

S. HRG. 114-920

NOMINATIONS BEFORE THE SENATE ARMED SERVICES COMMITTEE, SECOND SESSION, 114TH CONGRESS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF

THE HONORABLE ERIC K. FANNING; LIEUTENANT GENERAL JOHN W. NICHOLSON, JR.; THE HONORABLE BRAD R. CARSON; MS. JENNIFER M. O'CONNOR; MR. TODD A. WEILER; GENERAL JOSEPH L. VOTEL; LIEUTENANT GENERAL RAYMOND A. THOMAS III; GENERAL VINCENT K. BROOKS; GENERAL CURTIS M. SCAPARROTTI; GENERAL LORI J. ROBINSON; GENERAL DAVID L. GOLDFEIN; LIEUTENANT GENERAL THOMAS D. WALDHAUSER; LIEUTENANT GENERAL JOSEPH L. LENGUEL; GENERAL JOHN E. HYTEN

JANUARY 21, 28; FEBRUARY 25; MARCH 9; APRIL 19, 21; JUNE 16, 21;
SEPTEMBER 20, 2016

Printed for the use of the Committee on Armed Services



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NOMINATION OF THE HONORABLE ERIC K. FANNING TO BE SECRETARY OF THE ARMY

THURSDAY, JANUARY 21, 2016

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

The Committee met, pursuant to notice, at 9:34 a.m. in room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Reed, McCaskill, Manchin, Shaheen, Gillibrand, Donnelly, Hirono, Kaine, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning. Before I begin my statement, I would like to note it has been reported that the White House has authorized the Department of Defense (DOD) to target ISIL [the Islamic State of Iraq and the Levant] in Afghanistan, the first such authorization beyond Iraq and Syria. Many of us may be interested to know that we confined our attacks on ISIL to Iraq and Syria. Now the administration seems to be waking up to the fact that more than a year into the United States military campaign, ISIL's reach is global and growing.

We can only hope it will not take so long for the administration to realize the conditions on the ground in Afghanistan simply do not warrant a dangerous calendar-driven withdrawal of United States Forces.

The Senate Armed Services Committee meets this morning to consider the nomination of Eric Fanning to be Secretary of the Army. We understand that your mother, Kathy, is joining us this morning. As is our tradition, Mr. Fanning, we hope you will take the opportunity to introduce her and any other family and friends joining you today.

The United States Army is at war. Tested by 15 years of war, the Army is confronting growing threats and increasing operational demands with shrinking and less ready forces and aging equipment.

By the end of the next fiscal year, the Army will be cut down to 450,000 Active Duty personnel, soldiers down from a wartime peak of 570,000. These budget-driven force reductions were decided before the rise of ISIL or Russia's invasion of Ukraine. If mindless sequestration cuts are allowed to return, the Army will shrink to 420,000 troops, increasing the risk that, in a crisis, we will have

too few soldiers who could enter a fight without proper training or equipment.

Readiness must be the first priority of the Army. As global instability increases, the Army must be able to maintain an uncommitted force and readiness to respond to unforeseen contingencies.

As our Army shrinks, readiness suffers. Just over one-third of the Army's brigade combat teams (BCT)—just over one third of the Army's brigade combat teams—are ready for deployment and decisive operations.

Meanwhile, the Army is woefully behind on modernization. The Army must modernize for the harsh realities of 21st-century warfare. Our soldiers must be trained and equipped for an increasingly diverse and complex range of threats. They must be able to win against peers in highly lethal combined arms maneuvers, near-peers in hybrid warfare conditions, and determined unconventional insurgents.

Yet our Army is essentially organized and equipped as it was in the 1980s. The main difference is that it is smaller. In fact, many key enabling forces like artillery, armored cavalry, and engineers have been reduced to levels that compromise the Army's ability to field campaign-quality forces. Part of that is the legacy of the Army's acquisition record, which Secretary John McHugh has said is "too often a tale of failure, too many underperforming or canceled programs, too few successful fieldings of developmental designs, and far too many taxpayer dollars wasted." That is from your predecessor, Mr. Fanning, Secretary McHugh.

The Army must learn the lessons of the failed acquisitions program of recent years. Together with the experience of more than a decade of war, these lessons must guide critical acquisition programs, including the Joint Light Tactical Vehicle (JLTV) and the armored multipurpose vehicle.

New acquisition authorities passed into law in the National Defense Authorization Act (NDAA) for fiscal year 2016 open opportunities for both the Secretary and Chief of Staff to lead positive change. It will not be easy, but it has been done before.

Army leaders like General Abrams transformed the Army before. They restored the discipline and morale of the force in the aftermath of the Vietnam war. They transitioned the Army to an all-volunteer force while revolutionizing training doctrine, and they built an Army that won the Cold War and removed Saddam Hussein from Kuwait.

We need this kind of transformation again today. I am deeply concerned about the dangerous choice we are forcing upon our Army. The increasing velocity of instability combined with continued reduction in defense spending will inevitably lead to depleted readiness, chronic modernization problems, and deteriorating morale.

These are just some of the major challenges the United States Army faces. One Army Secretary will not tackle them alone.

Mr. Fanning, if confirmed, you will take office with less than a year remaining in this administration. Some may question what you can realistically hope to achieve. But as you have been patient, waiting for this day to testify on your nomination, I challenge you to be impatient, if confirmed as Secretary. Our Nation's soldiers do

not need a Secretary to mark time. They need a strong Secretary that recognizes there is much to be done and not a minute to be wasted.

Senator Reed?

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. I join you in welcoming Mr. Fanning. I thank you for holding this hearing to fill the critical position of Secretary of the Army.

I also would like to thank Mr. Fanning for his willingness to serve in this position of great responsibility. It is my understanding, as the chairman has indicated, that your mother, Kathy, is in the audience this morning, and I welcome her to the hearing also.

Mr. Fanning has a wealth of experience, having served in senior-level positions throughout the Department of Defense. His previous positions include serving as the Acting Under Secretary of Army, where he was responsible for issues related to the daily management and operation of the Army.

Prior to that position, Mr. Fanning was confirmed as the Under Secretary of the Air Force, and he oversaw the Air Force's annual budget and served as the chief management officer.

Finally, Mr. Fanning has served as the Deputy Under Secretary of the Navy and played an integral role in the Navy business transformation efforts.

Mr. Fanning, if you are confirmed as the next Secretary of the Army, your experience during your tenure in the Department will be critical in order to lead the Army during a very critical time when it faces a multitude of challenges. As you know, the Army continues to draw down its end-strength with the final goal of 450,000 in the Active Army, 335,000 in the Army National Guard, and 195,000 in the Army Reserve.

In addition, I would welcome your comments and your testimony on whether the U.S. can continue to meet commitments overseas with this smaller Army.

At the same time, the Army must also contend with how to modernize the force and increase readiness levels. As you are aware, the Army modernization program has been challenged. Many programs have been truncated or canceled.

Mr. Fanning, I look forward to hearing your thoughts on how the Army can make targeted investments in modernization as well as your views on how the Army can improve its acquisition process.

Finally, I welcome Secretary Carter's decision to open all military positions to service by women. With respect to the Army, it is my understanding that neither General Milley nor Secretary McHugh requested an exception to policy to keep any position within the Army closed.

As General Milley testified last July during his confirmation hearing, there is no doubt that women can engage in ground combat with the enemies of our Nation because they have been doing it for 10 years. I strongly agree with those comments.

Since that hearing, three women have graduated from the United States Army Ranger School, which is the premier training school for Army combat armed soldiers and officers.

According to Army statistics, between fiscal year 2010 and fiscal year 2014, the graduation rate at Ranger school was only 42 percent, so this is another example of the significance of this accomplishment. All of those people, prior to these individuals, were men.

These three women represent the Army of today and the Army of the future, and I look forward to full integration of women into all of the roles in the United States Army.

Again, Mr. Fanning, we look forward to your proposals, your plans, and your ideas to continue to lead and serve the Army.

Thank you, Mr. Chairman.

Chairman MCCAIN. Mr. Fanning, it is the custom of the Committee to ask several standard questions, so I will begin them now, and we appreciate your answers.

In order to exercise legislative and oversight responsibilities important to this Committee and other appropriate committees of Congress, we are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

Mr. FANNING. I have.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Mr. FANNING. No, Mr. Chairman. I was appointed Acting Secretary, but after you notified the President that you thought that was in violation of the law, I did resign the position.

Chairman MCCAIN. Thank you.

For the record, on November 30, 2015, I notified President Obama by letter that Mr. Fanning's appointment as the Acting Secretary of the Army violated the Federal Vacancies Reform Act of 1998. Without objection, a copy of that letter will be included in the record of this hearing.

[The information referred to follows:]

JOHN MCCAIN, ARIZONA, CHAIRMAN

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United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

November 30, 2015

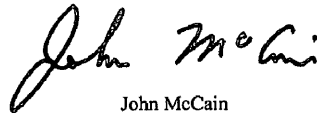
President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President,

It has come to my attention that your nominee for the Undersecretary of Defense for Personnel and Readiness, Mr. Brad Carson, and for Secretary of the Army, Mr. Eric Fanning, are serving in acting capacities in those positions, in direct violation of the Federal Vacancies Reform Act of 1998 (FVRA). Indeed, in a nearly identical case, the D.C. Circuit Court of Appeals affirmed in August that a nominee who serves in an acting capacity while being the nominee for that office is serving in violation of the law.

As Chairman of the Senate Armed Services Committee, I will not hold a confirmation hearing for any nominee whose current status violates the law. I respectfully request that you take such action as you may deem appropriate to correct this violation of the law, and to inform this Committee of your Administration's proposed actions with regard to any actions taken by Mr. Carson or Mr. Fanning in an acting capacity. I further request that you ensure that no officials of the Department of Defense or the military departments be appointed in an acting capacity in violation of the law.

Sincerely,



John McCain
Chairman

CC: The Honorable Ashton Carter, Secretary of Defense

Chairman MCCAIN. I further note for the record that the Senate and this Committee takes with the utmost seriousness the Senate's constitutional responsibility to provide advice and consent on presidential nominations. That important constitutional requirement is fundamental to the separation of powers between the executive and legislative branches.

I have often said that elections have consequences, and Presidents are entitled to considerations of their nominations. However, until the Senate gives its advice and consent, and until the nomination is confirmed by the full Senate, no President and nominee may conduct themselves in a way that would presume confirmation.

Each administration issues guidance to nominees on the actions they must avoid to presume confirmation. Following that guidance allows nominees to prepare for the important duties and responsibilities that they will undertake, if confirmed by the Senate. Nominees disregard that guidance at the peril of presuming confirmation.

Senator Reed, do you have any comment on that?

Senator REED. I do not, sir.

Chairman MCCAIN. Thank you.

As Mr. Fanning indicated, he has now resigned from his position and is no longer serving in the acting capacity. In my opinion, his resignation has cured the President's violation of the law. Therefore, I believe this Committee is prepared to continue consideration of his nomination.

Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Mr. FANNING. I will.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Mr. FANNING. I will.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Mr. FANNING. They will.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify upon request before this Committee?

Mr. FANNING. I do.

Chairman MCCAIN. Do you agree to provide documents including copies of electronic forms of communication in a timely manner when requested by a duly constituted Committee or to consult with the Committee regarding the basis for any good-faith delay or denial in providing such documents?

Mr. FANNING. I do.

Chairman MCCAIN. Thank you.

Please proceed.

STATEMENT OF THE HONORABLE ERIC K. FANNING TO BE SECRETARY OF THE ARMY

Mr. FANNING. Thank you, Mr. Chairman, Senator Reed, Members of the Committee. It is an honor to appear before you today.

I would like to thank President Obama for nominating me and the Secretary of Defense for supporting this opportunity to serve. If confirmed, I look forward to working with them and with Congress.

My mother, Kathy Fanning, is here today from Florida. She was unable to attend my previous confirmation hearing 3 years ago, but not even the threat of record-breaking snow was going to stop her this time.

Chairman MCCAIN. We welcome Mrs. Fanning, and I hope, like my mother who is 104 years old, you will provide Secretary Fanning with the same advice and counsel that I receive from my mother.

[Laughter.]

Mr. FANNING. There is certainly no shortage of advice and counsel.

[Laughter.]

Mr. FANNING. I see also that my goddaughter, Caroline Kassir, and her mother, Allison, have joined us as well.

Chairman MCCAIN. Welcome.

Mr. FANNING. Nobody gets the opportunity to serve in positions like this without the help of many people over a very long period of time. This is particularly true for me. I am fortunate to have many in this room with me today, and I will always be grateful for their support.

I come from a family with a long history of service in uniform. Two uncles graduated from West Point and made a career of the Army. A third uncle served a career in the Air Force. A cousin flew helicopters for the Marine Corps and another cousin was an Army Ranger. I learned from an early age the importance of service and developed a deep respect and admiration for the sacrifices of those in uniform and their families.

I have now had the privilege to work in all three Military Departments with all four Services, as well as in the Office of the Secretary of Defense (OSD) over the course of two administrations, all after starting my career 25 years ago as a research assistant on the House Armed Services Committee. I have seen the Army from every seat at the table, including the Army's.

I was Deputy Chief Management Officer of the Navy Department and Chief Management Officer of the Air Force and the Army. I worked on efficiencies and transformation in every part of the Department of Defense and look forward, if confirmed, to working with this Committee as it explores the next round of defense reforms.

The Army as a force is viewed by too many as just a number, its end-strength. Few understand the complexity of ground warfare like this Committee does, or how long it takes to build an army with the overmatch necessary to win decisively and with as few casualties as possible.

It takes a generation to build an army. It is not just the privates but the senior enlisted who lead them.

Few understand the many missions of the Army. In addition to fighting and winning wars, the Army deters enemies, ensures allies, builds partner capacity, enables the joint fight through foundational capabilities, and responds to national emergencies like we see today with flooding and severe weather.

The Army's greatest strength is, of course, its soldiers, over 1 million of them in the Active, Guard, and Reserve. There are more than 140,000 of them currently serving in over 140 countries outside the United States.

Today, they are exercising with allies in Eastern Europe to deter Russian aggression; training, enabling and fighting against ISIL and other terrorists around the world; building partnership capacity across the Pacific. If confirmed, these soldiers will be my highest priority, specifically making sure they are ready, which means ensuring they are resilient, fully trained, and properly equipped.

To do that, we must create an environment where everyone can flourish, rid of the scourge of sexual assault and suicide. While sol-

diers are deployed, they must have confidence we will take care of their families. They must also know that we will take care of them when they come home and ease their transition should they choose to leave the Army.

We must make the same commitment to the future force by investing now so that we have the right capabilities for them when they are needed.

I have been immensely proud during my first 6 years in this administration to work alongside the men and women of the Navy, Marine Corps, and Air Force. If confirmed, I very much look forward to becoming part of the Army family.

It would be my honor to play a role in making sure that the best men and women our country has to offer get all the support they need in undertaking the mission of defending our country, a mission for which they freely volunteer.

We ask them to do extraordinary things. We owe them no less.

Thank you again for considering my nomination. Thank you for your service. I look forward to your questions.

[The prepared statement of Mr. Fanning follows:]

PREPARED STATEMENT BY THE HONORABLE ERIC K. FANNING

Thank you, Mr. Chairman, Senator Reed, Members of the Committee. It is an honor to appear before you today.

I'd like to thank President Obama for nominating me, and the Secretary of Defense for supporting this opportunity to serve. If confirmed, I greatly look forward to working with them and with Congress, as well.

My mother, Kathy Fanning, is here today. She was unable to attend my previous confirmation hearing 3 years ago, but nothing was going to stop her this time.

Nobody gets the opportunity to serve in positions like this without the help of many people over a very long period of time. This is particularly true for me. I am fortunate to have many of them here with me today, and I will always be grateful for their support.

I come from a family with a long history of service in uniform. Two uncles—my father's brother and his brother-in-law, graduated from West Point and made careers in the Army. Another uncle served a career in the Air Force. A cousin flew helicopters in the Marine Corps. Another cousin was an Army Ranger.

I learned from an early age the importance of service, and developed a deep respect and admiration for the sacrifices of those in uniform, and their families.

I have now had the privilege to work in all three Military Departments—will all four services—as well as in the Office of the Secretary of Defense over the course of two Administrations. All after starting my career as a research assistant on the House Armed Services Committee. I have seen the Army from every seat at the table, and was able to spend some time getting to know the Army from the inside last year.

I was Deputy Chief Management Officer of the Navy Department, and Chief Management Officer of the Air Force and the Army. I have worked on efficiencies and transformation in every part of the Department of Defense, and look forward, if confirmed, to working with this Committee as it explores the next round of defense reforms.

The Army is a force viewed by many as a number—its end-strength. Few understand the complexity of ground warfare like this Committee does, or how long it takes to build and train an Army with the overmatch necessary to win decisively and with as few casualties as possible. It takes a generation to build an army—it's not just the privates, but the senior enlisted who leads them. And few understand the many missions of the Army. In addition to fighting and winning wars, the Army deters enemies, assures allies, builds partner capacity, contributes greatly to the joint fight by enabling foundational capabilities, and responds at times of national emergency like we see today with flooding and severe weather.

The Army greatest strength is, of course, its soldiers—over one million of them in the Active, Guard and Reserve. They are exercising with allies in Eastern Europe to deter Russian aggression. Training, enabling and fighting against ISIL and other terrorists around the world. Building partnership capacity across the Pacific.

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To do that, we must create an environment where everyone can flourish—rid of the scourge of sexual assault and suicide. While soldiers are deployed, they must have confidence we will take care of their families. They must also know we will take care of them when they come home, and ease their transition should they leave the Army. And we must make the same commitment to our future force, by investing now so that we have the right capabilities for them when they are needed.

I have been immensely proud during my first 6 years in this Administration to work alongside the men and women of the Navy, Marine Corps and Air Force. And if confirmed, I verymuch look forward to becoming a part of the Army family.

It would be my honor to play a role in making sure that the best men and women our country has to offer get all the support they need in undertaking the mission of defending our country, a mission for which they freely volunteered. We ask them to do extraordinary things. We owe them no less.

Thank you again for considering my nomination. Thank you for your service and I look forward to your questions.

Chairman MCCAIN. Thank you, Mr. Fanning.

We will pause a moment for business. Since a quorum is now present, I ask the Committee to consider a list of 3,178 pending military nominations. All of these nominations have been before the Committee the required length of time.

Is there a motion to favorably report these 3,178 military nominations to the Senate?

Senator REED. So moved.

Chairman MCCAIN. Is there a second?

Senator Kaine. Second.

Chairman MCCAIN. All in favor, say aye.

[Chorus of ayes.]

Chairman MCCAIN. The motion is agreed to.

[The information referred to follows:]

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE
WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON JANUARY 21, 2016.

1. **LTG Anthony J. Rock, USAF to be lieutenant general to be The Inspector General of the Air Force** (Reference No. 887)
2. In the Navy there are 2 appointments to be lieutenant commander (list begins with James E. O'Neil III) (Reference No. 927)
3. **Col. James H. Dienst, USAF, to be brigadier general** (Reference No. 960)
4. **In the Air Force there are 2 appointments to be brigadier general (list begins with John J. Degoes)** (Reference No. 961)
5. In the Air Force there are 2 appointments to the grade of lieutenant colonel and below (list begins with Peter L. Reynolds) (Reference No. 1010)
6. In the Air Force Reserve there is 1 appointment to the grade of colonel (Jeremy W. Cannon) (Reference No. 1011)
7. In the Air Force Reserve there is 1 appointment to the grade of colonel (Ted W. Lieu) (Reference No. 1012)
8. In the Air Force Reserve there are 4 appointments to the grade of colonel (list begins with Jodene M. Alexander) (Reference No. 1013)
9. In the Air Force Reserve there are 5 appointments to the grade of colonel (list begins with John Louis Arendale II) (Reference No. 1014)
10. In the Air Force Reserve there are 13 appointments to the grade of colonel (list begins with Bonnie Joy Bosler) (Reference No. 1015)
11. In the Air Force Reserve there are 14 appointments to the grade of colonel (list begins with Arden B. Andersen) (Reference No. 1016)
12. In the Air Force Reserve there is 1 appointment to the grade of colonel (Todd Andrew Luce) (Reference No. 1017)
13. In the Air Force Reserve there are 2 appointments to the grade of colonel (list begins with Lebane S. Hall) (Reference No. 1018)
14. In the Air Force Reserve there are 3 appointments to the grade of colonel (list begins with William Charles Dunlap) (Reference No. 1019)

15. In the Air Force Reserve there are 9 appointments to the grade of colonel (list begins with Dawn D. Beelack) (Reference No. 1020)
16. In the Air Force Reserve there are 109 appointments to the grade of colonel (list begins with Katherine E. Aasen) (Reference No. 1021)
17. In the Air Force there are 6 appointments to the grade of colonel (list begins with Bryan M. Barroqueiro) (Reference No. 1022)
18. In the Air Force there is 1 appointment to the grade of major (Bryan M. Davis) (Reference No. 1023)
19. In the Air Force Reserve there is 1 appointment to the grade of colonel (Todd E. Combs) (Reference No. 1024)
20. In the Army there are 883 appointments to the grade of major (list begins with David H. Aamidor) (Reference No. 1025)
21. In the Army there are 461 appointments to the grade of major (list begins with Yonatan S. Abebie) (Reference No. 1026)
22. In the Army there is 1 appointment to the grade of colonel (Peter J. Koch) (Reference No. 1027)
23. In the Army there are 3 appointments to the grade of colonel (list begins with Derek P. Jones) (Reference No. 1028)
24. In the Army there are 382 appointments to the grade of major (list begins with Michael S. Abbott) (Reference No. 1029)
25. In the Army Reserve there is 1 appointment to the grade of colonel (Denny L. Winningham) (Reference No. 1030)
26. In the Army there is 1 appointment to the grade of colonel (John C. Baskerville) (Reference No. 1031)
27. In the Marine Corps there are 3 appointments to the grade of lieutenant colonel (list begins with William T. Hennessy) (Reference No. 1032)
28. **In the Air Force Reserve, there are 8 appointments to the grade of major general** (list begins with James R. Barkley) (Reference No. 1057)
29. **Colonel Paige P. Hunter, ANG to be brigadier general** (Reference No. 1058)
30. **Colonel Thomas J. Owens II, ANG to be brigadier general** (Reference No. 1060)
31. **Colonel Robert G. Michnowicz, USAR to be brigadier general** (Reference No. 1062)
32. **Colonel Jeffrey C. Coggin, USAR to be brigadier general** (Reference No. 1063)
33. **Colonel Kevin C. Wulforth, USAR to be brigadier general** (Reference No. 1064)
34. In the Air Force there are 57 appointments to be colonel (list begins with Brett C. Anderson) (Reference No. 1067)
35. In the Air Force there are 79 appointments to be major (list begins with Stephen C. Arnason) (Reference No. 1068)
36. In the Air Force there are 162 appointments to be lieutenant colonel (list begins with Eric E. Abbott) (Reference No. 1069)
37. In the Air Force there are 232 appointments to be major (list begins with Jane A. Alston) (Reference No. 1070)
38. In the Army Reserve there is 1 appointment to be colonel (Mark L. Coble) (Reference No. 1071)
39. In the Army there are 10 appointments to be colonel (list begins with Craig A. Holan) (Reference No. 1072)
40. In the Army there is 1 appointment to be colonel (Steven R. Berger) (Reference No. 1074)
41. In the Army there is 1 appointment to be major (Richard M. Hawkins) (Reference No. 1075)
42. In the Army there is 1 appointment to be lieutenant colonel (Martin S. Kendrick) (Reference No. 1076)
43. In the Navy there are 2 appointments to be lieutenant commander (list begins with Denise M. Veyvoda) (Reference No. 1078)
44. In the Navy there is 1 appointment to be lieutenant commander (James A. Trotter) (Reference No. 1079)
45. In the Marine Corps there are 699 appointments to be major (list begins with Jeremy D. Adams) (Reference No. 1080)
46. In the Marine Corps there are 6 appointments to be lieutenant colonel and below (list begins with George L. Roberts) (Reference No. 1081)

Total: 3,178

Chairman MCCAIN. Mr. Fanning, roughly how many Army and other personnel are now in Iraq serving there?

Mr. FANNING. I understand the number to be about 4,500.

Chairman MCCAIN. About 4,500. Is there a status of forces agreement with Iraq on the presence of those troops, that you know of?

Mr. FANNING. Not that I know of, Mr. Chairman.

Chairman MCCAIN. Certainly not one that has been through the parliament of Iraq.

Ostensibly, you were in administration at the time, the reason why we could not leave a sustaining force behind in Iraq at the time of the withdrawal was because we did not have a status of forces agreement so, therefore, it would be impossible for us to leave a force behind. Yet somehow we have now 4,500 uniform members of the military, and no one seems to be concerned about the fact we do not have a status of forces agreement with the Iraqis. I find that curious.

Let me ask you a fundamental question. In Iraq and Syria in the battle against ISIL, which is now metastasizing, at least to the degree where we are going to have to attack ISIL in Afghanistan among other places, are we winning?

Mr. FANNING. Mr. Chairman, I think it is too early to tell. We clearly are putting a lot of pressure on ISIL, but they are also showing they can put pressure on us and they are not contained. But I do think we are making process recently. There is open source reporting of 6,400 ISIL fighters killed in the last 3 months. We have disrupted the supply route between Mosul and Raqqa, taking back Sinjar and Ramadi.

But a great deal of work needs to be done. I do believe it is a long fight.

Chairman MCCAIN. Do you think we have any plan to take Raqqa?

Mr. FANNING. I do not know the specifics of any plan, but we are moving in that direction, applying pressure both outside Raqqa and outside Mosul.

Chairman MCCAIN. But you do not know of any specific plan?

Mr. FANNING. I do not, sir, but I do not think I would, in my current capacity.

Chairman MCCAIN. You work directly for Secretary Carter?

Mr. FANNING. I do.

Chairman MCCAIN. You did not know of any strategy to retake Raqqa there?

Mr. FANNING. Since I have returned to his office, I am in a different capacity than I was before when I was chief of staff. I am assigned special projects, and he has been generous enough to let me focus on this hearing today.

So no, I have not been involved with him on any discussions about a plan for Raqqa.

Chairman MCCAIN. Therefore, you would not have any estimate as to how long it would take before we could retake Mosul?

Mr. FANNING. No, Mr. Chairman, I do not.

Chairman MCCAIN. In the defense bill we just passed, which I know you are very well aware of, it requires a reduction of headquarters staff by 25 percent, cost savings from overall administrative support by \$10 billion over a 5-year period.

Committee testimony, obviously, is that staffs are too large and redundant, some going so far to say that the secretarial staff and the military staff should be consolidated into a single Service staff.

First of all, what do you think about the reductions? Second of all, what do you think about such a fundamental change?

Mr. FANNING. I think first on the reductions, I have seen this now in all parts of the Department of Defense. I have been particularly impressed with how the Army went about it, because they really did try to delayer the organization, increase the span of control for supervisors.

I think this is something you never stop working on. Headquarters grow back, if you are not applying pressure in the opposite direction. I think the 25 percent reduction was a good start. I would like to see how we rationalize that reduction where we go further.

As to the second part, the question about collapsing the staffs inside the Military Departments, I think there is a great deal of potential there. Fundamental guiding principles need to be, one, protecting civilian control of the military; but two, also making sure the Chiefs have the support and resources they need to give independent military advice.

But I think if we keep cutting the headquarters in the form that they currently exist in, we are just going to have weaker product delivered later. I think we need to have some reform as the next round, and I think there is enormous potential there, not just in the Military Departments but between Military Departments and OSD, within OSD, and then further out in the headquarters in the field.

Chairman MCCAIN. I thank you for that. You are uniquely situated now to play a key role. I agree with you that just flat-out reductions are just the first steps. It is a little bit like sequestration in that it is a meat ax when we need a scalpel.

I would look forward to having you play a role there, given your unique background.

Finally, a source of great frustration to this Committee, all of us Members, are continued cost overruns on weapons systems. We made some reforms. We are getting the Service Chiefs more involved, you are aware. But it still seems to go on. Every time we really need something, we use that expedited process, which we used for the MRAP [Mine-Resistant Armored Protected Vehicle] and we used for others.

I hope that you will make that one of your top priorities. We cannot justify eliminating sequestration and increasing defense spending, which the majority of Members of this Committee on both sides feel is necessary given the nature of the events in the world today, but it is hard for us to go back to our constituents when we have a \$2 billion cost overrun on an aircraft carrier. Numerous Army programs that spent billions, and then never became realities, going all the way back to the future combat systems, to the presidential helicopter. You are very aware of them.

We have to stop it. If we are going to have credibility with the American people, we cannot have these horror stories. I am sure you appreciate it.

Mr. FANNING. I do. Thank you, Mr. Chairman.

If confirmed, one of the things I would want to do in the Army is initiate a rapid capabilities office (RCO) like I worked with very closely in the Air Force. I found it to be a very effective way for large programs as well, the bombers inside the RCO, the Rapid Capabilities Office in the Air Force.

I think that the acquisition reforms in the NDAA will help with this as well. That is injecting the Military Departments, the Chiefs, in the requirements process, especially as it overlaps with the acquisition process, to help keep costs under control.

That is different than dumping requirements when you already have cost overruns because you cannot afford them. It is making wise decisions at the proper times, when you have more information to make those trade-offs.

I look forward to implementing those reforms and think it will help us greatly field things faster and avoid the cost overruns that we saw in the past.

Chairman MCCAIN. Senator Reed?

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

Again, Mr. Fanning, thank you for your service to date and your willingness to continue to serve.

Given your perspectives in both the Navy and Air Force, can you just outline what you think are the most significant priorities you would bring to the Secretary of Army's Office?

Mr. FANNING. First, I think for the Army, readiness has to be the priority. It is what General Milley said is his priority, and I would agree with him, if confirmed, 100 percent that we need to make sure the soldiers we are sending into harm's way, into combat, are ready, fully trained, fully equipped. That would be the first priority.

The second, as a part of these efficiencies, is the end result has to be maximizing the combat power of the force structure that we have. I think that is a continual culling process to make sure that you are looking across all of your force structure and keeping that tail-to-tooth ratio as strong in the tooth direction as you possibly can.

Third, something that I took very seriously and spent a lot of time on in the Air Force, is maximizing the idea of one Army, a total force, Active, Guard, and Reserve. We talk a lot about the Army going from 490,000 to 450,000. That is just the Active component. We cannot do what we are asked to do, the Army cannot do what it is asked to do, if we just think in terms of an Active component. We have to think more creatively going forward about how we operate as a total force.

Then fourth, as I mentioned earlier, I would really want to focus on acquisition reform, specifically the standup of a rapid capabilities office. The Army has some capabilities where we are seeing, based on what is going on on the ground in Ukraine, in Syria and so forth, that our overmatch is not as great as it should be, as it needs to be, particularly if we do not change course. I think specifically about position navigation and timing, electronic warfare and cyber, and then survivability of our platforms, particularly aviation. I see these as three great problem sets that we could launch in a new rapid capabilities office.

Senator REED. As part of your development of a one Army concept, I would presume that you are going to take an active role in an engaging the TAGs [The Adjutant Generals]?

Mr. FANNING. Absolutely. Already, I spent a lot of time with General Grass in both jobs. Whenever I travel to a State, I always ask if the TAG is available to meet. I took the Vice Chief of Staff of the Army out with me—I believe it was in December; it may have been in November—with all the TAGs when they were gathered in Colorado.

I bring a number of relationships with me from the Air Force and plan on increasing that while in the Army, working very closely with the TAGs and the Council of Governors.

Senator REED. One of the issues, and the Chairman made reference to this quite explicitly, is the new legislation which he guided through last year with respect to the Services' role in acquisition. I presume that would be one of your significant priorities in getting the Army fully engaged with their new responsibilities in acquisition.

Can you give us some perspective on that?

Mr. FANNING. Absolutely. There are many great dedicated professionals in OSD but my experience in having worked in all three Military Departments in OSD, even though we are in the same building, one of the reasons I prefer working in the Military Department is I feel those who do are much closer to the troops. I think that is very important in terms of setting monitoring requirements.

What I would say about these new reforms, and I do think putting more responsibility in the Military Department is the right direction to move, is it is easy for people to conflate the acquisition process and the requirements process. They are fundamentally linked. They overlap. But where I think there is the most potential is that requirements process, getting the requirements right to start and then at various points in the acquisition process being able to make those trade-offs.

We learn more as we do, particularly if the technology is not mature. A good program manager should have the opportunity to come back to the Chief of Staff, the Service Secretary, and say, "I can get this to you a year faster, if you can cut 5 percent the requirement you thought you set. I can meet that requirement in a different way. I can save money if we do not chase this."

Also, that there are smart decisions rather than reactions to when all the green vectors have turned red.

Senator REED. I think one of the other aspects that you suggest in your comments is holding those program officers accountable. One of the things I think we all noticed is that accountability has been so diffuse that these systems take on a life of their own and no one is really responsible, et cetera.

I would assume that in your development of the new approach that you would have accountability at the forefront in terms of the program managers and others that are under your command. Is that fair?

Mr. FANNING. Absolutely. One of the things that is most intriguing about these changes, it is hard to hold program managers accountable now, based on the process, how long they serve, how long

the process is. This gives us an opportunity to iterate through the process in ways where we can design more fundamentally transparent metrics that we can hold people accountable to.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ayotte?

Senator AYOTTE. Thank you, Mr. Fanning. I want to thank you for your service, and it is great to have your mom here.

I wanted to ask you about the size of the Army and what your viewpoint is on that. As you know, we are drawing down the end-strength of the Army to 450,000 by 2018. As a result of that, we are actually seeing a huge number of involuntary separations of people who have served multiple deployments, who have served the country admirably, which, to me, to get a pink slip after you come home and served our country is pretty appalling.

But I want to ask you two questions.

Number one, do you think that we have the right size Army and what about the reduction down to 450,000?

Secondly, when General Milley was before our Committee in July, he said that only about 30 percent of our Army brigades are at acceptable levels of combat readiness, and he noted that that number should be between 60 percent and 70 percent. What do you view to be the biggest readiness problem? Has it improved since July? And where are we?

Mr. FANNING. I will start with readiness. It has not improved markedly since July. It is still about a third of our BCTs that are ready, that the Army would define as decisive action, ready for a big, large land fight that we might face against Russia, North Korea, or what have you. The Army has a plan, ways to get there, but there are many impediments in place.

The demand on the force the size that it is makes it difficult to keep it trained, to keep it going through those training rotations.

Senator AYOTTE. When you shrink the Army, you get the dwell-to-deploy ratio that is very difficult to meet.

Mr. FANNING. Absolutely, because the demand is not shrinking at the same rate.

Senator AYOTTE. Should we be pushing for more resources for a larger Army, given the threats that we face? Is that something that you would advocate for?

Mr. FANNING. I do worry about the size of the Army today. When we were directed to go down to 450,000 in the Active component by the QDR [Quadrennial Defense Review], General Odierno testified that this was with risk. I know he said this quite a bit. I was sitting across the table in the Air Force seat. General Milley has recently testified that we can meet the combatant commanders' requirements at 450,000, but the risk is increasing. I do not see that vector changing.

Two years ago, when we targeted 450,000, we did not have ISIL, we did not have Russia as provocative as it is. So I am concerned. It is preventing us from doing a number of things we want to do to the Army to make it readier and to keep it whole.

By the way, I know that you directed the Chairman of the Joint Chiefs to do a force assessment on the Army specifically by the end of next month, which I think will be very telling.

Senator AYOTTE. Yes. Good. I look forward to receiving that, especially as we look at this readiness issue, which is fundamental to the strength of our force and obviously how we treat our men and women in uniform. I think this needs to be a priority for you in this position.

I also wanted to follow up on an issue that we have seen in New Hampshire with our Guard, and that is military construction (MILCON). In fact, in New Hampshire, the condition of our readiness centers in New Hampshire is unacceptable. According to the Army National Guard Readiness Center transformation master plan, if you look at where we are, we are ranked 51 out of 54 States and territories evaluated nationwide with our infrastructure. In total, the New Hampshire Army National Guard, if you look at our readiness centers, all except one are rated poor or failing.

In fact, if you look at our Manchester Readiness Center, it was constructed from 1938 to 1940. It does not comply with building codes, life, health, safety, or any antiterrorism force protection standards.

I would ask you, in the upcoming budget request, I hope the Army does not continue to postpone its requests for funding for the New Hampshire Army National Guard vehicle maintenance shops in Hooksett and Rochester, as well as our readiness centers in Pembroke and Concord, because we are just in a very deplorable situation, if you think about our being 51 out of 54.

I hope, if confirmed, that you will commit to examining the allocation of military construction dollars not only between the Active and Reserve component, but also the allocation among the State Army National Guards to ensure that the Army is prioritizing what our Guard needs as well. As we know, this is a total force situation. We could not have fought in Afghanistan, Iraq, or what we are doing against ISIL without the Guard.

Mr. FANNING. I absolutely will, and I think we need to take a fundamental look at the total number of dollars as well. This is a place where, across all the Military Departments where I work, we take the greatest risks—MILCON, facility sustainment—to the point—because that includes ranges, testing facilities—that it has become in and of itself a readiness issue.

Senator AYOTTE. Thank you very much.

Chairman MCCAIN. Senator Manchin?

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

Thank you, Mr. Fanning, and your family and all the support you have.

You have quite a resume, sir, and all the experience you have, which I think would be a tremendous asset for the Army, and what you can bring to it, organizational skills. The thing I would like to ask and everybody is talking about is our force. I agree with you. I am concerned as you are about reduction of forces.

Give me the ratio of forces versus contractors. If adjustments can be made, because I would tell you this, there is not a West Virginian I know that would not sacrifice so we have the military we have to defend our country. Not one. But they want to make sure we are using their money right. They do not think that we do it as efficiently as we could, as far as procurement. They believe that

we are sometimes top-heavy, as far as contractors versus reduction in force. Every time somebody comes before us wanting more money, they tell us how they reduced the forces. When we check everything else, your command centers are high, all the administration is high, contractors are high. But the people that we actually want to do the fighting for us, they are the ones that are in critical need.

There has to be an adjustment. Give me your take on this.

Mr. FANNING. First, I would say that there are tremendous individuals and product that comes out of the contract workforces as an integral part of how we fight and how we mobilize, train, and equip.

That said, we lean on the contractor workforce to surge when we need to. I do not think we do a good enough job of then rationalizing and culling afterward. It is much like efficiencies. I think that the contractor workforce is something we need to be analyzing continually.

Senator MANCHIN. Can I interrupt you? I am so sorry, sir.

But being a former Governor, and there are a few of us here, we know that we were in charge. We were commanders in chief of our National Guard. It was our responsibility to do the things that needed to be done. We had the support of the Governor and the Legislature. But we are the ones who led that charge.

With that being said, we think there is so much more our Guard could be doing in the role that we are paying high-priced contractors to do. We just think it is ridiculous, the redundancy. We are paying contractors but we already have a Guard in waiting that is trained and ready to do the job and go to the frontline and do whatever.

We do not see that correlation or that commitment to using what resources we already have.

Mr. FANNING. I think certainly General Milley has talked about the total force and using the Guard more. If confirmed, as I said, that will be a priority of mine. I spent 2 years working that pretty hard in the Air Force.

Not only do we need to do it, as we draw down, it is the right thing to do to make sure that we are utilizing all the components properly.

We are in an interesting position now where we are almost due the National Commission's Report on the Structure of the Army. I am optimistic we will get some interesting ideas out of that that will help push us forward in thinking more about total force and using the Guard more productively.

But going back to the contractor workforce, that is something that we need to rationalize all the time. When I was in the Navy Department, we started something called contractors court where every echelon has to justify its contracts to the next echelon up. It does an interesting thing, because you would see each echelon cancel a certain percentage of the contracts because they knew they could not justify it to the boss. By the time it got all the way up to the top of the pyramid, you had rationalized that pretty well.

We did it in the Air Force to great success. The Army has something similar. But if confirmed, it would be something that I personally would oversee.

Senator MANCHIN. Have you gotten a handle on how many contractors we actually have? I cannot get anybody to give me an accurate count.

Mr. FANNING. That is the first thing and the most difficult thing, to know how many contracts you have. Of course, we contract for services, so we do not always know how many people are behind those contracts.

Senator MANCHIN. And the amount of money we are paying?

Mr. FANNING. It is amazingly difficult to figure out what that number is. It is very frustrating.

Senator MANCHIN. As far as procurement, that seems to be your strong point. What would you do? The bottom line is, every time somebody asks you if we have enough money or enough in force, you always are going to say you need more.

But on the other hand, if you only have X amount to work with, what can we do here that allows you to be more effective and to use that in a more prudent way? Can we untie your hands?

Mr. FANNING. In my experience, bureaucracies are additive, and processes are created to prevent the last bad thing from happening.

Senator MANCHIN. What would you change in procurement right now?

Mr. FANNING. I would give more flexibility to the program managers, those people who you are holding accountable, and then hold those people accountable. That includes whoever it is in the leadership positions, but then us inside of the organization so that we can develop—program managers spend the vast majority of their time putting briefing slides together and briefing people, as opposed to actually running their programs. We are not nearly as agile as an institution as our adversaries are now, or even private sector companies that do not want to work with us because of all the barriers we put up for them to do so.

I would look for ways we can strip out some of these requirements that slow us down, allow us to be more agile, better tap into innovation, both in terms of technology but also processes, so we can iterate more rapidly than we are now.

Senator MANCHIN. Let me just say, my time is running out, but I think you are uniquely qualified, because you are seeing three branches of government. Very few people have come to this position having the background that you have had and the administrative skills that you have. I hope you put them to good use. I hope we give you the ability to do that, sir. I hope you use the forces that we have, make sure that our frontline forces are strong and we have the right number of people to do the job, and make sure that we do not have an abundance of contractors that we do not need, overpriced, using our Guard more effectively, and building the force that we need to protect our country. We will be behind you 1,000 percent.

Mr. FANNING. Thank you, Senator.

Senator MANCHIN. Thank you.

Chairman MCCAIN. Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman.

Thank you, Mr. Fanning, for your service and your continued willingness to serve.

I have a number of questions, so hopefully you can answer these succinctly. Yes or no will suffice on some of these.

You and I have talked a lot about what is going on with regard to Russia, the massive Russian buildup in the Arctic, as well as Russia's other numerous provocations over the past few years.

As you know, General Dunford and General Milley testified that they saw Russia as the biggest threat to the United States. Secretary Carter also testified that he saw significant strategic importance to the Arctic and how we are late to the game. Admiral Paul F. Zukunft, USCG, the Coast Guard Commandant, said we are not even in the game relative to Russia's massive buildup in the Arctic.

Do you agree with that, what Secretary Carter and the Coast Guard admiral said?

Mr. FANNING. I do think that we are not nearly enough in the game in the Arctic as we should be.

Senator SULLIVAN. Admiral Harris testified here that he saw one of the greatest threats in the Pacific as North Korea. Do you agree with that?

Mr. FANNING. I do.

Senator SULLIVAN. We have been supportive in a bipartisan way of the President's rebalance or pivot to the Asia-Pacific. Are you supportive of that strategy?

Mr. FANNING. Yes.

Senator SULLIVAN. As you know, last year, the Army decided to get rid of the 425 [4th Brigade Combat Team (Airborne), 25th Infantry Division] base, the Joint Base Elmendorf-Richardson (JBER), 5,000 airborne infantry troops, strategic asset for the country, kick-in-the-door capability, 7 to 8 hours can be anywhere in the northern hemisphere given the strategic lift that we also have at JBER.

To General Milley's credit, he has put this decision on hold, re-evaluating it, thinking it may have been a strategic mistake.

Does the United States Army have any other airborne brigade that is trained, equipped, and ready to fight and win in subzero mountain climates like those in the Arctic or those in North Korea?

Mr. FANNING. No, not like those we have in Alaska.

Senator SULLIVAN. The 425 is part of the strategic Reserve right now with regard to a contingency in Korea. General Scaparrotti called it the "over the hill cavalry" that could be there in 7 hours.

Do you think removing these forces emboldens the already unstable leader of North Korea or Putin, in terms of his buildup in the Arctic, when we are removing literally the only airborne BCT-trained soldiers in that part of the world?

Mr. FANNING. If confirmed, Senator, I would look for ways to reverse as many of the combat cuts that the Army made last year as possible, to include Alaska.

Senator SULLIVAN. Let me talk about, just very quickly, we have been supportive of the President's rebalance. As a matter fact, in the NDAA, we had language supporting it, talking about how we should not be cutting forces in the Asia-Pacific.

How does cutting the only airborne brigade combat team in the Asia-Pacific support the President's rebalance to the Asia-Pacific?

Mr. FANNING. That is one element of the Army's rebalance to the Pacific. The Army created a four-star leader there and has in-

creased the number of soldiers and civilians overall that are dedicated to the Pacific. I think the number is 77,000 to over 100,000 today since 2007.

Senator SULLIVAN. Let me just say if the Army retained the 425 at its full strength, as you and I have talked about, would it not send a strong message, a strategic message to North Korea, to Russia, and our allies about America's commitment to defend our strategic interests on the Korean Peninsula, in the Arctic, and support our allies? Do you think that would be a strong message?

Mr. FANNING. I think it would send a strong message. The Army last year had to balance the cuts that it needed to make across all of the requirements and priorities that it has.

Senator SULLIVAN. Let me get to the 450,000 number. I believe, and I think a lot of Members of this Committee think it is low. I think it is way too low, strategically risky for the country.

Do you agree with that?

Mr. FANNING. I do believe it is a risk, yes. That has been testified to by many others as well.

Senator SULLIVAN. To his credit, again—and you already touched on it and I appreciate you mentioning it—General Milley is working hard to balance the tooth-to-tail ratio, as you said earlier, making sure we have much more in the teeth category than the tail.

Of the 450,000, how many currently have musician MOS [military occupational speciality]?

Mr. FANNING. In the 450,000, I believe that number is about 1,500.

Senator SULLIVAN. How many prisoners are at Fort Leavenworth of the 450,000?

Mr. FANNING. Of the 450,000, 1,100 of them are counted as prisoners.

Senator SULLIVAN. How many soldiers of the 450,000 are right now out-processing?

Mr. FANNING. Combined total of just over 15,000.

Senator SULLIVAN. When we talk about the 450,000, there are literally thousands, tens of thousands, who are not deployable, not capable of fighting. Correct?

Mr. FANNING. That is correct.

Senator SULLIVAN. Does it make sense that the Army is proposing cutting thousands of healthy, deployable airborne infantry soldiers to make room for tens of thousands of nondeployables and noneffective soldiers that are counted as part of the 450,000?

Mr. FANNING. It would be nice not to count them against the 450,000. I do not think people realize what percentage of the 450,000 Active component is not deployable for reasons even greater than you have mentioned. They have medical profiles or for other legitimate reasons. They are part of the generating force. They are training now. They are already deployed.

When we say we are heading toward a 450,000 Active component in the Army, that is not 450,000 people ready to be deployed.

Senator SULLIVAN. My time is expired here, but let me get one final commitment, Mr. Fanning. We have had a lot of discussions, but, if confirmed, I need your 110 percent commitment to ensure that the very last soldiers that we are cutting are the combat-effective, tip-of-the-spear, strategically located infantry soldiers who can

fight tonight if they need to, as opposed to so many of the other soldiers that we are talking about.

In other words, that you and General Milley would commit to cut the trigger-pullers strategically located like the 425 absolutely, positively last relative to any other soldiers you are looking at cutting. Can I get that commitment from you?

Mr. FANNING. You absolutely have that commitment, Senator.

Senator DONNELLY. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Donnelly?

Senator DONNELLY. Thank you, Mr. Chairman.

Mr. Fanning, thank you for being here. And to your mom, thank you. To the Kassir family, it is wonderful to have you here, your dear friends.

Mr. Fanning, one of the things that we have seen is again in the third quarter a big spike in suicides, especially among Guard members. What are your plans to improve mental health services and to make that number go down in the United States Army?

Mr. FANNING. We have seen a spike. With the sheer size of the Army, the number in absolute terms is large and it is too large. I think the Army has made some impressive progress, increasing access to health care by embedding it at the brigade level so that it is more readily accessible.

In terms of care across-the-board, sexual assault prevention, behavioral health, suicide, I think that is a key component of making access to care as easy as possible for our soldiers. So that is one thing.

But I think also a lot more work has to be done fighting the stigma against seeking behavioral health care.

Senator DONNELLY. One of the other things that has been done in the Israeli Defense Forces (IDF) is they have pushed down to the platoon level that the soldier in charge keeps an eye out for the other members and reports, "Hey, Tim is getting a little sideways," or, "Cathy is getting a little sideways."

Are you looking at any ways to push the decisionmaking down a little bit lower as to enabling them to have the ability to say, look, maybe we need to help this person?

Mr. FANNING. Absolutely. I think we need to have it down as low as possible. The Army is actually already looking at this, from my understanding, and has a number of other programs like that. The Senior Master Sergeant of the Army has started something called Not In My Squad to cover a whole range of issues. Part of that is training people to look for indicators that they should act on and report.

Senator DONNELLY. It really helped reduced the numbers in the IDF.

Another area, you said before that the Army recognizes the tactical importance of the Humvee fleet and the enduring requirement to maintain a relevant and capable fleet. Do you expect the Army will continue to rely on a large Humvee fleet even after the JLTV has been fully fielded?

Mr. FANNING. Absolutely. As I recall, the ultimate end-state after they rationalize the requirements for the ground fleet was to maintain about 50,000 Humvees, which also allows them to cull out the

newest and best maintained of what they have. It will end up being a relatively young and well-maintained fleet, and a sizable one still.

Senator DONNELLY. Looking in the Middle East, one of the things that has struck me is we have seen refugees all throughout the world at the same time that we will not put in a no-fly zone or safe zone, right in the same country where those refugees are coming from.

Do you support putting in place a no-fly zone or a safe zone?

Mr. FANNING. I actually have not studied either of those proposals enough to give you an opinion on them. I am happy to come back and talk to you. I do think we have not done enough collectively to prevent the crisis and now deal with the crisis, which is unlike any refugee crisis that I have seen.

Senator DONNELLY. You are going to be working with the Department of Defense, you are going to be working with the Secretary of Defense, and this is a critical issue to all of us. We need you to provide the unvarnished truth of your opinion to him.

I am wondering if you are going to look into this and start to put this information together and come to some conclusions on this?

Mr. FANNING. I will, Senator. As you know, it is the Service Secretary's responsibility to make sure that we have the forces that are ready and trained for whatever they are asked to do, including if it is a no-fly zone or a safe zone.

Senator DONNELLY. I do. But I am also hopeful that if Secretary Carter asks you, that you say: Look, here is why I think it makes sense, or why it does not make sense. Here is a mission that is critical and important to the success of our Nation's future and where this goes.

Mr. FANNING. Absolutely. I commit to you that I, certainly, will give my unvarnished opinion to Secretary Carter whenever asked.

Senator DONNELLY. On occasion, if not asked, if you see something a little sideways, will you take him aside privately and say to him, "Look, here is my view of this"?

Mr. FANNING. Yes.

Senator DONNELLY. Okay.

Mr. Fanning, you have served this Nation well and with distinction. We appreciate everything you have done for our country. Thank you for being here today.

Thank you, Mr. Chairman.

Mr. FANNING. Thank you, Senator.

Chairman MCCAIN. Senator Fischer?

Senator FISCHER. Thank you, Mr. Chairman.

Welcome, Mr. Fanning. I would like to begin by thanking Senator Sullivan for bringing to your attention some questions and comments that he has about our concern that we have with Russia, especially in the Arctic. I think many times we do not focus on that because of the truly large challenges that we see all around this world. But I do appreciate his comments and I do share the concerns that he has about the 425. I thank you for your commitments that you made to him.

I know one of your main challenges is going to be to balance that investment made against future threats alongside the demands that we now face with readiness and modernization and force

structure. You have said that your top priority is readiness. You noted to me when we met last month the need for more investment in facility sustainment.

How do you plan to prioritize all those remaining demands, if we are going to be able to address needs in the future and be able to balance those? I want to see what your thought process is on that.

Mr. FANNING. Sure, Senator. I think we take risks in all parts of our budget right now. What I look at, having seen this happen incrementally, and part of it is just the uncertain fiscal environment that we have been planning in, sometimes we lose sight of the aggregate risks. That is really what I am trying to get at now and, if confirmed, would do so in the Army.

One of those places that is not unique to the Army, where we have taken an aggregate risk that I think a lot of people have not fully realized yet is in MILCON and facility sustainment.

It really is becoming, in my view, a fundamental readiness issue for all of the Services. As I said earlier, ranges are a part of that. We need to make sure that we are not mortgaging our future with the decisions we are making now.

But all that means is we would be moving risk to another part of the budget. But we have taken year after year after year of layered risk in facility sustainment, and it concerns me greatly.

The first visit I made in the Army was to Fort Bragg. That is a critical, very busy base. From the minute that I landed, I could tell that this base looks tired. We have to look into that very seriously.

Senator FISCHER. As Members of this Committee, we are hearing a number of predictions and ideas about what the future is going to look like. Do you see any kind of major shift on the horizon for the Army, and what the Army will do, how it will operate, what it will need in the future?

Mr. FANNING. Secretary Gates always said, "We have a perfect record of predicting the future. We get it wrong every time." I think he was talking about the future kind of war we will have.

What I try to do, and, if confirmed, will try to do in the Army, is less predict what that future is than take advantage of some of the reforms we are talking about to make the Army more agile at getting new capabilities out to the field. I think we are losing the competitive edge we have at iterating against our adversaries, either in how to use technology, which is a big part of it—we have to empower soldiers in the field with the tools that we already have, and how to use them differently—but how to incorporate new ideas and new technology faster into what we do produce and what we do field.

Senator FISCHER. Are there resources or specific equipment that the Army now has that you believe is outdated and should be replaced? Do you have a list of what needs to be ended in order to move forward in the future for what you are really going to need?

Mr. FANNING. I do not know, in the current state, there are a lot of things that I say we could end, because we are reliant on them all. A lot of the platforms are old but have lots of new technology and capability on them.

I think of three phases to procurement, which is modernizing what you have now, recapitalizing the next generation, and then

your science and technology to keep investing in what comes after that.

The Army, last year, before I went over as Acting Under, just because of the budget pressures, decided to invest more in modernizing the platforms they have and keeping the science and technology for the long-term investment going, and taking risks in developing the next generation platforms.

That is a concern to me. If confirmed, that is an area I would be looking at very closely. Where have we taken too much risk in platforms that we are going to try to hold on too long?

Senator FISCHER. Thank you.

Chairman MCCAIN. Senator King?

Senator KING. Mr. Fanning, I, certainly, appreciate you being here today. I have to say you are one of the most refreshingly candid witnesses I can recall being before this Committee. I want to join Senator Donnelly and really encourage you to carry that quality into your work. You have a great deal of experience, a great deal of knowledge, and, I have learned today, a great deal of wisdom on these issues. Share it. Do not be hesitant, even if it might cause some friction. That is your value to the United States.

I hope you will maximize the input that you have, because I believe you have a lot to contribute.

Mr. FANNING. Thank you.

Senator KING. There has been a theme in our discussions today, and what bothers me is that what we are talking about is turning one of those expensive aircraft carriers. We make strategic decisions that have long-term implications and even long-term implementation based upon assumptions that turn out to not be very good.

I was in Iceland recently. If there is a strategic spot on this planet, it is Iceland in the North Atlantic. Yet because we thought the Cold War was over, we closed the airbase at Keflavik. I think that was a tremendous strategic mistake in retrospect, because the world has changed and now suddenly we are in competition with Russia again, and I use the word "competition" advisedly.

The Army size that we have been talking about today, the assumptions upon which that decision was made were valid when they were made, but they are no longer valid. I share my colleagues' concern that we are facing a new round of challenges around the world and we really have to revisit that decision.

I am not so convinced as some of my colleagues about the danger of contractors. Because of the cost of training and high level of training that our Army and our tooth, if you will, we ought to be using contractors for everything but fighting. We should not have somebody who costs \$1 million or \$500,000 to train to do work that contractors can do. I think that is something that has to be constantly evaluated.

Do you agree with that assessment?

Mr. FANNING. I do. I think the contract workforce is an important, integral part of the workforce, the civilian workforce and the uniformed workforce. The challenge is getting the balance right. In my view, the contract workforce provides invaluable services to the Department of Defense and is a place you can go to when you need to surge.

Senator KING. It makes sense to do that rather than use trained Army personnel, our uniformed force, to do things that are not warfare?

Mr. FANNING. Absolutely. The challenge is, and it is something that we have to keep on all the time, making sure we have those three components properly balanced.

The one that grows the fastest if not properly overseen can be the contractor workforce because of how many different ways it can grow.

Senator KING. That is a management challenge.

Mr. FANNING. It is a management challenge. But I would never suggest, and I hope that I have not, that they are not a very valued and important part of how we get things done. Some things are best done in the contract workforce because it is an expertise that you do not need organically and want to pay for, or it is a surge capability. Some things you want in your civilian workforce, and others you want a uniformed person to do.

Senator KING. I do think that we need to talk about the Army, the end-strength, and have a review of that. I hope that is something that you will initiate.

The third area where we are talking about having made strategic decisions that now appear imprudent because of changed assumptions is the Arctic, as Senator Sullivan has emphasized. Huge activity by the Russians, in terms of their military buildup, and the idea of depopulating or diminishing our force availability in that region seems to me, given again changed assumptions—it may have made good sense 2 years, 5 years ago. I am not sure it makes sense today.

We have to continue to reassess these decisions and be flexible in responding to the current realities.

The final one that the chairman talked about is Afghanistan. We have to assess what is going on on the ground as opposed to saying we are going to make certain decisions based upon the calendar or 2-year-old assumptions.

I think all of those are examples of this importance of flexibility and constant reassessment of what the realities on the ground are.

Do you share that sort of overall concern?

Mr. FANNING. Absolutely, Senator. We like to say we are a learning organization. That does not mean much if we are not willing to make changes based on what we have learned.

In regard to the Arctic and Alaska, in particular, when I became Acting Secretary of the Air Force about 2 years ago, one of the first things I did was reverse an Air Force decision to move a squadron of aggressors, fighter jets, out of Alaska because of the strategic importance there, because of the range space we had there, because of the proximity not just to adversaries or potential adversaries in the Pacific, but the proximity to our partners in terms of training and so forth.

I have had a particular interest in that region for a long time.

Senator KING. Finally, I noted in your testimony several times you used the words “agile” and “mobile”. You remind me of my high school football coach used to say he wanted us to be agile, mobile, and hostile.

[Laughter.]

Senator KING. I appreciate your testimony, Mr. Fanning, and I appreciate your service to this country. Thank you.

Mr. FANNING. Thank you, Senator.

Chairman MCCAIN. That is no longer possible for the Senator.

[Laughter.]

Senator Ernst?

Senator ERNST. Thank you, Mr. Chair.

Thank you, Mr. Fanning, for being here today and for your service in so many different capacities throughout our various departments.

I want to thank your mother for joining us today as well today. Thank you, Cathy, for being here.

As you know, Mr. Fanning, last month, Secretary Carter announced that all military occupational specialties will be open to women. I do support providing women with various opportunities to serve in any capacity as long as we are not lowering standards to allow participation, and that we are not decreasing our combat effectiveness.

In order to ensure that women are fully integrated into these previously closed positions, I believe the implementation strategy must be thoroughly and fully developed to include having an understanding of those secondary and tertiary effects, so that we are not setting our women or our men up for failure.

Over the past few weeks, I have had the opportunity to visit with a number of soldiers and marines. I visited Fort Bragg, North Carolina, as well as Marine Base Quantico in Virginia. During my trip to Fort Bragg, I was able to sit down with the number of special operators and airborne paratroopers from the 82nd to discuss the gender integration. I did the same at Quantico.

Both of these groups were mostly senior-level NCOs, more junior noncommissioned officers, and, of course, some junior officers, both men and women. We really talked about gender integration.

Have you had the opportunity to go out and talk through gender integration with soldiers? Are you committed to doing that, if you have not?

Mr. FANNING. I have. I have been to Fort Benning, Fort Bragg, and Fort Hood. I spent a lot of time at Benning, in particular, discussing this issue down at the Ranger school.

If confirmed, it would be a dialogue I would continue to have because I share your view that we need to get this right. It is critical that we get this right.

Senator ERNST. Absolutely. I think we have to, again, make sure that we are planning wisely and that we are understanding what any follow-on effects will be, whether it is positive or whether it is negative as well.

One of the top concerns that I heard about the implementation is that it should not be done haphazardly. We have seen this recently with short turns of getting plans turned in, and short turnarounds for implementation. I am directing those comments at the marines.

But we want to make sure that the Army does it right. We want to make sure that everybody does it right. Do you think that having such a quick turnaround of 15 days for a plan, to work that out, do you think that is enough time to get it right.

Mr. FANNING. I have not seen the Marine Corps plan or any guidance they have been given. I will say that I think getting this right means doing it methodically and deliberately, in however much time it takes to get it right.

The Army plan, as I saw it before I left, is just that. It is a long-term plan that I think is carefully thought through, starting with validated requirements for infantrymen, for example. What requirements do you need to meet to do a job of an infantryman? If you can meet the requirements, then we start from there.

But I do not believe, in the Army plan—and all the plans are with the Secretary of Defense for review—you are going to see anything that looks like a rush to judgment.

Senator ERNST. I am very hopeful of that.

Mr. FANNING. That would set us back, set back opportunities for women and take us more time, in the end.

Senator ERNST. Yes. I agree with that. We do have to be very methodical and talk about the implications of the standards and what that might do to orders of merit lists and promotion opportunities. Are we setting our women back or moving them forward? We do not know what those implications are yet.

I appreciate your thoughtful approach to that.

Also, do you believe that women, now that we have opened up those areas of combat, do you believe that women should be required to register for the Selective Service?

Mr. FANNING. Senator, I think that is something the administration has taken up and is looking for a recommendation from Secretary Carter. I cannot get out in front of him.

I would say, if we are focused on equal opportunity, I think a part of that is equal responsibility.

Senator ERNST. Thank you. I do appreciate your thoughtful manner as we work with our soldiers in the Army.

I also want to echo—I know Senator Sullivan had spoken earlier about the 425. We want to make sure that we are protecting our assets in the Pacific Northwest. That is of great concern. Many of us have talked that through. I would appreciate your consideration with that as well.

Thank you, Mr. Fanning.

Thank you, Ranking Member Reed.

Senator REED. [Presiding.] Thank you, Senator.

On behalf of Chairman McCain, let me recognize Senator Heinrich.

Senator HEINRICH. I want to thank the ranking member.

Thank you, Mr. Fanning. Welcome back. I want to say, I really appreciate your willingness to serve. You have served this country in many different roles. In particular, I want to thank you for the work that we did together on operationally responsive space.

Senator King was talking about the ability to reevaluate information and change directions. That is a skill that is often lost on people in this town. I think you have it, and I appreciate that very deeply.

In last year's NDAA, this Committee expressed its concern about the lack of investment and sustainment of major range and test facility bases. The Committee noted that some test ranges, and I know I have mentioned the White Sands Missile Range but there

are others, have not received a MILCON project in direct support of tests and evaluation in over a decade now.

The Committee, therefore, urged the Department to complete its comprehensive assessment of test range only MILCON needs and investments.

I wanted to ask you if you know what the status of this comprehensive assessment is at this time.

Mr. FANNING. If I understand correctly, I think the draft assessment is done and it is now in coordination. I have not seen anything yet.

But I share your concern on that. I saw it acutely in the Air Force. That is why I mentioned it as readiness issue. Not investing in the ranges and testing facilities means that we cannot replicate real-world scenarios. Ineffective training, ineffective testing, does not tell us much.

Senator HEINRICH. Do you have thoughts on what metrics you will use, if confirmed, to assess the quality and capability of the Army's test and evaluation infrastructure, in particular?

Mr. FANNING. I think two fundamental metrics—first, I would probably start with the end user to see what they got from the range, what they did not get from the range or the facility.

But I think, if we are focused on investments in the facilities, a series of metrics would be how often the facilities are actually available when we need them to be.

Senator HEINRICH. Switching gears a little bit, Mr. Fanning, morale, welfare, and recreation (MWR) programs are a key component to soldier retention and quality-of-life. As you noted in your advance policy questions, it is important to continue providing high-quality MWR programs and to sustain them for the future. I would say that is even more acutely important in remote and isolated installations.

If confirmed, how do you intend to address those challenges in sustaining Army MWR programs, particularly given the current fiscal environment, and, in particular, at those remote and isolated installations?

Mr. FANNING. I share your commitment to the remote and isolated installations and facilities. I think one of the most important things to do with MWR is to constantly assess what is of value to the soldiers and their families. We lay on a lot of programs, and we do not ever rationalize them and pull money out of ones that are not effective to put back into ones that are. People cannot access them, because we are not investing enough. We need to be on the lookout for how things evolve, how families are evolving, how needs are evolving, to look for new ways that we can provide services in that area.

Senator HEINRICH. I think that is particularly important, because those needs change, and we need to meet people where they are, especially if we are going to continue to be able to have the kind of people that we want serving at those remote and isolated installations.

As a former engineer, I was pleased to see your commitment to expanding, in particular, outreach programs that foster STEM [science, technology, engineering, and math] professionals. We really need to make sure that we are getting the best and brightest

within the Army and all the Services, with regard to the next generation of scientists and engineers.

Can you talk a little bit about how you are going to approach that issue at the Army, in particular, and how we make sure that we have a constant structure in place to engage those scientists and engineers early so that we can get them into the Services and doing that kind of work?

Mr. FANNING. First, I would say that I think we need to start by explaining what the civilian workforce is and what it is not. It gets kind of bandied about in the political process. I think a lot of people assume it is just a large collection of bureaucrats.

Our engineers and scientists are national treasures. I think that hit me the most, and probably a lot of other people, a few years back when we were furloughing civilians—what was happening to our laboratories, what was happening to our test ranges. Now these are people who can make a lot more money doing things outside of government, but who are committed to the mission.

I think that is where we can do the most in capturing people earlier, which is finding ways to expose them to the mission and the problem sets that we are on and get them excited about that.

But these workforces, as we decrease the civilian workforce, increase the civilian workforce, convert from contractor to civilian, we need to make sure that we are keeping this talent organically that is very hard to recruit and very hard to replace if we lose it.

Senator HEINRICH. Thank you very much.

Senator REED. Thank you very much, Senator Heinrich.

I have been informed that my colleagues might return from the vote, Mr. Secretary, which gives me the great opportunity to initiate a second round.

Let me ask, you bring to this job extraordinary experience in management in the Department of Defense, in both the Department of Navy and Department of Air Force. One of the persistent criticisms of the Defense Department is that it has not been able to successfully pass an audit.

Can you give us some insight as to how you in the Army, but hopefully the Department of Defense across-the-board, can get DOD on the track to a successful audit?

Mr. FANNING. I think, first of all, for success to take place in this area, it needs constant senior leadership. We got a tremendous shot in the arm from Secretary Panetta, who understood this better, probably, than most. That is the first thing. It is just a commitment, if confirmed, that I will make to this process.

I think in regard to the Army, there are probably two things. I have seen it now in each of the Military Departments, and it is different in each Service, what the strengths and weaknesses are, and what the ways forward are. I have long been a proponent of learning from doing. We had gotten to a point across all of the Military Services, I think, where we had prepped enough and it was time to start testing what we had done. We are actually learning a lot from that. In 2014, just now 2015, the Army had an auditor that put down its pen, so we did not complete the audit. The Army did not complete the audit or get a favorable opinion at the end. But we are learning two things. We are not only learning where we have weaknesses that we need to put more emphasis. We are

learning where we have made enough improvements that we can pull resources off of that, so finding the resources to put in the areas where we have problems.

In the Army, the first thing is creating a series of work schedules based on those problems and sticking to it and holding people accountable.

The second, and this applies to all the Military Departments, but maybe even more so to the Army, the Army is fortunate in that some of its ERP [enterprise resource planning] systems are actually more robust and are fielded, and is making sure that you shut down the legacy systems when you are supposed to, because those legacy systems are not audit-compliant. You need to force the Service, the workforce, into the new systems that are compliant.

