance Career Course, Aberdeen Proving Grounds, MD
Honor Graduate, Army Command and Staff College, Fort Leavenworth, KS
Army Commendation Medal
Airborne, Ranger, Combat Infantryman Badges
Bronze Star for Valor with Oak Leaf Cluster
Vietnamese Cross of Gallantry with Gold Star
Bronze Star for Merit with Oak Leaf Cluster
Purple Heart with Oak Leaf Cluster
Air Medal
Legion of Merit with Oak Leaf Cluster
Meritorious Service Medal
Defense Superior Service Medal
Defense Distinguished Service Medal
Order of St. Barbara (U.S. Army Artillery)
U.S. Army Ordnance Hall of Fame
Gold Medal of American Defense Preparedness Association

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Electron Spin Polarization in LEED from Tungsten (001)," Phys Rev Ltrs, 1974 (est.)

"Artificial Intelligence Aids Logisticians," Army Logistics. July–August 1990.

"Ballistic Missile Defense: 12 Years of Achievement," Defense Issues, Volume 10, Number 37, April 1995.

"BMDO Focussed on the Road to the Future," BMP Monitor, 22 Mar 1996.

"Redirecting U.S. Missile Defence," International Defence and Security Development. No. 1, 1994.

"The U.S. Theatre Missile Defence Programme," Defence and Security Review, 1995.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MALCOLM ROSS O'NEILL.

This 15th day of December, 2009.

[The nomination of Dr. Malcolm Ross O'Neill was reported to the Senate by Chairman Levin on February 2, 2010, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

[Prepared questions submitted to Mary Sally Matiella by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for changes to any Goldwater-Nichols Act provisions?

Answer. I am not aware at this time of any changes that are required. If confirmed, this will be an area I will examine in depth.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. This is an area I will need to examine. If I am confirmed and I identify any changes I think are needed, I will coordinate my recommendations through the appropriate Army and Defense Department process.

DUTIES OF THE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. I understand that the Assistant Secretary of the Army for Financial Management and Comptroller is responsible for directing and managing the financial management activities, operations, and comptroller functions of the Department of Army, and for advising the Secretary of the Army on these matters.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe my background qualifies me to serve as Assistant Secretary of the Army (Financial Management and Comptroller). I have 29 years of Federal employment working in accounting and budget positions with the Army, Air Force, Defense Finance and Accounting Service, and the Office of the Secretary of Defense. I also have served as the Assistant Chief Financial Officer (CFO) for Accounting at the Department of Housing and Urban Development and as the CFO for the Department of Agriculture Forest Service. I have a record of improving financial management practices. For example, as CFO, I led the Forest Service to its first unqualified audit opinion. I am a Certified Public Accountant and a Certified Defense Financial Manager.

Question. Do you believe that there are any actions that you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. I believe you always need to look for ways to improve your overall understanding of fiscal issues. If confirmed, I will immediately immerse myself into the many fiscal challenges facing the Army today and incorporate any lessons learned from the past into future financial operations.

RELATIONSHIPS

Question. What is your understanding of the relationship between the Assistant Secretary of the Army for Financial Management and Comptroller and each of the following:

The Secretary of the Army.

Answer. The Assistant Secretary of the Army (Financial Management and Comptroller) is the principal advisor to the Secretary of the Army on financial matters and directs Comptroller and Financial Management functions of the Department of the Army.

Question. The Under Secretary of the Army.

Answer. My relationship to the Under Secretary would mirror that of the Secretary of the Army.

Question. The other Assistant Secretaries of the Army.

Answer. My relationship with the other Assistant Secretaries would support the responsibility I would have, if confirmed, to advise the Secretary of the Army on financial Management functions and activities of the Department of the Army.

Question. The General Counsel of the Army.

Answer. If confirmed, I would consult and coordinate with the General Counsel on all legal matters within financial management and comptroller responsibilities.

Question. The Deputy Under Secretary of the Army for Business Transformation.

Answer. I have been informed that this position has been disestablished and that the business transformation duties formerly assigned to this position now fall under the responsibility of the Under Secretary of the Army in his role as the Chief Management Officer (CMO). If confirmed, I would work closely and collaboratively with the CMO to ensure that all approved Business Transformation Initiatives are fully supported.

Question. The Under Secretary of Defense (Comptroller).

Answer. If confirmed, I would work closely with the Under Secretary of Defense (Comptroller) to ensure the Army financial management and comptroller policies, practices, and systems dovetailed with those of the office of the Under Secretary of Defense (Comptroller).

Question. The Deputy CMO of the Department of Defense (DOD).

Answer. If confirmed, I would support the Under Secretary of the Army in his role as the CMO with any financial advice required in interactions with the Deputy CMO of DOD.

Question. The Director of the Business Transformation Agency (BTA).

Answer. The BTA provides support for the Army's financial management transformation efforts, particularly in business process areas impacting other DOD activities. I understand the Army and BTA are currently collaborating to transform business processes to improve how we pay our vendors and manage our accounts receivable.

Question. The Assistant Secretary of Defense for Networks and Information Integration/Chief Information Officer.

Answer. If confirmed, I would work to include the Chief Information Officer in all financial management system planning and decisionmaking.

Question. The Director of Cost Assessment and Program Evaluation.

Answer. If confirmed, I would support the Director of Cost Assessment and Program Evaluation in fulfilling his or her role of providing independent assessments. I would also work the Director to ensure the success of the Planning, Programming, Budgeting, and Execution (PPBE) process.

Question. The Chief of Staff of the Army

Answer. If confirmed, I would work closely with the Chief of Staff of the Army on resourcing and financial management issues.

Question. The Assistant Secretaries for Financial Management of the Navy and the Air Force.

Answer. If confirmed, I will work closely with the Navy and Air Force Assistant Secretaries for Financial Management to maintain awareness of current issues and ensure that Army financial management and comptroller decisions consider best practices, are better informed, and reflect Service cooperation and consistency when appropriate.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. Any Assistant Secretary of the Army for Financial Management will be challenged to improve the financial management systems and processes to ultimately allow the Army to receive a clean audit on the financial statements. In addition, it is imperative that the continuing Overseas Contingency Operations are properly funded to ensure the men and women in combat have all the necessary resources required to fight and win. The Army must continue to develop defendable and executable budgets, with proper accountability and transparency, that support the priorities of the Secretary of Defense and the Secretary of the Army, under the guidance of the President.

Question. Assuming you are confirmed, what plans do you have to address these challenges?

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller), the other Services, and the Army leadership to achieve a unified approach to addressing challenges. I will make every effort to ensure that the resources required are justified and accountable.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. If confirmed, I will work towards establishing priorities for the preparation of auditable Financial Statements. I will also work to ensure that there are adequate resources to support Army priorities including Overseas Contingency Operations and Family Support Programs.

CIVILIAN AND MILITARY ROLES IN THE ARMY BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Army for Financial Management and Comptroller and the senior military officer (the Director, Army Budget) responsible for budget matters in the Army Financial Management office in making program and budget decisions, including the preparation of the Army Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. I understand the Assistant Secretary of the Army (Financial Management and Comptroller) is responsible for all financial matters within the Department of the Army. The Military Deputy for Budget is the senior military officer within ASA(FM&C) and he is responsible for budget matters. This Military Deputy falls under the Assistant Secretary for Financial Management and Comptroller's direct supervision. I also understand the Assistant Secretary for Financial Management and Comptroller has oversight responsibilities on all financial aspects of the Program Objective memorandum preparation and submission. Direct responsibility for this process belongs to the Army G–8, who is also a senior military officer. Financial Management and Accountability DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and attempts at efficiencies, problems with financial management and data continue.

Question. What do you consider to be the top financial management issues that must be addressed by the Department of the Army?

Answer. I believe the Army's most pressing financial management challenge is producing timely, reliable, and accurate financial information that is capable of passing an audit. I understand the DOD Comptroller directed the Department of the Army to achieve an audit of the Statement of Budgetary Resources, and establish existence and completeness of mission critical assets. If confirmed, I will work with the DOD Comptroller and the Under Secretary of the Army in his role as CMO to support these objectives.

Question. If confirmed, how would you plan to ensure that progress is made toward improved financial management in the Army?

Answer. If confirmed, I will ensure the Army has a solid plan to achieve the comptroller's objectives of an audit of the Statement of Budgetary Resources, and establish existence and completeness of mission critical assets and that the plan is linked to the Department's enterprise transition plan (ETP) and Financial Improvement and Audit Readiness (FIAR) plan.

Question. If confirmed, what private business practices, if any, would you advocate for adoption by DOD and the Department of the Army?

Answer. I am not currently in a position to advocate for the adoption of any specific business practices for the Army. If I am confirmed, I will study how the Department does business now and work with the DOD and Army chief management officers (CMOs) and the BTA to identify any private business practices that may help to improve Army financial management.

Question. What are the most important performance measurements you would use, if confirmed, to evaluate changes in the Army's financial operations to determine if its plans and initiatives are being implemented as intended and anticipated results are being achieved?

Answer. If confirmed, I will rely on metrics established in the Army's Financial Improvement Plan (FIP) and the DOD FIAR Plan as the basis for measuring financial operations performance. I would also assess if there are any other performance measures available that would help the Army better evaluate itself.

Question. The BTA was established in DOD to strengthen management of its business systems modernization effort.

What is your understanding of the mission of this Agency and how its mission affects the responsibilities of the Assistant Secretary of the Army for Financial Management and Comptroller?

Answer. I understand the BTA was established to improve the management of business systems and systems modernization efforts. If confirmed, I will work with the BTA to ensure the Army's business systems and modernization efforts conform to its standards as codified in the DOD Business Enterprise Architecture (BEA).

Question. What is your understanding of the role of the Assistant Secretary of the Army for Financial Management and Comptroller in providing the Army's views to the Agency, or participating in the decisionmaking process of the Agency, on issues of concern to the Army?

Answer. My understanding is the Assistant Secretary's role is to collaborate with the BTA in the development of the BEA and ETP, and to ensure the Army's financial management modernization efforts conform with these efforts.

Question. Section 904 of the National Defense Authorization Act for Fiscal Year 2008 designated the Under Secretary of the Army as the CMO of the Army. Section 908 of the National Defense Authorization Act for Fiscal Year 2009 required the establishment of a Business Transformation Office within the Army to assist the CMO in carrying out his duties.

Question. If confirmed, what would your role be in the Department's business modernization effort?

Answer. I understand the law designated the Under Secretary as the Army's CMO and that the Secretary of the Army charged the CMO with the responsibility to effectively and efficiently organize the Army's business operations. If confirmed I will ensure the Army's financial modernization efforts support and complement the CMO's business transformation initiatives.

Question. What is your understanding of the relative responsibilities of the Deputy Under Secretary of the Army for Business Transformation and the Assistant Secretary of the Army for Financial Management and Comptroller (ASA(FM&C)) in Army business systems modernization and improvements in financial management?

Answer. It is my understanding that the position of the Deputy Under Secretary of the Army for Business Transformation has been disestablished and that the business transformation duties formerly assigned to this position now fall under the responsibility of the Under Secretary of the Army in his role as the CMO. Further, the Secretary of the Army has established an Office of Business Transformation to

assist the CMO. If confirmed as the ASA(FM&C) I would be responsible for directing and managing the financial activities, operations, and systems of the Department of the Army in accordance with established standards and capabilities and for maintaining and annually revising a 5-year plan describing the activities the Army proposed to conduct over the next 5 fiscal years to improve financial management. In my view, it appears likely that the duties of the CMO and the ASA(FM&C) will be complementary and that a close and collaborative relationship between the CMO and the ASA(FM&C) will work to the mutual benefit of the Army as a whole.

Question. Do you believe the organizational structure of the Department of the Army is properly aligned to bring about business systems modernization and improvements in the financial management of the Army?

Answer. I am not sufficiently familiar with the Army's implementation of the Business Transformation Office to have an opinion on whether the Army is properly aligned to bring about business modernization; however, I believe that establishment of the CMO and Business Transformation Office can only facilitate the Army's ability to modernize business systems and improve its financial management.

Question. If not, how do you believe the Department should be restructured to more effectively address these issues?

Answer. I do yet have an opinion on whether the Army is properly aligned or needs to be restructured. I do believe the establishment of the CMO and Business Transformation Office should help the Army modernize business systems and improve its financial management.

Question. Section 2222 of title 10, U.S.C., requires DOD to develop a BEA and Transition Plan to ensure that the Department's business systems are capable of providing timely, accurate, and reliable information, including financial information, on which to base management decisions. The Department also prepares an annual FIAR plan aimed at correcting deficiencies in DOD's financial management and ability to receive an unqualified "clean" audit. Section 376 of the National Defense Authorization Act for Fiscal Year 2006 required that the FIAR plan be systematically tied to the actions undertaken and planned pursuant to section 2222.

If confirmed, what role would you expect to play in the formulation of the Army's contribution to the BEA and Transition Plan and the FIAR plan?

Answer. If confirmed, I expect to play a significant role in ensuring the Army's FIP and financial business systems modernization efforts align with the Department's BEA and FIAR plan.

Question. What steps would you take, if confirmed, to ensure that the Army's contribution to the FIAR plan is systematically tied to actions undertaken and planned in accordance with section 2222?

Answer. If confirmed, I will ensure the Army's FIP provides the appropriate measures to correct deficiencies preventing the Army from providing timely, reliable, and accurate financial information and that the Army's plan is linked to the Department's FIAR plan. At this time, I am unfamiliar with section 2222, but if confirmed, I will learn about it and ensure the Army complies with it.

Question. The Comptroller General has testified that DOD should fix its financial management systems before it tries to develop auditable financial statements. He explained that: "Given the size, complexity, and deeply ingrained nature of the financial management problems facing DOD, heroic end-of-the-year efforts relied on by some agencies to develop auditable financial statement balances are not feasible at DOD. Instead, a sustained focus on the underlying problems impeding the development of reliable financial data throughout the Department will be necessary and is the best course of action."

Do you agree with this statement?

Answer. I do agree with this statement. If confirmed, I will ensure the Army develops and implements financial improvements that correct underlying problems, including those associated with financial management systems, and that these improvements result in sustainable business processes enabling the Army to produce timely, reliable, and accurate financial information. With the production of timely, reliable, and accurate financial data, obtaining an unqualified audit opinion becomes an achievable goal.

Question. What steps need to be taken in the Army to achieve the goal stated by the Comptroller General?

Answer. I believe the Army needs to implement improvements supported by sustainable business processes and modern financial systems with the full support and commitment of the Army leadership.

PERSONNEL BUDGET SHORTFALLS

Question. During the last few fiscal years, the Army has experienced significant shortfalls in its personnel accounts that required a reprogramming to overcome. Last year, the shortfall was nearly $2 billion and was primarily corrected via supplemental appropriations.

Has the Army corrected the issues and revised the budget assumptions that gave rise to the previous years' personnel funding shortfalls?

Answer. I have no direct knowledge of the steps the Army has or has not taken to correct these issues. If confirmed, I will make this a priority early in my tenure as the Assistant Secretary of the Army (Financial Management and Comptroller) and take any actions I believe appropriate after studying the issues and coordinating with the Under Secretary of Defense (Comptroller).

Question. Does the Army continue to assume risk in its personnel accounts, and if so, where and to what extent?

Answer. I do not yet know about where or to what extent the Army is accepting any risk in its personnel accounts. If I am confirmed, I will make this issue a priority.

DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM

Question. For several years, the Department has been working on the Defense Integrated Military Human Resources System (DIMHRS), an integrated joint military personnel and pay system for all the Military Services, as a means to eliminate obsolete legacy payroll and personnel management systems.

What is your understanding of the Army's requirement for DIMHRS and the adequacy of the current version of DIMHRS to meet the Army's requirements?

Answer. I am not fully aware of the issues with the Army's current personnel and payroll systems. If confirmed, I will familiarize myself with the available systems and work with the CMO and Assistant Secretary of the Army for Manpower and Reserve Affairs to determine what system is appropriate for the Army's future personnel and payroll management systems.

SUPPLEMENTAL FUNDING AND ANNUAL BUDGETING

Question Since September 11, 2001, DOD has paid for much of the cost of ongoing military operations through supplemental appropriations. The fiscal year 2010 budget includes a full-year request for overseas contingency operations.

What are your views regarding the use of supplemental appropriations to fund the cost of ongoing military operations?

Answer. I believe that the long term reliance on supplemental appropriations to fund an ongoing conflict is problematic. If confirmed, this will be an issue I will want to study further.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to section 114 of title 10, U.S.C., is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by the Department of the Army?

Answer. The U.S. Code specifically states that such authorization is necessary before funds for the appropriations listed above may be obligated or expended. If confirmed, I will follow the law, policies, and procedures directed by the Under Secretary of Defense (Comptroller) in dealing with any specific line items which might fall under the "appropriated but not authorized" category.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Financial Management and Comptroller?

Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee of Congress, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR ROLAND W. BURRIS

ARMY BUDGET

1. Senator BURRIS. Ms. Matiella, what will you do to increase transparency of the Army budget?

Ms. MATIELLA. Throughout my career in Federal Service it has been a goal to provide transparency to both budget formulation and execution. I have found if an agency has financial statements capable of receiving an unqualified audit opinion, then it has budgetary and proprietary data that is transparent, accurate, and credible, and thus, meets the data requirements of the Army's many stakeholders. I see it as one of my main responsibilities to ensure the Army has the policies, staff, and systems in place to facilitate audit readiness, which will ultimately lead to greater budget transparency and accountability. If confirmed, I pledge to work closely with the congressional committees to provide timely and accurate information to facilitate understanding of the Army's financial position and requirements.

[The nomination reference of Mary Sally Matiella follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 20, 2009.

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

Mary Sally Matiella, of Arizona, to be Assistant Secretary of the Army, vice Nelson M. Ford, resigned.

[The biographical sketch of Mary Sally Matiella, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MARY SALLY MATIELLA

EDUCATION

University of Arizona, Tucson, AZ, Bachelor of Arts, 1973
University of Arizona, Tucson, AZ, Master of Business Administration, 1976
George Washington University, Washington DC, Educational Specialist, 2007
George Washington University, Washington DC, Doctoral studies in Human and Organizational Learning, all but dissertation (ABD)

PROFESSIONAL EDUCATION

Air Command and Staff College, in seminar, 1990
Professional Military Comptroller School, 1991
Air War College, in seminar, 1991
Defense Resource Management School, 1998
Federal Executive Institute, 2000
Senior Managers in Government, 2003

EMPLOYMENT HISTORY

2004–2008, Assistant Chief Financial Officer for Accounting, Department of Housing and Urban Development, Washington DC
2001–2004, Chief Financial Officer (CFO), USDA Forest Service, Washington DC
1999–2001, Staff Accountant, Office of the Under Secretary of Defense, Comptroller, Pentagon, Arlington, VA
1995–1998, Director of Accounting, Defense Finance and Accounting Service (DFAS)–SB, CA
1994–1995, Director of the CFO Implementation Office, DFAS–DE, Denver, CO
1992–1994, Staff Accountant, CFO Implementation Office, DFAS–DE, Denver, CO
1989–1992, Systems Accountant, Directorate of Accounting, DFAS–DE, Denver, CO
1986–1989, Senior Systems Accountant, Accounting Policy, Procedures and Systems Branch, Fort Clayton, Panama
1983–1986, Systems Accountant, Accounting Systems Development Branch, Air Force and Accounting Service, Denver, CO
1980–1983, Budget Analyst, Ramstein Air Force Base, Ramstein, Germany
1978–1980, Auditor, TX Dept of Mental Health and Mental Retardation, Austin, TX
1977–1978, Management Analyst, University of Texas, Austin, TX

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Mary Sally Matiella in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Mary Sally Matiella.

2. **Position to which nominated:**
Assistant Secretary of the Army for Financial Management and Comptroller.

3. **Date of nomination:**
November 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
June 21, 1951; Three Rivers, TX.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Francisco Alberto Matiella.

7. **Names and ages of children:**
Maria Alejandra Matiella-Novak, 31.
Francisco Jose Matiella, 27.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Pueblo High School, Tucson, AZ, 1965–1969, High School Diploma, 1969.
University of Arizona, Tucson, AZ, 1968–1973, BA, 1973.
University of Arizona, Tucson, AZ, 1973–1976, MBA, 1976.
George Washington University, Washington DC, 2006–2007, EdS 2007.
George Washington University, Washington DC, 2006–present, EdD (all but dissertation).

Certificates/Licenses:

Certified Public Accountant (Colorado)
Certified Defense Financial Manager (Virginia)

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Assistant Chief Financial Officer for Accounting; Department of Housing and Urban Development; 451 7th St, SW, Washington DC; April 2004–August 2008.
Chief Financial Officer; USDA Forest Service; 201 14th Street, SW, Washington DC; December 2001–April 2004.
Staff Accountant; OUSD Comptroller; Pentagon, Arlington, VA; January 1999–December 2001.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Governing Board Audit Committee, Tucson School Board, Tucson Unified School District; member; unpaid; April 2009 to present.
Director of Accounting, Defense Finance and Accounting Service (DFAS)–SB, CA; 1995–1998.
Director of the CFO Implementation Office, DFAS–DE, Denver, CO; 1994–1995.
Staff Accountant, CFO Implementation Office, DFAS–DE, Denver, CO; 1992–1994.
Systems Accountant, Directorate of Accounting, DFAS–DE, Denver, CO; 1989–1992.
Senior Systems Accountant, Accounting Policy, Procedures and Systems Branch, Fort Clayton, Panama; 1986–1989.
Systems Accountant, Accounting Systems Development Branch, Air Force and Accounting Service, Denver, CO; 1983–1986.
Budget Analyst, Ramstein Air Force Base, Ramstein, Germany; 1980–1983.
Auditor. Texas Department of Mental Health and Mental Retardation, Austin, TX; 1978–1980.
Management Analyst, University of Texas, Austin, TX; 1977–1978.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Academy of Management, member
Association of Government Accountants, member
American Society of Military Comptrollers, member

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

USDA Secretary's Group Honor Award for Excellence, 2003.

Office of the Secretary of Defense, Award for Excellence, 2001.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Formal Speeches: None.

Powerpoint presentation: Federal Financial Management Conference, Washington DC, March 11, 2008. Topic: Intragovemmental Business Practices.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MARIA SALLY MATIELLA.

This 15th day of December, 2009.

[The nomination of Mary Sally Matiella was reported to the Senate by Chairman Levin on February 2, 2010, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 11, 2010.]

[Prepared questions submitted to Paul Luis Oostburg Sanz by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Goldwater-Nichols was very effective in clarifying the chain of command, strengthening civilian leadership of the military, and enhancing the ability of the Services to act jointly. I am not currently aware of any need to change Goldwater-Nichols at this time. If confirmed, I am committed to supporting the intent of Goldwater-Nichols and forwarding any suggestions for change to the Secretary and Under Secretary of the Navy.

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I am not currently aware of any modifications that are needed to Goldwater-Nichols.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Department of the Navy?

Answer. The General Counsel is the chief legal officer of the Department, and legal opinions issued by the General Counsel are the controlling legal opinions within the Department. However, the General Counsel cannot derogate the authority of the Judge Advocate General of the Navy under section 5148(d) of title 10, U.S.C., and other applicable law. The General Counsel provides legal advice, counsel, and guidance to the Secretary, the Under Secretary, the Assistant Secretaries, and their staffs. He is also responsible for providing legal services throughout the Department in a variety of fields, including: acquisition law, including international transactions; business and commercial law; real and personal property law; civilian personnel and labor law; fiscal law; environmental law; intellectual property law; intelligence law; ethics and standards of conduct; and Freedom of Information Act and Privacy Act law. He is responsible for litigation in the areas enumerated above, and oversees all litigation affecting the Department. The General Counsel also serves as the Suspending and Debarring Official and Designated Agency Ethics Official for the Department, and assists the Under Secretary of the Navy in overseeing the Naval Criminal Investigative Service.

In addition, per section 5019 of title 10, U.S.C., the Secretary of the Navy may prescribe other duties and functions for the General Counsel as the Secretary deems appropriate.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. The responsibilities of the General Counsel of the Department of the Navy are quite broad. Overall, it is essential for the General Counsel to possess sound legal and analytical skills, with a willingness to work collaboratively with individual experts over a variety of fields. The General Counsel of the Navy must have strong managerial skills as well as possess effective leadership abilities. I believe that my work as General Counsel for the House Armed Services Committee (HASC) and other previous work experiences in Federal Government and elsewhere have prepared me well to execute the duties of General Counsel of the Department of the Navy, if confirmed.

For nearly 3 years, I have served as the chief legal officer for the HASC. My principal responsibility in this position has been to advise the Chairman and the Staff Director of the HASC in the development, consideration, and enactment of the annual National Defense Authorization Acts (NDAA). A significant part of that process has been identifying, negotiating, and resolving approximately 100 jurisdictional claims by numerous congressional committees related to the NDAA. As General Counsel of the HASC, I also have provided legal counsel to the HASC on criminal investigations involving former HASC members or other members, personnel-related matters, compliance with professional ethical obligations under the rules of the House of Representatives and current law, and other issues such as responding to Freedom of Information Act requests. In addition, I have advised the Chairman and other HASC Members on detainee policy, the activities of the Department of Defense (DOD) to counter the illicit narcotics trade, and matters related to the U.S. Southern Command. For each of these substantive policy areas, I have conducted oversight of administration policies and programs, drafted legislative proposals, been prepared to testify before the HASC, as well as negotiated directly with senior administration officials, Members of Congress, and outside interest groups.

From 2001 to 2006, I was the Deputy Chief Counsel for the Democratic Staff of the House International Relations Committee. In that position, I fulfilled many similar counsel and legislative responsibilities that I would later perform on the HASC. Before beginning work in Congress, I clerked for Judge Josè A. Fustè in the U.S. District Court for the District of Puerto Rico for nearly 2 years. Prior to receiving a law degree from Harvard Law School and a Master in Public Affairs from Princeton University, I conducted political party training in South Africa during the first all-inclusive national elections, as a Project Officer for the Joint Center for Political and Economic Studies, and served as a Peace Corps volunteer in Guinea-Bissau, West Africa, teaching English in secondary schools.

As a result of my background and these professional experiences, I understand the general challenges and opportunities of the Department, appreciate the intersection of legal and policy questions, have established many working relationships in DOD and elsewhere in the administration, and developed experience managing peo-

ple and processes to achieve high-stakes outcomes. All of which will permit me to perform efficiently and effectively the duties of General Counsel, if confirmed.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the General Counsel of the Department of the Navy?

Answer. I am confident that I possess the requisite legal expertise and leadership skills to be the next General Counsel of the Department of the Navy. If confirmed, I anticipate requesting further information about the major legal challenges facing the Department so as to sharpen my understandings of these matters and be able to provide more nuanced counsel to the Secretary and Under Secretary of the Navy. In addition, I strongly believe that establishing and maintaining productive working relationships with the career civil servants in the Office of General Counsel (OGC) and throughout the Department as well as the Judge Advocate General of the Navy, the Staff Judge Advocate to the Commandant of the Marine Corps, the General Counsel of DOD, and the General Counsels of the other Services, is paramount. If confirmed as the General Counsel, I hope to benefit from their knowledge and judgment as we seek to best serve our sailors, marines, their families, and the civilian employees of the Department.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Navy would prescribe for you?

Answer. If confirmed, I expect that the Secretary will rely upon me as the chief legal officer of the Department. I expect that the Secretary will require my candid and objective legal advice on all issues facing the Department of the Navy. I also anticipate that the Secretary will expect me to continue the collaborative relationship which currently exists between the General Counsel, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps so as to further the interests of the uniformed men and women of the Department.

Question. In carrying out your duties, how will you work with the General Counsel of DOD?

Answer. The General Counsel of the DOD is the chief legal officer of DOD. If confirmed, I will work closely with the General Counsel of DOD on matters of mutual interest or concern. If confirmed, I also expect to collaborate and coordinate with the General Counsels of the other military departments, defense agencies, other agencies, and Congress, when necessary and appropriate.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the General Counsel of the Department of the Navy?

Answer. The Department of the Navy faces many substantive issues in future years. These must be addressed with timely, accurate, and well reasoned legal advice. It is essential that the Department possess a robust cadre of military and civilian attorneys. If confirmed, my major challenge will be to ensure that sufficient resources exist to continue to hire and retain the talented and dedicated professionals who are needed to meet the diverse and changing requirements of the Department and that these professionals have opportunities to perfect their craft and excel throughout their careers in the Department of the Navy.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will review the resources, organization, and operation of the Office of the General Counsel, and work in collaboration with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to identify opportunities for growth and resource requirements.

Question. What broad priorities will you establish in terms of issues which must be addressed by the Office of the General Counsel of the Department of the Navy?

Answer. If confirmed, my highest priorities will be to ensure that the Department of the Navy receives the highest quality legal advice and services and that the attorneys of the Office of the General Counsel continue to explore ways to strengthen cooperation with their uniformed colleagues in the offices of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL AND THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS

Question. What is your understanding of the role and authority of the Judge Advocate General of the Navy vis-a-vis the General Counsel of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps (SJA CMC)?

Answer. The Judge Advocate General of the Navy is responsible for providing legal and policy advice to the Secretary of the Navy on military justice, administrative law, claims, investigations, operational and international law, legal assistance, civil law, environmental law, intelligence, and litigation involving matters under his practice areas. If confirmed, I anticipate that we will consult with each other on matters of mutual interest or concern relating to military justice. With respect to civil law matters involving Navy and Marine Corps components, my understanding is that primary responsibility is divided, by major subject area, between the Office of the General Counsel and the Office of the Judge Advocate General. I am certain that there will be situations in which our responsibilities overlap and create seams in the administration of legal services. In those instances, I would expect that we would work together to ensure a collaborative approach.

Question. In carrying out your duties, if you are confirmed, how will you work with the Judge Advocate General of the Navy and the SJA CMC?

Answer. If confirmed, it is paramount that I, the Judge Advocate General of the Navy, and Staff Judge Advocate to the Commandant have a working relationship that builds upon the strong tradition of partnership among the three legal offices and continues to consult, communicate, and cooperate to the greatest extent possible for the benefit of our clients throughout the Department of the Navy.

Question. How are the legal responsibilities of the Department of the Navy allocated between the General Counsel and the Judge Advocate General and the SJA CMC?

Answer. The General Counsel is the chief legal officer of the Department of the Navy, and the principal legal advisor to the Secretary of the Navy, the Assistant Secretaries, and their staffs, and is the head of the Office of the General Counsel. The Office of the General Counsel's practice includes business and commercial law, environmental law, personnel and labor law, fiscal law, intellectual property law, and ethics, among other subjects. The Judge Advocate General of the Navy also reports directly to the Secretary of the Navy and generally provides legal services in the areas of military justice, international law, matters associated with military operations, environmental law, military personnel law, administrative law, claims, and ethics. The Staff Judge Advocate to the Commandant of the Marine Corps is the senior military lawyer to the Commandant, and his responsibilities largely parallel those of the Judge Advocate General of the Navy. Although the responsibilities of the General Counsel, the Judge Advocate General, and Staff Judge Advocate to the Commandant will overlap on occasion, I understand that the three offices have recently agreed to a strategy for collaborating on issues of mutual interest or concern, called "One Mission, One Team: A 21st Century Strategic Vision for Legal Support in the U.S. Department of the Navy."

Question. How will you ensure that legal opinions of your office will be available to Navy and Marine Corps attorneys, including judge advocates?

Answer. I understand that the legal opinions of the Office of the General Counsel are disseminated throughout the Department of the Navy via normal Departmental distribution processes. If confirmed, I expect to continue this practice and identify, if necessary, new digital media for more targeted and timely distributions.

Question. In response to attempts within DOD to subordinate legal functions and authorities of the Judge Advocates General to the General Counsels of DOD and the Military Services, Congress enacted legislation prohibiting any officer or employee of DOD from interfering with the ability of the Judge Advocates General of the Military Services and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Chairman, Service Secretaries, and Service Chiefs.

What is your view of the need for the Judge Advocate General of the Navy and the SJA CMC to provide independent legal advice to the Secretary of the Navy and the Chief of Naval Operations, and the Commandant of the Marine Corps?

Answer. The Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps must be in a position to provide their best independent legal advice to the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps, as appropriate. Effective decisionmaking cannot occur without their candid, honest, and objective analysis.

Question. What is your view of the responsibility of Navy and Marine Corps judge advocates to provide independent legal advice to military commanders?

Answer. It is the responsibility of Navy and Marine Corps judge advocates to provide independent legal advice to military commanders. This advice must be free of any improper external influence.

Question. If confirmed, would you propose any changes to the current relationships between the Judge Advocate General, the SJA CMC, and the General Counsel?

Answer. I am not aware of any changes that are required to the current relationships between the uniformed judge advocates and the General Counsel of the Department of the Navy. I am aware of the independent review directed by Section 506 of the National Defense Authorization Act for Fiscal Year 2010. If confirmed, I will study closely the findings of that Commission and, if appropriate, consider any of their recommendations for improving these relationships.

Question. Article 6 of the Uniform Code of Military Justice (UCMJ) gives primary jurisdiction over military justice to the Judge Advocates General of the Army, Navy, and Air Force and, in the Marine Corps, to the Commandant of the Marine Corps.

How do you view the responsibilities of the Navy General Counsel in the performance of military justice matters with regard to the Judge Advocate General of the Navy and the SJA CMC?

Answer. The Judge Advocates General of the Military Services have primary jurisdiction over the performance of military justice. If confirmed, as the chief legal officer of the Department of the Navy, I will have an interest in the administration of military justice and, as an example, anticipate participating in the Secretary of the Navy's review of the DOD's Inspector General's report on the court-martial appellate review process within the Department of the Navy, as required by the Senate Armed Services Committee in the committee's report accompanying this year's defense authorization bill. If confirmed, I would endeavor to continue the close working relationship with the Judge Advocate General of the Navy and Staff Judge Advocate to the Commandant of the Marine Corps, in which we share information and work collaboratively when necessary to resolve issues of policy and matters pertaining to specific cases.

ATTACKS AT FORT HOOD

Question. The recent attack that resulted in the deaths of 12 soldiers and 1 civilian employee and the wounding of many more at Fort Hood was allegedly carried out by a Muslim Army medical officer. Media reports indicate that warning signs of the Major's extremist views were observed but not documented in official personnel records that were shared with the FBI.

In your view, do current Navy and Marine Corps policies limit the ability to include information in official records that may assist in the identification of potential threats?

Answer. I am not aware of the policies that currently exist within the Department of the Navy in this matter. If confirmed, I will look into this issue and allow for this type of information to be included in official personnel records.

Question. Do current Navy and Marine Corps procedures hinder the ability to share this type of information with other official agencies charged with identifying and monitoring potential extremist or terrorist activities?

Answer. I am not aware of the procedures currently in operation to address this issue. If confirmed, I will inquire into these procedures and provide my recommendations to the Secretary and Under Secretary of the Navy regarding the impact of existing procedures on the monitoring of potential threats.

Question. What is your understanding of how the Department of the Navy balances the need to identify and respond to potentially harmful extremist views held by soldiers against individual privacy and respect for the right of sailors and marines to hold and express personal beliefs?

Answer. The proper balance between individual privacy rights and the need to identify threats is very difficult to attain. I am not aware of how the Department currently balances these interests. If confirmed, I will inquire into this issue and provide my recommendations to the Secretary and Under Secretary of the Navy.

Question. Do you see a need for a change in this balance?

Answer. I am not aware of a need to change this balance at this time.

ATTORNEY RECRUITING AND RETENTION ISSUES

Question. If confirmed, how do you assess your ability to hire and retain top quality attorneys and provide sufficient opportunity for advancement?

Answer. It is my understanding that the Department of the Navy continues to hire outstanding civilian attorneys. If confirmed, I will work with the senior staff of the Office of the General Counsel to address any recruiting and retention issues.

Question. In your view, does the Department of the Navy have a sufficient number of civilian and military attorneys to perform its missions?

Answer. I do not know whether there are a sufficient number of attorneys to perform their ongoing missions. I am familiar with the Department of the Navy's Center for Naval Analyses (CNA) assessment regarding JAG Corps manning. If confirmed, I will work with the Judge Advocate General of the Navy and the Staff

Judge Advocate to the Commandant of the Marine Corps to ensure the Department has a sufficient number of highly skilled lawyers to meet its requirements.

Question. In your view, what incentives to successful recruiting and retention of attorneys, if any, need to be implemented or established?

Answer. I am not currently aware of any new incentives that need to be implemented at this time.

DETAINEE ISSUES

Question. What role do you expect to play, if confirmed, in helping DOD and the Department of the Navy address legal issues regarding detainees?

Answer. As General Counsel of the HASC, I have closely monitored the policies and activities of DOD relating to detainees and have worked on related legislation. If confirmed, and if requested, I would expect to play an active role in assisting the General Counsel of DOD, the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant in addressing this complicated issue.

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the U.S. Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

In your view, is the prohibition in the best interest of the United States? Why or why not?

Answer. This prohibition is in the national security interests of the United States and generally in the best interest of our country.

Question. Do you believe that the phrase "cruel, inhuman, or degrading treatment or punishment" has been adequately and appropriately defined for the purpose of this provision?

Answer. Yes, I do, with the understanding that the scope of the definition will continue to evolve with the case law on the Constitutional prohibition against cruel, unusual, and inhumane treatment or punishment.

Question. What role do you believe the General Counsel of the Navy should play in the interpretation of this standard?

Answer. Within the guidance provided by the General Counsel of DOD, the legal interpretation of the standard by the General Counsel of the Navy, as approved by the Secretary of the Navy, should be controlling within the Department of the Navy.

Question. What role do you believe the Judge Advocates General of the Navy and the SJA CMC should play in the interpretation of this standard?

Answer. The Judge Advocate General of the Navy and the SJA CMC should also play a prominent role in the interpretation of this standard. If confirmed, and if called upon to offer any guidance on this standard, I will work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to incorporate their unique perspectives that are informed by the Navy JAG Corps' and the Marine judge advocates' field experiences.

Question. If confirmed, will you take steps to ensure that all relevant Navy and Marine Corps directives, regulations, policies, practices, and procedures fully comply with the requirements of Section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, I will.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the DOD Detainee Program, dated September 5, 2006?

Answer. Yes, I do.

Question. Section 2441 of title 18, U.S.C., as amended by the Military Commissions Act of 2006, defines grave breaches of Common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. If confirmed, I expect to review this issue more closely and work with the General Counsel of DOD to promote the "golden rule."

CONTRACTORS ON THE BATTLEFIELD

Question. U.S. military operations in Iraq have relied on contractor support to a greater degree than any previous U.S. military operations. The extensive involvement of contractor employees in a broad array of activities—including security functions—has raised questions about the legal accountability of contractor employees for their actions.

Do you believe that current DOD and Department of the Navy regulations appropriately define and limit the scope of security functions that may be performed by contractors in an area of combat operations?

Answer. I have not had an opportunity to become familiar with the specific provisions of the Department's regulations in this area. If confirmed, I will review these regulations as soon as possible.

Question. What changes, if any, would you recommend to such regulations?

Answer. If confirmed and after reviewing the regulations, I will make such recommendations as may be necessary.