Those would be the two areas I think I would probably focus on the most.

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

I notice that my colleague, Senator Graham, has arrived. Let me forgo further questioning in the second round so that he may have a first opportunity.

Senator Graham?

Senator GRAHAM. Thank you, Senator Reed. Thank you very much.

Have you been following the media reports that there may be consideration at the Pentagon to take a star away from General Petraeus?

Mr. FANNING. I have.

Senator GRAHAM. What is your view of that?

Mr. FANNING. I shared Secretary McHugh's view that no further action was necessary regarding General Petraeus. I was his Acting Under when he was the Secretary of the Army.

Senator GRAHAM. I just want to say for the record, Senator Reed, that I hope there is bipartisanship for this approach.

Number one, that is a great answer. I think General Petraeus, like everyone else who has been fighting this war, only God knows how many years he was deployed since 9/11. He made a mistake. He took responsibility for it. His military record I think stands as one of the greatest in recent memory. I would just urge the Secretary of Defense to follow your recommendation and not go down this path.

As to the Army itself, I know you have been asked force structure. What does it mean to have 490,000 members of the Army versus 420,000, in terms of things you can do? What is the difference? I know you have 70,000 more people, but what does it mean in terms of engagement?

Mr. FANNING. I think when you look at 490,000 down to 450,000 in the current construct, down to 420,000 as a possible number in sequestration, General Odierno testified when the Army was first targeted on the 450,000 number that there would be great risk. General Milley has testified the same thing. The risk has increased. The number has not changed for our end-strength, but the risk has increased.

Going down to 420,000 in a sequester environment I think would require a whole new set of assumptions and guidance on what the Army is supposed to do and what its priorities should be.

Everyone has testified, and I will do it here today, that we could not do even as a total force, not just the Active component, what we are being asked to do if we went down to what sequestration would force us to do.

Senator GRAHAM. President Obama in the State of the Union address called for Congress to give him an authorization to use military force against ISIL. I think that is an absolutely reasonable request. Do you agree that it would be good, if Congress would do it?

Mr. FANNING. I do.

Senator GRAHAM. You are about to Secretary of the Army. I think you are well-qualified.

From an Army perspective, would you like to see limitations on time when it comes to fighting ISIL?

Mr. FANNING. I think my preference would be not to have a limitation.

Senator GRAHAM. Okay, I think that makes perfect sense. If I am in the Army, I do not want to tell the enemy, after 3 years, we are going to have to stop and start all over again.

One, that makes sense to me that from an Army perspective, I think from a national perspective, we should not have a limitation on time.

What about geography? Should we limit it to geography?

Mr. FANNING. I think we should fight them wherever they are.

Senator GRAHAM. They are in Afghanistan today. I want to applaud the administration for allowing our military to go after ISIL as if they were al Qaeda. I think that is a responsible deal.

Means. Are there any means you want to take off the table?

Mr. FANNING. No.

Senator GRAHAM. Thank you. I look forward to voting for you as Secretary of the Army.

Mr. FANNING. Thank you, Senator.

Senator REED. I do not think I can top that so let me just say the staff has indicated that there are no more of my colleagues that are returning.

Let me thank you, Mr. Fanning, for your service to the Nation.

On behalf of Chairman McCain, the hearing is adjourned.

[Whereupon, at 10:54 a.m., the Committee adjourned.]

[Prepared questions submitted to the Honorable Eric K. Fanning by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Committee has recently held a series of hearings on defense reform. What modifications of Goldwater-Nichols Department of Defense Reorganization Act of 1986 provisions, if any, do you believe would be appropriate?

Answer. Although the Goldwater-Nichols Reorganization Act of 1986 successfully restructured our national security establishment, this Committee's consideration of possible reforms is appropriate and timely. There are opportunities worth exploring to consolidate within the Military Departments, between the Military Departments and the Office of the Secretary of Defense (OSD) and between OSD and the Joint Staff. Potential consolidations could help make us a more agile institution, and better position us to respond to and shape the future. The current global situation has changed dramatically since the Cold War. If confirmed, I will ensure that the Army

is collaborative in the review of this Committee's recommendations for possible reforms.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I come from a military family. I have two uncles who went to West Point and were career Army officers; another uncle who was a career Air Force officer; and a cousin who flew helicopters for the Marine Corps. I learned at an early age the sacrifices made by those serving in uniform and their families. Having had the privilege to serve with all three Military Departments and all four Services, as well as three times in the Office of the Secretary of Defense, I possess the experience and have established the relationships to effectively serve as the Secretary of the Army. I began my public service on the House Armed Services Committee, transitioned to the Immediate Office of the Secretary of Defense, and then to the White House. I later built on that foundation by serving as the Deputy Director of the Commission on the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism. Since the beginning of this administration, I have served as the Deputy Under Secretary of the Navy, then as both the Under Secretary and Acting Secretary of the Air Force, as Chief of Staff to the Secretary of Defense, and finally as the Acting Under Secretary and Acting Secretary of the Army. I spent 6 years with Business Executives for National Security, working to bring better business practices to the Department of Defense. I have served as Deputy Chief Management Officer (DCMO) of the Department of the Navy, and Chief Management Officer (CMO) of the Air Force and the Army. I have a first-hand understanding of the business systems and management processes throughout the Department of Defense. I also bring a network of relationships that spans the Department, the interagency, and Congress, which has positioned me to effectively understand the Army's challenges, lead the Army toward effective solutions, and define and convey the Army's interests. The opportunity to serve at various levels across the Department of Defense has given me the context and depth of knowledge necessary to lead the Army through this period of fiscal instability and global uncertainty. If confirmed, I would be honored to serve as the next Secretary of the Army and work with this Committee and the Congress to ensure our Nation continues to be protected by the greatest Army in the history of the world.

DUTIES

Question. Section 3013 of title 10, United States Code, provides that the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army.

What is your understanding of the duties and functions of the Secretary of the Army?

Answer. The Secretary of the Army is the head of the Department of the Army. He is responsible for all the affairs of the Department of the Army, including, but not limited to, recruiting, organizing, supplying, equipping, training, servicing, mobilizing, demobilizing, administering, maintaining, and the construction of equipment, buildings, structures, of real property.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Secretary of the Army, as set forth in section 3013 of title 10, United States Code, or in Department of Defense regulations pertaining to functions of the Secretary of the Army?

Answer. I believe these duties and functions are adequate and include all the authorities necessary to run the Army. If confirmed, I will continue to assess the duties and responsibilities of the Secretary of the Army, and I will discuss with the Secretary of Defense any changes I believe may be necessary to improve the Secretary's ability to ensure the effective and efficient administration of the Department of the Army. I look forward to working with this Committee and the Congress as possible reforms to section 3013 of title 10, United States Code, are debated.

RELATIONSHIPS

Question. If confirmed, what would be your working relationship with: The Secretary of Defense.

Answer. By statute, the Secretary of the Army is subject to the authority, direction, and control of the Secretary of Defense, who, as head of the Department of Defense, possesses full control over all of its elements, including the Army. If confirmed, I would work closely with the Secretary of Defense on all matters involving

the Department of the Army to ensure that the Army meets our national security needs and fulfills the Administration's national defense priorities.

Question. The Deputy Secretary of Defense.

Answer. The Secretary of Defense prescribes the duties and responsibilities of the Deputy Secretary of Defense. The Secretary of Defense has delegated to the Deputy Secretary of Defense all of his non-exclusive authorities, including oversight of the Military Departments. If confirmed, I would be responsible to the Deputy Secretary of Defense for the operation of the Army.

Question. The Chief Management Officer and Deputy Chief Management Officer of the Department of Defense.

Answer. The Deputy Secretary of Defense serves as the CMO of the Department of Defense and is assisted by the Deputy CMO (DCMO) in the synchronization, integration, and coordination of business operations within the Department of Defense. If confirmed as Secretary of the Army, I will fully support and ensure the Deputy Secretary of Defense and the DCMO are well informed regarding the Army's business operations.

Question. The Under Secretary of the Army.

Answer. As CMO of the Department of the Army, the Under Secretary is responsible to the Secretary of the Army for the effective and efficient organization and management of the Army's business operations and for carrying out initiatives the Secretary of the Army approves for the business transformation of the Army. The Under Secretary of the Army is also the Secretary's senior civilian assistant in which capacity he performs such additional duties and exercises such powers as prescribed by the Secretary. If confirmed, my relationship with the Under Secretary of the Army will be close, direct, and supportive.

Question. The Chief of Staff of the Army.

Answer. The Chief of Staff of the Army is the senior military advisor to the Secretary of the Army, is directly responsible to the Secretary of the Army, and, except when the law provides otherwise, performs his duties under the authority, direction, and control of the Secretary of the Army. As a member of the Joint Chiefs of Staff, the Chief of Staff also performs the duties prescribed for him by law as a member of the Joint Chiefs of Staff. My experience in all three Military Departments has confirmed that it is critical for all leaders of the Department of the Army, both civilian and military, to work closely together as one team to face the many challenges confronting our Nation. If confirmed, I will remain committed to this and will ensure that the Chief of Staff is a very close partner in the performance of my duties.

Question. Commanding General, U.S. Army Corps of Engineers

Answer. The Commanding General, U.S. Army Corps of Engineers, who also serves as the Chief of Engineers, is the principal advisor to the Secretary of the Army regarding military engineering, construction, and real property. The Commanding General, U.S. Army Corps of Engineers also executes the Civil Works missions of the Army under the supervision of the Assistant Secretary of the Army for Civil Works. In that capacity, he works to develop and manage the Nation's water resources, commercial navigation, to restore aquatic ecosystems, mitigate flood risk, and to provide engineering and technical support services. If confirmed, I will work closely with the Assistant Secretary for Civil Works and the Assistant Secretary for Installations, Energy and Environment and together we will build a strong professional relationship with the Commanding General, U.S. Army Corps of Engineers in advancing and defending the Army Corps of Engineers' Military and Civil Works Programs.

Question. The Assistant Secretaries of the Army.

Answer. Subject to the authority, direction, and control of the Secretary of the Army, the Assistant Secretaries of the Army set the Army's strategic direction by developing and overseeing policies and programs within their respective functional areas. If confirmed, I will work to establish and maintain strong, professional relationships with each of the Assistant Secretaries of the Army. I will work to empower them by fostering an environment of close collaboration to ensure that we work together effectively on both the day-to-day management and long-range planning needs of the Army. I will also work with them to enhance a one-team and collaborative approach across the Headquarters, Department of the Army to ensure we are best meeting the needs of our soldiers and our Nation's national security needs.

Question. The General Counsel of the Army.

Answer. The General Counsel serves as the chief legal and ethics officer of the Department of the Army and counsel to the Secretary and other Secretariat officials. Her duties include providing legal and policy advice to officials of the Department of the Army, as well as determining the position of the Army on all legal questions and procedures. I have a close, professional relationship with the General Counsel of the Army, and if confirmed, I will maintain that relationship and seek her guid-

ance to ensure that Army policies and practices are in strict accord with the law, governing regulations, and the highest principles of ethical conduct.

Question. The Inspector General of the Army.

Answer. If confirmed, I will have a close, professional relationship with The Inspector General of the Army, who is responsible for inquiring into, and reporting on, the discipline, efficiency, readiness, morale, training, ethical conduct and economy of the Army.

Question. The Surgeon General of the Army.

Answer. The Surgeon General is responsible for maintaining a medically ready military force, as well as a trained and ready medical force. As the principal advisor to the Secretary of the Army and to the Chief of Staff of the Army on the military health service system, she is responsible for ensuring that the Army's health care systems and medical policies effectively and uniformly support the Army's objectives, responsibilities, and commitments across the total force. If confirmed, I will have a close and professional relationship with The Surgeon General, and will fully support her in the execution of her duties.

Question. The Army Business Transformation Office.

Answer. The Office of Business Transformation was established to assist the Army Chief Management Officer in carrying out business transformation initiatives of the Department of the Army. The Director of Business Transformation leads the Office of Business Transformation under the supervision of the Under Secretary of the Army in his role as the Army CMO. If confirmed, I will work directly with the Office of Business Transformation to promote efficiency in the Army's business operations, and bring to this relationship my experience in management positions in all the Military Departments.

Question. The Judge Advocate General of the Army.

Answer. In coordination with the Army General Counsel, The Judge Advocate General serves as the military legal advisor to the Secretary of the Army. The Judge Advocate General of the Army is also the legal advisor to the Chief of Staff of the Army, the Army Staff, and members of the Army generally, and is responsible for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. If confirmed, I look forward to establishing a close, professional and inclusive relationship with The Judge Advocate General, and I will welcome her views regarding any legal matter under consideration.

Question. The Chief of the National Guard Bureau.

Answer. In addition to his responsibilities as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense, the Chief of the National Guard Bureau is also the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on matters relating to the Army National Guard. If confirmed, I will work to maintain a professional relationship with the Chief of the National Guard Bureau, and to support the Army National Guard in order to strengthen the Total Army. This was a particularly close and important relationship during my time in the Department of the Air Force, and I would prioritize this relationship if confirmed as Secretary of the Army.

Question. The Director of the Army National Guard.

Answer. The Director, Army National Guard is a member of the National Guard Bureau and responsible for assisting the Chief, National Guard Bureau in carrying out the functions of the National Guard Bureau, as they relate to the Army National Guard. If confirmed and in consultation with the Chief of the National Guard Bureau, I will establish and maintain a close, professional relationship with the Director, Army National Guard in order to foster an environment of cooperative teamwork between the Department of the Army and the National Guard Bureau as we work to enhance the Total Force and One Army concepts.

Question. The Army Chief of Chaplains.

Answer. I understand the importance of the contributions Chaplains make to the force. The Chaplains bolster soldier and family resiliency in difficult times, and are often the first to respond to incidents of death, combat casualty, suicide, and sexual assault. The Army Chief of Chaplains advises the Secretary of the Army and Chief of Staff of the Army on all matters related to the chaplaincy. If confirmed as Secretary of the Army, I will have a close, professional relationship with the Chief of Chaplains and will consult with him.

Question. The Secretaries of the Navy and Air Force.

Answer. I have experience working in both the Navy and the Air Force, and fully appreciate the importance of the Services working together. If confirmed, I will

maintain close, professional relationships with the Secretaries of the Navy and the Air Force, both of whom I have worked with closely in previous appointments.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges, if any, that you would confront if confirmed as Secretary of the Army?

Answer. If confirmed, I would confront several challenges facing today's Army. The Army must increase readiness consumed by 15 years of war, as well as be prepared for new kinds of fights in an increasingly complex world, including large-scale, decisive action engagements. It must reset its equipment, while investing in next-generation platforms to fight adversaries that are closing the capability gap. It must invest in its installations after years of taking risk in that area as budgets have declined. It must also maintain faith with the soldiers and their families who have volunteered to serve, while ensuring that the transition is smooth for those who leave. The Army must do all this in a fiscally constrained environment, while being a faithful steward of those resources it does receive.

Question. If confirmed, what broad priorities will you establish?

Answer. The readiness of our Army must remain the top priority to ensure that our soldiers are prepared to execute the missions they will be asked to perform. This means ensuring our soldiers are resilient, that they are properly trained, and that they are fully equipped. We must be ready to fight today, as well as prepare the force for the increasing complex challenges of the 21st century, which include cyber threats and evolving adversaries. We must do all this while maintaining a commitment to care for soldiers, families, civilians and veterans.

Question. If confirmed, how would you prioritize and what plans would you have, if any, for addressing these challenges?

Answer. If confirmed, readiness will be my priority. That includes resilient soldiers who are well trained and fully equipped. Maintaining resiliency across the Army requires making sure we are addressing behavioral health issues and working to reduce suicide rates; creating an environment where soldiers feel safe and valued, which reduces sexual assault and harassment; and making sure soldiers know that when they leave the Army, we will make their transition as smooth as possible. Training includes preparing our Army for future fights while we continue to serve in over 140 countries around the globe today. And equipping them means iterating new capability to the field as quickly as we can today, while also making the necessary investments for the future to guarantee that our overmatch remains dominant in years to come. I would do this across the Total Force to help move the Army further along in its One Army construct.

Question. What do you consider to be the most serious problems in the performance of the functions of the Secretary of the Army?

Answer. From my perspective serving with all three Military Departments, the most serious problem I have seen impeding the Service Secretaries is fiscal uncertainty. The turbulent fiscal environment makes planning difficult for the Military Departments, and results in the military not getting the full value out of the resources it receives. Compounding this is the size and bureaucratic nature of the many overlapping headquarters. More work needs to be done to streamline the department, so it is more agile and responsive to rapidly evolving threats.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will work closely with the Chief of Staff and Principal Officials of the Army to develop ambitious yet realistic goals that support the Army's priorities and safeguard taxpayer resources. I will also work to ensure there are effective means to assess progress against those goals. I understand that the Army has established governance of systems and processes to deal with short and long range strategic planning. If confirmed, I intend to assess the effectiveness of these processes and drive improvements as necessary.

Question. How will you manage the recommendations of the National Commission on the Future of the United States Army? The Commission announced it will release its report at the end of January 2016.

Answer. If confirmed, I will ensure that the recommendations of the National Commission on the Future of the Army are thoroughly and objectively assessed. We will aggressively implement all recommendations that can make our Army better and increase readiness, consistent with statute, policy, and available resources. I will bring with me many of the lessons learned from similar experience in the Air Force, which includes pushing the team to be open to new ideas, fostering a collaborative relationship with all external stakeholders and maintaining transparency.

AVIATION RESTRUCTURING INITIATIVE

Question. What is your Assessment of the Army's Aviation Restructuring Initiative?

Answer. My initial review of this important issue is that Aviation Restructuring Initiative (ARI) is analytically sound. The ARI restructures Army aviation in response to the resource constraints imposed on the Army and provides more capability and capacity to meet combatant commander demands than any alternative plan presented to date. All other proposals were deemed by the Cost Assessment and Program Evaluation Directorate and Program Evaluation office and the U.S. Government Accountability Office (GAO) to be less effective than ARI. If confirmed, I will, however, keep an open mind when reviewing the recommendations of the Army Commission established by the Congress to provide an independent view.

Question. Are its objectives reasonable?

Answer. Yes. ARI addresses long-term problems in the Army's attack/reconnaissance and training fleets and allows the Army to mitigate the impacts budget cuts on AH-64, UH-60 and aviation enabler modernization. The ARI rebalances capabilities across the components to maximize capacity for meeting combatant commander and Homeland demands. Finally, it preserves as many of the Army's most modern and capable systems as possible (AH-64s, UH-60s, UH-72s, and CH-47s).

Question. Do you believe its cost avoidance goals are achievable?

Answer. Yes, the GAO, the OSD-CAPE, and the U.S. Army Training and Doctrine Command Analysis Center all completed independent evaluations and affirmed all of the Army's cost estimates. ARI costs less and provides combatant commanders more capability than any alternative.

Question. Are the equities of the National Guard and Reserves being adequately addressed?

Answer. Yes, we need each component in our Total Army to be complementary. ARI optimizes this component mix ensuring the Army meets warfighting combatant commander requirements, while providing civil authorities with the aviation force necessary to fulfill Homeland missions. There are elements of ARI and its supporting analysis that the National Guard has questioned. As an independent arbiter within DOD, OSD-CAPE reviewed the Army's analysis and conducted its own assessment of the Chief of the National Guard Bureau alternative; in all cases, it endorsed the ARI. If confirmed, I will ensure that the Army carefully and objectively reviews the recommendations of the

Future of the Army Commission with respect to ARI. While I believe, ARI preserves readiness and delivers the most optimized and cost-effective component mix, I will do this in the broader context of strengthening the Total Force concept of the Army and ensuring that the National Guard remains an important operational component of the Army.

Question. Is it the best plan for the Total Army?

Answer. Yes. The Aviation Restructure Initiative is about building and maintaining readiness, maintaining aviation modernization programs, and operating within fiscal constraints. My initial analysis is that under ARI, the restructured aviation force will be smaller; however it will be more modernized, ready and capable in all three components.

COMPREHENSIVE BUSINESS TRANSFORMATION AND THE CHIEF MANAGEMENT OFFICER

Question. Section 904 of the National Defense Authorization Act for fiscal year 2008 designates the Under Secretary of the Army as the Army's Chief Management Officer (CMO). Section 908 of the National Defense Authorization Act for fiscal year 2009 requires the CMO of each of the Military Departments to carry out a comprehensive business transformation initiative, with the support of a new Business Transformation Office.

What is your understanding of the duties and responsibilities of the Under Secretary in the capacity as CMO of the Department of the Army?

Answer. Pursuant to the fiscal year 2008, National Defense Authorization Act, section 904, the Under Secretary is the CMO and responsible for the Department's business operations. The Secretary of the Army assigns duties and authorities necessary for the CMO to effectively and efficiently organize and administer the business operations of the Army. Further, the CMO is responsible for developing a comprehensive business transformation plan, business systems architecture, and system transition plan. These understandings are built in part on my experience having served as DCMO of the Navy and CMO of the Air Force and Army.

Question. Do you believe that the CMO and the Business Transformation Office have the resources and authority needed to carry out the business transformation of the Department of the Army?

Answer. Based on my initial experiences in working with the Army, I believe that the Army's CMO and Business Transformation Office are properly resourced and are accomplishing the Army's business transformation efforts. If confirmed, I will consult with the Department's CMO; the Chief of Staff of the Army; as well as the Director of the Office of Business Transformation to assess more thoroughly whether any additional authorities or resources are necessary for continued meaningful transformation.

Question. What role do you believe the CMO and the Business Transformation Office should play in the planning, development, and implementation of specific business systems by the Military Departments?

Answer. The actions of the CMO and the Office of Business Transformation Office are essential to the success of the Army's business process improvement efforts and the implementation of modern, state-of-the-art business systems for the Army. Together, the CMO and the Office of Business Transformation have integrated the business management decisions through effective governance. The Army Business Council provides overall synchronization of the Department's business activities and ensures vertical integration from the Office of the Secretary of Defense down through all business activities of the Army. If confirmed, I will support the work of the CMO and the Office of Business Transformation to achieve increased readiness and efficiency by fostering an environment that enables continuous business process improvement and business process reengineering; continued evolution of the Army's business enterprise architecture; and the continued development, fielding, and sustainment of modern supporting business system information technology.

Question. What changes, if any, would you recommend to the statutory provisions establishing the position of CMO and creating the Business Transformation Office?

Answer. It is my experience that profound change has occurred through the legislation which established the Service Under Secretaries as CMOs, and created the business transformation offices. I believe current law provides sufficient authority to make necessary change. If confirmed, I will work closely with the CMO to determine if any legislative changes should be recommended to achieve greater efficiencies through business transformation.

Question. Section 2222 of title 10, United States Code, requires that the Secretary of Defense develop a comprehensive business enterprise architecture and transition plan to guide the development of its business systems and processes. The Department has chosen to implement the requirement for an enterprise architecture and transition plan through a "federated" approach in which the Business Transformation Agency has developed the top level architecture while leaving it to the Military Departments to fill in most of the detail. The Army's business systems, like those of the other Military Departments, remain incapable of providing timely, reliable financial data to support management decisions.

If confirmed, what steps, if any, would you take to ensure that the Army develops the business systems and processes it needs to appropriately manage funds in the best interest of the taxpayer and the national defense?

Answer. Central to the Army's ability to provide trained and ready forces to the Nation are business processes which are well-defined, understood, reflect best business practices, and are supported by modern business system technology. If confirmed, I will work closely with the CMO to ensure Army business systems and processes are optimized to meet the needs of national defense while maintaining dedicated stewardship of the funds entrusted to the Army. In this regard, I will, along with the CMO, aggressively pursue the advice of subject matter experts, inside and outside the Federal Government, to ensure the Army follows best business practices and employs state-of-the-art financial systems, closely monitor our progress in modernizing our business applications, as well as, capitalize on the results of our ongoing schedule of financial audits to improve processes and systems.

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

Answer. The starting point for any serious effort to implement transition plans from Army legacy business systems to its modern systems as well as the identification of opportunities for greater effectiveness and efficiency is a comprehensive, integrated, and enterprise-wide architecture and transition plan. Integrated enterprise business architecture details how the Army conducts its core title 10 U.S. Code functions and how supporting business information technology systems support process execution. Over the past several years, the Army has made significant progress in the development of a comprehensive and integrated business enterprise architecture, to the point that they have been recognized as a leader in the Federal Government in this arena. If confirmed, I will ensure the continued evolution of the business enterprise architecture and its use as a driver for continuous process improve-

ments and modern business system information technology development and implementation.

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

Answer. Since enactment of section 2222, the Army has and continues to place great emphasis on the dedicated and comprehensive implementation of its requirements. If confirmed, I would work closely with the CMO to ensure that the Army remains vigilant and focused on the development, refinement, and implementation of the Army's enterprise architecture and associated transition plans so that they continue to meet and exceed the requirements contained in section 2222.

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

Answer. In order to provide trained and ready forces, Army senior leaders must make their best resource-informed decisions using timely and accurate financial and business information. Accurate data is the key to making the optimal decisions to ensure the long term defense of our Nation. If confirmed, I will insist on factual and accurate data, especially concerning the cost of our processes and products. Army leaders and managers will be held accountable for the focused application of resources to generate readiness and to provide best-in-class support to soldiers in the performance of their important missions.

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

Answer. If confirmed as Secretary of the Army, I would work with the CMO in actively uncovering the root causes of why financial and business information was not accurate or routinely used, address those causes through systemic changes in supporting process, assess performance toward implementing changes, and hold leaders and managers directly responsible for implementation and sustainment of changes.

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

Answer. If confirmed, I will support the CMO, who is charged with leading and managing Army business operations by ensuring that the right policies and directives are in place to guide Army business operations. I would also work with the CMO to ensure that the existing governance structures are effectively functioning to enable Army senior leader performance assessment, identification of and direction for improvement opportunities. Lastly, I would ensure that Army leaders and managers throughout the enterprise are both empowered and made responsible for making available and using accurate data and information to improve their business processes. I will periodically make my own assessments of the Army's proficiency in this area as I travel around the Army.

Question. How will you ensure that business processes are informed by commercial best practices?

Answer. Commercial best practices have and continue to inform Army business processes. The Army Materiel Command and Deputy Chief of Staff G-4, for example, routinely discuss best practices with the commercial sector for inventory management, supply distribution, and other logistics related actions. The Army's transformational portfolio of business software applications in many cases reflects best business practices. However, owing to the Army's unique operational requirements involving three components, Active and Reserve, engaged in expeditionary land combat, not all commercial best practices are suitable or feasible for Army adoption. If confirmed, I would ensure that Army leadership and major business process owners continue to survey commercial best practices for applicability to Army core business processes and implement those that promise better outcomes. As Secretary of the Army, I would actively engage business leaders and solicit their input on how we can improve Army business processes. And finally I would rely on the Under Secretary of the Army, its CMO, to ensure we stay fully abreast of commercial developments.

Question. How will you build internal expertise on the development of modern business practices, and develop methods to prototype and test those practices before initiating expensive business systems IT development and procurement programs?

Answer. The Army has learned from other significant DOD and U.S. Government Information Technology (IT) program failures and taken those lessons to heart. Before the Army begins the development and initiation of procurement of business IT system and in keeping with section 2222, the Army should first ensure it fully understands and streamlines the business processes they are designed to support. The

Army believes it leads DOD in this practice. For example, before the Army began development of the Army's Logistic Management Program (LMP) Increment 2, teams of dedicated and knowledgeable soldiers and Department of the Army Civilians assessed, updated, and documented the critical end-to-end business processes that LMP was designed to support. They were able to reduce the number of business processes requirements from 929 to 505 then integrated these requirements into 82 reengineered end-to-end processes for implementation. I believe that the CMO and the Business Transformation Office should continue to drive process improvements and ensure business system information technology fully supports efficient process performance. If confirmed, I will ensure the Army sustains and improves on these practices.

HEADQUARTERS STREAMLINING

Question. The Fiscal Year 2016 National Defense Authorization Act directs reforms to consolidate the headquarters functions of the Department of Defense and the Military Departments.

If confirmed, what would be your role in streamlining functions, as well as identifying and implementing reductions in the Department of the Army headquarters?

Answer. If confirmed as Secretary of the Army, I anticipate playing a key and leading role in the analysis and streamlining of processes and functions in the Army. This is a role I have now played with all four Services. Increasing the readiness of our operating force by continuing to identify savings is paramount. I will be completely committed to pursuing such efficiencies. The Army has implemented a plan to reduce all its two-star (and above) headquarters by 25 percent over the period 2015–2019, and directed a comprehensive delayering of the Department Headquarters, which has increased supervisor span of control from 4 to 8 and eliminated 2 layers of bureaucracy. I anticipate overseeing the continued implementation of those plans as well as identifying additional opportunities to streamline Army headquarters. This is work that never ends. It requires constant vigilance to ensure an institution is operating as efficiently as possible.

Question. What areas and functions, specifically and if any, do you consider to be the priorities for possible consolidation or reductions within the Department of the Army?

Answer. If confirmed as the Secretary of the Army, I will look for opportunities to consolidate and reduce, focusing on those areas which promise to provide the most return on investment. I will explore areas and functions where the Department of the Army deviates from best practices in the private sector. Not because the Army should necessarily resemble a business, but because those areas might be the most likely for significant transformation. As I make those assessments, I will be sensitive to the unique role the Army plays for our Nation, and the imperative to focus every resource possible on achieving and maintaining a high state of readiness. I look forward to working with this Committee and Congress as it explores possible changes to Goldwater Nichols that might result in further consolidations in the Military Departments.

Question. To the extent that the Department of the Army has functions that overlap with the Department of Defense, Joint Staff, or Military Departments, what would be your approach to consolidating and reducing redundancy?

Answer. Reducing redundancies and overlap among headquarters potentially represents major resource savings, which could be reapplied to generating increased levels of Army readiness, and would result in a Department that is more agile and responsive to rapidly evolving threats. Therefore, if confirmed as Secretary of the Army, I would work with the DOD and Department of the Army CMOs to analyze potential redundancies between the various DOD headquarters, figure out how to reduce those redundancies, then determine where the responsibilities would best be assigned. In some cases this means consolidating and centralizing functions, while in other cases it means delegating responsibilities to lower echelons. Striking the right balance would be paramount to any such review.

END STRENGTH

Question. In the fiscal year 2016 budget request and Future Years Defense Program, the Department proposed making additional cuts to the Army's Active and Reserve component end strengths.

In your view, can the Army meet national defense objectives at the end strength levels proposed under the current budget agreement?

Answer. The Bipartisan Budget Act level of funding provides resources to support a total Army end strength of 980,000 (450,000 Active component (AC); 335,000 Army National Guard (ARNG); 195,000 United States Army Reserve (USAR))

through fiscal year 2017. The Department anticipates sufficient funding in fiscal years 2018–2022 to continue to support this level of end strength, which is the lowest acceptable level to meet the Defense Strategic Guidance, but with growing risk. When the Quadrennial Defense Review (QDR) directed that the Army reduce to 980,000, we did not foresee ISIL, an increasingly aggressive Russia, emerging extremist threats in Africa, or Ebola. The Army is challenged to meet current combatant commander demands and the requirements of the Defense Strategic Guidance to defeat an adversary in one major combat operation while simultaneously denying the objectives of an adversary in a second theater.

Question. What about at the end strength levels that would be necessary in fiscal year 2018 after this budget agreement expires?

Answer. In the event of a return to the Budget Control Act levels of funding, the Army would be forced to reduce to 920,000 (420,000 AC, 315,000 ARNG, 185,000 USAR). At this end strength, the Army could not meet current combatant commander demands and the requirements of the Defense Strategic Guidance to defeat an adversary in one major combat operation while simultaneously denying the objectives of an adversary in a second theater.

Question. What is your understanding of the Army's ability to meet these goals without involuntary separating soldiers who have served in combat over the past 10 to 15 years with the implicit promise that they could compete for career service and retirement?

Answer. The Army has an obligation to take care of each soldier who has served honorably and in many cases, in harm's way for our Nation. Unfortunately, the Army will not be able to continue to meet the end strength goals without having to resort to additional involuntary separations. The Army has tried very hard to minimize involuntary separations by reducing new accessions and utilizing greater promotion selectivity. Of the approximate 76,000 reductions since 2012, only about 4,400 (5.8 percent) were involuntary.

Question. To what extent will the Army have to rely on involuntary separations through 2018? How will the budget agreement affect this?

Answer. Without any future increases to the budget, in order to achieve an AC end strength of 450,000 by 2018, a reduction of 40,000 soldiers, the Army will require approximately 14,000 (35 percent) involuntary separations. Without the current budget agreement, future end strength would have potentially been lowered even further requiring an even higher percentage of involuntary separations.

Question. To what extent will the Army utilize Temporary Early Retirement Authority to meet draw down targets?

Answer. The Army holds centralized selection boards with the highest quality and best performing soldiers being retained based on projected future requirements of the Army. Those selected for separation are eligible for TERA (Temporary Early Retirement Authority). In recent years, approximately 10 percent of officer and 33 percent of enlisted involuntary separations have been eligible for TERA.

Question. What programs are in place to ensure that separating and retiring servicemembers are as prepared as they can be as they enter civilian workforce?

Answer. The Soldier for Life—Transition Assistance Program is the Army's transition program responsible for providing transitioning soldiers, civilians, family members, and veterans with the counseling, employment and education workshops, career tracks, and career skills opportunities. This program implements the VOW to Hire Heroes Act of 2011 and the DOD policies in this area.

Question. What is your understanding of the need for additional force shaping tools requiring legislation beyond what Congress has provided the past few years, to include extending the numerous authorities that expire at the end of the fiscal year 2018?

Answer. I understand that the Army has provided several legislative proposals for consideration and submission to Congress to further assist in force shaping. Additional authorities may be needed and, if confirmed, I will ensure that you are kept informed of any additional tools needed.

Question. In your view, should the number of general and flag officers in the Army be reduced commensurate with the drawdown of total Army end strength?

Answer. As we reduce the Army, it may not look like a smaller version of its current self. Therefore, I would not necessarily link the number of general officers with overall Army end strength. But as the Army draws down, it seems likely that all ranks would decrease in some measure. In previous appointments, I have worked on reducing the number of general and flag officers in the Departments of the Navy and Air Force. If confirmed as Secretary of the Army, I would direct a similar review to ensure the Army does not become top-heavy as it reduces end strength.

Question. What are your views on the appropriate size and mix of the Active Duty Army, and the Reserve components?

Answer. The AC, ARNG, and the USAR all have critical roles to play as part of the Total Force. The AC gives us responsiveness and flexibility; the Reserve component (RC) gives us depth, staying power, and unique skills. The Army needs all three components in the right combination. The 2014 QDR establishes Army end strength at 980,000 (450,000 AC; 335,000 ARNG; 195,000 USAR). By fiscal year 2017, the AC/RC mix will be approximately 46 percent AC/54 percent RC. This is the same AC/RC mix that existed prior to the terror attacks of 11 September, 2001. The Army has the highest proportion of its total force in the RC (Navy: 84.9 percent AC/15.1 RC; USMC: 82.4 percent AC/17.5 percent RC; AF: 64.5 percent AC/35.5 percent RC).

ARMY RECRUITING AND RETENTION

Question. The retention of quality soldiers, officer and enlisted, Active Duty and Reserve, is vital to the Department of the Army.

How would you evaluate the status of the Army in successfully recruiting and retaining high caliber personnel during a period of sustained overall decrease in end strength?

Answer. I have observed the Army as it continues to attract the Nation's most talented young men and women, despite the challenging recruiting and retention market. Unfortunately, the national problem is that about 29 percent of all 17 to 24 year olds are eligible for Military Service. Regardless, the Army continues to recruit high quality personnel, with 97 percent being high school graduates, with only 0.4 percent CAT IVs and 11.2 percent requiring accession waivers for fiscal years 2012 to 2015. If confirmed, I will work other Army leaders to ensure sustaining the high-caliber All-Volunteer Force remains a strategic imperative for our Army.

Question. What initiatives would you take, if confirmed, to further improve Army recruiting and retention, in both the Active and Reserve components?

Answer. If confirmed, my priority would be to maintain the viability of the All-Volunteer Force by ensuring we recruit and retain only the highest quality soldiers during the drawdown. I will also ensure that the Army continues to develop screening measures that help identify applicants that are more likely to succeed in service and not leave the Army before the end of their terms of enlistment. These measures offer the potential to significantly reduce training funds. I will ensure that leaders charged with the success of these programs have the tools needed to succeed.

Question. What do you believe will be the effect, if any, of the new retirement system enacted this year on recruiting and retention in the Army?

Answer. It is too soon to tell. Current accession propensity research shows the top reasons that youth would consider joining the military are extrinsic: compensation, pay for education, and benefits (health, retirement, etc.). Based on this data, it appears that economic benefits are a major factor in the decision to enlist and stay in the military. The recent changes to the retired pay system must be accompanied with a robust training and education program to enable soldiers to make informed financial decisions for themselves and their families. If confirmed, I will work closely with the Secretary of Defense to implement the new system.

READINESS

Question. What is your assessment of the current readiness of the Army to meet national security requirements across the full spectrum of military operations?

Answer. As part of the Joint Force, the Army delivers decisive, expeditionary, and adaptive strategic land power for the Nation. Today, the Army has more than 140,000 soldiers outside the U.S. in over 140 locations worldwide accomplishing a variety of combatant command military operations. Decreasing resources and reduced capacity has forced the Army to mortgage future readiness and response capabilities. As a result, currently, the Army has limited readiness depth and is challenged to defeat a regional adversary without having to utilize resources and units needed to simultaneously deter aggression, assure allies, and conduct foundational activities elsewhere in the world.

Question. Is unit readiness the first priority of the Active Army?

Answer. Readiness is the first priority of the Total Army. I fully concur with the Chief of Staff of the Army when he stated that "we, as leaders, must never allow our nation's most precious asset, our sons and daughters, to go into harm's way unprepared, lacking equipment, untrained, undermanned, or with less than competent leadership. That is a covenant with our soldiers and our Nation that we must never break." If confirmed, I would ensure the Army pursues this as its top priority.

Question. How do you assess the readiness of units in the Army National Guard and Army Reserves?

Answer. Regardless of component, unit readiness is assessed utilizing the same standards of personnel, equipment on hand, training, and equipment readiness as dictated by law, the Office of the Secretary of Defense, and the Joint Staff. The Army has had to make difficult decisions in light of the constrained fiscal environment that has compromised readiness across all components. Stable and predictable funding will help to ensure that the Army National Guard and Army Reserves remain a force multiplier to sustain current operations and responding to Homeland and combatant command contingency requirements.

Question. What is your assessment of the Army readiness to lead a mobilization in a national emergency?

Answer. Throughout history, and most recently in fighting Northwest wildfires and responding to South Carolina flooding, the Army stands ready to respond to and lead during national emergencies. For war, we have never fully mobilized in the history of the All-Volunteer Force. As the Army returns to full levels of Decisive Action proficiency and transitions to a more sustainable force generation process, we are looking at ways to more rapidly mobilize the force in times of crisis.

ACQUISITION ISSUES

Question. The National Defense Authorization Act for fiscal year 2016 made many changes to defense acquisition processes, including reinserting Service Chief influence and accountability into acquisition processes.

Do you support the acquisition reform provisions in the Fiscal Year 2016 National Defense Authorization Act?

Answer. I support the recent changes implemented in the Fiscal Year 2016 National Defense Authorization Act (NDAA) and appreciate the Committee's continued efforts to ensure that our acquisition process supports the delivery of dominant warfighting capabilities to our soldiers. To that end, the recent NDAA includes significant provisions to recognize the role of the Service Chiefs as customers of the acquisition process and to streamline the acquisition process and eliminate unnecessary documentation and red tape. I also support efforts in the legislation to stimulate innovation and improve access to new technologies in the Army as it faces evolving threats and a declining technology advantage over our potential adversaries. Lastly, I applaud the Committee's ongoing efforts to strengthen and professionalize the Army acquisition workforce, who are responsible for the day-to-day oversight and management of Army programs.

Question. What additional acquisition-related reforms do you believe the Committee should consider?

Answer. If confirmed, I would first assess the implementation and effects of the Fiscal Year 2016 NDAA reforms, along with the Department's ongoing efforts to improve the acquisition process under the initiative. It is my understanding that the Department continues to work with the Committee on the next phase of potential reforms and, if confirmed, I look forward to participating in these efforts in the Army.

Question. How can the Department and the Army better access and integrate commercial and military technology to remain ahead of its potential adversaries?

Answer. The Army makes use of a broad range of commercial and military technologies across the spectrum of the weapons systems used by soldiers. If confirmed, one of my priorities would be to ensure that the Army improves access to enabling technologies and innovative solutions from small businesses, the defense industry, and non-traditional sources to ensure that soldiers retain the decisive overmatch in the battlefield. I understand that the Army has also maintained a robust level of investment in science & technology research to facilitate the development of those enabling technologies for Army weapon systems.

Question. If confirmed, how will you synchronize your acquisition responsibilities with the Army Chief of Staff?

Answer. The Service Secretaries and Service Chiefs play critical roles in promoting successful acquisition programs by integrating requirements, personnel and resourcing efforts with acquisition strategies. If confirmed, under changes established under the Fiscal Year 2016 NDAA, I would work with the Chief of Staff to review and assess program objectives on a recurring basis and at key program milestones, to ensure that requirements tradeoffs are identified to prevent cost growth and mitigate program risks, and to ensure that program cost and schedule estimates are realistic and achievable.

The Chief of Staff brings a unique operational perspective that is invaluable when prioritizing military requirements. If confirmed, I would work closely with the Chief to identify those opportunities to address system requirements as a means to mitigate technical and design risk in our programs. Furthermore, the need for a tal-

ented, professional acquisition workforce cannot be understated. Access to talent in specialized areas, including engineering, contracting, and cost estimating, is critical to ensuring successful programs. If confirmed, I would work closely with the Chief of Staff to ensure the workforce is sized and trained to effectively and efficiently deliver warfighting capabilities to our soldiers.

Question. What is your assessment of the size and capability of the Army acquisition workforce?

Answer. I believe that an adequately sized, well-trained, and professional workforce is critical to the success of Army programs. If confirmed, I would work with Army leaders to review and ensure that our workforce is sized and trained across all critical areas of expertise. In addition, I would work to ensure the Army is able to attract and retain talent in specialized career positions essential to Army acquisition programs.

Question. If confirmed, what steps would you take to ensure that the Department of the Army has an acquisition workforce with the size and capability needed to manage and reverse the acquisition problem?

Answer. It is my understanding that the Army acquisition workforce requires critical skills in a diverse range of disciplines, to include contracting, program management, systems engineering, cost estimating, and risk management, among others. If confirmed, I would first conduct a full assessment of recruiting and talent management tools developed for acquisition positions to determine what actions, if any, are required to promote greater success. Second, I would conduct a broad assessment of critical acquisition positions to determine where specific efforts are needed to address shortfalls or gaps. Lastly, if confirmed, I would work with the Army Chief of Staff to ensure that acquisition military personnel are sized and trained to manage and oversee acquisition efforts.

AUDIT READINESS

Question. The Department of Defense and the Services remain unable to achieve a clean financial statement audit. The Department also remains on the Government Accountability Office's list of high risk agencies and management systems for financial management and weapon system acquisition. Although audit-readiness has been a goal of the Department for decades, DOD has repeatedly failed to meet numerous congressionally directed audit-readiness deadlines.

What is your understanding and assessment of the Army's efforts to achieve a clean financial statement audit by 2017?

Answer. The Army's goal is to achieve auditable financial statements by September 2017. The Army continues to make progress toward this audit readiness goal by identifying deficiencies, addressing their root causes and implementing scheduled corrective actions. Achieving an audit opinion in fiscal year 2018 will depend largely on the progress of implementing corrective actions. Obtaining audit readiness is a large, complex change management effort requiring dedicated and committed leaders. If confirmed, the Army will remain fully committed to improving the quality of financial information and achieving audit readiness. I would closely monitor the execution of Army corrective actions and hold leadership accountable to achieve our audit readiness goal.

Question. In your opinion, is the Department of the Army on track to achieve these objectives, particularly with regard to data quality, internal controls and business process re-engineering?

Answer. In my opinion, the Army is on track but will be challenged to achieve audit readiness objectives. The successive audits and testing show the Army is making significant progress improving its business processes and data. At the same time, the audits and testing also highlight significant areas where the Army has work remaining. The Army is making progress by developing and implementing Corrective Action Plans to address deficiencies identified in recently completed audits governing information technology controls and business process controls.

Question. If not, what impediments may hinder the Army's ability to achieve this goal and how would you address them?

Answer. Adequate financial systems that comply with accounting standards are needed. Current legacy systems that feed into new enterprise systems hinder audit-compliance. If confirmed, I will work to further eliminate legacy systems and move capability to our modern systems. Change management is critical, and the Army must continue to adopt standard business processes and correct internal control deficiencies. Additionally, having adequate personnel resources to address audit needs is a significant challenge. The Army must ensure the appropriate amount of staffing and training of qualified personnel.

Question. What steps will you take, if confirmed, to ensure that the Army moves to achieve these objectives without an unaffordable or unsustainable level of one-time fixes and manual work-arounds?

Answer. If confirmed, under my leadership, the Army would continue to invest in the systems, internal controls, and human capital changes needed to build and sustain audit readiness. I will enforce standard business practices and involve and commit leaders from Headquarters Department of the Army down to the lowest levels of the Army. I will work with senior leaders to establish a culture that embraces audit readiness. I will assess Army progress on a regular and consistent basis and will reinforce the governance structure in place.

ARMY MODERNIZATION

Question. In general, major Army modernization efforts have not been successful over the past decade or more. Since the mid-1990's, Army modernization strategies, plans, and investment priorities have evolved under a variety of names from Digitization, to Force XXI, to Army After Next, to Interim Force, to Objective Force, to Future Combat System and Modularity. Instability in funding, either as provided by DOD or Congress, has been cited by the Army and others as a principal cause of program instability. For the most part, however, the Army has benefited from broad DOD and Congressional support for its modernization and readiness programs even when problems with the technical progress and quality of management of those programs have been apparent—the Future Combat System is a recent example.

What is your assessment, if any, of the Army's modernization record?

Answer. Recent progress in major acquisition programs show that the Army has incorporated lessons learned from prior cancelled programs, which were driven by many factors, to include unpredictable funding, shifting Army priorities, and unrealistically ambitious requirements and program schedules. If confirmed, I will do my best to ensure major Army modernization programs prioritize these lessons learned and incorporate sound, realistic planning and prioritize achievable requirements that mitigate unnecessary technical and design risk. I would also work to ensure that programs are effectively managed and receive stable and predictable resources, to the fullest extent practicable.

Question. What is your assessment of the Army's Combat Vehicle Modernization Strategy?

Answer. My understanding is that the Army's Combat Vehicle Modernization Strategy focuses on balancing lethality, mobility, and protection against emerging threats in the development of new capabilities for Brigade Combat Teams. In the near and mid-term, my understanding is that the Army will continue investment in lethality and protection upgrades for the Armored Brigade Combat Teams through upgrades to the Abrams Tank and Bradley Infantry Fighting Vehicle, while developing the Armored Multi-Purpose Vehicle as a needed replacement for the M113 personnel carrier. My understanding is that the Army will also invest in enabling technologies to support the improved capability of current platforms, such as the 3rd Generation Improved Forward Looking Infrared Radar. If confirmed, I look forward to participating in the ongoing development and execution of the Army's investment strategy in this critical area.

Question. What is your assessment of the Army's Tactical Wheeled Vehicle Strategy?

Answer. My understanding is that due to ongoing fiscal constraints, the Army's current Tactical Wheeled Vehicle Strategy calls for a mixed fleet of tactical vehicles to meet current and emerging requirements. I understand that the Army will continue to prioritize development of the Joint Light Tactical Vehicle (JLTV) and maintain a combination of High Mobility Multipurpose Wheeled Vehicles, Mine-Resistant Ambush Protected vehicles and other tactical vehicles to address diverse mission sets. The JLTV will provide enhanced warfighting capabilities to combatant commanders, such as, increased mobility in operational environments, increased power for Mission Command, more capable medical evacuation and recovery, and improved sustainment. The Army is also making significant investments to modernize and increase the protection levels of all its tactical wheeled vehicles.

Question. If confirmed, what actions, if any, would you propose to take to achieve a genuinely stable modernization strategy and program for the Army?

Answer. A successful modernization strategy must focus on providing capabilities that satisfy combatant commander requirements for the Joint Force. To achieve this, these programs must have predictable funding coupled with realistic and achievable requirements prioritized to allow for trade space. If confirmed, I will work with the Army acquisition, requirements and resourcing community, as well

as OSD and Congress, to ensure that Army programs are initiated and executed on the basis of sound planning, stable requirements, and needed resources.

Question. What is your understanding and assessment of the Army's modernization investment strategy?

Answer. Since 2012, investments in Research, Development and Acquisition have declined by approximately 30 percent. Given these constraints, my understanding is that the Army has prioritized incremental upgrades to existing platforms, like AH-64E and the Bradley Engineering Change Proposal, while pursuing limited investment in new systems like the JLTV and the Improved Turbine Engine Program. In addition, my understanding is that the Army has maintained a robust level of investment in Science and Technology research and development, in order to pursue the maturation of enabling technologies in support of deferred modernization efforts in the future. If confirmed, I would work to ensure that the Army's modernization investment strategy is informed by emerging threats, the rapid pace of evolving technology, including technology developed by the commercial sector as well as those capabilities accessible to potential adversaries, and concerns regarding obsolescence in weapon systems.

Question. In your view does the Army's modernization investment strategy appropriately or adequately address current and future capabilities that meet requirements across the spectrum of conflict?

Answer. If confirmed, I would first conduct a full assessment of the Army's planned investment strategy against current and emerging threats and future requirements to determine the sufficiency of current strategy. The Army's investment strategy in recent years has been challenged by significant fiscal constraints that limit the amount of near-term investment in new warfighting capabilities.

Question. If confirmed, what other investment initiatives, if any, would you pursue in this regard?

Answer. If confirmed, I would assess emerging threats as well as current and future requirements to determine which investment priorities require new focus. One area of focus must be the defense against cyber and electronic warfare threats.

Question. If confirmed, what actions, if any, would you propose to ensure that all these initiatives are affordable within the current and projected Army budgets?

Answer. If confirmed, I will work with Army leaders to ensure that programming and budgeting activities consider investment needs in these areas as part of regular planning and review efforts.

Question. In your view, what trade-offs, if any, would most likely have to be taken should budgets fall below or costs grow above what is planned to fund the Army's modernization efforts?

Answer. If budgets fall further or costs grow above what is planned, my understanding is that the Army will have to make tough choices, to include delaying or potentially terminating programs to address affordability constraints.

Question. In your view, should the Army trade-off requirements within a program in order to make that program affordable?

Answer. Yes. As reflected in new requirements under the Fiscal Year 2016 NDAA, my understanding is that trade-offs in system requirements should be addressed in acquisition programs as they proceed through the design and development phases. This approach helps to mitigate technical risk and prevent cost growth in acquisition programs. If confirmed, I would work with the Chief of Staff and the Assistant Secretary of the Army (Acquisition, Logistics & Technology) to ensure that these and other best practices are utilized, as appropriate, in the Army.

ARMY WEAPON SYSTEM PROGRAMS

Question. What is your understanding and assessment of the following research, development, and acquisition programs? Are all programs delivering or sustaining capabilities that are suitable, reliable and survivable? Are all programs within cost, timeline and performance?

Warfighter Information Network-Tactical.

Answer. The Warfighter Information Network Tactical (WIN-T) program provides the soldier with a "Networking on-the-move capability" while strengthening the Army's Tactical Network modernization efforts. WIN-T is a secure, high-speed, high-capacity networking backbone for mobile, ad-hoc networks in tactical environments. WIN-T meets operational requirements through its continued support of combat operations, as is evident through its deployment in Iraq and Afghanistan today. The WIN-T program is focused on the development of thoroughly tested key networking capabilities that are currently deployed and utilized by warfighters in Afghanistan. Although the WIN-T program was subject to a Nunn-McCurdy breach in 2007, it is my understanding that the program was restructured and is now with-

in cost, timeline, and performance against current requirements. Since 2007, two increments of the program were successfully delivered.

Question. Distributed Common Ground System-Army.

Answer. The Distributed Common Ground System-Army (DCGS-A) is the Army's weapon system for Intelligence Analysts supporting current operations worldwide in Africa, Afghanistan, Iraq, and Korea. DCGS-A synchronizes, integrates and provides information to intelligence analysts from battalion to theater through a Global Network of "brains", connecting Army commanders and intelligence analysts to the Intelligence Community and one another. It allows users to select and pull from DCGS-A's over 700 data sources, perform analysis, and share intelligence products generated from that analysis. DCGS-A is a globally interoperable suite of intelligence collection systems and processors supporting mission command throughout the full range of military operations.

As we continue to provide our soldiers with the best capabilities industry has to offer, the Army has initiated the follow-on to the current program. It is my understanding that planners for DCGS-A Increment 2, the next iteration of DCGS-A, have solicited feedback from industry on ways to integrate new capability and technologies into the program. Soldiers have complained about the user interface, and the Army has made accommodations while working to address this issue. If confirmed, I will review this program with a fully open mind to ensure that soldiers have the best available tools to meet the needs of the Army and take into account soldier feedback concerning the user initiative.

Question. Stryker combat vehicle, including the Stryker Lethality Upgrades.

Answer. The Stryker Combat Vehicle program continues to remain a significant part of the Army's force structure for the foreseeable future and continues to prove its success in Iraq and Afghanistan. The Army is pursuing upgrades to increase both the lethality and survivability of the fleet in response to urgent operational needs.

As a result of poor performance against improvised explosive devices, the Army retrofitted Stryker vehicles with a more survivable Double V-Hull designed underside. It is my understanding that numerous lives have been saved in Afghanistan due to the blast-deflecting Double V-hull improvements.

In an effort to increase the lethality of the Stryker vehicles against emerging threats, the Army will integrate a 30mm cannon with an unmanned remote turret onto 81 Stryker Infantry Carrier Vehicles. This upgrade will provide an improved direct fire weapon system to support infantry at a greater range whilst improving the lethality of the Stryker fleet against a wide array of targets. Congress recently approved funding to begin Stryker lethality improvement upgrades in response to an Operational Needs Statement.

It is my understanding that the Stryker Combat Vehicle program is within cost, timeline, and performance.

Question. Joint Light Tactical Vehicle (JLTV).

Answer. The Joint Light Tactical Vehicle (JLTV) is a joint Army and Marine Corps development program consisting of a family of vehicles that are capable of performing numerous key mission roles to support the modernization of its tactical wheeled vehicle fleet. The JLTV design will allow for the protection, sustainment, and networked mobility for personnel and payloads across the full spectrum of military operations. The JLTV will provide more off-road mobility, fuel efficiency, and reliability than Mine-Resistant Ambush Protected All-Terrain Vehicles while addressing force protection performance and payload limitations in current High Mobility Multipurpose Wheeled Vehicles. It is my understanding that the JLTV program is within cost and performance baselines. The schedule was delayed due to the Government Accountability Office review of the Lockheed Martin protest. The extent of further delays based on the U.S. Court of Federal Claims review is unknown at this time.

Question. M1 Abrams tank modernization.

Answer. The Abrams tank modernization will focus on incremental improvements to the Abrams tank through Engineering Change Proposals that will improve mobility, lethality, and protection as well as provide the ability to accept future network and protection upgrades. The Abrams tank is anticipated to be the Army's primary ground combat system through at least 2045. Based on remanufacturing, the average age of the current Abrams tank is between 6 and 7 years. Following lessons learned in Iraq, the Army is pursuing incremental improvements to the Abrams tank designed to improve protection and lethality, address identified power deficiencies, and provide the ability to accept improved radios and protection upgrades. Through these enhancements, the Abrams tank will be able to maintain its leading edge in measures of survivability, lethality, and maintainability. It is my under-

standing that the Abrams tank modernization program is within cost, timeline, and performance.

Question. M2 Bradley infantry fighting vehicle modernization.

Answer. The Bradley family of vehicles has been an integral part of the Army's force structure for decades, and through critical upgrades and modernization of the fleet, will be continue to be so for the foreseeable future. The Army is making incremental improvements to the Bradley variants to address identified power deficiencies, improve protection and provide the ability to accept improved radios and protection upgrades. Two Engineering Change Proposals to the Bradley fleet are designed to upgrade the mobility, power generation and cooling capabilities lost by increasing the survivability and upgrading the tactical communications network. It is my understanding that the M2 Bradley infantry fighting vehicle modernization program is within cost, timeline, and performance.

Question. Paladin Integrated Management (PIM) self-propelled howitzer modernization.

Answer. The Paladin M109A7 family of vehicles, formerly known as the Paladin Integrated Management (PIM), will replace the current Paladin M109A6 Self Propelled Howitzer and Field Artillery Ammunition Support Vehicle starting in Fiscal Year 2017. The M109A7 program delivers responsive, all-weather, operationally adaptable, offensive and defensive fires in support of the Armored Brigade Combat Team maneuver force. It is able to keep up with the Abrams and Bradley. It is my understanding that the PIM modernization program is within cost, timeline, and performance.

Question. Armored Multi-Purpose Vehicle (AMPV).

Answer. The Armored Multi-Purpose Vehicle (AMPV) will replace the M113 family of vehicles (FoV) at the brigade level and below within Armored Brigade Combat Team. The M113 FoV have become operationally irrelevant due to inadequate mobility, survivability, and force protection, as well as the lack of size, weight, power, and cooling necessary to incorporate future technologies. The AMPV will have variants capable of five performance missions: General Purpose, Mortar Carrier, Mission Command, Medical Evacuation and Medical Treatment. The first prototypes are scheduled to be delivered in December 2016. It is my understanding that the AMPV program is within cost, timeline, and performance.

Question. AH-64E Apache modernization and Manned-Unmanned Reconnaissance.

Answer. The Apache is the Army's only heavy attack helicopter. The Apache is an invaluable asset on the modern battlefield. It provides Close Air Support to our warfighters both in Iraq and Afghanistan. The Apache dates back to the 1980s, and the latest version, the AH-64E, is the second remanufacture of that proven system.

Manned-Unmanned Teaming (MUM-T) is a force-multiplying capability in which the AH-64E Apache receives video feeds and target coordinates from Army's Gray Eagle and Shadow Unmanned Aircraft. By providing the pilot increased situational awareness prior to engaging the threat, MUM-T greatly increases the Apache's combat lethality and survivability.

The MUM-T capability and the Apache modernization efforts are delivering and sustaining capabilities that are suitable, reliable, and greatly enhance survivability for our soldiers. It is my understanding that the AH-64E Apache modernization and Manned-Unmanned Reconnaissance programs are within cost, timeline, and performance.

Question. Joint Tactical Radio System (JTRS).

Answer. The Mid-Tier Vehicular Networking Radio (MNVR), Handheld Manpackable Small Form Fit (HMS), and Airborne Maritime Fixed-Station (AMF) radios comprise the network modernization effort of the Army's tactical network and communications. The radios provide man-portable, vehicle-mounted, and aerial communication and data transport services for the Tactical Network. The Army's new strategy for the acquisition of these systems is to conduct full and open competition for Industry Research and Developed (IRAD) radios. All man-portable and vehicle-mounted radios are now in procurement, source selection, or planned for solicitation in this fiscal year (FY). Defense industry has demonstrated it can deliver products that meet current operational requirements and at lower cost. Operational testing for suitability, reliability, effectiveness and survivability will occur from fiscal year 2016 to fiscal year 2019 and fielding beginning fiscal year 2017. The Army is currently reassessing the requirement for a mid-tier network capability, which will determine the future of MNVR. Based upon the new acquisition strategy, the HMS program has met all requirements and is within cost, timeline, and performance. The AMF program schedule is within cost, timeline, and performance. Within the AMF program, the Small Airborne Link 16 Terminal (SALT) program was closed-out at the end of August 2015.

Question. Joint Multi-Role rotorcraft program.

Answer. The Joint Multi-Role Technology Demonstrator is a Science and Technology effort intended to mitigate risk by helping to inform capabilities and requirements for the planned Future Vertical Lift Program. This will be achieved through the testing of advanced technologies and efficient configurations. It is my understanding that the Future Vertical Lift program is not yet an acquisition program, therefore it does not have a cost and schedule baseline.

Question. Small arms modernization.

Answer. The Army continues to pursue modernization efforts across all small arms weapon systems and remains committed to the continuous pursuit of next-generation capabilities. The Army's small arms research, development, and acquisition efforts are focused on developing weapons system improvements that will enhance the lethality, target acquisition & tracking, fire control, training effectiveness, and reliability of weapons. The Army is reviewing current weapon system capabilities with the goal to increase firepower, reduce weight where feasible, and provide enablers to improve operational capability and functionality.

The goal of the Army's small arms modernization programs is to provide soldiers with world-class weapons systems that achieve overmatch over any adversary and that are suitable, reliable, and survivable on current and future battlefields. Modernization programs include the XM17 Modular Handgun System and the XM25 Counter Defilade Target Engagement weapon system, as well as upgrades to existing systems such as the M2A1 Machine Gun and the M4A1 Carbine. It is my understanding that small arms programs are currently within cost, timeline, and performance.

Question. Personal protective equipment modernization.

Answer. The Army is constantly working to reduce the weight and improve the performance of its current Personal Protective Equipment (PPE) to provide soldiers with the best equipment in the world. Soldiers are equipped with a complementary suite of protective capabilities (body armor/combat helmets) that guard against multiple threats associated with ballistic, blast, and blunt force events, including ballistic projectiles and fragmentation from improvised explosive devices.

The Army's next generation PPE system is the Soldier Protection System (SPS). The objective of the SPS program is to develop a modular, scalable, and tailorable system that is designed to defeat current threats at a reduced weight. It is my understanding that the Army's PPE modernization program is within cost, timeline, and performance.

Question. AN/TPQ-53 Counter Fire RADAR.

Answer. The AN/TPQ-53 (Q-53) Counter Fire Radar detects, classifies, tracks and determines the location of enemy indirect fire. Designed to replace the current Q-36/37 Counter Fire Radars, the Q-53 is a new generation of counter fire sensor with the flexibility to adapt to uncooperative adversaries and changing missions, a vital capability on today's battlefield. The Q-53 provides enhanced performance including greater mobility, increased reliability and supportability, and the increased capability to determine the location of enemy fire in either 360-degree rotating or 90-degree stationary modes. It is my understanding that the AN-TPQ 53 radar is on track from a cost and schedule perspective. The radar was initially unsuccessful in meeting the operation test objectives due to performance related issues during the Initial Operational Test and Evaluation (IOT&E) in fiscal year 2014. However, the program successfully completed a second IOT&E in June 2015. In a report to Congress dated November 2, 2015, the Director, Operational Test and Evaluation noted full support of the Q-53 proceeding to Full-Rate Production.

MINE RESISTANT AMBUSH PROTECTED (MRAP) VEHICLES

Question. What is your understanding and assessment of the Army's long term strategy for the retention, disposal, utilization, and sustainment of its large MRAP vehicle fleet?

Answer. The Army is retaining the best, most modern MRAPs necessary for its requirements. When appropriate, excess MRAPs are being made available to other agencies, activities, and nations. If confirmed, I will review the Army's MRAP strategy and make recommendations as necessary.

Question. How does the MRAP strategy synchronize with the strategies for the Combat Vehicle and Tactical Wheeled Vehicle?

Answer. The Mine-Resistant Ambush Protected (MRAP) is a tactical wheeled vehicle and is nested within the Tactical Wheeled Vehicle (TWV) Strategy. The TWV Strategy was approved in December 2014. MRAPs complement the Combat Vehicle Modernization Strategy (CVMS) by providing assured protected mobility in key command and control (C2) nodes in the Infantry Brigade Combat Team and Stryker Bri-

gade Team, and at the Division Headquarters level. In addition, MRAPs are allocated to Military Intelligence Companies to provide mobile signal intelligence capability and Composite Truck Companies to provide convoy protection platforms. The current enduring general MRAP fleet requirement is 8,585, in three models: MRAP All-Terrain Vehicle (M-ATV), the MaxxPro Dash, and the MaxxPro Long Wheel Base Ambulance. MRAPs provide protected mobility in wide area security missions, characterized by high improvised explosive device, rocket propelled grenades, and mine threat environment. MRAPs also provide protected ground ambulance capability to the operational force. The majority of the enduring general purpose MRAPs are allocated to Army Prepositioned Stocks and operational sets; with additional training sets for pre-deployment training. In addition, approximately 2,500 MRAPs were repurposed for route clearance and explosive ordnance disposal mission sets.

ARMY-RELATED DEFENSE INDUSTRIAL BASE

Question. What is your understanding and assessment of the systems and processes for identifying, evaluating, and managing risk in the Army's organic and commercial defense industrial base?

Answer. The Defense Industrial Base (DIB) includes public and private sector world-wide industrial complex capabilities. The Army continually assesses the commercial and organic components of the DIB to ensure that the Army appropriately manages and maintains a viable, cost-effective, and ready industrial base. The Army works closely with the Office of the Under Secretary of Defense Acquisition, Technology and Logistics (OUSD(AT&L)) Manufacturing and Industrial Base Policy office to identify fragile and critical suppliers and to take appropriate actions to mitigate risks. The Army also works with its internal resources and contractors to evaluate performance and identify critical capabilities in the organic industrial base to sustain readiness. The Army continually strives to strengthen the cost competitive position of its depots and arsenals by promoting Public-Private Partnerships with the commercial sector and by supporting Foreign Military Sales.

If confirmed, I will review the Army's industrial base strategy and make any needed recommendations while maintaining compliance with legal and policy requirements.

Question. Should Army acquisition leaders consider impacts on the industrial base when addressing requirements for recapitalization or modernization of major end items such as tanks, tactical wheeled vehicles or key repair parts?

Answer. Yes, the Army must and does consider the abilities of and impacts to the industrial base when making acquisition decisions. This requires the Army to anticipate funding constraints that call for a balanced strategy, focused on: science and technology investment, select investment in new capabilities, incremental upgrades to existing platforms, reset of current equipment, and divestiture of legacy systems. Additionally, the strategy targets technology investments and increasing commonality to avoid operations and sustainment cost.

Question. If confirmed, what changes, if any, would you pursue in systems and processes to improve identification, monitoring, assessment, and timely actions to ensure that risk in the Army-relevant sectors of the defense industrial base is adequately managed in order to develop, produce, and sustain technically superior, reliable, and affordable weapons systems?

Answer. The Army's goal would be to increase the level of interaction with the OUSD(AT&L), Defense Logistics Agency, Defense Contract Management Agency, Department of Commerce and other federal agencies to conduct industrial base Fragility and Criticality assessments. Increased interaction will better focus the Army's attention on the most critical areas of supplier risk and enable the Army to take actions to strengthen supply chains within the industrial base.

It is my understanding that the Army also plans to apply additional emphasis on supply chain viability by devoting available resources to harness commercially available supply chain risk analysis tools that are available to identify at-risk suppliers to assure an uninterrupted flow of materiel.

ARMY SCIENCE AND TECHNOLOGY

Question. What is your understanding and assessment of the role that Army science and technology programs have played and will play in developing capabilities for current and future Army systems?

Answer. The Army's Science and Technology (S&T) mission is to identify, develop and demonstrate technology options that inform and enable effective and affordable capabilities for the soldier. Army S&T develops technology to address current problems faced by the Warfighter around the globe by improving upon current system capabilities and mitigating emerging threats. The Army also depends on its S&T

program to help prepare for the future, mitigating the possibility of technical surprise and ensuring that we remain dominant in any environment.

Question. Given the budget, how will you ensure that Army science and technology programs will successfully transition to operational warfighting capabilities?