Question. Do you believe that current DOD and Department of the Navy regulations appropriately define and limit the scope of contractor participation in the interrogation of detainees?

Answer. Although I am not familiar with the Department's regulations in this area, I know that section 1038 of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111–84) prohibits contractors from interrogating detainees but permits contractors to perform some supporting roles with regard to these interrogations.

Question. What changes, if any, would you recommend to such regulations?

Answer. If confirmed and after reviewing the regulations, I will make such recommendations as may be necessary.

Question. OMB Circular A–76 defines "inherently governmental functions" to include "discretionary functions" that could "significantly affect the life, liberty, or property of private persons".

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. I have not had the opportunity to be briefed on this issue. If confirmed, I will carefully review the governing regulations to provide the appropriate legal advice and guidance.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. Yes, and I am aware that Congress enacted section 1057 of the National Defense Authorization Act for Fiscal Year 2009 (P.L. 110–417) affirming this position.

Question. What role do you expect to play, if confirmed, in addressing the issue of what functions may appropriately be performed by contractors on the battlefield?

Answer. If confirmed, and if requested, I would expect to play an active role in assisting the General Counsel of DOD in addressing this complicated issue.

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of the U.S. courts to persons employed by or accompanying the Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I am generally aware of the MEJA provisions and appreciate the importance of appropriate accountability over all persons supporting our Armed Forces wherever they may be located. See, e.g., section 861(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181). If I am confirmed, it will be a high priority of mine to achieving that objective.

Question. What changes, if any, would you recommend to MEJA?

Answer. At this time, I am not aware of any legislative changes that are needed to be made to MEJA.

Question. What role would you expect to play, if confirmed, in developing administration recommendations for changes to MEJA?

Answer. If confirmed, and if requested, I would expect to play an active role in assisting the General Counsel of DOD in addressing this complicated issue.

Question. Section 552 of the National Defense Authorization Act for Fiscal Year 2007 extended criminal jurisdiction of the military courts under the UCMJ to persons serving with or accompanying an armed force in the field during time of declared war or a contingency operation, such as our current operations in Iraq and Afghanistan.

In your view, does the UCMJ provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. I understand and appreciate the importance of appropriate accountability over all persons supporting our armed forces wherever they are located. I do not

now have an informed view about whether the UCMJ currently provides the appropriate jurisdictional reach.

Question. What is your view of the procedures agreed upon by DOD and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I am generally aware that there are procedures to reconcile these responsibilities, but I do not now have an informed view about whether the procedures strike the appropriate balance in the exercise of criminal jurisdiction.

Question. What changes, if any, would you recommend to the UCMJ to ensure appropriate jurisdiction for alleged criminal actions of contractor employees?

Answer. I am not prepared to recommend any changes to the UCMJ at this time.

Question. What are your views on the impact of Article 12 of the Status of Forces Agreement between the United States and Iraq on U.S. jurisdiction over contractor personnel pursuant to either MEJA or the UCMJ?

Answer. I have not had the opportunity to study this issue, but if confirmed, I will carefully review the SOFA, MEJA, and UCMJ to provide the appropriate legal advice and guidance.

Question. How are jurisdictional matters arising out of Article 12 being addressed?

Answer. I am not aware of how jurisdictional matters arising out of Article 12 are currently being addressed. However, if confirmed, I will carefully review all applicable authorities to provide the appropriate legal advice and guidance to the Department of the Navy.

MANPOWER REQUIREMENTS FOR NAVY AND MARINE CORPS JUDGE ADVOCATES

Question. The CNA recently completed a study of manpower requirements for the Navy's Judge Advocate Generals Corps in which it concluded that the Navy is significantly understrength for its various legal missions, including combat service support in Iraq and Afghanistan. Section 506 of the National Defense Authorization Act for Fiscal Year 2010 established an independent panel to review the judge advocate requirements of the Navy and Marine Corps and make appropriate recommendations.

What is your understanding of the CNA study's findings with respect to manpower in the Navy JAG Corps?

Answer. I am generally aware of the CNA report, but I have not had an opportunity to review its findings. As discussed earlier, and if confirmed, I will be committed to ensuring that the Department possesses a robust cadre of military and civilian attorneys.

Question. What is your understanding of the total numbers of judge advocates on Active Duty in the Navy and Marine Corps vis-a-vis the Army and the Air Force?

Answer. It is my understanding that the Navy and Marine Corps have fewer judge advocates then the Army and the Air Force. This is due to a number of factors, including the size of the Services and the different functions performed by the uniformed lawyers within each Service. For example, many of the legal functions performed by judge advocates in the Army and Air Force are performed by attorneys in the OGC of the Department of the Navy. Additionally, the Marine Corps does not have a separate Judge Advocate Corps. As a result, all of their judge advocates also fill line billets at various stages of their careers.

Question. If confirmed, will you review the judge advocate manning within the Navy and Marine Corps, determine whether current active-duty strengths are adequate to support their missions, and support the independent review panel in the accomplishment of its study and recommendations?

Answer. Yes, I will.

ROLE OF WOMEN IN MILITARY SERVICE

Question. The Chief of Naval Operations recently stated that the Navy will assign female sailors to submarines starting in 2011.

What is your understanding of the issues that must be resolved in order for women to successfully perform submarine duty?

Answer. Other than the need to provide official notification to Congress, I am not currently aware of any legal issues which need to be addressed in order to implement this policy. I understand, however, that there are manpower and personnel considerations which must be addressed to implement the policy successfully.

Question. If you are confirmed, what role would you expect to have in changing this policy, and what would your role, if any, be in implementing the new policy?

Answer. If confirmed, I would expect to coordinate with the Judge Advocate General of the Navy to advise the Secretary of the Navy on any legal implications associated with the implementation of the new policy.

Question. What are your views on opening additional specialties to women serving in the Navy or the Marine Corps?

Answer. At this time, I am not aware of any legal impediments to opening additional specialties to women within the Navy or the Marine Corps.

WOMEN IN COMBAT

Question. Current DOD policies regarding the combat role of women in uniform have been in effect since 1994.

What is your understanding of the conclusions and lessons that have been learned from Operation Iraqi Freedom and Operation Enduring Freedom about the feasibility of current policies regarding women in combat?

Answer. I have not had an opportunity to review any lessons learned from the participation of women in Operation Iraqi Freedom and Operation Enduring Freedom. If confirmed, I will make the review of the current policies a priority, seek to be informed by field experiences as relayed by the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps, and work directly with the Secretary and Under Secretary of the Navy to address any legal concerns that may have arisen from the review of current policies in the context of these operations. At the end of this process, I would expect to propose to the Secretary and Under Secretary of the Navy changes to current policy, if they are warranted.

Question. What is your assessment of Navy and Marine Corps compliance with the requirements of laws relating to women in combat?

Answer. It is my understanding that the Navy and Marine Corps are in compliance with these requirements.

Question. In your view, should the current policy regarding assignment of women in combat be revised to reflect the realities of the modern battlefield, effective counter-insurgency requirements, and changing societal expectations regarding roles for female sailors and marines?

Answer. I have not had an opportunity to review this matter in depth. If confirmed, I will work directly with the Secretary and Under Secretary of the Navy to address any legal concerns associated with any proposed changes to this policy.

RELIGIOUS GUIDELINES

Question. What is your understanding of current policies and programs of DOD and the Department of the Navy regarding religious practices in the military?

Answer. It is my understanding that current policies and programs regarding religious practices are initiated through the Secretary of Defense and his staff. Each Service Secretary may supplement the overall guidance.

Question. In your view, do these policies accommodate the free exercise of religion and other beliefs without impinging on those who have different beliefs, including no religious belief?

Answer. I have not had an opportunity to review these policies. If confirmed, I am committed to reviewing the current policies to ensure that an appropriate balance has been reached between these important interests.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. See my response to the immediately preceding question.

HOMOSEXUAL CONDUCT POLICY

Question. The current Homosexual Conduct Policy, commonly referred to as "Don't Ask, Don't Tell," went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a Federal statute (title 10 U.S.C. section 654). Although there have been some changes in how this policy has been implemented, the basic policy has not changed. President Obama has made it clear that he intends to work with the military and Congress to repeal the policy.

What is your view of the current policy, as stated in section 654?

Answer. I have not had an opportunity to review the current policy. It is my understanding, though, that the policy is currently being reviewed within the administration and DOD.

Question. What is your view on repealing or changing this policy?

Answer. The current policy and any proposed changes to it will likely have significant legal and other implications. Without having had an opportunity to become fully informed about this policy, its implementation, and the ongoing review by DOD, I am not in a position at this time to offer an informed view on the effects of repealing or changing this policy.

Question. In your view, would changing this policy have an adverse impact on good order and discipline in the military?

Answer. See my answer to the immediately preceding question.

Question. If confirmed, what role would you play in efforts to repeal or change this policy?

Answer. If confirmed, I would expect to advise the Secretary of the Navy on all legal matters associated with the repeal or change to this policy.

Question. If the policy is changed by Congress, would you recommend a phase-in period for implementation of the new policy?

Answer. See my answer to the preceding question regarding my view on repealing or changing the current policy.

Question. If confirmed, what role will you play in implementing a new policy?

Answer. If confirmed, I would expect to advise the Secretary of the Navy on all legal matters associated with the implementation of a new policy.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. What is your understanding of the role of the General Counsel of the Navy in ensuring the integrity and proper functioning of the officer promotion process?

Answer. Military personnel matters are primarily under the cognizance of the respective service Judge Advocates. The Secretary of the Navy is responsible for the proper functioning of the Department of the Navy's promotion selection process. If confirmed, I would envision a close working relationship with the Judge Advocate General of the Navy and Staff Judge Advocate to the Commandant of the Marine Corps to resolve issues of policy and matters pertaining to specific cases.

Question. Do you see any need for change in this role?

Answer. I am not aware of any need for change at this time.

GENERAL AND FLAG OFFICER NOMINATIONS

Question. Under DOD Instruction 1320.4, adverse and alleged adverse information pertaining to general and flag officers must be evaluated by senior leaders in the Services and in the Office of the Secretary of Defense prior to nomination for promotion and certain assignments.

If confirmed, what role, if any, would you play in the officer promotion system, particularly in reviewing general and flag officer nominations?

Answer. General and flag officer nominations are also within the primary cognizance of the Judge Advocate Generals of each Military Service. If confirmed, and when requested, I would provide advice on cases of Department of the Navy nominees with adverse, or potentially adverse, information in order to ensure that such information is properly evaluated and reported to the Senate Armed Services Committee.

Question. What is your understanding of the role of the General Counsel of the Department of the Navy in ensuring the legal sufficiency of statutory selection board processes?

Answer. See my answer to the preceding question.

Question. What is the role, if any, of the General Counsel of the Department of the Navy in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. See my answer to the preceding question.

MILITARY PERSONNEL POLICY AND CASES

Question. In your view, what role, if any, should the General Counsel and attorneys assigned to the OGC play in military personnel policy and individual cases, including cases before the Board for Correction of Naval Records?

Answer. The General Counsel plays an important role in ensuring that military personnel polices are consistent with law and implemented in a fair and consistent manner. If confirmed, I would work closely with the Secretary of the Navy, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) to ensure that these policies are formulated and applied in a fair and consistent manner.

SEXUAL ASSAULT PREVENTION AND RESPONSE POLICY

Question. Numerous cases of sexual misconduct involving servicemembers have been reported over the last several years. Many victims and their advocates contend that they were victimized twice: first by attackers in their own ranks and then by unresponsive or inadequate military treatment. They asserted that the military failed to respond appropriately by providing basic services, including medical attention and criminal investigations of their charges.

What is your understanding of the resources and programs the Navy and Marine Corps have in place in deployed locations to offer victims of sexual assaults the medical, psychological, and legal help they need?

Answer. It is my understanding that the Department has endeavored to improve the delivery of assistance to all victims of sexual assault, wherever they are located. I also know that one of the Secretary of the Navy's top manpower priorities is eliminating sexual assaults from Navy and Marine Corps ranks and placing the total force on the cutting edge of all sexual assault prevention and response-related programs. If confirmed, I am committed to reviewing the Department of the Navy's policies and procedures to ensure that victims of sexual assault receive the care and services that they need.

Question. What is your view of the steps the Navy and Marine Corps have taken to prevent sexual assaults on female soldiers at their home stations and when they are deployed?

Answer. The prevention of sexual assault has been a key issue for the Department of the Navy for some time. It is my understanding that the Department of the Navy has implemented measures which are designed to cultivate a culturally aware and educated work environment within the Department that is intolerant of sexual assault. If confirmed, I am committed to enforcing a climate that is intolerant of sexual assault.

Question. What is your view of the adequacy of the training and resources the Navy and Marine Corps have in place to investigate and respond to allegations of sexual assault?

Answer. Although I know the Department of the Navy is committed to eliminating sexual assaults from within its ranks, I have not had the opportunity to review the Department's communication, training, and education strategies. If confirmed, I will review this program and provide oversight in all areas under my authority to prevent sexual assaults and protect sexual assault victims.

Question. Do you consider the current Navy and Marine Corps sexual assault policies and procedures, particularly those on confidential reporting, to be effective?

Answer. I have not had the opportunity to study the effectiveness of Navy and Marine Corps confidential reporting policies and procedures. If confirmed, I will study these policies and procedures to ensure the Department of the Navy continues to promote programs which assist victims and encourage the reporting of sexual assaults.

Question. Specifically, do you think Sexual Assault Response Coordinators should be afforded a confidentiality privilege in order to help them perform their duties more effectively?

Answer. I have not had the opportunity to review the specific role of Sexual Assault Response Coordinators within the Department of the Navy's overall sexual assault prevention and response program. If confirmed, I will review all aspects of the Department of the Navy's program to ensure that all legal means are employed to support victims and investigate alleged offenders fully and fairly.

WHISTLEBLOWER PROTECTION

Question. Section 1034 of title 10, U.S.C., prohibits taking retaliatory personnel action against a member of the Armed Forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command.

If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect servicemembers who report misconduct to appropriate authorities within or outside the chain of command?

Answer. It is my understanding that the Department of the Navy fully implements applicable law, regulations, and rules on whistleblower protections. If confirmed, I, in concert with the Navy JAG, will act to ensure that prospective commanding and executive officers are briefed before they take their positions and continue to receive training during their commands on the need to protect servicemembers who report misconduct. I, in concert with the Navy JAG, will further act to ensure that military members whose actions are protected are not sub-

ject to illegal reprisals or retaliation. If a case of illegal reprisal comes to my attention, I will work to ensure that it is addressed in accordance with the law.

SUPPORT TO NAVAL INSPECTOR GENERAL

Question. What role, if any, do you think the General Counsel of the Navy should have in reviewing the investigations and recommendations of the Naval Inspector General?

Answer. The General Counsel must provide independent and objective legal advice to the Secretary and Under Secretary of the Navy concerning the Inspector General's duties and responsibilities. This execution of this obligation, however, must respect the Inspector General's independence and not infringe upon the Inspector General's authority. If confirmed, I will establish a productive working relationship with the Naval Inspector General and the Deputy Naval Inspector General for Marine Corps matters, while maintaining strong working relationships with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps.

CIVILIAN ATTORNEYS

Question. Judge advocates in the Armed Forces benefit from an established career progression, substantial mentoring and training opportunities, and exposure to a broad spectrum of legal areas and leadership responsibilities. By contrast, civilian attorneys in the military departments normally do not have established career programs and may do the same work for many years, with promotion based solely upon longevity and vacancies.

What is your understanding of the personnel management and career development system for civilian attorneys?

Answer. The Department of the Navy is different from other Military Services in that its OGC, which is largely composed of civilian attorneys, is responsible for legal support in acquisition, business and commercial law, real and personal property law, and other areas. Responsibility for several other areas of practice, including environmental law, is shared with Navy and Marine Corps judge advocates. While I am not familiar with Navy OGC's career development program, I understand that Navy OGC is centrally managed, with career development for its attorneys being an important priority. If confirmed, I will continue to look for ways that the OGC can assist in the career development of its civilian attorneys.

Question. In your view does that system need revision? If so, what do you see as the major problems and what changes would you suggest?

Answer. I am not aware of any necessary revisions at this time.

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of the Navy?

Answer. The Department of the Navy is the client.

ACQUISITION ISSUES

Question. What role should the General Counsel play in ensuring that Navy and Marine Corps procurement programs are executed in accordance with the law and DOD acquisition policy?

Answer. The General Counsel plays a critical role in ensuring compliance with acquisition laws and current DOD acquisition policy. Acquisition integrity is critical to the effectiveness of the Department of the Navy's procurement program. It is essential for the General Counsel to be actively involved in ensuring compliance to all legal obligations in order to ensure this integrity.

Question. What role should the General Counsel play in ensuring that ethics provisions on conflict of interest are followed both by Navy and Marine Corps personnel and by Navy and Marine Corps contractors?

Answer. The General Counsel is the Designated Agency Ethics Official (DAEO) and the Suspending and Debarring Official (SDO) within the Department of the Navy. In his capacity as the DAEO, it is the General Counsel's responsibility to ensure that all ethics provisions, especially those dealing with conflicts of interest, are properly understood and followed within the Department. In his capacity as the SDO, the General Counsel ensures that the Department does business only with responsible contractors.

Question. Allegations of fraud and abuse during contingency contracting in Iraq and Afghanistan have been widespread.

What role should the General Counsel play in ensuring that Navy and Marine Corps personnel are properly trained in contingency contracting and are supervised in the performance of their duties?

Answer. The General Counsel must have an active role in ensuring that all contingency contracting personnel of the Department of the Navy are adequately trained and supervised.

DETECTING CONFLICTS OF INTEREST

Question. Personal and organizational conflicts of interest have become a major concern. DOD's expanded use of private contractors being tasked to perform key functions that the Services had formerly performed in-house and the new requirement to fill thousands of DOD civilian positions with experienced, qualified individuals present challenges in preventing conflicts of interest and the appearance of conflicts of interest.

What do you think the Department of the Navy should do, and what should the General Counsel's role be, in ensuring that the Navy and Marine Corps identify personal and organizational conflicts of interest and take the appropriate steps to avoid or mitigate them?

Answer. It is incumbent upon the Department to ensure that an efficient and effective process for reviewing potential personal and organizational conflicts of interest exists. If confirmed, I am committed to evaluating the current processes established within the Department and, should it be necessary, modifying them so that they can effectively identify these potential conflicts of interest.

Question. What is your understanding of the steps the Navy and Marine Corps take to identify and address potential conflicts of interest during the hiring process?

Answer. I am not currently aware of the processes undertaken within the Department to identify and address potential conflicts of interest in the hiring process. If confirmed, I am committed to evaluating these and, should I deem necessary, modifying them so that they can be most effective.

Question. Recent reports have raised concerns about potential personal conflicts of interest by contractor employees, including retired general and flag officers ("senior mentors") who advise senior government officials.

What is your understanding of existing statutes and regulations pertaining to personal conflicts of interest by contractor employees who advise senior government officials?

Answer. I am familiar with the recent series of press articles addressing the concerns associated with the "senior mentors" programs. It is my understanding that existing ethics regulations are intended to address the problems associated with the potential conflicts of interest associated with hiring personnel to assist DOD. If confirmed, I will make it a high priority to review these regulations and the current practice with regard to the hiring of "senior mentors" in order to assist the Secretary in determining what changes in policy may need to be made.

Question. Do you see any need for changes to these statutes and regulations?

Answer. It is my understanding that DOD is currently evaluating the hiring practices associated with "senior mentors" and that guidance may be forthcoming. If confirmed, I am committed to working with the General Counsel of DOD and coordinating with the General Counsels of the other military departments and agencies on this matter.

Question. What role do you see for the General Counsel in identifying and addressing potential conflicts of interest by employees of Navy and Marine Corps contractors?