Answer. The Army has initiated a long-term strategic look at its modernization investment strategy, including planning, programming and budgeting for acquisition Programs of Record (PoRs) across their life cycles and across the full spectrum of Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, and Policy. From an S&T perspective, this informs the research and development community of windows of opportunity for technology insertions into ongoing PoRs and indicates when to start S&T investments targeted for replacement platforms. If confirmed, I will work with the Army's S&T community to continue take a long-term view that closely align S&T programs with PoRs within available funding to ensure successful transition of technologies to the Warfighter.

Question. If confirmed, what metrics would you use to judge the value and the investment level in Army science and technology programs?

Answer. If confirmed, I will use established metrics such as the alignment of S&T to Warfighter needs. I will challenge the S&T community to continually assess whether we are appropriately invested and make adjustments if necessary to meet Warfighter needs.

Question. How important is the enhancement of Positioning, Navigation and Timing (PNT)?

Answer. Enhancement of Positioning, Navigation and Timing (PNT) is critical to the Army. The Army has created a dedicated, direct reporting Program Manager to coordinate and manage PNT modernization and address current threats. Having accurate PNT information is fundamental to our forces' ability to maintain initiative, coordinate movements, target fires and communicate on the move. The Army is the largest user of PNT in the Department of Defense.

As the threat environment changes and our adversaries become more sophisticated in attacking existing Global Positioning System (GPS) capabilities, it is essential for the Army to achieve assured PNT through other means. The Army is actively working with the Air Force, the Office of the Secretary of Defense and other stakeholders to execute the congressionally mandated transition to Military GPS User Equipment.

ARMY LABORATORIES AND RESEARCH, DEVELOPMENT AND ENGINEERING CENTERS (RDEC)

Question. What role should Army laboratories play in supporting current operations and in developing new capabilities to support Army missions?

Answer. The expertise resident in the Army laboratories provides the opportunity to rapidly respond to emerging needs in current operation, while developing the technologies that will enhance the Army's ability to prevail in future conflicts. Both advanced and basic research are the key to maintaining our technical edge.

Question. If confirmed, how will you ensure that the Army laboratories and research and development centers have a high quality workforce, laboratory infrastructure, resources, and management, so that they can continue to support deployed forces and develop next generation capabilities?

Answer. If confirmed, I will evaluate the specific issues and challenges facing Army laboratories and centers and personnel policies. I will ensure that existing authorities are being used appropriately to sustain a high quality Science and Technology enterprise, and will work with Congress on any new authorities I feel are necessary.

Question. Do you support the full utilization of authorities established by Congress under the Laboratory Personnel Demonstration program that is currently being run in many Army RDECs?

Answer. Yes, I support the full use of these authorities as established by Congress under the Laboratory Personnel Demonstration Program that give the Army RDECs the necessary flexibility to ensure they can remain competitive with the private sector. If confirmed, I would work with Congress to see if authorities need expanding.

Question. Do you believe that all RDECs in the Army's Research, Development and Engineering Command (RDECOM) need enhanced personnel authorities in order to attract and retain the finest technical workforce? Would you support expansion of the Laboratory Personnel Demonstration authorities to all of RDECOM's laboratories and engineering centers?

Answer. Yes, adequate personnel authorities are necessary. It is my understanding that all the RDECOM laboratories and centers are currently part of the

Laboratory Personnel Demonstration Project and are already employing the enhanced personnel authorities.

Question. Do you believe that the Army's laboratories and engineering centers should have a separate, dynamic personnel system, uniquely tailored to support laboratory directors' requirements to attract and retain the highest quality scientific and engineering talent?

Answer. If confirmed, I will examine this issue to better understand the potential impacts of a separate personnel system. I believe it is critical the labs and engineering centers have all the necessary tools and/or authorities to attract and retain the highest quality scientific and engineering personnel.

Question. How will you assess the quality of Army laboratory infrastructure and the adequacy of investments being made in new military construction and sustainment of that infrastructure?

Answer. If confirmed, I would engage with the appropriate Army organizations to better understand the challenges facing our Science and Technology infrastructure. I will look for ways to ensure our labs and centers have the necessary infrastructure to develop and evaluate technology for the Warfighter.

Question. Are you concerned about the current or future supply of experts in defense critical disciplines, particularly personnel with appropriate security clearances, to hold positions in defense laboratories?

Answer. Yes. The Army faces competition from the private sector for high-skilled scientists and engineers with critical skills. The Army also must continue to invest in Science, Technology, Engineering, and Mathematics education to grow the next generation of clearable scientists and engineers. If confirmed, I will work with the Army to identify ways to expand outreach programs to get our youth excited about STEM.

ARMY TEST AND EVALUATION (T&E) EFFORTS

Question. If confirmed, how will you ensure that the Army's test and evaluation infrastructure is robust enough to ensure that new systems and technologies are tested to verify their combat effectiveness and suitability?

Answer. I am very aware of the importance of a robust test and evaluation infrastructure to enable informed decisions regarding weapon systems and technology acquisition. I plan to attain sufficiently robust test and evaluation infrastructure through consultation with the Army's Acquisition Executive and leaders in the Army's test and evaluation community, as well as through the Army's continuous coordination with the Director of Operational T&E and the Director, Test Resource Management Center.

Question. What metrics will you use to assess the quality of the Army's T&E infrastructure?

Answer. I will seek end-user feedback concerning the Army's ability to adequately test as well as consider the input of my test and evaluation advisors concerning current and future assessment of the required quality of the Army's T&E infrastructure.

Question. If confirmed, how would you ensure that weapon systems and other technologies that are fielded by the Army are adequately operationally tested?

Answer. I will emphasize the importance of high-quality, timely operational testing of all Army weapon systems and other technologies to the Army's acquisition and T&E communities and endeavor to emplace the resources, skill sets and leadership to effect testing under operationally realistic conditions.

ARMY INFORMATION TECHNOLOGY PROGRAMS

Question. What major improvements would you like to see made in the Army's development and deployment of major information technology systems?

Answer. The Army, in conjunction with the other Services, has synchronized efforts to accelerate network and information technology (IT) modernization. The objectives of modernization are to: protect against and defeat the rapidly growing number of cybersecurity threats; increase network capacity; make network operations more efficient; and achieve economies of scale and better interoperability through shared enterprise solutions. The Army must continue to streamline the process and timeline for acquisition of IT and cyber capabilities in order to quickly transition the infrastructure, applications and tools needed to stay ahead of the persistent threat, rather than remaining in a reactive posture. Also, the Army's current level of investment puts us on track to achieve a modernized network by 2023; however, I believe we should increase investment now in order to achieve a modernized and secure network by 2019. In addition to more rapidly enabling effective informa-

tion sharing among commanders and soldiers, accelerated investment would reduce the risk of unplanned costs associated with remediation of cyber attacks.

Question. How will you encourage process and cultural change in organizations so that they maximize the benefits that new enterprise information technology systems can offer in terms of cost savings and efficiency?

Answer. The CIO/G-6 is partnered with the Army's Office of Business Transformation to promote continuous process improvement to gain efficiencies and ensure leaders have an understanding of the IT systems supporting process execution. The Army is working hard to eliminate redundant IT capabilities and encourage leaders to seek out enterprise solutions before generating unique IT requirements.

Key factors in the cultural change required to embrace enterprise solutions include promoting cooperation and greater trust in shared network security risk. The Army is significantly underway in network modernization effort to build the necessary capacity at the posts, camps, and stations to enable critical business and warfighting functionality such as effective integrated data; live, virtual, constructive training; home station mission command; and an integrated training environment which are essential for readiness. A reliable, secure network is fundamental to cultural acceptance.

Question. What is the relationship between Army efforts at implementing enterprise information technology programs and supporting computing services and infrastructure to support Army missions and efforts being undertaken by the Defense Information Systems Agency?

Answer. The Army's strong relationship and heavy reliance on the Defense Information Systems Agency (DISA) impacts a number of IT efforts to include Joint Enterprise Licensing Agreements to optimize purchasing power and Joint Regional Security Stacks (JRSS) which establishes a defensible security perimeter for the global DOD Information Network. Today, for example, Joint Base San Antonio (JBSA) actually passes both Army and Air Force traffic on the same, secure infrastructure, a significant step forward in efficiency and example of Army-DISA work on JRSS. The Army also consumes enterprise services provided by DISA. These include, but are not limited to, Defense Enterprise Email and application migration and hosting. As the JBSA example above shows, DISA in return is leveraging the Army's IT efforts to continue to mature a joint information environment across the DOD.

Question. How will you ensure that appropriate business process reengineering is undertaken and accomplished before initiating new business systems, IT program development, and deployment?

Answer. The law requires the completion of business process reengineering before any new information technology system is developed or incremental improvements to existing systems are undertaken. The Under Secretary of the Army in his roles as CMO and Army Pre-Certification Authority must certify to the OSD DCMO that business process reengineering has been completed before the Army receives the DCMO certification to commit funds. The Army Business Council, Army Business Mission Area Domains, and business process and business systems owners support the Under Secretary of the Army in this task. They do so in accordance with a full range of Army policies by reviewing by-system business process reengineering efforts and supporting documentation and making recommendations to the Under Secretary of the Army on whether or not to pre-certify to the DCMO that business process reengineering has been accomplished to a sufficient degree to support certification and continued development and procurement. If confirmed, I will charge the Under Secretary of the Army to remain vigilant in this important area of business management and ensure strict adherence to this existing statutory and policy requirements.

Question. What role will the Army's research and testing enterprise play in the development and deployment of Army business IT systems?

Answer. Army Science and Technology (S&T) efforts are largely focused on tactical systems and software. Business IT systems are not an area of S&T that the Army typically invests in, relying instead on the commercial industry as lead. One area the Army should further explore is in cyber, as current techniques in development for tactical applications have already been identified as having potential application for business enterprise IT.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the Committee in the past have testified that the Military Services under-invest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of under-investment in DOD installations has led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and

made it harder to take advantage of new technologies that could increase productivity. These challenges have been exacerbated by current budget pressures.

What is your assessment of Army infrastructure investment?

Answer. The Army must balance available funding between unit readiness, equipment modernization, and infrastructure/facilities readiness. Significant pressure on the budget has left the Army with little choice but to underinvest in facilities, impacting the Army's ability to sustain its current infrastructure. The Army is the largest real property holder in the Federal Government, with an infrastructure maintenance backlog that continues to grow. This situation is a direct result of underfunding installation readiness to provide additional resources for unit readiness. This budgeting strategy comes with significant risks as continued funding pressures will inevitably result in higher future costs to taxpayers as small maintenance issues grow into large problems.

Question. If confirmed, what actions, if any, would you propose to increase resources to reduce the backlog and improve Army facilities?

Answer. If confirmed, my focus will be to work closely with Congress to maintain investments in critical Army facilities, while reducing our overall infrastructure portfolio. The recently enacted budget agreement is a positive development, but continued predictable funding is critical to ensure efficient and effective management of Army infrastructure. In addition, fully funding installation readiness accounts is essential to preventing larger and more expensive issues from continuing to develop.

BASE CLOSURE AND REALIGNMENTS

Question. The Department of Defense has repeatedly requested a Base Realignment and Closure (BRAC) round.

Do you believe another BRAC round is necessary? If so, why?

Answer. Yes. Senior Leaders within the Defense Department and the Department of the Army have consistently argued for another round of BRAC to reduce excess infrastructure, and I agree. In an era of declining budgets and force reductions, the Army cannot afford to maintain excess and underutilized infrastructure. BRAC rebalances infrastructure with force structure and saves significant sums of money.

Question. If confirmed and if Congress were to authorize another BRAC round, how would you go about setting priorities for infrastructure reduction and consolidation within the Department of the Army?

Answer. The Army must follow the process and criteria that the Congress establishes. It requires an objective, and well-documented analysis focused on reducing capacity, not capabilities. If confirmed, I will ensure the Army uses the military value analysis as the primary tool, treating all bases equally, using the approved 20-year force structure plan and statutory criteria to develop recommendations.

Question. If confirmed and if Congress were to authorize another BRAC round, what is your understanding of the responsibilities of the Army in working with local communities with respect to property disposal?

Answer. If confirmed, I will ensure that resources are made available to assist affected local communities in planning the redevelopment of surplus Army properties, and that the Army uses its property disposal authorities in a manner that is consistent with those locally-developed plans. Specific Army responsibilities for property disposal will depend on the recommendations that are approved.

Question. It has been noted repeatedly that the 2005 BRAC round resulted in major and unanticipated implementation costs and saved far less money than originally estimated.

What is your understanding of why such cost growth and lower realized savings have occurred?

Answer. Army Transformation drove cost growth and reduced the savings in the 2005 BRAC round. The Army force structure was increasing and tens of thousands of soldiers were relocating to bases in the U.S. from existing overseas bases, requiring substantial construction of new facilities. Nearly half of the 2005 BRAC recommendations focused on opportunities to significantly improve military value by using the BRAC authority to move forces and functions. I understand that the 2005 BRAC round, however, is still saving the Army \$1 billion per year on a net \$13 billion investment (with a 7.7 percent annual investment yield).

Question. How do you believe such issues could be addressed in a future BRAC round?

Answer. Compared with 2005 BRAC, the three BRAC rounds of the early 1990s focused more on infrastructure consolidation and cost savings to align installations with a reducing force structure. A future BRAC would have short payback periods and look more like the 1990s-era BRAC rounds. The payback for Army BRAC recommendations during those 1990s rounds averaged 3 years.

RELIGIOUS GUIDELINES

Question. In your view, do Department of the Army policies concerning religious accommodation in the military appropriately accommodate the free exercise of religion and other beliefs, including individual expressions of belief, without impinging on those who have different beliefs, including no religious belief?

Answer. Yes. Within operational constraints, Department policies appropriately accommodate the free exercise of religion and other beliefs, including appropriate individual expressions of belief, without impinging on those who have different beliefs, including those with no religious beliefs.

Question. Under current law and policy, are individual expressions of belief accommodated so long as they do not impact good order and discipline?

Answer. Yes, current law and policy protect individual expressions of belief, or non-belief that do not have an adverse impact on good order and discipline.

Question. In your view, do existing policies and practices regarding public prayers offered by Army chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious beliefs?

Answer. Yes. It appears the Army's training of its Chaplains and their practices strike an appropriate balance. The Army does not have a policy regarding public prayer by Army chaplains. The Army's trains its Chaplains to take into account and be considerate of the diversity of any audience when praying in public. Commander and Chaplain supervisors are responsible for ensuring religious beliefs and expression are protected. If confirmed, I will ensure this approach remains the practice.

Question. What is your assessment of measures taken at the Military Academy to ensure religious tolerance and respect?

Answer. The Superintendent takes this issue very seriously and holds frequent sensing sessions to review religious tolerance. The USMA Chaplain's office has developed rules for religious discussions among cadets, faculty, and staff and has issued guidance for attending religious events. If confirmed, I will consult closely with the USMA Superintendent to assess the effectiveness of these efforts at USMA and will monitor this area carefully across the entire force.

RELIGIOUS ACCOMMODATIONS CONCERNING UNIFORM AND GROOMING STANDARDS

Question. Do you believe there continues to be a justifiable rationale for denying sincere requests for religious accommodation from Sikhs, Orthodox Jews, and others concerning uniform and grooming standards when, according to the Army, tens of thousands of shaving profiles have been granted in recent years, including for soldiers operating in combat zones, as well as hundreds of exceptions to the Army's tattoo policy, including waivers for religious-themed tattoos that include images of crosses, biblical verses, and an image of Jesus Christ?

Answer. Consistent with federal law and DOD policy, decisions regarding requests for religious accommodation must be made on a case-by-case basis. Under DOD policy, the request for accommodation may only be denied if that is the least restrictive means of furthering a compelling government interest, including military necessity, operational requirements, military readiness, unit cohesion, good order and discipline, safety, and health.

Question. Have these shaving profiles and tattoo waivers, described in the June 2015 decision of the District Court for the District of Columbia concerning the Hofstra University ROTC cadet, harmed unit cohesion in any way? If so, please explain.

Answer. I am not aware of evidence that shaving profiles or tattoo waivers have harmed unit cohesion in any individual cases.

Question. Have the grooming and uniform standards accommodations that have been granted to Sikhs, Orthodox Jews, and others to date harmed, in any way, unit cohesion? If so, please explain.

Answer. I am not aware of any harm to unit cohesion based on these decisions. This reinforces the continued need for a case-by-case analysis of each requested exception to policy to ensure they do not.

DELIVERY OF LEGAL SERVICES

Question. What is your understanding of the respective roles of the General Counsel and Judge Advocate General of the Army in providing the Secretary of the Army with legal advice?

Answer. The General Counsel is the legal counsel to the Secretary of the Army and the chief legal officer of the Department of the Army. The General Counsel's

duties include coordinating legal and policy advice to all members of the Department regarding matters of interest to the Secretariat, as well as determining the position of the Army on any legal question or procedure.

The Judge Advocate General of the Army is the legal adviser to the Secretary of the Army, the Chief of Staff of the Army, the Army Staff, and members of the Army generally. The Judge Advocate General directs the members of the Judge Advocate General's Corps in the performance of their duties and, by law, is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline.

If confirmed, I will respect these important but separate roles and responsibilities.

Question. What are your views about the responsibility of the Judge Advocate General of the Army to provide independent legal advice to the Chief of Staff of the Army?

Answer. No officer or DOD employee should interfere with the ability of The Judge Advocate General to give independent legal advice to the Chief of Staff of the Army. The Judge Advocate General is not appointed by the Chief of Staff, and the Chief of Staff does not have the personal authority to remove her. This enables The Judge Advocate General to provide independent legal advice.

Question. What are your views about the responsibility of staff judge advocates within the Army to provide independent legal advice to military commanders throughout the Army establishment?

Answer. Staff Judge Advocates understand that the Army is the client and they are trained and instructed at The Judge Advocate General's Legal Center and School on the importance of providing independent legal advice to commanders. I fully support the statutory provision that prohibits any officer or DOD employee from interfering with the ability of judge advocates to give independent legal advice to their commanders.

JUDGE ADVOCATE GENERAL CORPS RESOURCING

Question. What is your understanding of the current and projected manpower requirements in the Army JAG Corps?

Answer. My understanding is that the Army JAG Corps is currently manned at just over 100 percent of its total authorizations. The Army has a legal support team of over 10,000 personnel in the Active and Reserve components including judge advocates, legal administrators, paralegal soldiers, civilian attorneys and civilian para-professionals. I understand that the current and projected authorizations in the Army JAG Corps are sufficient to meet its present manpower requirements.

Question. If confirmed, will you review the judge advocate manning within the Army and determine whether current Active Duty strengths are adequate?

Answer. Yes. The complexities of today's legal support missions create a critical need to review Judge Advocate manning. If confirmed, I will work with The Judge Advocate General to ensure current Active Duty strengths are adequate. My priorities will support Army emerging legal support missions, in areas such as cyber, military justice, and legal assistance. Therefore, I will work to ensure sufficient Judge Advocate manning exists to support our commanders, soldiers, family members, and retirees.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. What is your assessment of the Army's sexual assault prevention and response program?

Answer. Through my service in various positions in the DOD, I have had an opportunity to view sexual assault prevention and response programs from a variety of perspectives. As a result of my observations of the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Office Program, I believe the Army is making strong progress in this area, though more work needs to be done. The Army is unique in that it is the only service to formally include sexual harassment as a part of its sexual assault prevention and response program. I have been advised that military and civilian research indicate that approximately 30 percent of sexual assault cases are preceded by sexual harassment. The Army continues emphasizing the unique and central role of commanders in establishing a healthy command climate that promotes dignity and respect. Additionally, the Army has focused on fostering ownership of prevention efforts at the grassroots level through the "Not in My Squad" initiative. "Not in My Squad" calls on first-line leaders to set and enforce standards by addressing behaviors and attitudes that may lead to assaults at the unit-level. These efforts are integral to ensuring a climate of dignity and respect, and the readiness of our service to win our Nation's wars. If confirmed, I will ensure the program continues to sustain the momentum it has achieved.

Question. What is your assessment of the Army's programs to address and prevent retaliation or reprisal against individuals who report sexual harassment or sexual assault?

Answer. Sexual harassment and sexual assault undermine the Army's core values. The Army has been working proactively to address retaliation and reprisal against individuals who report sexual harassment or sexual assault. We must do everything we can to assist victims by removing all obstacles to reporting. The Army has taken appropriate steps to address retaliation through policy changes that prohibit retaliation from reporting a criminal offense and requiring Sexual Assault Review Boards to track and monitor retaliation allegations resulting from the report of a sexual assault. The Army is also participating in the DOD's retaliation prevention strategy planning efforts, with the intent of creating a Service-specific strategy. If confirmed, I will ensure the Army continues to assess the efficacy of these initiatives and I will direct additional measures as required to ensure no victim, witness or bystander fears doing the right thing by reporting or intervening in an incident of sexual assault or sexual harassment.

Question. What do you see as the greatest challenges to the success of those programs? If confirmed what changes if any would you make to improve those programs?

Answer. In society, as well as the Army, sexual assault remains one of the most under-reported crimes. Although there has been significant progress in increasing reporting during the past few years, I believe this remains a challenge for the Army. If confirmed, I will assess the policies, programs and initiatives in place to ensure all barriers to reporting have been eliminated; that victims are provided exemplary support and assistance; and offenders are held appropriately accountable. Ultimately though, all of our efforts should be designed to prevent assaults in the first place.

Question. What is your assessment of Army programs and policies to hold individuals accountable for retaliation or reprisal against individuals who report sexual assault or sexual harassment?

Answer. The Army has appropriate measures in place to hold offenders appropriately accountable for their actions. The Army tracks reports of retaliation at each installation through the monthly Sexual Assault Review Board. Substantiated reports of retaliation can result in a range of legal remedies including court-martial, non-judicial punishment, or unfavorable administrative personnel action, depending on the nature and severity of the act. If confirmed, I will ensure the Army continues to strengthen its processes and procedures for preventing retaliation and holding offenders appropriately accountable.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. Protecting victims of sexual assault is a moral imperative. While unrestricted reporting helps hold offenders accountable, there are factors, such as retaliation and shame which may make it difficult for a victim to file an unrestricted report. Restricted reporting allows soldiers to access the services provided by our SHARP, medical, and legal professionals while maintaining a certain level of anonymity. My hope is that at some point in the process, the servicemember gains the confidence to come forward and convert their restricted report into an unrestricted report to give our leaders an opportunity to intervene. I believe the Army should continue to provide multiple options for reporting sexual assault at this time.

Question. What is your view about the role of the chain of command in providing necessary support to the victims of sexual assault?

Answer. All leaders must set an unimpeachable standard in their support of victims of sexual assault and commanders at all levels are responsible for training and enforcing that standard. Committed, engaged leadership from the squad level up to the Secretary is fundamental to setting the command climate in which sexual assaults are not tolerated and in which victims feel both safe and confident in reporting. The entire chain of command must play an active role and, where appropriate, commanders must hold perpetrators fully accountable in accordance with appropriate legal processes. To that end, I assure you of my full commitment to stamping out sexual assault.

Question. What is your assessment of the Department of the Army's implementation of the requirement to establish Special Victim's Counsel?

Answer. From what I have observed, the Army's rapid implementation of this requirement has been very successful in providing essential legal assistance to victims throughout the Army. With approximately 75 Special Victims' Counsel at 34 installations, positive feedback from clients supports the Army's decision to place these counsel at local installations for the most effective delivery of these critical services. These counsel have been aggressively protecting victims' rights and allowing them

to make informed decisions during the military justice process. Victims are also able to swiftly address retaliation concerns with the assistance of these Special Victims' Counsel.

Question. What is your understanding of the adequacy of Army resources and programs to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. The Army has dramatically transformed victim response services in recent years. It has institutionalized Sexual Assault Response Coordinator and Victim Advocate education, implemented a Special Victim's Counsel Program, and established one-stop shops for victims in SHARP Resource Centers. Leaders at every level must continue to do all they can to prevent the scourge of sexual assault in the Army, and provide the victims of this intolerable crime the medical, psychological, and legal assistance they need. If confirmed, I will be committed to ensuring that Army resources and programs continue to thrive.

Question. What is your view of the steps the Army has taken to prevent additional sexual assaults both at home station and deployed locations?

Answer. The Army has made significant progress to prevent sexual assaults both at home and in deployed locations. Efforts such as bystander intervention training and the vignette-based training provided on the Army Training Network provide soldiers with the necessary skills to intervene and stop sexual violence. To better serve our soldiers in harm's way, the Army has mobile training teams that deploy into combat zones to provide Foundation Training to Victim Advocates. Additionally, the Army is working to ensure they have certified and credentialed personnel in positions of trust. As always, the Army will continue to educate its soldiers and civilians on their responsibility to prevent sexual assaults.

Question. What is your view of the adequacy of the training and resources Army has in place to investigate and prosecute allegations of sexual assault?

Answer. The Army has developed one of the Nation's premier training programs for sexual assault investigators allowing them to bring exceptional investigative capabilities to each installations' special victim teams. Additionally, the Army's development of a special victims' prosecution capability, consisting of uniquely-trained counsel focused solely on the prosecution of sexual assault and family violence crimes facilitates the best possible advice for investigators and commanders to ensure the appropriate disposition in each case. The training and resourcing of these specially-selected and trained investigators and prosecutors has been an Army focus. If confirmed, I will closely monitor this critical work.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. Commanders, and all Army personnel occupying leadership positions, play an essential role in creating an organizational climate that does not tolerate sexual violence. Army commanders are directly responsible for promoting positive social norms and habits within their formations because those norms and habits serve as the breeding ground for a climate that enables or stymies sexual violence. Concurrently, the chain of command is responsible for maintaining a healthy climate that protects victims from retaliation or reprisal, and holds perpetrators fully accountable in accordance with appropriate legal processes. This effort begins and ends with commanders.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command to determine whether allegations of sexual assault should be prosecuted?

Answer. If confirmed, advancing efforts to eliminate sexual assault in the Army will be one of my primary areas of focus. I am aware that significant changes to law and policy have occurred in this area over the last few years, including additional legal training for commanders at all levels, and a reduction in the commander's authority in the clemency phase of sexual assault cases, to name only a few. The military justice system has recently undergone the most comprehensive revision since its implementation more than 50 years ago. Additionally, the Secretary of Defense directed and the Military Justice Review Group conducted a comprehensive review of the military justice system. I would want to review all of these modifications in detail to determine their effect on the current military justice process in sexual assault cases.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in the Army?

Answer. I believe the Army has made progress but it must continue to educate leaders on the connection between organizational climate and performance. I am committed to providing a force that is ready to fight and win our Nation's wars. In order to meet this end, sexual violence must be eliminated from our ranks. If confirmed, I will work to maintain the faith of the American public and Congress in

the Army's sexual harassment and assault prevention and response program. I also want to empower first line leaders to model the Army Values and promote a culture of dignity and respect.

SEXUAL ABUSE OF MILITARY CHILDREN

Question. Currently, the DOD Annual Report on Sexual Assault in the Military focuses solely on adult sexual assault. Data on sexual abuse of children in military families is not included in this report.

What is your understanding of the prevalence of sexual abuse of children in Army families?

Answer. The Army keeps detailed data in the U.S. Army Central Registry (ACR) which tracks rates of sexual and non-sexual child abuse. A review of the child sexual abuse (CSA) incidents per 1000 from 2001 to the first quarter of 2015 as recorded in the ACR show that the rate of CSA is consistently half that of the civilian population. For fiscal year 2015, of the 493,359 dependent children, the rate of reported incidents of child sexual abuse was .326 incidents per 1,000 children which equates to 5.42 percent of all types of child abuse (including non-sexual abuse) being sex-related.

At the DOD level, detailed and comprehensive statistics on all child abuse allegations, including sexual abuse, are provided through the DOD Family Advocacy Program. Readiness Council. Unlike most states, the DOD reports on the full range of allegations, including "minor" cases of neglect. Statistics on family abuse offenses are reported to Congress in a separate report from the Annual Report on Sexual Assault in the Military due to the unique nature of marital and child offenses. The DOD Family Advocacy Program Child Abuse/Neglect Annual Data Report is not a formal Congressional reporting requirement, but DOD has regularly briefed its findings to Senate Armed Services Committee staff and House Armed Services Committee staff.

Question. What actions are currently being taken to prevent sexual abuse of children in Army families?

Answer. The Army provides extensive prevention and intervention programs through the Family Advocacy Program (FAP) for leaders, soldiers, and families. New commanders and their senior enlisted advisors are required receive a FAP brief within 45 days of assuming command, and Army installations and commands participate in Annual Prevention and Awareness of Domestic Violence and Child Abuse Campaigns. The FAP also provides a wide range of individual and family services, including: clinical psychosocial assessment; safety planning; crisis intervention for all types of domestic violence and child maltreatment; classes such as marriage communication and enrichment, parenting, stress management and anger control; marriage and family therapy; individual counseling; and comprehensive New Parent Support Program to provide intensive in-home observation, guidance and support to families with children ages 0-3 who have stressors that could lead to abuse or neglect. The Army also implements the Transitional Compensation Program to encourage reporting of child and spouse abuse. If confirmed, I will assess the combined effectiveness of these efforts and ensure that adequate resources are provided in this important area.

Question. To what extent do you consider the exclusion of data on sexual abuse of children in Army families from the DOD Annual Report on Sexual Assault in the Military to be a problem in the ability of the Department of the Army to understand the extent of the problem and to prevent sexual abuse of children?

Answer. Army child sexual abuse data is included in the DOD FAP Annual Report provided to Congress. Inclusion of this data in the Sexual Assault report would result in the numbers being reflected twice and confounding two distinct issues. If confirmed, I will work with this Committee to make sure that the data reported is organized in as transparent, clear and helpful a manner as necessary for the needs of Congress.

Unlike most state reporting requirements, the DOD reports on the full range of allegations, including "minor" cases of neglect. The Army also provides extensive prevention and intervention programs to families through the FAP.

Question. If confirmed, what steps would you take to address the problem of sexual abuse of children?

Answer. If confirmed, I would ensure that the FAP continues to have adequate funding for prevention and treatment initiatives. I would also work to ensure victims have appropriate support.

With any reported allegation of sexual abuse, child victims who are also dependent family members are entitled to representation by Army Special Victim Counsel (SVC). SVC are trained on the unique aspects of child sexual abuse crimes and on

working with children. SVC represent the child throughout the investigative and judicial process. For children who are not dependent family members, they are entitled to the services of Army Special Victim-Witness Liaisons (SVWL). SVWL are civilian employees who work directly for the Special Victim Prosecutors. SVWL have social work backgrounds and guide the child through the investigative and judicial process, including accompanying the child to interviews with defense counsel.

Offender accountability is of paramount importance. Since the implementation of the SVP program, the Army has seen an increase of over 100 percent in the number of courts-martial for child and adult sexual assault offenses. If confirmed, the issue of sexual assault in the Army will be one of my primary areas of focus.

CHILD ABUSE INVOLVING MILITARY CHILDREN

Question. There have been press reports of child abuse of children on military bases. What is your understanding of the extent of this issue, and if confirmed, what actions will you take to address it?

Answer. The rates of child abuse for Army children (incidents per 1,000 children) is 6.240, as opposed to the rate of 10.942 in the civilian population. The Army has a robust Family Advocacy Program that includes prevention, education and treatment programs to address the issues of abuse in the Army. If confirmed, I will review the Family Advocacy Program to ensure it continues to receive adequate funding and support.

Even one act of child abuse is too many—regardless if it happens on or off a military installation, and I completely support the Army's efforts to continue and provide comprehensive support to child victims, and as appropriate, aggressively investigate and prosecute offenders.

BALANCE BETWEEN CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES

Question. The Army employs many contractors and civilian employees. In many cases, contractor employees work in the same offices, serve on the same projects and task forces, and perform many of the same functions as federal employees. Both contractors and civilians make up an integral part of the Department's total workforce.

Do you believe that the current balance between civilian employees and contractor employees best serves the Army?

Answer. Contractors and civilian employees provide critical capabilities required for readiness and force modernization. While I am not aware of any issues indicating these two components of the force are out of balance in the Army, if confirmed, I will assess this matter to ensure the balance is appropriate to best serve the Army.

Question. In your view, has the Department utilized contractors to perform basic functions in an appropriate manner?

Answer. I am not aware of any inappropriate contractor utilization within the Department. The Secretary of the Army and Army senior leaders are required under current law to ensure contractors do not perform inherently governmental functions and to reduce reliance on "closely associated with inherently governmental functions" to the "maximum extent practicable". If confirmed, I will ensure that the Army conducts continual monitoring of the use of contractors to ensure compliance with law and policy.

Question. Do you believe that the Army should undertake a comprehensive reappraisal of "inherently governmental functions" and other critical government functions, and how they are performed?

Answer. Yes. Current law requires the Army to annually reappraise contractor performance through the Inventory of Contractor Services Review process.

Question. Are there non-monetary reasons why the Army would need or desire one type of manpower over the other? If so, provide relevant examples where of those reasons? Under what circumstances should cost be used as the primary factor?

Answer. It is my understanding that by law and DOD policy pertaining to Total Force Management, the military should be used as much as possible to perform "military essential" functions within the constraints of end strength, operational demands, and force cap levels in certain locations. If confirmed, I will make appropriate assessments within existing statutory and policy constraints to determine if costs should be used as the primary factor in using one source of manpower over another.

Question. If confirmed, will you work to remove any artificial constraints placed on the size of the Army's civilian and contractor workforce, so that the Army can hire the number and type of employees most appropriate to accomplish its mission?

Answer. If confirmed, I will work within the framework of current law to remove identifiable artificial constraints placed on the size of the Army's civilian and con-

tractor workforce. I will ensure the Army is compliant with statutory requirements and focused on operational readiness.

Question. To what extent is the Army relying on military personnel to perform duties that in your view would be best performed by civilian personnel?

Answer. The Government Accountability Office issued a report in July 2015 that found the Army was not collecting complete and accurate data on the use of military personnel performing civilian or contractor functions. If confirmed, I will look into how the Army can better monitor and assess this area to ensure compliance with the law and DOD policies. Better data will also enable the Army to accurately assess the costs when making decisions to rely on military personnel for these functions.

WOMEN IN COMBAT INTEGRATION

Question. Army recently completed its review of military occupations closed to service by women, and the Secretary and Chief of Staff recommended that all Army positions be opened to service by women.

Do you believe it is necessary to allow women to serve in the combat arms?

Answer. I believe that access to a larger pool of qualified individuals will improve our readiness. Women have served well in combat during operations in Iraq and Afghanistan and have proven their capability.

Question. What is the plan to integrate women into the ground combat arms?

Answer. As briefed to me, the Army's implementation plan calls for a deliberate and methodical implementation plan starting with female Infantry and Armor leaders followed by enlisted soldiers down to company level operational units. This plan is built on gender-neutral standards tied to validated requirements.

Question. The Marine Corps' research demonstrated that women suffered higher injury rates among women than men when engaged in field combat exercises and training. Did Army research show the same?

Answer. Yes, I am concerned about injury rates for all soldiers, regardless of gender. Army findings on injury rates for men and women in the training environment were similar to the findings of the Marine Corps study. Both the Army and Marine Corps' studies found that women participating in ground combat training sustained injuries at higher rates than men, particularly in occupational fields requiring load bearing. These studies also revealed ways to mitigate the injuries and the impact to team cohesion. However, studies also show the disparity is lower in the operational Army. We know from extensive research and data review that higher levels of physical fitness reduce injuries in all soldiers. If confirmed, I will continue to ensure that occupational standards are maintained and optimal fitness programs are utilized.

Question. If so, does that concern you with respect to potential impact to female soldiers, and how will you mitigate that effect?

Answer. If confirmed, I will monitor and further assess mitigation strategies as they impact the readiness and welfare of the force throughout implementation.

Question. Has the Army done a cost benefit analysis of the decision to send women to Ranger School?

Answer. No. A cost benefit analysis cannot adequately quantify the positive effect attendance at the Ranger Course has on the Army, its leaders, and soldiers. The Army maintains the Ranger Course primarily to train Rangers for Ranger coded positions, both in the Ranger Regiment and throughout the rest of the Army. However, the Army policy is to allow all volunteers, regardless of military occupation specialty, to attend the course. The Army does this because it has learned over time that any soldier (or any servicemember) who attends the course comes away a better leader, even if they don't graduate. These soldiers return to their units knowing more about their strengths and weaknesses and are better prepared to lead soldiers in combat.

The Army did, however, assess the additional costs of opening the Ranger course to women. The costs, which included mainly temporary duty costs for Observer/Advisors to the Cadre and Airborne Ranger Training Brigade, was approximately \$866,000.

Question. What was the ratio of female volunteers beginning the course to graduates?

Answer. Of the 19 women who started the April 2015 Ranger Course Assessment, 3 ultimately graduated and were awarded the Ranger Tab (16 percent).

Question. How does this ratio compare to male volunteers?

Answer. The graduation rate for males who started in the same April 2015 Ranger Course was 33 percent.

Question. What is the comparative cost in dollars and man hours for a female Ranger School graduate and compared to that of a male?

Answer. The costs are similar for men and women attending the Ranger Course. The additional temporary cost was for female observer/advisors. The cost associated with modifying facilities to support integrating female students into the course (e.g., billeting, latrines, and showers at Ranger training sites) will be incorporated into normal facility upgrade programs over time.

Question. If women become subject to the draft, should they also be prepared for involuntary assignment based upon the needs of the Army?

Answer. Placing the right soldier in the right job at the right time is and should remain the goal of the Army personnel system. Over the past 15 years, the Army's All-Volunteer force has proven its ability to succeed against challenging adversaries in rapidly changing environments. If the draft is reinstated, meeting the requirements of the combatant commanders will be the Army's top priority. If confirmed, I will ensure that the primary considerations in assigning soldiers is their qualification and ability to fill a valid requirement.

Question. What is your opinion on whether men and women in combat and special forces MOSs should be subject to the same physical requirements for participation in those MOSs?

Answer. The Army is a standards-based, not a gender-based organization. Any soldier who meets standards should be allowed to serve.

Question. In light of Secretary Carter's decision to open all military positions to women, what do you believe are the primary challenges to implementing full integration in the Department of the Army and how do you plan to address them?

Answer. I've been advised that the Army has examined previous integration efforts and used the lessons learned to mitigate any potential challenges through the use of appropriate policies, training, and leadership. Specifically, the Army has learned that a standards based, deliberate, methodical, time-phased process for integration that introduces leaders first with continuous assessments works best.

SELECTIVE SERVICE ACT

Question. Do you believe the Selective Service system, with its focus on supplying large numbers of replacement combat soldiers, meets the needs of today's military and the type of personnel that would likely need to be drafted in a future conflict, including skilled personnel in the medical, linguistic, cyber, and other specialist fields?

Answer. I agree that the Selective Service system is focused on supplying large numbers of replacement combat soldiers and is not focused on identifying and accessing highly skilled personnel with specialty skills. If there was a requirement for substantial growth in the military, I would anticipate that the Army would continue the process of evaluating entrants for each specialty and make adjustments to marketing and recruiting efforts to meet emerging requirements.

Question. The Selective Service system currently provides for alternate service, via the Selective Service Alternative Service Program for would-be draftees who profess to be conscientious objectors to any form of Military Service, non-military work that benefits the Nation in the civilian sector, including in the areas of conservation, caring for the very young or old, education, and health care. Do you believe this provides a model for re-thinking Selective Service in this country to include addressing national security needs that reside outside of Military Service per se, and how we might best leverage the skills and abilities of the civilian population to address all national security needs (not just military) and other national goals?

Answer. Meeting the national security needs of the Nation is paramount. If the Selective Service system is reviewed and revised, all the requirements of national security should be fully considered. If confirmed as the Secretary of the Army, my focus will be to ensure the Army recruits, organizes, supplies, trains and maintains a force sufficient to fight and win the Nation's wars. I will also cooperate with Congress on any other ways the Army can contribute to the President's National Security Strategy.

Question. Given the decision of the Secretary of Defense to open all positions to service by women, including combat-related positions, do you believe Congress should amend the Selective Service Act to require the registration of women?

Answer. Consistent with current law, I understand that the Secretary of Defense has submitted an analysis of the legal implications to the Selective Service Act with opening combat positions to women. Full implementation of the historic decision to fully integrate women into our military requires a cooperative effort across the DOD and Congress, which ultimately must decide whether to amend the Selective Service Act. The Administration has pledged to work with Congress to determine if any ad-

ditional reforms or changes to the Act are necessary. If confirmed, I look forward to being included in this cooperative effort.

MATERNITY LEAVE

Question. Navy Secretary Mabus recently announced a change in Department of Navy policy that would provide 18 weeks of maternity leave for sailors.

Would you support extending maternity leave to 18 weeks for soldiers?

Answer. Readiness and taking care of our soldiers are not mutually exclusive; rather, they can be mutually reinforcing. That said, I understand the Army is working with OSD to better understand the impacts that extending leave to 18 weeks would have on readiness during the drawdown and weigh those against potential benefits. If confirmed, I will review the impacts on readiness and retention.

Question. If so, what would be your plan to augment or back-fill those positions occupied by female soldiers on extended maternity leave? Would you consider utilizing reservists to back-fill those positions?

Answer. Readiness of Army soldiers and families will be a top priority. If confirmed, I will continue to review the various proposals emerging from the Force of the Future Working Group, in a way that reinforces readiness and taking care of our soldiers.

Question. In your view, how would the Army account and pay for the cost of additional personnel to fill positions left vacant by soldiers on extended maternity leave?

Answer. There is an ongoing OSD-level review of the maternity leave policy which will look at how extending maternity leave will impact the force. Once this analysis is completed and guidance provided to the Services, the Army will be able to determine the impact in terms of how many additional personnel, if any, would be required. If confirmed, and once this process is complete and the requirement is known, I will work with the staff to best determine how to pay for any positions left vacant by such soldiers.

Question. Would the Army require an increase to their authorized end strengths to accommodate additional manning requirements?

Answer. This is a decision that will be informed by the ongoing OSD-level review of the maternity leave policy. Based on that review, the Army will be able to assess the requirement, if any, for increased end strength.

Question. Do you support paid uncharged paternity leave for male soldiers in excess of the 10 days afforded by statute? If so, how many weeks do you believe is an appropriate amount of time?

Answer. I support paternity leave as authorized under current law. If confirmed, I would review parental leave in its entirety with consideration to readiness, cost, retention and family resiliency to make a determination of the impact of extending paternity leave.

Question. Do you believe the Army fully understands the cost of this reform? If so, describe those costs.

Answer. I've been advised that the Army is currently assessing the impact that this reform would have on readiness and cost. If confirmed, I will review the data and make a recommendation.

Question. Tank crews, howitzer sections, infantry squads, engineer squads, mortar squads and scout sections readiness require small unit stability after weapons qualification. These are the building blocks that affect Battalion and Brigade over all readiness. Given available data, women have higher rates of injury. Adopting the Navy's maternity leave policy could remove a soldier from her assigned crew or squad for months. What is your view on the impact this decision would have on unit readiness?

Answer. The Army is strongest when it can ensure that the best soldier, regardless of gender, can fill the role and meet all standards required. I have been advised that the Army is taking a deliberate, methodical, standards-based approach to integrating women to combat occupations and units. I understand the Army is instituting a longitudinal study on physiological injuries for all soldiers to improve the readiness of all soldiers.

MORALE, WELFARE, AND RECREATION

Question. If confirmed, what challenges do you foresee in sustaining Army MWR programs in the future fiscal environment?

Answer. MWR programs and services are key components to soldier retention. As such, the Army provides a broad spectrum of programs that support soldier and family readiness needs before, during, and after deployments, regardless of component or geographic location.

Because soldier and family quality of life is essential to Army readiness, it is important to continue to provide high quality MWR programs now and sustain them into the future. If confirmed, I will continue to support the Army's commitment to provide programs and services that are fiscally sustainable, relying on the use of non-appropriated funds to the extent possible, to provide soldiers and families the quality of life they deserve. An important part of this effort is to continually evaluate programs in order to prioritize those of greatest value to soldiers and families.

MILITARY HEALTH CARE

Question. What is your assessment of the quality of health care provided to soldiers and their families?

Answer. While I am confident that soldiers, family members and retirees receive very high quality health care, I also recognize there is opportunity for improvement. If confirmed, I am committed to ensuring that the Army healthcare system continues to strive to meet or exceed national benchmarks for quality. My focus will be toward the realization of high reliability of healthcare delivery through integration of a culture of safety and implementation of processes that reduce variability, prevent harm to our healthcare beneficiaries, and increase the ease of access.

Question. In your view, what should the Army Medical Command do to improve access to care in its medical treatment facilities?

Answer. Army Medicine has increased access to primary care services by expanding capacity through the Community Based Medical Home initiative. These clinics are extensions of the Army's large health clinics, community hospitals and medical centers on Army installations. In coordination with DOD, the Army actively promotes use of the Nurse Advice Line (NAL). The NAL provides beneficiaries convenient access to health care resources 24/7. It provides advice for self-care, makes appointments and contacts the Medical Treatment Facility, or refers patients to the network when appropriate. Army Medicine is providing greater oversight of all hospitals/clinics to ensure that there are enough appointments available for the beneficiaries. Lastly, the Army is implementing simplified appointment procedures to improve access to primary care by reducing the number of appointment types. The reduction greatly simplifies the planning process and increases the number of available appointments. If confirmed, I will work with the Army Surgeon General to ensure the Army continues to make focused improvements in access, quality and safety, and is diligent in the governance and oversight of its healthcare responsibilities.

Question. If confirmed, how would you work with the Surgeon General of the Army to improve the healthcare experience for soldiers and their families?

Answer. If confirmed, I would look forward to working with the new Army Surgeon General to ensure that soldiers, family members and retirees have access to quality and safe healthcare where and when it is needed. I will promote efforts to improve efficiencies and leverage innovative solutions such as the use of Telehealth capabilities to extend care beyond fixed facilities and into the patient's home.

FAMILY READINESS AND SUPPORT

Question. Soldiers and their families in both the Active and Reserve components have made, and continue to make, tremendous sacrifices in support of operational deployments. Senior military leaders have warned of concerns among military families as a result of the stress of deployments and the separations that go with them.

What do you consider to be the most important family readiness issues for soldiers, and their families, and, if confirmed, how would you ensure that family readiness needs are addressed and adequately resourced, especially in light of current fiscal constraints?

Answer. Soldiers and families programs are an investment in our most valuable assets—our people. I realize that continued deployments, family separations, and relocations are very stressful. If confirmed, I will work to ensure the Army provides high-quality, effective programs that reduce stress and enhance soldier and family readiness and resiliency.

One of my top priorities will be adequately resourcing programs to address and prevent negative behaviors such as domestic violence and substance abuse. Financial readiness is another area key to soldier and family well-being. I will work to ensure that these important programs, as well as those that support child care and family advocacy, remain viable and effective. I will also focus on making awareness of and access to these programs as easy as possible. Collectively, these programs build soldier and family strength and resiliency which enables and enhances Army readiness.

SUICIDE PREVENTION

Question. The numbers of suicides in the Army continues to be of great concern to the Committee.

If confirmed, what role would you play in shaping suicide prevention programs and policies for the Department of the Army to prevent suicides and increase the resiliency of soldiers and their families?

Answer. I share the Committee's concerns on this painful subject. If confirmed, this will be a priority of mine to ensure that we take a holistic look at ways to mitigate risk factors that can lead to adverse outcomes such as suicide. I will also fully support the Army's proactive approach to building protective factors and resilience among soldiers and their families, as well as our Department of the Army Civilians.

If confirmed, I will direct periodic reviews of policy, and prioritize efforts and resources to provide Army Commanders the tools they need sustain a personally ready force. I will take a close look at the results from the Army Study to Assess Risk and Resilience in Servicemembers (STARRS), as well as closely follow the STARRS Longitudinal Study, to identify actionable items and develop action plans to address them. I would also collaborate with my fellow Service Secretaries and the Defense Suicide Prevention Office to address common challenges and share best practices and results of Army-specific initiatives.

SUPPORT FOR WOUNDED, ILL, AND INJURED SOLDIERS

Question. Servicemembers who are wounded or injured in combat operations deserve the highest priority from the Army and the Federal Government for support services, healing and recuperation, rehabilitation, evaluation for return to duty, successful transition from Active Duty if required, and continuing support beyond retirement or discharge.

What is your assessment of the progress made by the Army to improve the care, management, and transition of seriously ill and injured soldiers?

Answer. The Army has made great progress improving the care for its wounded, ill, and injured soldiers over the last few years. The Army must continue to maintain and improve upon the great work it has already done for these soldiers. If confirmed, I will continue to leverage U.S. Army Medical Command's rigorous organizational inspection program, the Army and DOD Inspector General, the Army Audit Agency, and external audit organizations to drive improvements in the care and management of our seriously ill and injured soldiers.

Question. If confirmed, are there additional strategies and resources that you would pursue to increase the Army's support for wounded soldiers, and to monitor their progress in returning to duty or to civilian life?

Answer. Warrior care should remain an Army priority resourced to meet this enduring mission and sacred obligation. If confirmed, I will ensure that the Army remains committed to ensuring our wounded, ill, and injured soldiers have the best health care possible to either successfully remain on Active Duty or transition from Military Service into communities as productive veterans. I will also collaborate with the Departments of Veterans Affairs and Labor, and the Small Business Administration to facilitate the seamless transition of wounded, ill and injured soldiers. Finally, if confirmed, I will assess whether the Army's efforts in this critically important area are adequately resourced.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals in DOD, reports of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently received. Whistleblowers and victims of such abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department?

Answer. All soldiers and Army civilians must abide by the Army values, and leaders are responsible for ensuring our standards of professionalism, trustworthiness, expertise, and honorable service are maintained. Failure to live up to those standards must be investigated and addressed while ensuring that all members receive appropriate due process. If confirmed, I will insist that leaders meet these standards and hold them accountable when they fail to do so.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Army are held accountable for their actions and performance?

Answer. The responsibility for investigating allegations of impropriety, misconduct, or poor performance against general officers and Senior Executive Service Civilians is appropriately vested in the Inspector Generals of either the Army or the DOD. If confirmed, I would ensure that all allegations are properly referred for a thorough, impartial investigation. If these allegations are substantiated, I will ensure that senior leaders are appropriately held to account for that conduct.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE (SES)

Question. The transformation of the Armed Forces has brought with it an increasing realization of the importance of efficient and forward thinking management of senior executives.

What is your vision for the management and development of the Army senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. My vision for the Army Civilian Senior Executives is to ensure the Army recruits professionals who bring the best skills, experience and diverse perspectives to complete the mission. The Army has implemented several new initiatives in the past few years for mid and senior graded general schedule and equivalent workforces, which I believe will further strengthen and ensure a strong bench of candidates exists for senior leader positions. If confirmed, I will support and encourage the use of programs that will effectively promote the recruitment and development of professionals to take on senior roles in the Army.

Question. Do you believe that the Army has the number of senior executives it needs, with the proper skills to manage the Department into the future?

The Army has about 500 senior civilians, including those members of the Senior Executive Service, the Defense Intelligence Senior Executive Service, Senior Professionals such as senior scientists leading cutting edge research, Defense Intelligence Senior Professionals, Highly Qualified Experts and consultants. These senior leaders work in conjunction with general officers to best meet senior leadership needs for the Army and DOD.

These senior leaders are well recognized in their fields serving in critical roles across various functional communities. I believe the use of a centrally managed process for the Army's senior leaders is important to ensure continual learning occurs through broadening and developmental assignments as well as formal training. As the Army experiences turnover amongst its senior leadership, it has established an annual process to ensure senior leader allocations are reviewed and aligned appropriately with the needs of the Army.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

GATEWAY PACIFIC TERMINAL

1. Senator MCCAIN. Mr. Fanning, as Secretary of the Army, you have jurisdiction over the U.S. Army Corps of Engineers. As you know, the Corps approves and oversees many important infrastructure projects to our country—from irrigation dams and ditches, levees that protect our communities to ports that ship our goods to the world. Some projects require permits from the Corps that entails review pursuant to National Environmental Policy Act (NEPA), National Historic Preservation Act, Endangered Species Act, and even Tribal Treaty Rights.

In particular, I am concerned about potential actions by one District of the Corps of Engineers that would short circuit this important, complex review and could form dangerous precedent for other projects throughout the country. It's the Gateway Pacific Terminal, under review by the Seattle District of the Corps of Engineers.

This project would create millions in tax revenue and thousands of jobs for Northwest communities. And, importantly the project would facilitate access to international markets for the Crow Tribe of Montana—all the while having minimal impact on the environment—improving stream flows onshore, and only adding 1–2 vessels in complete compliance with shipping and other environmental laws.

Now, this terminal will carry Crow coal—that would generate significant tax revenue where it's needed most—an Indian community that currently faces an unemployment rate of 50 percent and is currently on the rise with recent furloughs. But this terminal will also carry agriculture products like grains and potash.

This project has been undergoing review for a Clean Water Act permit for over 30 months but the Draft Environmental Impact Statement has yet to be published. One tribe has sent the Corps an affidavit asking for a 'de minimus' determination on their fishing treaty rights.

I understand treaty rights analysis are a separate equation and they must be upheld. However, the Corps has never done a 'de minimus' analysis prior to publishing environmental impact statements for industrial projects like this. I am concerned the Corps' actions have more to do with politics and coal than with a thorough and fair process.

With a full environmental impact statement, project alternatives and mitigations are explored—stakeholders have a better seat at the table and can analyze all the facts. The Crow Tribe of Montana would have a better seat at the table. A full environmental impact statement (EIS) is not unique in the Executive Branch, including Department of Defense (DOD). In [my home state of] Arizona, the Environmental Protection Agency (EPA) conducted a thorough EIS for construction of a dam which involved water rights of several Arizona tribes. Now, I'm not one to laud the EPA's relationship with Indian Tribes, but at least they did a full and thorough EIS.

In New Mexico, the EPA conducted a thorough EIS for an upgrade for a water treatment facility while respecting and upholding the treaty rights of Navajo Nation and Southern Ute Tribe. The Air Force did treaty rights analysis concurrently with Crow and Northern Cheyenne Treaty rights analysis for Powder River Training Complex expansion in Montana.

Can you tell me what information the Corps of Engineers is using in this 'de minimus' determination?

Mr. FANNING. On January 5, 2015, the Lummi Tribe of the Lummi Reservation submitted a request to the Corps asking that the Gateway Pacific Terminal (GPT) project permit application be denied based on impacts to their treaty fishing rights. Since then, there have been multiple submittals of technical reports, affidavits, maps, surveys and additional information from both the Lummi and Pacific International Terminals (PIT) detailing their perspectives, research and data regarding whether the impact to the treaty fishing rights would be de minimis or greater than de minimis. The Corps of Engineers Seattle District is using these voluminous submittals in making a determination of whether the proposed GPT project, if constructed, would have a de minimis or greater than de minimis impact on the treaty-reserved usual and accustomed fishing rights of the Lummi Nation. Additionally, PIT submitted a Department of the Army permit application for the GPT project to the Seattle District on December 22, 2015, with additional information submitted on January 15, 2016. As I understand, the District is evaluating the permit application to determine whether it is complete for processing. The project features described in the application that are relevant to the analysis of whether there will be a de minimis or greater than de minimis impact on treaty-reserved fishing rights of the Lummi Nation will be considered, along with the Lummi Nation's responses to those descriptions, once the application is determined to be complete.

2. Senator MCCAIN. Mr. Fanning, what other industrial projects like this have been denied without a full NEPA being completed?

Mr. FANNING. There has been no final decision made to date regarding the processing of the GPT proposal. However, I understand that the Corps of Engineers has denied permit applications or otherwise ceased processing and evaluating permits prior to completion of NEPA reviews many times throughout the history of its regulatory program. For example, the Corps of Engineers Portland District issued a denial without prejudice to Coyote Island Terminals, LLC, for their application for a Department of the Army permit to build a new shipping terminal at the Port of Morrow on the Columbia River, where coal would be brought in via rail and transferred to barges for eventual loading on the ocean-going vessels for export. The denial without prejudice was based on the Oregon Department of State Lands denial of a land use permit that was necessary for the project to move forward. The NEPA documentation for the project was partially complete at the time of that decision. In other cases in the Seattle District, applications for both commercial and non-commercial activities have been withdrawn or denied before the completion of all required environmental reviews because of impacts to treaty rights.

3. Senator MCCAIN. Mr. Fanning, what treaty rights are being violated by simply doing the environmental analysis?

Mr. FANNING. My understanding is that the Corps does not believe that completion of an environmental analysis would violate treaty rights. Instead, the Corps believes that the Seattle District has an obligation to make a timely, sound and well-documented decision on whether adverse effects on treaty-reserved usual and accustomed fishing rights are *de minimis* or greater than *de minimis* in response to information it has received from the Lummi and from the permit applicant. This determination can be made separately from the NEPA process after receipt, review and analysis of appropriate information. While NEPA may provide a platform for the comprehensive review of all potential effects of an activity subject to the Corps control and responsibility, the responsibility of the Corps to protect tribal treaty rights is independent of the NEPA process.

The Lummi Nation is a signatory to the Treaty of Point Elliot, which contains a standard clause regarding the tribe's reserved right to fish. Because of the government's trust responsibility to Indian Tribes, the Corps must analyze whether its action, specifically the decision to issue or deny a permit for regulated activities in waters of the United States, would qualify or limit a tribe's treaty rights. Absent Congressional consent, the U.S. Government may not abrogate a treaty. Because the pending decisions under the Clean Water Act and Rivers and Harbors Act of 1899 are directly relevant to the Lummi's adjudicated treaty right, the Seattle District Engineer owes the Lummi Nation a timely decision on its assertion that the GPT project will violate the provisions of the Treaty of Point Elliot. The Corps also owes the permit applicant a timely decision on its application.

4. Senator MCCAIN. Mr. Fanning, can you point to me where in Corps or Army policy guidelines where it talks about 'usual and accustomed' 'de minimus' decisions prior to NEPA?

Mr. FANNING. Although the Department of the Army regulations that govern the Corps' administration of the regulatory program do not provide explicit guidance on this particular issue, I understand it is consistent with Corps of Engineers regulatory program policy and customary practices, as well as treaty law, for the Corps to make a timely decision on whether the GPT proposal presents a *de minimis* or greater than *de minimis* impact to the Lummi Nation's treaty-reserved right.

5. Senator MCCAIN. Mr. Fanning, what about consultation with the Crow Tribe, pursuant to this administration's Executive Order calling for all Federal agencies to "meaningfully consult" with affected tribal nations?

Mr. FANNING. The decision before the Seattle District is whether the permit applicant's proposed activities can and should be permitted. To make that permit decision, the Corps evaluates potential impacts to waters of the U.S. in the vicinity of the proposed activities needing a Corps permit then decides whether the permit applicant's proposals are permissible under the relevant authorities. The Corps' role in the proposed export terminal therefore does not provide any basis to consider the transport of coal by rail traffic, coal exporting, or coal mining on the Crow Reservation in Montana.

6. Senator MCCAIN. Mr. Fanning, has the Crow Tribe had official consultation meetings and have their concerns been addressed in this processed?

Mr. FANNING. The Corps has engaged with the Crow Tribe, listened to its concerns, and answered questions about the regulatory process and the GPT project status. The Corps will continue to welcome information from the Crow Tribe and consider it to the fullest extent possible, as well as provide timely updates to the Crow Nation representatives, and answer any questions they may have about the regulatory process for the GPT project.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

ARMY READINESS

7. Senator INHOFE. Mr. Fanning, what readiness goals is the Army trying to reach by 2020 and is it on track to meet them?

Mr. FANNING. The Army's readiness goal is to generate ready forces to meet combatant regional engagement requirements while simultaneously meeting the demands of a globally responsive contingency force in accordance with the National Military Strategy. The key to doing both is rebuilding the Total Army Force for Decisive Action (DA) to achieve success in Unified Land Operations (ULO), and preparing more agile and adaptive forces that are ready across the range of military operations in complex environments and against hybrid threats. Given current funding levels, future budget predictability, and anticipated combatant commander demands, the Army will achieve fiscal balance across modernization, end-strength, and readiness accounts in fiscal year 2018/2019. This will stabilize Manning and Equipping, the main resource elements of Army readiness. Coupled with gains in DA/ULO proficiency through tough, realistic training, and professional leader development, the Army will be able to address current global demand while maintaining the readiness to support National Military Strategy contingency requirements by fiscal year 2020/2021.

8. Senator INHOFE. Mr. Fanning, both you and General Milley list readiness as a top priority. General Milley has stated that "no American soldier must ever deploy to combat unready." Readiness encompasses several factors to include personnel, equipment, and training. How do you balance these factors in achieving a ready force with the number of personnel and equipment needed to meet all the requirements in our national military strategy?

Mr. FANNING. The Army is committed to maximizing Total Force readiness while restructuring to be globally responsive and optimally postured for contingency demands. In doing so, regardless of the number and types of units we have, we are manning them commensurate with a level of readiness that enables them to meet current and future demands. Additionally, we are diligently balancing our resources to properly maintain and continuously modernize our equipment to prepare for current and future fights. Fiscal realities do not allow all units to be modernized at the same time or to the same level, but all units are being equipped to their current Military Table of Organization and Equipment (MTOE) authorization to ensure they can be capable of performing their decisive action mission. Future readiness growth will be guided by a more efficient and timely force generation process, which will raise overall readiness levels and increase the duration of unit availability to meet current and future contingency demands. Lastly, if funded below the President's budget request level the Army will be forced to further reduce its size to maintain the balance between readiness and modernization, increasing the risk of not meeting all of the demands of the national strategy.

ARMY FORCE STRUCTURE AND GLOBAL THREATS

9. Senator INHOFE. Mr. Fanning, do you believe our Army has the force structure to meet all the requirements in our national military strategy today?

Mr. FANNING. At the Bipartisan Budget Act levels of funding, the Army will be able to support a total Army end strength of 980,000 (450,000 Active component (AC); 335,000 Army National Guard (ARNG); 195,000 United States Army Reserve (USAR)) through fiscal year 2017. Based on the President's budget request level, the Department anticipates sufficient funding in fiscal year 2018–2022 to continue to support this level of end strength, which Army leadership has said is the minimum acceptable level to meet the defense strategy per the 2014 Quadrennial Defense Review with significant risk. Based on recent world events and demand for Army forces this risk is increasing. If confirmed, I'll work to eliminate positions that do not directly relate to our warfighting functions in order to maintain the combat capabilities our Nation requires. In the event of full sequestration, the Army would be forced to reduce to 920,000 (420,000 AC, 315,000 ARNG, 185,000 USAR). At this

end strength, the Army could not meet current combatant commander's demand, and the requirements of the defense strategy, i.e., to defeat an adversary in one major combat operation while simultaneously denying the objectives of an adversary in a second theater.

10. Senator INHOFE. Mr. Fanning, do you believe the global threats are going to increase or decrease in the near and far term?

Mr. FANNING. There is no doubt that the complexity of the world is increasing. Current global threats and their future projections have increased since the Department's last strategy review. Since the 2014 QDR, a resurgent Russia, the emergence and spread of ISIL, and advances in cyber will force us to continually reassess the Army's posture and presence.

11. Senator INHOFE. Mr. Fanning, do you think the demands being placed on the Army are going to increase or decrease in the near and far term?

Mr. FANNING. I expect that the demands on our Army will increase. There are many growing new threats to the security of the United States. The U.S. is a global power, and we have to operate across a range of operations. The Army, as part of the joint force must be ready to do that anywhere around the world any time. The Army is improving in readiness, inter-operability and responsiveness globally. In Iraq, the Army has a core role in countering ISIL, and responsibility for building partner capacity and, continuing to train, advise and assist the Iraqi government. As the United States European Command Commander, General Breedlove, recently testified, "European security challenges continue to grow and become, frankly, more complex. In fact, it would not be an overstatement to say that we are changing on almost a daily basis." He is asking the Army to increase its support to building assurance and deterrence. I expect that the Army will increase pre-positioned equipment, participate in more exercises, and contribute to strengthening our allies in the region. In addition to meeting the known near term requirements of the Defense Strategy, the Army continues to prepare for the future unknown requirements. The number one priority is building readiness, and the number two priority is maintaining overmatch through modernization to meet the future demands.

12. Senator INHOFE. Mr. Fanning, do you think the Army is accepting too much risk given the growing instability around the globe?

Mr. FANNING. The 980,000 Total Force was sized to enable the Army to meet global challenges at an acceptable level of risk before ISIL and Russia demonstrated the will and capability to challenge United States interests. I agree with General Milley that a force comprising at least 1,045,000 soldiers (of which 490,000 would be Active component) helps mitigate risk to the Army and the Nation. However, budget cuts and the higher priority the Department has placed on necessary investments in readiness and modernization have resulted in the Department's decision, per the defense strategy and recent President's Budget submissions, not to size the Army at this level. If confirmed, and given this approved force structure, I will look forward to working with the Committee to find the right balance between force capacity and modernization, while prioritizing readiness in a way that best mitigates risk.

ARMY CORPS OF ENGINEERS

13. Senator INHOFE. Mr. Fanning, will you commit the time and resources necessary to streamline the bureaucratic process of the Army Corps of Engineers to make them more responsive with regard to Corps projects and Congress?

Mr. FANNING. The Corps of Engineers has made significant progress in transforming its Civil Works and Military business processes over the past 5 years, which has reduced the bureaucracy, time and cost to complete studies and projects. If confirmed, I will absolutely commit the time and resources necessary to continue streamlining the Corps business processes, in accordance with appropriate laws and regulations, in order to continue improving its product delivery and responsiveness to Congress and the Nation, and regulations, in order to continue improving its product delivery and responsiveness to Congress and the Nation.

14. Senator INHOFE. Mr. Fanning, the Seattle District of the Army Corps of Engineers is currently reviewing the Gateway Pacific Terminal. This project has been undergoing review for a Clean Water Act permit for over 30 months but the draft environmental impact statement has yet to be published. One tribe has sent the Corps an affidavit asking for a 'de minimus' determination on their fishing treaty rights. What information is the Corps of Engineers using in this 'de minimus' determination?

Mr. FANNING. On January 5, 2015, the Lummi Tribe of the Lummi Reservation submitted a request to the Corps asking that the Gateway Pacific Terminal (GPT) project permit application be denied based on impacts to their treaty fishing rights. Since then, there have been multiple submittals of technical reports, affidavits, maps, surveys and additional information from both the Lummi and Pacific International Terminals (PIT) detailing their perspectives, research and data regarding whether the impact to the treaty fishing rights would be *de minimis* or greater than *de minimis*. The Corps of Engineers Seattle District is using these voluminous submittals in making a determination of whether the proposed GPT project, if constructed, would have a *de minimis* or greater than *de minimis* impact on the treaty-reserved usual and accustomed fishing rights of the Lummi Nation. Additionally, PIT submitted a Department of the Army permit application for the GPT project to the Seattle District on December 18, 2015, with additional information submitted on January 15, 2016. As I understand, the District is evaluating the permit application to determine whether it is complete for processing. The project features described in the application that are relevant to the analysis of whether there will be a *de minimis* or greater than *de minimis* impact on treaty-reserved fishing rights of the Lummi Nation will be considered, along with the Lummi Nation's responses to those descriptions, once the application is determined to be complete.

15. Senator INHOFE. Mr. Fanning, what other industrial projects like this have been denied without a full NEPA being completed?

Mr. FANNING. There has been no final decision made to date regarding the processing of the GPT proposal. However, I understand that the Corps of Engineers has denied permit applications or otherwise ceased processing and evaluating permits prior to completion of NEPA reviews many times throughout the history of its regulatory program. For example, the Corps of Engineers Portland District issued a denial without prejudice to Coyote Island Terminals, LLC, for their application for a Department of the Army permit to build a new shipping terminal at the Port of Morrow on the Columbia River, where coal would be brought in via rail and transferred to barges for eventual loading on the ocean-going vessels for export. The denial without prejudice was based on the Oregon Department of State Lands denial of a land use permit that was necessary for the project to move forward. The NEPA documentation for the project was partially complete at the time of that decision. In other cases in the Seattle District, applications for both commercial and non-commercial activities have been withdrawn or denied before the completion of all required environmental reviews because of impacts to treaty rights.