Answer. The General Counsel must play a primary role in identifying and addressing potential conflicts of interest within the Department of the Navy.

LEGAL ETHICS

Question. What is your understanding of the action a Department of the Navy attorney or a Navy or Marine Corps judge advocate should take if the attorney becomes aware of improper activities by a Department of the Navy official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. Every attorney of DOD is under a professional obligation to comply faithfully with all applicable laws and regulations. It is my understanding that there may also be Departmental regulations on this obligation. If a Department of the Navy attorney learns of improper activities by an official who has sought his or her legal advice but is unwilling to follow it, the attorney should immediately notify his or her legal supervisor (or the senior lawyer in the next higher level of his or her organization) for review and appropriate action by that higher level attorney.

Question. Do you believe that the present limits on pro bono activities of government attorneys are generally correct as a matter of policy or does the policy need to be reviewed and revised?

Answer. To my knowledge, the present limits on pro bono activities are appropriate. If confirmed, I will encourage attorneys of the Department of the Navy to participate in bar association activities for their professional development.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of the Navy provide adequate guidance?

Answer. If confirmed, I will examine the adequacy of the professional responsibility rules for attorneys in the Department, and make appropriate modifications or issue supplemental guidance, if warranted.

LITIGATION INVOLVING THE DEPARTMENT OF THE NAVY

Question. What is your understanding of the relationship between the Department of the Navy and the Department of Justice with respect to litigation involving DOD?

Answer. The Department of Justice has statutory responsibility to represent the United States, its agencies, and its officers, including DOD, in all litigation matters. Department of the Navy attorneys will assist counsel at the Department of Justice in cases in which the Department of the Navy is a party or has an interest.

Question. In your view, does the Department need more independence and resources to conduct its own litigation or to improve upon its current supporting role?

Answer. I am currently not aware of the need for more independence or resources to conduct litigation, but, if confirmed, I will review this issue.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate. Military and civilian leaders in DOD have consistently articulated their support for accession to the Convention and have stressed the benefits for our national security.

What are your views on accession by the United States to UNCLOS?

Answer. I support U.S. accession to the UNCLOS. It is my understanding that there are important national security interests furthered by U.S. accession and that this is a priority of the Secretary of the Navy, the Chief of Naval Operations, and the administration.

Question. From a national security standpoint, what do you see as the legal advantages and disadvantages of the United States being a party to UNCLOS?

Answer. It is my understanding that the UNCLOS secures important rights relating to the freedom of navigation. Failure to be a party to the Convention forces the United States to rely solely upon customary international law to enforce our views relating to international law.

Question. During testimony before the Senate Armed Services Committee in June 2009, Secretary Mabus stated his strong support for U.S. accession to UNCLOS.

What do you see as the role of the General Counsel of the Department of the Navy in the accession process?

Answer. It is my understanding that the Judge Advocate General of the Navy has primary responsibility for advising the Secretary on the UNCLOS. The Judge Advocate General of the Navy has the responsibility within the Department to report directly to the Secretary of the Navy on international law as well as matters associated with military operations. As such, if confirmed, I would expect that the General Counsel's primary responsibility will be to assist the Judge Advocate General of the Navy and the Secretary of the Navy in developing their strategy to support the accessions process.

Question. If confirmed, what should you do to support and advance the Navy Secretary's desire to join UNCLOS?

Answer. If confirmed, I will work directly with the Secretary of the Navy and provide the guidance and support that he deems necessary to advance his desire for accession to the UNCLOS.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of the Navy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR ROLAND W. BURRIS

GENERAL COUNSEL'S ROLE IN CONTRACTING ABUSE

1. Senator BURRIS. Mr. Oostburg Sanz, what role should the general counsel play in addressing allegations of fraud and abuse of contracting for the wars in Iraq and Afghanistan?

Mr. OOSTBURG SANZ. Fraud and abuse in Department of Defense contracting hampers the ability of the warfighter to accomplish mission objectives effectively and efficiently. Such attenuation is particularly unacceptable during contingency operations and merits the full attention of senior leaders.

With regard to the wars in Iraq and Afghanistan, although the U.S. Army is the executive agent for contracting in those theaters, the General Counsel of the Department of the Navy plays a critical role in addressing fraud and abuse in contracting there. It is my understanding that allegations of fraud and abuse in contingency contracting in Iraq and Afghanistan involving Department of the Navy personnel and contracts are handled by the Acquisition Integrity Office (AIO) under the direction of the Assistant General Counsel (Acquisition Integrity), a senior executive who reports directly to the General Counsel. AIO works closely with the Naval Audit Service and the Naval Criminal Investigative Service (NCIS) to develop effective approaches to deterring fraud and protecting the Department of the Navy from contractors in the United States and overseas whose conduct has established that they are not responsible business partners. With regard to contingency contracting, I understand that AIO also works closely with the Special Inspector General for Iraq Reconstruction.

If confirmed, combating fraud and abuse in contracting involving the Department of the Navy, particularly as it relates to ongoing contingency operations, will be a priority for me as I supervise the AIO and assist the Under Secretary of the Navy in overseeing the proper operation of the NCIS.

[The nomination reference of Paul Luis Oostburg Sanz follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 20, 2009.

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

Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy, vice Frank R. Jimenez.

[The biographical sketch of Paul Luis Oostburg Sanz, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PAUL LUIS OOSTBURG SANZ

EDUCATION

	Dates Attended	Degree Received	Date Degree Granted
Harvard Law School	Aug. 1995–May 1999	J.D.	~June 1999
Princeton University	Aug. 1994–May 1997	M.P.A.	~June 1997
University of Cape Town, South Africa [1]	~Jan.–Dec. 1990	N/A	N/A
Georgetown University	~Aug. 1988–May 1991	B.S.F.S.	~June 1991
Midwestern State University [2]	~Aug. 1987–May 1988	N/A	N/A

[1] I studied at UCT for 1 year as part of a self-designed study abroad program through Georgetown University. Although I did not receive a degree from UCT, my studies in South Africa helped me satisfy the curricula requirements for obtaining an African Studies Certificate upon graduation from Georgetown University.
[2] I studied at MSU for my freshman year of college before transferring to Georgetown University.

EMPLOYMENT RECORD

	Employer	Dates of Employment
General Counsel	House Committee on Armed Services	Jan. 2007–Present
Democratic Deputy Chief Counsel	House Committee on International Relations	~May 2001–Dec. 2006
Judicial Law Clerk	U.S. District court for the District of Puerto Rico	~Aug. 1999–May 2001
Summer Associate	Wilmer Cutler Pickering	~May 1999–July 1999
Teaching Fellow	Harvard University	~Jan. 19999–May 1999
Research Assistant	Professor Anne-Marie Slaughter	~Fall 1998
Summer Clerk	Treasury Department	~July 1998–Aug. 1998
Summer Associate	Chadbourne & Parke	~May 1998–July 1998
Student Attorney	Harvard Legal Aid Bureau	~Aug. 1997–May 1999
Summer Graduate Fellow	U.S. AID/Maputo, Mozambique	~May 1997–Aug. 1997
Intern	Chief Judge Anne Thompson	~Feb. 1997–May 1997
Graduate Intern	Merrill Lynch	~Oct. 1996–Dec. 1996
Summer Associate	Ropes & Gray	~June 1996–aug. 1996
Graduate Intern	U.S. Embassy/Monrovia, Liberia	~June 1995–Aug. 1995
Project Officer	Joint Center for Political and Economic Studies	~Jan. 1994–July 1994
Volunteer	Peace Corps	~July 1991–Oct. 1993

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Paul Luis Oostburg Sanz in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior

to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Paul Luis Oostburg Sanz, aka Paul L. Oostburg.

2. **Position to which nominated:**
General Counsel, Department of the Navy.

3. **Date of nomination:**
November 20, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 21, 1969; Aguadilla, Puerto Rico.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Tonya T. Robinson.

7. **Names and ages of children:**
Keira Luisa Oostburg, age: 2.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

	Dates Attended	Degree Received	Date Degree Granted
Harvard Law School	Aug. 1995–May 1999	J.D.	June 1999
Princeton University	Aug. 1994–May 1997	M.P.A.	June 1997
University of Cape Town, South Africa [1]	Jan.–Dec. 1990	N/A	N/A
Georgetown University	Aug. 1988–May 1991	B.S.F.S.	June 1991
Midwestern State University [2]	Aug. 1987–May 1988	N/A	N/A
Burkburnett High School	Aug. 1983–May 1987	N/A	N/A

[1] I studied at UCT for 1 year as part of a self-designed study abroad program through Georgetown University. Although I did not receive a degree from UCT, my studies in South Africa helped me satisfy the curricula requirements for obtaining an African Studies Certificate upon graduation from Georgetown University.
[2] I studied at MSU for my freshman year of college before transferring to Georgetown University.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

	Employer	Location of Work	Dates of Employment
General Counsel	House Committee on Armed Services	Washington, DC	Jan. 2007–Present
Democratic Deputy Chief Counsel.	House Committee on International Relations	Washington, DC	~May 2001–Dec. 2006
Judicial Law Clerk	U.S. District Court for the District of Puerto Rico	San Juan, PR	~Aug. 1999–May 2001

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

	Employer	Dates of Employment
Summer Clerk	Treasury Department	~July 1998–Aug. 1998
Summer Graduate Fellow	U.S. AID/Maputo, Mozambique	~May 1997–Aug. 1997
Graduate Intern	U.S. Embassy/Monrovia, Liberia	~June 1995–Aug. 1995
Volunteer	Peace Corps	~July 1991–Oct. 1993

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
N/A.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Maryland Bar.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

N/A.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

John Kerry for President Campaign, Volunteer, 2004.

Bob Menendez for Senate Campaign, Volunteer, 2006.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Barack Obama for President, 2008, $1,750.

John Kerry for President, 2004, $400.

(These contributions include amounts made by my wife Tonya on our behalf. The source for this information is the Federal Election Commission Web site, http://www.fec.gov/, and it is consistent with our recollection.)

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Reginald Lewis Fellowship, Harvard Law School.

John Parker Compton Fellowship, Princeton University.

Edmund A. Walsh Scholarship, Georgetown University.

Magna Cum Laude, Georgetown University.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PAUL LUIS OOSTBURG SANZ.

This 15th day of December, 2009.

[The nomination of Paul Luis Oostburg Sanz was reported to the Senate by Chairman Levin on February 2, 2010, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

[Prepared questions submitted to Jackalyne Pfannenstiel by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of

the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. I believe the Goldwater-Nichols defense reforms have been very effective, and I am not aware of the need for any modifications.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I am not aware of the need for any modifications to Goldwater-Nichols, but if confirmed, I will work with the Secretary of the Navy and Under Secretary of the Navy on any proposed changes that pertain to Navy installations or the environment.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy for Installations and Environment?

Answer. The Assistant Secretary of the Navy (Installations and Environment) formulates policy and procedures for the effective management of the Navy and Marine Corps real property, housing and other facilities; environmental protection ashore and afloat; safety and occupational health for both military and civilian personnel. This position is also responsible for the timely completion of closures and realignments of installations under base closure laws.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I possess extensive experience in the public and private sectors that translates well to the Department of the Navy. From 2004 until the beginning of this year, I served as a commissioner and Chairman of the California Energy Commission, a State regulatory body with authority over power plant licensing, building and appliance efficiency standards, and energy policy development. As a commissioner, my responsibilities included licensing major new power plants for the State. The Energy Commission was the lead environmental agency for these major infrastructure projects and we interacted extensively with the local communities to minimize and mitigate their impacts. Also, I led the development of California's integrated energy policy plan and chaired the Governor's Climate Action Team subgroup on Energy and Land Use. I participated in the creation of California's low carbon fuel standards and spearheaded implementation of the State's solar home initiative, creating a working group comprised of home builders and solar industry companies. Prior to my role at the Energy Commission, I served as an independent energy consultant, providing assistance to wind energy development projects, as well as helping local housing authorities manage energy costs in public housing facilities. Previously, I spent 20 years at Pacific Gas and Electric Company and its parent, PG&E Corporation. In 1987, I was promoted to Vice President of Strategic Planning at PG&E, the first woman to become a corporate officer. In 1988, I led the company's participation in a multi-party energy efficiency collaborative proceeding which produced many of California's innovative regulatory policies promoting energy efficiency and demand response. I am currently a member of the Board of Trustees of Clark University and I chair the committee on university facilities. I am also a Director of Energy Recovery, Inc., a company that makes efficient flow devices for seawater desalination plants.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Navy for Installations and Environment?

Answer. I am confident that there is much that I can do to enhance my abilities to perform the duties of the Assistant Secretary of the Navy for Installations and Environment. If confirmed, I will seek to learn more about the individual facilities within my purview, as well as the different requirements associated with military construction. Using my significant managerial experience, I would expect to parlay the expertise and views of those within the Department of the Navy, as well as those of the Secretary of Defense and the other Military Departments, to develop efficient and effective policies for the Department's use of our installations and the environment. If confirmed, I will also seek and listen to the advice and counsel of Congress, and the communities in which we operate, to find ways to be the best steward of the Department of the Navy's properties.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Navy would prescribe for you?

Answer. If confirmed, I would expect the Secretary of the Navy to prescribe the duties and functions stated above. Additionally, I would expect that the Secretary will request that I rely upon my years of experience in the area of energy development, policy and management to assist him in meeting the aggressive energy goals he recently laid out for the Department, including increasing our use of alternative energy and sailing the "Great Green Fleet."

RELATIONSHIPS

Question. If confirmed, what would be your professional relationship with:

The Secretary of the Navy.

Answer. If confirmed, I will seek to carry out the goals and priorities of the Secretary of the Navy.

Question. The Under Secretary of the Navy.

Answer. If confirmed, I will work directly with the Under Secretary and seek his counsel and guidance as I work to support his efforts to carry out the goals and priorities of the Secretary of the Navy.

Question. The Chief of Naval Operations.

Answer. If confirmed, I will provide the support that the Chief of Naval Operations requires to execute his duties and responsibilities and achieve the mission of the Navy.

Question. The Commandant of the Marine Corps.

Answer. If confirmed, I will provide the support that the Commandant requires to execute his duties and responsibilities and achieve the mission of the Marine Corps.

Question. The Deputy Under Secretary of Defense for Installations and Environment.

Answer. If confirmed, I will work with the Deputy Under Secretary of Defense for Installations and Environment to develop and execute the policies and initiatives of the President, the Secretary of Defense, and the Secretary of the Navy.

Question. The other Assistant Secretaries of the Navy.

Answer. If confirmed, I will work as part of the team to ensure that we present the best collaborative approach to supporting the goals and priorities of the Secretary of the Navy.

Question. The Assistant Secretaries of the Army and Air Force for Installations and Environment.

Answer. If confirmed, I will work closely with the Assistant Secretaries of the Army and Air Force for Installations and Environment to strengthen the cooperation between the Services. I will work to foster a cordial and productive working relationship with these colleagues.

Question. The General Counsel of the Navy.

Answer. If confirmed, I will work closely with the General Counsel of the Navy to ensure that the programs we execute, and the policies we develop are consistent with the law.

Question. The Judge Advocate General of the Navy.

Answer. If confirmed, I will work closely with the Judge Advocate General of the Navy to ensure that the programs we execute and the policies we develop are consistent with the areas of law contained within his purview. I would also expect to work directly with the Judge Advocate General of the Navy on areas of mutual interest.

Question. The Director of Naval Energy Policy.

Answer. If confirmed, I will work with the Director of Naval Energy Policy to identify and implement policies and practices that best support the needs of the Department of the Navy.

Question. Commander, Naval Facilities Engineering Command.

Answer. If confirmed, I will work with the Commander, Naval Facilities Engineering Command to identify and implement policies and practices that best support the needs of the Department of the Navy.

Question. Commander, Navy Installations Command.

Answer. If confirmed, I will work with the Commander, Navy Installations Command to identify and implement policies and practices that best support the needs of the Department of the Navy, our sailors, marines, and their families.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that confront the Assistant Secretary of the Navy for Installations and Environment?

Answer. There are many significant challenges confronting the next Assistant Secretary of the Navy for Installations and Environment. The most significant of these

includes the Guam military construction projects; the completion of all Base Realignment and Closure (BRAC) 2005 actions prior to the statutory deadline, ensuring that the Department of the Navy has the right infrastructure at the right time for the right cost to support the country's warfighters and their families, and establishing the programs necessary to meet the Department's aggressive energy goals.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan to work closely with Congress, the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, the Deputy Under Secretary of Defense (Installations and Environment), as well as other governmental and nongovernmental organizations to devise practicable solutions to address these challenges and maximize successful outcomes for all parties involved.

Question. What do you consider to be the most significant problems in the performance of the functions of the Assistant Secretary of the Navy for Installations and Environment?

Answer. I am not aware of any significant problems in the performance of the functions of the Assistant Secretary of the Navy for Installations and Environment.

Question. If confirmed, what management actions and timelines would you establish to address these problems?

Answer. If confirmed, I will work closely with the Secretary and the Under Secretary of the Navy to develop a strategic plan to address significant problems that arise.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy for Installations and Environment?

Answer. If confirmed, I will establish priorities consistent with those of the President, the Secretary of Defense, and the Secretary of the Navy. In broad terms, I will assist the Secretary of the Navy in meeting the aggressive energy goals he recently laid out for the Department, work closely with Members of Congress and State and local officials and the public to remain fully transparent when considering projects and processes with environmental impacts, and seek to allocate funding to develop the right infrastructure at the right time at the right cost to support our warfighters and their families.

Question. Do you have any specific plans to help improve the quality of life for Navy and Marine Corps families who are under considerable strain as a result of repeated deployments?

Answer. Not at this time, but having grown up in a Navy town, I am very aware of the tremendous sacrifices made by Navy and Marine Corps families. If confirmed, I will be committed to identifying and implementing quality of life initiatives.

Question. The Assistant Secretary of the Navy for Installations and Environment has responsibility for, among other things, two largely distinct programs—the military construction program and the environmental program.

In the competition for resources inherent in the Defense Department budget process, which of these two major programs do you believe should have priority in terms of funding? Why?

Answer. Military construction programs and environmental programs are not mutually exclusive. Although they would certainly compete for the same limited resources, the development of these programs must be done in conjunction with each other. All military construction is predicated upon sound environmental planning. Accordingly, these two programs must work hand-in-hand to further the strategic vision and goals of the Secretary of the Navy.

MILITARY CONSTRUCTION

Question. Over the last several years, the Department of the Navy has had an increasingly larger share of the Defense Department's overall military construction (MILCON) program. Initiatives related to growing the Marine Corps and the relocation of marines from Okinawa to Guam will consume much of the growth over the next several years.

In addition to those initiatives, which are largely externally driven, what would be your highest priorities, if confirmed, for allocating military construction funding for the Department of the Navy over the next several years?

Answer. If confirmed, I will seek to allocate funding to develop the right infrastructure at the right time at the right cost to support our warfighters and their families.

Question. Do you think these initiatives will consume so much of the Department of the Navy MILCON budget that it will crowd out other programs such as housing ashore for shipboard sailors, and other quality of life programs for sailors, marines, and their families?

Answer. Although we find ourselves in an austere fiscal environment, I am cautiously optimistic that we will be able to meet all of these challenges.

GUAM

Question. Over the next several years one of the Department of the Navy's most significant MILCON investments will be in the relocation of 8,000 marines and their families from Okinawa to Guam. There are a number of provisions enacted in the National Defense Authorization Act (NDAA) for Fiscal Year 2010 related to this Guam realignment.

Does the flexibility included in these provisions provide the Secretary of the Navy with the necessary authorities to occupy the Futenma Replacement Facility on Okinawa, establish special purpose entities to construct infrastructure projects, and provide the necessary labor force to complete the $4 billion construction program on Guam?