16. Senator INHOFE. Mr. Fanning, are there any treaty rights being violated by simply doing the environmental analysis?

Mr. FANNING. My understanding is that the Corps does not believe that completion of an environmental analysis would violate any treaty rights. Instead, the Seattle District believes it has an obligation to make a timely, sound and well-documented decision on whether adverse effects on treaty-reserved U&A fishing rights are *de minimis* or greater than *de minimis* in response to information it has received from the Lummi and from the permit applicant. This determination can be made separate from the NEPA process after receipt, review and analysis of appropriate information. While NEPA may provide a platform for the comprehensive review of all potential effects of an activity subject to the Corps control and responsibility, the responsibility of the Corps to protect tribal treaty rights is independent of the NEPA process.

The Lummi Nation is a signatory to the Treaty of Point Elliot, which contains a standard clause regarding the tribe's reserved right to fish. Because of the government's trust responsibility to Indian Tribes, the Corps must analyze whether its action, specifically the decision to issue or deny a permit for regulated activities in waters of the United States, would qualify or limit a tribe's treaty rights. Absent Congressional consent, the U.S. Government may not abrogate a treaty. Because the pending decisions under the Clean Water Act and Rivers and Harbors Act of 1899 are directly relevant to the Lummi's adjudicated treaty right, the Seattle District Engineer owes the Lummi Nation a timely decision on its assertion that the GPT project will violate the provisions of the Treaty of Point Elliot. The Corps also owes the permit applicant a timely decision on its application.

17. Senator INHOFE. Mr. Fanning, what are the Army's policy guidelines that deal with 'usual and accustomed' '*de minimis*' decisions prior to NEPA?

Mr. FANNING. Although the Department of the Army regulations that govern the Corps' administration of the regulatory program do not provide explicit guidance on this particular issue, my understanding is that it is consistent with Corps of Engi-

neers regulatory program policy and customary practices, as well as treaty law, for the Corps to make a timely decision on whether the GPT proposal presents a de minimis or greater than de minimis impact to the Lummi Nation's treaty-reserved right.

18. Senator INHOFE. Mr. Fanning, has the Crow Tribe had official consultation meetings and have their concerns been addressed in this process?

Mr. FANNING. As I understand, the Corps' has had meetings with the Crow Tribe, listened to its concerns, and answered questions about the Corps' regulatory process and the GPT project status. The Corps will continue to welcome information from the Crow Tribe and consider it to the fullest extent possible, as well as provide timely updates to the Crow Nation representatives, and answer any questions they may have about the regulatory process for the GPT project.

QUESTIONS SUBMITTED BY SENATOR ROGER F. WICKER

ROLE OF THE NATIONAL GUARD

19. Senator WICKER. Mr. Fanning, in November, I visited the 149th Aviation Regiment based at the Army Aviation Support Facility in my hometown of Tupelo, Mississippi. The men and women of the 149th are exceptional soldiers and they are proud of the Apache helicopters they fly and maintain. We've invested \$30 million in this facility and our 23 Apache pilots are as fully trained any Active Duty helicopter pilot with the same hours of training. I believe their mission is critical to our national security. If confirmed, I hope you can join me and visit the 149th in Tupelo. We are grateful for their hard work and sacrifice, as well as their families, during their numerous combat deployments abroad.

That being said, the potential impact of the Army's proposal to move Apache attack battalions and armed reconnaissance squadrons to the Active component is a dark cloud looming over the unit.

Senator Graham and I authored a provision in the Fiscal Year 2015 National Defense Authorization Act (NDAA) that established the National Commission on the Future of the Army. The Commission's mandate is to evaluate future missions, evaluate the force mix of the Total Army, and evaluate whether combat aviation assets from the Army National Guard should be transferred to Active component Army battalions. The Commission is set to release its findings and recommendations next month.

What is your view on the role the National Guard plays in responding to the current and future needs of our combatant commanders?

Mr. FANNING. National Guard forces are an integral element of the Total Army. Indeed, it would be nearly impossible to accomplish the objectives in any of our major war plans without them. Aside from their essential combat contributions, Reserve forces provide combat enabler support essential to the prosecution of our war plans. The National Guard will remain a critical component of the total force. The capabilities and depth they provide to the joint force is a key component to the successful prosecution of combatant commander plans. They provide a range of assistance to combatant commanders from individual augmentees in ongoing operations in Iraq and Afghanistan to trained and ready forces to enhance security cooperation exercises with partners across the globe. The Army is increasingly relying on the Guard to meet ongoing operations through 12304b mobilizations. If confirmed, I will ensure a Total Army approach in responding to the current and future needs of our combatant commanders. The Army, along with the Army Reserve and National Guard look at the National Commission on the Future of the Army as an opportunity to make our Total Force better. I look forward to the Commission's report and, if confirmed, will seriously consider their recommendations.

20. Senator WICKER. Mr. Fanning, would you continue support for the transfer of all combat aviation away from the National Guard if the National Commission on the Future of the Army recommends otherwise?

Mr. FANNING. If confirmed, I will ensure that the recommendations of the National Commission on the Future of the Army—to include recommendations regarding the transfer of Apache helicopters from the Army National Guard to the Regular Army—are thoroughly and objectively assessed. I would implement recommendations that can make our Army better and increase readiness, consistent with statute, policy, and available resources. I would bring with me many of the lessons learned from my experience in the Air Force, which includes pushing the team to

be open to new ideas, fostering a collaborative relationship with all external stakeholders, and maintaining transparency.

21. Senator WICKER. Mr. Fanning, when it comes to combat aviation, how should the National Guard maintain its institutional memory if the Army's plan to concentrate Apache attack battalions and armed reconnaissance squadrons in the Active component were executed?

Mr. FANNING. By necessity, the components of the Total Army must be complementary. As a response to significant fiscal constraints resulting from the 2012 Budget Control Act, the Aviation Restructure Initiative maximized operational capability and preserved aviation modernization by divesting our oldest aircraft fleets and rationally distributing our modernized aircraft across the components. The Army has routinely trained and deployed aviation forces from multiple components under a single command. Over the past several years the Army has routinely aligned an Army National Guard Aviation Brigade with an Active component AH-64 Battalion deployed in support of Central Command requirements. As I understand, this training and integration at all levels has been very effective.

TRUST AND COLLABORATION WITH THE NATIONAL GUARD

22. Senator WICKER. Mr. Fanning, let me make a final observation that the Active Army and National Guard units have operated seamlessly as one team during numerous global contingencies since September 11, 2001. I believe it's unfortunate that policy fights and distrust between the Guard and the Active Army have become prevalent over the last 6 years.

What is your assessment of the current relationship between the Army and the Army National Guard?

Mr. FANNING. As a result of the Active forces and National Guard serving side-by-side in combat for the past 15 years, I believe that the interoperability and integration has never been better. The few trips that I was able to make while with the Army last year lead me to believe that the political division we sometimes see in Washington DC does not exist in the field. Numerous efforts, from Active component/Reserve component training and partnering, to the Battle Command Training Program, to integrated training opportunities at our training centers, to reliance on National Guard forces to accomplish any of the Department's significant war plans, have advanced significantly the integration, mutual reliance, and cross fertilization between the National Guard and Active components. If confirmed, strengthening these relationships and furthering integration across the Total Force would be a priority of mine.

23. Senator WICKER. Mr. Fanning, if confirmed, what steps will you take to help maintain or rebuild a culture of trust and collaboration between the Army and the National Guard?

Mr. FANNING. The Chief of Staff of the Army and I will continue to pursue opportunities to fully integrate all of the Army's components. If confirmed, I would continue to explore ways in which to expand the number of training days available to Army National Guard soldiers, with particular attention to expanding field training opportunities. Moreover, we will increase the number of National Guard rotations to the National Training Center, which is the Army's most challenging large unit collective training event. We will continue our State Partnership Program, where National Guard units from across the country build and maintain lasting partnerships with countries from across the globe. This program not only provides world-class training opportunities for National Guard soldiers and units, it also provides ready and regionally knowledgeable soldiers for exercise, joint training, and unit exchanges that comport with the Security Cooperation Programs of our combatant commanders.

QUESTIONS SUBMITTED BY SENATOR TOM COTTON

GLOBAL RESPONSE FORCE TACTICAL MOBILITY

24. Senator COTTON. Mr. Fanning, my understanding is that there is an urgent capability gap and immediate need for enhanced tactical mobility with infantry units. I know the 82nd Airborne Division has thoroughly documented its urgent operational need for enhanced tactical mobility for its Global Response Force mission. In fact, I understand General Allyn signed off on that documentation in March 2014, almost a year ago. How does the Army plan to address this need this year,

especially since it is a small sum, around \$17 million, that might need to be reprogrammed?

Mr. FANNING. I've been advised that on 13 June 2014, Department of the Army approved Forces Command to purchase 33 Polaris MRZR4 Light Tactical All-Terrain Vehicles (LTATV) to equip the 82nd Airborne Division's Global Response Brigade Combat Team and to conduct a proof of principle of the Ground Mobility Vehicle (GMV) concept. The 82nd Airborne Division has extensively trained and experimented with 33 MRZR4 LTATVs since October 2014 and has conclusively proven the GMV concept. The GMV provides enhanced tactical mobility for Infantry Brigade Combat Teams to rapidly transport and maneuver forces across extended distances. Beyond the proof of principle, the Army is answering this need with a program of record that is expected to reach Milestone C in third quarter of fiscal year 2017 and is requesting \$2.5M in RDT&E and \$30M in procurement starting in fiscal year 2017. First Unit Equipped and Initial Operating Capability is expected in third quarter of fiscal year 2019. This provides enhanced tactical mobility in three battalion sets of 50 GMVs, one set each to 18th Airborne Corps, United States Army Europe, and United States Army Pacific, with priority to the Global Response Forces located at Fort Bragg.

ARMY MODULAR HANDGUN

25. Senator COTTON. Mr. Fanning, Senators McCain and Ernst in previous hearings have brought up the Army's procurement of the replacement for the M-9 handgun. These are not weapons that should be made by committee, but yet we have repeated the same mistakes with the M-16, M-60 and M-9. It doesn't make sense to me that we would generate so much paperwork and spend so much time developing a \$350 piece of polymer, and trying to make it one size fits all. The common army pistol should be built for the gunfighter in combat arms. As Secretary of the Army, can you commit to this Committee that the modular handgun system will be on-time, will be reasonably priced, and will prioritize input from combat arms end users (i.e., soldiers) in the infantry and Special Forces?

Mr. FANNING. The Chief of Staff Army is actively involved in this program to ensure the Army pursues a handgun with the right capabilities for the right Warfighters. If confirmed, I will work with the Chief of Staff of the Army and commit that the Modular Handgun System will be on time, be reasonably priced, and will prioritize input from the most important component—the Infantry and Special Forces end-users.

DISTRIBUTED COMMON GROUND/SURFACE SYSTEM-ARMY

26. Senator COTTON. Mr. Fanning, my understanding is that after directives in the NDAA that would require look at commercial off-the-shelf (COTS) alternatives to the Distributed Common Ground/Surface System-Army (DCGS-A) that the Army is still proceeding with indefinite delivery/indefinite quantity, cost-plus procurement of this information technology (IT) system. I am aware that the program is moving beyond its intelligence mission to encompass mission command. This program is a text book example of requirements creep. Can you commit to the Committee that the Army will comply with letter and spirit of the NDAA regarding DCGS-A?

Mr. FANNING. The Distributed Common Ground/Surface System-Army (DCGS-A) program will comply with the National Defense Authorization Act and maximize the use of Commercial Off-the-Shelf (COTS) options. The existing DCGS-A Increment 1 program includes numerous COTS tools such as Oracle, IBM, ESRI, and Microsoft. The DCGS-A Increment 2 program will continue to pursue COTS products and the current full and open contractual competition process has included input from over 200 commercial industry companies. The Army continues to encourage any commercial industry company to submit a proposal no later than February 8, 2016. It is my understanding that the program requirements have always included interoperability with mission command systems. If confirmed, I commit to the Committee that the Army will continue to comply with the letter and spirit of the NDAA regarding DCGS-A.

27. Senator COTTON. Mr. Fanning, can you ensure that Army manager's will seek guidance from Congress if clarification about our intent is needed?

Mr. FANNING. Yes, if confirmed I will ensure that Army managers continue to seek guidance from Congress.

QUESTIONS SUBMITTED BY SENATOR JONI ERNST

HONORING OUR VETERANS

28. Senator ERNST. Mr. Fanning, as you may know, Women Auxiliary Service Pilots (WASP) flew non-combat missions in support of our country during World War II. Despite their trailblazing service to our country, and being members of the “greatest generation” which helped our country defeat Nazi Germany and Imperial Japan—these veterans no longer have the ability to have their cremated remains inurned at Arlington National Cemetery. It is my understanding that out of the 100 WASPs remaining, only a few are seeking to have this honor. Unfortunately, in a move that defies comprehension, your predecessor revoked WASPs eligibility to be honored by having their cremated remains inurned at Arlington. Will you honor these brave women and reinstate their eligibility to have their cremated remains inurned on this hallowed ground?

Mr. FANNING. I strongly believe in the importance of recognizing the service of women like the Women Auxiliary Service Pilots (WASPs) who not only sacrificed for their nation, but broke down barriers and paved the way for future generations. To honor these heroes, I understand that Congress changed federal law in 1977 to ensure that WASPs, along with those who served in a number of other military organizations, receive the same Veterans’ Administration benefits available to all veterans, including burial at any of our Nation’s veterans’ cemeteries.

The eligibility rules for interment and inurnment in a VA National Cemetery are not the same as the eligibility rules for Arlington National Cemetery (ANC), and, however, my understanding is that this change in law did not make the WASPs eligible for inurnment at Arlington National Cemetery. A change to ANC eligibility rules to make WASPs eligible for inurnment would require a decision by the Secretary of the Army, as well as approval of the Secretary of Defense and formal rule-making to amend the current codified rules. I’ve been advised that the Army is currently conducting a complete review of eligibility for Arlington National Cemetery and, if confirmed, I will direct that the review include consideration of eligibility for not just the WASPs but other similarly situated men and women who served their country in a time of dire need. This review will help ensure that ANC remains open and able to bury our Nation’s servicemembers and veterans well into the future. If confirmed, I look forward to working closely with Congress on this important issue.

MILITARY INTELLIGENCE SUPPORT

29. Senator ERNST. Mr. Fanning, I am concerned about military intelligence support to the warfighter and our current military intelligence force structure. As we face complex and growing threats at home and abroad, the work of our intelligence professionals in answering intelligence requirements in support of the warfighter and national decision makers remains vital to defending our country. I believe there is a need to enhance our intelligence capabilities to target the Islamic State of Iraq and the Levant (ISIL) and other terrorist groups, but also in Europe where both General Breedlove and Lieutenant General Hodges have both told me they need more military intelligence capacity to counter Russian and transnational terrorist groups. Considering intelligence failures on anticipating Russian actions since 2008—we cannot afford to be surprised again by our Russian adversary. Can you commit to me that, if confirmed, you will examine Army military intelligence force structure, command relationships, and headquarters for reforms which could enhance intelligence support to the warfighter?

Mr. FANNING. I share your deep interest in ensuring our Army commanders have the very best and most responsive multi-discipline intelligence capabilities and organizations possible to meet their requirements.

Army Intelligence is in its 4th year of an intensive reorganization effort. If confirmed, I will work to ensure the Army continues to field the best possible Military Intelligence force, with the most responsive and adaptive expeditionary capabilities and formations we can resource, ensuring we have the regionally expert multi-discipline Intelligence Force our Army requires, while introducing advanced technologies, skill sets and adaptive formations to improve the intelligence support we provide to our forces across the globe.

WOMEN IN COMBAT

30. Senator ERNST. Mr. Fanning, if only a small number of women are able to qualify to serve in a combat arms military occupational specialty (MOS), will you consider reducing standards to provide a greater number of women with the opportunity to serve in a combat arms MOS?

Mr. FANNING. As required by law, occupational standards must be gender neutral, must accurately predict performance of duties of a particular military occupation, and must be applied equitably to measure individual capabilities. The Army will continue to maintain validated standards, improve readiness, and capitalize on lessons learned through formal studies and previous integration experience. All soldiers will have the opportunity to serve in any position in which they are capable of performing to standard.

FORCE READINESS

31. Senator ERNST. Mr. Fanning, in conversations with soldiers from the non-commissioned officer (NCO) to field grade levels, I am told our soldiers are concerned with the operational tempo of the Active Duty force. Some of these soldiers claimed Army leaders were failing soldiers by not scaling the amount of requirements to the reduced size of the force. How will you ensure unit commanders are accurately portraying their ability to accomplish assigned tasks and protecting the long-term readiness of the force?

Mr. FANNING. Adjusting to the required realities of increased global demand, the Army is pursuing innovative sourcing solutions to meet combatant command requirements relieving stress on high demand force elements. Additionally, the Army is revising its readiness policy to significantly reduce medical and administrative non-available soldiers to maximize personnel readiness. Next, the Army is updating its force generation process to more effectively adapt to emergent demands by enabling higher more sustainable levels of readiness. The Army is also working to more effectively employ the Reserve component to reduce stress on the Total Force, if the appropriate funding and authorities are provided. Lastly, as the Army returns to Decisive Action training after more than a decade of counter insurgency operations, it is examining how it can increase leader proficiency in Unified Land Operations and objectify its associated training reporting. These combined efforts will provide commanders with increased demand predictability, and greater flexibility in managing their number one resource—the soldier—to attain greater levels of readiness.

ARMY SMALL ARMS PROGRAM

32. Senator ERNST. Mr. Fanning, according to a 2013 RAND study, which was conducted on behalf of the Deputy Chief of Staff, Force Development (G-8), RAND found that the Army dismounted squad had “the least amount of decisive advantages with respect to current and foreseeable threats.” How will you seek to modernize the Army’s small arms weapons and ammunition inventory for our maneuver squads?

Mr. FANNING. I am committed to increasing the lethality and survivability of soldiers through weapon system and ammunition upgrades as well as development of new technologies. The modernization of small arms weapons and ammunition is an iterative process. Modernization of weapons includes pure-fleeting the entire force with the M4A1 carbines, completing the development of the XM25 Counter Defilade Target Engagement system, and evaluating and selecting a non-developmental Modular Handgun System. Modernization of ammunition includes fielding the 5.56mm caliber M855A1 Enhanced Performance Round (EPR) and introducing the 7.62mm caliber M80A1 EPR. The Army is also currently developing a 7.62mm caliber advanced armor piercing cartridge and one-way luminescence, and lightweight cartridge cases for small caliber ammunition, thereby increasing soldier survivability while lightening soldier load. To address long-term modernization requirements, the Army is conducting a comprehensive Small Arms Ammunition Configuration Study to evaluate commercially available small arms ammunition, emerging ammunition capabilities, and developmental ammunition technologies. This study will address conventional and non-conventional calibers used in carbines, rifles, and light or medium machines guns. It is expected that the results of this study will inform the future of Army small arms weapons procurement as well as the ammunition used in combat operations. Finally, the Army has reached the limitations of conventional approaches to small arms as it continues to balance soldier load, weapon lethality, and range. The Army’s work in the areas of enablers offers the next step forward to increasing soldier lethality. Ongoing efforts in sighting systems and fire control capabilities for small arms will ensure the Army maintains a decisive advantage over its adversaries.

33. Senator ERNST. Mr. Fanning, the primary weapon system of the soldier is used to accomplish the Army’s mission to engage and destroy our Nation’s enemies in close combat. Despite this, and 14 years of lessons learned in thousands of ground combat engagements with the enemy across the globe, the Army has not

prioritized the development and fielding of new small arms weapons. In general, the rifles, pistols, and machine guns in the Army provide generally the same capabilities with respect to lethality, range, and reliability as they did decades ago. While minor modifications have been made to some M-4 carbines, these were only accomplished after great resistance by the Army and did not address lethality and range of the weapon. How will you seek to prioritize the modernization of the Army's small arms weapons?

Mr. FANNING. The Squad and the individual soldier has been and always will be the bedrock and centerpiece of our Army. Absent any revolutionary technological advances in individual small arms, the Army has maintained its tactical advantage on the battlefield through the development of advanced target acquisition systems and fire control devices, superior individual marksmanship training, and incremental improvements to the M16 rifle and M4 carbine. The current and fully modernized M4 variant, the M4A1 Carbine, is being pure-fleeted across the force. The M4A1 Carbine encompasses many substantive improvements making it a superb individual weapon, which is in service with military forces and special operations units around the world.

However, international development and proliferation of technologically advanced munitions, body armor, and optics threaten the overmatch that the Army currently possess. To maintain tactical advantage well into the future, the Army is currently pursuing a number of initiatives. First, the Army is conducting a Small Arms Ammunition Configuration Study (SAAC Study) which is slated for completion in fiscal year 2017. The SAAC Study will be used to inform the development of the next generation family of small arms (Carbine, Squad Automatic Weapon, Light/Medium Machine Gun, Designated Marksman Rifle, and Personal Defense Weapon) that will arm America's future soldiers. Second, the Army is seeking Small Arms Fire Control (SAFC) capabilities for individual weapons, crew served weapons, and sniper weapons. SAFC is an advanced weapon sight that will greatly increase first-round accuracy at a distance, extending the lethality of individual weapons and the Squad significantly. The Army's SAFC initiative complements the new weapons that will eventually result from the SAAC study and will ensure that today's overmatch is maintained well into mid-21st Century.

ARMY CENTRAL BASING

34. Senator ERNST. Mr. Fanning, how would expanding the use of Iraqi Kurdistan as a base of operations to support United States operations in the Middle East enhance our ability to defeat ISIL and check Iran's influence in the Middle East?

Mr. FANNING. The Army already operates across the region and in Iraq to include Kurdish areas, adjusting its posture based on strategy and changing conditions. All operating areas, however, should be considered comprehensively in order to both defeat ISIL and set conditions for longer term stability in the region.

35. Senator ERNST. Mr. Fanning, have you recommended to the President he should expand basing and support operations in Iraqi Kurdistan to enhance operations against ISIL?

Mr. FANNING. No, but the Army should adjust basing and support operations to support the strategy as conditions change and opportunities present themselves.

QUESTIONS SUBMITTED BY SENATOR MIKE LEE

TOTAL FORCE MIXTURE

36. Senator LEE. Mr. Fanning, as you know, in the coming weeks the National Commission on the Future of the Army will be making its report and recommendations to Congress and DOD. Do you commit, if confirmed to this position, to work closely and transparently with Members of this Committee, as well as Congress as a whole, on consideration of recommendations and implementation of future structure plans?

Mr. FANNING. If confirmed, I will work closely and transparently with this Committee and the Congress on the recommendations and implementation of future structure plans.

37. Senator LEE. Mr. Fanning, as you are also aware, many of us had concerns about the impact that the Army's Aviation Restructuring Initiative would have on the National Guard if it were to be implemented.

This is not simply a parochial concern; it is a concern about the practical impact of sacrificing the hard-won experience of many National Guard members in Iraq and

Afghanistan over the past 15 years, and not taking advantage of the inherent cost-savings found in the Reserve and Guard units when not deployed.

It is also a concern for those of us who view the purpose and structure of the military through the lens of our Nation's founders, who put a large emphasis on the idea of a "citizen-soldier", not only because of military imperatives but also because of the democratic imperative to have a military that is heavily integrated in society and accountable to the people.

Can you give your thoughts about these founding principles as applied to our modern context?

Mr. FANNING. The dual-form of Military Service, both professional soldier and citizen-soldier, remains a vital instrument to the defense of this Nation and its ideals. I completely recognize and understand the significant contributions of the Army National Guard both as a source of strength for our Nation and as a component of our modern fighting force. I want to assure you that the Army is committed to the Total Force Policy. To accomplish its mission, the Army operates as a strong, integrated Total Force Team—the Active component (AC), Army National Guard (ARNG), and the United States Army Reserve (USAR). Each has very important roles to play as part of the Total Force. The AC give us responsiveness and flexibility; the ARNG and USAR gives us depth, staying power, and unique skills. We need all three components in the right combination to meet the Defense Strategic Guidance in the most effective and efficient manner. If confirmed, I will further explore how we can take advantage of the great capabilities the National Guard provides. Doing more to foster the concept of One Army will be a priority of mine.

RELIGIOUS FREEDOM

38. Senator LEE. Mr. Fanning, as you and I have previously discussed, religious freedom in the military is a matter of both human dignity and morale, recruitment, and retention for our military. How do you interpret current statute and Army regulations when it comes to religious expression in the Army, and how do you plan to address some of the misunderstandings and confusion in the Army that have played out in the public arena over the past several years?

Mr. FANNING. The Army takes all reports involving religious freedom seriously. In order for the chain of command to identify and resolve any issues that are reported, and in response to Department of Defense Inspector General Report of July 2015, the Army, through the Office of the Chief of Chaplains, is developing plans to train soldiers and unit leaders on religious freedom and accommodation to help prevent any future misunderstandings or confusion.

39. Senator LEE. Mr. Fanning, do you commit, if confirmed, to work closely with this Committee and other Members of Congress on this issue, which we view as matter of great importance?

Mr. FANNING. Yes. I am committed to working closely with the Committee and Members of Congress on this issue.

LOGISTICS AND LIFECYCLE MANAGEMENT

40. Senator LEE. Mr. Fanning, we cannot talk about acquisition reform without also addressing the entire lifecycle cost of equipment and weapons systems, which includes maintenance, logistics and supply lines, and modernization. In some instances these "tail" costs make up over 70 percent of the costs of a weapons system over its lifetime. As you look into streamlining the acquisition process, how will you address the larger lifecycle costs of equipment in the Army?

Mr. FANNING. If confirmed, in coordination with the Army Chief of Staff, we will include lifecycle controls, starting with the requirements process, when crafting the Acquisition Strategy and Life Cycle Sustainment Plan. In particular, we will ensure focus on deliberate reliability improvement programs that improve readiness over time, thus lowering sustainment costs. The key is to ensure that our redesigned Army Requirements Oversight Council addresses sustainability and total lifecycle costs at the earliest stages of the acquisition process, in order to help reduce long-term costs.

ACTIVE PROTECTION SYSTEMS DEPLOYMENT

41. Senator LEE. Mr. Fanning, we have seen that Active Protection Systems (APS) for military forces have been deployed by Russia and Israel, and several other countries are in the process of developing such technology. This technology has proven capable of protecting lives, what plan does the Army have to field an active protection system as soon as possible?

Mr. FANNING. The Army recognizes the value and urgency of getting this capability in our combat formations. The Army is initiating a prototyping effort to install and evaluate non-developmental item (NDI) Active Protection Systems (APS) technology on three of our major combat platforms (Abrams, Bradley, Stryker). In parallel, the Army is proceeding forward with a developmental program to create a long-term solution, the Modular Active Protection System (MAPS). MAPS is being designed to have a common core which will support integration across a number of combat vehicle programs. It is based on an open-system architecture that allows the Army to pair sensors and countermeasures based on both the platform and emerging threats. The timeline for fielding APS is dependent on both funding and evaluation results, but the Army plans to field a limited urgent NDI effort while continuing its longer-term solution, MAPS.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

RECRUITING AND RETAINING WOMEN

42. Senator MCCASKILL. Mr. Fanning, today, women are significantly underrepresented within the Military Services. Women comprise 14 percent of the Army, 20 percent of the Air Force, 15 percent of the Navy, and 7 percent of the Marine Corps. In December, Secretary Carter announced that all military jobs would be open to women, and the Army and the other Services are in the process of implementing these changes. As barriers to women serving in combat positions in the military fall, personnel reforms must address the issues that discourage women from considering Military Service as a viable start to a career. Increasing the number of women in the Army first requires increasing the number of women who are interested in joining the Army. How can the Army improve its efforts to recruit women?

Mr. FANNING. I am committed to the Army's effort to improve the recruitment of women and, if confirmed, will continue measures designed to achieve this goal, including maximizing the number of females assigned to recruiter duty. Other measures include taking maximum advantage of social media platforms such as Facebook, Twitter, Pinterest, Instagram and GoArmy.com, and continuing to remove as many barriers as possible to allow talented people—regardless of gender—to serve in any position in which they are capable of performing to standard.

43. Senator MCCASKILL. Mr. Fanning, the Services must also do a better job of retaining women who choose to join. I think Secretary Mabus has taken an important step by increasing maternity leave for sailors and marines. Do you support increasing maternity leave for soldiers?

Mr. FANNING. Yes. Army soldiers and their families are our greatest asset, and we must do more to support them, particularly in this operational environment. I understand the decision for extending maternity leave is currently with the Secretary of Defense, and, if confirmed, I will fully support whatever decision he makes.

ARMY SEXUAL ASSAULT INVESTIGATION TRAINING

44. Senator MCCASKILL. Mr. Fanning, I am incredibly proud that Fort Leonard Wood is making a critical contribution to the Army's efforts to prosecute sex offenders and get them out of the Army. The Army's Military Police School at Fort Leonard Wood trains the Army's special agents who investigate allegations of sexual assault. The school has developed a cutting-edge training course in the Forensic Experiential Trauma Interview (FETI) technique. This technique allows Army criminal investigators to gather critical evidence that helps convict sexual predators. If confirmed, do I have your commitment to familiarize yourself with the training occurring at Fort Leonard Wood and ensure that it is appropriately funded even in these tough budget times?

Mr. FANNING. Yes. In December I visited Fort Leonard Wood and was briefed on the Forensic Experiential Trauma Interview training course. If confirmed, I will continue to support this very important and unique training for the Army. The United States Army Military Police School at Fort Leonard Wood developed this training and it is now the recognized standard for effective and compassionate interviews of victims traumatized by sexual assault. Combating sexual assault and harassment is a moral imperative. I will certainly support funding for this important training program to meet the needs of the Army, and ensure we continue to share our best practices and lesson learned.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

WOMEN AIRFORCE SERVICE PILOTS INURNMENT AT ARLINGTON CEMETERY

45. Senator SHAHEEN. Mr. Fanning, I was disappointed to learn about the Army's decision to disallow women who served as WASPs during World War II from being inurned at Arlington National Cemetery. I recently learned there is an exemption that these women can apply for, but it is unclear as to why former Secretary McHugh reversed the decision made in 2002. Do you have any insight as to why your predecessor, former Secretary John McHugh, reversed the decision last year?

Mr. FANNING. I understand that the existence of the June 2002 decision was brought to the attention of the Army's Office of the General Counsel in 2014 and that after review, they concluded that the Superintendent of Arlington National Cemetery (ANC) could not unilaterally change the criteria for burial or inurnment to include WASPs and other Active Duty designees. I further understand that former Secretary McHugh's actions were based on this interpretation. Any change to ANC eligibility rules would require a decision by the Secretary of the Army, as well as approval of the Secretary of Defense and formal rulemaking to amend the current codified rules.

46. Senator SHAHEEN. Mr. Fanning, do you have any plans to review his decision?

Mr. FANNING. I'm advised the Army is currently conducting a complete review of the eligibility for Arlington National Cemetery and, if confirmed, I will direct that the review include consideration of eligibility for not just the WASPs but other similarly situated men and women who served their country with honor in a time of dire need.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN GILLIBRAND

CYBER PROTECTIONS TEAMS

47. Senator GILLIBRAND. Mr. Fanning, I was excited when the National Guard Bureau announced a New York-New Jersey Cyber Protection Team (CPT) based in Latham, NY. I have long been an advocate for using the National Guard as a tool to protect our country from cyber attacks. However, I'm worried the success of the CPTs may be undermined by uncertainty around how the teams will be used and trained, and when they will be funded. Unlike the Air Force, the Army has chosen not to include its Guard Cyber Protection Teams as part of its contribution to U.S. Cyber Command's (CYBERCOM) Cyber Mission Forces. Why are the CPTs being used differently than the Air Force, and how does the Army, in fact, intend to use them?

Mr. FANNING. The Army has made the decision to grow an additional 21 CPTs (11 in the National Guard and 10 in the Army Reserve). These CPTs will be trained, used and funded like the Active component CPTs. All Army CPTs will be trained to the United States Cyber Command joint standards to have the agility and versatility to be employed for defensive cyberspace operations protecting networks, systems and data for the Army and Joint Force.

The Air Force made the decision to include the Air Reserve component into their portion of the 133 Cyber Mission Force teams being built by all the Services to support the Department of Defense. The Army determined that its 41 teams would be in the Active component, and also determined that 21 more teams were needed to support the Army. The training and employment of these 21 teams has just started given that the joint training program was fully committed to building the 133 teams of the Cyber Mission Force by fiscal year 2016. These Reserve component CPTs will be missioned and employed like Active component CPTs in accordance with Army guidance and procedures for mobilization and or employment of Reserve component forces. The Army is also assessing the addition of the National Guard and Army Reserve CPTs to the Cyber Mission Force.

The Army is grateful to Congress for the additional funding provided to accelerate the training of Army National Guard Cyber Protection Teams (CPTs) in fiscal year 2016. As we look at fiscal year 2017, the Army continues its efforts to match resources with priorities across all three components as we build Total Army cyber capability and capacity.

48. Senator GILLIBRAND. Mr. Fanning, how will the CPTs be trained?

Mr. FANNING. Every Cyber Protection Team, Active component, National Guard, or Army Reserve, will be trained to the same joint standard.

49. Senator GILLIBRAND. Mr. Fanning, is there any way to ensure training is consistent with the other Services?

Mr. FANNING. All training for the cyber protection teams is in accordance with United States Cyber Command standards, and all teams will be trained and certified to the same joint standard.

50. Senator GILLIBRAND. Mr. Fanning, last year, I found out there was no funding for the Army Guard CPTs and put in the NDAA language requiring this Committee to be informed when funding was found. Can you tell us where the Army is in funding all of the CPTs?

Mr. FANNING. The Army has funded its Active Duty CPTs, its National Guard CPTs which have entered a 3-year build cycle starting in fiscal year 2016, and the Army Reserve CPTs, also on a 3-year build cycle starting in fiscal year 2016. CPT funding is in place for fiscal year 2016 and 2017 requirements.

COMBAT INTEGRATION

51. Senator GILLIBRAND. Mr. Fanning, as I'm sure you are well aware, on December 3, 2015, Secretary of Defense Ash Carter announced that all combat roles would be open to women, and that he would not grant any exceptions to the Services. Now the Services must execute their plans to effectively integrate women into these newly opened positions. To date, the Army has opened several thousand positions to women, although some continue to remain closed. What actions is the Army taking to successfully complete combat integration?

Mr. FANNING. The Army has an established record of success in opening occupations previously closed to women. As I understand, the Army has submitted its implementation plan to the Secretary of Defense. The plan leverages the best practices learned over the past several years to successfully integrate women into closed occupational specialties. Once approved, it will be executed through five lines of effort spanning over four phases of the mission; from ensuring appropriate representation of women in our recruiting force to ensuring appropriate leadership focus on integration at the unit level.

52. Senator GILLIBRAND. Mr. Fanning, how can the Army strengthen their recruitment strategies so that the right women fill these new positions?

Mr. FANNING. As mentioned earlier, the Army is looking at all areas to ensure successful integration of women into previous closed occupations. From ensuring that we have adequate representation within the recruiting force, through the training base and ultimately within the force, we are working to ensure that the processes and policies are in place to support successful integration. Given the historical experiences with our Allies, the recruitment of women is a potential challenge. While the Army will work to eliminate any gender barriers to service in combat arms, we need the support of the American people to encourage qualified candidates—both female and male—to serve in uniform.

53. Senator GILLIBRAND. Mr. Fanning, how do we improve retention of women and ensure their success in these positions?

Mr. FANNING. The Army strives to retain the most qualified soldiers based on the knowledge, skills and abilities required of the occupation. To support this standards-based approach, the Army is improving its talent acquisition and talent management models to measure the physical, mental and non-cognitive (social) dimensions of soldiers. For example, the Army will implement in June of 2016 an Occupational Physical Assessment Test designed to place soldiers into careers that best match their physical capacity. The Army anticipates this screening test will help reduce attrition for musculoskeletal injuries among men and women and better posture soldiers for viable career paths in physically demanding occupations.

54. Senator GILLIBRAND. Mr. Fanning, the other Services have either implemented or said they are interested in extending maternity leave. Do you think the Army should do the same?

Mr. FANNING. I support expanding maternity leave. Army soldiers and their families are our greatest asset, and we must do more to support them, particularly in this operational environment. I understand the decision for extending maternity leave is currently with the Secretary of Defense, and, if confirmed, I will fully support whatever decision he makes.

SEXUAL ASSAULT

55. Senator GILLIBRAND. Mr. Fanning, you say in your advance policy questions that “The Army has appropriate measures in place to hold offenders appropriately accountable” for “retaliation or reprisal against individuals who report sexual assault or sexual harassment” and yet the last data we have says that 62 percent of service women who reported being assaulted faced retaliation. If the appropriate measures are in place, why have they not been effective in dealing with retaliation?

Mr. FANNING. Following the results of the 2014 RAND survey indicating that 62 percent of victims perceived some form of retaliation, the Army implemented a process to ensure that every allegation of retaliation is investigated by appropriate authorities at the Criminal Investigation Command, the Office of the Inspector General, or through command investigations. All investigations are required to be monitored at the monthly meeting of the Sexual Assault Review Board, which is chaired by the senior installation commander. This process ensures transparency for the victim and visibility for senior commanders.

I understand that command climate surveys, conducted Army-wide, indicate that soldiers trust their commands to tackle this issue. Over 93 percent of soldiers indicated that the chain of command takes sexual assault seriously, 91 percent of soldiers believed that the chain of command encouraged reporting and 90 percent of soldiers believed that the chain of command created an environment where victims would feel comfortable reporting.

The Army continues to work with the Office of the Secretary of Defense and the other Services to finalize a comprehensive prevention, response, and accountability plan to address retaliation. The details of the comprehensive plan will formalize and strengthen the response capabilities already in place. If confirmed, I am committed to monitoring the issue of retaliation and will remain open to any new ideas that will help us reduce these numbers.

56. Senator GILLIBRAND. Mr. Fanning, you say that tools including court martial, non-judicial punishment (NJP), or administrative personnel action are available to deal with retaliation. Can you give me an example of a court-martial for someone accused of retaliation?

Mr. FANNING. The Army is still collecting data regarding retaliation at this time. I have been advised that this data will provide a better understanding of the conduct that is being reported and how commanders are using the tools available to them—including courts-martial and non-judicial punishment—to address that conduct.

Judge advocates advise commanders how to identify and investigate misconduct and how to hold offenders appropriately accountable. Social retaliation, in particular, is a complex problem. Peer-to-peer social retaliation is not criminal conduct and must be addressed as a larger, cultural issue. Commanders recognize the divisive nature of social retaliation that degrades readiness.

Several Army programs have been created to specifically address culture change. For example, “Not in My Squad” is aimed at non-commissioned officers and junior leaders, reminding them they are responsible and empowering them to ensure retaliation does not occur in their formations. The Army also has a social media policy that directly targets on line bullying and hazing. These efforts, along with the best way to address social retaliation, command authority, will continue to build a culture of dignity and respect. Sustained, engaged leadership down to the immediate supervisor level is the key in the fight against social retaliation.

57. Senator GILLIBRAND. Mr. Fanning, can you give me an example of an NJP for someone accused of retaliation?

Mr. FANNING. The Army is still in the process of collecting data on allegations of retaliation from a variety of sources. I have been advised that this data will provide a better understanding of the conduct that is being reported and the tools that commanders are using to address that conduct.

The Army continues to work with the Department of Defense and the other Services to finalize a comprehensive plan to address retaliation. One aspect of this comprehensive plan will be formalized data collection that will be standardized across the Services for evaluation at the local and headquarters level.

58. Senator GILLIBRAND. Mr. Fanning, can you give me an example of a commander whose career was impacted for creating a negative command climate that fostered retaliation?

Mr. FANNING. As noted above, the Army is still collecting data regarding retaliation at this time.

The Army has implemented policy to ensure that all commanders are held accountable for creating a command climate that promotes dignity and respect for all soldiers. First, all commanders and non-commissioned officers are evaluated on their support of the Army Sexual Harassment / Assault Response & Prevention program and their response to sexual assault or sexual harassment allegations on annual personnel evaluations. Second, results from command climate surveys, required at intervals throughout every command that include mandatory questions on sexual assault and sexual harassment, are now provided to superior commanders. This process provides transparency for senior leadership and improves the ability of senior leaders to mentor junior officers in setting an appropriate climate.

LIGHT INFANTRY

59. Senator GILLIBRAND. Mr. Fanning, as conflicts have become increasingly asymmetrical, light infantry has been an essential component of our strategy—particularly during the last 15 years—due to their mobility and usefulness in restrictive environments. How do you view the role of light infantry in the future?

Mr. FANNING. The Army remains the Nation's principal ground force. Army forces provide decision makers with the capability for sustained ground operations abroad and potentially in Homeland security contingencies. Our Infantry Brigade Combat Teams (IBCTs) provide the United States the ability to respond as part of our Joint Force, working with multiple partners, with rapidly deployable early entry Light, Airborne and Air Assault forces. They remain one of the most demanded Army capabilities by our combatant commanders. In the future, IBCTs will remain an essential part of the Army's force structure to prevent conflict, shape security environments, and win our Nation's wars.

60. Senator GILLIBRAND. Mr. Fanning, the 10th Mountain Division is one of the most deployed divisions in the Army. What do you see as the 10th Mountain Division's contributions in the past 15 years of warfare and what do you see as its future?

Mr. FANNING. Over the last 15 years, the soldiers of the 10th Mountain Division have distinguished themselves in multiple deployments to Iraq and Afghanistan. Many of our counter-insurgency efforts including doctrine and tactics, are owed to the sacrifices of 10th Mountain Division Soldiers. The 10th Mountain Division currently supports operations in Iraq and Afghanistan, and the Aviation brigade serves as a key element of the Secretary of Defense' Global Response Force. The success of the future Army will depend largely on the ability of formations such as the 10th Mountain Division to build readiness and enhance proficiency in decisive action skills, while maintaining responsiveness to prospective security challenges.

61. Senator GILLIBRAND. Mr. Fanning, aviation assets, like the Apache helicopter, provide critical support to light infantry units. Yet, due to changes in the Aviation Restructuring Initiative, the Army was threatening that the 10th Mountain might lose one of its Apache squadrons. Can you assure me that the 10th Mountain will receive its Apaches this summer?

Mr. FANNING. The Aviation Restructure Initiative, when fully implemented, provides one Attack Reconnaissance Battalion and a Heavy-Attack Reconnaissance Squadron of 24 Apaches each (48 total Apaches) to the 10. The Army plans to transfer 96 Apache helicopters from the National Guard to the Regular Army in fiscal year 2016, consistent with current statute and policy. Twenty-four of these Apaches are scheduled to transfer to the Heavy Attack Reconnaissance Battalion (6-6 Cavalry Regiment) of the 10th Mountain Division in July 2016. I've been advised that any delays or additional restrictions in fiscal year 2016 could result in an inability to field the 24 Apaches to the 10th Mountain Division and the possible inactivation of the 6-6 Cavalry. Delaying transfers may also reduce necessary inductions into the AH-64E remanufacture line at Mesa, AZ, impacting a workforce of 4,100 employees in 22 states.

WOMEN AIRFORCE SERVICE PILOTS

62. Senator GILLIBRAND. Mr. Fanning, in March 2015, then-Secretary of the Army McHugh ruled that the Superintendent of Arlington National Cemetery did not have authority for his 2002 decision to allow WASPs to be inurned at Arlington, thereby barring these courageous female pilots from receiving the same honors as their male counterparts. Although acknowledging his authority to determine eligibility for inurnment, then-Secretary McHugh chose to exclude WASPs from being laid to rest at Arlington. If confirmed, do you intend to exercise your authority to allow WASPs to once again be inurned at Arlington with full military honors?

Mr. FANNING. My understanding is that changes to the Arlington National Cemetery eligibility rules to make WASPs eligible for inurnment would require not only a decision by the Secretary of the Army, but also the approval of the Secretary of Defense and formal rulemaking to amend the current codified rules. The Army is currently conducting a complete review of eligibility for Arlington National Cemetery and, if confirmed, I will direct that the review include consideration of eligibility for not just the WASPs but other similarly situated men and women who served their country honorably in a time of dire need.

QUESTIONS SUBMITTED BY SENATOR JOE DONNELLY

MENTAL HEALTH

63. Senator DONNELLY. Mr. Fanning, if confirmed what will be your top priorities for improvement of mental health services—clinical and non-clinical—to boost resiliency and reduce suicides in the Army?

Mr. FANNING. If confirmed, I will continue our efforts to reduce the stigma associated with seeking behavioral health care by continuing programs such as the Embedded Behavioral Health, integrating behavioral health Behavioral Health, integrating behavioral health in our Patient Centered Medical Homes, and expanding the Child and Family Behavioral Health Systems. These programs are vital to reaching soldiers and families where they work and live to improve access and continuity of care. In the non-clinical arena, I will expand the use of the Behavioral health Data Portal (BHDP). The BHDP is a web-based application that collects clinical metrics at every patient encounter to tracks clinical outcomes, patient satisfaction, and risk factors.

64. Senator DONNELLY. Mr. Fanning, in some cases, mental health programs and services designed for the Active component do not translate effectively to meet the unique challenges faced by National Guard and Reserve populations. If confirmed, how will you work to improve mental health services to meet the unique needs of Army Guard and Reserve soldiers?

Mr. FANNING. If confirmed, I will ensure our National Guard and Reserve soldiers continue to have access to behavioral health care during the pre-mobilization, mobilization, and demobilization processes to identify soldiers with potential behavioral health issues. I will work with the National Guard and Army Reserve to enhance access to behavioral health services for eligible soldiers. Finally, I will support expanded benefits for Reserve access to community mental health care and will expand current training programs offered by the Defense Center of Excellence and the Center for Deployment Psychology to train community providers in military culture and deployment-related behavioral health needs.

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE MODERNIZATION

65. Senator DONNELLY. Mr. Fanning, the Army is currently overseeing public-private partnerships to recapitalize High Mobility Multipurpose Wheeled Vehicles (HMMWV) for the Reserve component, like the one at Red River Army Depot. Do you view this as a strong model for future HMMWV recapitalization efforts?

Mr. FANNING. Yes. Public-Private Partnerships, such as the one between AM General and the Red River Army Depot, have proven crucial to the success of the current HMMWV recapitalization efforts. That experience provides a strong model for future HMMWV recapitalization efforts.

TANK TRANSMISSIONS

66. Senator DONNELLY. Mr. Fanning, how important to you are considerations on industrial base sustainment as the Army makes difficult modernization decisions?

Mr. FANNING. The strength of the Army and our National Security depend on a ready and capable industrial base sustained through proper identification of critical and fragile suppliers in the commercial and government-owned sectors. The Army will continue to modernize critical capabilities identified by the Secretary of Defense Manufacturing and Industrial Base office, other federal agencies, and defense contractor study groups. The Army's budget validates this importance; all priority modernization programs are fully funded in the current budget request.

67. Senator DONNELLY. Mr. Fanning, the combat vehicle industrial base at the supplier level is atrophying at what some consider an alarming rate, which has increased cost and risk to programs. Tank transmissions are a prime example of this.

If confirmed, what steps will you take as Secretary to address the Abrams transmission industrial base as a particularly vulnerable area?

Mr. FANNING. Maintaining the Abrams tank manufacturing capability continues to be a top priority for the Army, and this includes the sustainment of our most critical and fragile suppliers. Allison transmission, manufacturer of the X1100 Abrams tank transmission, was identified by the Army as a critical and fragile supplier. As I understand it, the Army has found that as plant volume decreases the price of the transmission increases. For example, the price of a new Abrams X1100 transmission as recently as 2010 was \$290,000. In 2014 it was \$398,000; 2015 it was \$437,000; and we anticipate the price to increase to \$491,000 in 2016. This would amount to a \$200,000 unit cost increase in only 6 years.

In an effort to mitigate the impact to Allison Transmission during an enduring period of low Abrams tank production rates the Army has made direct investments in Allison by procuring new transmissions, transmission upgrade kits, and projects aimed at preserving critical technical engineering and manufacturing skills. Beginning in fiscal year 2016, the Army will invest in the purchase of new, more efficient equipment to replace equipment that is worn out. The Army considers Allison Transmission an important and enduring partner.

68. Senator DONNELLY. Mr. Fanning, with regard to combat vehicle transmissions, I am concerned that the Army has not yet enabled competition in transmissions for the Bradley family of vehicles, particularly Bradley ECP2. Do you support enabling competition for the Bradley family of vehicles and specifically Bradley ECP2 within the next 6 months?

Mr. FANNING. Competition is important to ensure good prices and provide fair opportunities among industry that is adapting to lower volume demands. The Army has conducted extensive analysis of cost, schedule, performance, and other considerations regarding competition for the Bradley family of vehicles for Engineering Change Proposal 2 (ECP2). At the initiation of ECP2 in 2011, the Army conducted market research and sought sources, and found only one qualified vendor. Since then, the Army has proceeded with the current supplier to modify the existing transmission and is about to enter formal government testing. Going forward, the Army's transmission strategy remains one that maintains combat vehicle fleet readiness while fostering an environment to maximize future competition.

[The nomination reference of the Honorable Eric K. Fanning follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 21, 2015.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Eric K. Fanning, of the District of Columbia, to be Secretary of the Army, vice John M. McHugh.

[The biographical sketch of the Honorable Eric K. Fanning, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ERIC K. FANNING

Education:

- Cranbrook
 - 1982–1984
- Centerville High School
 - 1982–1984
 - High School Diploma
- Dartmouth College
 - 1986–1990
 - B.A.

Employment record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Business Executives for National Security, Washington, DC
 - Senior Vice President for Strategic Development
 - 2001–2007
- Communications Management Group, Washington, DC
 - Managing Director
 - 2007–2008
- Commission on the Prevention of WMD Proliferation and Terrorism, Washington, DC
 - Deputy Director
 - 2009–2009
- Department of Defense, Washington, DC
 - Special Assistant to the Secretary of Defense (White House Liaison)
 - 2009
- Department of the Navy, Washington, DC
 - Deputy Under Secretary of the Navy / Deputy Chief Management Officer
 - 2009–2013
- Department of the Air Force
 - Under Secretary of the Air Force (including six months as Acting Secretary of the Air Force), Washington, DC
 - 2013–2015
- Department of Defense, Washington, DC
 - Chief of Staff to the Secretary of Defense
 - 2015
- Department of the Army, Washington, DC
 - Acting Under Secretary and Acting Secretary of the Army
 - 2015
- Department of the Army, Washington, DC
 - Special Assistant to the Secretary of Defense (White House Liaison)
 - 2016

Honors and awards:

- Federal Civilian Awards
 - Department of the Navy Distinguished Public Service Award (2013)
 - Defense Medal for Distinguished Public Service (2015)
 - Department of the Air Force Exceptional Civilian Service Award (2015)

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by the Honorable Eric K. Fanning in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Eric Kenneth Fanning.
2. **Position to which nominated:**
Secretary of the Army.
3. **Date of nomination:**
September 21, 2015.
4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]
5. **Date and place of birth:**
July 2, 1968; Kalamazoo, MI.
6. **Marital status:** (Include maiden name of wife or husband's name.)
Single.
7. **Names and ages of children:**
None.
8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Undergraduate:
 Cranbrook, Bloomfield Hills, MI
 Attended: 1982–1984
 Degree Granted: N/A
 Centerville High School
 Attended: 1984–1986
 Degree Granted: High School Diploma
 Degree Received: 1986
 Dartmouth College
 Attended: 1986–1990
 Degree Granted: B.A.
 Degree Received: 1990
9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
 Business Executives for National Security, Washington, DC
 Senior Vice President for Strategic Development
 2001–2007
 Communications Management Group, Washington, DC
 Managing Director
 2007–2008
 Commission on the Prevention of WMD Proliferation and Terrorism, Washington, DC
 Deputy Director
 2009–2009
 Department of Defense, Washington, DC
 Special Assistant to the Secretary of Defense (White House Liaison)
 2009
 Department of the Navy, Washington, DC
 Deputy Under Secretary of the Navy / Deputy Chief Management Officer
 2009–2013
 Department of the Air Force
 Under Secretary of the Air Force (including six months as Acting Secretary of the AirForce), Washington, DC
 2013–2015
10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.
11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

1/18/2012—\$250—Tammy Baldwin for Senate.

1/18/2012—\$250—Independent Action.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Department of the Navy Distinguished Public Service Award (2013)

Defense Medal for Distinguished Public Service (2015)

Department of the Air Force Exceptional Civilian Service Award (2015)

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

"The Infusion of Efficiencies into DON Culture and Processes"—article published in Armed Forces Comptroller Journal, Summer 2011

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

Copies of thirteen speeches are attached.

17. **Commitments regarding nomination, confirmation, and service:**

(a) Have you adhered to applicable laws and regulations governing conflicts of interest?

Yes.

(b) Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

No.

(c) If confirmed, will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Yes.

(d) Will you cooperate in providing witnesses and briefers in response to Congressional requests?

Yes.

(e) Will those witnesses be protected from reprisal for their testimony or briefings?

Yes.

(f) Do you agree, if confirmed, to appear and testify upon request before this Committee?

Yes.

(g) Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Yes.

[The nominee responded to Parts B-F of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ERIC K. FANNING

This 10th day of November, 2015.

[The nomination of the Honorable Eric K. Fanning was reported to the Senate by Chairman McCain on March 10, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 17, 2016.]

**NOMINATION OF LIEUTENANT GENERAL
JOHN W. NICHOLSON, JR., USA, TO BE GEN-
ERAL AND COMMANDER, RESOLUTE SUP-
PORT AND COMMANDER, UNITED STATES
FORCES-AFGHANISTAN**

THURSDAY, JANUARY 28, 2016

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

The Committee met, pursuant to notice, at 9:37 a.m. in Room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Graham, Reed, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, and Heinrich.

Also present: Senator Kirk.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning, all.

Thank you for being here, General Nicholson.

I would ask the indulgence of the Committee to allow our distinguished colleague from Illinois, Senator Kirk, to make a few words of introduction before we begin the Committee proceedings.

Senator Kirk?

STATEMENT OF SENATOR MARK KIRK

Senator KIRK. Thank you, Mr. Chairman. I am here to give General Nicholson my highest recommendation. General Nicholson has had 3.5 years of Active Duty service on the ground, more than any other general officer in the United States military. I have served him several times as a reservist in Afghanistan. There is no officer who has as much experience in the U.S. military as he does.

I would note that with him you get multigenerational input from his father and grandfather and great grand uncle, the famous Nikal Seyn, who also has been given a monument in northern Pakistan, who led the British forces in the Sepoy Mutiny. When General Nicholson was asked by Afghan leaders if he was related to Nikal Seyn, he said, "Yes, I am." That was tremendously impressive to them.

To have that level of experience to be given command of our forces in Afghanistan is unique in this individual.

Chairman MCCAIN. Thank you very much, Senator Kirk. I know you have other responsibilities this morning. We thank you for taking the time to introduce this distinguished member of the military, who we will hear more from today.

Thank you, Senator Kirk.

The Senate Armed Services Committee meets this morning to consider the nomination of Lieutenant General John Nicholson to be the next commander of United States and Coalition Forces in Afghanistan.

General, congratulations on your nomination, and welcome.

As is our tradition, General Nicholson, we hope you will take the opportunity before your remarks to introduce any family and friends joining you today. As Senator Kirk mentioned, you have a distinguished family lineage, including your uncle, an old friend of Members of this Committee, Jim Nicholson, and, of course, your father, General Nicholson as well.

I would like to begin by thanking you, General, for your many years of distinguished service and your leadership in Afghanistan at a critical time. You have presided over important progress, improving the capability and capacity of the Afghan military, and developed a strong and productive relationship with the Afghan Unity Government. When you saw that progress was in danger, you insisted that further troop withdrawals should be based on conditions on the ground.

While President Obama decided to keep 9,800 United States troops in Afghanistan beyond 2016, conditions on the ground in Afghanistan today clearly demand an immediate reevaluation of scheduled American troop withdrawals and this administration's continued adherence to a calendar-based withdrawal, rather than a conditions-based withdrawal, which some of us have been urging for many years.

In 2001, American forces went to Afghanistan because that was where, under the sanctuary of the Taliban regime, al Qaeda planned and conducted initial training for the September 11 attacks that killed 3,000 innocent civilians on American soil. Our mission was to ensure that Afghanistan would never again be a safe haven for al Qaeda or other terrorist groups to attack the United States. That mission has been successful for 14 years, but it is far from over.

American forces are carrying out that mission today by performing two critical tasks, counterterrorism (CT) and training and advising our Afghan partners. But the reality is that the 5,500 American troops that will be left in Afghanistan at the end of this year after scheduled withdrawals will be adequate for one or the other of these critical tasks, not both.

This smaller American force will inevitably be forced to shoulder a higher level of risk to be successful. But in another way, the individual servicemember deployed to Afghanistan is safer as a part of a force of 9,800 than a force of 5,500.

The risks to American forces only grow worse as the terrorist threat in Afghanistan intensifies. We are now confronting threats from a resurgent Taliban, a reviving al Qaeda, and an arising ISIL [the Islamic State of Iraq and the Levant]. ISIL's sanctuary in

Syria has been deadly enough. We cannot afford another one in Afghanistan.

This complex and expanding terrorist threat tests both our own counterterrorism capacity as well as the capability and capacity of the Afghan military, which is still developing key enablers, including intelligence, logistics, special forces, airlift, and close-air support.

By now, we should have learned from the precipitous withdrawal from Iraq, and the disaster that ensued, that wars do not end because politicians say so, nor will any politician be able to schedule an end to the threat of radical Islamist terrorism that is emanating from Afghanistan or the region more broadly.

That is why, as the security situation in Afghanistan continues to deteriorate, it makes no strategic or military sense to continue the withdrawal of American forces. Indeed, our military commanders increasingly realize that preventing the reemergence of terrorist safe havens in Afghanistan will require a long-term partnership with the Afghan Government and military, similar to the United States role in South Korea or Colombia.

The world walked away from Afghanistan once before, and it descended into chaos that contributed to the worst terrorist attack ever against our Homeland. We cannot afford to repeat that mistake, because the threats we face are real and the stakes are high for the lives of the American people, for the stability of the region, and for the national security of the United States.

President Obama cannot turn back the clock on decisions made 4 years ago in Iraq, but he can make decisions now that will empower his successor to do what is necessary to confront the challenges we will face in Afghanistan in 2017 and beyond.

It is time to immediately halt U.S. troop withdrawals and eliminate any target date for withdrawal. This will allow American Forces to perform the vital tasks of eliminating terrorist threats and building the capacity and capability of Afghan military. It will send a powerful signal to the Taliban that it cannot simply wait out the United States and that we will not abandon Afghanistan to tyranny and terror again.

General Nicholson, I look forward to your testimony and your assessment of the way ahead.

Senator Reed?

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. Let me join you in welcoming Lieutenant General Nicholson.

Thank you, sir, for your service and for your willingness to accept command of Resolute Support and United States Forces in Afghanistan.

I also would like to join Senator McCain in welcoming your family.

Norine, thank you, and Caroline.

Also your father, Jack, thank you, sir, for your service.

And your Uncle Jim, thank you for your distinguished service in many capacities.

As the chairman pointed out, Lieutenant General Nicholson is uniquely qualified to assume these responsibilities, having spent

much of the last 10 years focused on the mission in Afghanistan, including approximately 3.5 years deployed in country and having held a number of relevant U.S. and NATO [North Atlantic Treaty Organization] command positions.

Your experience is not only oppressive but will be extremely useful as you assume this new responsibility.

I recently traveled to Afghanistan and it is evident that the past year has been one of significant political and security transition for the country. The transfer of security responsibilities from the coalition to the Afghan National Security Forces (ANSF) has not been without its challenges, as evidenced by the temporary seizure of Kunduz city and other areas by the Taliban.

Further complicating the security situation has been the emergence of the so-called Islamic State-Khorasan Province, or ISKP.

Operations by the Pakistani military on their side of the border, while a welcome development, have also added to the security situation by displacing elements of al Qaeda, the Pakistan Taliban, and other bad actors into Afghanistan.

Lieutenant General Nicholson, I look forward to your assessment as what you see as the greatest security challenges with all these forces in play that confront the ANSF in the coming year.

The ANSF now has had the sole responsibility of securing their country for little more than a year and fortunately have remained cohesive and responsive throughout. The ANSF has continued to prove their willingness to fight for and to retake areas contested by the Taliban while increasing their overall operational capacity under coalition training.

Lieutenant General Nicholson, I would be interested also in your thoughts as to what you see as the greatest challenges in building this capacity, because ultimately that is going to be the significant force stabilizer in the country of Afghanistan and moving forward.

With regard to counterterrorism, which is the second mission of our forces, I support the reported recent approval by the White House of targeted strikes against ISKP as part of your mission.

Furthermore, the joint operation by Afghan and United States Forces in October to destroy what was, according to General Campbell, probably the largest al Qaeda training camp identified since 9/11 is a stark reminder of the group's resilience and the continuing challenge they pose.

Again, I look forward to your assessment of all these counterterrorism issues moving forward.

Now, as the President announced in October, it is his intention to maintain approximately 9,800 troops in Afghanistan for most of this year, with a plan to draw down to approximately 5,500 troops by January 2017.

General Nicholson, if confirmed, I will expect you, and I think you will, immediately conduct your own assessment of the withdrawal of U.S. Forces based on conditions on the ground. I believe that that assessment should be given extraordinary weight in any decision made on the retention of United States Forces in Afghanistan.

Last year was also one of political transition in Afghanistan under the National Unity Government of President Ghani and

CEO Abdullah. Like all progress in Afghanistan, it has been challenging.

However, the National Unity Government has held together, preventing a breakdown in governance. It has provided an opportunity for some ambitious reform agendas, some proposals, including governance and anticorruption initiatives. Those must be encouraged by both you and the Ambassador.

Afghans will also have to work very hard, as we discussed in my office, about their economy, which is not performing well at all, and also the loss of human capital, as many, many young, talented people leave the country.

These are just a few of the challenges that you will face, but I am extremely confident that you have the ability, the dedication, and the experience to meet these challenges.

Thank you, Mr. Chairman.

Chairman MCCAIN. Thank you.

General Nicholson, before we proceed, there is a series of standard questions, which we ask for all nominees, and I appreciate your answer yes or no.

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of Congress be able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Do you agree, when asked, to give your personal views, even if those differ from the administration in power?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General NICHOLSON. No, sir.

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify upon request before this Committee?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the Committee regarding the basis for any good-faith delay or denial in providing such documents?

General NICHOLSON. Yes, sir.

Chairman MCCAIN. Thank you. Please proceed, Lieutenant General Nicholson.

STATEMENT OF LIEUTENANT GENERAL JOHN W. NICHOLSON, JR., USA, TO BE GENERAL AND COMMANDER, RESOLUTE SUPPORT AND COMMANDER, UNITED STATES FORCES-AFGHANISTAN

General NICHOLSON. Chairman McCain, Senator Reed, Members of the Committee, thank you very much. I also wish to thank Senator Kirk for the introduction.

It is a privilege to appear before you this morning, sir, and I appreciate the opportunity to answer your questions regarding my nomination as the command of Resolute Support and United States Forces-Afghanistan. I thank President Obama, Secretary Carter, General Dunford, and General Milley for their support for my nomination.

I also wish to thank my friend General John Campbell for his outstanding leadership in Afghanistan and for his long service. If confirmed, it would be a tremendous honor to follow him in this critical position.

As you mentioned, sir, I would like to introduce my wife, Norine; my daughter, Caroline; and my other family members—my Uncle Jim, my dad and stepmother—for their presence here today and for their love and support of me throughout my career.

Chairman MCCAIN. Welcome to the family members. I know this is a proud time.

General NICHOLSON. Thank you, sir.

My father and uncle are Vietnam veterans, and their service has been an inspiration to me and my generation and our family for years. So much so that three of my cousins and my daughter are all in the family business in the service of our country.

Most importantly, I would like to thank the soldiers, sailors, airmen, marines, with whom I have had the honor to serve. Their selfless service to our country and to each other is a testament to the strength of our military and our Nation.

I especially wish to honor the sacrifice of our servicemembers who have died in this noble effort. I also wish to remember the Afghan soldiers, Afghan police, and countless Afghan civilians who have suffered so greatly in this conflict. As I sit before you today, I am thinking of them and their families, and sincerely wish to deliver for them.

The Resolute Support Mission is a vitally important part of our national effort to protect our Homeland from terrorist threats and to enable sustainable Afghan capacity to secure their own country.

Since 9/11, the United States campaign in Afghanistan has largely defined my service. I have been either deployed to Afghanistan or supported the effort from various duty positions in the United States and Europe. I have had also the privilege to serve alongside our allies and partners, not only in Afghanistan but in my 4 years of service in NATO.

Our common experience in Afghanistan has produced the highest levels of cohesion and combat experience inside the NATO alliance, so it is an honor to serve alongside our allies; alongside our other partners in this 47-nation coalition; and, of course, alongside our Afghan comrades.

If confirmed, I look forward to working with this Committee and the entire Congress through my chain of command to address the

many challenges we face in Afghanistan in order to keep America safe and secure, and to protect the Afghan people. I pledge that I will make every effort to live up to the confidence that has been placed in me, and I am very grateful for your consideration.

It is an honor to serve. If confirmed, it would be a distinct honor to serve in this position. Thank you for this opportunity, and I look forward to your questions, sir.

Chairman MCCAIN. Thank you.

One of the sources of concern to the Members of this Committee on both sides are the almost continuous announcements. Even when there is an increase in troop strength or pause in reduction, there is an announcement that we will be out of Afghanistan, many times, in my view, in contravention of events that happen on the ground.

I guess my question to you is, do you believe that the security situation in Afghanistan is improving? Or would you argue, as some of us do, that we just completed or were nearing the completion of the most significant fighting in the winter that we have seen in many years in Afghanistan, significant successes on the part of the Taliban, now the presence of ISIL, including Iranians providing weapons to the Taliban? In other words, the view of many of us is that the security situation in Afghanistan has been deteriorating rather than improving.

What is your assessment, General, of the overall tactical situation in Afghanistan?

General NICHOLSON. Sir, I agree with your assessment.

Chairman MCCAIN. If that is the case, should it not be wise at least to pause in our plans for further reductions and try to achieve some stability on the ground?

General NICHOLSON. Sir, in your opening statements, both you and Senator Reed discussed conditions-based assessments on the capacity that we maintain in the country, and that this capacity, this capability that we maintain, should be able to adequately address our two core missions of counterterrorism and train, advise, assist to the Afghans.

Chairman MCCAIN. Is it not true, along this line, that the Afghan military still does not have some capabilities that require years and years of training and equipping, such as air assets, such as intel, such as even things like medevac, but particularly intelligence capabilities that, despite their brave fighting—and I know from your experience you agree that they are very brave and tough fighters, amongst the best. But there are certain capabilities that simply take years and years to develop, and they have not achieved a level of efficiency, in those areas.

My question is, what areas do you think that the Afghan military still needs the United States' assistance to improve their capabilities and perhaps turn this tactical situation around?

General NICHOLSON. Sir, I want to echo your sentiment on the bravery and courage and fighting skill of the individual Afghan soldiers. As you mentioned, sir, I have had the opportunity to fight alongside them, and they are very impressive.

As we have seen, as Senator Reed mentioned, this year was a tough year for the Afghan security services. They took many casualties, and this fighting has continued into the winter.

What we are seeing is an Army that has a degree of resiliency that has not broken. They continue to fight, and they work hard to roll back any Taliban gains.

To your specific question, sir, you mentioned some of them. Intelligence is, certainly, a key capability. The provision of air support; rotary-wing aviation and fixed-wing aviation, as you mentioned, takes some years to build. The growth of midlevel leaders at the small-unit level where tactics matter and where we combine arms is extremely important. The use of indirect fire and fire support is extremely important. Perhaps one of the most critical is their casualty treatment and evacuation.

Although we have seen improvements, steady growth in all of these areas, as you mentioned, in some areas, we have years to go, in particular, the aviation area.