Answer. I have not had an opportunity to develop a thorough understanding of the issues associated with the relocation of marines and their families from Okinawa to Guam. From the information that I have seen at this point, I generally believe that the Department of the Navy is moving along the right track and that the law has provided the Department significant flexibility.

Question. When will the Department of the Navy provide the Senate Armed Services Committee with the Guam Master Plan so that the costs and timing of construction contracts for the entire project will be totally transparent?

Answer. My understanding is that the Department will be able to provide the Guam Master Plan after the Draft Environmental Impact Statement (DEIS) is released, currently expected to be in the summer of 2010.

Question. What is your understanding of when the Department of the Navy anticipates that the Record of Decision (ROD) for the Guam Environmental Impact Statement will be signed?

Answer. I understand that the Department plans to release the ROD in the summer of 2010.

OUTLYING LANDING FIELD

Question. The Department of the Navy has been actively engaged for a number of years in seeking another Outlying Landing Field (OLF) to augment Naval Auxiliary Landing Field Fentress in support of flight operations at Naval Air Station Oceana and Naval Station Norfolk.

What is your understanding of the current status of the Environmental Impact Statement (EIS) for the OLF?

Answer. It is my understanding that the Navy has delayed the release of the DEIS for the Outlying Landing Field and that the Outlying Landing Field timeline will now coincide with the commencement of the EIS process for homebasing of the F–35C Navy Joint Strike Fighter.

Question. When do you anticipate the ROD will be signed for that EIS?

Answer. I believe that the Outlying Landing Field ROD will be signed upon completion of the EIS process, in accordance with the National Environmental Policy Act.

Question. Based on your understanding of the process, when would you expect the Department of the Navy to request funds for any land acquisition associated with the process?

Answer. I do not have that information, but I would expect that this is being discussed as part of the Department of Defense's (DOD) budget planning for submission in the fiscal year 2010 budget.

BASE CLOSURE AND REALIGNMENTS

Question. The 2005 Defense BRAC process is currently underway.

What do you see as the roles and responsibilities of the Department of the Navy in implementing BRAC decisions?

Answer. I believe the Department of the Navy's primary responsibility is to ensure that we comply with all BRAC statutory requirements.

Question. What would your role be, if confirmed, in carrying out these responsibilities?

Answer. If confirmed, I will serve as the Department of the Navy's primary senior leader charged with meeting our BRAC responsibilities. Accordingly, I will work

closely with Congress, the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, the Deputy Under Secretary of Defense (Installations and Environment), as well as other governmental and non-governmental organizations as appropriate in order to execute these statutory requirements.

Question. If confirmed, what priorities would you set for the process of disposal of any property at Navy and Marine Corps bases affected by BRAC decisions?

Answer. If confirmed, I believe my top priority is to meet the statutory deadline of 2011. It is my desire to implement BRAC decisions in a timely and fiscally responsible manner while working with environmental regulators and local communities to expedite environmental clean-up and disposal of the property.

Question. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active and decisive role in the reuse of property.

In your view, what are the roles and responsibilities of the Department of the Navy within the 2005 BRAC property disposal process with respect to working with local communities?

Answer. I believe that the Department of the Navy is responsible for working with local communities to ensure an orderly and transparent transition from public ownership to private ownership.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. If confirmed, I would seek to optimize re-use opportunities for affected communities and advocate for transitions that are as seamless and timely as allowed under current law.

Question. In your opinion, is the Department of the Navy moving aggressively enough to implement the joint basing agreements that were mandated by BRAC 2005?

Answer. I have not been made aware of all of the Department's implementation plans. I would expect that the Department is moving forward with the other Military Services on an aggressive timeline to implement joint basing as mandated by BRAC 2005. If confirmed, I will review this progress and ensure that the Navy is moving as aggressively as possible.

Question. What do you see as the main concerns related to the implementation of BRAC-directed joint basing agreements?

Answer. I believe the main concerns are implementing these agreements in accordance with BRAC timelines and making sure that common levels of support are provided to our warfighters and families that live and work on our bases.

Question. Will the Department of the Navy have any trouble finishing the BRAC 2005 round on time?

Answer. I expect that the Department of the Navy has an aggressive set of plans and milestones to implement BRAC 2005, and it is my understanding that the Department is on track to meet the 2011 statutory deadline.

Question. Although the Department of the Navy has made good progress in turning over properties from prior rounds of BRAC to local communities, there remain several properties that are both valuable and problematic. Congress provided new authority in the NDAA for Fiscal Year 2010 aimed at expediting the process and at removing legislative impediments that have caused friction between the Department and local communities.

Do you believe that those new authorities will be sufficient to jump start these long stalled negotiations?

Answer. I understand that there are a number of conveyances that have been delayed for long periods of time. I believe that there now exists an appropriate "toolbox" of authorities to help convey all BRAC property.

Question. What is a reasonable period of time to show substantial progress?

Answer. I have not had an opportunity to review the status of all conveyances, so I am unable to make such an assessment; however, if confirmed, I will study each conveyance—particularly those at critical stages of negotiation—to set forth a reasonable period of time to show substantial progress.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in the past have testified that the Military Services under-invest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of under-investment in DOD installations has led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and

made it harder to take advantage of new technologies that could increase productivity.

If confirmed, what recommendations would you have for restoring and preserving the quality of our infrastructure?

Answer. I have not had an opportunity to study what new approaches might benefit the Department of the Navy's ability to restore and preserve infrastructure. If confirmed, I will closely examine the way that we manage our inventory, and will work with the Secretary of the Navy and the Chief of Naval Operations to make sure the quality of our infrastructure is the highest possible.

Question. This underinvestment in infrastructure is particularly acute in naval shipyard facilities. If confirmed, how do you plan on addressing this shortfall?

Answer. I have not had an opportunity to study the extent of the investment in our naval shipyard facilities. If confirmed, I will work closely with ASN (RD&A) and the Chief of Naval Operations to develop a plan for addressing this matter.

ENHANCED USE LEASES

Question. Congress has provided the authority for each of the Service Secretaries to lease underutilized non-excess property and to use revenues generated by those leases to enhance infrastructure and operating costs on those installations. This so-called "enhanced use lease" (EUL) authority is being used in different ways and for different purposes by each of the Military Departments.

What is your understanding of the EUL authority?

Answer. My understanding is that the enhanced use lease authority is a valuable tool in the Department's infrastructure management toolbox. My understanding is that the Navy can use this authority to partner with industry and the outside community to maximize the use of Department property.

Question. What do you see as the future of the Department of the Navy's EUL program?

Answer. I understand that there are several promising EUL opportunities that the Department of the Navy is currently examining.

Question. What Navy and Marine Corps EUL projects do you see as most viable in the near term?

Answer. Because I am not aware of all the current projects or those projects being considered, I could not identify the most viable in the near term. If confirmed, I would need to examine all of our projects more fully before making such an assessment.

Question. If confirmed, what will be the main concentration of the EUL program?

Answer. Broadly speaking, if confirmed, I will utilize the EUL program to ensure our warfighters and their families have the highest quality environment in which to live and work and that the Department's real estate is put to the highest valued uses.

Question. Will you consider the authority to provide support to energy initiatives?

Answer. If confirmed, I would consider this authority for a wide range of uses, including energy initiatives. I believe that the enhanced use lease authority appears well suited to putting energy initiatives in place at many bases around the world.

Question. Will you continue to focus on the construction of facilities and in-kind reimbursement to base operating costs?

Answer. I understand that accepting construction of facilities and in-kind reimbursement to base operating costs is a proven way to structure lease consideration, but each EUL proposal is different. If confirmed, I will be open to considering any package that makes a specific proposal work.

Question. The Congressional Budget Office has expressed concern that EUL authority could be used to acquire expensive facilities through long-term leases that commit DOD to make payments (rather than receiving payments) over an extended period of time.

Do you believe that it would be appropriate to use EUL authority to commit future-years DOD funds for long-term projects to acquire facilities that have not received approval through the normal budgeting process?

Answer. I have not yet had an opportunity to study this issue, but if confirmed, I certainly will do so.

Question. If confirmed, how would you address proposals to use EUL authority in this manner?

Answer. Since I have not had an opportunity to study this issue, I do not know how I would address such proposals if confirmed.

BASE OPERATING SUPPORT

Question. What is your understanding of the base operating support requirements of the Department of the Navy and Marine Corps?

Answer. My understanding is that the base operating support requirements of the Department of the Navy are critical to the overall mission readiness of our Navy and our Marine Corps. These requirements enable a wide spectrum of support programs and initiatives ranging from the energy that runs our bases to the child care centers that look after our family members.

Question. In your view, is the Department of the Navy receiving adequate funding for base operating support?

Answer. I have not had an opportunity to review base operating support funding in detail, so I cannot make specific judgments or assessments about the adequacy of funding for such a large and complex set of requirements. If confirmed, I will closely examine funding levels to ensure the highest quality living and working conditions for our sailors, marines, and their families.

Question. How might the Department of the Navy distribute base operating funds to best ensure sound investment of constrained resources?

Answer. I do not yet have an understanding of the options available to distribute base operating funds. If confirmed, I am committed to learning the methods and processes we have in place across the Department to guide our investment decisions and our distribution of resources.

FAMILY HOUSING AND PRIVATIZATION

Question. In recent years, DOD and Congress have taken significant steps to improve family housing. The housing privatization program was created as an alternative approach to speed the improvement of military family housing and relieve base commanders of the burden of managing family housing. If confirmed for the position of Assistant Secretary of the Navy for Installations and Environment you will have a key role in decisions regarding military family housing.

What are your impressions of the overall quality and sufficiency of Navy and Marine Corps family housing both in the United States and abroad?

Answer. My initial overall impressions of the quality and capacity of family housing are extremely positive. I've seen that the Department of the Navy has taken huge strides in just the past few years to improving the quality and amount of our housing inventory.

Question. What are your views regarding the privatization of family housing?

Answer. I understand that family housing privatization has been a great success story that has allowed the Department to partner with private industry to leverage their expertise and market incentives for the benefit of our sailors, marines, and their families.

Question. What is your view of the structure and general goals of the Department of the Navy's current housing privatization program?

Answer. I believe the structure and general goals of the Department's housing privatization program are sound.

Question. Do you believe the housing program should be modified in any way? If so, how?

Answer. I am not currently aware of any necessary modifications to the housing program.

ENVIRONMENTAL RESTORATION

Question. Over the past several years, the Department of the Navy's environmental restoration budget request has been trending down from about $300 million in 2008 to just under $286 million for 2010 despite the fact that the Department of the Navy still has substantial cleanup obligations.

What do you see as the main priorities for clean-up within the Department of the Navy program?

Answer. The Department of the Navy's priorities for clean-up are established by the Secretary of the Navy, and, if confirmed, I will work closely with the Secretary to ensure that those priorities are implemented.

Question. What will you do to ensure that adequate funding is requested and received so that clean-ups under the Installation Restoration Program and under the Military Munitions Remediation Program continue apace?

Answer. If confirmed, I will ensure that I fully understand the clean-up priorities, as established by the Secretary of the Navy, and will work with the Secretary, as well as Members of Congress, to ensure that adequate funding for clean-up is both requested and received.

Question. In August 2009, the Deputy Under Secretary of Defense for Installations and Environment signed a memorandum that sets forth the benefits of green and sustainable remediation practices and encourages the military departments to consider and implement such strategies where appropriate. The Department of the Navy continues to employ dig and haul strategies at large cleanup sites. One such site is Camp Pendleton's Stuart Mesa, a 400-acre site at which bioremediation was considered but rejected in favor of digging up, removing and disposing of the contaminated soil.

What is your view of bioremediation technologies and other sustainable remediation strategies, in general?

Answer. I believe bioremediation is an exciting possibility which, as it continues to be developed, could present a viable alternative to current "dig and haul" techniques. It is my understanding that the bioremediation project at Stuart Mesa was not as effective as hoped. As bioremediation technologies continue to be developed, however, I am hopeful that they can attain a level of effectiveness where they can be employed more widely.

Question. If confirmed, what will you do to ensure the Department of the Navy actively considers and implements green and sustainable remediation strategies where appropriate?

Answer. If confirmed, I will weigh all viable options when considering clean-up technologies. The priority is to ensure a safe and effective restoration of the site, and if green and sustainable strategies prove to be effective, they should be considered as viable alternatives.

PAST WATER CONTAMINATION AT CAMP LEJEUNE

Question. For more than 10 years, the Department of the Navy has been trying to understand and resolve issues associated with past water contamination suspected at Camp Lejeune in North Carolina. However, aspects of this matter remain unresolved, including the nature and extent of various scientific studies into the potential human exposure.

If confirmed, what will you do to help ensure that all reasonable actions are taken to resolve this matter as expeditiously as possible?

Answer. The Department of the Navy is committed to ensuring the health and safety of all its personnel—both past and present. I know that the Department has commissioned numerous scientific studies to inquire into a possible connection between past water contamination at Camp Lejeune and health issues of personnel who served there. I have not, however, been made privy to their results. If confirmed, I will ensure that the Department, using the information from these studies, acts promptly and in accordance with all applicable laws to resolve this important matter.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. Encroachment by commercial and residential development on military installations has negatively impacted Navy and Marine Corps operations at military airfields and training ranges and, as has been seen with Navy efforts to locate a new Outlying Landing Field on the east coast, development of new facilities can be problematic.

What do you see as the main constraints on the Department of the Navy's ability to use its facilities, including training ranges?

Answer. I am not aware of any constraints on the Department of the Navy's ability to use its facilities. I believe that the Department has completed or is completing EISs for its training ranges, and that these ranges are operated in accordance with the results.

Question. If confirmed, what policies or steps would you take to curtail the negative impacts on operations and training resulting from encroachment?

Answer. If confirmed, I would work closely with Federal, State, and local entities to ensure that the needs of the Department are properly balanced against the needs of local communities adjacent to our installations.

Question. How can the Department of the Navy address the issues of encroachment around its bases in the United States, particularly with respect to encroachment caused by residential development?

Answer. I believe the Department of the Navy must take a two-pronged approach to addressing issues of encroachment around its bases. First, it is important to communicate concerns with local communities. Second, where appropriate, the Department should seek to purchase additional land surrounding its bases.

ENERGY POLICY

Question. In October 2009, Secretary Mabus announced various energy goals for the Department of the Navy including the creation of a "Green Strike Group" composed of nuclear vessels and ships powered by biofuels by 2012 and deploying that fleet by 2016; by 2015, reducing petroleum use in its 50,000 commercial vehicle fleet by 50 percent; producing at least half the shore-based energy requirements from renewable sources, such as solar, wind and ocean generated by the base; and by 2020, ensuring at least 40 percent of the Department of the Navy's total energy consumption comes from alternative sources.

If confirmed, what would your responsibilities be for setting and implementing energy policy within the Department?

Answer. If confirmed, my responsibilities would be to support the Secretary's Navy Energy Office and work towards meeting the Secretary's aggressive energy goals, particularly those goals regarding shore-based energy use.

Question. What do you see as the advantages and disadvantages of Secretary Mabus' goals, including the implications for Department of the Navy's overall budget both in the near term and over time?

Answer. I believe that the Secretary's aggressive energy goals can provide the entire Department with a clear line of sight, a clear objective, and a powerful leadership mandate in the energy arena.

Question. What renewable technologies and fuel types have the most potential for certification and use by aircraft?

Answer. I do not have enough information at this time to know what renewable technologies and fuel types have the greatest potential in an aviation setting. If confirmed, I will closely examine this issue.

Question. With respect to aviation fuel requirements, what examples, if any, can you provide of policies or initiatives currently in practice that both conserve fuel use and cost while balancing appropriate readiness levels and pilot training requirements?

Answer. I am aware that the Department is working on the development of the use of alternative fuels for certain aircraft. I do not, however, have enough information at this time to provide in-depth analysis of this program.

Question. What is your view of the adequacy of Department of the Navy funding to meet statutory and regulatory energy conservation goals?

Answer. I know that statutory and regulatory conservation goals help the Department reduce energy costs; however, I have not had an opportunity to study funding levels. If confirmed, I will review funding levels with a specific eye toward meeting these goals.

Question. Do you believe that significant additional funding will be needed in future years to meet such goals?

Answer. I do not know the current funding levels and I have not been privy to all of the future initiatives under consideration by Secretary Mabus. If confirmed, I will aggressively review this data and would ensure that the necessary funding is available to meet these goals.

Question. What is your view of the utility of algae fuels and what concerns do you have about their use for the "green fleet"?

Answer. I am excited about the possibilities associated with the use of algae fuels, but I have not studied the practical application of this alternative energy source for the "Great Green Fleet." If confirmed, I will study this innovative concept.

Question. What is your view of the risks of biofueling for algae fuels and the relative low fuel density of such fuels, compared to currently-used diesel fuels?

Answer. I have not had an opportunity to study these risks, but if confirmed, will do so.

IMPLICATIONS OF CLIMATE CHANGE

Question. What do you see as the national security implications of climate change for the United States?

Answer. I know that the Department of the Navy, through the Task Force on Climate Change, is studying the issue of climate change and its potential effects on national security. One area identified as having possible national security implications is how the reduction of sea ice in the Arctic will allow for shipping to pass through the Arctic.

Question. What do you believe will be the impact of climate change on the Navy and Marine Corps mission?

Answer. The impact of climate change upon the mission of the Navy and Marine Corps would clearly be dependent upon the severity of the problem. If climate

change results in significant sea level rise, some of our shoreline facilities may be negatively impacted.

DEPARTMENT OF THE NAVY LABORATORY AND TEST CENTER RECAPITALIZATION

Question. There has been concern over the adequacy of recapitalization rates of the Department's laboratory facilities and test centers. Historically, Navy technical centers, laboratories, and test centers do not appear to have fared well in the internal Navy competition for limited military construction and facility sustainment funds.

What metrics would you use to assess the amount of investment in the recapitalization of Navy technical centers, laboratories, and test centers to determine its adequacy?

Answer. This is a complicated matter. The recapitalization rates issue extends beyond an investment in infrastructure, because it has a direct bearing on other areas in the Secretariat, most notably Research Development and Acquisition (RD&A). I have not had an opportunity to assess the amount of investment required, but if confirmed, I will closely examine the issue and work directly with the Under Secretary and Assistant Secretaries to determine the appropriate metrics to use.

Question. How would you propose to address this recapitalization issue for the Navy technical centers, laboratories, and test centers?

Answer. I have not had an opportunity to study the recapitalization issue, but if confirmed, I will work with ASN (RD&A) and other stakeholders to ensure we properly recapitalize our technical centers, laboratories, and test centers.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy for Installations and Environment?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR KAY HAGAN

CAMP LEJEUNE

1. Senator HAGAN. Ms. Pfannenstiel, on December 14, the Director of the Agency for Toxic Substances and Disease Registry (ATSDR) sent a letter to Acting Assistant Secretary of the Navy for Installations and Environment regarding its fiscal year 2010 Annual Plan of Work for Camp Lejeune. Gaps in funding remain, in particular the mortality study proposed by ATSDR. The letter represents the final step in the dispute resolution section of the Memorandum of Understanding between the Department of the Navy and ATSDR. ATSDR is the Government agency responsible for assessing the presence and nature of health hazards at Environmental Protection Agency (EPA) National Priority List sites, such as Camp Lejeune. Congressional Research Service (CRS) environmental law experts add that the Navy and Marine Corps are obligated under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to fund all human health studies proposed by ATSDR with respect to water contamination around Camp Lejeune—this includes the mortality study, despite the fact that it was not specified in the National Defense Authorization Act for Fiscal Year 2008. Recently, Senators Burr, Bill Nel-

son, LeMieux, and I sent a letter to Secretary of the Navy Raymond Mabus urging the Navy to fully fund the mortality study. The mortality study is the least expensive of all of ATSDR's proposed studies at Camp Lejeune ($1.8 million). It is also essential to the scientific validity of the health survey in order to understand whether Camp Lejeune residents were adversely affected by exposure to contaminated water. What steps will you take to work with the North Carolina and Florida Senators to consider funding the mortality study?