Chairman MCCAIN. As we all know, one of the biggest problems has been the sanctuary, particularly for the Haqqani network, particularly the involvement of the ISI in Pakistan, which, in many cases, has been supporting the Haqqani network. Yet, the Chief of Staff of the Pakistani Army, those of us who have met him are very impressed with him.

Have you seen any progress in this whole problem with sanctuary for the Taliban in Pakistan? How serious do you view that problem as it is today?

General NICHOLSON. I view it as a serious problem. This has been one of the principal challenges, as you well know from your many visits to theater over the years. It is a sanctuary that our enemies, in particular the Haqqani network, have enjoyed inside Pakistan.

At various times, I have seen over my years there different efforts and different offenses in different parts of the tribal areas. I note that the Pakistanis have also suffered significant casualties in the tens of thousands in the terms of their security forces and their civilians, most recently, these horrendous attacks on schools that have occurred inside Pakistan.

Yet at the same time, sir, I concur, we have not been satisfied that there is adequate pressure put on the Haqqanis. The recent operations in North Waziristan have helped, as well as their stationing of additional regular PAKMIL [Pakistani military] soldiers in the tribal areas have helped.

Some of this has pushed some fighters into Afghanistan, which has contributed perhaps somewhat—for example, in Nangarhar, some of the issues there.

It is a mixed story, sir. It is one that requires continuous engagement with the Pakistan military and with General Raheel Sharif, and continuous engagement at the operational and tactical levels. Increasingly, of course, we want to encourage the Afghan and the Pakistan military forces to work more closely together against their common enemies.

Chairman MCCAIN. Senator Reed?

Senator REED. Thank you very much, Mr. Chairman. Let me thank you for holding this hearing in such an expeditious fashion, because it is so important to have the continuity of command with General Campbell and General Nicholson for several reasons.

One is that we both have made it clear that your recommendation based on the condition on the ground is central to any decision. But that recommendation is going to have to be made essentially in the early spring, because of the dynamics of changing forces, closing locations, et cetera.

Can you give us an idea of when you estimate you will be compelled to make a recommendation?

General NICHOLSON. Sir, I think after the initial 90 days, I will have a good sense of where we are, building on the experience we have, and, if confirmed, sir, the chance to do some more thorough discussions with General Campbell and with the team on the ground.

Senator REED. We really should be looking at a decision period in the middle of this year. We do not have the luxury of December 31 or December 15 or December 1. This decision has to be made early enough so that you can take operational responsibility for the decision. Is that correct?

General NICHOLSON. Yes, sir. General Campbell has mentioned his intention to hold the 9,800 through the majority of the year, and then in the latter part of the year, to begin the drawdown. I support that approach.

But as you point out, Senator, these decisions take time. Even if a drawdown is going to occur late in the year, we need to start setting the conditions for that earlier.

So yes, sir, I agree with your assessment. We would need to have this discussion sooner rather than later.

Senator REED. Thank you very much, General.

One of the other consequences of the various moving pieces is the fact that ISKP, the Islamic State, is actually sort of firmly trying to root itself into eastern Afghanistan with external support. The Pakistan military is forcing terrorists into that part of the country.

Just to follow up on Senator McCain's point about General Raheel Sharif, who is a very distinguished chief, he has announced his resignation, which I think that is correct. Is that correct?

General NICHOLSON. Sir, as I understand, his normal tour of duty would end this fall in November, I believe. As I understand from the open source media, he has announced his intention to depart at the end of his normal tour of duty. Yes, sir.

Senator REED. That could be another dynamic, but let us put that aside for a moment.

The counterterrorism mission seems to have expanded. If nothing else has changed, then an argument for capacity in Afghanistan would be simply the fact that there are many more al Qaeda, Pakistan Taliban, Haqqani in your area of operation. Is that a fair assessment?

General NICHOLSON. Sir, I think it is fair to say. As you said in your opening statement, sir, the presence of ISKP, the Islamic State-Khorasan Province, in southeast Nangarhar, the presence of al Qaeda in the Indian Subcontinent, AQIS, inside the Shorabak District of Kandahar, both of these are clear attempts by transnational terrorist organizations to establish sanctuary inside Afghanistan. Yes, sir.

Senator REED. The responsibility to go after those forces in Afghanistan is your responsibility, as the commander of operations there?

General NICHOLSON. Yes, sir.

Senator REED. There is another aspect of this, too, and that is that you wear a couple of hats there with your NATO situation. My sense—and again, if you could give us some insight—is that their commitment, our allies, will be calibrated based on our commitment. The sooner we make a decision, it will be at least clearer to them what they must do and what they will do. Is that accurate also?

General NICHOLSON. Yes, sir.

Senator REED. Again, your service throughout has been extraordinary. There are very few people who have been proposed for a mission that have actually spent years from—I think it was 2007, the first time you deployed there, all the way up, learning as we all do, through trial and error and experience. I think, again, you are superbly prepared to assume this responsibility. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ayotte?

Senator AYOTTE. Thank you, General, for your distinguished service and willingness to serve in this important position, and to your family as well.

I wanted to ask, based on the administration's announcement that, in fact, they will reduce the number of troops in Afghanistan to 5,500 by January 1, 2017, you named a number of areas where the Afghan forces still have some significant challenges. I just looked at your list. I saw intelligence, air support, midlevel leaders, fire support, casualty treatment.

Given that we have made this announcement, I want to understand, what is the military rationale for reducing our force posture by 44 percent and announcing that a year in advance? Also, what is it that we will not be able to do when we go down to 5,500, because one of the discussions we previously had with your predecessor, General Campbell, when there was a discussion about essentially bringing us down to an embassy presence, what is it that we will be able to do with 5,500 beyond an embassy presence?

If you can help us understand the military rationale and what risks we are taking on by going down to 5,500, I think it is important for us to understand that.

General NICHOLSON. Thank you, Senator.

Senator, the two core missions, as you know, for operation Resolute Support and for United States Forces-Afghanistan are, for United States Forces-Afghanistan, counterterrorism and train, advise, assist to the Afghans and then for allies; and Resolute Support, train, advising and assisting.

First, I would like to express great appreciation for the financial support from this Congress for this effort, because without that, we would not be able to man, equip, train, and field this organization. Our allies also contribute, as you know, €1 billion, and the Afghans contribute some as well.

These two core missions—counterterrorism and train, advise, assist—are the ones against which then, from a military perspective,

and offering my military advice on how to accomplish that policy, as the chairman mentioned earlier, I view it incumbent on me, as I am sure General Campbell has, to estimate for our political leadership the necessary capability to accomplish those two missions.

Now, having not participated in this decision, it is difficult for me, although I am happy to come back to you later with the exact rationale on these numbers. What I would say is we need both of those capabilities, definitely. What I would like to be able to do in my first 90 days is take a relook at that, what is necessary, what amount of capability is necessary, given the current conditions.

Senator AYOTTE. What worries me, and what I think we need to understand, is what risk we are taking on, because this has been a constant kabuki dance where the administration announces we are going to withdraw to this point, telling our enemies, by the way, here are the numbers and here is what you can expect from the United States. I am very glad that they backed off from their sole embassy presence, which is where we were supposed to be.

But this is very important, because we cannot afford to take on risks that allow, obviously, the safe haven again for al Qaeda, now with ISIL engagement. To me, we do need you to tell us just very clear-eyed when we go to 5,500 what our capabilities then, because it seems to me that obviously force protection always being our number one priority for our own men and women, 5,500 is a pretty small number given a CT mission and a support mission for the Afghan forces, given the list that you have even given to this Committee already for their capabilities that they are still lacking in some ways.

General NICHOLSON. Senator, I share your concerns. I would ask your indulgence in being able to come back to you once I have had a chance to get on the ground and do a detailed assessment of this, to really give you the answers you are looking for.

Of course, as we mentioned earlier, this will be based on conditions. To mention a couple conditions that have been perhaps different in 2015, one, as we heard earlier, the attempt by the al Qaeda in the Indian Subcontinent to establish a fairly large training base inside Southeast Kandahar, the attempt by ISKP to establish a sanctuary inside Nangarhar. These are changes to the conditions that I will need, if confirmed, to take a look at to determine if we have the right level of CT capability to deal with that.

Senator AYOTTE. We appreciate that. It is very important.

I also wanted to follow up very quickly, last week, in the Readiness Subcommittee, I held a hearing on the Task Force on Business and Stability Operations. This Congress allocated \$800 million and roughly \$650 million of it was spent. I cannot account for it. The SIGAR [Special Inspector General for Afghan Reconstruction] has done an investigation—\$150 million on villas where they could have potentially stayed on base. Literally, we are trying to track down how much money was spent on an ice cream business, carpeting, jewelry, a compressed natural gas station that appears to have cost much more than it should.

Bottom line is that I hope you will follow up on this, because if you think about what we could do with \$800 million to support our men and women in uniform, you think about the equipment, the training, their preparation and readiness, we cannot afford to con-

tinue to waste money like this in Afghanistan. I hope you will take this as one of your responsibilities very seriously as well.

General NICHOLSON. Absolutely, Senator.

Senator AYOTTE. Thank you very much.

Chairman MCCAIN. Senator Heinrich?

Senator HEINRICH. Thank you, Mr. Chairman.

Welcome, General Nicholson. I want to thank you for your willingness to serve.

How long have we been in the train and equip mission for ANSF forces in Afghanistan now?

General NICHOLSON. Sir, our first Afghan Candac was created early in the 2002–2003 period. However, the real effort, a fully resourced counterinsurgency campaign that was adopted with President Obama's policy decision in 2009, is when we really made heavy, heavy investments in the military and the police and the air. Frankly, we started late with the air component, and that is going to take a little longer.

Senator HEINRICH. So 14 years, overall, but 7 properly resourced and focused.

What do you see as the pathway to military sustainability? Not the financial piece, but just in terms of performance, what do you see as the pathway to self-sustainability for the ANSF?

General NICHOLSON. Sir, a couple points there. First is that we are working very hard at the institutional level. Whereas the Afghans fight extremely well at the tactical level—I mean, they are born fighters. But once you get up to the systems that have to sustain that force—recruit, train, equip, maintain, the pay system, et cetera—this is where we really have had to create institutions from the ground up.

Our focus right now is at the institutional level and the corps level with train, advise, assist. That will take some time, sir.

Senator HEINRICH. "Some time," I mean, obviously, we have been at this a while. So what does "some time" mean?

General NICHOLSON. Yes, sir. Sir, again, I would like to give you the kind of answer you deserve here, sir, and need, because, again, we greatly appreciate the resources Congress has provided for this. I would like to get on the ground and analyze each of these eight areas that we are focused on and then be able to come back with something a little more concrete.

I can tell you though, sir, again, the air piece will take a little longer for a number of reasons, and some of these other enabling systems.

As far as the end state, you mentioned this, sir, what we are looking for. This is Afghanistan. There will always be some level of violence in Afghanistan. From my perspective, the ability of the security forces to maintain that level of violence and, for their part, prevent the reemergence of these sanctuaries, and with our help on the CT side, this is really the standard we are looking for. We are not trying to create a Western-style society here.

Senator HEINRICH. I understand.

General NICHOLSON. We are looking at an adequate level of security to prevent the reemergence of transnational terrorist threats.

Senator HEINRICH. You mentioned, I think we contribute about \$4 billion a year to this effort. You mentioned €1 billion contribu-

tion from the EU [European Union]. Of the total cost of this effort, how much is borne by Afghanistan, on a percentage basis?

General NICHOLSON. Sir, as I understand it, currently, it is about \$500 million. So \$3.5 billion from the U.S., €1 billion from other contributors, and then about \$500 million, with an objective, of course, of that increasing over time.

Senator HEINRICH. Do you see any pathway to ever reaching sustainability, from a financial point of view?

General NICHOLSON. Sir, there would be two ways that would occur. One, of course, is the economic development of Afghanistan, and President Ghani has a number of thoughts about that and has initiated that in many respects. Of course, the second way is ultimately to reduce the size of the security services. This has been discussed previously. The challenge there, of course, are the conditions on the ground right now do not merit a reduction.

Senator HEINRICH. Right. I am going to change gears a little bit here.

When I was in the Kandahar area a number of years ago, one of the things I found very interesting was that people did not want to commit to the kind of farming that produced crops that were unstable. In other words, if you grew melons or anything else that when you got to the border checkpoint, somebody could tell you that if you do not pay a bribe, you are just going to have to sit and wait a few days while your produce rots. People would invest in things that were stable, and that included opium as well as other more legitimate crops like raisins, which they knew could not be subject to that kind of corruption.

What are your thoughts, given your experience in Afghanistan, as to how we get a handle on what is probably a \$22 billion opium trade at this point?

General NICHOLSON. Yes, sir. As you mentioned, of course, the military is in a supporting capacity when it comes to counter-narcotics policy to other agencies of the government and the international community.

Senator HEINRICH. I am not asking for a military answer. What can we do, what should we be doing, not necessarily asking you to solve the problem.

General NICHOLSON. Yes, sir. Sir, you visited Kandahar. As you know, this used to be the breadbasket not only of Afghanistan but the entire region. When you look at initiatives like the Silk Road Initiative or TAPI [Turkmenistan-Afghanistan-Pakistan-India Pipeline], these are long-term initiatives. Much of the work that has been done by USAID [U.S. Agency for International Development] in Kandahar, in particular, and DFID [Department of International Development], the British development agency, and other agencies like the Asian Development Bank and others, there has been significant investment in the value chains for many of these products that you mentioned.

The challenge, of course, they face is that they may be able to grow the melons but they do not have refrigeration or they do not have these other things. Of course, the value chain rests on infrastructure, power, water, roads. These have all been the subject of intense effort and investment by the international community for years.

Ideally, at some point, they are able to return to that. But in this current environment of conflict, it is extremely difficult for these farmers, as you saw when you were there, sir. These people are very hardworking. They are willing. They accept hardship with a dignity and grace that we in the West find very admirable, and we should.

But at the end of the day, they have to survive. I think they fall back on, as you just articulated, these things they know work. The production of opium and then being paid in advance at the farm gate for their product as opposed to trying to take it to market over a dangerous route that may not work, these are the choices they make. These are choices to survive.

Until we can create a stable enough environment for some of these economic development initiatives to take hold, I think we are going to have this problem for some time to come.

Senator HEINRICH. I apologize, Mr. Chair, for going over my time.

Chairman MCCAIN. Senator Ernst?

Senator ERNST. Thank you, Mr. Chairman.

Thank you, Lieutenant General, for your great service to our country, especially the time you spent in the 75th Ranger Regiment.

I also want to thank your family as well for being here today. It is great to see that you have such a great support group. Thank you very much.

I am glad that Senator Ayotte really drilled into the numbers situation. I would like to take that just a little bit further, because we do talk about decreasing troop strength in Afghanistan, and I would like your feelings on that, because I think this administration continues to set up our servicemembers for failure, to be honest.

You stated that you do not believe that the situation is getting better in Afghanistan with the current troop strength, the current missions that we have. What I want to know is, then, your feelings, if that is the case, then does it make sense even to keep the troop strength at current numbers? What would you do differently? Do we need to increase troop strength and take on additional missions? Or do we need to decrease troop strength and withdraw completely? What is that magic number?

I know you probably do not have an answer today, but I am sure you have thought about this. We cannot keep on keeping on with what we are doing right now and expect things to get better.

I would like some feedback on where you think our troop strength needs to be, what our missions need to be, where we go from here to make things better.

General NICHOLSON. Thank you, Senator, for that question and for your support of this effort.

First off, I would say, we have not been attacked in our Homeland from Afghanistan for 15 years. That success is worthy of continued investment to prevent that from happening again. As recently as this year, in the 15th year of the war, we see a dogged determination of our enemies to attempt to reestablish sanctuary inside Afghanistan. We see, even with a transition in the Taliban leadership, very quickly al-Zawahiri of al Qaeda pledged allegiance

and support for Mullah Mansour, the new head of the Taliban. We see a continued connection between al Qaeda and the Taliban.

We see the efforts of the Pakistanis force some of these terrorists to the other side of the border, former members of the TTP [Tehrik-i-Talibon Pakistan]. We have members of other terrorist organizations that have joined together to form ISKP, so we see their attempt to get in there.

Back to our first principle, preventing an attack on the Homeland, we still see attempts by terrorist organizations to get into Afghanistan, and we see linkages between them and the Taliban. This, again, as a first principle, requires our continued focus and effort.

Then the question in my mind, then, is what level of investment is necessary to accomplish the CT mission. To avoid us having our own combat troops there, in an endless sense, you need to develop their indigenous capabilities. A 352,000 soldier/policeman security force, we think that number is still right. That is the right number.

As I mentioned before, original projections for a drawdown have to be looked at, in terms of when that would occur. But then we need to get this force, of course, to a level to be able to prevent the reemergence of sanctuaries. That means preventing the Taliban from taking over areas. Because of the connection we see, they could potentially invite al Qaeda back in. This means train, advise, assist is important.

The two critical parts of our policy—counterterrorism and train, advise, assist—in my military opinion, are the correct ones.

The issue, as we discussed, is what capability in each of those areas do we need going forward. I would not advocate, ma'am, for a change to the policy. My role, of course, is to deliver how to execute the policy militarily. I think those two components are necessary. Now, once we have a chance to do the assessment and see, given the emergence of ISKP, given al Qaeda presence in the region, do we have the right-sized CT force?

Then on the train, advise, assist part, do we have the right-sized advisory force. The only thing I would mention there are a couple considerations I look at. What level do we need to advise at, down to what level? Right now, we are at the corps level and at the institutional level. Then, what capabilities do we need to help them with as we build their capabilities? I hope that answers your questions.

Senator ERNST. Yes, you did, General. Thank you so much.

I think the first point that you made, stating that we have not had an attack on our Homeland anything the scale we have seen since 9/11, I think that is a very important point for those who state we just simply need to pull out. I think we are disrupting our adversaries' activities in that area.

I thank you for making that point quite loud and clear. I think we should focus a little more on counterterrorism. If that means additional troops, then we do that. But we need to protect our Homeland, as well as make sure we are moving in the right direction in Afghanistan as well.

Again, thank you so much for your service, and thank you to the members of your family for joining you today.

Thank you, Mr. Chair.

Chairman MCCAIN. Senator Cotton?

Senator COTTON. General Nicholson, thank you for being here today. Thank you for your service, and congratulations on this nomination.

Thank you as well to your family, who is here with you today, in two regards. One, while in my experience veterans of combat are the last people who want to go off into combat again, they are also the first to do their duty, and family members often have to stay behind at home and wonder if they are safe. Thank you for many years of doing that, as a representative of all the family members in our Armed Forces. Second, multigeneration, multimember family of our Armed Services, which is a reminder that a very small percentage of Americans currently shoulder the load of our Armed Forces. When you look at the number of multiple family members who do so, it is even smaller, often from places like Arkansas or Arizona or Iowa. We appreciate your family's decorated service.

You are going to be replacing General John Campbell, who is a former commanding general of the 101st Airborne. Looking through your bio here, and looking at your right pocket there, I see lots of service at the 82nd Airborne, but I see no service at the 101st. Is that correct?

General NICHOLSON. I did wear the 101st on my right and left shoulders when I was in RC-South in Afghanistan, but I have not served at Fort Campbell, Senator.

Senator COTTON. I hope you can overcome this deficiency in your background. I trust that our Committee Members will see fit to confirm an all-American, particularly if you can get some Screaming Eagles on your team in Afghanistan.

But in seriousness, I want to associate myself with the comments and questions of Senator McCain, Senator Ayotte, and Senator Ernst. I also want to raise another Screaming Eagle, General David Petraeus.

I would assume that you have worked with him on occasion, perhaps even in Afghanistan. Do you view David Petraeus as a source of trusted counsel and insight into current operations in Afghanistan?

General NICHOLSON. Yes, I do, Senator. I worked for General Petraeus in Afghanistan as his Deputy Commanding General for Operations.

Senator COTTON. Are you aware of an article he wrote with Michael O'Hanlon in the Washington Post 2 weeks ago called, "It's time to unleash America's airpower in Afghanistan"?

General NICHOLSON. Yes, sir. I have seen that.

Senator COTTON. I just would like to quote here from what General Petraeus wrote: "At present, U.S. and NATO airpower in Afghanistan is used only to, one, attack validated al Qaeda targets; two, to counter specific individuals or groups who have attacked coalition forces previously; and three, to respond directly to attacks on coalition forces. According to leaders on the ground, U.S. and NATO forces are otherwise not allowed to attack Taliban targets."

General Petraeus goes on to cite that there were only 400 sorties last year, which is a fall of almost two-thirds since 2014, and a fall of more than 2,000 sorties since 2010.

Do you agree with his advice that it is time to unleash American airpower in Afghanistan? If so, what would that look like?

General NICHOLSON. Thanks for that question, Senator.

Of course, President Ghani has asked for help in bridging the CAS [close air support] gap. As you know, Senator, we have a long-range plan. But the challenge is right now we have a shortfall in Afghan airpower. They are our principal force combating the Taliban. We focus on force protection and CT, so hence the gap.

I just wanted to take a second to explain why we have a gap. Eventually, as the Afghan Air Force and Army aviation is trained, they will be able to fill that gap.

In the interim, then, the question is what to do. I know I have not had the opportunity to talk to General Campbell about this specific issue, but I know he has thoughts on this and he has made some recommendations. There is a conversation going on inside the Department of Defense right now about some of his thoughts on this and other subjects in 2015, looking ahead to 2016.

At this point, I am not confirmed. I do not want to insert myself into his dialogue with his chain of command. But I look forward to doing my own assessment when I get on the ground, because filling this gap is important, in order to enable these brave Afghan soldiers to take the fight to the Taliban.

I agree that we need to address this gap, as President Ghani has requested and as General Petraeus has highlighted.

Senator COTTON. Thank you. Given how decisive an advantage American airpower provides us, as well as President Ghani's comments, I hope you will take a closer look at that.

A related topic that David Petraeus also wrote about in that op-ed is that some administration lawyers harbor concerns that the Authorization for the Use of Military Force approved soon after 9/11 does not extend to justify the continued use of force against the Taliban.

Would you agree with that viewpoint?

General NICHOLSON. Sir, I believe the point they are expressing is that we are no longer engaged in direct action against the Taliban, and that was also partly a policy decision. Not getting into a rules of engagement discussion in open forum, sir, but we believe we have adequate engagement authority to engage anyone who threatens U.S. Forces.

I think there is a policy question of who engages the Taliban, and back to your earlier question, do we use United States airpower, coalition airpower, against the Taliban or do we let the Afghans handle it. I think this is the issue.

In a way, sir, I believe this is related to your first point about addressing the threat posed by the Taliban, given the intensity with which the Taliban came at the ANSF at this year.

Senator COTTON. Thank you. My time has expired.

Chairman MCCAIN. Senator Donnelly?

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank you for assuming this responsibility.

To all your family, to your Uncle Jim, who served as the Veteran Secretary when I was in the House, thank you very much for everything you did for our veterans during that time.

The question is, what is our goal when you go to Afghanistan? Is it to make sure the Taliban does not get another foot of ground? If it is, what do you really need to do to accomplish that, because if we have troops there that are not enough to get the mission done, then does it not just make it more dangerous for the troops that are there?

What is the goal, as you see it, when you go there?

General NICHOLSON. Sir, our policy, and I agree with this, is, first and foremost, counterterrorism, to prevent another attack on the United States Homeland that emanates from Afghanistan, the number one mission. Number two, enable the Afghans—and we are doing that through what we call train, advise, assist—to be able to secure their own country with financial support and advisory help from the coalition, but enable them to secure their own country.

This growth of Afghan capacity to secure their own country would then lead to a point where the conditions would warrant reduction in our presence. But to get to that point requires us to continue to make an investment financially and with the train, advise, assist. Going forward, I think it would be prudent to maintain a counterterrorist capability in this region and as part of a global counterterrorist network. Our Afghan allies are very willing and supportive partners in that effort.

Senator DONNELLY. In the last year, do you think we moved the ball forward in Afghanistan or did it go backwards?

General NICHOLSON. It is a great question, Senator. I think the enemy, the Taliban, came at the ANSF more intensely than perhaps we anticipated. Because of that, we did not make the advances we projected, we thought we would make, I believe.

Again, I say this not being confirmed and not having a chance to get on the ground and talk to the commander. I would wish to caveat all that with that.

Senator DONNELLY. I have the greatest respect in the world for General Campbell, as I know everyone here does.

But one of the old sayings is plan for the worst and hope for the best. How do we plan for the worst scenario in Afghanistan? What do we need to do? How do we make sure the sacrifices that have been made do not get washed away?

General NICHOLSON. Sir, I believe we need to have an adequate counterterrorist force in place, first and foremost, back to job number one of preventing an attack. As we assess the potential growth of AQIS, we saw this attempt by them to establish a fairly extensive training base in southeast Kandahar, as we assess the attempt of ISKP to get into Nangarhar, we then go back and look at the adequacy of our CT capability to deal with that.

Then, secondly, we look at the challenges the Afghan security forces faced in 2015 and see if that drives a need to recalibrate the level of support we provide them in 2016.

Senator DONNELLY. One of the things looking forward is, when we look at troop levels—and I know you said you need to get on the ground there and start to get a better handle on everything that is going on to figure that out, and I trust you will—but we desperately need you to let us know what you really need.

If it is 10,000 that is needed to be effective, then tell us it is 10,000. If it is 5,000, tell us it is 5,000. But I cannot think of a

worse scenario than to need 10,000 and to have 5,000 and to try to, in effect, almost be like somebody who is trying to paint four walls of the room at the same time with one paintbrush.

If we do not have enough there, it is just going to make it worse and worse and worse. What we do not want to do is go backwards.

If it is 12,000, or 13,000, or 14,000, just let us know, because, the day you get there, you do not control exactly how many you need, meaning they may want to shoe you into a 5,000 number. But if the number is 14,000, then the number is 14,000. I mean, we cannot make a peach an orange.

We really need to hear unvarnished exactly what the situation is and exactly what you need to have success.

General NICHOLSON. Senator, thanks for that encouragement and thanks for your indulgence, and discussing with the chairman and ranking member, on giving me the opportunity to do an assessment on the ground. The message has come across loud and clear from every member of this Committee that you really are looking for that best military advice. I greatly appreciate that, and I will provide that.

Senator DONNELLY. We appreciate your service in taking on this mission. We wish you Godspeed. Just let us know what you need.

Thank you.

Chairman MCCAIN. General, we also would like to know what missions need to be accomplished that the Afghans cannot, and then come up with a number. It seems to me that one of the mistakes that we have made in the past is dictating a number rather than assessing what missions need to be accomplished and then arriving at a number.

Arbitrary statements made by the President of the United States that we will be down to a certain number by a certain date is not dictated by mission requirements or anything else that Members of this Committee could ascertain.

I know you will be looking at it from a mission requirements standpoint rather than giving us an arbitrary number. When you come back before us, I hope you will tell us what needs to be accomplished by American troop presence, and then the determination of what numbers it requires to fulfill those missions.

Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman.

General, like my colleagues, I would like to congratulate you for the nomination and your service, and the service of your family. We know what a sacrifice it is for you and especially your family.

On this Committee, we hear a lot about counterterrorism missions, and we sometimes hear about counterinsurgency (COIN) missions, so the CT versus the COIN approach. I think sometimes it confuses people. I think it sometimes confuses the American people.

Can you explain to us how you see the different missions? How do you define the CT mission? How do you define the COIN mission? What are the troop levels that we need, from your perspective, in Afghanistan to accomplish either/or?

General NICHOLSON. Thank you, Senator, for that question.

On the CT mission, the counterterrorist mission in Afghanistan, as you know, for many years, we had a comprehensive counter-

insurgency strategy. This was part of President Obama's policy announcement in 2009. Then as we transitioned to Resolute Support in 2014, we transitioned to, from a U.S. perspective, a counterterrorist mission and then a train, advise, assist—

Senator SULLIVAN. We are done with the COIN mission in Afghanistan right now?

General NICHOLSON. Sir, the Afghan's strategy is a COIN strategy—enabled, train, advise, assist by us.

Senator SULLIVAN. That is part of our COIN strategy?

General NICHOLSON. Yes, sir. They are the lead, the Afghans are the lead for the COIN, not us any longer, sir. This is why we have been able to reduce to a train, advise, assist capacity.

Senator SULLIVAN. Can you just define the CT mission? What is it? What does it mean when you say we have a counterterrorism mission in Afghanistan?

General NICHOLSON. Yes, sir. The counterterrorist forces, identify and destroy the terrorist networks that threaten our Homeland.

Senator SULLIVAN. Is that solely al Qaeda? Is that ISIL? Is that the Haqqani network? Is that the Taliban? Do we have a pecking order in which we are trying to destroy?

General NICHOLSON. Sir, a really important distinction. We know al Qaeda has been a part of our national policy. They launched attacks on 9/11. They are clearly a transnational terrorist threat we have to target.

Senator SULLIVAN. They are a number one CT mission in Afghanistan.

General NICHOLSON. Yes, sir. Then we have seen the emergence of the Islamic State in the Khorasan Province.

Now, there have been some questions about what it means to be operationally emergent, so if I could just take a second and explain that in my words, sir.

We know the intention of IS [the Islamic State]. We have seen this in the media. We have seen this globally. They have conducted terrorist attacks. We know they have the intention of conducting terrorist attacks and have identified the United States as a target.

What they do not possess in Afghanistan, or have not until recently, is an operational capability to enable them to act on that intention.

Senator SULLIVAN. Are we targeting ISIL forces as part of our CT mission in Afghanistan?

General NICHOLSON. Yes, sir. As of December.

Senator SULLIVAN. Do we target the Haqqani network and the Taliban as part of our CT mission?

General NICHOLSON. Sir, they are not part of that designation right now.

Sir, I can talk to you in another forum about some of this, but we know the Haqqanis, of course, are a number one threat to our forces in Afghanistan. They have been a severe threat to the Government of Afghanistan.

I appreciate what this body has done to focus on that and to help the Pakistanis focus on that, so thank you for that, Senator.

But the Haqqanis are principally a focus of the Afghan security forces, the Taliban and the Haqqani network.

Senator SULLIVAN. Let me ask, you mentioned Pakistan, I saw in your background, very distinguished background, that you were the director of the Pakistan-Afghanistan Coordination Cell. Whether it is going after al Qaeda or the Haqqani network or even Taliban forces, how do we defeat these forces when there still remains a safe haven in Pakistan for these forces that allows them to essentially conduct missions against our troops or terrorism missions, and then go back to their safe haven in Pakistan on the Afghan-Pakistan border where we do not touch them? How do we ever complete our mission as long as there is a substantial safe haven in the border region of Afghanistan and Pakistan?

General NICHOLSON. Sir, you are correct. When an enemy enjoys sanctuary like that, it is very difficult to defeat them. You have to enlist the support of the nation—in this case, Pakistan—to go after those sanctuaries. The other important piece is to build up the defense capacity of the Afghans, so that they can keep that level of violence down to a manageable level.

Senator SULLIVAN. Let me ask one final question, as I am running out of time here.

There is a debate that I am sure you are seeing being played out. I would say kind of the bookends of it are, on one hand you had President Obama coming in with his strategy, very focused on an exit strategy, very focused on ending wars, very focused on getting out. We saw how that worked out in Iraq. Then you have on the other hand generals like General Abizaid and others who have talked about the long war and have talked about a generational approach, more of a model of, hey, look, we have been training forces for years, years in Afghanistan—and I would say, in my experience spending some time over there in 2005 and 2006, we were doing a lot of training back then.

We had a lot more troops on the ground to do training, so I do not know if I believe this notion that we are doing more training under President Obama then we were previously.

But how should we be thinking about this issue? I noticed that Brigadier General Shoffner talked about a generational approach recently, kind of the Korea model.

Is that how we should be thinking about this, versus an exit strategy? These are very, very, very different spectrums in terms of a strategy. One is get out and see what happens. Another is stay, Germany, Korea, generational.

How do we think about that? How do you think about that, more importantly?

General NICHOLSON. Senator, two points, and thanks for the question.

Number one, in this age, the threat of transnational terrorism is a legitimate concern. Because of all the advances in technology and so forth, and as we saw in 9/11, the ability of a small terrorist group with a sanctuary in Afghanistan to reach out and affect us in America is real. This has changed, I believe, how we need to view these types of missions, in terms of CT.

Secondly, I would say, the difference with Afghanistan, we have a very willing and capable partner. They want us there. They want to fight on their own behalf. I have talked to many Afghans. I talked to an Afghan mother who said she weeps more bitterly when

a United States servicemember dies because of all they have given up to come to her country and fight on their behalf. I have heard the same thing from Afghan soldiers. They view it as a matter of pride to defend themselves.

When we have an ally like that, who needs some assistance, to me, the investment in them, then, will pay dividends in the future, because they are willing to do the heavy lifting themselves.

I think we do need to think about an enduring commitment to the Afghans, as the President said in his October announcement on the policy shift. We have an enduring connection with Afghanistan that will sustain.

The level of that, sir, is where I hope to provide my best military advice on how to accomplish that policy, and I appreciate the chance to come back to you and the Committee later with my assessment of that.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Blumenthal?

Senator BLUMENTHAL. Thank you, Mr. Chairman.

General Nicholson, thank you for being here. Thank you for your extraordinary service to our Nation and for your continuing service in the role that you are about to assume.

I have a question not so much about the flow of people across the Pakistan-Afghanistan border, but the flow of bomb-making material, the components of IEDs [improvised explosive devices] that continue to inflict casualties on our forces and our allies. Are you satisfied, from what you know, with the efforts that the Pakistanis are making against the factories and other sources, whether it is fertilizer or other bomb-making materials that go into the IEDs that inflict these kinds of grave losses?

General NICHOLSON. Thank you, Senator, for raising that issue.

The majority of the casualties in the Afghan police, for example, are caused by IEDs, two-thirds. This remains a serious problem. As you know, many of the casualties we suffered with our soldiers were caused by IEDs.

The difficulty in dealing with this is the availability of these components. You mentioned homemade explosives that can be made from fertilizer that is produced globally, but in Pakistan in significant amounts.

Senator, I would like to be able to come back to you with a specific assessment. I did work this issue specifically when I was in JIEDDO [the Joint Improvised Explosive Device Defeat Organization] and in Afghanistan. I do not have a current, up-to-date sense of where we are with the Pakistanis, but I know this has been the subject of intense effort on our part to reduce the flow of these precursor materials across the border where they can be assembled into bombs.

If you are okay with that, Senator, I would like to come back to you with a more detailed answer.

Senator BLUMENTHAL. I would appreciate it. It has been a subject of intense effort I know on your part, on all of our parts, and also a source of intense frustration often because, as you have observed very correctly, the IEDs have inflicted such massive and serious casualties on our own troops and now on the Afghan police

and their military. It remains a source of frustration and concern to me, and I know many of my colleagues, so I would appreciate that greater information.

I want to ask a question about the general subject of posttraumatic stress, known as posttraumatic stress disorder (PTSD), but I prefer to refer to it as posttraumatic stress. I know it is a subject of concern to many of our military leaders, rightfully so. Your assessment about whether our Nation is doing enough about posttraumatic stress, especially as a cause of suicide and other related kinds of emotional health disorders?

General NICHOLSON. Thank you, Senator, for your support of our soldiers, our servicemembers in this area.

I will speak now as a former division commander, where we dealt with this issue. One of the manifestations, as you mentioned, sir, is suicide. This is a terrible event in the life not only of the family involved, but also in a unit, because it is a member of the family.

What we found is because of the intense effort we put into trying to understand the problem, there is an education issue, and get leaders and peers and support networks more engaged so they see the signs of an issue, and then the ability to intervene and coaching people to intervene when they need to help save a life, I think we are starting to see positive results of this effort.

My own experience—and again, this is anecdotal to one division in the Army—but our categories of suicides, there were two, generally. One, there might be a trigger event, and someone who otherwise seemed to not have any issues like PTSD or anything, but a trigger event would cause a reaction. In many cases, alcohol was involved. Then they would make a bad decision with respect to suicide.

In the other half of the cases, there might have been a history, a family history or an individual history. It might have related to their experience in combat. It might have been an issue that they had before they came into the military. Those issues we had to work closely with our medical professionals, respecting medical rules about privacy, but also getting enough information so we understood when someone was potentially in crisis.

All of this adds up to greater awareness on the part of leaders and leaders being more engaged. Where we see that happen, then I think we really see a reduction in the number of suicides.

Senator BLUMENTHAL. Thank you for that very insightful answer. I appreciate your work on that issue as well, and I look forward to your continued service. Thank you very, very much.

I want to thank the chairman for his work on the suicide issue. He and I worked on a bill called the Clay Hunt Veteran Suicide Prevention Bill, which addressed some of the manifestations that you have mentioned.

Thank you very much.

Thanks, Mr. Chairman.

Chairman MCCAIN. Senator Tillis?

Senator TILLIS. Good morning, General. Thank you for being here.

Welcome to all the family members. You should be very proud.

I also just want to say hello for the folks down at Fort Bragg in Fayetteville who remember you fondly for the time that you were

down there. Hope you all had a good time, and I hope it is on your shortlist, many, many years from now when you retire.

I have a couple questions. One, I met, with a number of other members, with President Ghani when we were in Afghanistan last year. He is working hard to address the corruption issues within the government. There are a lot of challenges there. I think he has made progress.

One of the things that he said that he is trying to focus on are other things that will stabilize the country long term, dealing with infrastructure projects and getting out and gaining additional support from the population.

What role, if any, do we play in that?

General NICHOLSON. Sir, as General John Allen recently pointed out, he viewed corruption as a number one problem there. Senator Cotton asked earlier about my time with General Petraeus. We had an organization called Task Force Shafafiyat, which was very focused on how we eliminate corruption. We continue these efforts with our oversight of how our dollars are spent.

We have a great partner in President Ghani. As you pointed out, sir, he really is committed to this. I believe at the senior levels of the Afghan Government, we see a genuine commitment to eliminate corruption.

Part of the way we get after this, if confirmed, in my area of responsibility, would be through things like the pay system where, instead of cash exchanging hands with all the potential to be siphoned off, we pay soldiers through an automated system where the soldier gets their full amount of money. That is not universal yet in all of the Afghan security forces, but that is one example.

I know when I get on the ground, sir, if confirmed, to meet with our team that is working inside the ministries to ensure that this oversight and accountability is improved, we have some work to do there.

As you know, President Ghani pulled up contracting authority to his level, because he was not satisfied that it could be done without problems at a lower level. This was one of the encouraging measures. However, that has also slowed down our ability to do contracting.

This is an area I will be jumping into, sir, and we will include this in the assessment that I will provide back.

Senator TILLIS. General, if I look ahead, and there is no way I could do your job, but if I were looking ahead and thinking about things I would be concerned with in your job, I would like to know whether or not you are.

One going forward is the levels, and I think others asked questions about your level of comfort with the current troop reductions.

The other one relates to funding. It is my understanding, I think in 2017, that the level of funding that has been used to this point to reinvigorate Kabul and to kind of get the economy back on track there, there is a cliff out there, as I understand it, where there is not necessarily a revenue stream that we have identified either from the United States or from other partners. How does that make your job more difficult, if that is not addressed over the course of this year, because I believe economically it starts hitting them 14 months out?

General NICHOLSON. Sir, you are exactly right. One of the positive outcomes of a more stable environment provided by the security forces is a chance for the economy to grow. That would be a problem, sir, absolutely.

If a viable economy takes hold—and, of course, there is great potential in Afghanistan for the extractive industries and, of course, Afghanistan is a transit route for the TAPI pipeline. I mentioned the Silk Road Initiative before. If there were increased trade between the countries of the region using Afghanistan for that, then all this would contribute to an Afghan economy.

Part of the problem with migrants out of Afghanistan, that we have seen, many of them end up in Europe, where I now serve in NATO. There is a sense of, one, insecurity, but also no work. There are some economic issues associated with migration.

Then when you couple that with the demographics of the youth bulge in Afghanistan, you have many young people who are looking for jobs. We have improved education. That is a major plus. But increasingly educated young people now do not have economic opportunity inside the country.

Senator TILLIS. I just think that going forward it is important for us—we all have our concerns. I am not going to ask questions that were asked earlier about troop reductions and the strategy in country, but I think we also have to open the aperture and take a look at other things that are going on in terms of infrastructure build-out, the economic impact of a lack of funding going forward, because Afghanistan does not have an economy that can make up for that now, and how that actually potentially threatens the security of the region or the security of our men and women who are over there.

Thank you.

Chairman MCCAIN. Senator Graham?

Senator GRAHAM. Thank you. I think the President chose wisely. You will do a great job. You are very Afghan-fluent. You have been over there long time.

To your family, I know this is an honor and burden all at the same time.

Would we fight for Kandahar? If there was an offensive tomorrow or next week or next month where the Taliban were able to generate forces to put Kandahar at risk, would we sit on the sidelines like we did in Mosul? Or would you recommend that we fight to keep Kandahar from falling into the hands of the Taliban?

General NICHOLSON. Sir, we would need to prevent Kandahar from falling.

Senator GRAHAM. Your recommendation as the military commander is we should use American boots on the ground, combat power, to protect Kandahar, if it came to that?

General NICHOLSON. Sir, before that, I would look at the authorities I would have and any—

Senator GRAHAM. Not authorities, your recommendation.

Is Kandahar not the spiritual home of the Taliban?

General NICHOLSON. Absolutely, sir. Kandahar is important.

Senator GRAHAM. I just want the American people to know that we are not going to let Iraq happen in Afghanistan. If there is a sustained effort by the Taliban to take a major city, we should not

sit on the sidelines and let that happen. That is not in our national security interests, is it?

General NICHOLSON. I agree, sir.

Senator GRAHAM. Thank you.

Counterterrorism. What is the likelihood of another 9/11 being generated from Afghanistan, if we went down to 1,000 troops in January 2017?

General NICHOLSON. Sir, I would be concerned that we would not be able to perform our counterterrorist mission.

Senator GRAHAM. Would you say it would be high?

General NICHOLSON. It would definitely be higher, sir.

Senator GRAHAM. Okay. If the counterterrorism mission is one of the most important to the United States, how many counterterrorism forces will we have in place under the current plan in January 2017?

General NICHOLSON. Sir, I cannot answer that question right now, but I will be happy to come back to you.

Senator GRAHAM. Is there not a plan that envisions going down to hundreds?

General NICHOLSON. Sir, the plan right now at the 5,000 would still include a significant counterterrorism—

Senator GRAHAM. Would it be enough?

General NICHOLSON. That is what I would like to assess, sir, because I am concerned—

Senator GRAHAM. Sure. I know you are. You are a good man. I know you want to protect the country.

Here is what I would like to do. I would like you to present to the Committee, if you could, if this is appropriate, a counterterrorism footprint, given what you see to be happening on the ground today and in the next 5 years, 10 years; marrying that up with the capability to grow in the Afghan military; and have a small, medium, large, low-, medium-, high-risk footprint. Let this Committee know, from a military point of view, how many troops we would need to have a low threat. As we go below that number, what the threats are to our Homeland.

Could you perform that for us?

General NICHOLSON. Yes, sir.

Senator GRAHAM. When it comes to ISIL, what are the limitations on your fight against ISIL in Afghanistan?

General NICHOLSON. Sir, ISIL has been designated as a terrorist organization. They can be engaged.

Senator GRAHAM. Can you do independent operations without going through the Afghan military?

General NICHOLSON. Sir, I am not sure of the classification level of some of this. I can come back to you in another forum.

Senator GRAHAM. Okay. Would you agree with me, from a national security point of view, we should be able to independently operate against ISIL in Afghanistan?

General NICHOLSON. Yes, sir.

Senator GRAHAM. From a national security point of view, we should be able to capture somebody who is an ISIL fighter and put them in American detention for intelligence-gathering purposes?

General NICHOLSON. Sir, again, a little bit out of my area, in terms of detention.

Senator GRAHAM. Okay. I just want to make sure that we can fight ISIL as effectively as required in Afghanistan.

How did ISIL come about in Afghanistan? How were they able to get there?

General NICHOLSON. Sir, as I understand, a couple factors, one, the pressure put by the Pakistanis on their side of the border as part of the recent offensive operations forced some fighters into Nangarhar Province. Some of these are from the TTP. They aligned with the Islamic Movement of Uzbekistan as well as, again, some ISIL facilitators formed a group and began to grow. They did not have much operational capability initially. There were linkages definitely back to Syria with this group. Now they have gotten to a point where they do have operational capabilities.

The area they have embedded themselves—

Senator GRAHAM. Is there a command and control component from Syria to Afghanistan?

General NICHOLSON. That I am not sure of, sir. I would have to come back on that.

Senator GRAHAM. That would be something we want to know.

General NICHOLSON. There is communication.

Senator GRAHAM. Okay. I just want to put Afghanistan in perspective.

Do you agree with me, of all the places on the map right now, that this is the place where we were attacked from 9/11, it is important that we be seen to have won in Afghanistan, and that we are going to be judged not by the day we leave but what we left behind in terms of our national security interests? Can you describe what winning would look like in Afghanistan and how close are we to it?

General NICHOLSON. Yes, sir. Number one, there are no more terrorist attacks that emanate from Afghanistan that affect our Homeland, number one. Number two, the Afghans have a level of security capability that enables them to secure themselves with our continued assistance.

Senator GRAHAM. How close are we to achieving those goals?

General NICHOLSON. Sir, I would like to get on the ground and do my assessment. Then I can give you a better answer.

Chairman MCCAIN. General, we thank you for your testimony. There may be some written questions submitted by Members of the Committee to you. We will try to expedite that and ask our Members to get those in as quickly as possible.

We would like to get your nomination to the floor by early next week. But we also want all Members to have the ability to ask any questions that they might have.

I can only speak for myself, but I believe that you are eminently qualified. I believe that we are in a crisis situation there, given the increases in the conflict that we have seen; the presence of ISIL, as Senator Graham just pointed out; and other aspects of the situation, which are, indeed, disturbing.

Due to your previous time there, you know that we have made an enormous sacrifice there, and it would be really shameful for us to lose this conflict because we are not addressing it adequately.

We thank you. We thank your family for their service. We will look forward to your return in some months from now, after your

confirmation, so you can give us your assessment. In fact, the earlier, the better, so you can give us your assessment of the situation on the ground.

Senator Reed?

Senator REED. Mr. Chairman, I concur entirely with your summation. I think the general is superbly qualified. We look forward to your report, as soon as you get on the ground and get back.

I thank the chairman for being so polite, given the overwhelming number of West Pointers here today. Thank you, Mr. Chairman.

Chairman MCCAIN. I am getting much kinder in my declining years. Thank you.

[Laughter.]

This hearing is adjourned.

[Whereupon, at 11:04 p.m., the hearing was adjourned.]

[Prepared questions submitted to Lieutenant General John W. Nicholson, Jr., USA by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Commander, North Atlantic Treaty Organization (NATO) Resolute Support Mission (RSM)?

Answer. The Commander, Resolute Support (COMRS) is the senior NATO uniformed officer in Afghanistan. He is the in-theater operational commander, exercising operational control of all Resolute Support (RS) forces in Afghanistan. COMRS employs assigned forces, through a strategic partnership with the Afghan Government, to conduct functionally-based security force assistance (train, advise, assist) to enable credible, capable and increasingly sustainable Afghan security institutions and Afghan National Defense and Security Forces (ANDSF) that are capable of preventing terrorist safe havens in Afghanistan.

At the NATO Summit in Lisbon in 2010, allies and partners agreed that by the end of 2014, Afghan forces would assume full responsibility for security across the whole of Afghanistan. Allies and partners jointly agreed with the Afghan Government to a follow-on NATO-led non-combat mission to continue supporting the development of the Afghan security institutions and the ANDSF after the end of the International Security Assistance Force (ISAF)'s mission. This commitment was reaffirmed at the 2012 Chicago Summit and 2014 Wales Summit. The NATO-led RS mission began on 1 January 2015 to train, advise, and assist at the security ministries and the higher levels of army and police commands across the country. The RS mission includes approximately 13,000 personnel from NATO allies and operational partners, operating from one hub (Kabul/Bagram) and four regional spokes (Mazar-e Sharif in the north, Herat in the west, Kandahar in the south, and Laghman in the east). The agreement between NATO and the Afghan Government on the establishment of the RS mission was welcomed by United Nations (UN) Security Council Resolution 2189. Unanimously adopted on 12 December 2014, it underscores the importance of continued international support for the stability of Afghanistan. In December 2015, at the foreign ministers' meeting of NATO allies and their RS mission partners, it was agreed to sustain the RS mission presence, including in the regions of Afghanistan, during 2016.

Question. What is your understanding of the duties and functions of the Commander, United States Forces-Afghanistan (USFOR-A) and how do those duties and functions relate to those of the Commander, NATO RSM?

Answer. The Commander of USFOR-A is the senior United States uniformed officer in Afghanistan with duties distinct from his duties as COMRS. The USFOR-A Commander exercises National Command Element and National Support Element authorities and responsibilities for ensuring that U.S. Forces have the guidance, equipment, and funding they need to conduct their mission. He ensures unity of effort among all U.S. Forces including those under the RS command and those forces

not under RS command, including those Forces conducting U.S. counterterrorism operations.

COMRS employs the forces that the troop contributing nations provide to RS of which the United States remains the largest troop-contributing nation. The Commander USFOR-A directs and oversees the United States military contributions within the RS mission while COMRS duties include ensuring the operations of all troop contributing nations, including those of U.S. Forces, are coordinated.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, NATO RSM, and/or Commander, USFOR-A?

Answer. If confirmed, I will expand my knowledge of the current strategic environment in Afghanistan and seek input from a wide range of military and civilian experts. I also know that there is a very qualified staff in place to rely upon once in command.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Commander, NATO RSM and Commander, USFOR-A, to the following:

The Secretary of Defense.

Answer. The USFOR-A Commander reports to the U.S. Central Command (USCENTCOM) Commander, who, in turn, reports directly to the Secretary of Defense. This reporting relationship is prescribed in 10 USC section 164(d)(1). COMRS does not have a formal relationship with the Secretary of Defense because COMRS reports to the NATO chain of command through the Commander of Joint Forces Command—Brunssum, who reports to the NATO Supreme Allied Commander Europe (SACEUR).

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The USFOR-A Commander does not have a formal command relationship with the Chairman of the Joint Chiefs of Staff but coordinates with him through the USCENTCOM Commander on a regular basis. The Chairman is the principal military advisor to the President, the Secretary of Defense, and the National Security Council and while he is the nation's senior military officer, he is not in the chain of command. The USFOR-A Commander sends his advice and opinions on military operations to the Chairman through the USCENTCOM Commander.

Question. Commander, U.S. Central Command.

Answer. The Commander, USFOR-A works very closely with the Commander, USCENTCOM on all aspects of United States military operations in Afghanistan. By law, the Commander, USFOR-A reports directly to the Commander, USCENTCOM. The Commander, USCENTCOM exercises authoritative direction and control over all U.S. Forces in the CENTCOM area of responsibility, which includes all United States Forces in Afghanistan. The Commander, USCENTCOM provides authoritative direction over all aspects of military operations, joint training, and logistics. He has delegated National Command Element and National Support Element authority and responsibilities to the Commander, USFOR-A.

Question. NATO Supreme Allied Commander, Europe.

Answer. NATO Supreme Allied Commander, Europe, is the NATO strategic-level commander of all NATO forces, including those assigned to the NATO mission in Afghanistan. He provides the Commander of Joint Forces Command-Brunssum (JFC-B) with strategic guidance and direction. Joint Forces Command-Brunssum is NATO's operational level command responsible for the mission in Afghanistan. In short, SACEUR provides strategic direction and campaign objectives and the Commander of JFC-B directs COMRS to attain these objectives and perform key train, advise, and assist tasks, as mandated by the North Atlantic Council.

Question. Commander, Combined Security Transition Command-Afghanistan.

Answer. The Commander, CSTC-A serves two primary roles. The first is to serve as the commanding general of the DOD element that provides equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, funds, advising and other security assistance to the Afghan Ministries of Defense (MOI) and Interior (MOI) and their forces using the Secretary of Defense's Afghanistan Security Forces Fund authority and appropriations in coordination with the Secretary of State. Second, the Commander, CSTC-A is dual-hatted under the NATO Resolute Support mission as the Deputy Chief of Staff for Security Assistance with responsibility for developing the capacity of the MOD and MOI and their forces to conduct CSTC-A reports to COMUSFOR-A and resource management, inspector general, rule of law, and logistics and sustainment functions. In this role, CSTC-A is responsible for the management and oversight of international contributions in support of the NATO ANA Trust Fund.

Question. United States Ambassador to Afghanistan.

Answer. The USFOR-A Commander provides operational assistance and advice, to include U.S. military views and recommendations, to the U.S. Ambassador. He maintains a close working relationship with the Ambassador to ensure that military and civilian efforts are synchronized and mutually supporting.

Question. United States Special Representative for Afghanistan and Pakistan.

Answer. The USFOR-A Commander provides operational assistance and advice, to include U.S. military views and recommendations, to the United States Special Representative for Afghanistan and Pakistan. He maintains a close working relationship with the Special Representative to ensure that military and civilian efforts are synchronized and mutually supporting. This relationship is particularly important to the ongoing security and political transition, as well as re-integration and reconciliation efforts, which will facilitate an inclusive Afghan political solution to the conflict in Afghanistan.

Question. The Secretary General of NATO.

Answer. The NATO Secretary General chairs the North Atlantic Council, the highest political authority in NATO. The North Atlantic Council is responsible for the overall decisions and direction of NATO policy and operations and is comprised of ambassador-level representatives of all NATO members, including the United States. The Council is advised on military matters and the conduct of operations by the Military Committee, which is also composed of senior military representatives from each member state. The North Atlantic Council, under the Secretary General's leadership, provides overall direction and guidance to the military chain of command. In practical terms, the SACEUR leads all NATO military operations and advises NATO's Military Committee. Thus, in the case of the RS mission, the Secretary General, following consultations and decisions by the North Atlantic Council, provides guidance and direction to SACEUR through the Military Committee, and the SACEUR communicates those directives and guidance through NATO's military chain of command. COMRS and the Secretary General confer and consult regularly, including formal updates to the Secretary General and the North Atlantic Council on the progress of military operations in Afghanistan.

Question. NATO Senior Civilian Representative for Afghanistan.

Answer. The NATO Senior Civilian Representative (SCR) for Afghanistan is the civilian counterpart to COMRS. As the NATO Secretary General's direct representative in Afghanistan, the SCR is charged with carrying forward the political aspects of NATO's engagement in Afghanistan. Although there is no formal command relationship, the SCR and COMRS work in close concert and with full transparency in accordance with the North Atlantic Council-approved Terms of Reference for the SCR and SACEUR as well as JFC-B's guidance for COMRS. In short, this cooperative relationship is critical to underwrite NATO's operational military and political engagement in Afghanistan and can help to improve cooperation between the RS mission and international civilian agencies in Afghanistan.

Question. United Nations Special Representative in Afghanistan.

Answer. UN Special Representative of the Secretary-General (SRSG) for Afghanistan is an important leader in the international community's efforts in Afghanistan. While no command relationship exists between COMRS and the UN SRSG, the RS mission was welcomed by UN Security Council Resolution 2189 to train, advise, and assist the Afghan security forces and institutions. Similarly, the UN SRSG has a mandate to lead the UN Assistance Mission in Afghanistan (UNAMA) supporting the Afghan Government in its efforts to improve critical areas, including security, governance, economic development, and regional cooperation, as well as to support the full implementation of mutual commitments made on these issues at the London Conference in January 2010 and the subsequent Kabul Conference in July 2010. The SACEUR OPLAN states that COMRS is expected to work in close coordination with both the NATO SCR and the UN SRSG. These partnerships support efforts to work with the Afghan Government to ensure progress towards the goal of a self-sufficient Afghanistan.

MAJOR CHALLENGES

Question. What are the major challenges you foresee in the execution of the mission in Afghanistan?

Answer. I believe there are four main challenges. First and foremost, the force protection of our soldiers, sailors, airmen, marines and civilians in Afghanistan remains my overriding concern. Our second challenge will be to continue effective counterterrorism operations against al Qaeda (AQ) its affiliates, and other violent extremist groups that pose a threat to our national security. We must not allow Afghanistan to become a safe haven for these groups in which to plan and launch op-

erations against the United States. My third concern is the speed of the development of the Afghan fighting forces. This of course is the primary purpose of the military mission in Afghanistan and my concern is ensuring our train, advise, and assist (TAA) efforts provide the MOD and MOI the time necessary to mature while simultaneously reducing the overall numbers of coalition troops conducting TAA. The fourth challenge is managing international expectations on the development of effective, affordable, and sustainable Afghan security ministries and forces. It is important to keep in mind the relative immaturity of the Afghan Ministry of Defense and Ministry of Interior and the time it takes to build organizations while withstanding the inevitable security tests the insurgency will provide.

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

Answer. If confirmed, I will work with the United States Government, NATO and other troop-contributing nations, and our Afghan partners to execute a mutually agreed-upon framework for the capacity building within the Afghan security ministries. I will work closely with, and advise, security ministers and other key leaders to assist them in prioritizing requirements and focus on developing Afghan sustainability of effective security institutions. We will continue to decisively counter terrorist elements with Afghanistan. And while these actions all contribute to a better force protection posture for our forces, I will continue to keep that challenge at the forefront of my thinking.

SECURITY SITUATION IN AFGHANISTAN

Question. What is your assessment of the security situation in Afghanistan and the nature, size, and scope of the insurgency and the terrorist threat?

Answer. The insurgency is an enduring threat to Afghanistan. With the ANDSF fully responsible for security for all of Afghanistan in 2015 for the first time since the post-2001 international coalition began combat operations there, the enemy predicted the collapse of the ANDSF and the Afghan Government, but instead the ANDSF held firm, did not fracture, and kept the insurgents from achieving their strategic goals. Both sides are in a tough fight given the rate of casualties both sides have inflicted on one another. From my understanding of the current situation, there has been no noticeable slowdown to the fighting season and fighting continues throughout the winter. We will need to work closely with our Afghan partners to assist them as they make progress toward more acceptable levels of security and stability. If confirmed, I will provide an assessment after I have had the opportunity to get first hand insight on the situation in Afghanistan. We cannot allow terrorist organizations to use Afghanistan as a safe haven for planning and executing attacks against the U.S. Homeland. Secretary Carter voiced his concerns about small but potentially dangerous pockets of the so called Islamic State (ISIL) springing up around the world, including in Afghanistan. Together with the lingering AQ threat, it is imperative that we not allow the return of safe havens in Afghanistan for any terrorist organization that can threaten the United States or its allies.

STRATEGIC OBJECTIVES

Question. What is your understanding of United States vital interests and strategic objectives in Afghanistan?

Answer. Our current efforts in Afghanistan support two main pillars from the 2015 National Security Strategy: 1) Combatting the persistent threat of terrorism; and 2) Building capacity to prevent conflict. In Afghanistan we must ensure that globally linked groups like al Qaeda and the Islamic State cannot pose a threat to the United States Homeland. This is accomplished through a networked global United States counterterrorism strategy, of which Afghanistan is a part. With regard to building capacity, the RS primary task is to train, advise, and assist the Afghan security ministries to develop the capability and capacity of the ANDSF to ensure that violent non-state actors within Afghanistan do not overtake state structures.

Question. What is your understanding of U.S. strategy to achieve these objectives?

Answer. The United States presence in Afghanistan aims to defeat al Qaeda and its affiliates, contribute to regional and international peace and stability, and enhance the ability of Afghanistan to deter threats against its sovereignty, security and territorial integrity. The RS mission focuses on developing the capacity of the Afghan security ministries and their forces to maintain security in Afghanistan.

UNITED STATES MILITARY PRESENCE IN AFGHANISTAN IN AND AFTER 2016

Question. In October 2015, President Obama announced that the United States would plan to retain 9,800 United States servicemembers in Afghanistan through

most of 2016, along with our allies and partners. The mission of the United States Forces would be training, advising and assisting Afghan security forces and supporting counterterrorism operations against al Qaeda. The President also announced that instead of going down to a normal embassy presence in Kabul by the end of 2016, we will maintain 5,500 troops and the mission will not change.

Do you support the President's decision on the size of the United States military presence in Afghanistan in 2016?

Answer. Yes, I support the President's October 2015 decision to retain 9,800 United States troops in Afghanistan through most of 2016.

Question. What is your understanding of the pace of withdrawal of United States Forces in Afghanistan during 2016? Do you agree with this pace of withdrawal?

Answer. My understanding of the current plan is that in order to provide maximum flexibility for 2016, General Campbell has planned to maintain as many troops in Afghanistan for as long as possible before reducing to 5,500 United States troops by 1 January 2017. I concur with this approach and, if confirmed, will conduct my own assessment after taking command after which I will, if necessary, make any recommendations on options to my chain of command.

Question. What military activities or lines of effort do you anticipate will be reduced, and to what degree, if U.S. Force presence is decreased to 5,500 troops?

Answer. Aligning one's mission and resources is an important function of command. If confirmed, I will conduct an assessment and make recommendations to ensure that our resources match our mission. A reduction in force will likely reduce our level of activity across the board; for example, reduce our TAA at the corps level while maintaining it at the ministerial level. However, if confirmed, I will work to ensure that we create an organization which is as efficient as possible, with the right people, in the right locations, executing the right missions. My priorities would be to ensure that neither our ability to protect the force, nor our two primary missions, counterterrorism operations and training, advising, and assisting the ANDSF, are compromised.

Question. What, if any, challenges do you foresee in the implementation of the plan announced by the President?

Answer. The greatest challenge in the implementation of this plan is to ensure that we have the right people, in the right locations, executing the right missions as directed by the President and my military chain of command.

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

Answer. If confirmed, in order to address this challenge, I will conduct an assessment during my first three months of command. This assessment will focus on ensuring our force is "right-sized" and "right-sourced" to execute the missions directed by the President and my military chain of command. Based on my initial assessment, I will make recommendations on potential adjustments through my leadership.

PROGRESS OF AFGHANISTAN

Question. What is your assessment of Afghanistan's progress over the past 15 years that our troops have operated in that country?

Answer. First and foremost, there have been no terrorist attacks launched from Afghanistan against the United States Homeland since 2001. Afghanistan has made tremendous progress in a number of areas over the last 15 years. When we arrived in 2001, Afghanistan was an unstable environment in which extremists flourished. Now, there is a stable government, which has held three national elections. Viable security forces have been created and today the ANDSF have sole security responsibilities across the entire country. They facilitated the 2014 elections and the subsequent peaceful transfer of power, one of the first in Afghan history, resulting in a national unity government. Overall quality of life, including life expectancy and the infant mortality rate, has improved dramatically. Additionally, improved access to education and medical care, and the integration of women into the military and other government organizations has set conditions for greater stability and success in the future. As a sovereign nation, the government is conducting normal diplomatic relations throughout the region and around the globe. While there is still much work to do, the Afghan people are willing to do the hard work of securing themselves and building their institutions.

Question. What is your assessment of the impact of the reduction in the size of United States and coalition forces and the associated support to the current footprint on the economic dynamics in Afghanistan?

Answer. Reducing our footprint by 90 percent has had a significant impact on the local economy; however, I cannot provide much detail beyond that general assessment. If confirmed, I will be able to provide a more detailed assessment of the im-

pect of military reductions on the local economy and get a sense of how this is being mitigated by other non-military development efforts.

PERFORMANCE OF THE AFGHANISTAN NATIONAL SECURITY FORCES

Question. In mid-2013 the Afghanistan National Security Forces (ANSF) assumed lead responsibility for security throughout Afghanistan. In 2015 the ANSF assumed sole responsibility for securing their country. Simultaneously, in a period of about 2-years, U.S. and coalition force presence was reduced from about 140,000 troops to 14,000 troops.

What is your assessment of the performance and capabilities of the ANSF since assuming full responsibility for Afghanistan's security?

Answer. With an overall reduction in coalition force presence by 90 percent and end of the coalition combat mission, the Afghan National Defense and Security Forces (ANDSF) have more than held their own against the insurgency. The ANDSF continue to demonstrate that they are a competent and confident force, and have embraced their role in securing Afghanistan. The ANDSF enjoy the support and confidence of the majority of the Afghan people as Afghanistan's most respected institution. However, while their capabilities have expanded, significant gaps remain and they are not yet self-sustainable.

Based on current assessments which I have reviewed, four key high-end capability gaps that remain are: close air support; intelligence enterprise; special operations; and Afghan security ministry capacity. International funding and coalition force assistance will be critical to sustaining the force in the future and ensuring that Afghan security ministries continue to marginalize the insurgency by maintaining ANDSF's strategic and operational overmatch while strengthening the ANDSF's ability to defeat the insurgents at the tactical level. If confirmed, I will focus the forces' efforts towards these challenges, building on the progress that has already been made.

The ANDSF perform well when conducting deliberate, planned offensive operations, but are often overmatched when attacked at static sites, such as checkpoints and are overly reliant on their special forces to conduct clearing operations. Recent operations in Kunduz City revealed gaps in their ability to collect and disseminate intelligence, while operations in Helmand Province revealed serious leadership failures. In each case, ANDSF senior leadership took responsibility and made sweeping changes to improve, replacing dozens of key leaders and quickly developing new campaign plans. It is important to remember that in the past, we would have taken the lead for such adjustments, but in this case, the Afghans took ownership for the failures and leadership for the improvements.

Question. What do you consider to be the most significant challenges the ANSF face in assuming and maintaining their security responsibilities in the 2016 fighting season and in the next few years?

Answer. The ANDSF must better adapt to operations without coalition enablers and increase confidence in their own capabilities. Although their capabilities continue to grow as DOD fields additional planned aviation and intelligence, security, and reconnaissance (ISR) enablers to the ANDSF, I've been informed that there are still many requests for coalition enablers. They must also continue to address the Afghan National Army's attrition rate, which has left personnel levels well below authorizations while reducing the Army's ability to grow mid-level leaders and maintain combat-experienced soldiers. For 2016, the ANDSF must also gain additional proficiency in conducting intelligence-driven offensive operations and develop offensive maneuver capabilities to gain and maintain the initiative against the insurgency.

Capability gaps still remain in ANDSF aviation, intelligence, and special operations, along with developmental shortfalls in systems maintenance, requirement forecasting, and human capital. For the next few years, the Afghan security ministries will have nascent, but growing capability in tasks such as planning, programming, multi-year budgeting and execution; logistics; and human resource management. They also still require advisory support for their Inspectors General to ensure transparency, accountability, and oversight as well as for developing strategic plans and policy.

Question. What United States and coalition enabling capabilities do you believe are most important to supporting ANSF in providing security for Afghanistan?

Answer. If confirmed, I will make a full assessment of this once on the ground. However, my current understanding is that the most requested capabilities are close air support (CAS) and ISR assets. In the near term, as their CAS capability grows with the fielding of the A29 and additional rotary wing assets, I expect those requests to diminish. Over the long term, the most important capability we provide

them are the systems and procedures we put in place to ensure their sustainability. The Afghan security ministries must be able to conduct the programming/budgeting, logistics, operational planning, requirements development, and intelligence functions effectively, as the long-term DOD security cooperation relationship shifts to a primary focus of maintaining oversight of DOD security assistance funding and enabling the Afghans to access the foreign military sales system for procurement of major end items, weapons and ammo, as well as to sustain their equipment..

BUILDING AND SUSTAINING THE AFGHAN NATIONAL SECURITY FORCES

Question. The ANSF are near their target end strength level of 352,000, consisting of an Afghan National Army (ANA) of 195,000 and Afghan National Police (ANP) of 157,000.

In your view, do the ANA and ANP have the right size and capabilities to address the current security situation on the ground in Afghanistan?

Answer. If confirmed, I will make a full assessment of this matter once I'm on the ground. However, based upon my current understanding, yes, the ANA and ANP are the right size and are developing the right capabilities, with our enabling support, to address the security situation in Afghanistan.

Question. What in your view are the greatest challenges to building and sustaining the capabilities of the ANSF over the next 2-years?

Answer. If confirmed, I will make a full assessment of this once I'm on the ground. However, based upon my current understanding there are two major challenges to building and sustaining the capabilities of the ANDSF. The first is that the ANDSF rely on international donors for 90 percent of their funding, and it is critical to ensure the international community—including the U.S. Congress—has confidence that the funding they provide is being used properly. This, in turn, requires ensuring that the Afghan ministries have the systems and processes in place to properly manage and account for these funds, the majority of which are given directly to the Afghan Government for pay and personnel. My understanding is that there is an effort to develop an enterprise system that will transition from the current manual systems to automated systems that integrate the pay and personnel systems so the MOD and MOI can markedly improve accountability of payroll funds. It is important to note that most of the U.S. funds being provided for the ANDSF are actually executed through the U.S. Foreign Military Sales Systems, which helps builds the United States and Afghan partnership as well as provides complete accountability for those funds.

The second major challenge is ensuring that the ANDSF have the training, materiel and supplies needed to be effective against the insurgency.

Question. If confirmed, what would be your priorities for building the capabilities of the ANSF, including the key enablers that the ANSF need to develop and maintain?

Answer. Although the temptation would be to focus solely on the immediate needs such as close air support or intelligence, if confirmed, I would balance that with a more comprehensive approach at the security institution level to build true sustainability.

The size, structure, and posture of the Resolute Support mission is configured towards the development of sustainable Afghan systems focused at the corps level and reaching up to the ministerial and institutional levels. The Resolute Support plan is built around functionally-based training, advising, and assisting designed to facilitate the horizontal and vertical integration of what we call eight essential functions:

- 1) Plan, program, budget, and execute; generate requirements, develop a resource informed budget and execute a spend plan.
- 2) Develop and implement internal controls to assure transparency, accountability, and oversight.
- 3) Maintain/enhance civilian governance of the Afghan security ministries, including adherence to the rule of law.
- 4) Force generate: recruit, train, retain, manage and develop a professional ANDSF.
- 5) Sustain the force through effective facilities management, maintenance, medical and logistics systems.
- 6) Plan, resource and execute effective security campaigns and operations.
 - a. Inter-ministerial and joint coordination, and
 - b. Command, control and employ ground, air and special operating forces.
- 7) Develop and mature sufficient intelligence capabilities and processes.
- 8) Maintain internal and external strategic communications capabilities.

These functions are interdependent and, taken as a whole, contribute directly to Afghan sustainability. They span across all levels of conflict, from the tactical to the

strategic. The key enabler to this effort is the ongoing provision of quality advisors to focus on building capacity of the Afghans to execute these functions.

Through the advisory efforts associated with the eight essential functions we will improve the Afghan security forces' capabilities in aviation, intelligence, and special operations.

Question. At the North Atlantic Treaty Organization (NATO) Summit in Wales in September 2014, NATO leaders declared "we are adapting our operations, including in Afghanistan, in light of progress made and remaining challenges." At the NATO Summit in Chicago in May 2012, the countries participating in the coalition discussed a model for the future size of the ANSF of around 228,000, a reduction of about one third from the current ANSF end strength.

What is your understanding regarding current assumptions for the size of the Afghan security forces through 2016 and beyond?

Answer. My understanding is that the Secretary of Defense has publicly said that DOD will seek funding for the current authorized end strength of 352,000 personnel through at least the end of 2017, along with the funding that our coalition partners and the Afghan Government will provide. Our coalition partners will meet at the NATO Summit in Warsaw this summer to determine the level of financial commitments towards sustaining through 2020. We will continue to coordinate with the Afghans and international partners on force planning beyond that point based on a review of the anticipated security environment, ANDSF performance and capacity, and available funding.

Question. Do you agree that any future reductions in the size of the ANSF need to be based on the security conditions in Afghanistan at the time those reductions would occur?

Answer. Yes. The size of the ANDSF should be based on conditions such as security requirements, the needs of the government in conjunction with its national strategy, and available funding.

Question. If confirmed, do you agree to conduct a review of the plans for the future ANSF force levels to assess whether the size and capabilities of those forces are appropriate to address security conditions in Afghanistan after 2016?

Answer. Yes. As conditions on the ground change we will, in partnership with the Afghan Government, continue to assess the necessary size of the ANDSF to ensure the success of the mission, and overall security and stability in the country.

TRAIN, ADVISE AND ASSIST MISSION

Question. In October 2015, President Obama said that "Our troops are not engaged in major ground combat against the Taliban" while the Afghan forces are "... developing critical capabilities—intelligence, logistics, aviation, command and control."

What is your understanding of the role that U.S. and coalition trainers and advisers will play in building the capabilities of the ANSF in 2016 and in future years?

Answer. United States and coalition personnel will continue to train, advise, and assist the Afghan security ministries and the ANDSF to improve systems, processes and organizations, with the goal of developing a self-sustainable ANDSF and decreasing the need for United States and coalition support. This will include enabling the Afghan security ministries to generate requirements for replacement and replenishment of equipment and supplies and accessing the DOD Foreign Military Sales to meet those requirements. The majority of Afghan systems and processes are functional; however, there are friction points and maturity issues within these systems. If confirmed, I will conduct further review on these efforts to determine possible improvements to the process.

Question. What is your understanding of the timelines that will be required to develop critical ANSF capabilities including intelligence, logistics, aviation, command and control?

Answer. The ANDSF has emerging capabilities in these areas and can operate independently, although in limited capacity. Any continued development through our assistance will be to ensure Afghan sustainability of those capabilities. We must keep in mind that these are capabilities that even modern armies struggle with, so I assess we would require a commitment that reduces over time through at least 2020.

Question. Given the focus of the Taliban on efforts to disrupt security and stability in Helmand Province, do you feel the employment of an Advise and Assist Cell to the Afghan National Army 215th Corps, in lieu of a larger and more robust Train, Advise and Assist Command, is appropriate, and if so, why?

Answer. Yes, I think it is appropriate for two reasons. First, Afghan leadership has already recognized some of the shortcomings and has begun making adjust-

ments such as replacing failed leaders, providing reinforcing units from other parts of the country, and dedicating other resources such as armed aircraft to Helmand. Secondly, our role is to train, advise, and assist as the Afghans integrate those assets into a comprehensive plan.

Question. Recent incidents in both Afghanistan and Iraq indicate that the train, advise and assist mission may include risks that could result in casualties to United States Forces.

What is your assessment of the risks involved with the train, advise and assist mission and what steps can and should be taken, in your opinion, to mitigate those risks?

Answer. We've known from the onset of the RS mission that Afghanistan remains a dangerous place. The insurgents do not pay attention to what our mission is and show no discretion in attacking us, our Afghan partners, or innocent civilians. Also, keep in mind that there will always be inherent non-combat risks in conducting any military operation. If confirmed, I understand my responsibility to protect our forces is paramount. I will take all measures available to me to protect our forces and mitigate risks, while accomplishing our mission.

INSIDER THREAT

Question. What is your assessment of the measures that have been taken by RSM and Afghan leaders to address the insider threat?

Answer. My understanding is that the combined efforts of RS forces and the ANDSF have mitigated the risk of insider attacks and limited casualties through strict adherence to force protection policies. No single countermeasure can prevent insider attacks; therefore, RS forces and the ANDSF have introduced a program of countermeasures which, when applied collectively, can reduce the threat posed by insider attacks. These measures include: strengthened vetting and screening processes for ANDSF new recruits and those returning from leave; increased numbers and training for counterintelligence agents; cultural awareness training for both RS and ANDSF personnel; and enhancing force protection for personnel advising Afghans or in remote areas.

Question. If confirmed, what additional steps, if any, would you recommend to address this threat?

Answer. If confirmed, I will continue to make countering insider threat a top priority as a key component of protecting the force. I intend to maintain the complex, layered, security system in place in Afghanistan today which leverages not only coalition force protection capabilities but also those of the ANDSF and other government agencies. I will continuously monitor and assess the nature of insider threats and potential vulnerabilities and ensure coalition personnel are properly resourced to counter this threat. We are not alone in suffering the effects of insider attacks; our Afghan partners have also suffered considerably from this threat. Therefore, I will continue to strengthen and leverage our partnership with the Afghan Government in implementing a comprehensive, combined, and integrated approach by continuing our support for cultural awareness and language training for both coalition and ANDSF personnel as well as strengthening intelligence sharing. I will make a full assessment of this matter once I'm on the ground.

COMBATTING AND PREVENTING GROSS VIOLATIONS OF HUMAN RIGHTS

Question. What steps have RSM, USFOR-A, and the Government of Afghanistan taken to ensure that gross violations of human rights, including extra-judicial killings, torture, and sexual abuse, are prevented, reported, and that perpetrators are held accountable?

Answer. The United States, coalition forces, and the Afghan Government have taken actions to emphasize the importance of human rights and address conditions that facilitate gross violations of human rights (GVHR). I understand that rule of law advisors advise Afghan counterparts in the Ministry of Interior (MOI) and Ministry of Defense (MOD) to combat GVHR and ensure that perpetrators are held accountable. RS advisors continue to advise MOI and MOD counterparts on implementing rule of law, including investigating and prosecuting those who commit GVHR. In addition, if U.S. or coalition forces witness a human rights violation, they must report it up their chain of command and to appropriate Afghan authorities.

If confirmed, I will continue senior level engagement and continue to stress the importance of human rights. I will emphasize that the Afghan Government cannot tolerate the abuse of its children, or any of its people, and the need to thoroughly investigate all allegations and hold individuals accountable.

COUNTERTERRORISM MISSION

Question. In September 2014 at the NATO Summit in Wales, NATO leaders declared that “Working with the Government of Afghanistan and the wider international community, our goal remains to never again be threatened by terrorists from within Afghanistan.”

What is your understanding of the roles and missions for United States military and coalition personnel engaged in counterterrorism operations in Afghanistan in and after 2016?

Answer. The primary role and mission for United States and coalition personnel engaged in counterterrorism operations in Afghanistan in and after 2016 is to train, advise, and assist Afghan Special Security Forces (ASSF), in order to build their counterterrorism capability. In addition, United States Forces are engaged in a counterterrorism mission to defeat core al Qaeda and its affiliates and deter the growth of other potential threats, like ISKP. The United States military also conducts operations against force protection threats within Afghanistan.

Question. Does the growth of the Islamic State in Iraq and the Levant (ISIL) or the reemergence of al Qaeda in Afghanistan impact the size, set of capabilities, and authorities associated with the United States military personnel engaged in counterterrorism operations in Afghanistan? If so, how?

Answer. If confirmed, I will make a full assessment of this matter once I’m on the ground. However, based upon my current understanding our counterterrorism forces remain “right-sized” to execute the missions required of them in the Afghan theater of operations. However, that is not to say that adjustments to capabilities or authorities may not be required over time as violent extremist organizations and the threat evolve. Even as the size of the overall United States and coalition force draws down in Afghanistan, the requirement to protect our vital national interests and protect our deployed force does not reduce. In fact, with fewer forces in theater, and fewer out-lying bases, early detection of threats to our forces may be more challenging. Because of this, we must closely monitor our ISR capabilities to ensure adequate support for maintaining our strategic warning.

AFGHAN SPECIAL OPERATIONS FORCES

Question. According to the most recent report on Enhancing Security and Stability in Afghanistan (the “section 1225” report), the Ministry of Defense Afghan Special Security Forces “continue to demonstrate that they are the most capable force within the ANDSF and as a result have the highest operational tempo.”

What is your understanding of the progress in training the Afghan Special Operations Kandaks and the timeline for achieving full operational capability of these units?

Answer. The Special Operations Kandaks continue to receive tactical level training, advising, and assistance from numerous attached U.S. Special Forces teams in the field as well as operational and institutional level training and education. While these forces are conducting operations now, they lack some of the critical enabler support required to operate fully independent. If confirmed, I will help to continue to invest in building enabler capability and tactical level TAA beyond 2016. The ability and timeline for these forces to achieve full operational capability is now largely linked to the critical enablers they depend on to execute their missions effectively, such as, rotary-wing air-lift, ISR, and close air support. I will make a full assessment of this matter once I’m on the ground.

Question. What are the most critical enabling capabilities needed by the Afghan Special Operations Kandaks to ensure successful mission execution in 2016 and beyond?

Answer. If confirmed, I will make a full assessment of this matter once I’m on the ground. However, based upon my current understanding, the most critical enablers needed to execute their missions effectively, are rotary-wing air-lift, ISR, and close air support.

Question. Given questions raised in 2013 about the ability of the Special Mission Wing to operate and maintain its planned fleet of aircraft, what is your assessment of the progress in its development, its performance, and its importance to the operational success of the Afghan Special Security Forces?

Answer. Since the 2013 SIGAR report, the Special Mission Wing (SMW) has thoroughly demonstrated its ability to progress in development, performance, and criticality to the operational success of the Afghan Special Security Forces (ASSF). While the 2013 SIGAR report raised significant questions regarding the program, OSD, the NATO Training Mission-Afghanistan/Combined Security Transition Command-Afghanistan (now Deputy Chief of Staff for Security Assistance/Combined Security Transition Command-Afghanistan under Resolute Support), the United States

Army Materiel Command, and DOD's Non-Standard Rotary Wing Aircraft Contracting Division all accepted recommendations from SIGAR and implemented solutions.

Suspending procurement of the additional helicopters for the SMW as SIGAR recommended would have been a significant strategic error. Instead, DOD non-concurred with the recommendation and completed the procurement and has fielded all of these aircraft to the SMW, which has proved critical in enabling the operational success of the Afghan Special Security Forces. Today, the SMW is the "go-to" force for night and high-risk operations. They have sustained an aircraft-loss rate significantly below the Afghan Air Force's even while operating in a more dangerous flight regime (most notably low-illumination night-vision goggle helicopter assaults). The SMW continues to develop additional aircrew members and has expanded significantly with the stand-up of the 3rd Squadron in Kandahar and 4th Squadron in Mazar-e-Sharif.

Much can also said about the successful implementation and integration of the PC-12 ISR platform. As the Afghans' only traditional airborne ISR platform, these fixed-wing aircraft have literally transformed how the ASSF conduct operations. In less than 2 years, the Afghans have quickly integrated the video and signals intelligence provided into their pre-operational planning and mission execution.

What is the end result? Afghan Special Security Forces capable of conducting operations completely independent from United States or coalition assistance. I will make a full assessment of this matter once I'm on the ground.

UNITED STATES SPECIAL OPERATIONS FORCES IN AFGHANISTAN

Question. How do you see the role of United States Special Operations Forces in Afghanistan evolving throughout 2016 and beyond?

Answer. I will make a full assessment of this matter once I'm on the ground. However, based upon my current understanding, I do not see the role of United States Special Operations Forces in Afghanistan dramatically changing in 2016 and beyond, as we continue to train, advise, and assist Afghan Special Security Forces and conduct the counterterrorism mission. There may be some room for re-structuring or reorganization, but their overall role will not change. If confirmed, they would remain my direct action arm against force protection threats and declared hostile forces while also serving as my military advisors to TAA the Afghan Special Security Forces.

Question. As you know, special operations forces depend on the general purpose forces for many enabling capabilities, including intelligence, surveillance and reconnaissance; logistics; and medical evacuation.

If confirmed, how would you ensure adequate enabling capabilities for special operations forces as general purpose forces continue to draw down in Afghanistan?

Answer. Aligning our mission to resources is an important function of a commander. If confirmed, I will conduct an assessment and make recommendations to ensure that our resources match our mission. I will work to ensure that we create an organization which is as efficient as possible, with the right people, in the right locations, executing the right missions. As I review plans to draw down, I will be keenly focused on ensuring all of our forces—including Special Operations Forces—have the appropriate resources to effectively execute our two narrow missions.

AFGHAN LOCAL POLICE

Question. The Afghan Local Police (ALP) is supposed to provide security within villages and rural areas and the program was transitioned in mid-2015 to align more directly under the command and control of the Afghan Uniform Police. While the ALP has been assessed as critical to local security and counterterrorism efforts, the ALP has also been criticized as a source of human rights violations, corruption, and misuse by local power brokers.

What is your assessment of the effect of the ALP program on rural Afghan populations and what has been the response from the Taliban?

Answer. If confirmed, I will make a full assessment of this matter once I'm on the ground. However, based upon my current understanding the ALP are critical to the Afghan Government's counterinsurgency strategy. The ALP are intended to augment the ANDSF at the local level, and are recruited, vetted, and employed locally. The Taliban remain focused on targeting the ALP because they threaten insurgent access to the population and restrict insurgent freedom of movement. Although the ALP are not authorized to conduct law enforcement operations, they do have the authority to detain criminals and insurgents temporarily for transfer to the Afghan National Police or the Afghan National Army.

Question. What is your understanding of the commitment of the Government of Afghanistan to continue its support of the ALP program through 2016 and beyond?

Answer. I believe that the Afghan Government fully appreciates the benefit of ALP as it augments the ANDSF and extends local security. The MOI is committed to the ALP, and we are committed to helping the MOI ensure the ALP are properly vetted, trained, and equipped. The investment made in the ALP now will pay security dividends in 2016 and beyond.

Question. If this program continues beyond 2016, what is your understanding of the role, if any, that U.S. Special Operations Forces will play in supporting them?

Answer. If confirmed, I will make a full assessment of this matter once I'm on the ground. However, based upon my current understanding U.S. Special Operations Forces have a crucial role in training and equipping the ALP. Increasingly, the MOI is taking the lead in supporting the ALP, as we offer advising at the ministerial level. SOF is aiding the MOI in assessing the ALP, ensuring accountability and corruption reforms. Through these assessments, we expect the MOI to gain the training and experience they need to self-align their forces and continually eliminate corruption in their ranks.

Question. What steps are being taken to ensure the proper training, employment of the ALP and their accountability regarding potential human rights violations?

Answer. My understanding is that the MOI is making efforts to prevent untrained police by making training a prerequisite to receiving benefits. In addition, they are currently implementing an accountability system to ensure the ALP are properly employed; progress needs to be made on this front. The ANDSF and the ALP receive human rights and rule of law training. I understand that the Afghan Government has made some progress in prosecuting members of the ANDSF for human rights violations, ensuring their forces know that any violations of human rights is unacceptable.

Question. Recently, this Committee received testimony about troubling allegations concerning child sexual abuse by members of the ALP.

In your view, what is the appropriate role for a U.S. military commander who is working with the ALP, when that U.S. officer becomes aware of allegations of child abuse by members of the ALP?

Answer. If confirmed, I will ensure that all members of my command understand that they are to report all violations of human rights up the chain of command, guidance which has been strongly emphasized by General Campbell as well. Any child abuse allegations must be reported through the chain of command and provided to the Afghan Government so that it can conduct a criminal investigation. My understanding is that the Afghan Government leadership has said it will not tolerate such behavior by the ANDSF.

Question. If confirmed, what direction would you give to U.S. personnel assigned to your command who become aware of such allegations?

Answer. If confirmed, I will ensure all personnel in my command understand their responsibility to report allegations of abuse.

Question. Under what circumstances would you expect U.S. personnel under your command to intervene to stop such misconduct if they suspect it or observe it?

Answer. If confirmed, I will ensure all soldiers, sailors, airmen, marines and civilians in my command understand my expectation to report those engaged in illegal acts. If a U.S. servicemember chooses to intervene, such actions must take place within the boundaries of the law, just as would be expected anywhere.

AFGHAN PUBLIC PROTECTION FORCE

Question. The Afghan Public Protection Force (APPF) are continuing to assume security missions from Private Security Companies (PSCs) as directed by Afghan Presidential Decree #62 in August 2010. However, in August 2015, President Ghani signed Presidential Decree #66 which allows United States Forces, NATO, and their respective contractors to use PSCs.

What is your understanding of the impact of the Government of Afghanistan's decision regarding APPF and PSCs on the security of our military and civilian personnel in Afghanistan and the ability to accomplish their given missions?

Answer. The security of our military and civilians is at the forefront of everything we do. Our commanders on the ground, at the tactical and operational levels, constantly analyze their respective operational environments, building in risk mitigation strategies, and aligning their forces to accomplish their missions. If confirmed, I will work with the interagency and the Afghan Government to ensure private security contractors are able to support DOD and our contractors when necessary, particularly for DOD contracted logistic support to the ANDSF.

Question. If confirmed, what steps, if any, would you recommend for addressing any security concerns arising from decisions related to APPF and PSCs?

Answer. If confirmed, I will work with the interagency and the Afghan Government to ensure private security contractors are able to support DOD and our contractors when necessary, particularly for DOD contracted logistic support to the ANDSF.

PAKISTAN

Question. What is your assessment of the role and importance of Pakistan to the security situation in Afghanistan? In what areas do you think Pakistan could help improve the security situation in Afghanistan?

Answer. Pakistani military operations are critical to defeating the insurgency. Pakistan's ongoing counterterrorism operations in the Federally Administered Tribal Areas reduce the ability of militants to use Pakistani territory as a safe haven for terrorism and base of support for the insurgency in Afghanistan. Improved coordination between Pakistan and Afghanistan along their shared border remains important to sustaining the momentum of the coalition forces' counterterrorism operations and to improved border security. Pakistan also continues to publicly express a desire for reconciliation talks between the Taliban and Afghanistan. Pakistan must take persistent action against the Taliban, particularly the Haqqani Network. Pakistan's pressure on the Taliban combined with its support to the reconciliation process are mutually reinforcing, and when combined, will help reduce the violence in Afghanistan.

TALIBAN RECONCILIATION

Question. What is your understanding of the status of talks designed to bring about reconciliation between the Government of Afghanistan and members of the Taliban?

Answer. To the best of my understanding, it is an Afghan-led effort which was recently re-started with a quadrilateral meeting with Pakistan, the United States, and China in mid-January. There were talks last summer that included the Taliban, but they were stalled in late July with the announcement of Mullah Omar's death. Since then, the process has stalled as Mullah Mansour seeks to consolidate power and Afghanistan and Pakistan work on increasing their trust in each other's intentions. However, the recent quadrilateral talks were a great leap forward and should result in a road map for future talks.

These talks are encouraging; I see reconciliation as the path towards a negotiated settlement that brings about the end of conflict in Afghanistan.

Question. How does (1) the fracturing of the Taliban and (2) the emergence of ISIL affect the prospects for reconciliation between the Government of Afghanistan and members of the Taliban?

Answer. The emergence of IS in Afghanistan (ISKP) has disrupted Taliban operations and compounded their internal discord as the two groups fight each other and compete for resources. The ongoing internal friction over Mullah Mansour's succession of Mullah Omar as leader of the Taliban, along with other internal frictions, makes it difficult to assess the likelihood that a unified Taliban will be prepared to negotiate in the near future.

DOD-FUNDED COUNTERNARCOTICS EFFORTS IN AFGHANISTAN

Question. According to the United Nations Office of Drugs and Crime, drugs from Afghanistan account for more than 90 percent of the world's heroin trade.

As it relates to the drug trade in Afghanistan, what is your understanding of the role of the Commander of RSM and Commander of USFOR-A, respectively?

Answer. Even though the bulk of Afghanistan's heroin flows into Iran and Eastern Europe and very little, if any, reaches the United States Homeland, the drug trade remains a concern because it fuels corruption within the government and security forces and it funds Taliban operations. If confirmed, my roles as Commander, Resolute Support and Commander, United States Forces-Afghanistan are limited as it pertains to the counter-narcotics mission. My role would be to advise the President of Afghanistan and the Ministers of Defense and Interior, on how the Afghans can decisively combat the narcotics trade that fuels insecurity and corruption across Afghanistan.

Question. In your view, what role, if any, should the Department of Defense have within broader U.S. Government counternarcotics efforts?

Answer. Counternarcotics is primarily a law enforcement and justice function versus a military one. As such, the Department of Defense's role in broader U.S. Government counternarcotics efforts is primarily to enable or support law enforce-

ment agencies as appropriate, while limiting unilateral action to targets which are at the nexus of the drug trade and terrorism and are threats to U.S. vital national interests.

Question. What is your understanding of the nexus, between the drug trade and the various insurgent groups in Afghanistan? Is the nexus, in your view, sufficient to conclude that the drug trade is a primary source of funding for the insurgency?

Answer. There is a significant nexus between the drug trade and various insurgent groups in Afghanistan, many of whom continue to utilize the drug trade as a significant source of funding. Although the Taliban do not directly run the drug trade in the North and East they do effectively run the networks in the South, and certainly continue to benefit from these significant ties, utilizing the narcotics as a major source of funding for the insurgency. Outside of the Taliban, other insurgent groups also make use of the same financial and logistical facilitators as the criminal drug trade.

COUNTER THREAT FINANCE ACTIVITIES IN AFGHANISTAN

Question. What is your assessment of the efforts by the United States Government to identify and counter the sources of financing for the insurgency in Afghanistan, including the financial networks of the Haqqanis?

Answer. I am not familiar with the financial actions completed against the Haqqani Network (HQN) since the network was designated a Foreign Terrorist Organization (FTO) by the U.S. Department of State in September 2012. However, threat finance is an important instrument with which to counter terrorist organizations, and if confirmed I will work to increase interagency collaboration to reduce the resources available to these groups.

Question. If confirmed, what changes, if any, would you recommend to enhance United States counter threat financing efforts in Afghanistan?

Answer. To safeguard United States interests in Afghanistan, we must maintain and improve our capacity to track and disrupt threat finances originating in Afghanistan, Pakistan, and from the Persian Gulf states. Future efforts need to be focused on targeting sources of terrorist funding and providing evidence to support criminal indictments and law enforcement prosecutions. If confirmed, I will review our level of integration across the interagency and with our foreign and institutional partners with the goal of maximizing cooperation and effectiveness in countering these activities and networks.

CONTRACT OVERSIGHT

Question. The Afghan Government has implemented a number of efforts to reduce the risk that contracting practices will be subject to corruption, which helps fuel the insurgency and undermines the legitimacy of the Afghan Government. These efforts include the establishment of the presidentially chaired National Procurement Commission to oversee all government contracts above the Afghani equivalent of \$300,000.

What is your assessment of the Afghan anti-corruption efforts and what additional steps, if any, do you believe should be taken to improve those efforts to ensure adequate oversight of contracts?

Answer. Corruption poses a strategic threat to the long-term stability of Afghanistan as it undermines security, government legitimacy, and prospects for economic development. President Ghani has made fighting corruption a main pillar of his administration taking personal interest and providing emphasis to tackling the problem. We must remain vigilant and continue to support efforts moving forward. Our train, advise, and assist efforts under the Resolute Support mission will continue to focus on effective investigation and prosecution of cases of corruption within the MOD and MOI. It is important to note, however, that most of the United States funds being provided for the ANDSF are actually executed through the United States Foreign Military Sales Systems, which helps builds the United States and Afghan partnership while providing complete accountability for those funds.

Question. Section 841 of the National Defense Authorization Act for Fiscal Year 2015 provided U.S. Central Command (CENTCOM) with new tools to avoid contracting with the enemy, as requested by the Department of Defense.

What is your understanding of the extent to which the new authorities authorized in section 841 have been implemented?

Answer. My understanding is that section 841 of the National Defense Authorization Act for Fiscal Year 2012 provided CENTCOM with new tools to avoid contracting with the enemy, as requested by the Department of Defense. This authority has been expanded in subsequent National Defense Authorization Acts. Task Force 2010 has continued to use 841 authorities in their proposals and has matured its

vendor vetting processes and fulfills the requirements that section 841 addresses. Vendor vetting has been implemented successfully to prevent contracting with the enemy.

Question. What role do you expect to play, if confirmed, in carrying out the authorities provided in section 841?

Answer. Section 841 of the National Defense Authorization Act for FY2012 prohibits contracting with the enemy in the CENTCOM theater of operations. If confirmed, I will uphold my responsibilities required under section 841, to include fulfilling reporting requirements, and will support the efforts of others, up and down my chain of command, in the execution of their duties.

Question. What are any lessons learned from use of this authority both within CENTCOM and for other Combatant Commands?

Answer. While section 841 has been an effective tool in preventing U.S. monetary support to the insurgency, there are two key lessons for other Combatant Commands worth noting. The first lesson is that Combatant Commands should place strong emphasis on thorough vendor vetting processes which, if implemented properly, preempt fraud and prevent contracting with the enemy. The second lesson has to do with the importance of coordination between the combatant command, the intelligence task force, and the Head of the Contracting Activity (HCA). Each of these links provides vital information on the second and third order effects of the program at both the operational and strategic levels.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. The Department has developed comprehensive policies and procedures to improve the prevention of and response to incidents of sexual assaults, including providing appropriate resources and care for victims of sexual assault.

What is your view of the steps taken to prevent and respond to sexual assaults in Afghanistan, including assaults by and against United States civilian and contractor personnel?

Answer. Victims of sexual assault need to be protected and receive timely access to appropriate treatment and services, regardless of their location. The current policy, education, training, and commander involvement at all levels ensure we're on the right course in eradicating this crime from our force, including all United States personnel in Afghanistan, whether military, government civilian, or contractor. If confirmed, I will ensure that if any deployed servicemember, civilian or contractor is assaulted, he or she will receive appropriate and responsive support and care. As importantly, I will do all I can to prevent incidents of sexual assault.

Question. What is your view of the adequacy of the training and resources in place in Afghanistan to investigate and respond to allegations of sexual assault?

Answer. The Services recently enhanced their resources for investigating and responding to allegations of sexual assault. Combat zones and other overseas environments present special challenges that require coordination to ensure we are applying those resources effectively and efficiently. If confirmed, I will review our sexual assault prevention and response program to ensure it meets the needs of our deployed servicemembers and commanders; that resources are appropriately provided so that reports of sexual assault are fully investigated and commanders are fully capable of appropriately adjudicating allegations of sexual assault; and I will ensure deployed victims have full access to treatment and victim care services.

Question. Do you consider the current sexual assault policies and procedures, particularly those on restricted reporting, to be effective?

Answer. The Department has put considerable effort into the development of policies and procedures designed to address sexual assault and improve reporting. The Department goal is a culture free of sexual assault, through an environment of prevention, education, training, response capability, victim support, reporting procedures and appropriate accountability that enhances the safety and well-being of all persons. After learning some victims were choosing to forego support services rather than initiate an investigation, the Department offered the restricted reporting option. Offering restricted and unrestricted reporting provides a means to protect a victim's privacy while also providing access to medical care and support services.

Question. What is your understanding of the adequacy of the resources and programs in Afghanistan to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. Victims of sexual assault need to be protected and receive timely access to appropriate treatment and services, regardless of their location. My understanding is that the current policy, education, training, and commander involvement at all levels ensure we're on the right course in eradicating this crime from our force, including all United States personnel in Afghanistan, whether military, gov-

ernment civilian, or contractor. Requirements vary across the Services, but my understanding is currently, all units in Afghanistan are required to provide Sexual Assault Victim Advocates down to the battalion level and there is a Victim Counsel at the Bagram Legal Office. If confirmed, I will ensure that if any deployed service-member, civilian or contractor is assaulted, he or she will receive appropriate and responsive support, care, and legal assistance. As importantly, I will do all I can to prevent incidents of sexual assault.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command to determine whether allegations of sexual assault should be prosecuted?

Answer. Removal of the commander's authority to prosecute sexual assault removes a key mechanism to respond to the needs of soldiers within the command, especially the victims. The commander's role in the military justice system is simply essential. The commander is responsible for good order, discipline, health and morale and welfare of the force. And the commander needs the ability to take timely and appropriate action, locally and visibly, which impacts the overall discipline of the force. Particularly in a deployed environment, adding a complex, external approval process for appropriate action will impede the commander's ability to deal swiftly and fairly with investigated incidents of sexual assault, and consequently impede the commander's ability to protect victims and prevent further assaults.

Question. If confirmed, what actions will you take to reassess current policies, procedures and programs and to ensure senior level direction and oversight of efforts to prevent and respond to sexual assaults in Afghanistan?

Answer. If confirmed, as part of my assessment, I will ensure that all commanders in theater evaluate the sexual assault prevention and response capabilities for their areas of responsibility. Further, this assessment will solicit feedback from those below commander-level to ensure we create an atmosphere which aims to eliminate assault.

STANDARDS FOR TREATMENT OF DETAINEES

Question. Section 1403 of the National Defense Authorization Act for Fiscal Year 2006 provides that no individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location shall be subject to cruel, inhuman, or degrading treatment or punishment.

If confirmed, will you take steps to ensure that all relevant Department of Defense directives, regulations, policies, practices, and procedures applicable to United States forces in Afghanistan fully comply with the requirements of section 1403 and with Common Article 3 of the Geneva Conventions?

Answer. Yes, if confirmed, I will ensure that United States forces in Afghanistan fully comply with all relevant provisions of Department of Defense directives, regulations, policies, practices, and procedures applicable to United States forces in Afghanistan, and that they fully comply with the requirements of section 1403 of the Detainee Treatment Act of 2005 and with Common Article 3 of the Geneva Conventions. Conducting detention operations in the most humane manner possible remains a strategic component of our campaign that directly reflects upon our nation's values and the ideals we espouse to our Afghan counterparts.

Question. How would you ensure a climate that not only discourages the abuse of detainees, but that encourages the reporting of abuse?

Answer. I believe that engaged and active leadership grounded in the requirements of Common Article 3 of the Geneva Convention and DOD Directive 2310.01E is required for the secure and humane care, custody and control of detainees. If confirmed, I will ensure these elements remain the cornerstone of U.S. Law of Armed Conflict detainee operations. I will also reinforce the obligation to prevent abuse and the duty to report abuse as non-negotiable elements in our guard force training and ensure all detainees are informed of their rights upon entry into the detention facility, to include their right to report any type of abuse free from retribution. The use of medical providers to screen for signs of abuse, and the integration of a robust self-assessment program bolstered by external assessments from the International Committee of the Red Cross/Red Crescent further creates an open and transparent command climate fused with timely feedback. Finally, if confirmed, I will ensure my command team has internalized their professional responsibility to track and investigate any allegations of abuse and take swift action when appropriate. Furthermore, we will continue to assist the Afghan National Army in developing their detainee abuse reporting systems.

Question. What is your understanding of the agreement between the United States and Afghanistan regarding detainees in Afghanistan?

Answer. In accordance with the Bilateral Security Agreement, United States Forces will not arrest or imprison Afghan nationals or operate or maintain detention facilities. However, the Afghan Government continues to operate the Afghan National Detention Facility at Parwan as part of a National Security Justice Center. United States Forces will retain the ability to expeditiously transfer dangerous insurgents who may be captured in self-defense situations to this secure location for investigation, prosecution, and possible incarceration by Afghan authorities in accordance with Afghan criminal law.

PRISONER EXCHANGE FOR SERGEANT BERGDAHL

Question. What are your concerns, if any, on the potential return of the five Afghan Taliban detainees, exchanged for the release of Sergeant Bergdahl, to Afghanistan?

Answer. My intent is to monitor any developments and provide support to our interagency partners who have responsibility for this issue, as needed. If confirmed, I will assess this issue and will gladly provide a more detailed response in a closed hearing due to the sensitive nature of this topic.

Question. If they are returned to Afghanistan, how should their potential threat to the security and stability of Afghanistan be addressed?

Answer. We will continue to watch for any indication that these individuals, or any other former detainees, have returned to their previous activities. I know that RS Headquarters is in close contact with the agencies handling their situation. We will also work closely with the Afghan Government to understand their plans to mitigate and address potential security concerns posed by former detainees. We will take appropriate action to counter any activity that poses a threat to United States or Afghan interests. Again, if confirmed, I would gladly return to provide a more in-depth assessment of this situation in a closed forum.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the RSM Commander/Commander, USFOR-A?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

CONTRACTOR SUPPORT OF OPERATION FREEDOM'S SENTINEL

1. Senator INHOFE. LTG Nicholson, a Special Inspector General for Afghanistan Reconstruction (SIGAR) report from 2013 said that the Government of Afghanistan has levied nearly a billion dollars in business taxes on contractors supporting United States efforts in Afghanistan in contradiction to agreements exempting them from these taxes. Contractors have reported that this remains a problem, including for past, wrongly issued, tax bills, and is impacting their ability to fulfill commitments to the United States in Afghanistan. Among the concerns they have raised is: the harassment of their employees, the Afghan Government's refusal to provide visas or necessary licenses, and the Afghan Government putting contractors on no-fly lists unless the contractors pay all or part of the sums in question. As most of

these contracts are in support of Operation Freedom's Sentinel (OFS), if confirmed, will you commit to provide oversight for contractors supporting ORS and aid in curbing corruption detrimental to American efforts in Afghanistan?

LTG NICHOLSON. Yes, if confirmed I will commit to providing oversight for DOD contractors that are working in Afghanistan and to ensuring that protections agreed to under the United States-Afghanistan Bilateral Security Agreement are enforced. Contractors are significant to our success in Afghanistan.

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS

2. Senator AYOTTE. LTG Nicholson, have you reviewed the transcript or video from the January 20, 2016 Senate Armed Services Readiness and Management Support Subcommittee hearing on the Task Force for Business and Stability Operations (TFBSO)?

LTG NICHOLSON. No.

3. Senator AYOTTE. LTG Nicholson, if not, will you commit to doing so before you assume command in Afghanistan?

LTG NICHOLSON. Yes.

4. Senator AYOTTE. LTG Nicholson, if confirmed, do you commit to ensuring that your command is fully transparent and cooperative with SIGAR as it conducts a full financial and performance audit of TFBSO?

LTG NICHOLSON. Yes. I will ensure my command fully cooperates with inquiries from all inspectors general, including SIGAR's audit of the former TFBSO.

WOMEN IN AFGHANISTAN

5. Senator AYOTTE. LTG Nicholson, based on your experience in Afghanistan, why is it valuable to have more Afghan women serving not only as police, but also in the Afghan National Army?

LTG NICHOLSON. Afghan women that serve as police and soldiers provide tremendous value to the enduring and sustainable security of Afghanistan. Integrating women into the Afghan security institutions denies militants the ability to exploit security gaps given by societal traditions. Furthermore, ANDSF can also preserve the dignity of Afghan women by ensuring female staff is available to conduct sensitive duties (searches, investigations, arrests). The presence of women in the security forces will also send a clear message to the Afghan people that their government is committed to equal rights and opportunities for all of its citizens.

Women have served in the Afghan National Police (ANP) since 1967, and right now make up approximately 1 percent of the ANDSF (both ANA and ANP). I look forward to seeing their contributions first hand if confirmed and working with the Ministry of Defense, the Ministry of Interior, and other national leadership, in further integrating women into all of the ANDSF.

6. Senator AYOTTE. LTG Nicholson, can you explain the unique and valuable capabilities that women can bring to the Afghan National Defense and Security Forces?

LTG NICHOLSON. The capabilities women bring are equal to their male counterparts. Additionally, they may provide better access to the civilian women population for information that might otherwise be unavailable to male ANP and ANA personnel. Including more females in the Afghan security forces provides oversight on the ASI/ANDSF to help safeguard Afghan women and children throughout society.

7. Senator AYOTTE. LTG Nicholson, if confirmed, do you commit to working with me to advance these important efforts?

LTG NICHOLSON. Yes. I will commit to ensuring that my command does all within its power to reinforce the values articulated in the Afghan Constitution, to include increasing the levels of women serving in the ANDSF.

NEVER CONTRACT WITH THE ENEMY

8. Senator AYOTTE. LTG Nicholson, in your responses to the advance policy questions, you comment on section 841 of the Fiscal Year 2015 National Defense Authorization Act (NDAA), the Never Contracting with the Enemy provision. Do you believe this has been a helpful tool in Afghanistan to ensure we don't contract with the enemy and that we are able to quickly terminate contracts when we discover that our enemies are benefiting from them?

LTG NICHOLSON. The “Never Contracting with the Enemy” provision has been very helpful to protect U.S. and coalition forces. It has aided in the identification of extremely high risk vendors and allowed us access to contractors’ records. The Afghan Government has shown interest in adopting a similar process after seeing the program’s success.

9. Senator AYOTTE. LTG Nicholson, you committed in your advance policy question responses to “fulfilling reporting requirements” associated with the Never Contracting with the Enemy provision. According to that provision, the next report is due on March 1 of this year. If confirmed, do you commit to doing all that you can to ensure that this report is submitted to this Committee on time and that it is complete?

LTG NICHOLSON. I am aware that USFOR–A continues to make recommendations to USCENTCOM on identifying vendors who are high risk to force protection. If confirmed, I commit to doing all that I can to ensure the accuracy and timeliness of the report due on 1 March.

10. Senator AYOTTE. LTG Nicholson, you note that for our efforts to continue to be successful, we must have strong coordination between the combatant command, the Intelligence Community, and contracting officials. Do you commit to making sure that coordination continues in Afghanistan and that they are aggressively and proactively examining contracting and sub-contracting networks to look for United States tax dollars being diverted to our enemies?

LTG NICHOLSON. Yes, if confirmed, I commit to ensuring my command does everything possible to discover if and where U.S. funds are being diverted to our enemies. This requires extensive coordination with USCENTCOM, the Intelligence Community, and all other U.S. Government entities that have roles to play.

11. Senator AYOTTE. LTG Nicholson, do you commit to keeping me and my staff updated on the implementation of section 841 and the activities of Task Force 2010?

LTG NICHOLSON. If confirmed, I commit to providing updated reports in accordance with section 841 of the NDAA to ensure U.S. taxpayer money is used consistent with the NDAA and related provisions of U.S. policy and law.

ATTRITION RATES

12. Senator AYOTTE. LTG Nicholson, what are the attrition rates in the Afghan National Defense and Security Forces (ANDSF)?

LTG NICHOLSON. Monthly ANDSF attrition rates have remained close to 2 percent for the last 2 years, however, they did increase over the second half of 2015.

13. Senator AYOTTE. LTG Nicholson, what can be done to improve attrition rates in the ANDSF?

LTG NICHOLSON. This issue is one which is multi-faceted and is of critical importance to resolve. The reasons most often cited for attrition are issues of leadership (understanding soldiers’ needs and requirements, compassion), training cycles (Operational Deployment Cycle effects on training tempo, leave, and rest), quality of life (soldiers’ comfort, entitlements, leave, facilities, and personal equipment), and morale and welfare (activities, recreation, leave transportation issues, education, self-improvement, and cohesiveness). If confirmed, I commit to working with the ANDSF to determine ways to decrease the attrition rates.

AL QAEDA LINGERING PRESENCE

14. Senator AYOTTE. LTG Nicholson, why is there a lingering al Qaeda threat there?

LTG NICHOLSON. Afghanistan faces a continuing threat from both the Afghan insurgency and other extremist networks. The Afghanistan-Pakistan border region still remains an extremist safe-haven housing various groups to include al Qaeda, the Haqqani Network, Tehrik-e-Taliban Pakistan, and the Islamic Movement of Uzbekistan. The Af-Pak region includes difficult terrain—human and geographic—providing opportunities for al Qaeda to exploit limited government capacity and sympathetic networks to continue a presence in the region.

The threat of al Qaeda remains in the Afghanistan and Pakistan region due to the long standing relationship between the Taliban and al Qaeda leadership. The Taliban government in Afghanistan harbored al Qaeda and allowed them to plan the 9/11 attacks. That relationship continues to this day. This past summer when Mullah Omar’s death became public, Ayman al-Zawahiri, the leader of al Qaeda announced his support for Mullah Mansour, the self-proclaimed Taliban leader.

PAKISTAN'S EFFORTS

15. Senator AYOTTE. LTG Nicholson, based on your experience in Afghanistan and your preparation for this hearing and this nomination, what is Pakistan specifically not doing against the Taliban and the Haqqani Network that it must do?

LTG NICHOLSON. Pakistan continues to conduct clearing operations that push the Taliban, Haqqani, and other insurgent and hostile forces from the border region, often into Afghanistan. We've seen increased Afghanistan and Pakistan dialogue, but we must encourage the two governments to work more closely together to address the security issues along their shared border. If confirmed, and once on the ground, I will carefully assess Pakistan's actions and impact on threat sanctuaries. As commander, you can expect me to seek all available joint, interagency, inter-governmental, and multi-national resources to assist Pakistan in rooting out insurgent and terrorist elements threatening the security and stability in Afghanistan. Pakistan publicly claims to be targeting all militants, not just anti-Pakistan groups. I will continue to press Pakistan to take action consistent with this pledge.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

AFGHAN SPECIAL IMMIGRANT VISA PROGRAM

16. Senator SHAHEEN. LTG Nicholson, last year General Campbell wrote a letter to Chairman McCain expressing his support for the Afghan Special Immigrant Visa (SIV) program and urging Congress to ensure its continuation. In the Fiscal Year 2016 NDAA, I included a provision to authorize an additional 3,000 SIVs. If confirmed will you support this program and do you believe Congress should authorize additional SIVs in fiscal year 2017, as necessary to ensure there are visas available for qualified applicants?

LTG NICHOLSON. Yes, if confirmed, I would support an extension of that program, if only to ensure that those Afghans, who often risked their lives and the well-being of their families, receive necessary protections and are recognized for their contribution to the United States military and diplomatic missions in Afghanistan.

However, I do believe that we would need to apply special consideration so as not to exacerbate the emigration problem currently facing Afghanistan, commonly called the "brain drain." I believe that young, educated Afghans will play critical roles in improving current conditions in Afghanistan and building a path for its future. Various sources indicate there may be as many as 30,000–50,000 Afghans fleeing the country per year. If we are going to take seriously the development of a vibrant economy and improved social systems as part of Afghanistan's future, we cannot be irresponsible in the level of support we give to those who are leaving.

[The nomination reference of Lieutenant General John W. Nicholson, Jr., USA follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 27, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

Lt. Gen. John W. Nicholson, Jr., 6582.

[The biographical sketch of Lieutenant General John W. Nicholson, Jr., USA, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LIEUTENANT GENERAL JOHN W. NICHOLSON, JR.

Education:

- Georgetown University—BA—History
- United States Military Academy— BS—No Major
- United States Army Command and General Staff College—MMAS—Advanced Military Studies
- National Defense University—MS—National Security and Strategic Studies

Military schools attended:

- Infantry Officer Basic and Advanced Courses
- United States Army Command and General Staff College
- School of Advanced Military Studies National War College

Foreign language(s):

None recorded

Promotions:

Dates of appointment	Promotions
2LT	26 May 82
1LT	26 Nov 83
CPT	1 Jan 86
MAJ	2 Sep 93
LTC	1 May 98
COL	1 Jun 03
BG	1 Aug 08
MG	2 Jun 11
LTG	23 Oct 14

Assignments and duties:

From	To	Assignments and Duties
Oct 14	Present	Commander, 3d Brigade Combat Team/Task Force Spartan, 10th Mountain Division (Light), Operation Enduring Freedom, Afghanistan.
Oct 12	Oct 14	Commanding General, 82d Airborne Division, Fort Bragg, North Carolina
Feb 12	Sep 12	Deputy Director, Joint Improvised Explosive Device Defeat Organization, Arlington, Virginia
Dec 10	Jan 12	Deputy Chief of Staff, Operations, International Security Assistance Force, Operation Enduring Freedom, Afghanistan
Sep 09	Dec 10	Director, Pakistan/Afghanistan Coordination Cell, Joint Staff, Washington, DC
Oct 08	Sep 09	Deputy Commander—Stabilization, Regional Command South, International Security Assistance Force, North Atlantic Treaty Organization, Operation Enduring Freedom, Afghanistan
Jun 07	Oct 08	Deputy Director for Operations, National Military Command Center, J-3, Joint Staff, Washington, DC
Aug 04	Aug 07	Commander, 3d Brigade Combat Team/Task Force Spartan, 10th Mountain Division (Light), Operation Enduring Freedom, Afghanistan
Aug 03	Jun 04	Student, National War College, Fort McNair, Washington, DC
Jun 02	Aug 03	Senior Military Assistant to the Secretary of the Army, Office of the Secretary of the Army, Washington, DC
Jun 01	May 02	Strategist, Initiatives Group, Office of the Chief of Staff, Army, Washington, DC
May 99	Jun 01	Commander, 1st Battalion, 23d Infantry, 3d Stryker Brigade Combat Team, 2d Infantry Division, Fort Lewis, Washington
Oct 96	Jul 97	Speechwriter for the Commander, Force, Bosnia-Herzegovina/Commander-in-Chief, United States Army Europe and Seventh Army, Germany
Jul 96	Oct 96	Special Assistant to the Commander-in-Chief, United Army Europe and Seventh Army, Germany
Jun 94	May 95	S-3, 1st Battalion, 26th Infantry, 1st Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany
Aug 92	May 94	Student, Command and General Staff Course, later School of Advanced Military Studies, United States Army Command and General Staff College, Fort Leavenworth, Kansas
Oct 90	Jun 92	Liaison Officer, later Commander, C Company, 2d Battalion, 75th Ranger Regiment, Fort Lewis, Washington
Aug 89	Aug 90	Aide-de-Camp to the Secretary of the Army, Office of the Secretary of the Army, Washington, DC
Mar 89	Aug 89	Assistant S-3, 2d Battalion, 75th Ranger Regiment, Fort Lewis, Washington
Jun 88	Nov 88	Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia
Jun 84	May 88	Brigade S-3 (Air), later Commander, A Company, 2d Battalion, 325th Infantry Regiment (Airborne) 2d Brigade, later Aide-de-Camp to the Commanding General, 82d Airborne Division, Fort Bragg, North Carolina

From	To	Assignments and Duties
Apr 83	Jun 84	Rifle Platoon Leader, later Executive Officer, A Company, later S-3 (Air), 2d Battalion, 325th Infantry Regiment (Airborne), 2d Brigade, 82d Airborne Division, Fort Bragg, North Carolina and Operation Urgent Fury, Grenada

Summary of joint duty assignments:

	Dates	Rank
Commander, Allied Land Command, North Atlantic Treaty Organization, Turkey	Oct 14–Present	Lieutenant General
Deputy Director, Joint Improvised Explosive Device Defeat Organization, Arlington, Virginia	Feb 12–Sep 12	Major General
Director, Pakistan/Afghanistan Coordination Cell, Joint Staff, Washington, DC	Sep 09Dec 10	Brigadier General
Deputy Director for Operations, National Military Command Center, J-3, Joint Staff, Washington, DC	Jun 07–Oct 08	Colonel/Brigadier General
Plans Officer, Plans and Policy Directorate, later Operations Officer, Policy Operations Division, George C. Marshall European Center for Security Studies, United States European Command, Germany	Jul 97–May 99	Major/Lieutenant Colonel

Summary of operational assignments:

	Dates	Rank
Deputy Chief of Staff, Operations, International Security Assistance Force, Operation Enduring Freedom, Afghanistan	Dec 10–Jan 12	Major General
Deputy Commander—Stabilization, Regional Command South, International Security Assistance Force, North Atlantic Treaty Organization, Operation Enduring Freedom, Afghanistan	Oct 08–Sep 09	Brigadier General
Commander, 3d Brigade Combat Team/Task Force Spartan, 10th Mountain Division (Light), Operation Enduring Freedom, Afghanistan	Feb 06–Jun 07	Colonel
Rifle Platoon Leader, A Company, 2d Battalion, 325th Infantry Regiment (Airborne), 2d Brigade, 82d Airborne Division, Operation Urgent Fury, Grenada	Oct 83–Nov 83	Second Lieutenant

U.S. decorations and badges:

Distinguished Service Medal
 Defense Superior Service Medal (with four Oak Leaf Clusters)
 Legion of Merit (with two Oak Leaf Clusters)
 Bronze Star Medal for Valor
 Bronze Star Medal
 Defense Meritorious Service Medal
 Meritorious Service Medal (with three Oak Leaf Clusters)
 Army Commendation Medal
 Army Achievement Medal (with Oak Leaf Cluster)
 Combat Infantryman Badge (with Star)
 Expert Infantryman Badge
 Master Parachutist Badge
 Ranger Tab
 Pathfinder Badge
 Joint Chiefs of Staff Identification Badge
 Army Staff Identification Badge

As of: 27 Jan 16

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lieutenant General John W. Nicholson, Jr., USA in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

John W. Nicholson, Jr.

Nickname: Mick.

2. **Position to which nominated:**

Commander, Resolute Support Mission, North Atlantic Treaty Organization Commander, United States Forces-Afghanistan.

3. **Date of nomination:**

January 27, 2016.

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

[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**

8 May 1957, Baltimore Maryland.

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married to Ms. Norine Agnes MacDonald, Q.C.

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Boy Scouts of America, former Assistant Scoutmaster.

Veterans of Foreign Wars, Member.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

N/A.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?
Yes.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN W. NICHOLSON, JR.

This 19th day of November, 2015

[The nomination of Lieutenant John W. Nicholson, Jr., USA was reported to the Senate by Chairman McCain on February 4, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 4, 2016.]

NOMINATIONS OF THE HONORABLE BRAD R. CARSON TO BE THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS; MS. JENNIFER M. O'CONNOR TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE; AND MR. TODD A. WEILER TO BE AN ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS

THURSDAY, FEBRUARY 25, 2016

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

The Committee met, pursuant to notice, at 9:32 a.m. in Room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Sessions, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Reed, Manchin, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning.

The Armed Services Committee meets this morning to consider the nominations of Mr. Brad Carson to be Under Secretary of Defense for Personnel and Readiness (P&R); Ms. Jennifer O'Connor to be General Counsel of the Department of Defense (DOD); and Mr. Todd Weiler to be Assistant Secretary of Defense for Manpower and Reserve Affairs.

We welcome all of you here this morning, as well as any members of your families. As is our tradition, at the beginning of your testimony, we welcome you to introduce any members of your family joining you this morning.

Mr. Carson, the Department of Defense recently announced two rounds of Force of the Future proposals. However, the Department has never provided this Committee any information whatsoever on these proposals.

I am informed that you are the main architect of the Force of the Future. As an individual who previously appeared before this Committee as a nominee to be the General Counsel of the Department of the Army and later as Under Secretary of the Army, your failure to provide information to this Committee stands in stark contrast

to the commitment you have previously made to provide witnesses and briefers in response to congressional requests. The Department has repeatedly ignored my requests for more details and refused to brief me or my staff. You will be expected to answer questions from the Committee today on the record.

Many of these Force of the Future proposals appear to be solutions in search of a problem. We are eager to learn what clearly identified problems you propose solving with your proposals, and of course, we want a full description of the background research, cost analysis, and analysis of the impact on military readiness that served as the foundation for the development of such proposals. I find it deeply disturbing that you are proposing to add expensive fringe benefits allegedly aimed at retention during a time when we are asking 3,000 excellent Army captains to leave the Service who would have otherwise chosen to remain on Active Duty.

From my perspective, this initiative has been an outrageous waste of official time and resources during a period of severe fiscal constraints. It illustrates the worst aspects of a bloated and inefficient defense organization. I look forward to your explanations and empirical data on this important issue.

Ms. O'Connor, the General Counsel of the Department of Defense is the chief legal officer and the advisor to the Secretary of Defense on matters involving our Nation's fighting forces. The enormous responsibility for this position is reflected in the names of those who have served as DOD General Counsel: Secretary Cyrus Vance, Paul Warnke, Jamie Gorelick, Judith Miller, William Haynes, Secretary Jeh Johnson, and most recently Stephen Preston. These individuals and others who served in this key position brought a depth of legal judgment and experience in national security.

This is a position where, if confirmed, you must be the voice of authority for a range of issues with serious national and international implications, ranging from our Nation's freedom to navigate wherever and whenever needed, our ability to fight and win using legal authorities ranging from rules of engagement to authorizations for the use of military force, and our responsibility to provide secure and humane detention of unlawful combatants. I hope you have come prepared to address how you would approach these pressing issues today.

Mr. Weiler, you are nominated for a newly created position within the Department of Defense as a result of a reorganization for the Under Secretary of Defense for Personnel and Readiness. As this is a new office, we are interested to hear how you envision this position fitting into the broader Department of Defense organizational structure and what role this office will play in managing DOD personnel.

Again, I thank the witnesses for their willingness to serve and look forward to hearing their testimonies.

Senator Reed?

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. I join you in welcoming our nominees, and I thank you for holding this hearing to fill important civilian vacancies in the Department of Defense, all of which directly or indirectly impact our service men and

women and the civilian workforce of the Department. The positions for which these individuals have been nominated involve significant and challenging duties.

Mr. Carson, who has been nominated for the position of Under Secretary of Defense for Personnel and Readiness, has significant experience in the private sector and government that should prepare him for this position, including service as the General Counsel of the Army and the Under Secretary of the Army. Mr. Carson is a Rhodes Scholar who served on Active Duty in the Navy as recently as 2009 when he was deployed to Iraq.

Ms. O'Connor, nominated as the next General Counsel of the Department of Defense, is currently serving as a Deputy General Counsel for the Department, giving here significant insight into the legal challenges the Department faces. Prior to that, she was Deputy White House Counsel where she worked with attorneys from the Department of Defense and other Federal agencies on a wide variety of legal issues. Ms. O'Connor has extensive service in government and in the private sector, all of which will serve her well as DOD General Counsel. The DOD General Counsel is the primary legal advisor to the Secretary of Defense, and as such, it is extremely important that this position be filled as soon as possible.

Mr. Weiler, nominated to be the first Assistant Secretary of Defense for Manpower and Reserve Affairs since the position was recognized in the 2015 National Defense Authorization Act (NDAA), also brings significant government and private sector experience that will serve him well in this new position. Mr. Weiler is an Army combat veteran, serving in the Gulf War prior to serving as a Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs in the Clinton administration. For the past 16 years, Mr. Weiler has worked in the private sector, but has continued his involvement with wounded warrior and suicide prevention programs, which will also serve him well in this new position.

Again, I thank you, Mr. Chairman, for holding this hearing. I look forward to hearing from our witnesses.

Chairman MCCAIN. Thank you.

These are standard questions that are asked of all civilian nominations, and I would appreciate it if in response to these questions that you would answer "yes" or "no" or "I will" or "won't."

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Have you adhered to applicable laws and regulations governing conflicts of interest?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify, upon request, before this Committee?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communications, in a timely manner when requested by a duly constituted committee or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. CARSON. Yes.

Ms. O'CONNOR. Yes.

Mr. WEILER. Yes.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Mr. CARSON. No.

Ms. O'CONNOR. No.

Mr. WEILER. No, sir.

Chairman MCCAIN. Mr. Carson, in your response to advance policy questions from this Committee, you state you were not serving in violation of the Federal Vacancies Reform Act. You have now indicated that you did not take any action that would appear to presume the outcome of the confirmation process. I disagree.

For the record, on November 30th, 2015, I notified President Obama by letter that Mr. Carson's appointment as the Acting Under Secretary of Defense for Personnel and Readiness violated the Federal Vacancies Reform Act of 1998. Without objection, a copy of that letter will be included in the record of this hearing.

[The information referred to follows:]

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United States Senate
 COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20510-6050

November 30, 2015

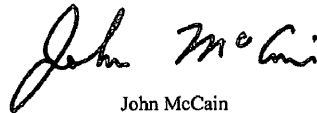
President Barack Obama
 The White House
 1600 Pennsylvania Avenue, N.W.
 Washington, D.C. 20500

Dear Mr. President,

It has come to my attention that your nominee for the Undersecretary of Defense for Personnel and Readiness, Mr. Brad Carson, and for Secretary of the Army, Mr. Eric Fanning, are serving in acting capacities in those positions, in direct violation of the Federal Vacancies Reform Act of 1998 (FVRA). Indeed, in a nearly identical case, the D.C. Circuit Court of Appeals affirmed in August that a nominee who serves in an acting capacity while being the nominee for that office is serving in violation of the law.

As Chairman of the Senate Armed Services Committee, I will not hold a confirmation hearing for any nominee whose current status violates the law. I respectfully request that you take such action as you may deem appropriate to correct this violation of the law, and to inform this Committee of your Administration's proposed actions with regard to any actions taken by Mr. Carson or Mr. Fanning in an acting capacity. I further request that you ensure that no officials of the Department of Defense or the military departments be appointed in an acting capacity in violation of the law.

Sincerely,



John McCain
 Chairman

CC: The Honorable Ashton Carter, Secretary of Defense

Chairman MCCAIN. The law in this area is well established. Last August, the United States Circuit Court of Appeals for the District of Columbia in the case *SW General, Inc. v. National Labor Relations Board* ruled that the Federal Vacancies Reform Act applies to all acting officers and that an acting officer serves in violation of the Federal Vacancies Reform Act when he or she occupies an acting position while being nominated for that position.

The court further ruled that actions taken by any person who is not acting in compliance with the Federal Vacancies Reform Act shall have no force or effect and may not be ratified.

As the court noted, advice and consent is more than a matter of etiquette or protocol. It is a structural safeguard intended to curb executive abuses of power and to promote a judicious choice of persons for filling the choices of the union.

Without objection, a copy of that decision will be included in the record.

[The information referred to follows:]

Please see the Appendix on page 282.

Chairman MCCAIN. Just this last week, the Inspector General of the Office of Personnel Management (OPM) notified the President's Acting Director of OPM, Beth Cobert, that she too was serving in an acting capacity in violation of the Federal Vacancies Reform Act, citing that same DC Circuit case.

Following the decision of the DC Circuit Court, it appears that Mr. Carson's service as the Acting Under Secretary of Defense for Personnel and Readiness from on or about July 8, 2015 violated the Federal Vacancies Reform Act. If so, all actions you took, Mr. Carson, while serving in that acting position are null and void and may be subject to legal challenge in the Federal courts.

In my letter to the President last November, I requested that the Committee be informed of the administration's proposed actions with regard to any actions taken by Mr. Carson while serving in an acting capacity. As of today's hearing, the administration has not provided that requested information.

You currently serve as Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness, a position you have held since you were appointed by the President on January 5, 2016. According to the official Department of Defense website, "The Principal Deputy Under Secretary of Defense for Personnel and Readiness is delegated full power and authority to act for the Under Secretary of Defense for Personnel and Readiness and exercise the powers of the Under Secretary of Defense for Personnel and Readiness on any and all matters that the Under Secretary of Defense for Personnel and Readiness is authorized to act, except in those areas where delegation of the Under Secretary of Defense for Personnel and Readiness' authority is otherwise restricted by a higher authority or prohibited by law."

I am not convinced that your initial Vacancies Act violation is remedied by moving to another acting position in which you exercised all the authority and powers of the original vacant position.

This Committee takes with the utmost seriousness the Senate's constitutional duty to give advice and consent on presidential nominations. In recognition of that constitutional duty, recent administrations have issued guidance to nominees on the actions they must avoid. If followed, that guidance allows nominees to prepare for the important duties and responsibilities that they will undertake, if confirmed by the Senate. Nominees disregard that guidance at the peril of presuming confirmation.

The Department of Defense Office of General Counsel issued a memorandum for prospective nominees for Senate confirmed presidential appointments in the Department of Defense on January 15, 2009. The memo identifies 10 specific problems to avoid.

Without objection, a copy of that memo will be included in the record.

[The information referred to follows:]



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1800 DEFENSE PENTAGON
WASHINGTON, DC 20301-1800

JAN 15 2009

**MEMORANDUM FOR PROSPECTIVE NOMINEES FOR SENATE-CONFIRMED
PRESIDENTIAL APPOINTMENTS IN THE DEPARTMENT
OF DEFENSE**

SUBJECT: Guidelines on Activities Prior to Confirmation

During the period after you have been identified as a potential nominee for a Senate-confirmed Presidential appointment (PAS), but before you are confirmed by the Senate, there is a natural tendency to get into the job as soon as possible. Unfortunately, in the past, some nominees in their eagerness to start have acted in a manner that the Senate views as "presuming confirmation." Over time, the Senate Armed Services Committee has identified specific activities, listed below, that it considers to "presume confirmation." The basic principle is that until you are confirmed, you must act in a manner consistent with your role, which is limited to preparing for your new duties and responsibilities. You must avoid acting or appearing as if you had already been confirmed.

An individual may be employed as an advisor or counselor to the Secretary prior to announcement, nomination, and confirmation, but after being selected as a potential nominee. (In this Department, such advisors will be employed as consultants (special Government employees).)

The advisor/counselor must:

- act in a manner consistent with that of an advisor preparing for additional duties and responsibilities and not presume any authority that could come only as a result of Senate confirmation and appointment by the President. For example, do not use the office space, dining facilities, etc., that are available only to a confirmed appointee in that position.
- comply with all applicable ethics rules.

The advisor/counselor may:

- consult within the Department on current policy topics, receive briefings, and become familiar with relevant issues related to the duties he or she may be confirmed to undertake.
- offer informed advisory views on policy issues, but on a strictly informal basis related to the duties he or she may be confirmed to undertake.

The advisor/counselor must not:

- serve as an official Department representative in meetings or on travel.
- have access to classified materials until a security clearance is issued.
- sign any documents that give the appearance of having assumed official duties or take any other actions that give the appearance of issuing authoritative guidance. For example, the advisor must not originate an action, receive routing of official actions of the Department, or approve/disapprove any actions of the Department. However, consistent with his or her security clearance, the advisor may receive information copies of action proposals and other official memoranda.



- undertake to hire, transfer, or terminate members of a potential future organization, or otherwise reorganize its management. It is not permissible to interview applicants or to advise officials on personnel and organizational issues.
- use the term "designate" in connection with a presumptive title prior to formal nomination by the President (e.g., "Assistant Secretary of Defense-Designate").
- meet with anyone outside the Department concerning the business of the Department unless accompanied by a "responsible official" of the Department who can speak for the Department. The limited role as a consultant to the Department, and not an official of the Department, should be made clear.
- represent or speak for a component of the Department, or a prospective component, in a meeting within the Department.
- meet or speak with the press, other than in connection with the confirmation process, and then only after consultation with the Public Affairs Office.
- give speeches or make any appearance outside the Department on any issue relating to the business of the Department.
- attend a meeting with a contractor, a foreign official, or an interest group, unless the advisor or consultant has the express permission of the Secretary of Defense and is accompanied by a "responsible official" who can speak for the Department.

If you have questions or seek guidance on specific events, please do not hesitate to contact me at (703) 697-6028, or the Standards of Conduct Office at (703) 695-3422.


Daniel J. Dell'Orto
Principal Deputy General Counsel

Chairman MCCAIN. That memo stipulates that, "Until you are confirmed, you must act in a manner consistent with your roles, which is limited to preparing for your new duties and responsibilities."

The committee notes for the record that in addition to the general prohibition on appearing to presume confirmation, your actions, as described in your response to the Committee's advance policy questions, suggest you have violated nearly all of those principles. You have hired staff as special assistants. You have represented the Department with outside organizations, think tanks, Federal labor unions, foreign military officials, and the media. Therefore, your conduct during the period you were serving as Acting Under Secretary of Defense and your continued conduct while serving as Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness, as described on the official DOD web and by your conduct, is contrary to the guidance of the DOD General Counsel memo and is inconsistent with the time-honored principle that presidential nominees must not presume Senate confirmation.

Senator Reed, do you have any comments or questions?

Senator REED. Mr. Chairman, my only comment is that you have raised significant issues, which is the purpose of this hearing to allow the witnesses to respond to those issues.

Thank you, Mr. Chairman.

Chairman MCCAIN. Thank you.

In the opinion of the chair, the nominee has not adequately addressed the violations of the Federal Vacancies Reform Act identified in my letter to the President or in the advance policy question responses.

Further, it appears the nominee has presumed confirmation against the sound guidance by the DOD General Counsel and contrary to the independent constitutional authority of the Senate to give advice and consent prior to confirming a presidential nomination.

The Committee will give due consideration to these matters.

Mr. Carson, you may comment on these matters and you may proceed with your opening statement. Mr. Carson?

STATEMENT OF HONORABLE BRAD R. CARSON TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

Mr. CARSON. Thank you, Senator McCain, Senator Reed. Thank you for holding the hearing.

This is, as you mentioned, my third appearance in 4 years, as I have been nominated to various positions at the Department of Defense.

I can tell you have many questions for me. I will forego a more formal opening statement and submit that for the record.

If I may just say a few words of thanks, first to President Obama for nominating me to this position; to Secretary Ash Carter for placing his faith in me; to the people in the Army. I tried to contribute as much as I could to the U.S. Army in two jobs there, but I took much more from them. I leave those positions with an awe for their sacrifice and for their service.