Ms. PFANNENSTIEL. I have not had an opportunity to be thoroughly briefed on this issue. If confirmed, I would welcome the opportunity to work with these Senators in conjunction with the scientists currently working on this matter.

QUESTIONS SUBMITTED BY SENATOR ROLAND W. BURRIS

ENVIRONMENTAL CONCERNS

2. Senator BURRIS. Ms. Pfannenstiel, what do you foresee will be your working relationship with the EPA and other State regulatory agencies?

Ms. PFANNENSTIEL. If confirmed, I plan to continue the collaborative relationships we have with EPA and the State regulatory agencies to jointly develop solutions to sustain and improve our environment while preserving the Department's ability to train the warfighter.

3. Senator BURRIS. Ms. Pfannenstiel, once the scientific studies for water contamination at Camp Lejeune have been completed, what type and level of information-sharing will you do with those affected by the contamination and the Secretary of Veterans Affairs?

Ms. PFANNENSTIEL. If confirmed, I intend to provide the broadest dissemination possible of this information.

[The nomination reference of Jackalyne Pfannenstiel follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
December 3, 2009.

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

Jackalyne Pfannenstiel, of California, to be an Assistant Secretary of the Navy, vice Buddie J. Penn.

[The biographical sketch of Jackalyne Pfannenstiel, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JACKALYNE PFANNENSTIEL

EDUCATION

Clark University, Worcester, MA, Bachelor of Arts, Economics, 1969
University of Hartford, West Hartford, CT, Master of Arts, Economics, 1978

EMPLOYMENT RECORD

Consultant, Self-employed, Piedmont, CA, 01/09–Present
Commissioner and Chairman, California Energy Commission, Sacramento, CA, 05/04–01/09
Consultant, Self-employed, Piedmont, CA, 01/01–05/04
Vice President, PG&E Corporation, San Francisco, CA, 07/80–12/00
Economist, California Public Utilities Commission, 02/78–06/80
Economist, Connecticut Public Utilities Commission, 10/74–01/78
Statistician, Connecticut Department Social Services, 07/70–10/74
Teacher, The Stockbridge School, 01/70–06/70
Substitute Teacher, 09/69–01/70

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Jackalyne Pfannenstiel in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jackalyne Pfannenstiel.

2. **Position to which nominated:**
Assistant Secretary of the Navy for Installations and Environment.

3. **Date of nomination:**
December 3, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 7, 1947; Norwich, CT.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
Matthew Richard Deutsch, age 26.
Steven Randolph Deutsch, age 19.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Norwich Free Academy, Norwich, CT, 1961–1965, High School Diploma, 1965
Clark University, Worcester, MA, 1965–1969, BA, Economics, 1969
University of Hartford, West Hartford, CT, 1974–1978, MA, Economics, 1978

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Consultant, Self-employed, Piedmont, CA, 01/09–Present
Commissioner and Chairman, California Energy Commission, Sacramento, CA, 05/04–01/09
Consultant, Self-employed, Piedmont, CA, 01/01–05/04
Vice President, PG&E Corporation, San Francisco, CA, 02/87–12/00

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

City of Piedmont, City Center Advisory Committee, 2000–2001

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Trustee, Clark University, Worcester, MA
Director, Energy Recovery Inc., San Leandro, CA
Consultant, San Francisco-Shanghai Sister City Committee, San Francisco, CA

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

May 2005, California League of Conservation Voters, $250
July 2005, Democratic National Committee, $100
November 2005, Bob Foster for Mayor (Long Beach), $250
March 2006, Ignacio De La Fuente for Mayor (Oakland), $100
April 2006, Bob Foster for Mayor (Long Beach), $250
May 2006, Diane Feinstein for Senate, $100
June 2006, Jerry Brown for Attorney General, $1,000
October 2006, John Garamendi for Lieutenant Governor, $250
May 2007, Carol Liu for State Senate, $500
July 2007, Barack Obama for President, $1,000
June 2008, Solidarity PAC, $500
August 2008, Barack Obama for President, $2,300
June 2009, Equality California, $173

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Clark University, 4-year scholarship, 1965–1969.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"Mandating Demand Response," Public Utilities Fortnightly, January 2008 (with Ahmad Faruqui)

"Integrated Energy Policy Report," California Energy Commission, 2007 (Lead Commissioner)

"Energy-efficient Buildings," Voter, League of Women Voters of California, winter 2006

"Implementing Marginal Cost Pricing in the Electric Utility Industry," Applications of Economic Principles in Public Utility Industries. University of Michigan, 1981

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

While I have given talks and presentations on energy matters over the past 5 years, few have been formal speeches and none have been written. Most have been done using Power Point slides and a few, with notes, absent slides.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JACKALYNE PFANNENSTIEL.

This 15th day of December, 2009.

[The nomination of Jackalyne Pfannenstiel was reported to the Senate by Chairman Levin on February 2, 2010, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 4, 2010.]

[Prepared questions submitted to Dr. Donald L. Cook by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and functions of the Deputy Administrator for Defense Programs?

Answer. The Deputy Administrator for Defense Programs is primarily responsible for maintaining a safe, secure, and effective nuclear weapons stockpile. This is accomplished by ensuring the safe and efficient operations of the nuclear weapons complex, and preparing Defense Programs for the future, to include necessary changes in both the nuclear weapons complex and nuclear weapons stockpile in order to meet the challenges of the 21st century.

Question. What background and experience do you possess that you believe qualify you to perform these duties?

Answer. My undergraduate training in Nuclear Engineering at the University of Michigan and graduate training in Plasma Physics at the Massachusetts Institute of Technology gave me an understanding and an appreciation for both the science and the engineering involved in the nuclear weapon program. My entire career has been dedicated to either the U.S. or the United Kingdom (U.K.) nuclear deterrent programs. Up until my most recent assignment, this covered areas of small science, big science, engineering development, major construction projects, infrastructure projects and security investments required to meet an increased threat. From 2006 to 2009, I served as Managing Director and CEO of the Atomic Weapons Establishment (AWE) in the U.K. That assignment gave me a good understanding of manufacturing processes for special material components, qualification for weapon use, assembly, transport, support in service including surveillance, and finally decommissioning, dismantlement, disassembly, and disposal. Communication and productive interaction with the Ministry of Defence (MOD), the local community, nuclear regulatory authorities, and the AWE workforce of employees and contractors was important to success. I believe my experience in both the U.S. and U.K. qualifies me to perform the duties and functions of the Deputy Administrator for Defense Programs.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Deputy Administrator for Defense Programs?

Answer. I trust that my background and experience show me to be appropriately qualified to be the Deputy Administrator for Defense Programs, and I hope the Senate will agree. To enhance my knowledge of the current issues facing Defense Programs, if confirmed, I plan to immediately engage with those people who can help me better understand the complexities and challenges before Defense Programs. This will include meeting with staff and managers in key parts of the program, both at Headquarters and in the field, along with National Nuclear Security Administration (NNSA) and the Department of Energy (DOE) management, key partners such as the Department of Defense (DOD), Defense Nuclear Facilities Safety Board (DNFSB), and Congress. I realize that if I am confirmed, I will be leading an organization with a long history of scientific and technical accomplishments—my immediate challenge will be to learn how I can continue to lead this exceptional group and to help build upon activities and processes that can make the organization even more productive than it is today.

Question. Assuming you are confirmed, what additional or new duties and functions, if any, do you expect that the Administrator of NNSA would prescribe for you other than those described above?

Answer. I am unaware of any additional duties and functions that the NNSA Administrator would prescribe for me. If confirmed, I will work with the Administrator to clarify his expectations and strive to be a valued part of the team.

RELATIONSHIPS

Question. If confirmed, how will you work with the following officials in carrying out your duties:

The Secretary of Energy, Dr. Steven Chu.

Answer. I have great respect for Secretary Chu and look forward to working with him through the NNSA Administrator on Defense Programs issues. The NNSA is fortunate to have a Cabinet Secretary representing the United States in the administration who can understand the technical complexities of nuclear weapons and who can work with the Secretaries of Defense, State, and Homeland Security on cross-cutting interagency issues and policies concerning the Nation's security.

Question. The Deputy Secretary of Energy, Dr. Daniel Poneman.

Answer. The Deputy Secretary serves as the Department's Chief Operating Officer and I expect to have regular interaction on issues that affect both NNSA and other organizations within the Department. From major construction projects to cyber security to pension policies to DOE Orders, there are many issues in which the Deputy Secretary plays a key role. I will also expect to work closely with the Under Secretary of Energy for Science on scientific matters that cross over from NNSA to other parts of the DOE.

Question. The Other Deputy Administrators of the NNSA—NA–20 not nominated; Mr. Ken Baker acting—NA–30 ADM Kirkland Donald, USN.

Answer. The Deputy Administrators for Defense Nuclear Nonproliferation and Naval Reactors would be my peers if confirmed. In my role at the Atomic Weapons Establishment, I had accountability for working in partnership with U.K. Government authorities in response to radiological and nuclear threats to the U.K., and for producing the uranium oxide fuel stock for U.K. Trident submarines, so these areas are not unfamiliar to me. I plan to meet with the Deputies and Associate Administrators to better familiarize myself with the individuals and their specific program responsibilities if confirmed.

Question. The Assistant Secretary of Energy for Environmental Management, Dr. Inès R. Triay.

Answer. The Deputy Administrator for Defense Programs needs to have a special working relationship with the Assistant Secretary for Environmental Management (EM) in ensuring that NNSA supports and facilitates the cleanup of legacy waste and contamination at NNSA sites. As we move towards a smaller stockpile, decrease the number of sites with special nuclear materials, and consolidate these materials across the complex we will need to work hand-in-hand as one Department to meet our goals.

Question. The other relevant Assistant Secretaries of DOE—Patricia Hoffman, Office of Electricity Delivery & Energy Reliability (Acting); Cathy Zoi, Office of Energy Efficiency & Renewable Energy; Dr. James Markowsky, Office of Fossil Energy; Dr. Warren F. Miller, Jr., Office of Nuclear Energy; Betty Nolan, Office of Congressional and Intergovernmental Affairs (Acting); and David Sandalow, Office of Policy and International Affairs.

Answer. I look forward to working with the other Assistant Secretaries within DOE, if confirmed. DOE is a unique place with many talented leaders in both NNSA and other DOE organizations. In order to be most effective there must be close collaboration. As we move towards further diversification at our national laboratories, I see myself working with the Office of Science in particular for the greater good of NNSA, the Office of Science, and the Nation.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics, Dr. Ashton (Ash) Carter.

Answer. The Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L) is the Chairman of the Nuclear Weapons Council (NWC)—focal point for the relationship between DOE and DOD. My role would be to support the NWC collectively by dealing directly with the Under Secretary of Defense (AT&L), the NNSA Administrator (as DOE's voting member to the NWC), and the distinguished members from U.S. Strategic Command, the Office of the Under Secretary of Defense (Policy), and the Vice Chairman of the Joint Chiefs of Staff on all NNSA-specific matters relevant to the NWC. Specifically, I would work with the Under Secretary of Defense (AT&L) by attending NWC meetings and being heavily involved in all NWC matters.

Question. The Under Secretary of Defense for Policy, Ms. Michèle Flournoy.

Answer. The Under Secretary of Defense for Policy is a member of the NWC—focal point for the relationship between the DOE and DOD. While the NNSA Administrator serves as the NWC voting member for DOE and would most likely deal directly with the Under Secretary of Defense (Policy), the Deputy Administrator manages all NNSA issues relating to Defense Programs. Specifically, I would deal directly with the Under Secretary of Defense for Policy on nuclear weapons policy matters, in coordination with the NNSA Administrator.

Question. The Secretaries of the Navy and the Air Force—SECNAV, Mr. Raymond Edwin (Ray) Mabus; and SECAF, Mr. Michael (Mike) Donley.

Answer. Strong partnerships with the Secretaries of the Navy and the Air Force are of vital importance when dealing with issues related to nuclear security and Defense Programs. If confirmed as the Deputy Administrator, I would seek to further cooperative relations with the Secretaries of the Navy and the Air Force to help fulfill the NNSA mission.

Question. The Commander of U.S. Strategic Command, General Kevin (Chili) Chilton.

Answer. The Commander of U.S. Strategic Command is a member of NWC. The NNSA Administrator and I would deal directly with Gen. Chilton, the Commander of U.S. Strategic Command (STRATCOM). The Deputy Administrator is fundamentally important to the Strategic Command relationship for all nuclear weapon program activities. One of the Commander's most important duties related to NNSA is providing the Annual Assessment Report to the President—a candid report on the safety, effectiveness and expected performance of the nuclear weapons stockpile, based on information from Defense Program advisors and the national laboratories. Since the STRATCOM Commander is responsible for deploying the nuclear weapons stockpile Defense Programs and Strategic Command must have a close relationship at many levels. I expect that, if confirmed as the Deputy Administrator for Defense Programs, I would spend a significant amount of time working with the Commander and his staff, particularly during the present period of stockpile changes.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Mr. Michael G. (Mike) Vickers; the Commander of U.S. Special Operations Command (SOCOM), ADM Eric T. Olson, USN.

Answer. Special Operations and Low Intensity Conflict are included in NNSA's overall support to and coordination with the DOD in a number of areas. As part of NNSA's support, Defense Programs provided a full-time resident liaison to Special Operations Command to facilitate its access to the unique capabilities of DOE's national laboratories and to enhance the already close working relationship with DOE and NNSA. If confirmed by the Senate, I will ensure DOE's unique nuclear capabilities, skills and assets are properly available to DOD and other Federal entities.

Question. The Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, Mr. Andrew (Andy) Weber.

Answer. The Deputy Administrator for Defense Programs deals with the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs on a regular basis. The Assistant to the Secretary is the Chairman of the NWC Standing and Safety Committee, the flag officer or Senior Executive Service "working level" group in the NWC system. In this capacity, I would expect to spend time working with the Assistant to the Secretary, particularly during the present period of stockpile changes.

Question. The Director of the Defense Threat Reduction Agency, Mr. Kenneth A. Myers III.

Answer. The Defense Threat Reduction Agency (DTRA) works with the NNSA's Offices of Defense Programs, Defense Nuclear Nonproliferation, and Emergency Operations on a number of issues, ranging from individual weapon system Project Officer Groups to hosting DTRA-sponsored work at NNSA sites and collaborating on nonproliferation issues. If confirmed, I would work directly with the Director of DTRA to further our common goals.

Question. Officials in the Intelligence Community.

Answer. DOE is a member of the Intelligence Community. Within DOE, the Director of the Office of Intelligence and Counterintelligence has primary responsibility for Departmental interactions with the Director of National Intelligence and other Intelligence Community components. I am committed to continuing to revitalize our national laboratories and production plants into a leaner and more cost-effective Nuclear Security Enterprise. However, I am mindful that our design laboratories and production facilities are national assets that support a large number of defense, security, and intelligence activities. As the role of nuclear weapons in our Nation's defense evolves and the threats to national security continue to grow, the focus of this enterprise must also change and place its tremendous intellectual capacity and

unique facilities in the service of addressing other challenges related to national defense. We are taking steps to move in this direction, including functioning as a national science, technology, and systems engineering resource to other agencies with national security responsibilities. Each of the NNSA national laboratories maintains a Field Intelligence Element, responsible for conducting analysis and technical work to fulfill DOE's intelligence responsibilities. The strong collaborative relationship with other elements of the intelligence community, which is already good, will be deepened further by improving access to advanced computational capabilities and special purpose, low-volume manufacturing capabilities existing in NNSA. If confirmed, I will give my strong support to this cooperation and ensure that the Intelligence Community continues to have excellent access to the national security laboratories and other assets of the Office of Defense Programs.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges and problems confronting the Deputy Administrator for Defense Programs?

Answer. In my view, the major challenges confronting the Deputy Administrator for Defense Programs are the changes required in the nuclear weapons stockpile and nuclear weapons complex as both continue to age. While Defense Programs have made significant improvements in meeting near-term commitments, relief on legacy stockpile requirements has not been provided. At the same time, modernization of many nuclear facilities is necessary due to aging of the facilities, the evolution of modern safety standards and the increasing concerns about security of nuclear material. Being requirements driven, NNSA needs to articulate and refine its plans to change the complex in order to support the required stockpile changes, both in the near term of 5 to 10 years and the longer term of 10 to 30 years, even when the details of the future requirements are not known precisely.

Question. What are the operational challenges and problems, including challenges and problems related to safety and security?

Answer. The operational challenges, in my view, stem from the intersection of a lack of detailed knowledge of future requirements and the fact that dealing with anything nuclear involves long time-scales and substantial costs. Therefore there must be a balance between risk, cost, and benefit rather than focusing strictly on the lowest risk path. Without this balance, over time, this leads to risk avoidance, which proves to be very costly, time-consuming, and unproductive. In my view, the major challenges confronting the Deputy Administrator for Defense Programs are how best to deal with a large set of interconnected cost-benefit-risk tradeoffs across a complex that is large, expensive, and old—and in a time when the outputs of the complex are required to change. At the very least, these changes include: (1) progressing to a smaller stockpile; (2) applying recognized—but as yet undeployed—means of improving the safety, security, and effectiveness of warheads without changing military requirements and without recourse to underground nuclear testing; and (3) doing the first and second with a workforce that is nearly completely different from the workforce that put the complex and the stockpile in place. Safety and security must be an intrinsic part of "the job", not add-ons. It is my view that giving the directors of the labs and plants accountability for the "whats"—the outputs, including good safety and security as an inherent part of the job, without instructing them on the "hows"—the process of doing it—i.e., via DOE orders, would improve not only productive work outputs, but also safety and security. This viewpoint is based on personal experience in the United States and the United Kingdom.

Question. Does the fact that production facilities are embedded in the national security laboratories impact your approach for sustaining safety and security?

Answer. No. I believe that the consequences of failure to manage safety and security may be higher in areas that deal with production of special nuclear material components than in Research and Development (R&D), but the consequence of loss of classified information may well be higher in R&D areas than in manufacturing operations. Additionally, the hazards implicit in some R&D operations are just as high as in some manufacturing operations. At AWE, I found it interesting that there were fewer mistakes made in safety in high hazard manufacturing or R&D operations than in lesser hazard manufacturing or R&D operations. Those in the high hazard operations recognized they had to be trained and aware of the consequences, or they would not be able to make it home at the end of the day.

Question. If confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed, I plan to meet the challenges of combining near-term deliverable requirements with longer-term changes to the complex and the stockpile by articulating the common elements of planning scenarios, by setting clear expecta-

tions, and through consistent personal communications. In my years at AWE, neither I nor my executive board had the luxury of "dodging" hard choices because we were accountable for the outputs to MOD in both the near and far terms. If confirmed, I would also continue to strengthen the notion of an integrated nuclear weapons complex where everyone has accomplishment metrics, is rewarded for success, and accountability is clear.

Question. If confirmed, what management actions and timelines would you establish to address these challenges and problems?

Answer. If confirmed, I will commit my personal involvement and that of Defense Programs management to work aggressively with the national security laboratories, production sites, and other interested parties such as Congress, DOD, and the DNFSB to deal with the issues involving managing benefit, risk, and cost across the nuclear weapons complex. I do not yet have a specific timeline in mind with regard to management actions, but I will develop one as soon as I am confident I understand the specific challenges we face collectively and in the individual programs.