To the great people at Personnel and Readiness, whom I have had a chance to serve alongside with now for 9 months, they have one of the largest, most controversial, most important portfolios in the Department of Defense, if not the entire government. I am honored to work alongside them.

Finally to my wife behind me, who has been a fellow traveler in many adventures. I am grateful to her as well.

I look forward to your questions.

[The prepared statement of Mr. Carson follows:]

PREPARED STATEMENT BY HONORABLE BRAD R. CARSON

Chairman McCain, Ranking Member Reed, distinguished Members of the Committee, thank you for having me here today.

I would like to thank President Obama for nominating me to this position and to Secretary Carter for his support of my nomination. It's been a great professional pleasure of mine to have served as the Under Secretary of the Army for 16 months under Secretary of the Army, John McHugh. I looked up to the example he had set. But my greatest motivation were the soldiers I worked with, day in and day out, devoting their lives to the betterment of our nation.

I have many friends here today from the Office of the Secretary of Defense for Personnel and Readiness, and from across the Pentagon, and I am grateful to be part of their team.

Of course, behind me is my wife Julie, who is an attorney herself, and has sacrificed so much as I have pursued my own career, often at the expense of the things that she would have done for her own professional development. I am so very grateful to her.

The Department of Defense is an amazing place, filled with extraordinary people, both military and civilian. People who risk their lives, on and off the battlefield, to ensure that our Nation is safe, and that our citizens can sleep soundly at night. This is no small feat, and it deserves our recognition and support. And that is exactly what I will do if I am confirmed. There are many issues facing our young people today, and wondering if a career in the military shouldn't be one of them. Our Department should be the first stop for the best and brightest our country has to offer. For decades, we have managed to attract just these people, the tip of the spear, and we must continue doing all we can to ensure that they will always look to service first.

I think my background in law, politics, higher education and business have well prepared me to be the Under Secretary of Defense for Personnel and Readiness. One thing I can assure the Committee is that if I am confirmed I won't forget the example of those people I've mentioned and I will do my best to acquit myself in their honor.

I look forward to your questions.

Chairman MCCAIN. You do not wish to respond to my comments.

Mr. CARSON. Sir, I would simply say this. I never asked to be the Acting Under Secretary of Defense for Personnel and Readiness. I was the Under Secretary of the Army, a terrific job. When Secretary Carter came to me and asked if I would take this job to be, I think, the ninth person over the last 7 years to hold the difficult job, at that time, the orthodox interpretation of the Vacancies Act was such that there was no legal question at all about my appointment as Acting Under Secretary.

When we received your letter, I was subsequently asked to resign the position of Acting Under Secretary of Defense, which I did. I became the Acting Principal Deputy. Every act I have taken since then is consistent with the role of the Acting Principal Deputy.

In no way have I presumed confirmation. No statement of mine will ever be found that suggests that, and no action of mine will state to that effect either.

Chairman MCCAIN. Thank you.

Do you wish to introduce any of your family members?

Mr. CARSON. My wife Julie, who is right behind me.

Chairman MCCAIN. Welcome.

Ms. O'Connor?

STATEMENT OF MS. JENNIFER M. O'CONNOR TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Ms. O'CONNOR. Thank you, Mr. Chairman, Ranking Member Reed, and Members of the Committee. It is a great honor to appear before you today as the nominee to be the General Counsel of the Defense Department.

I would not be here but for the dedication and support of my family and my colleagues. In particular, I want to thank my wonderful husband David and my children, Ian and Dylan, both of whom are here.

Chairman MCCAIN. Welcome.

Ms. O'CONNOR. Thank you.

I also want to thank and introduce my father, Austin O'Connor, and his wife Miebeth. He is a former enlisted Army MP [Military Police] and he is here today as well.

Chairman MCCAIN. Welcome.

Ms. O'CONNOR. I am also grateful for the confidence placed in me by President Obama and Secretary Carter and for their support of my nomination.

If confirmed, I will pledge my continued personal commitment to the rule of law. I will work to ensure that the Department remains in full compliance with all applicable law, and I will also pledge to keep in mind the importance of protecting our country from national security threats and always to work to help define lawful paths to support our military and civilian personnel as they work to achieve our mission objectives.

Following the Secretary's lead, I will pledge my best efforts to ensure that the Armed Services Committee are kept properly informed in furtherance of your critical oversight responsibilities.

Finally and most important, as General Counsel, I pledge to serve the people who serve us, the fine men and women of the U.S. Armed Forces and the civilian personnel who support their mission. As the daughter, niece, and cousin of seven former servicemembers, who span the Army, Navy, Air Force, and Marine Corps, I have long been inspired by their commitment to this country, and having worked closely with our men and women in uniform over the past months as the Deputy General Counsel at the Department, I am honored to continue serving them as the General Counsel of the Department.

If confirmed, I will make every effort to live up to the confidence placed in me, and I want to thank you for the opportunity to be heard today. I also want to wish a speedy recovery to Senator McCaskill. I look forward to your questions.

[The prepared statement of Ms. O'Connor follows:]

PREPARED STATEMENT BY MS. JENNIFER M. O'CONNOR

Thank you, Mr. Chairman, Ranking Member Reed, and Members of the Committee. It is a great honor to appear before the Committee today as the nominee to be General Counsel of the Department of Defense.

I would not be here but for the dedication and support of my family and colleagues. In particular, I want to thank my wonderful husband, David, and my children, Ian and Dylan, who are here today. I also want to thank and introduce my father, Austin, a former enlisted Army MP, who is here, with his wife Miebeth. I am also grateful for the confidence placed in me by President Obama and Secretary Carter and for their support of my nomination.

If confirmed, I will pledge my continued personal commitment to the rule of law. I will work to ensure that the Department remains in full compliance with all applicable law. I will also pledge always to keep in mind the importance of protecting our country from threats to national security and will work to help find lawful paths to support our military and civilian personnel as they work to achieve our mission objectives. Following the Secretary's lead, I will pledge my best efforts to ensure that the Armed Services Committees are kept properly informed, in furtherance of their critical oversight responsibilities. Finally and most important, as General Counsel, I will pledge to serve the people who serve us, the fine men and women of the U.S. Armed Forces, and the civilian personnel who support their mission. As the daughter, niece and cousin to seven former servicemembers spanning the Army, Navy, Air Force and Marine Corps, I have long been inspired by their commitment to this great country. Having worked closely with many of our men and women in uniform over the past several months as a Deputy General Counsel at the Department of Defense, I am honored to be considered to continue serving them as General Counsel.

If confirmed, I will make every effort to live up to the confidence placed in me. I want to thank you again for this opportunity to be heard, and I look forward to your questions.

Chairman MCCAIN. Mr. Weiler?

**STATEMENT OF MR. TODD A. WEILER TO BE AN ASSISTANT
SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE
AFFAIRS**

Mr. WEILER. Chairman McCain, Ranking Member Reed, and distinguished Members of the Committee, I am honored to be here today as the President's nominee for the Assistant Secretary of Defense for Manpower and Reserve Affairs (M&RA).

If confirmed, I look forward to working with you and your staffs on the challenging issues that face the Department in this year and set a pathway forward for future M&RAs.

I would like to begin by thanking my family, friends, and colleagues that are here today. They are the backbone to my success in and out of government service, beginning with my spouse, while unable to be here, and certainly been my rock for over 8 years and demonstrates every day the perseverance and strength of character needed for strong family and a successful career.

I would also like to recognize someone else that is not here. In my last year of college and only months before I was commissioned in the Army, my mother passed. But I know that she would be very proud of her three boys. She taught us the importance of selfless and altruistic service.

I am pleased to be joined here today by my younger brother, Dana and his wife, Angel. He serves with the FAA [Federal Aviation Administration] and recently transferred to DC from Oklahoma. They are a light for so many as they have set the example by demonstrating courage and determination in life that comes from facing struggle and sacrifice.

All of these folks, family and friends, set the example of compassion and caring that I hope to bring to this position.

If confirmed, I commit to bring the lessons that I have learned from government and private sector service to the M&RA family. I commit to enter each day with a constant ear to the voices of our servicemembers and their families. I realize that this is a new position and that it has great challenges from total force personnel policy changes to benefit adjustments, efficiencies, and continued mobilizations. These are the challenges that I will not shrink from but will face each day with a determination and resolve to improve the Department while maintaining compassion for its people.

It has been many years since I served in the Army and later as a Deputy Assistant Secretary to that Service, but I look forward to bringing that experience and a diverse background in government service, entrepreneurial commercial leadership, and nonprofit advocacy to the issues that face our servicemembers and their families. I have always remembered from my entry into the Army mission first, people always.

I thank you for this humbling opportunity, and I look forward to your questions.

[The prepared statement of Mr. Weiler follows:]

PREPARED STATEMENT BY MR. TODD A. WEILER

Mr. Chairman, Senator Reed, and distinguished Members of the Committee, I am honored to be here today as the President's nominee for Assistant Secretary of Defense for Manpower and Reserve Affairs. If confirmed, I look forward to working

with you and your staffs on the challenging issues facing the Department in this year and setting a pathway forward for future M&RA's.

I would like to begin by thanking my family, friends and colleagues that are here today. They are the backbone to my success in and out of government service. Beginning with my spouse who cannot be here today due to a new job, but is certainly my rock for over 8 years and demonstrates everyday the perseverance and strength of character needed for a strong family and successful career. I would like to recognize someone else that is not here. In my last year of college and only months before I was commissioned in the Army, my Mother passed, but I know that she would be very proud of her three sons. She taught us the importance of selfless and altruistic service. My older brother, Jeff, who served in the Air Force and is now in the oil and gas industry joins his wife, Allison, in their church in Texas every week to help the needy and make life just a little better for folks. My brother, Dana Mitchell, his wife, Angel are with me today and recently transferred with the FAA to DC from Oklahoma. Everyone that meets them speaks of their charm and just plain downhome niceness that is so refreshing. They are a light for so many as they have demonstrated the strength that comes from struggle and sacrifice. (if present) And Senator Inhofe, I know that Angel looks forward to saying hello to you again, if you are available. All of these folks, family and friends set the example of compassion and caring that I hope to bring to this position.

If confirmed, I commit to bring the lessons taught by my Mother and exemplified by my family to the M&RA family. I commit to enter each day with a constant ear to the voices of our servicemembers and their families. I realize that this is a new position with great challenges, from Total Force personnel policy changes to benefit adjustments, efficiencies and continued mobilizations. These are challenges that I will not shrink from, but will face each day with the determination and resolve to improve the Department, while maintaining the compassion for its people. It has been many years since I served in the Army and later as a Deputy Assistant Secretary to that Service, but I look forward to bringing that experience and a diverse background in government service, entrepreneurial commercial leadership and non-profit advocacy to the issues that face our servicemembers and their families. I have always remembered from my entry in the Army and will follow: Mission First, People Always.

I thank you for this humbling opportunity and look forward to answering your questions.

Chairman MCCAIN. Thank you very much, Mr. Weiler.

Mr. Carson, you briefed the media, Federal labor unions, think tanks, and foreign governments on your Force of the Future initiatives, but you have never briefed this Committee. Why?

Mr. CARSON. There has never been a single request of me to brief this Committee that I have turned down.

Chairman MCCAIN. It is up to us to ask for a briefing from you rather than you to offer a briefing to us?

Mr. CARSON. I have offered on many occasions. I am told——

Chairman MCCAIN. Formally you have requested to brief this Committee?

Mr. CARSON. I have been told on many occasions the Committee has asked us to give information, my name has been volunteered to come over here as Mr. Varney would——

Chairman MCCAIN. That is not how it works, Mr. Carson, and you know it and I know it. The way it works is that you have something that you think the Committee and Congress should know about and you ask to come over and brief the Committee and Members of Congress. We have no record of you doing that.

Mr. CARSON. The matters we have worked on in Force of the Future and other matters at P&R have been predecisional. They were inappropriate to brief to the Senate at that time.

Chairman MCCAIN. But you could brief labor unions, media, think tanks, and foreign governments.

Mr. CARSON. I did not brief any of them with

information I did not give to the U.S. Senate. The labor unions are important to notice. They have predecisional——

Chairman MCCAIN. What do you mean that you did not give to the U.S. Senate—how did you give it to the United States Senate?

Mr. CARSON. We delivered the reforms, version 2.0 of Force of the Future, to the Senate Armed Services Committee, sir.

Chairman MCCAIN. And you never asked to come over and brief the Committee on those proposals?

Mr. CARSON. We have told the Committee on many occasions——

Chairman MCCAIN. You never asked. Mr. Carson, you are parsing words. When Members of Congress have major policy decisions—when the administration has major policy decisions—and certainly these are far-reaching—they ask to come over and brief the Committee of oversight. That is standard procedure. You did not do it, Mr. Carson.

Mr. CARSON. Twice, sir, I have been to the Senate Armed Services Committee.

Chairman MCCAIN. I would be very interested in seeing a written record of that happening because I know of no one on this staff nor any member who has been briefed by you or requested to be briefed by you. Perhaps you can correct the record. We will leave the record open for you to correct that record if that is indeed the case.

How many special assistants have you hired for your office?

Mr. CARSON. Sir, over the last 7 or 8 months, we probably have four or five special assistants.

Chairman MCCAIN. Four or five special assistants. Of the 32,000 employees in the P&R organization, you needed to hire additional assistants?

Mr. CARSON. Sir, these are political appointees. We are very fortunate at P&R that because of the exciting work we are doing and the way that the organization is handling some of the most important national security issues that people have wanted to work for us. We have not added to the aggregate Department of Defense headcount in any way. It is that people have wanted to come and be a part of this. Really young men and women——

Chairman MCCAIN. Unpaid?

Mr. CARSON. No, sir. But they were working elsewhere in the Department of Defense when they were called into our office.

Chairman MCCAIN. A recent article in The Atlantic said about your leadership of this team, “He soon turned full-time the all-consuming initiative. His small staff worked around the clock from a cramped office in the Pentagon’s E ring. By early summer, inflatable air mattresses started appearing under many of their desks.”

At what point did you involve the Services in developing your Force of the Future proposals?

Mr. CARSON. They were involved from the very first day, sir.

It is important to remember that the genesis of the Force of the Future initiative was from Secretary Carter himself while I was still the Under Secretary of the Army. I fell into the job and onto the three working groups that were already established with representations from both the uniformed and civilian side of all the Services. We had meetings 6 hours a week. Hundreds of people

were involved from the Services. Over the last 8 or 9 months, the Services have been intensely involved from the Service Chiefs to the Service Secretaries to all of their personnelists, so much as line editing with the various Chiefs of Staff of the Services.

Chairman MCCAIN. It is very interesting because that is not what we hear from the uniformed military. That is a very interesting different view of events.

Did you bother to read the Department of Defense General Counsel memo on presumption of confirmation and what actions you should avoid?

Mr. CARSON. I have read that, sir, yes.

Chairman MCCAIN. And yet, you violated almost all of them. Do you believe you are above the rules set by this Committee?

Mr. CARSON. I have never violated that memorandum nor had any presumption of confirmation, sir.

Chairman MCCAIN. Of course, that is not the view of a circuit court—your actions.

Mr. CARSON. As I noted, I resigned the position immediately upon being told of your letter that was sent to the Department of Defense.

Chairman MCCAIN. I just gave you a quote, sir, concerning the interpretation of the law which was recently as a result of a court decision. That is your view versus that of the circuit court?

I have no further questions. Senator Reed?

Senator REED. Thank you, Mr. Chairman.

Mr. Carson, just to clarify, you were Acting Under Secretary of Defense for Personnel and Readiness when the circuit court made a decision that since you are a nominee, you could not hold that position. You, in response not only to the circuit court but the letter from the Committee, took affirmative action and resigned from that position. Is that correct?

Mr. CARSON. Yes, Senator.

Senator REED. Then you became the Principal Deputy Assistant to that position effectively. And so your conduct then would be measured by what is appropriate for the Principal Deputy Assistant to do, not only within the building but contacting other people outside. In your view, you complied explicitly and sincerely with the duties of the Principal Deputy Assistant. Is that accurate?

Mr. CARSON. Yes.

Senator REED. With respect to building the new force, the initiative that you worked on that has been the subject of the questions, I understand—and you might provide some perspective—that the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff were intimately involved in this process. Can you describe their roles?

Mr. CARSON. Yes. As I mentioned, the process started long before I became the Acting Under Secretary of Defense last spring, and the working groups developed more than 120 position papers that filtered up to me. After we ourselves distilled those, the Vice Chairman of the Joint Chiefs and the Deputy Secretary of Defense got a group together composed of the Vice Chiefs of the Services, as well as the Under Secretaries. The “Implementation Group” it was known as. We had exhaustive meetings about what to do on the

Force of the Future and the right thing to recommend to the Secretary of Defense.

Senator REED. In effect, certainly at the most senior levels, the uniformed personnel, the Vice Chief, and others were involved on an almost day-to-day basis in this construct. Is that accurate?

Mr. CARSON. Yes. The M&RAs in the Services were as well.

Senator REED. Ms. O'Connor, you have a very challenging job before you. Could you identify quickly what you feel are the most immediate issues that the new defense counsel would face?

Ms. O'CONNOR. Senator, you are right. There are challenging issues in front of the Department. Some of the most immediate ones are the ongoing issues that the General Counsel faces, which is to provide accurate and as quick as possible and as supportive as possible legal advice to the Secretary regarding the conflicts that we are engaged in to fight ISIL [the Islamic State of Iraq and the Levant] and our other enemies in the Middle East.

Other issues that are facing the Department are as this Committee has raised and the statute has directed and also the Secretary has made a commitment to his addressing sexual assault. That is an issue that the General Counsel works on alongside the policy leaders of the Department.

It is a job that has a wide portfolio. It includes personnel matters. It includes cybersecurity, legal analysis as well. Obviously, we have the issues that were presented by the administration to this Committee and others on Tuesday regarding how to handle the ongoing detainees at Guantanamo Bay [GTMO]. That is just sort of a flavor of some of the big issues that are facing the General Counsel.

Senator REED. Thank you.

Mr. Weiler, you have an extensive career in business, as well as experience as a combat officer in the Army. You are taking on a role that is essentially a new role. Do you have sort of several major issues you would like to address immediately?

Mr. WEILER. Senator, I think that one of the major issues, because this is a new office, are the naturally occurring processes that occur as such. It will be ensuring that the staff is working across functional lines.

I also see the need to reassure our Reserve components, because this was just a Reserve affairs position, that actually the representation in more functional duties across the portfolio will help the Reserve components by having representation in those other areas. I see those as major challenges right away.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Inhofe?

Senator INHOFE. Thank you, Mr. Chairman.

Mr. Carson, I have known you for a long time. Right?

Mr. CARSON. Yes, sir.

Senator INHOFE. While we have had differences in the past on political issues, we have gotten along very well. Have we not?

Mr. CARSON. Yes, sir.

Senator INHOFE. You have been up for confirmation several times, and has anyone on this panel been a stronger support of you than I have?

Mr. CARSON. No, sir, I do not think so.

Senator INHOFE. Having said that, I was disappointed when complaints were brought to my attention and to the attention of other Members of this Committee about your leadership and the command environment that exists in the Office of the Under Secretary of Defense for Personnel and Readiness. I have read reports and I have been briefed, as others have, regarding—I am choosing the words very carefully here—a hostile work environment that has been fostered under your leadership in the Office of Under Secretary.

Now, these are whistleblower things. I understand that. Sometimes they are with merit and sometimes without merit. I have no way of knowing. But it is extremely concerning that they have been called to my attention.

Are you aware of any of these issues?

Mr. CARSON. No, sir. I would strenuously object to this characterization. I have never heard that allegation. People have many means to make those kinds of allegations at the Department of Defense—

Senator INHOFE. You have answered my question.

Let me ask you. Are you familiar with what a command climate assessment is?

Mr. CARSON. Sure, absolutely, sir.

Senator INHOFE. Have you had a command climate assessment in your office of you, particularly your leadership?

Mr. CARSON. No, we do not do that for civilians. The military does that, but it is not typical for the civilians to do that.

Senator INHOFE. But is it permissible?

Mr. CARSON. Yes, certainly. I would be happy to do that.

Senator INHOFE. That answers my question.

I think that it is serious, but it may not be true. I am going to request a command climate assessment, and I am going to ask the Committee to delay a vote to report your nomination until we get that. It could be done very quickly.

Mr. CARSON. Absolutely, sir. I can assure you there is no hostile work environment. I will dispute that allegation.

Senator INHOFE. I hope that is the case.

Ms. O'Connor, I told you I was going to ask this question. I will preface it, which I did not preface to you. It has been my observation in the last 7 years that this President has had total disregard for the law in many cases, specific cases. I think it was in the National Defense Authorization Act of 2014 when we put the requirement on for a 30-day notice for anyone being released from GTMO, and it was 5 months later that the Taliban 5 were released in disregard of that law.

On Tuesday, the President announced his plan for the closure of Guantanamo. The plan also includes the transfer of 35 of the remaining 60 detainees to be shipped to the United States' soil. These remaining 60 are the highest risk that are out there.

Now, every year since 2009, Congress has passed laws to prevent both the closure of the base and the transfer of detainees to the U.S. soil.

In your answers to our advance policy questions, you answered questions on your view regarding language in the fiscal year 2016

NDAA that again prevents bringing terrorists detained at GTMO to the United States. You have had a chance to study this. I am just asking legally can you see anything in here that would allow the President to legally circumvent those aspects of the law that would preclude those releases or funding of transferring to the United States.

Ms. O'CONNOR. Senator, as I think I said in the advance policy questions and in answer to your question, it is the position of the Department that the provisions that you cited prohibit the transfer of detainees from Guantanamo Bay to the United States. The Attorney General testified about this yesterday, and she said that was her view as well. That is my view as well.

Senator INHOFE. Okay. I think that is very clear, and I appreciate your answer. We will be hoping that that does not happen.

Thank you, Mr. Chairman.

Chairman MCCAIN. Let me just follow up. Do you believe that the President was following the law when he failed to notify Congress within 30 days of the release of the five prisoners who he released in exchange for Bergdahl?

Ms. O'CONNOR. Senator, my understanding of that—and it was not something I was involved in, but I have an understanding—

Chairman MCCAIN. I want your legal opinion, Ms. O'Connor.

Ms. O'CONNOR. It is my understanding that the Department has provided in letters to this Committee, as well as to—

Chairman MCCAIN. I am asking for your opinion, Ms. O'Connor.

Ms. O'CONNOR. So my understanding of it—

Chairman MCCAIN. I am asking for your legal opinion. You are a lawyer. You are going to be the chief legal counsel. What is your view? Did he or did he not violate the law when he failed to notify the Congress 30 days ahead of the release of the five prisoners in exchange for Bergdahl? That is a pretty straightforward question, Ms. O'Connor.

Ms. O'CONNOR. The administration did not give 30 days notice. The legal analysis of why that was appropriate is that the—

Chairman MCCAIN. I will ask you for the last time for your opinion. I just asked you a series of questions, if you would give your opinions to this Committee when asked. I am asking you whether the President acted in violation of the law when he did not notify the Congress 30 days ahead of the exchange of prisoners for Bergdahl.

Ms. O'CONNOR. In the circumstances presented, it was not a violation of the law.

Chairman MCCAIN. It is your opinion that it was not a violation of the law?

Ms. O'CONNOR. In the extremely unusual circumstances there, it was not.

Chairman MCCAIN. Thank you.

Senator MANCHIN?

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you all for your service and coming here today.

I will address this to Ms. O'Connor first. I feel strongly that we need an open debate about the authorization of use of military force, AUMF, as you know, related to our conflict with ISIL. I think we owe it to the American people what our purpose and direction

and how we are going to take this on. In reviewing your advance policy questions for the Committee, I was glad to see that although you felt like the administration's current legal authority was adequate, you support getting a specific statutory authorization to use military force—an AUMF. I really appreciate that.

I would like to know in your opinion what would having an AUMF in the fight against ISIL clear up with the current mess we are in now with an all-encompassing AUMF.

Ms. O'CONNOR. Senator, it is a good question.

The current legal authority for the battle against terrorism, against ISIL that we are engaged in is from the 2001 AUMF.

Senator MANCHIN. Correct.

Ms. O'CONNOR. That provides the legal authority for all the activities that the Department is engaged in.

The administration proposed a new AUMF for other reasons, including the perspective that it would be important to our allies, to our enemies, and to our troops for the two branches of government together to issue a current vote of support for the efforts there. I think in general, statutes that are old are statutes that should be taken a look at—

Senator MANCHIN. You are encouraging basically we should have a new AUMF? You still feel that strong about it.

Ms. O'CONNOR. Certainly it seems like it would be a good idea.

Senator MANCHIN. Thank you.

Ms. O'CONNOR. Mr. Weiler, if I can, when I first became a Member of the Senate and came to the Armed Services Committee, at that time Admiral Michael Mullin came before us and he was asked what is the greatest threat the United States of America faces, which I would ask all of you to think about that. His answer, without even blinking or thinking, was the national debt. The national debt at the time he came before us was \$14 trillion. We are at \$19 trillion. People think we might go as high as \$22 trillion very shortly. I know everybody was sequestered. We have a lot of problems, a lot of things that we are concerned about, and protecting the Homeland is at the forefront of all of this.

How do you think the national debt affects our ability to defend our country?

Mr. WEILER. Senator, I think that it affects probably all things in the government and in particular how we fund our forces and keep them ready.

Senator MANCHIN. How does it compare to some of the global challenges we are facing as far as imminent threats? Do you rate it as high?

Mr. WEILER. I would definitely say it is high. Yes, Senator.

Senator MANCHIN. It is a challenge. It really is.

Mr. WEILER. Global crises may come and go. This has been a long-term issue and will continue to be so.

Senator MANCHIN. Thank you.

Mr. Carson, also on yours, I think when you were Under Secretary of the Army, you had said at an event that brigades in the Army National Guard are not one-for-one substitutes. But I have read your article, and I think you were complimentary in what the reservists do, the National Guard, and I think all of you and both you two are especially going to be involved with the Guard.

The only thing I would say as a former governor, the Guard is near and dear to me and to all of us. But I was able to see the Guard up close and personal, what they do. If it was not for the Guard, I do not think the majority of the people in this country would even know the military, the strength of the military, the sacrifices of the military. They keep it real. We continue to see the reduction in forces there, but also we see the increase of contractors. I have a hard time justifying why we still have such a strong contracting force and we are basically dwindling away our national Reserves and our National Guard.

If you could speak to that, sir, the National Guard strength and the Reserve strength.

Mr. CARSON. Absolutely, Senator. I am a great admirer of the Reserve component both in the Air Force and Army Guard and the various Reserve components across the entire Department of Defense. I served in Iraq with the Red Bulls, the Minnesota National Guard, who were given the weighty responsibility of running an entire section of the country, and so I know firsthand how remarkable they are. Today that same unit is in the Sinai doing an important mission for us as well. You will never hear a negative word about the Guard or Reserve from me.

Senator MANCHIN. Do you think they are capable to do that same one-on-one job?

Mr. CARSON. Absolutely.

Senator MANCHIN. Or is the training different, or is the training not up to speed to what the regular Army is getting?

Mr. CARSON. I think the regular Army gets more of that training, but I think when the National Guard has the training opportunities and is getting ready for deployment, they can do the same missions as the Active component.

Senator MANCHIN. Anybody else have any comments on that, the Guard and Reserve units?

Mr. WEILER. I completely agree, Senator.

Senator MANCHIN. Thank you.

Chairman MCCAIN. Senator Sessions?

Senator SESSIONS. Thank you, Mr. Chairman.

The Defense Department is the great Department of the United States Government. It takes more than half of the discretionary spending, \$600 billion a year. This Committee has a duty, in my opinion, to ensure that the top officials who operate that Department are really the best that we can have. Yes, you would want to reflect the views of the President in many ways, but you have duties that go beyond that. You have a duty to faithfully adhere to the law, to never take a position that is contrary to national security interests of the United States.

There is a growing unease that we are seeing, particularly in the latter days of this administration, less and less professionals and more and more people holding a position that basically will be politically loyal to the White House. That is just the way it is. I am concerned about it.

Mr. Carson, I want to make clear, in response to the follow-up on Senator McCain's question, that you claim you have met with the Committee on the Force of the Future proposals. I think the Members of this Committee would know if that has happened. I be-

lieve you did not. Are you saying you actually met with this Committee to discuss Force of the Future proposals?

Mr. CARSON. I met with staff in August of last year, sir.

Senator SESSIONS. When did this Force of the Future start?

Mr. CARSON. It started in April or May. That is when I got involved. It actually started in February, about 5 months earlier than that.

Senator SESSIONS. This is an important matter. What we know and what we believe, from what I have understood from senior defense military officials, that you met at great length with a select group—

Chairman MCCAIN. Without infringing on the Senator's time, I am informed by staff, Mr. Carson, that you came over for a preconfirmation conversation, but not specifically on the Force of the Future. I guess we will have to clear it up for the record. But our staff says it was not on Force of the Future. It was on your preconfirmation conversation.

Mr. CARSON. It is worth discussing all of this because, obviously, it is an issue of concern to the Committee. I showed up in August and the conversation was about Force of the Future.

I had another scheduled event over here where apparently we had our wires crossed, and Mr. Barney told me I needed to come back another time. We delivered the reform proposals to the Committee. On various occasions, our legislative affairs staff, when the Committee asked for experts to come talk about Force of the Future, said that Mr. Carson himself is the expert and can talk to you. That request was turned away.

Chairman MCCAIN. Mr. Carson, we will leave the record open because that is clearly not the depiction of events by my staff, nor do I know of any Senator that received a request from you to brief them on Force of the Future.

Mr. CARSON. If I may add one more thing to that. I am happy to go anywhere to brief it. I will come this afternoon and walk through all of the spreadsheets, the analysis. I have been on the road trying to talk to people about what we are doing. I am happy to go anywhere anytime to talk to anyone about these issues. I have never turned down any request—

Chairman MCCAIN. It is nice of you to classify us as "anyone," Mr. Carson. There is a responsibility that most people feel they have to Congress.

Senator SESSIONS, please proceed.

Senator SESSIONS. Let me tell you what I am concerned about. We hear that you met with a group of people and went far down the road in developing this plan of the Force for the Future before senior military people were really involved and that they are frustrated about it and do not feel like that they have been properly consulted. We will pursue this further. But I will give you a brief chance to respond to that. You have given your side of it that you had many meetings. All I am telling you is people did not feel like they were engaged in it.

Mr. CARSON. They were very engaged in it, Senator, from the very start of this. I can assure you of that.

Senator SESSIONS. All right. That is your position. Others have a different view, I have to tell you.

There is an unease here because the White House is widely perceived to be suspicious of the military and have not been comfortable with the recommendations they make and have, in many ways, sought to get around that. That is why we are raising it, just to be frank with you. Our top people have said that, that the White House is disrespectful and suspicious of military advice. I just hate to say it.

Ms. O'Connor, have you ever served in the military?

Ms. O'CONNOR. No, sir, I have not.

Senator SESSIONS. Have you ever read the Uniform Code of Military Justice?

Ms. O'CONNOR. I have certainly read provisions of it. I have not read it end to end.

Senator SESSIONS. You have not participated in a court martial or an Article 15 or made a decision about that?

Ms. O'CONNOR. I have not been a military lawyer.

Senator SESSIONS. You had a period of time at the IRS [Internal Revenue Service]. You worked on cleaning up, trying to move through the Lois Lerner matter. Is that right?

Ms. O'CONNOR. I would be happy to describe that if you would like me to.

Senator SESSIONS. Did you work on those issues?

Ms. O'CONNOR. When I was at the IRS, as I am sure you recall, when the agency faced an incredible crisis, the President fired the leadership of the agency and brought in an Acting Commissioner for a temporary period of time until a new Commissioner could be confirmed. That Acting Commissioner brought a small team with him for a number of purposes. One was to try to manage the agency in the interim, try to fix some of the management problems, and an important piece of his job—

Senator SESSIONS. My time is about out.

I just would note you also were at HHS [the Department of Health and Human Services] during the Obamacare rollout, which did not go so well.

What my concern is—is it not true that there are thousands of former JAG [Judge Advocate General] officers, thousands of lawyers who specialized in military issues who have served in the military, who understand these issues, who have dealt with authorizations for utilization of military force, who have written papers on it and studied it? Would some of those who have that kind of experience not be a better nominee to the Department of Defense than someone who has apparently had no experience whatsoever in these issues?

Ms. O'CONNOR. I know the time has run. May I answer the question?

Senator SESSIONS. You can answer.

Ms. O'CONNOR. Senator, I am extremely qualified for this position. I have practiced law for almost 2 decades, and in that practice, it has included practice in the Government working in a number of different positions with a very diverse range of experiences that cross Federal agencies, as well as both at the White House and the Department of Defense where I have worked specifically with the Department of Defense and its issues. I also spent 15

years in one of the most well regarded national security and defense practices in private practice.

I think that you are right, that because I have not been in the JAG Corps, the operational issues that those lawyers face are new to me. But in the position I have been in at the Defense Department, I have had a tremendous experience already meeting the staff judge advocates for the combatant commanders at PACOM [U.S. Pacific Command] and EUCOM [U.S. European Command] and AFRICOM [U.S. Africa Command], and I am getting to know and working with the legal advisor to the Chairman of the Joint Chiefs and getting to know the TJAGs. I would expect that in those areas which are new to me, I will rely on their tremendous expertise and advice going forward as those issues arise.

Senator SESSIONS. Thank you. As a lawyer, I would just say there is almost no issue that will come before you that you will not have to start from the beginning to do your research on. It would be very helpful if we had a nominee in this critical position that sets legal policy for the Department of Defense who already understands the great issues that the Department of Defense has to deal with.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator King?

Senator KING. Mr. Carson, your responsibilities in this position, if confirmed, would involve, I note, readiness as well as personnel. It strikes me that in a time of essentially fixed budgets, those two responsibilities are inevitably going to come into some kind of conflict. Can we maintain the proper level of readiness, training, and deal with increasing personnel costs into not only the immediate future but the longer-term future? Are we not heading for some real dangerous tradeoffs here?

Mr. CARSON. I think there are tradeoffs across the budget, especially when the specter of sequestration still looms in a couple of years.

Personnel in many ways informs the readiness questions. When you talk to the Services about their readiness concerns, it is often driven by personnel. Take the Army, for example. The downsizing has created enormous turmoil. They are reconfiguring what is in the BCT [Brigade Combat Team]. They have 50,000 unavailable soldiers who cannot be deployed, 39,000 medically so, 11,000 in some kind of legal process. The personnel churn and the lack of available people makes a unit unready. Sometimes the training issues for those same people lead to degradation of unit readiness as well.

Senator KING. I am concerned that we are making decisions and doing drawdowns and force reductions based upon old news. The budget caps essentially we are working on were put in place in 2011, pre-Syria, pre-ISIL, pre-Ukraine, pre-South China Sea. Do you think we should reexamine those decisions? It just seems like we are reducing our force structure at a time of, as Director Clapper testified, unprecedented threats and danger to this country.

Mr. CARSON. I think there are great dangers on the horizon, Senator. Of course, to meet those, it is not only about the people, as important as they are, it is about having the right kind of equipment, the right kind of training. There are tradeoffs across the

budget to do that. I think the budget submitted by Secretary Carter adequately balances those. But there is no question that for me in the era of the All-Volunteer Force, the continued health of our personnel is something that I am nothing short of obsessed about.

Senator KING. Often when we are talking about spending, we talk about absolute dollars, \$600 billion. Of course, that is a huge amount of money and it is about half of the discretionary budget. I would point out, however, that in 1967 the defense budget constituted 8.6 percent of GDP [gross domestic product]. In 1985, it was 5.9 percent. Today it is 3.3 percent and falling. As a percentage of GDP, our national defense budget has shrunk almost by two-thirds in the last 40 years at a time, again, of unprecedented threats. I just think that is information that the public should have.

Mr. Weiler, to follow up on some of the other questions about the Guard and Reserve. Again, we are talking about declining force levels. As I talk to Guard members and businesses in Maine, a concern is the Reserve and the Guard have become much more of an Active Duty force called upon repeatedly for repeated deployments, and it is making it harder to maintain the support of the employer community and the potential recruits.

How do we balance that or return to a balance where the Guard and Reserve are not going to be called upon to such an extent that it compromises the underlying efficacy of that system?

Mr. WEILER. Senator, I think first of all is where possible, predictability is extremely critical, being able to offer predictability not only in the rotation but to their employers, to the families, and so forth.

Senator KING. I agree. That is what I am hearing.

Mr. WEILER. When I was in the Pentagon before, we were having a lot of discussions around we need to engage more with the Guard and Reserve to get them part of the total force. Now I see your point on the other side.

I think, if confirmed, one of the major issues that I would look into is how we maintain that balance while still keeping the Guard and Reserve an integral part of the total force.

Senator KING. Again, as we are declining in force levels, it seems to me inevitable that there will be greater demands on the Guard and Reserve. Perhaps the answer is everybody just needs to know what the deal is going in in terms of predictability. But I am concerned that we might undermine support for the Guard and Reserve unless we can clarify exactly what the role is going to be on an ongoing basis.

Mr. WEILER. I do recognize that, Senator, and I think in particular with not only the family issues but really involving their career employers, I think that is extremely important. Certainly if confirmed, it would be an issue that I would be interested in working on.

Senator KING. Thank you.

Thank you, Mr. Chair.

Senator REED [Presiding]. On behalf of the chairman, Senator Cotton.

Senator COTTON. Ms. O'Connor, I want to return to a question that you had earlier from, I believe, Senator Inhofe and Senator

McCain about Guantanamo. You have said that current law—prohibits is the word you used—prohibits the transfer of Guantanamo detainees to the United States. On page 10 of your testimony, though, you twice used the word “restrict,” which would appear to use some legal room. Does current law prohibit under all circumstances the transfer of detainees to the United States?

Ms. O’CONNOR. Yes, Senator.

Senator COTTON. So you agree with Attorney General Lynch and Lieutenant General Maybel on that point?

Ms. O’CONNOR. Yes, I do, sir.

Senator COTTON. If President Obama were to order the military to transfer those detainees to the United States, would you expect military officers to disobey that order?

Ms. O’CONNOR. I have no anticipation that that is going to happen, but the position of the Department, the position of the Attorney General in my view is that the restrictions that are there now are the law and they prevent that.

Senator COTTON. Do military officers take an oath to obey the orders of the President?

Ms. O’CONNOR. Yes.

Senator COTTON. No, they do not.

Ms. O’CONNOR. No, no, no, not the President, the Constitution. Sorry, I anticipated your question and jumped ahead.

Senator COTTON. That is correct because we expect officers, unlike enlisted personnel, to understand the difference and be able to make a tough decision whether they are a lieutenant or a general to disobey an unlawful order.

Ms. O’CONNOR. We all take an oath to the Constitution.

Senator COTTON. But officers in particular, are expected to disobey an unlawful order, such as the unlawful order to transfer detainees from Guantanamo to the United States.

Ms. O’CONNOR. They all take an oath to the Constitution.

Senator COTTON. I want to give you a chance to clear up another question which you discussed earlier about the transfer of five Guantanamo detainees in exchange for Bowe Bergdahl, who now faces court martial charges. You said that the law required 30 days notice. You said that the administration did not give 30 days notice. You said, “It was not a violation of the law.” Do you care to square that circle?

Ms. O’CONNOR. Certainly. Again, I was not involved in the legal analysis and was not involved in advice before the exchange or anything. This is something that I understand from having read the position of the Department as provided to this Committee and others.

The legal explanation is that in the extremely limited circumstances in which what the President was trying to do was save the life of a servicemember, that was the assessment at the time, that the operation might not go forward and that his life was in danger if they had to wait 30 days, that in that very limited circumstance, you would not read that provision to prohibit what happened.

Senator COTTON. Do you agree with that interpretation?

Ms. O’CONNOR. It is not a matter of a personal opinion. I did not do the analysis, but that is what the legal analysis is.

Senator COTTON. You will be the General Counsel of the Department of Defense called upon for such analysis, so I am asking now for your legal opinion. Do you agree with that interpretation?

Ms. O'CONNOR. That legal interpretation was one that I understand the Department and the Department of Justice worked through together. I do not have any reason to question it, but I have not delved into it myself personally.

Senator COTTON. It would seem a very plain violation of the black letter of the law. I wonder if that kind of legal gymnastics will be used to warrant a transfer of the Guantanamo detainees to the United States.

Ms. O'CONNOR. What I can tell you, Senator, is that I view this position as extremely important and one that, although it is a position nominated by the President and confirmed by the Senate, it is not a political position, it is a lawyer position. For us and for me, but for all lawyers I would hope, certainly for me, the touchstone is the Constitution and the statutes. That is how I will act if I am confirmed, if I am fortunate enough to be confirmed by this Committee.

Senator COTTON. Do you consider yourself an expert in congressional investigations and crisis management?

Ms. O'CONNOR. I would not characterize myself that way, no.

Senator COTTON. Your biography at your previous private employer at your law firm held out your practice areas to include public policy and strategy, congressional and executive branch and multi-state investigations, crisis management, crisis communications, legislative and administrative solutions, and managing public policy risk. Does that sound like you are holding yourself out as an expert in congressional investigations?

Ms. O'CONNOR. That sounds like what the website said. That was one of the things that I worked on in private practice, yes.

Senator COTTON. When you, after 15 years in private practice, left private practice to join the IRS, were you involved in the Lois Lerner matter?

Ms. O'CONNOR. So what I did—

Senator COTTON. That as a yes or no question.

Ms. O'CONNOR.—among my various responsibilities, I worked on providing information, as requested, to the various investigations that were seeking it.

Senator COTTON. Thank you.

Then you went to HHS during the healthcare.gov controversy. Were you involved in that matter?

Ms. O'CONNOR. While I was at HHS, one of the responsibilities that I had was to help provide information to the congressional committees and others that were seeking information about the launch of the health care website.

Senator COTTON. Then you went to the White House where you were Deputy White House Counsel about the time that Benghazi Select Committee started. Were you involved in that matter?

Ms. O'CONNOR. One of my responsibilities was to work with the Committee as it requested information from the White House.

Senator COTTON. Have you ever been a chief legal officer of an agency of the United States?

Ms. O'CONNOR. No, I have not.

Senator COTTON. Have you ever been chief legal officer or an office or department of an agency?

Ms. O'CONNOR. No. I am serving as the Deputy General Counsel now, and I was the Deputy White House Counsel and had senior legal positions at HHS and at the IRS.

Senator COTTON. Before 5 months ago, did you ever hold a legal position where the majority of your work centered on national security law?

Ms. O'CONNOR. My position at the White House covered all of the departments, and so that was a piece of what I worked on there. I also would say that across my government legal positions, many of the issues that are facing different agencies are the same as the ones that face the Department. There is privacy law. There is cybersecurity protection law. There is civilian personnel law. There is a wide, wide range of regulations and statutes that govern all of the departments. Frankly, it is an asset I think to any department to have lawyers and other professionals who have a diverse experience across other departments and the kind of experience to know how other departments have handled similar kinds of issues.

Senator COTTON. Thank you. My time has expired, but I have to say, given the answers and given the movement from Lois Lerner to the healthcare.gov to the Benghazi controversy, I am worried about what this presages for Guantanamo Bay in the last 9 months of this presidency.

Senator REED. On behalf of the chairman, Senator Donnelly, please.

Senator DONNELLY. Thank you, Mr. Chairman.

Before I begin today, I would like to briefly note my growing disillusionment with some of the hearings we have had in the confirmation process not among any of the Members here. But it has been my experience that too often some of the nominees come before this Committee, smile at us, nod at us, make commitments to us that are then forgotten or discarded as soon as their confirmation goes through. I would rather have a nominee disagree with me than to simply nod, say yes, and then do the exact opposite a few days later.

Mr. Carson, last April, you delivered a report to this Committee on how the Department of Defense and the VA [Department of Veterans Affairs] are working together to ensure we have adequate mental health resources to meet the needs of our servicemembers and their families. On page 10 of that report, it reads the overall numbers for the Services' current mental health staffing indicate near 100 percent staffing, although the number of billets may lag actual requirements. The number of billets may lag actual requirements. It is a pretty big question mark. Do you believe we have enough mental health providers in the military health system today?

Mr. CARSON. I am not sure, but I am skeptical whether we do or not, sir. We have made a heroic effort every year putting 10 percent more into the health care budget for behavioral health. We have increased the number of civilian and uniformed behavioral health providers by 30 and 40 percent, respectively. We have embedded them in primary care clinics. We have been world leaders on this issue. But we know the questions of PTSD [post traumatic

stress disorder], depression, anxiety, other behavioral health conditions only seem to remain insoluble to us.

I am closely monitoring it. I work with HA all the time—our health affairs people—on this issue. It is a grave concern for me that I am watching closely.

Senator DONNELLY. I am concerned that DOD is ineffectively assessing how many providers we do need.

I want to bring up another report. Last January, GAO [the Government Accountability Office] delivered a report to Congress that laid out serious problems in how the Department of Defense and the individual Services report on their mental health provider staffing needs. On page 20, GAO points out that in their quarterly reports to the Department, the Army does not use the DOD-approved model for assessing provider needs. In the Navy and the Air Force, they do not assess provider staffing needs at all. Instead, they report the number of providers they are authorized to have and then list that as the number they need. I think that is outrageous.

What is even worse is that when the GAO recommended the Department of Defense fix it, the Department refused.

Mr. Carson, if confirmed, what will you do to give the Department and the Committee an honest assessment of our mental health provider needs?

Mr. CARSON. I can give you my assurances, Senator, that if confirmed, I will do that. As has already been discussed today, there are not many sacred cows in the Department of Defense I am not willing to take on. I am happy to look at that question. I think it is enormously important, as important an issue as anything else we do that is in my portfolio.

Senator DONNELLY. Mr. Weiler, my home State of Indiana has the Nation's fourth largest Guard contingent. Fighting for policies that help maintain and improve their readiness is a key part of your job, if confirmed, and that includes mental resiliency. I am concerned that mental health programs that work well for Active Duty servicemembers do not always translate well to meet the very different structure and the very different lives of traditional Guards and Reserves. Do you see that as an issue, and how will you work to help improve the mental health services and make sure that what is delivered is what is needed?

Mr. WEILER. Senator, although that particular area is not within the M&RA portfolio, the Reserve side is. I think one of the things that, if confirmed, I would look into would be the manpower analysis that supports the numbers that these units should have.

Additionally, I think that we need to look at all of those kinds of family support and servicemember support services that go to Reserve, Guard, and geographically dislocated Active component folks and pay particular attention that those services are being delivered in the communities where they are as opposed to 100 or 150 miles away at Active component installations. That would be something that, if confirmed, I would certainly look into, that we are providing that high level of service where those folks are.

Senator DONNELLY. There is something else I would like you to do as well, and that is to get back to me with a list of your priorities, including specific programs or services that you believe can play the strongest role. Then I need you to give me a list of the

specific changes that you intend to make, which are the most important and which are the ones you are going to be working on first. Will you do that?

Mr. WEILER. Senator, I will.

[The information referred to follows:]

If confirmed, my first priority will be to ensure the newly established Manpower and Reserve Affairs component has fully integrated the additional responsibilities and oversight of the Reserve and Guard specific personnel policy operations and that the organization is properly aligned, manned and organized to operate in the most effective and efficient manner. It is absolutely critical that across our Total Force operational spectrum we have properly integrated policies and cohesive approaches to dealing with all manner of personnel issues whether they are Guard, Reserve, Active Duty or if these issues extend to our civilian workforce. I am committed to making the M&RA organization viable for the long-term because through a more efficient organization we will better be able to deliver and oversee our most critical programs. As part of this effort and in response to your specific request related to our Guard components, I will review all of the current resources available to Guard and Reserve as well as geographically dislocated Active component personnel within the first 30 days of my tenure and report back to you on specific areas where I believe additional improvements could be made.

My second priority would be to enhance and strengthen the M&RA collaboration and partnership with the Service M&RAs to ensure the Department is consistent with our personnel policy application and that we are working together to address problems in a united manner. I truly believe that through a collaborative and shared approach with the Services, the Department can operate in a more effective and deliberate manner across the entire personnel domain.

My third priority must be taken in concert with my second, and that would be to focus on the major policy and program changes facing the Department over the remainder of this year. I would commit to working with the Congress and the Services to help shape these changes to preserve our personnel capabilities and readiness, while keeping an eye to the future sustainability of our high-quality, all volunteer force. We will face continuing budget pressures which will drive some risk into our personnel arena; however, I think we must work to mitigate this risk as much as possible. While I am not currently working in the Department and therefore have some limitations on my familiarity with the specifics, I do know that the Department is working several important issues that I look forward to assisting in, including: devising a less appropriation dependent Commissary operation; implementation actions associated with the recently revised retirement system; as well as efforts to streamline and simplify the complex Reserve duty status system.

Finally, your question followed a discussion about mental health services. Although suicide prevention does not fall directly within the M&RA portfolio, I believe that this issue is such a priority that it transcends all areas and is deserving of all of our best efforts. With the disturbing increase in Reserve component suicide rates, I am committed to engage with the Suicide Prevention Office to "think out of the box" and engage nonprofit and university capabilities that have conducted a significant amount of research and work within this area. This has been a focus of mine for several years while in the nonprofit and commercial sectors. I will commit to you to return with any suggestions that I have where the Congress might be of help to improve our overall mental health and suicide prevention services and outreach. As I indicated in my answer to Senator Tillis, I believe that strong families, lead to strong servicemembers, lead to a strong military. Therefore, I plan to commit significant time to the breadth of programs and resources that ensure our Total Force family has access to quality services that are relevant to this purpose.

Senator DONNELLY. Thank you.

Thank you, Mr. Chairman.

Senator REED. Thank you.

On behalf of Chairman McCain, Senator Ernst, please.

Senator ERNST. Thank you, Ranking Member Reed, and thank you for appearing in front of our Committee today.

Mr. Carson, it is my understanding that your goal is to make the Department of Defense the Nation's most progressive employer. Is this true? Just a simple yes or no, please.

Mr. CARSON. Yes. My ambition is to—

Senator ERNST. Yes. Thank you.

Considering the fact that all military occupational specialties are now open to women to provide greater opportunities to women in the military, which I do support as well, would you consider that it would be also progressive to require women to register for the Selective Service like their male counterparts?

Mr. CARSON. I think the issue from a policy perspective is this. We should divorce the question of registration from that of the draft. We have had Service Chiefs talk about the need for a draft. The Secretary, no doubt testifying right now before the House Appropriations Committee on Defense, is speaking to his strong conviction that we do not need a draft. The Center for Naval Analysis just this week came out and said that only 13 percent of youth are even eligible to serve in the military. Whatever one might think about contingency, in which a draft might be needed, the more interesting public policy question is whether the registration requirement is necessary for it. The GAO has said differently to that.

Senator ERNST. The stance of the administration, your stance is that there should be no Selective Service?

Mr. CARSON. No. That is my personal view about it. If you ask me, the policy questions that this Committee and the rest of the Nation must address is whether the registration requirement is still a necessary one for us. It is one we have to debate among ourselves. The Selective Service Act does not fall under the jurisdiction of the Department of Defense. It would be inappropriate for me to opine about their continued existence.

Senator ERNST. I think that you are correct that it is established by Congress. However, the determination to open up combat roles to women was made by the administration, and I think it was done in a manner that was very fast. It is not being implemented maybe as methodically, as deliberative as many of us that have served in the military and, of course, our Service Chiefs would like to see. That decision was made by the administration.

I think when we look at Selective Service, the administration needs to own up to their decision and then because we do have an existing policy with Selective Service, they need to make their recommendation to Congress on whether we have women sign up for Selective Service or not.

Thank you for your answer.

Ms. O'Connor, where would you stand on that perspective as well, whether we need a draft or whether women should be required to sign up for Selective Service?

Ms. O'CONNOR. As a lawyer, I do not have a view on whether we need a draft. I think that is something that the Military Departments and other experts in the area should comment on.

I agree with what Mr. Carson said, that there is a policy discussion that needs to take place about exactly what the military's needs are and what the country's needs are both for registration and for a draft. There is obviously a statute, and so for that to change, it will require an act of Congress. I think that there needs to be a dialogue on it.

Senator ERNST. I do think there needs to be a dialogue, and considering the fact that we are trying—I am sorry—the administration is trying to make our military forces, DOD, the most progres-

sive employer out there, I think then the administration, DOD, does need to come back with us on these policy discussions. They need to have an opinion on that. If there is anything that I would recommend that you take back to the administration, it would be that they need to find a stance on this so that we can be best advised of their position.

Mr. Carson, many of the Force of the Future proposals really mirror some of the unique benefits of the Fortune 500 companies. I think you spent a lot of time working with these companies on their benefits. But I would state that no one at any of these Fortune 500 companies takes an oath to the Constitution to defend us against enemies, foreign or domestic. These employees certainly do not enlist with the understanding that they make the ultimate sacrifice to our country in an effort to accomplish their assigned mission or to protect their fellow servicemembers on their left or their right.

At what point did you involve servicemembers in your discussion for our Force of the Future proposals?

Mr. CARSON. It is precisely because they make those kind of commitments, that they do risk their life, that we have an extraordinary obligation to take care of them.

Senator ERNST. But do you agree that a Fortune 500 company has a very different mission than that of our military members?

Mr. CARSON. Very much so. Very much so.

Senator ERNST. Okay. My time has expired. Thank you very much.

Thank you, Ranking Member.

Senator REED. Thank you.

On behalf of the chairman, Senator Gillibrand, please.

Senator GILLIBRAND. Thank you, Mr. Chairman, for this hearing.

Thank you all for your public service and for your willingness to serve the Department of Defense. I am very grateful for that.

I want to talk a little bit about military sexual assault and some of the work we still have to do to end that scourge.

The Department of Defense is required to submit an annual report to Congress each year providing the number of sexual assault reports made during the calendar year. This number includes the cases that were reported through the military chain of command, as well as the number of restricted reports made to care providers. However, this number does not include those assaults that occurred during a domestic violence incident and that were reported to the family advocacy program.

I am sure you agree that we should be focused on getting a clearer picture of the issue and the scope by accounting for these cases in a different report. I do not believe the public is getting an accurate picture of the scope of the sexual assault crisis in the military.

I will just give you some anecdotal evidence. When I reviewed 100 sexual assault cases in 2013 from the four largest bases, all reported cases in that four bases, what I found was that more than half of the victims were civilians, and more than half of those were spouses. Now, those were the only unrestricted reports that were filed. That did not include reports filed outside of the chain of command. There is an indication that in that population—it was more than half that were civilians. That is not included in the SAPRO

[Sexual Assault Prevention and Response Office] report unless it is an unrestricted report.

Do you support the inclusion of all reports of sexual assault, including those made to the family advocacy program in the Department of Defense annual SAPRO report? I think this is relevant to Mr. Carson and Ms. O'Connor.

Mr. CARSON. Yes, absolutely. My goal is to integrate and have easily accessible all of the data, not only the sexual assault numbers we have reported in the past, but those from family advocacy and from any other source that they may arise. We need to integrate those into a single report and make sure that those numbers are visible to Congress and other stakeholders.

Ms. O'CONNOR. I think having all the information in order to move forward is important, and if confirmed, I would support Mr. Carson's efforts.

Senator GILLIBRAND. Right now, SAPRO is only filled out—it is a confidential survey. It is only filled out by servicemembers. We could at least extend it to servicemembers'—spouses as a general matter. We cannot extend it to civilians in the community because that is too difficult. But spouses are within the family of the military, and I think if we did do that, we would have a much better picture of what the problem looks like. I would be grateful for your support.

Mr. CARSON. It makes sense to me, Senator.

Senator GILLIBRAND. Okay.

I have heard many stories from servicemembers about retaliation after coming forward to report a sexual assault. Not only have I heard this from survivors, but also bystanders who intervened on behalf of a survivor. The Department has expressed commitment to addressing retaliation. Yet, I continue to hear these stories. From each of you, what additional measures do you believe are necessary to prevent retaliation? What can commanders do to better prevent retaliation and also address it when it occurs?

Mr. CARSON. Perhaps I should start with that, Senator. I have spent the last 6 months, at the request of the Secretary of Defense, developing a retaliation strategy, which is now basically complete. It has several lines of effort. First of all is standardizing across the Services what retaliation means. It could be everything from criminal acts that we might involve the military criminal investigation organizations in to something like social ostracism on Facebook or in the unit itself. So standardizing those definitions.

Bringing allegations of retaliation into the case management group. It is already looking at sexual assaults where we can track them over time.

Much as you have thought on better data for sexual assault, including the inclusion of the FAP data, we need to integrate all of that data into a single source where we know how many retaliation cases are going on, what happens to them, how they are adjudicated.

Finally, for the commanders, we have to educate them. Perhaps most examples of retaliation do not give rise to criminal activity. They are about social ostracism, devastating, but it is not something one takes to court martial about. We have to educate com-

manders about what the available means they have to remedy this social ostracism.

At the same time, part of our retaliation strategy is trying to think more smartly about the use of social media, which is often the mechanism for retaliation here. There are free speech concerns that the lawyers have. The good order and discipline is being threatened by the abuse of social media in many cases, and so telling commanders what they can do about that within the limits of the law.

Senator GILLIBRAND. Let me just pause you for a second. Some retaliation, half of the retaliation, is either from administrative or from professionals. I appreciate that you are dealing with peer-to-peer because that is about half as well. But I am concerned when the last SAPRO report said, from the perception of the survivor, that approximately 30 percent was administrative and approximately 30 percent was professional, not one case for retaliation was filed. We made it possible, I think, in the last NDAA to be able to file a case directly to the IG [Inspector General]. But if those cases of professional and administrative truly are retaliation, who is responsible for investigating that, and how come we have not seen any cases?

Mr. CARSON. The IG is responsible for it right now. There have been a handful of cases, only six or seven, which in no way compares with the 62 percent of respondents who have said that. There is a huge gap there that is one of the known unknowns. One of our goals is, by tracking these cases, by standardizing definitions, to understand what is happening, where they are arising, which will allow us to have better intervention strategies. If it is administrative in nature, the IG will investigate that, but it is a very cumbersome process, as you know. We have to have other means to hold the commanders accountable for what is happening in the units. That is the strategy. But right now, what is really going on in the retaliation space is a bit of a void for us, and so finding better data is going to be a critical part of the solution.

Senator GILLIBRAND. Thank you, Mr. Chairman.

I am sorry. If either of you two have answers you would like to give, would you please put it in writing and send it to my office? This is the subject matter.

For the record, the third question is do you support using a PACER or a PACER-like system so we have better transparency specifically. Thank you.

[The information referred to follows:]

Mr. CARSON. I support DOD using a PACER-like system. In fact, DOD's proposed Military Justice Act of 2016 would require the Department to adopt best civilian practices to facilitate public access to court-martial docket information, filings, and records. If enacted, that would result in DOD adopting a PACER-like system.

Ms. O'CONNOR. Yes, I support the creation of a PACER-like system to make court-martial filings available to the general public and, if confirmed, would work with the Military Services to create such a system. I understand that the proposed Military Justice Act of 2016, which the Department transmitted to Congress on December 28, 2015, includes a provision (section 1104) that would require the Department of Defense to adopt the best civilian practices to facilitate public access to court-martial docket information, filings, and records. I fully support that proposal and, if I am confirmed and if Congress adopts that provision and it is enacted into law, I would ensure its implementation.

Mr. WEILER. While I do not know the specifics relating to the use of PACER or a PACER-like system with respect to the issues within the portfolio of the Assistant Secretary of Defense for Manpower and Reserve Affairs, I will, if confirmed, look into it and take appropriate action as necessary.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Senator REED. On behalf of the chairman, Senator Lee.

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

Mr. Carson, I would like to start with you if I could. Last July, it was announced that the Department of Defense would lift the ban on transgender persons serving in the military after a 6-month review period. Then earlier this year, there was a proposed rule that was published in the Federal Register that would allow TRICARE to begin covering hormone replacement treatment for gender dysphoria.

How closely have you been involved on those decisions on the release of that proposed rule? Tell us a little bit about why this has become such a high priority within the Department of Defense.

Mr. CARSON. The issue of transgender service is one that the Services themselves raised. There are 77 openly serving transgender servicemembers today, 27 in the Army, 37 in the Air Force, 11 in the Navy, 2 in the Marine Corps. The Services for the last year have been clamoring for guidance about what to do because many times servicemembers found themselves in a place with a servicemember who was among the very best in their unit. They had no desire to separate or administratively punish. But at the same time, they read regulations which seemed to prohibit transgender service. They were at a loss for what to do. They came to us, to me asking for guidance. That is the genesis of that July memorandum.

Senator LEE. Is there a risk that the treatment itself could interfere with someone's combat readiness while they are undergoing the treatment or after treatment?

Mr. CARSON. Very little risk of that.

Senator LEE. Now, I would like to turn for a minute to the quote that Senator Ernst shared with you with respect to your intention to make the Department of Defense, "The Nation's most progressive employer". At a time when we are reducing total force numbers, what specific warfighting and military readiness needs have you identified that would be advanced by doing that? In other words, how does becoming the Nation's most progressive employer help you enhance military readiness and our combat mission within the Department of Defense?

Mr. CARSON. Everything we have done is to improve the combat mission of the U.S. military. Making us a place where you believe that your personal aspirations and professional ambitions can be reconciled, making it a place where you believe you can raise a family and continue to serve allows us to recruit and retain the right kind of people. Both of those issues are looming crises for us. This is about saying to folks that you should come and be a part of us.

Senator LEE. Now, when I talk to people who were in the military, who are either in the military now or are considering a possible future in the military, they tend to express concerns going along the lines of making sure that they will receive adequate

training, that the equipment that they will need to protect our country's national security will be up to par, and things like that. They are also concerned about things like how we treat our veterans and how we treat military personnel and how we compensate them and so forth.

I do not think I have ever met a servicemember or a prospective servicemember who has expressed concern about going into the military or continuing to serve in the military on the basis that the military is not the most progressive employer in the Nation. Perhaps you are hearing something different than what I am hearing. Where is this coming from?

Mr. CARSON. Sir, the survey data done by the Defense Equal Opportunity Management Institute, by various marketing agencies that work under the Department of Defense suggest that the reason that women are leaving in droves, with a retention rate only one-third that of men through 10 years, only one-half through 20 years is because of family concerns.

Perhaps anecdotally because I think the anecdotes are really important, Senator, if you go to somewhere like Harvard Business School, it will seem like the entire 75th Ranger Regiment has decamped to the classes up there. You ask them why they would leave, why would these extraordinary soldiers leave a unit as high speed as the Ranger Regiment, and they will tell you that the bureaucracy especially around personnel weighed them down. They no longer felt that they could realize what they wanted in their own lives in Military Service. That is what we are trying to change.

Senator LEE. I thank you for your answer. I struggle with this one. I struggle with it a lot because, again, what I hear from people, they are worried about equipment, they are worried about how we treat them, how we train them. I have never once heard somebody say I was going to go into the military but I am not going to because DOD is not the world's most progressive employer.

Ms. O'Connor, I would like to follow up briefly on a conversation you and I had in my office. Do you believe the U.S. Government under the 2001 authorization for the use of military force has the authority either under that act or under any iteration of the Defense Authorization Act to capture and indefinitely detain a U.S. person on U.S. soil?

Ms. O'CONNOR. Senator, I think that that issue has not been resolved by the courts, but as a policy matter, the President has said that he would not allow that to happen during this administration.

Senator LEE. Does the statutory text convey that authority in your opinion?

Ms. O'CONNOR. The statutory text of the 2001 AUMF does not get into detail at that kind of level.

But the courts have held that the Government has the authority to detain enemy combatants, and a U.S. citizen is not immune from being detained. The courts have also held that U.S. citizens have due process rights and constitutional rights. That is why the administration has a practice, consistent with those requirements, of having the Department of Justice do a specific constitutional analysis whenever a detainee is captured who might be an American citizen.

Senator LEE. I see my time has expired. I do have some concerns with this. I do think the Defense Authorization Act contains language that suggests the Government does have this authority. I personally believe that is unconstitutional for the United States under any circumstance to detain a U.S. person on U.S. soil indefinitely. That is why we have a Bill of Rights, and the Bill of Rights does protect that in a number of respects. I believe that those who argue otherwise are reading too much into precedent that should not apply here.

Thank you.

Senator REED. Thank you, Senator.

On behalf of the chairman, Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to thank all of you for your willingness to serve. Each of you has extraordinary qualifications and background in public service and in private life. I just want to express my gratitude and support for your nomination.

Let me ask you, Ms. O'Connor. You may be familiar with the recent reforms that have been adopted, first by Secretary of Defense Hagel and now adopted as well by Secretary Carter, relating to the discharge correction boards and veterans who have suffered from post-traumatic stress who may have been discharged with less than honorable or a bad conduct discharge. A number of these discharges are the result of post-traumatic stress, which was undiagnosed and untreated at the time.

This issue has acquired a momentum. I advocated that the policies be changed. Secretary of Defense Hagel agreed. But the use of the boards has not been as widespread as we hoped perhaps because there has been insufficient outreach to those veterans. The basic idea is that those veterans who suffered from post-traumatic stress, whether post 9/11 or in previous conflicts whose conditions were undiagnosed and who were discharged less than honorably ought to have the opportunity of seeking review now that their conditions could be diagnosed. As you know at the time of the Vietnam and Korea conflicts, there was no such thing as post-traumatic stress as a diagnosed condition, although shell shock, battle fatigue caused many of our Nation's men and women in uniform to be discharged for those kinds of conditions.

I would like your commitment that you will be an advocate insofar as there are legal issues here, and a lot of the human conditions are surrounded by legal issues. I do not mean to make light of them as a lawyer, but they will take some intervention, advocacy, and outreach. I would like your thoughts and your commitment on that issue.

Ms. O'CONNOR. Senator, I appreciate everything that you said, and it is obviously an important issue. It is not one that I have had an opportunity to work on yet at the Defense Department, but if confirmed, I do give you my commitment that I will take the issue seriously and work on it and would be happy to work with you and your office on it.

Senator BLUMENTHAL. Thank you. I would appreciate that. It is a bipartisan issue.

Mr. CARSON. Could I add to that, Senator, if I may?

Senator BLUMENTHAL. Yes. Sorry.

Mr. CARSON. I have followed that issue closely. The "New York Times," "NPR" have written lengthy, very moving stories about that situation.

I think you are right, that Secretary Hagel's memo of 2014 did change how these things are being handled. They went from 5 percent success rate at the BCMRs to a 40 percent success rate.

Just this week in my capacity, after reading those stories, I issued a new memo circulated to all the Military Service organizations and veterans service organizations saying that same presumption that Secretary Hagel put in place applies retroactively going back as far as we have servicemembers. Irrespective of administrative finality or whatever statute of limitations periods might have expired, you have the right to a de novo review on these issues with the presumptions that have proved successful over the last year. I am cautiously optimistic that we will get after this problem in a way you see satisfying.

Senator BLUMENTHAL. I really appreciate that answer, and I perhaps should have directed my question to you in the first place. Thank you, and I look forward to working with all of you on this issue.

Let me ask maybe all of you. On the issue of behavioral and mental health care, which Senator Donnelly raised, as you know, the suicide rates continue to be much too high among our veterans but also among our military Active Duty, including our Reserves and National Guard. I would like, again, your commitment that you will focus on this issue. I do not ask you for a plan right now. But my own answer to the question that Senator Donnelly asked you about the adequacy of the numbers of providers and mental health care professionals available to our military is that in fact the number continues to be inadequate. It is in the rest of civilian society as well, but it remains so in our military as well. Your response and I hope your interest and commitment on this issue.

Mr. CARSON. I oversee the Department of Defense Suicide Prevention Office, and I would be happy to come talk to you about the work. I agree with you. We had 443 suicides last year across all components. The Reserve components has proved persistently high, and we do have some plans in that regard. I look forward to coming by and talking to you about them personally.

Senator BLUMENTHAL. Thank you. I would welcome that.

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

Senator REED. Thank you, Senator.