Question. If confirmed, what broad priorities would you establish to address the issues that would confront the Deputy Administrator for Defense Programs?

Answer. My highest priorities would be the same as my predecessors have had—to maintain the safety, security, and effectiveness of the nuclear weapons stockpile while positioning the complex for future changes. NNSA must continue to meet its near-term deliverables to DOD while looking to the future. I believe NNSA can adequately do both—and must in order to fulfill its responsibilities to the Nation.

Question. In your previous capacity for the United Kingdom Atomic Weapons Establishment you were responsible for managing the nuclear weapons complex. What aspects of this experience do you believe you could apply to address the challenges and problems facing the NNSA complex, including challenges and problems relating to operating safety?

Answer. My role as Managing Director and CEO of the Atomic Weapons Establishment in the U.K. from 2006 to 2009 gave me a good understanding of manufacturing processes for special material components, qualification for weapon use, assembly, transport, support in service including surveillance, and finally decommissioning, dismantlement, disassembly, and disposal. Communication and productive interaction with the MOD, the local community, nuclear regulatory authorities, and the AWE workforce of employees and contractors was important to success. While there are important differences between the U.S. and U.K. programs, (8 sites vice 2; 8 site offices vice 1, and 1,000s of warheads vice hundreds), as the contractor, I had full accountability for the operations from R&D through dismantlement, I had a single executive board reporting to me, and although I had two strongly regulated Nuclear Licensed sites, I was not instructed how to do the job in detail or through prescriptive orders. The latter was a tremendous benefit. Over the course of 3 years, I developed—with the MOD customer—an "eyes-on, hands-off" relationship that proved highly productive. That is, the MOD managed the contract rather that the contractor which allowed me to better do my job. If confirmed I would apply appropriate parts of this learning to the U.S. complex, and work with the structure as it exists to perform as one integrated complex where possible.

OVERALL MANAGEMENT

Question. Do you believe that there are any organizational or structural issues in the NNSA that should be addressed to improve management and operations of the Office of the Deputy Administrator for Defense Programs, or that you would address if confirmed? If so, what are these issues and how would you address them, if confirmed?

Answer. Continuous improvement requires innovative thinking and fresh ideas. I do not believe in changing just for the sake of change, but if there are ideas to improve an area that is not performing or functioning adequately well, then I believe the benefit of making a change is worth the cost and risk to put it in place. At present, I have a concern about two areas. The first is the reporting level for the Defense Programs Site Offices. At one time, they reported to the head of Defense Programs. Later, when NNSA was formed, they reported to the Administrator, but this caused a decoupling of safety and security from mission deliverables and it did not work well. Today, the site offices report two levels below the Deputy Administrator for Defense Programs. I sense that it may be better to have the sites and the site offices to report into the same level—the Deputy Administrator level. The second concern is the visibility of science within Defense Programs. The nuclear deterrent program is inherently a complex, high-technology program. The quality of understanding of the underlying science of weapon performance in an aging stockpile, including safety and security, is extremely important. In the event that a CTBT is

brought forward for consideration, whether ultimately ratified or not, a hard examination of the scientific underpinning of warhead knowledge will be essential. If confirmed, I will assess the organizational structure of Defense Programs and make recommendations to the Administrator and Principal Deputy Administrator. I will seek their thoughts on potentially improved ways of doing business—if prospective changes are viewed to be beneficial, cost effective, and managed.

Question. Do you believe that the expertise of DOE personnel serving outside the NNSA can be helpful to you if confirmed?

Answer. I strongly believe this to be true and very beneficial. If confirmed, I will work with the entire DOE and make full use of the resources available within and outside of NNSA. Not only is it required that we cooperate in many areas with other parts of the Department, but I know there are many personnel that can provide assistance and advice helpful to Defense Programs. In particular, I know and look forward to working closely with Dr. William Brinkman, Director of the Office of Science, Dr. Steven Koonin, Under Secretary for Science, and Dr. Inès Triay, Assistant Secretary of Energy for Environmental Management.

Question. If so, what expertise do you believe would be helpful and how would you utilize this expertise if you are confirmed?

Answer. If confirmed, I will make it a high priority to understand the full scope of DOE's available resources. I understand that Defense Programs works closely with many offices, such as the Office of Engineering and Construction Management; the Office of Health, Safety and Security; the Chief Financial Officer; the Office of Environmental Management; and DOE's Chief Information Officer. These offices, and others within the Department, have expertise that can contribute to the success of the missions of the Office of Defense Programs and NNSA.

Question. Are you aware of any limitations on the authority of the Deputy Administrator for Defense Programs to draw on that expertise?

Answer. There are no limits that I am aware of to drawing on the expertise of other offices in DOE. I view these other offices, such as the Office of Engineering and Construction Management, the Office of Science, and the Office of Health, Safety and Security as important assets to the NNSA and Defense Programs. For example, these Offices provide valuable external reviews and recommendations regarding our activities and facilities.

Question. What is your view of the extent to which the NNSA is bound by the existing rules, regulations, and directives of DOE and what flexibility, if any, do you believe you would have in implementing such rules, regulations, and directives that would pertain to the Office of the Deputy Administrator for Defense Programs?

Answer. My understanding is that NNSA must comply with rules, regulations, and directives issued by the Secretary of Energy and the Deputy Secretary. The NNSA Administrator is responsible for ensuring that NNSA and its contractors comply with these requirements, and that responsibility flows down to the Deputy Administrator for Defense Programs. Some rules and regulations provide specific exemption procedures that NNSA can invoke if the NNSA Administrator concludes an exemption is warranted. In addition, the DOE Departmental Directives Program Manual provides a general exemption procedure that allows NNSA to deviate from DOE directives. This manual also permits Departmental elements, including NNSA, to issue "supplemental directives" that may be used to implement requirements in directives, assign responsibilities and establish procedures within a particular Departmental element. Finally, under the NNSA Act, the NNSA Administrator has authority to issue NNSA-specific policies, "unless disapproved by the Secretary."

Question. NNSA, in large measure, was created in response to security lapses at the Los Alamos National Laboratory. However, security lapses, particularly at Los Alamos, have continued to occur. Section 3212(b)(10) of the National Defense Authorization Act for Fiscal Year 2000 provides that the Administrator has authority over, and is responsible for all programs and activities of the administration, including "administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories."

If confirmed, how would you plan to assist the Administrator of the NNSA to prevent security lapses at NNSA facilities?

Answer. Security of nuclear weapons, nuclear material and design information is an extremely important challenge of paramount importance to national security. I have a good understanding of the nuclear weapon program and the likely impact that a loss of classified information or material could have on the United States. My knowledge and emphasis on nuclear security will help the Administrator, the Chief of Defense Nuclear Security, the Associate Administrator for Defense Nuclear Security, and the Site Office Managers focus appropriately on the importance of security at our sites and while nuclear material is on the road in the control of the Office of Secure Transportation. Any breech in security could bring grave con-

sequences to our Nation. If confirmed, I will do everything in my power to ensure that the complex remains safe and secure, and we will take immediate actions to remedy any marginal system. Practically speaking, some initiatives such as leveraging technology to the fullest extent possible and consolidating nuclear materials to fewer locations will take time and funding, but they will have a large and positive impact. I commit to being a strong advocate for security within the nuclear weapons complex. Although the record is not unblemished, I understand that NNSA has made progress in this area by holding M&O contractors accountable for lapses and by improving Federal oversight of cyber security and the protection of classified information. A personal sense of accountability by each worker within the nuclear weapons complex is important. At AWE, we focused on intensive training of all new recruits as part of their new employee training program. Periodic refreshers for existing workers and quantitative case studies were useful, but instilling a sense of personal accountability is an important goal. If confirmed, I will support actions that are improving the current posture.

Question. The Deputy Administrator for Defense Programs is responsible for activities occurring at NNSA laboratories and production sites across the country, including "directing, managing and overseeing the nuclear weapons production facilities and the national security laboratories."

What are your views on the appropriate roles and responsibilities of field managers relative to those of Defense Programs Headquarters managers in carrying out these responsibilities?

Answer. If confirmed, I look forward to gaining a thorough understanding of the perspectives of both field and Headquarters managers. There is generally close cooperation between field and Headquarters managers in Defense Programs, with Headquarters setting expectations through a number of program and contract mechanisms, while field managers provide daily oversight of the contracts and the M&O contractors perform the duties. Trust and communication are vital to success and essential to productivity and smooth operations.

Question. What is your view of Defense Programs' organizational structure?

Answer. I do not have a clear view at this time. If confirmed, I will take a hard look at the structure, the reporting relationships, and the clarity of accountabilities. I think it very important that I understand why the structure is what it is, how the current structure operates and what potential improvements might be effective before recommending any change.

Question. In your view, is there a well-delineated and consistent chain of command and reporting structure from the field staff to headquarters staff and from the contractors to Federal officials?

Answer. From what I have learned to date, I believe there is an established chain of command and reporting structure in place at NNSA, but to remain strong and effective with new personnel, it needs to be constantly utilized and reinforced. If confirmed, I will take a close look at the reporting structure, assess its strengths and weaknesses, and recommend any changes for improvement that are merited.

Question. What changes, if any, would you recommend in the Defense Programs organization or structure or in the overall NNSA organization or structure?

Answer. At this time, it is my feeling that I do not understand adequately the strengths and weaknesses of the current organization aside from the two concerns detailed in an answer to a previous question. If confirmed, I will take a close look at the DP organization and reporting structure and, when completed, recommend any changes for improvement that are merited. The review would include, but not be limited to, perspectives from Headquarters, Federal Site Offices, and NNSA laboratories and plants.

WEAPONS PROGRAMS PERSONNEL

Question. If confirmed, what specific steps would you take to retain critical nuclear weapons expertise in both the NNSA and the contractor workforce and to attract new expertise?

Answer. If confirmed, working to retain and develop critical nuclear weapons expertise in both the NNSA and the contractor workforce will be a high priority of mine. Throughout my own career, I have given selected people highly demanding technical and administrative challenges because I knew they could accomplish them, and in doing so, would grow to become capable of even greater challenges. The most advanced experimental and computational facilities, or advanced manufacturing facilities, are not worth much without the right people to use them. I am impressed with programs such as NNSA's Stockpile Stewardship Academic Alliances and Future Leaders Program, and want to continue support for them. I support efforts such as mentoring young weapon designers, most of whom have never participated in a

nuclear test, with real work. I believe that some of the best people are drawn to the hardest problems. Articulating those problems clearly, so that they can be undertaken and solved, will be one of my objectives. In addition, if confirmed, I would pursue effective contract mechanisms that support cultivation of critical skills at all contractor sites.

Question. Do you support retaining the capability to re-manufacture every component expected to be found in the stockpile in the near term?

Answer. First and foremost, I support maintaining the safety, security, and effectiveness of the nuclear weapons stockpile without a return to underground testing. This often requires the re-manufacture of components, but sometimes that is not the most prudent approach. Planning for stockpile changes and for changes to the nuclear weapon complex may eliminate the need to retain the capability to remanufacture every component expected to be found in the present stockpile. Many components cannot be reproduced because the materials are no longer available due to prohibitions on their use by regulation or to loss of the tech base that provided them. I have no simple prescription to offer. Looking at each weapon system, and at each component in each system, is required. As aging continues, the need for a more robust surveillance program increases to avoid surprises. The Phase 6.X process for assessing weapon system life extension requirements is rigorous and comprehensive. Recommendations from life extension studies are presented to the President at appropriate stages. The President and Congress ultimately make the final decisions regarding appropriate steps to take to extend the life of any particular nuclear weapon system.

Question. What do you see as the most pressing re-manufacturing needs?

Answer. In discussions with Defense Programs staff, the most pressing remanufacturing needs appear to involve secondaries made at the Y–12 National Security Complex, plutonium primaries, and the material that sits between the two. These are extremely intricate nuclear components that need to be made in quantities high enough to satisfy the projected needs of STRATCOM and the Military Services, especially if a problem develops in the stockpile. If confirmed, I look forward to learning more about these and related issues and contributing to a solution.

Question. In addition to or in lieu of remanufacturing each component of a nuclear weapon, what in your view are the activities that can sustain nuclear weapons expertise at the national laboratories and the manufacturing facilities?

Answer. I have a view that important capabilities are ultimately retained and sharpened by using them. In the work done at the national security laboratories for customers outside NNSA, there is the opportunity to do engineering development and manufacturing of specialty items and precision components, at low volumes, usually with much shorter delivery times than are required in the nuclear weapon program. Across government, the threat reduction program has challenges and needs that can help NNSA keep parts of its nuclear weapons expertise sharp. I have personal experience in this area from AWE, but it is also the case in the United States.

STOCKPILE STEWARDSHIP PROGRAM

Question. The Stockpile Stewardship Program (SSP) has successfully supported the annual nuclear weapons certification effort for the last 17 years. Many new, experimental facilities, including the National Ignition Facility and the Dual Axis Radiographic Hydrodynamic Test facility are coming on line and have started to be used for experimentation.

In your view, what other capabilities, if any, would be needed to ensure that the stockpile is safe, secure and reliable without nuclear weapons testing?

Answer. In my view, the SSP has been successful and is on an appropriate path for continued success. Due to the highly integrated nature of the SSP and constrained budgets, Defense Programs has not planned for much redundancy in capabilities in the future. The National Ignition Facility and the Dual Axis Radiographic Hydrodynamic Test Facility, and other high profile facilities and capabilities, each play a complementary role in the SSP. Together, they provide increased confidence in the safety, security and effectiveness of the stockpile as their technical capabilities are developed. This confidence is subjective and not "pass/fail". I trust the ingenuity and resourcefulness of the people who make up the SSP will meet the challenge to continue to support the stockpile. If confirmed, I will work to provide the most appropriate tools for them to do so.

Question. In your view is the SSP fully coordinated with DOD, and if not what would you plan to do if confirmed to improve the coordination?

Answer. In my view, the SSP appears to be well coordinated with DOD. There is good communication between DOE and DOD at many levels, ranging from routine

tasks such as warhead maintenance and surveillance to more policy-oriented issues such as stockpile and complex changes. If confirmed, I commit to fostering good communications between the Departments.

Question. The NNSA previously supported an effort to develop a new nuclear warhead to be a replacement for an existing warhead, without nuclear weapons testing.

In your view what approach would you recommend to maintaining or sustaining the stockpile in the future?

Answer. I believe that the SSP is capable of meeting the challenge of making changes to the nuclear weapons stockpile in a number of ways, without either changing the military requirements or resorting to underground nuclear testing. There is a suite of Life Extension approaches, ranging from incremental changes of components to replacement of subsystems that could work effectively to extend the U.S. nuclear deterrent for decades. At the component level, technologies may change without altering fit, form, or function. At the subsystem level, technologies and units may change, but without altering military requirements. Because there is a "test pedigree" associated with subsystems, changes may be undertaken with confidence without resorting to underground testing. It is my view that one of the least desirable approaches to stockpile maintenance is having a weapon system that ages in place, while less surveillance is done, and no changes are even considered because doing so may be seen as politically incorrect. I do not mean to say this is happening, but I do mean to say that if it happened, this would be unacceptable. In Richard Feynman's words after the Challenger explosion, "For a successful technology, reality must take precedence over public relations, for nature cannot be fooled." By undertaking a range of life extension approaches—not just one—Defense Programs has an opportunity, in concert with the DOD and Congress to: (1) reduce the numbers of currently stockpiled weapons; (2) incorporate advanced safety and security features to maintain positive assurances against theft, loss, and/or misuse of these replacement warheads; and (3) improve confidence in the effectiveness of the nuclear weapons stockpile through better scientific understanding to reduce uncertainties, while making modest changes to increase performance margins.

Question. Have you had the opportunity to review both the classified and unclassified summary of the recent JASON report on the stockpile life extension program?

Answer. I have read the unclassified summary of the report but have not yet read the classified version.

Question. If so, what is your view of the report? Are there significant aspects of the report with which you disagree?

Answer. The unclassified summary provides insufficient detail for a technical judgment. I intend to read the classified report as soon as one is provided to me.

COMPLEX REVITALIZATION

Question. If confirmed you will play a key role in the steps to modernize and downsize the nuclear weapons complex.

Do you agree that there should be a net reduction in the footprint of the nuclear weapons complex?

Answer. I do agree, based on an expectation that the footprint, reduced appropriately over time, should have the expected return of cost savings without losing productivity or the ability of Defense Programs to meet mission requirements and deliverables. Requirements include not just weapon parts, but capabilities as well. The challenge that is with the United States today is determining how best to reduce the footprint over the next several years without regretting the decisions a decade or two from now. Achievement of this objective will require improved clarity of future mission requirements and the best set of integrated planning tools we can muster.

Question. If, confirmed, what will be your highest priorities in ensuring the modernization of the complex?

Answer. If confirmed, Complex Revitalization will be a key initiative that I will pursue as Deputy Administrator. I also understand that NNSA has followed the well-established National Environmental Policy Act process for informing its decisions on Complex Revitalization and that several important decisions have been made in the past 2 years. I will continue to work with our interagency partners as we revitalize the nuclear weapons complex to support present and future requirements as those requirements become clearer.

THIRD-PARTY FINANCING

Question. If confirmed, will you review all proposals for third-party financing and ensure that no such proposal will be implemented unless it is cost effective and con-

sistent with applicable DOE, Office of Management and Budget, and General Services Administration rules and regulations?

Answer. Yes. If confirmed, I would carefully review all proposals for third-party financing of Defense Programs facilities and confer with all concerned parties, including our congressional committees, to ensure that before implementation, any third-party financing proposal is cost-effective and consistent with all applicable rules and regulations.

FACILITIES AND INFRASTRUCTURE

Question. The Facilities and Infrastructure Recapitalization Program (FIRP) was established to address long-deferred maintenance backlogs in the nuclear weapons complex, particularly at the manufacturing facilities.

Do you believe that this program has been successful?

Answer. Yes, in large part. I saw first-hand the dedication of NNSA employees both at Headquarters and in the Site Offices, as well as the dedication of employees at the NNSA sites. Many achievements were made in reducing the backlog of deferred maintenance and several key reductions in footprint were made across the complex as part of the program.

Question. When the FIRP expires, what in your view is needed to ensure that buildings are adequately maintained in the future?

Answer. I have not been able to have the breadth of discussions yet to form an opinion. If confirmed, I will take the time to have the required discussions, form a view, and make recommendations to the Administrator. We know, however, that maintaining our infrastructure suffers from competing priorities in a severely constrained fiscal environment. If confirmed, my goal will be to establish a stable funding base which we can then manage against as we assess our infrastructure needs and priorities.

Question. The Readiness in the Technical Base and Facilities program (RTBF) is responsible for construction and operation of facilities. If confirmed, what steps will you take to ensure that surplus buildings are torn down or transferred so that they will not need long-term maintenance?

Answer. If confirmed, Complex Revitalization will be a key initiative that I will pursue as Deputy Administrator. A central part of Complex Revitalization is ensuring that surplus buildings are either torn down so that they will not need long-term maintenance or transferred to other programs that need them and are committed to supporting their proper maintenance. I expect to work closely with the Offices of Infrastructure and Environment within the NNSA and Environmental Management in DOE (and other organizations) to achieve these objectives. I understand that both of these Offices have well-established programs for dealing with excess facilities. As the former Managing Director and Chief Executive Officer of the Atomic Weapons Establishment I am familiar with these issues and I will pay close attention to these concerns.

Question. If confirmed, will you support including the cost of tearing down those buildings that are being replaced within the total project cost of any new construction?

Answer. If confirmed, I would support steps to minimize financial liabilities on the Weapons Activities account by including the cost of decommissioning, dismantlement, and demolition of buildings that are being replaced within the total project cost of any new construction. This was achieved in the Microsystems and Engineering Sciences Applications (MESA) project, an area for which I had personal accountability while I was still at Sandia National Laboratories, and it worked well. To portray the full scope of projects, we must present the full scope and cost of new construction, to include demolition of old buildings.

Question. DOE and NNSA often build one of a kind or first of a kind buildings. Some of the past construction have a history of being over budget and behind schedule and many have run into technical difficulties. In addition, new operational facilities must meet the operational safety standards of DOE.

If confirmed, what steps will you take to ensure that NNSA construction projects are managed to be completed within budget and on time?

Answer. If confirmed, one of my highest priorities will be to demand accountability across the nuclear weapons complex, in both the Federal and contractor workforce. We must keep commitments to achievement of key milestones for cost and schedule on construction projects. I understand that improving project management is one of the six "Focus Areas" that is already being emphasized by NNSA. I expect to learn more about this and the other focus areas, and ask fundamental questions such as: (1) do we have the right people in place to do the job; (2) are we using all available appropriate resources within NNSA, within DOE, and even

outside DOE; and (3) are the commitments we have made still reasonable (have circumstances or requirements changed, and if so, how are they being managed)?

If confirmed, I will work with the Federal Project Directors within NNSA and seek help from all available sources. I recognize that project management skills are critical to the success of NNSA construction projects. If confirmed, I intend to leverage my 30 years of experience working with many outstanding people in the nuclear weapons complex to develop and improve Defense Programs' capability in construction management. Today, there are proven quantitative methodologies, such as Earned Value Management systems, that can identify problematic cost and schedule "trajectories" at an earlier stage. I look forward to meeting with staff from the Office of Facility and Infrastructure Acquisition and Operations and the Office of Infrastructure and Environment to discuss both general project management within NNSA and to review progress on specific high-profile projects.

Question. What additional costing, project management and design skills do you believe are needed in the Federal staff of the Office of Defense Programs or in the NNSA?

Answer. I am not yet in a position to say what additional costing, project management, and design skills are needed in the Federal staff of Defense Programs or NNSA, but I understand this is an area of emphasis within NNSA. Because this is such an important area to the success of Complex Revitalization and the very future of the nuclear weapons complex, I will ensure that good project management within Defense Programs remains a high priority and I will set clear expectations and provide support for Federal and contractor staff to obtain the skills that are necessary for success. I also believe there needs to be a forum where all parties can bring suggestions forward to both arrive at the right conclusion, and to ensure the needed buy-in and cooperation that will garner broad support.

Question. At what point in the Critical Decision timeline do you believe an independent cost estimate should be performed for a construction project, and why?

Answer. Based on my understanding of the Critical Decision timeline, I believe an Independent Cost Estimate should be performed for complex and high cost projects prior to setting the project baseline at Critical Decision 2 (Approve Performance Baseline), 60–70 percent design complete. This is early enough in the process to make an impact and correct issues, but far enough along that there is appropriate fidelity in the estimated project design, scope, and schedule.

Question. If confirmed, will you work to ensure that all design issues impacting operational safety requirements are fully resolved before Critical Decision 3?

Answer. If confirmed, I will work to ensure that all design issues impacting operational safety requirements are fully resolved well before Critical Decision 3 (Approve Start of Construction). Due to the importance of operational safety requirements, they should be resolved as soon as possible in the design process, and certainly before construction begins. This is also consistent with the Department's standard, DOE Standard 1189–2008, Integration of Safety into the Design Process.

Question. If confirmed, what steps will you take to ensure that nuclear and other operational safety issues are fully addressed in the design of new NNSA buildings?

Answer. If confirmed, I intend to have Defense Programs follow the Department's standard, DOE Standard 1189–2008, Integration of Safety into the Design Process. This new standard requires early identification of Safety Class systems and other safety related requirements early in the project life cycle, just after approval of Mission Need. These measures ensure that all safety requirements are articulated, validated and understood early in the project life cycle.

Question. What in your view are the construction and maintenance priorities for the NNSA?

Answer. I have not had the opportunity to have the in-depth discussions with NNSA staff to form a view, but if confirmed, I will work to form an accurate view quickly. On the basis of my current understanding, two important, albeit expensive, construction priorities are the Uranium Processing Facility (UPF) at the Y–12 National Security Complex and the Chemistry and Metallurgy Research Replacement facility (CMRR) at Los Alamos National Laboratory.

STOCKPILE MANAGEMENT/LIFE EXTENSION PROGRAMS

Question. If confirmed, you will be responsible for managing the stockpile including the life extension programs for existing nuclear warheads.

What is your general assessment of the effectiveness of the ongoing and planned life extension programs?

Answer. I believe the Life Extension Programs (LEP) are highly effective for extending the near-term life of warheads in the nuclear weapons stockpile. I am familiar with the LEPs for the W87 (Intercontinental Ballistic Missile warhead) and the

B61–7/11 (strategic bombs). I understand there are production challenges with restarting a unique component needed for the W76 (Submarine Launched Ballistic Missile warhead) LEP, but that is being appropriately addressed. I understand that defects continue to be discovered in the legacy stockpile. The process of significant finding investigations (SFI) is used in the way intended to draw conclusions based upon facts uncovered in detailed exploration of such defects. The SFI process works and provides information that helps guide refurbishment schedules. The NPR is scheduled for delivery to Congress February 1, 2010 and this will also help guide refurbishment schedules. If confirmed, I am committed to finding effective ways to support the NPR policy.

Question. How well, in your view, does the nuclear weapons complex—encompassing the laboratories and the production sites—function as an integrated complex and, externally, with DOD in executing the life extension programs?

Answer. My impression is that the nuclear weapons complex, including all the sites, works relatively well together and with DOD. I understand that there is a strong emphasis on complex-wide milestones and that some of the performance fees at the sites are inter-related. That is a very strong motivator for integrated success, and one that I would plan to continue, if confirmed.

Question. Do you believe the efficiency with which NNSA manages the execution of the life extension programs can be improved, and if so, how?

Answer. I am yet not aware of a specific way to improve the management of the Life Extension Programs (LEP), but because of their importance to Defense Programs and the continued health of the nuclear weapons stockpile, I expect to personally review the execution of the LEPs, if confirmed.

Question. What in your view will be the challenges facing the NNSA if it is determined that any individual weapon will require a modification, such as a new component for example, to meet safety security or reliability requirements?

Answer. If confirmed, my approach to resolving challenges with weapon systems will be to first articulate the challenge facing the NNSA, clearly communicate that problem to all stakeholders, including our congressional committees and explain the projected way ahead. I will then seek support from both the congressional authorizing and appropriating committees in an effort to efficiently resolve the problem. Parallel to these efforts, I will work to ensure we have the human capital and specialized skills necessary to perform the work so risk is properly managed.

COMPREHENSIVE TEST BAN TREATY

Question. From a technical perspective do you believe that the stockpile can be maintained without the need for a resumption of explosive nuclear weapons testing?

Answer. Yes, in large part due to the increased understanding and successes brought about by the SSP and attention given to training people in design, development, manufacturing, and qualification in an era where nuclear testing has not been done since September 1992. In your view what are the essential capabilities that must be in place to sustain the stockpile without nuclear weapons testing?

The essential capabilities are those that are already supported by the SSP which evolve as greater understanding of the current stockpile improves. If confirmed, I am willing to discuss this further in a closed session.

SAFETY AND SECURITY OF THE NUCLEAR WEAPONS STOCKPILE

Question. The Deputy Administrator for Defense Programs is responsible for assuring the safety and security of nuclear weapons from a design perspective.

If confirmed, will you work with DOD to identify necessary options to improve the safety and security of nuclear weapons from a design perspective?

Answer. Absolutely. If confirmed, I expect to work closely with all of our interagency partners, specifically General Chilton, Commander U.S. STRATCOM, as well as the Military Services. I expect to work in partnership with these entities to satisfy the requirements set by the Military Services. If confirmed, this will be an important part of the work that I do as Deputy Administrator for Defense Programs.

ROLE OF THE NNSA COMPLEX IN MEETING OTHER NATIONAL SECURITY CHALLENGES

Question. The nuclear weapons complex, as a result of the billions spent on expanding capabilities to sustain nuclear weapons, including the advance computing capabilities, supports many aspects of national security research and development including DOD and the Intelligence Community.

Do you believe that this work in support of others should be sustained?

Answer. Yes. Not only is the work valuable, it is essential to attracting people, sustaining skills, and building capabilities to support NNSA's mission. I believe

strongly in the work done by the NNSA national security laboratories for government departments outside the NNSA.

Question. In your view does this work allow the nuclear weapons complex to maintain its nuclear skills?

Answer. Yes. Because the work required by other Government departments is often associated with strong technical challenge and demanding timescales, it helps sharpen the abilities of those who do the work to respond both accurately and quickly.

Question. Do you believe that there should be any changes or improvements to the work for others program such as those identified in the recent report of the DOE Inspector General?

Answer. I have not yet been able to read the report by the DOE Inspector General, but I commit to doing this and recommending any changes or improvements to the work for others program that I see in addition to those in the DOE Inspector General's report.

REGULATION, STANDARDS, AND OVERSIGHT

Question. Concern over what is often deemed excessive or burdensome regulations, standards, and oversight, is often expressed with respect to the nuclear weapons complex.

If confirmed will you review the applicable regulations, standards, and internal oversight activities and make any necessary changes to ensure that the complex is managed safely, securely, and in a cost efficient manner?

Answer. Yes. Based on my experience in both the U.K. and the U.S. nuclear weapons enterprises we must find a more practical way to accomplish work safely, securely, and efficiently with due respect to our environment in order to achieve required program outputs in less costly ways.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Question. If confirmed, will you ensure that the DNFSB is provided full and complete information on a timely basis to ensure that it can execute its statutory responsibilities?

Answer. Yes. If confirmed, I plan to foster a strong relationship and frequent communication with the DNFSB. On a personal note, I, and the executive board that reported to me at AWE, worked closely with the Nuclear Installations Inspectorate (NII), the key U.K. regulatory body for nuclear licensed sites. This rigorous and respectful interaction was enabled by mandatory in-depth technical training of all NII employees so that peer-to-peer technical discussions and debates were possible.

Question. If confirmed will you work with the DNFSB to resolve any technical issues promptly?

Answer. Yes. It would be unreasonable, though, for me to imply that this could be done without consideration of available financial and human resources to achieve this objective.

NOTIFICATION OF CONGRESS

Question. If confirmed, will you notify Congress promptly of any significant issues in the safety, security or reliability of the nuclear weapons stockpile?

Answer. Yes. If confirmed, I would promptly notify Congress of any issues affecting the nuclear weapons stockpile and nuclear weapons complex. I understand that the officials in the Office of Defense Programs often brief congressional members and their staffs about the state of the stockpile and complex. I would continue that practice, whether or not there are emerging issues. Good, accurate communication is to everyone's advantage. I pledge to make myself available to address issues of concern.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Administrator for Defense Programs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR ROLAND W. BURRIS

WORKING RELATIONSHIP

1. Senator BURRIS. Dr. Cook, what working relationship do you have with the Department of Defense's (DOD) Nuclear Regulatory Agency?

Dr. COOK. The National Nuclear Security Administration (NNSA) has a strong relationship with the Department of Defense. The Departments of Defense and Energy regulate separately the nuclear facilities within the Departments, while the Nuclear Regulatory Commission regulates civilian nuclear facilities. While there is not a Nuclear Regulatory Agency within DOD, the Defense Nuclear Facilities Safety Board (DNFSB) provides information to Congress on Defense Nuclear Facilities both within DOD and the Department of Energy, including NNSA. NNSA Defense Programs (NA–10) provides regular updates to DNFSB on nuclear facilities operated by NNSA contractors at the nuclear weapons laboratories, production plants, and the Nevada Test Site. These updates include plans and status for upgrades or replacements aimed at improvement of safety in the NNSA facilities, many of which were originally constructed in the 1940s, 1950s, and 1960s.

If confirmed, I plan to foster a strong relationship and frequent communication with the DNFSB. I would also work with the DNFSB to resolve any technical issues promptly, but it would be unreasonable for me to imply that this could be done without consideration of available financial and human resources to achieve this objective.

[The nomination reference of Dr. Donald L. Cook follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
December 3, 2009.

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

Donald L. Cook, of Washington, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, vice Robert L. Smolen, resigned.

[The biographical sketch of Dr. Donald L. Cook, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH BY DR. DONALD L. COOK

Dr. Donald L. Cook served as Managing Director and Chief Executive Officer of the Atomic Weapons Establishment (AWE) in the United Kingdom (U.K.) from 2006 to 2009. In this capacity, he was accountable for AWE's performance on the contract with the U.K. Ministry of Defence, which includes support of the U.K. Trident warheads and development and sustainment of capability in nuclear weapon design, engineering development, manufacturing, qualification, assembly, transport, support in service, and finally, decommissioning, dismantlement, and disposal. AWE has an annual budget of $1.2 billion, an employee workforce of 5,000 staff, and is managed by a consortium of Serco, Lockheed Martin, and Jacobs Engineering.

Prior to heading AWE, Dr. Cook worked at Sandia National Laboratories, Albuquerque, New Mexico for 28 years in Pulsed Power Sciences, Microtechnologies, Infrastructure, and Security. From 1999–2006, he was Director of the MESA Program Center, accountable for design and construction of the Microsystems and Engineering Sciences Applications (MESA) complex. In 2003, he assumed Program Director responsibilities for Sandia's Infrastructure Program and for Sandia's Safeguards and Security Technologies Program, which responded to a new Design Basis Threat.

From 1977–1999, Dr. Cook led efforts in pulsed power accelerator design and experimentation, fusion research, hydrodynamics, radiography, diagnostic development, and computational code development. He managed the Sandia Fusion Research Department from 1984–1993 and was Director of Pulsed Power Sciences from 1993–1999. Work during this period included construction and development of a number of accelerators, including the Z-machine.

Dr. Cook is a graduate of the University of Michigan and the Massachusetts Institute of Technology, and a Fellow of the American Association for the Advancement of Science and the Institute of Physics. He is married to the former Margaret Ann Kramer, with two grown daughters, Julia and Cynthia. The Cooks are residents of Seattle, WA.

Dr. Cook is well-qualified for appointment to the position of Deputy Administrator for Defense Programs, NNSA/DOE, by virtue of his career-long experience and accomplishments in many aspects of the U.S. and U.K. nuclear deterrents. These include science, technology, engineering, manufacturing, and executive leadership across functions required for maintaining the warheads for an effective nuclear deterrent while in service. His most recent assignment at AWE was a tremendous privilege made possible under the 1958 Mutual Defense Agreement between the U.S. and the U.K. Governments.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Donald L. Cook in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Donald Lloyd Cook.

2. **Position to which nominated:**
Deputy Administrator for Defense Programs, NNSA.

3. **Date of nomination:**
December 3, 2009.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 7, 1948; Ypsilanti, MI.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Margaret Kramer.

7. **Names and ages of children:**
Julia Alison Cook Dombrowski; age 33.
Cynthia Lauren Cook; age 30.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Michigan, 1966–1970

BSE (Nuclear Engineering), 1970

Massachusetts Institute of Technology, 1970–1976

SM Nuclear Engineering (Applied Plasma Physics), 1974
ScD Nuclear Engineering (Applied Plasma Physics), 1976

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Director of Pulsed PowerSciences, Sandia National Laboratories, Albuquerque, NM, 1993–1999.
Director of MESA Program Center, Sandia National Laboratories, Albuquerque, NM, 1999–2006.

From May–December 2005, I was part of the Lockheed Martin-University of Texas bid team for the management and operations of the Los Alamos National Laboratory.

Managing Director, Atomic Weapons Establishment, Aldermaston, United Kingdom, 2006–2009 (Lockheed Martin Corporation is one of three parent companies of AWE).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Deployed to DOE Defense Programs Science Council in Washington, DC, for 4 months in 1997, while employed by Sandia National Laboratories.
Sandia National Laboratories (1977–2006).
Francis Bitter National Magnet Laboratory [MIT] (1976–1977).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Special Advisor to Managing Director, Atomic Weapons Establishment, Aldermaston, United Kingdom.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, American Physical Society (APS), 1970–2009
Member, American Nuclear Society (ANS), 1977–2009
Fellow, American Association for the Advancement of Science (AAAS), 1976–2009
Fellow, Institute of Physics (IoP), United Kingdom, 2009

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
John Kerry for President, $500
Tom Udall for Senator, $100
Barack Obama for President, $100
Barack Obama Inaugural, $250
Lockheed Martin political action committee, $1,000, 2008; $750, 2009

14. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Eagle Scout, 1963
Phi Eta Sigma (Undergraduate honor society), 1968
Tau Beta Pi (Engineering honor society), 1970
National Defense Education Act (NDEA) Traineeship, 1970–1973
General Electric Foundation Fellowship, 1974–76
Sigma Xi (Science honor society), 1976
SNL Award for excellence in leadership of Inertial Confinement Fusion program, 1993
Fusion Leadership Award (Fusion Power Associates), 1993
Recognition for outstanding programmatic performance (DOE/SNL), 1996,1998
Engineering Achievement Award (NM Society of Professional Engineers), 1997
Recognition of service to Defense Nuclear Security Program (DOE/NNSA), 2004
Sandia President's Quality Award (highest level) for MESA Project Execution, 2004
Elected Fellow, American Association for the Advancement of Science (AAAS), 2004
Lockheed Martin Annual Meeting Award (for MESA Project Execution), 2005
Lockheed Martin Nova Award (highest) for EVM accreditation of Sandia Sites, 2006
University of Michigan Distinguished Alumni Award (Nuclear Engineering), 2008
Elected Fellow, Institute of Physics (IoP), U.K., 2009

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Numerous Technical Conference Reports and Journal articles; no books.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DONALD L. COOK.

This 15th day of December, 2009.

[The nomination of Dr. Donald L. Cook was reported to the Senate by Chairman Levin on May 5, 2010, with the recommendation that the nomination be confirmed. As of the date this volume was sent to press, Dr. Cook's nomination had not yet been confirmed by the Senate.

APPENDIX

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CIVILIAN NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

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

5. **Date and place of birth:**

6. **Marital Status:** (Include maiden name of wife or husband's name.)

7. **Names and ages of children:**

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through F will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all business connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

5. Is your spouse employed and, if so, where?

6. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

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

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

6. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

PART D—LEGAL MATTERS

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

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

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

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

PART F—FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents.

1. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

2. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

3. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

4. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

5. Have your taxes always been paid on time?

6. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

8. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

(The committee may require that copies of your Federal income tax returns be provided to the committee. These documents will be made available only to Senators and the staff designated by the Chairman. They will not be available for public inspection.)

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 20_____.

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CERTAIN SENIOR MILITARY NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES FOR CERTAIN SENIOR MILITARY POSITIONS

INSTRUCTIONS TO THE NOMINEE:

Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

If you have completed this form in connection with a prior military nomination, you may use the following procedure in lieu of submitting a new form. In your letter to the Chairman, add the following paragraph to the end:

> "I hereby incorporate by reference the information and commitments contained in the Senate Armed Services Committee form 'Biographical and Financial Information Requested of Nominees for Certain Senior Military Positions,' submitted to the Committee on [insert date or your prior form]. I agree that all such commitments apply to the position to which I have been nominated and that all such information is current except as follows: . . . ." [If any information on your prior form needs to be updated, please cite the part of the form and the question number and set forth the updated information in your letter to the Chairman.]

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)

5. **Date and place of birth:**

6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)

7. **Names and ages of children:**

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through E will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your military service. If so, explain.

2. Has anybody made a commitment to employ your services in any capacity after you leave military service?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

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

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

5. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

6. Is your spouse employed and, if so, where?

PART D—LEGAL MATTERS

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

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

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

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 20_____.

○