On behalf of the chairman, Senator Tillis, please.

Senator TILLIS. Thank you, Senator Reed.

Thank you all for being here. You should be proud of the fact that you are here despite the questions you may get asked by any one of us. I am sure you and your family are very proud of this moment.

Ms. O'Connor, I want to come back to you. I am not an attorney, but I want to come back and see if I can understand the thought process behind what I believe you said was the extraordinary circumstances in the Bergdahl case made the statutory requirement to give the Congress 30 days notice something that the President had discretion to do, that somehow he was not in violation of the law.

Hypothetically let us assume Mr. Bergdahl, who is now going through court martial, was not a part of that transaction. Let us assume he is there today. His captors have threatened—because I think you mentioned that his life was being threatened. That was the extraordinary circumstance that the President was operating under. Let us assume he is there today, and the same captors come to the President and say that they will release him if the President will transfer the current GTMO detainees to the United States. Do you think that that would be an extraordinary circumstance where the President could again potentially not obey the law given that it was used in the prior example?

Ms. O'CONNOR. No. I think that the statutes that govern the restrictions to bring detainees to the United States, which are multifaceted—they are restrictions on literally transferring people from Guantanamo Bay to the United States. But they also include restrictions on modifying buildings, constructing buildings, purchasing buildings for that purpose and there are funding restrictions. When you put all of them together, it is not possible.

Senator TILLIS. Can you conceive of any circumstance where the President may have a basis in your legal opinion to violate the transfer of detainees under any extraordinary circumstances?

Ms. O'CONNOR. No. The position is that the restrictions that are in place now prohibit the transfer to the United States of the detainees who are at Guantanamo, and the Attorney General testified as to that yesterday. She is the chief legal officer of the executive branch.

Senator TILLIS. Yes. I like that position. I just hope it is one that is maintained through the remainder of this administration.

I did have a question on the AUMF, and it relates more to the time that I have spent either in the Middle East or down at Fort Bragg and other places. I hear the call for a new authorization for the use of military force, but it seems to me that the presidential policy guidelines—in other words, what the President chooses to do within the context of the AUMF—have been more often than not some of the impediments that we think our men and women in uniform or the officers are confronted with when making decisions about engaging the enemy or engaging ISIL or any of the other enemies particularly in the Middle East.

What am I missing, from your legal perspective, I should say, what would a new AUMF do for you and for the Department that cannot already be done under the current AUMF?

Ms. O'CONNOR. The current AUMF authorizes all of the activity. It is the legal basis for what we are doing and it authorizes all of the activities that we are engaged in.

To your point about the combatant commanders having the authority to do what they need to do, I mean, I will tell you I would be very concerned if they thought that they did not have the authority to do what they needed to do. If confirmed, I would make it an extremely high priority to do whatever I could, as appropriate, to assist them because I think what they are doing is critically important. I think that the legal teams that work with them out in the field—those are military lawyers—do as well to help them work through to be able to do exactly what they think they need to be doing.

Senator TILLIS. Mr. Weiler, depending upon what happens over the next few months, your tenure could be long or short. I think Senator Donnelly asked you a question about some of the priorities and things that you are interested in. I would like for you to communicate those back to my office.

But if you feel like you only had a year to do things, what do you hope to accomplish, just very quickly. You can get into the details later in my remaining time. What are going to be your top priorities, the things that you are just going to hammer on if confirmed?

Mr. WEILER. Senator, first of all, it would be taking on the challenge of the creation of this new office and ensuring that, one, the Reserve components understand that there is no lessening of commitment to them.

Second would be families really. This has been a lot of the work that I have done in the commercial sector. I think ensuring strong families makes a strong servicemember, makes a strong military. That would be another area that I would focus on immediately.

Senator REED. Thank you very much.

Senator Sullivan, please, on behalf of the chairman.

Senator SULLIVAN. Thank you, Mr. Chairman.

I appreciate the witnesses' testimony.

Let me ask Ms. O'Connor. I have to tell you I am a little bit disturbed by your answers on some of these legal questions. I think the White House has admitted they violated the law with regard to Bergdahl. Your kind of twisting and rationalizing that is disturbing to me.

Let me kind of dig a little deeper, though, on kind of what you see your role is. I am a former attorney general in the State of Alaska. Like the Attorney General of the United States or other attorneys general across the country, there is always a bit of a big issue. Let me just ask you this, where do you believe as the General Counsel, if you became that, of the Department of Defense your loyalty lies?

Let me give you some hypotheticals. Does your loyalty lie to the rule of law and the American people, or does your loyalty lie to the President or the Secretary of Defense? Let me try to unpack that a little bit.

Let us say that you get confirmed and you look at what is going on with this GTMO decision, and you really look at the law, the NDAA passed last year. There are a lot of us who think the President—and he has got a reputation for this. His administration certainly does—pressing the limits of his executive authority, ignoring the rule of law. Let us say that you take a hard look at it. In your heart of hearts, you think what the President is doing on GTMO is against the rule of law. He does not have the authority to do it according to the law. You conclude that. Let us use that as an assumption.

Then you have the White House and the Secretary of Defense come and say, you know what, we are doing this. The Attorney General—they kind of agree, so get on board.

What is your role? Where is your loyalty? I am very disturbed by your answers because you seem like you are flipping all over the place to support the President's policies when I believe your loyalty

is to the rule of law and the American people. What would you do in that hypothetical? Would you support the President, or would you say I cannot do that, I think it violates the law, I am going to resign?

Ms. O'CONNOR. Senator, you are absolutely right. The commitment that I have and that I would have, if confirmed to this position, is to the rule of law. It is to the Constitution, first of all, and to the rule of law.

Senator SULLIVAN. Would you resign in that kind of case? If the White House said, hey, I know you think that the GTMO move by the President is illegal, but so what, we do not, get on board, what would you do? Again, I am assuming that you concluded—you have a strong legal background—that what they are doing is illegal. What would you do?

Ms. O'CONNOR. I just want to address the other things you said, and I will answer that.

My commitment and true north is the Constitution and the statutes that guide the Department and the Government.

Senator SULLIVAN. Even though your answer on Bergdahl seems—boy, I think that is real weak to be perfectly honest. I think the White House has admitted they violated the law there.

Ms. O'CONNOR. As I explained, I was not involved in the analysis.

Senator SULLIVAN. Yes, but you were asked for your legal opinion, and legal opinion was that was good to go. I think that is a real stretch. To be honest, I was looking fine at your confirmation. I am very, very concerned right now given your answers in this hearing. I am sorry. I know I keep interrupting. Can you finish?

Would you resign if you thought the President was violating the law on GTMO?

Ms. O'CONNOR. Just to get back to the point you were making about the Bergdahl exchange, what I want to make clear is that I did not provide any legal advice on it. I have read the letters that the Department has sent to this Committee.

Senator SULLIVAN. You said you thought it was legal.

Ms. O'CONNOR. I am explaining what the letters to this Committee, written by other people, have said.

Senator SULLIVAN. Let me just real quick, if you can just answer. Would you resign your position if you were the General Counsel of the Department of Defense, you read the law, and you thought the President was violating the law on GTMO or anything else relating to DOD-related matters? What would you do?

Ms. O'CONNOR. My commitment is to the rule of law—

Senator SULLIVAN. You are not answering my question. Do not dodge me. What would you do? Would you resign or would you kind of get behind the President and say, roger that, I will just make the best legal argument I can to support you, Mr. President? What would you do?

Ms. O'CONNOR. I would give my very best legal advice to the Secretary of Defense because the position that I am seeking confirmation for is to be the General Counsel of the Department of Defense.

Senator SULLIVAN. Wait. You would, even though you thought—remember, the question assumes that you thought GTMO was illegal. They are going to go forward with the President's plan any-

way. What would you do? You would get behind them and support them. Is that what you just told me?

Ms. O'CONNOR. I have not said that.

Senator SULLIVAN. I thought you just said that.

Ms. O'CONNOR. No.

Senator SULLIVAN. Okay. Then just answer the question.

Ms. O'CONNOR. If confirmed as the General Counsel of the Department, what my responsibility would be would be to give my very best—not political, my very best legal advice consistent with the Constitution and the statutes that govern the Department to the Department. That is what I would do.

Senator SULLIVAN. Okay. You are not answering my question. I have asked you five times if you thought that what the President was doing and the Department of Defense was doing was illegal with regard to GTMO and the President and the Department of Defense said we are doing it anyway, you voiced your opinion, and you told people you thought they were violating the law, then what would you do? Would you resign or would you say, okay, I will give my best legal argument and try to put the best face on this? Just answer that question directly. Would you resign?

Ms. O'CONNOR. I have not yet seen a situation that presents anything like that.

Senator SULLIVAN. It has happened in U.S. history before. Right? You have had Attorneys General resign when the President—you know, the Saturday Night Massacre under the Nixon administration. You had senior officials resigning saying I am not going to do that because I think it violates the law. It is a legitimate question, particularly with this administration that presses the envelope of their constitutional legal authority on a regular basis. Just can you give me an answer to that question?

Ms. O'CONNOR. Certainly as you note, there are circumstances in history that present that, but a lot comes before anybody gets to that point. Among the lot that comes before anybody gets to that point is collegial interactions and debate amongst the lawyers involved. I would engage in that, and I would engage in giving my very best legal advice consistent with the Constitution and the statutes to the Secretary of Defense.

Senator SULLIVAN. If the President moved forward on something you thought was illegal, you would not resign?

Ms. O'CONNOR. As I said, a lot would come before anybody would get to the few instances in history where that has happened. It is not a common thing that happens. What happens is that lawyers engage, lawyers talk. I would very vigorously make my voice known and my legal analysis known. I would give advice to the Secretary. I would certainly talk to the Attorney General, if that was what was warranted. We would work our way through it. It is impossible to address the hypothetical that you are laying out.

Senator SULLIVAN. Okay.

Senator REED. Thank you, Senator Sullivan.

On behalf of the chairman, Senator Ayotte.

Senator AYOTTE. Thank you, Chair.

I want to thank the witnesses for being here and for your service to the country.

I would like to follow up, Ms. O'Connor. I do not know if you are familiar with section 1036 of the 2016 defense authorization, but it is specific to the closure of the U.S. Naval Station in Guantanamo. It actually says very clearly that DOD cannot appropriate or spend any dollars to close or abandon the naval base in Guantanamo, to relinquish control of Guantanamo, or to implement a material modification to the treaty between the United States of America and Cuba about Guantanamo.

The President is going to Cuba. The Cubans want Guantanamo back. Given this provision of law in place, do you think the President has any legal authority to implement a material modification to the treaty between the United States and Cuba? Also, do you think he has any legal authority to close, abandon, or relinquish control to Cuba given this provision of law that is in place and is the law of the land right now?

Ms. O'CONNOR. I understand that Assistant to the President Ben Rhodes spoke to this a couple days ago and said there was absolutely no instance in which this was going to happen.

Senator AYOTTE. There is no instance this is going to happen, but my question to you—you are the lawyer. You are the General Counsel. Is there legal authority? Yes or no. Is this law valid that we passed in this Committee, and should the President follow it?

Ms. O'CONNOR. The President should follow the statutes that govern the executive branch, and the Department follows the statutes, has a practice of and does follow the statutes that govern the Department. I have not examined that provision. My understanding is that nobody has raised any prospect of there being a plan of this happening. If I were confirmed and it were raised, I would certainly look at the legal issues that were involved in it. I am not familiar with what exactly the processes are.

Senator AYOTTE. What role do you have right now?

Ms. O'CONNOR. Deputy General Counsel.

Senator AYOTTE. You are Deputy General Counsel. You are not familiar with this part of the defense authorization on Guantanamo?

Ms. O'CONNOR. Senator, there are numerous deputy general counsels with different portfolios. I have not had the opportunity to dig into the law around that particular provision. I think one of the reasons I have not had an opportunity to do that is that absolutely nobody within the executive branch has suggested this is going to happen.

Senator AYOTTE. I would suggest that this is a valid law. Not only should no one in the executive branch suggest that this is going to happen, but it would be against the law. I would hope as General Counsel, you would tell the President of the United States it is against the law. It is plainly in the 2016 defense authorization.

These are some tough questions. If the law says plainly, for example, on Guantanamo you cannot modify the treaty, you cannot change the base, and also with, obviously, the transfer of the detainees to the United States, are you going to tell the President that here is what the law says, so you cannot do it?

Ms. O'CONNOR. My advice, if confirmed to this position, will be to the Secretary. But, yes, absolutely I will interpret the statutes and advise the Secretary according to what they say.

Senator AYOTTE. Excellent.

I also want to ask you about another provision pertaining to Guantanamo. It is something I worked on in the defense authorization. There is a section 137 of the NDAA, which requires the Secretary of Defense to submit an unclassified report to Congress regarding the individuals that are being held at Guantanamo, their backgrounds, and to provide a list and information with the exception of, obviously, anything that would jeopardize intelligence sources and methods.

This is late. It was due January 24. Somehow the administration was able to submit a plan to us but has not actually given the American people the information about who is there, what do we know about them, how dangerous are they.

This is very important to me. I expect that report to be submitted really before this process on nominations go forward. I hope that you will go back and ask the Department to finish this report. It could not be a more important time to have this report in light of the President's submission of this so-called plan to close Guantanamo. Will you do that?

Ms. O'CONNOR. Yes, Senator. I understand that that report is in development.

Senator AYOTTE. I think it is very important that we receive it right away. It is not going to continue to be in development. This is important to us if we are going to look at these issues.

I also want to end with a final question that is very important to the men and women that serve our country and especially our New Hampshire National Guard. I recently learned that our airmen at al Udeid Air Base in Qatar are being forced to live in potentially unhealthy facilities and may be getting sick from black mold exposure.

Despite efforts by the local command there and repeated requests of our airmen, the situation has not been fixed. In the last month, approximately 100 New Hampshire Air National Guard members experienced unacceptable living conditions, and I am told that this black mold is coming out of showers, it is in the bathrooms, it is in the curtains, and that some of our airmen are becoming sick and having symptoms as a result of it.

I would like to ask all of you, especially Mr. Carson and Mr. Weiler, to have your commitment, if confirmed, you commit to looking into this issue, doing everything in your power to work with OSD [the Office of the Secretary of Defense] and make sure that our men and women are not being made sick by facilities that obviously they are already in a difficult situation with the service they are giving us, meaning we are asking them to do a lot for us. We are grateful for their service. I am just asking you. I do not want to hear from my Guard that they are getting sick from mold. Obviously, they put their lives on the line, and I am asking for a commitment from both of you that you will follow up on this.

Mr. CARSON. Senator, as the Acting Principal Deputy, I will do more than just commit to you. If confirmed, I will immediately look into it and try to have something back to you by the end of next week with an explanation of what we are doing, a mitigation strategy about that. It is the first I have heard of that, but I will take it for action and get back to you immediately about it.

Senator AYOTTE. I really appreciate it, and if you need any additional information, we are happy to follow up with you. Thank you.

Senator REED. Thank you.

On behalf of the chairman, Senator Graham, please.

Senator GRAHAM. Ms. O'Connor, what is your portfolio as Deputy General Counsel? What lanes do you work in?

Ms. O'CONNOR. I have a variety of responsibilities. One of them is litigation, which covers a wide range of areas. One of them includes the Office of Hearings and Appeals. I provide legal advice as requested by different components on different topics and as requested by the Secretary on various topics.

Senator GRAHAM. Have you ever been asked to give legal advice about Guantanamo Bay?

Ms. O'CONNOR. Issues that touch Guantanamo Bay are within my portfolio, yes.

Senator GRAHAM. Why did you have a hard time answering the question about the statute?

Ms. O'CONNOR. The question was posed as a hypothetical about the President relinquishing the base I believe, and that is just not an issue that I have dug into.

Senator GRAHAM. I was here late. Did you say the President could not transfer prisoners by executive order? Is that correct?

Ms. O'CONNOR. What I said in response to the questions about whether the NDAA restrictions prohibit transferring detainees to the United States is that the current statutory provisions prohibit transferring the detainees who are currently at Guantanamo Bay to the United States. That is why the administration's plan that was submitted on Tuesday seeks to work with Congress to have those restrictions removed.

Senator GRAHAM. But do you agree without Congress? approval, that you cannot do that?

Ms. O'CONNOR. Yes.

Senator GRAHAM. Let us go back to the language by Senator Ayotte. It says pretty clearly that you cannot modify an agreement regarding Guantanamo Bay with the Cubans. Why is that confusing compared to this other provision?

Ms. O'CONNOR. Senator, it is not confusing. I just have not read it recently, and so being asked to give a formed legal opinion on the spot is difficult.

Senator GRAHAM. Fair enough.

The future of detention. If we captured a high-value target tomorrow, does this administration allow for law of war detention?

Ms. O'CONNOR. Yes.

Senator GRAHAM. Where and how long?

Ms. O'CONNOR. Senator, the 2001 AUMF—

Senator GRAHAM. I know we have legal authority to detain somebody that is an enemy combatant. But my question is if we caught someone tomorrow and we wanted to give them that designation, go through the court proceedings to say you are an enemy combatant, where would we hold them and for how long?

Ms. O'CONNOR. There are not date-specific limitations on how long somebody can be held.

Senator GRAHAM. Has anybody been designated an enemy combatant during the Obama administration for detention purposes?

Ms. O'CONNOR. I think I cannot discuss that in this setting—

Senator GRAHAM. Okay.

Ms. O'CONNOR.—because it is classified.

Senator GRAHAM. I cannot think of any, but maybe I am wrong. There may have been.

Where do we put these people?

Ms. O'CONNOR. Where detainees have been detained on the battlefield there are case-by-case determinations made that involve all of the agencies that are involved in these processes.

Senator GRAHAM. I am talking about tomorrow.

Ms. O'CONNOR. Excuse me?

Senator GRAHAM. If we caught somebody tomorrow, where would they go and how long would we hold them?

Ms. O'CONNOR. Again, there are issues involved there that cannot be discussed in a public setting.

Senator GRAHAM. I do not buy that. I do not believe that we are—do we have secret jail that I do not know about?

Ms. O'CONNOR. Let me answer the question this way. Our combatant commanders and the forces that we have in the field have plans that are available to them to detain. They address these issues on case-by-case bases.

Senator GRAHAM. Do we have the ability to detain and hold somebody that is an enemy combatant in Iraq?

Ms. O'CONNOR. Do we have the authority to do it?

Senator GRAHAM. Yes.

Ms. O'CONNOR. Yes. We have the legal authority to do that, yes.

Senator GRAHAM. That is groundbreaking for me. U.S. Forces, if they captured somebody in Iraq—they could hold them under U.S. custody as an enemy combatant?

Ms. O'CONNOR. They can detain enemies picked up in Iraq, yes.

Senator GRAHAM. We can hold them as an enemy combatant for an indefinite period of time without talking to the Iraqi Government? Can we do that in Afghanistan?

Ms. O'CONNOR. What we are doing in Iraq is working with partners.

Senator GRAHAM. I will tell you you cannot do that in Afghanistan.

Ms. O'CONNOR. What we are doing in Iraq is working with partners.

Senator GRAHAM. Here is my question. This is disturbing. There is no legal authority for the United States Forces in Afghanistan to hold someone under United States control as an enemy combatant. We gave that up when we transferred everybody from Bagram from United States control to Afghan control. There is no legal authority for us to hold somebody in Iraq under United States custody as an enemy combatant for an indefinite period of time. We just do not have that power. I just want to know why you think we do.

Ms. O'CONNOR. Senator, my understanding is that under our international legal authorities, as well as our 2001 AUMF, we do have the authority to capture on the battlefield and to hold—

Senator GRAHAM. It is your testimony that an American soldier in Iraq, if they stumble upon somebody they want to capture, they

can hold that person in United States custody in Iraq, ship them to America without the Iraqis being involved?

Ms. O'CONNOR. No, I did not say that. In each place, there are different agreements with different partners that we have.

Senator GRAHAM. We gave that power up. It is quite the opposite. We do not have the authority to do that.

Anyway, thank you very much for your testimony.

Senator REED. Thank you, Senator Graham.

Senator Sullivan has asked for additional time. Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman.

I want to follow up on some questions that Senator King had talked about on the Army end strength. Mr. Carson, Mr. Weiler, I would like to get some of your thoughts on how you think about these issues.

One of the things we do here in the Committee, both in public and in private meetings, quite frequently is talk to the generals, talk to the military commanders at all the different levels. I think it is pretty clear within the Army—General Odierno wrote a couple op-eds on this, even as he was finishing up as the Chief of the Army, that going to 450,000 now is too risky, given the strategic—450,000 Active Duty forces in the Army—given the strategic challenges that we face globally.

There is a lot of talk about how we got to the 450,000 number. Sometimes people blame it on sequester. Actually, I am pretty sure, if you look at some of the documentation, that the White House and DOD were aiming for that number pre-sequestration. General Odierno and others frequently now are saying, look, that is too risky for the country. 490,000 maybe, 500,000. I think it should be north of 500,000.

But how do you work through that when the generals are coming to you and you are the civilians in charge of manpower—when the generals are coming to you saying, hey, you know what, it is a new game out there. Russia is resurgent. ISIL is growing. The North Koreans are looking very aggressive. We need to change course here. When you hear that—and it is pretty much out there. Trust me. We are hearing it. I am sure you guys are hearing it, from the military commanders who, to be honest, probably have a better sense of this than the civilian leadership, how do you react to that? What do you do?

Let me just ask more directly. Do you agree that 450,000 is a right size for the Army, or do you agree with the generals that are saying that is too risky, we need to change course and go to a higher number?

Mr. CARSON. Let me take that, if I may, Senator. Since I was the Under Secretary of the Army and the General Counsel of the Army before that, I have been through many debates about the proper force structure for the U.S. Army.

I believe what General Odierno has consistently said was that the 450,000 number posed risk or perhaps significant risk to execution of the Defense Strategic Guidance. When any commander comes to a civilian leader and says that they believe that the force structure is not adequate to meet the mission, it is incumbent upon us not only to listen, because that is best military advice, but to do something about that.

The 450,000 number—I do believe we would all like to see a larger Army.

Senator SULLIVAN. How do we get there? I agree with you on that.

Mr. CARSON. More money. Every 10,000 people is about \$1 billion to the Army budget. The question is they need more money—

Senator SULLIVAN. But did you request that in the President's budget to go to an Army of higher than 450,000? If you did, I did not see it. I would be pleased if you did. Correct me if I am wrong.

Mr. CARSON. The ramp down in the Army has been slow, and so they still are at about 450,000 even though that is the trajectory they are on. They have all said that that meets Defense Strategic Guidance, although risk is present on the horizon.

Senator SULLIVAN. If you are confirmed, will you commit to a number that is higher than 450,000 in your capacity as a senior civilian leader?

Mr. CARSON. That will be an Army determination, not mine as the Under Secretary of Defense—

Senator SULLIVAN. What if the Army came back and said 490,000? If confirmed, would you agree with that?

Mr. CARSON. I would say the Army could use 490,000 people, but the Department of Defense would need \$30 billion to \$50 billion more a year in top line to pay for that.

Senator SULLIVAN. Where are you on that issue? 450,000 or 490,000? In your strategic judgment, what is best for the United States of America?

Mr. CARSON. I listen to the military leaders who will tell you that 450,000 can meet the Defense Strategic Guidance.

Senator SULLIVAN. They are not saying that now.

Mr. CARSON. The Chairman [of the Joint Chiefs] I believe would testify to that fact. I believe the other military commanders. I believe General Milley would tell you that while there is risk—

Senator SULLIVAN. Just yesterday, General Milley said that one of the brigade combat teams that was slated to be cut, the 425 Airborne Brigade Combat Team, the only one in the Asia-Pacific—he said, “I think it would be contrary to the strategic national interest to go ahead and pull the 425 at this time. My thought is that we should extend that.” Do you agree with that assessment? I know that is just hot off the presses.

Mr. CARSON. Sure. That makes sense to me, sir.

Senator SULLIVAN. Will you commit to supporting General Milley if he recalibrates on what the Army needs in terms of force posture not only with regard to the 425 but overall levels of the Army that in his best military judgment is needed to keep our country safe?

Mr. CARSON. Yes, absolutely.

Senator SULLIVAN. Would you?

Mr. WEILER. Yes, Senator.

Senator SULLIVAN. Let me ask just one final question of Mr. Carson. You were talking to questions with Senator Ernst about progressive military policies. I am not 100 percent sure what that means. But sometimes I worry that we lose sight of what the main purpose of the military is. Do you have a sense of what the mission of the Marine Corps infantry is? It is pretty succinct.

Mr. CARSON. Sure, littoral combat, to dominate the littoral battlefield.

Senator SULLIVAN. Close with and destroy the enemies of our Nation?

Mr. CARSON. Yes, absolutely.

Senator SULLIVAN. Do you think that is still the number one mission no matter what? We have all these other things that we are talking about. Do you believe that that is the number one mission that we should imprint in every member of DOD to remember and remind them that the number one mission of our military members is to close with, destroy, and kill the enemies of our Nation? Do you agree with that?

Mr. CARSON. Yes, clearly.

Senator SULLIVAN. Good, okay.

Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Sullivan.

On behalf of the chairman, I thank the witnesses for their testimony, and the hearing is adjourned.

[Whereupon, at 11:36 a.m., the Committee adjourned.]

Prepared questions submitted to the Honorable Brad R. Carson by Chairman McCain prior to the hearing with answers supplied follow:

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Committee has recently held a series of hearings on defense reform. What modifications of Goldwater-Nichols Department of Defense Reorganization Act of 1986 provisions, if any, do you believe would be appropriate?

Answer. The Department of Defense is currently undergoing a similar review that has been informed by the hearings the Committee has held. The ongoing review is quite broad with respect to its scope and includes topics such as the appropriate role of the Joint Staff, the joint acquisitions process, and the appropriate command and control structure for our cyber workforce. I would not presume to offer opinions on topics beyond the scope of the position for which I've been nominated; however, several topics directly impact my prospective portfolio as the Under Secretary of Defense for Personnel and Readiness. My own personal opinion is that a re-evaluation of the definition of "Joint Matters" is required; the current definition must be expanded to recognize the increasing exposure to joint operations that officers face, particularly at a younger age, and better reflect the unique role our Reserve components play in disaster relief and Homeland defense. Additionally, I believe there is a fundamental tension between career timelines associated with the Defense Officer Personnel Management Act (DOPMA) and the requirements for promotion to General/Flag officer under the Goldwater-Nichols Act; this tension is particularly acute, ironically, for our highest performing officers. I would be in favor of re-evaluating the current 36 month statutory requirement for accredited joint tours and moving to a more experiential-based system. Finally, I believe a comprehensive paradigm shift is required for joint qualification. The Military Services currently operate under a one-size-fits-all model that is inadequate to the current operating environment. I would be in favor of moving to something closer to a "joint continuum" that includes options for both breadth and depth in joint matters, depending on the officer's particular skill set. This system could, perhaps, tier the requirements for joint experience and education to better reflect current needs in the joint community and within the Military Services.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I believe that, if confirmed, my diverse political, military, legal, and business experiences have well prepared me to execute the duties of the Under Sec-

retary of Defense for Personnel and Readiness. I previously had the honor and privilege of serving as the General Counsel of the Army, a position in which I have had legal oversight of every issue arising from the Army's global operations. In addition to myriad routine matters, I assisted Secretary of the Army John McHugh in developing military-wide responses to particularly vexing problems and issues, such as ensuring that soldiers with behavioral health conditions are properly diagnosed, creating wholesome environments at all Army child development centers, and eradicating sexual assault. More generally, I have been asked to provide advice at nearly every meeting of the Army's senior leaders, where issues of readiness, modernization, operations, and personnel are discussed and decided. More recently, I was Under Secretary of the Army. In that role, I was the chief management officer of the Service. I led, among other things, the layering of Army headquarters and a wholesale revision to The Army Plan.

It is helpful to also briefly summarize my education and professional career. Before joining the Department of the Army, I was a professor in the College of Business and the College of Law at the University of Tulsa, where I led a research institute devoted to energy issues and taught courses in property law, energy policy, negotiations and game theory, and globalization. I attended Baylor University, where I graduated with highest honors and was inducted into Phi Beta Kappa. Studying as a Rhodes Scholar at Trinity College, Oxford, I earned a B.A./M.A. in Politics, Philosophy, and Economics. Upon returning to the United States, I graduated from the University of Oklahoma College Of Law, where I was recognized as the Outstanding Graduate. I entered the practice of law at Crowe & Dunlevy, the largest firm in the state of Oklahoma. During my early years of legal work, I focused on commercial litigation, with a particular emphasis on antitrust. From 1997 through 1998, I was a White House Fellow, serving in the Department of Defense. After completing the White House Fellowship, I returned to practicing commercial litigation at Crowe & Dunlevy. In 2000, I was elected to represent the 2nd District of Oklahoma in the United States House of Representatives. As a Congressman, I worked closely with other members of the Oklahoma delegation to protect and enhance the state's military installations. In 2005, after leaving politics, I was a fellow at the Kennedy School of Government at Harvard University. Thereafter, I was a Director and then Chief Executive Officer of CNB, LLC. From 2008 to 2009, as an officer in the United States Navy, I served in Iraq on active military duty with the 84th Explosive Ordnance Battalion of the United States Army, as the Officer-in-Charge of Weapons Intelligence Teams in Multi-National Division-South. For my service, I was awarded the Bronze Star and Army Achievement Medal.

I believe that these varied experiences have prepared me for the extraordinary challenge of serving as Under Secretary of Defense for Personnel and Readiness. If confirmed, I will commit to using my skills and experience to diligently and effectively perform the duties of Under Secretary.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense for Personnel and Readiness?

Answer. The Under Secretary of Defense for Personnel and Readiness oversees one of the broadest portfolios in the Department of Defense. The next Under Secretary will have to confront complex questions about the appropriate workforce mix (among civilians, contractors, and military personnel) in an era of declining budgets; work with the Joint Staff and Under Secretary of Defense for Policy to investigate and implement new models for strategic readiness and tactical readiness reporting to improve the options we offer to the President and National Command Authority; examine questions of appropriate force mix between Active and Reserve components as the Military Services undergo endstrength reductions; and seek to better balance the fundamental tensions in the Military Health System, which seeks to provide the best possible health care to our beneficiaries and simultaneously produce a ready medical force.

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

Answer. If confirmed, I hope to work with the Congress, this Committee, and my colleagues within the Department of Defense to develop the best possible strategies and policies that will address these critical issues.

DUTIES

Question. Section 136 of title 10, United States Code, provides that the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements,

military and civilian personnel training, military and civilian family matters, exchange, commissary, and non-appropriated fund activities, personnel requirements for weapons support, National Guard and Reserve components, and health affairs.

Assuming you are confirmed, what duties do you expect to be assigned to you?

Answer. The duties I expect to carry out are my responsibilities, functions, relationships, and authorities, in accordance with the law and consistent with DOD Directive 5124.2, "Under Secretary of Defense for Personnel and Readiness (USD (P&R))." I will serve the Secretary of Defense as his principal staff assistant and advisor in all matters relating to the management and well-being of the DOD Total Force and the oversight of the readiness of this Force, particularly as it relates to manpower; force management; planning; program integration; readiness; National Guard and Reserve component affairs; health affairs; training; personnel requirements and management; and compensation. I also expect to carry out the Secretary's priority in ensuring that the Department can recruit and retain a force of the future with the right capabilities for future warfighting.

Question. In carrying out these duties, what would be your relationship with the following officials?

The Secretary of Defense.

Answer. If confirmed, I will serve the Secretary of Defense as his principal advisor and advocate for Total Force Management and Readiness; military and civilian personnel policy; military health care and medical readiness; training; and personnel requirements and management, including equal opportunity, morale, welfare, recreation, and quality of life matters.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would expect my relationship with the Deputy Secretary to be functionally the same as that with the Secretary of Defense.

Question. The Assistant Secretary of Defense for Manpower and Reserve Affairs.

Answer. If confirmed, ASD (M&RA) will be my principal advisor for all force management, Reserve affairs, family support, and personnel policies.

Question. The Assistant Secretary of Defense for Health Affairs.

Answer. If confirmed, ASD (HA) will be my principal advisor for all DOD health policies, programs, and force health protection activities.

Question. The Department of Defense General Counsel.

Answer. If confirmed, I expect that I will seek and follow the advice of the General Counsel on legal and procedural matters pertaining to the policies promulgated from the offices of the USD (P&R), and in so doing, have regular communication, coordination of actions, and exchange of views with the General Counsel and the attorneys assigned to focus on personnel policy matters.

Question. The Department of Defense Inspector General.

Answer. If confirmed, I will fully assist the DOD Inspector General—in charge of promoting integrity, accountability, and improvement of Department of Defense personnel, programs—in any investigations or issues that relate to personnel and readiness.

Question. The Service Secretaries.

Answer. If confirmed, I anticipate working closely with the Secretaries of the Military Departments on all matters relating to the management, well-being, and readiness of military and civilian personnel in the DOD Total Force structure.

Question. The Service Chiefs.

Answer. If confirmed, I also anticipate working closely with the Secretaries of the Military Departments on all matters relating to the Total Force management, well-being, and readiness of military and civilian personnel throughout the Department.

Question. The Chief of the National Guard Bureau.

Answer. If confirmed, I plan to work closely with the Chief, National Guard Bureau to ensure effective integration of National Guard capabilities into a cohesive Total Force.

Question. The Assistant Secretaries for Manpower and Reserve Affairs of the Army, Navy, and Air Force

Answer. If confirmed, I look forward to working closely with these officials in carrying out the human resource obligations of the Services for the Total Force.

Question. The Deputy Chiefs of Staff of the Army and Air Force for Personnel, the Chief of Naval Personnel, and the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs.

Answer. If confirmed, I look forward to effective working relationships with these officers to ensure that DOD attracts, motivates and retains the quality people it needs.

Question. The Chiefs of the Army, Navy, and Air Force Reserves and the Commander of the U.S. Marine Corps Forces Reserve.

Answer. If confirmed, I will build strong relationship to ensure effective integration of Reserve component capabilities into a cohesive Total Force.

Question. The combatant commanders.

Answer. If confirmed, I intend work closely with the combatant commanders on all matters relating to the management, well-being, and readiness of the DOD Total Force.

Question. The Joint Staff, particularly the Director for Manpower and Personnel (J-1).

Answer. If confirmed, I would hope to establish a closely coordinated relationship with the Joint Staff regarding manpower and personnel policy issues.

Question. The Director, Defense Health Agency.

Answer. If confirmed, I will enlist the advice of the Director of the Defense Health Agency, through ASD (HA), in all matter relating to the Military Health System and common medical services shared across all Services.

Question. The Director, Office of Personnel Management.

Answer. If confirmed, I hope to cultivate a close working relationship with the Director, Office of Personnel Management on matters regarding civilian personnel policies.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your assessment of the current DOD sexual assault prevention and response program?

Answer. We aspire to eliminate sexual assault, and we still have work to do. Even so, empirical evidence suggests the program, which is a constant work-in-progress, is making things better. Sexual assault prevalence as measured by the most recent surveys indicates that the estimated occurrence of sexual assault is at its lowest level since surveys began for Active Duty servicemembers in 2010. At the same time, reporting of these incidents is at an all-time high. We also know that victims have positively reviewed many of the reforms introduced, including the Special Victims Counsel program.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. Our goals are to decrease sexual assaults, to ensure that victims receive comprehensive care, and to hold offenders appropriately accountable. More than 5000 victims have opted to use restricted reporting since 2005. Without such an option to file a restricted report, these victims might not have received the care they needed. I am pleased that the percentage of servicemembers choosing to convert their restricted report to an unrestricted report and participate in an investigation has been increasing, from approximately 15 percent to about 20 percent in the recent year. These report conversions are an indicator of growing confidence in the DOD response.

Question. What is your view of the adequacy of DOD oversight of Military Service implementation of the DOD and Service policies for the prevention of and response to sexual assaults?

Answer. The Department has a number of oversight mechanisms, including monthly meetings, chaired by the SAPRO Director, with the Service sexual assault program chiefs. These meetings review Service progress with regard to execution of the DOD-wide Strategic Plan, Secretary of Defense initiatives, and related provisions of the National Defense Authorization Act.

The Department also uses the Annual Report to Congress, in which the Secretary of Defense assesses the Services' input, as an oversight opportunity.

Additionally, we hear regularly from survivors, and this feedback permits us to assess the kind of support being provided them, as well as to identify and address any gaps in our response system.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults have occurred?

Answer. Commanders and leaders at all levels are central to the Department's approach to foster a command climate where sexist behaviors, sexual harassment, and sexual assault are not condoned or ignored—and where reporters of all misconduct receive the support they need. We select and train our commanders and leaders to uphold high ethical and moral standards themselves and in the troops they lead, and much of the recent progress comes from our ability to use the chain of command as agents of change. The Department has provided commanders with a number of tools to prevent and respond to this crime, including pre-command training, a unit climate assessment process, and a sexual assault case management system in place at each installation. DOD surveys indicate that survivors are satisfied with the support they've received from unit commanders. That being said, we are always looking

for ways help commanders empower their people to intervene appropriately in situations at risk for sexual assault and other harms.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting. If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. All victims of crime, including those who experience sexual assault, should feel free to report without fear of reprisal, ostracism, or some other form of maltreatment. It is unacceptable that so many sexual assault victims perceive a price associated with coming forward to the Department. Our new Retaliation Prevention and Response Strategy increases oversight and accountability; aligns prevention and response efforts across the Services; improves data collection and analysis to understand the scope of the problem; and further empowers response personnel to escalate cases of retaliation. We are currently working to implement this strategy across the Department.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. In the 10 years that the Sexual Assault Prevention and Response Program has been in place, reports have increased by 260 percent, from 1,700 to 6,131 per year. Even while we work to drive the number of assaults down, we continue efforts to increase the proportion of victims who report. We are also taking steps to encourage male victims, who studies suggest are less inclined to report a sexual assault, to come forward and report incidents of sexual assaults and receive appropriate care.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. I understand that the Response Systems Panel, an independent, Congressionally-mandated panel looked at a similar question on the impact of removing convening authority from commanders. A majority of the panel members (7-2) concluded that the evidence they reviewed did not support the conclusion that removing convening authority from commanders would reduce the incidence of sexual assaults, or increase reporting by victims, or improve the quality of investigations and prosecutions of sexual assault.

Recently, the Department has implemented a series of changes to help the Department address allegations of sexual assault and hold offenders appropriately accountable, and we are still assessing their impact on the military justice. Moreover, the Military Justice Review Group published a set of reform recommendations aimed at modernizing and increasing justice and efficiency within the UCMJ. It is my understanding that the Department is currently focused on this comprehensive set of reforms aimed at improving prosecution and defense of all crimes.

If confirmed, I will continue to collaborate with the DOD General Counsel, the DOD Inspector General, and the military legal communities on what can be done to improve the investigation and adjudication of sexual assault allegations. We will also continue to work with the Judicial Proceedings Panel and the soon to be created Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces as they make recommendations on these matters.

SEXUAL HARASSMENT

Question. Department of Defense annual sexual assault reports document that the sexual assaults are more common in units where sexual harassment is prevalent. Section 579 of the National Defense Authorization Act (NDAA) for fiscal year 2013 required the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces and to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than January 2, 2013, setting forth a the comprehensive policy. The Committee still has not yet received this report.

Do you agree with the premise that units with a command climate that tolerates sexual harassment is more likely to have increased incidents of sexual assault?

Answer. We know from research that sexual harassment does lead to some types of sexual assault. This is but one of many reasons we should be concerned about unhealthy command climates. To specifically address this, the Department adjusted our surveys to provide commanders with better tools for assessing command climate. For example, we reframed survey questions to more pointedly focus on indications of sexual harassment. Surveys also measure perceived leadership support, and organizational knowledge of reporting options, which informs key elements of pre-

vention and intervention training. These enhanced instruments provide leaders at all levels with better insight into how to prevent and respond to these behaviors.

Question. What is the reason the Department has not complied with the requirement to develop a comprehensive sexual harassment policy?

Answer. The Department has struggled to develop a sufficiently comprehensive and effective sexual harassment policy. We are currently engaged with the Services to articulate the objectives of the policy and map those objectives to concrete, actionable policy items. The new Force Resiliency Directorate has engaged with your staffs to ensure Congressional perspectives are reflected in the policy. I will ensure this effort continues expediently and that my staff remains engaged with yours.

Question. If confirmed, will you assure this Committee that the Department will promptly promulgate a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces and to submit this policy to the Committees on Armed Services of the Senate and House of Representatives as directed in the fiscal year 2013 NDAA?

Answer. Yes, the Department will continue to codify existing guidance into an updated and comprehensive DOD instruction. We are currently engaged with the Services to articulate the objectives of the policy and map those objectives to concrete, actionable policy items. The new Force Resiliency Directorate has engaged with your staffs to ensure Congressional perspectives are reflected in the policy. I will ensure this effort continues expediently and that my staff remains engaged with yours.

HAZING

Question. In a report released on February 9, 2016, the Government Accountability Office released a report that the Department of Defense has limited visibility over hazing incidents involving servicemembers and does not know the extent to which hazing policies issued by DOD and the Military Services have been implemented.

If confirmed, what actions will you take to monitor implementation of DOD and Military Service hazing policies?

Answer. We recently issued a new Total Force Hazing and Bullying Prevention and Response policy memorandum to reinforce our position on this important topic. The memorandum provided updated definitions of hazing and bullying and examples of activities likely to be considered to be problematic. Our guidance provides better clarity on what is or is not hazing and mandates standardized incident tracking and reporting which will inform preventive training and education.

In addition, the Department is also currently working to codify elements of the policy memorandum into a new DOD instruction to further clarify roles and responsibilities, incident reporting and investigation, victim/complainant assistance procedures, and training requirements.

Question. If confirmed, will you issue guidance on the collection and tracking of hazing incident data?

Answer. I will monitor the Services' hazing prevention and response policies for effectiveness and to identify best practices across the Department and will ensure that individual Services adjust their programs as necessary to increase their effectiveness. As part of this effort, the Office of Diversity Management and Equal Opportunity meets regularly with the Services to review policy implementation, reporting procedures, and on-going complainant assistance. These interactions permit us to identify systemic issues and provide additional guidance on tracking, prevention, and training as necessary.

Question. How will you and the Department of Defense evaluate the prevalence of hazing in the military?

Answer. We will continue to work directly with the Services as they review and analyze newly-standardized data from reported incidents. We will also continue to derive insights from the newly-improved command climate and workforce survey instruments that allow us to make targeted adjustments to training, policy, and procedures to ensure all servicemembers recognize, report, and respond to problematic behaviors. The Defense Equal Opportunity Management Institute Organizational Climate Survey is one such instrument that enables the Department to assess critical organizational climate dimensions at unit level and in aggregate roll-up form.

SERVICE ACADEMIES

Question. What do you consider to be the policy and procedural elements that must be in place at each of the Service Academies in order to prevent and respond appropriately to sexual assaults and sexual harassment and to ensure essential oversight?

Answer. Each of the Military Service Academies has robust policies, programs, and personnel in place to support the Sexual Assault Prevention and Response Program. Academy prevention programs are working to create a long-term approach to changing how people view their role in social settings at risk for sexual assault and sexual harassment. They are empowering all to take meaningful preventive action. Academy response programs are also effective at delivering support and other recovery resources to victims of sexual assault and those who file sexual harassment complaints. The last element that the Academies require is the development of metrics to help academy leadership better guide sexual assault and sexual harassment programs. We addressed this need in our last Military Service Academy report in January, and expect to see a suite of metrics from each in the forthcoming year.

Question. What is your assessment of measures taken at the Service Academies to ensure religious tolerance and respect, and to prevent sexual assaults and sexual harassment?

Answer. Current Department policy places a high value on the rights of members of the Military Services to observe the tenets of their respective religions or to observe no religion at all. The policies at the Service Academies neither encourage nor discourage discussions of religion by individual servicemembers.

While there is always more work to be done, evidence shows the prevention efforts at the Academies have been effective. Sexual assault prevalence as measured by the most recent surveys indicates that those rates are at lowest levels since surveys began for the Academies in 2005. Each of the Superintendents provides direct program oversight and we have seen significant improvements at all three Academies due to their involvement. Academy leadership attention drives continued progress and leaders continue to address the behaviors and attitudes that predicate these offenses. All the Academies are in compliance with the Department's policies regarding sexual harassment and sexual assault. In addition, all three Academies also go far beyond what is required in policy for their prevention and response programs. Our most recent Military Service Academy Report in January provided substantive evidence of these efforts.

ASSIGNMENT POLICIES FOR WOMEN IN THE MILITARY

Question. On December 3, 2015 Secretary of Defense Carter announced that the Department will open all military combat positions to women.

In your view, will this decision strengthen the Armed Forces? If so, how?

Answer. Yes. The Department will now have access to additional individuals who can add strength to the joint force and assign the most qualified individual to occupations and positions.

Question. Do you believe that the Services' implementation plans should be based on bona fide military requirements? If so, what steps would you take to ensure that such decisions are made on this basis?

Answer. Yes. The Department of Defense is a standards-based organization and will continue to be one. I personally reviewed each of the implementation plans and participate in the Implementation Work Group co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff to oversee short-term implementation and ensure that implementation plans meet the Secretary of Defense's first principle of retaining mission effectiveness.

Question. If confirmed, will you ensure that all standards are realistic and preserve, or enhance, military readiness and mission capability?

Answer. Yes. I will ensure that all standards remain occupationally specific, operationally relevant, and in accordance with federal law. I will continue to support and monitor direction given to the Military Department Secretaries to require their respective Inspectors General to implement compliance inspection programs assessing whether their occupational standards—together with Service implementing methodologies—measure the combat readiness of combat units and are legally compliant.

Question. The report of the Marine Corps' Ground Combat Exclusion Integrated Task Force reinforced other studies showing that female personnel experience injury rates in training that are two or three times greater than male personnel performing the same training.

In your view, can the prevalence of training injuries experienced by females be reduced without lowering overall physical requirements or standards? How could that be achieved?

Answer. Yes, I believe that by applying the myriad lessons we've already learned through 4 years of study and, by applying information gained as we implement, we can reduce the prevalence of training injuries for all servicemembers. DOD is a standards-based organization and will continue to be one.

Question. The higher injury rates for female personnel may be further aggravated in sustained Military Service environments both in garrison while preparing for deployment, while deployed, and while conducting combat operations. In your view, can these injury rates be reduced or mitigated by redesign of military gear and equipment?

Answer. Yes, I believe military equipment should be closely examined to ensure injuries are not a result of improper fit or design. I fully support the June 26, 2015 guidance issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics, which directed the Military Department Secretaries to take immediate steps to ensure combat equipment provided to female servicemembers is properly designed and fitted to accommodate their requirements, that it meets required standards for wear and survivability, and to continually monitor and address female sizing and fit issues in current and future combat equipment development and programs of record.

Question. In your view, should combat loads for females be reduced to a level below that currently required of males to mitigate injury rates? If so, how would those reduced combat loads impact the combat readiness or effectiveness of small units to fight and win?

Answer. No. DOD is a standards-based organization and Service occupational standards are reflective of their operational requirements. Servicemembers must meet the validated standards for a given occupation or position; any servicemember who can meet those prescribed standards should be allowed to serve. Injury rates are being closely monitored by the Services and Special Operations Command.

Question. In your view, is there a "critical mass" of female personnel required to effectively integrate combat arms units? If so, what do you believe would be the appropriate female-to-male composition necessary to achieve that critical mass?

Answer. I'm uncertain on this, and the matter deserves watching over the course of the next few years. The research on this question, as shown in many of the studies leading up to the Women in Service Review (WISR), was tentative and inconclusive.

SELECTIVE SERVICE ACT

Question. Some have suggested that the success of the All-Volunteer Force has reduced the need for our Nation to have a continuing authority and capability to conduct a draft. Further, a future national emergency may require that the military have the ability to identify citizens with unique and specialized skills to fill critical combat support requirements, both within the military and in the civilian sector. Currently, the Selective Service System does not identify individuals with such skills.

Do you believe the Selective Service Act [SSA] should be repealed?

Answer. Given that the Armed Forces have waged the longest continuous conflict in our history with an All-Volunteer Force and the fact that all military career designators, occupational specialties, positions and units are now open to women, a review of the military selective service act is prudent. This is not solely a Defense issue, but rather part of a much broader national discussion.

Question. Do you believe Congress should amend the Selective Service Act to require the registration of women?

Answer. The Selective Service Act should be reviewed, based on the recent experiences of the All-Volunteer Force and the fact that all military career designators, occupational specialties, and units are now open to women. This review should be part of a broad, national discussion. Moreover, I'd note that much of the conversation in the media thus far has addressed the question of whether to require women to register. I hope that the broader national conversation will include other options, such as repeal of the SSA, and entirely new models for conscription that leverage modern technology and realities, should we encounter such a national crisis.

Question. Do you believe the Selective Service system, with its focus on supplying large numbers of replacement combat soldiers, meets the needs of today's military and the type of personnel that would likely need to be drafted in a future conflict, including skilled personnel in the medical, linguistic, cyber, and other specialist fields?

Answer. Given that the Armed Forces have waged the longest continuous conflict in our history with an All-Volunteer Force, a review of the military Selective Service Act is prudent. But such a review must be part of a broader national discussion as this is not this solely a DOD issue.

Question. The Selective Service system currently provides for alternate service, via the Selective Service Alternative Service Program for would-be draftees who profess to be conscientious objectors to any form of Military Service, non-military work

that benefits the Nation in the civilian sector, including in the areas of conservation, caring for the very young or old, education, and health care. Do you believe this provides a model for re-thinking Selective Service in this country to include addressing national security needs that reside outside of Military Service per se, and how we might best leverage the skills and abilities of the civilian population to address all national security needs (not just military) and other national goals?

Answer. Your question offers many of the same points of departure that should be considered in the greater national discussion concerning the future of the Selective Service system and continuation of registration. That conversation should include DOD's perspective, and I look forward to taking part in the discussion, but it has much broader implications regarding the needs of our nation.

MILITARY HEALTH CARE REFORM

Question. The Department's fiscal year 2017 TRICARE budget proposal would increase fees for beneficiaries. How does the Department plan to increase the value of the health benefit enough to balance the higher costs for beneficiaries?

Answer. Our beneficiaries want better access, more convenience, and a higher level of customer service. At the same time, we must ensure that our military medical providers maintain critical deployment related skills. The fiscal year 2017 TRICARE budget is designed to ensure access for our beneficiaries at low to no cost and simultaneously encourage retirees to use our MTFs for care. In addition to our budget proposal we are undertaking a variety of administrative actions to add value and improve the beneficiaries' experience of care. Examples of these actions include: First call resolution for appointments; Implementing telehealth and other digital strategies to expand access to care; Ensuring that our system of care is safe and of the highest quality; and Removing any real or perceived barriers to care (example: not having to re-enroll when beneficiaries move into another managed care support contractor's region).

Question. What is the Department's rationale for its proposal to charge enrollment fees for TRICARE For Life beneficiaries?

Answer. A modest enrollment fee for TRICARE for Life (TFL) beneficiaries helps to balance the government/beneficiary proportional contributions to health care. The enrollment fees are structured to protect the most financially vulnerable, are grandfathered such that they will only apply to new TFL participants, and are far below what a typical Medicare-eligible beneficiary pays for a Medical supplemental plan.

Question. What is the status of the pilot programs on urgent care and value-based provider reimbursement? When will those pilot programs begin?

Answer. It is my understanding that the Department is on track to meet the implementation deadlines for the urgent care and value-based provider reimbursement pilot programs of May 23, 2016.

Question. In your view, what should the Services do to improve access to care in military medical facilities?

Answer. Working with Health Affairs, I will ensure that the appropriate resources are available to ensure access to care for beneficiaries and that we meet our access standards. I support using technology, as is done in the private sector, to provide alternatives for patients to engage their health care professionals.

Question. In your view, what is the greatest threat to the long-term viability of the military health system?

Answer. The military health system is unique; we operate a global system of hospitals, clinics, and health team capabilities—both fixed and deployable—to meet the health needs of our military force, and to maintain the ability of our military medical professionals to support the full range of military operations. The number and capabilities of our hospitals and clinics, aeromedical evacuation assets, hospital ships, and other deployable medical capabilities, as well as the number and mix of Active, Reserve, and civilian medical personnel, are based on meeting the health readiness mission requirements first and foremost, and ensuring that our beneficiaries receive the health care they need. Over the last years of war, we fought as a joint force and we provided medical care in that joint environment. We must continually assess and modernize the way we execute mission to ensure long-term viability of the MHS.

HEALTH CARE COSTS

Question. If confirmed, what reforms in infrastructure, benefits, or benefit management would you implement to control the per capita costs of health care provided by the Department?

Answer. Our benefit reform proposal goes a long way towards equitably adjusting contributions for health care and achieving savings, which will reach about \$1 bil-

lion per year. Part of our proposal will tie adjustments to participation fees and co-pays to a medical inflation rate, like National Health Expenditures, to ensure parity going forward. But we also see tremendous opportunity in incentives and enhancements to future TRICARE contracts, increased sharing with our close partner, the VA, and more operational efficiencies we see possible through the Shared Services we formed as part of the Defense Health Agency are top priorities. If confirmed, I will continue to aggressively pursue these and other opportunities to achieve greater efficiency and savings.

AUTISM CARE DEMONSTRATION

Question. One of the purposes of the Autism Care Demonstration (ACD) is to increase access and delivery of ABA services while creating a viable economic model. A RAND analysis warns that rates below commercial and public insurers “might lead providers either to leave TRICARE’s networks or to prioritize Autism Spectrum Disorder children from other health insurers over TRICARE-covered children. Providers have expressed concerns that the proposed rate changes will fall far below market rates, and the rate reductions will result in service interruption in several locations and severely limit access to care nationally.

In your view, will service interruption and access challenges (including delayed services or receiving less than prescribed levels of care) affect the overall results of the ACD?

Answer. TRICARE currently has one of the most robust autism care benefits in the nation. With all benefits covered by the catastrophic cap, and no preset limits on the amount of treatment provided, we are confident that military beneficiaries with autism will continue to have access to outstanding care. In addition, we lead the Nation in quality initiatives in autism care, including supervision and certification requirements. The market for ABA services is dynamic, and I will personally review these rate changes to ensure that they do not have a negative effect on the ability for children within the TRICARE network to obtain the services they require.

Question. Did the Defense Health Agency performed an analysis of how many children currently served under the ACD will lose services or receive fewer services as a result of the published rate changes?

Answer. The current provider network is robust in most areas and our contractors are actively recruiting new providers. The revised rates were developed after two comprehensive external studies of comparable rates. According to these studies, TRICARE remains very competitive in the reimbursement amounts for ABA services. Of note, of the four rate structures proposed by the external studies, TRICARE adopted the one that provides the highest overall reimbursement levels. These rates come from a deliberate and thoughtful process on the part of the Department. Nevertheless, I plan to personally review this matter to ensure that all military children currently served under the ACD will continue to receive the services they need.

SERVICE OF TRANSGENDER INDIVIDUALS

Question. If confirmed, what would be your role in the review and approval of Department policy on whether transgender persons should be allowed to serve openly in the military, and what, if any, effect on health benefits such service may have?

Answer. If confirmed, I anticipate that I will continue to lead the ongoing review directed by the Secretary of Defense of the policies impacting the service of transgender individuals and support the Secretary in implementing any policy changes that he might direct.

With respect to the medical care portion of the question, the Military Health System provides medically necessary care for Active Duty personnel for all health conditions. I am confident that will continue to be able to meet that standard, whatever decisions the Secretary makes on DOD policy regarding Military Service by transgender individuals.

MENTAL HEALTH CARE

Question. If confirmed, what actions will you take to reduce the stigma associated with seeking mental health care by military personnel and their families?

Answer. If confirmed, I will build on the ongoing efforts to reduce the stigma associated with seeking mental health care and encourage the use of available resources among servicemembers and their families. This will include an integrated approach for continuing mental health research, prevention, and evidence-based treatment efforts that will allow the Department to provide high-quality, timely mental health services. I will also continue to work with the Departments of Veterans Affairs (VA) and Health and Human Services on our multiple interagency mental health initiatives for servicemembers, Veterans and their families. These include public aware-

ness campaigns like DOD's "Real Warriors" and the VA's "Make the Connection" which encourage servicemembers to recognize the early signs of potential mental health issues and ask for help when they need it.

Question. Do you believe that characterizing post-traumatic stress disorder as a disorder helps to create more stigma associated with this condition?

Answer. In ordinary conversation, I think it is better to talk about "post-traumatic stress" rather than "post-traumatic stress disorder." "Post-traumatic stress disorder" is the term used by the medical and mental health provider community to classify the clinical diagnosis of PTSD, but the Department recognizes that that "post-traumatic stress" exists on a continuum and does not in all cases constitute a "disorder." As a result, medical jargon might differ from non-medical terminology.

We are engaged on multiple levels to decrease the stigma associated with seeking counseling for post-traumatic stress at any level of severity. The Department has undertaken several major policy and program changes in this area, such as co-locating mental health providers in primary care clinics and limiting the circumstances in which command notification of mental health treatment is required. Embedding mental health providers in close proximity with line units improves access, continuity of care, and also reduces stigma. As a result, Army utilization of outpatient mental healthcare has increased from approximately 900,000 encounters in fiscal year 2007 to approximately 2 million in fiscal year 2015. Additionally, between 2011 and 2015, the Department funded the training of 2,769 mental health providers in evidence-based psychotherapies for PTSD. With more servicemembers receiving counseling and care in outpatient and non-clinical settings, mental health conditions, including post-traumatic stress, are being managed earlier and often before crises occur.

Question. In your view, are DOD's current mental health resources adequate to serve all Active Duty and eligible Reserve component members and their families, as well as retirees and their dependents?

Answer. In recent years, the Department has undertaken significant efforts to increase and improve the mental health resources available to servicemembers, their families, and retirees. For example, since 2009, the Department increased the number of mental health professionals providing care to servicemembers, retirees and their families by 42 percent (to 9,295). The number of network behavioral health facilities also increased from approximately 914 in 2013 to 1,757 in 2015. The Department has also implemented embedded care models in recent years that have shifted providers from traditional hospital settings into operational units or satellite clinics in close proximity to where servicemembers work.

For Guard and Reserve servicemembers and their families, in addition to care provided while on an Active Duty status, multiple non-clinical counseling programs are available, including the *inTransition* program, where we are calling every separating servicemember with an identified mental health issue to facilitate their transition to VA, TRICARE or community mental health care as needed. The Reserve component also has access to Military OneSource, the Yellow Ribbon Reintegration Program, and other education and outreach programs. These programs identify and refer those in need of more intensive clinical mental health services. For Active Duty dependents, retirees and their dependents, the Department recently published a proposed rule on TRICARE Mental Health and Substance Use Disorder Treatment that will substantially expand mental health and substance use disorder treatment services, cover new types of mental health treatment programs, and reduce overall administrative barriers to access inpatient and residential mental health treatment when needed.

In light of recent studies by RAND and the GAO (which predate our efforts listed above), however, if confirmed I will direct a review of access to mental health care and assess where demand exceeds available mental health resources and how we can use our mental health provider workforce more efficiently and effectively.

SUICIDE PREVENTION

Question. The numbers of suicides in each of the Services continues to be of great concern to the Committee. The Defense Suicide Prevention Office was established in November 2011, to oversee the strategic development, implementation, centralization, standardization, communication and evaluation of DOD suicide and risk reduction programs, policies and surveillance activities.

What is your view of the effectiveness of the suicide prevention programs overseen by the Defense Suicide Prevention Office?

Answer. We recognize that when a servicemember dies from suicide, it is rarely due to "one" reason. As a result, prevention efforts have to be both comprehensive and evidence-based. Over the past year, the Services, in concert with the Defense

Suicide Prevention Office, have made great strides in implementing evidence-based practices that are effective at identifying servicemembers at risk and getting them into care. For example, the Services have established bystander intervention training programs that teach servicemembers to recognize the risks and warning signs of suicide and how to intervene in a caring manner. Additionally, since we understand that our suicide deaths often coincide with relationship, financial or legal struggles, there are a host of effective, non-medical, community based programs aimed at helping those that are struggling with these very issues. While I know that our current efforts are effective, they are not enough, and we continue our efforts to learn and improve.

Question. If confirmed, do you have plans to enhance these suicide prevention programs?

Answer. Yes, through continued development of a comprehensive research strategy aimed at closing our knowledge gaps and expanding the Services' use of evidenced-based programs, we will continue to learn and adjust our approaches to addressing this very complex and important issue.

Question. What is your view of the effectiveness of the Defense Suicide Prevention Office in overseeing these programs?

Answer. The Defense Suicide Prevention Office has provided a critical coordination and oversight capability. The expertise in this office has been fundamental in identifying which, of many previously existing programs, are evidence-based and should be shared among the Services, and in coordinating and facilitating a comprehensive research strategy to identify and address our knowledge gaps in the Department.

Question. If confirmed, what role would you play in shaping Department of Defense policies to help prevent suicides both in garrison and in theater and to increase the resiliency of all servicemembers and their families?

Answer. The recent enterprise reorganization of the Office of the Under Secretary of Defense for Personnel and Readiness created the Office of the Executive Director for Force Resiliency, whose mission is to strengthen and promote the resiliency and readiness of the Total Force. The offices within Force Resiliency include the Defense Suicide Prevention Office, as well as the Sexual Assault and Prevention Office, the Office of Diversity Management and Equal Opportunity, Personnel Risk Reduction, and the Office for DOD and VA Collaboration. With this new Directorate, I will increase the synergy and collaboration of resiliency efforts and identify comprehensive resiliency indicators and reporting systems to ensure we have a highly resilient military force.

VOLUNTARY EDUCATION PROGRAMS

Question. The Department continues to seek ways to improve oversight of its tuition assistance programs, including standardizing eligibility criteria among the Services and requiring all schools who accept tuition assistance funding, whether for online courses or on-post, to sign a Memorandum of Understanding with the Department which will, among other things, subject online schools to Departmental audits.

What is your assessment of the tuition assistance program in light of the needs of the Services and the current budget environment?

Answer. The Department places high value on programs designed to support professional and personal development as well as the successful transition of our servicemembers to the civilian workforce. Even in a time of constrained budgets and resources, DOD manages a Tuition Assistance Program that maximizes education benefits for servicemembers and helps them achieve significant personal and professional goals. In fiscal year 2015, Tuition Assistance funds supported over 286,000 servicemembers enrolled in more than 760,000 postsecondary courses. If confirmed, I will continue the work with the Services to meet the needs of the Total Force by sustaining the appropriate level of resources for this program.

Question. What is your view of tuition assistance as a transition benefit for servicemembers to obtain civilian licenses and credentials?

Answer. Tuition Assistance (TA) is a very valuable tool in assisting servicemembers to earn civilian licenses and credentials prior to separation from Military Service. TA can be used to pay for academic coursework that supports earning a credential or licensure when part of an approved academic degree plan. Furthermore, earning a professional credential or license broadens servicemembers' occupational knowledge and furthers their contribution to the military "profession of arms." If confirmed, I look forward to working with the Military Departments to increase opportunities for servicemembers to use their Tuition Assistance productively, to benefit the individual servicemember and his or her transition, as well as the greater mission.

Question. What is your view of proposed changes to the so-called 90/10 rule that would require academic institutions to derive no more than 85 percent of their revenue from Federal sources, including DOD tuition assistance and VA GI Bill funding?

Answer. While DOD has no objection to the proposal to include title 10 Tuition Assistance funds in the Federal portion of the 90/10 calculation, any statutory changes to the proposed 90/10 rule would likely reside with the Department of Education.

Question. What is your view on for-profit educational institutions that provide educational services at a higher tuition rate than public universities having the same access to DOD tuition assistance and VA GI Bill funding?

Answer. Whether the servicemember selects a program of study that is offered online or in the classroom, with a private or public institution, the Tuition Assistance program enables funding up to \$250 per semester hour toward that member's education-related goal. The Department's Tuition Assistance program intentionally enables a wide array of educational opportunities to support the many and varied needs of our military students. If confirmed, I will continue to work with educational institutions providing meaningful information to students about the financial cost of attendance at an institution so our military students can make informed decisions on where to attend school.

Question. Do you believe that educational institutions should have to prove their success rates of placing students into jobs before obtaining DOD tuition assistance and VA GI Bill funding?

Answer. The Department supports the gainful employment regulations that reside with the Department of Education. In fact, DOD policy requires educational institutions that wish to participate in the DOD Tuition Assistance Program be certified to participate in Department of Education's Title IV, Federal Student Aid programs prior to an educational institution receiving funds from a Service's Tuition Assistance program. If confirmed, I will continue to work with the Department of Education in enforcing its gainful employment protections with respect to our military students.

Question. Department of Defense Instruction (DODI) 1322.25 does not provide administrative procedures for the fair and expeditious adjudication of complaints about educational institutions that have entered into a memorandum of understanding (MOU) with DOD for a Voluntary Education Partnership. As a result, there is no clear guidance on the rights and responsibilities of the DOD or of the educational institution prior to and following a DOD decision to suspend or terminate a MOU.

If confirmed, what action would you take to ensure that the Department of Defense implements administrative procedures adequate for the fair and expeditious adjudication of complaints about educational institutions that have entered into an MOU with DOD for a Voluntary Education Partnership?

Answer. Safeguarding servicemember access to quality post-secondary education is a strategic investment that supports mission accomplishment and successful transition to civilian life. As such, I take complaints about educational institutions seriously. When there are violations of Department agreements, MOUs and policies, the Department takes appropriate action. The DOD Instruction 1322.25, "Voluntary Education Programs," clearly articulates the circumstances by which an MOU may be cancelled, terminated, or suspended to include basic notification and appeal processes. If confirmed, I will continue to communicate our standardized processes and procedures to review and decide what action is appropriate when we are in receipt of reports of non-compliance with the DOD Voluntary Education Partnership MOU.

DEFENSE DEPARTMENT CIVILIAN VACANCIES

Question. Until recently, you were serving in an acting position that appears to violate the Federal Vacancies Reform Act of 1998 (FVRA). Under title 5, United States Code section 3348(d), an action taken by any person whose appointment is not in compliance with FVRA shall have no force or effect and may not be ratified.

Do you believe that your acting appointment was in violation of the FVRA? If not, why not?

Answer. I understand that my service as the Acting Under Secretary of Defense for Personnel and Readiness followed the consistent interpretation of the Federal Vacancies Reform Act of 1998 by administrations of both parties since the Act was passed. I also understand that this is a matter in litigation and that consequently it would be inappropriate to comment further.

Question. If so, what actions, if any, did you take to communicate the FVRA violation to the Secretary of Defense?

Answer. Please see above response.

Question. Provide a complete description of all actions you took while in an acting capacity in violation of the FVRA that may be without force and effect.

Answer. Please see above response.

RELIGIOUS ACCOMMODATIONS

Question. On July 22, 2015 the Department of Defense Inspector General released a report on “Rights of Conscience Protections for Armed Forces Service Members and Their Chaplains.” The Inspector General found that the Services are not processing special religious accommodation requests promptly and, once accommodation requests are approved, they do not last for the duration of soldiers’ military careers. In many cases, this has put individuals in the difficult position of being forced to violate their faith in order to join the military and they must resubmit accommodation requests every time they transfer military bases. In some cases, these policies are unfairly burdening individuals specifically recruited by our Armed Forces for their unique language, culture, and technical skills.

If confirmed, what would be your role in addressing the recommendations in the Inspector General report?

Answer. I would continue the process already underway of establishing new policy that addresses the areas for improvement identified in the Inspector General’s report.

Question. Do you support a policy to allow servicemembers’ religious accommodations to follow their service throughout their entire military careers—no matter where they are stationed?

Answer. I support a policy pursuant to which religious accommodations afforded to a servicemember will continue—until and unless—“there is a compelling government interest that requires withdrawal of that accommodation.” If confirmed, I will continue the work already underway, to update current DOD policies in this regard.

Question. Do you support a policy that would allow prospective recruits to request accommodation prior to enlisting or accepting a commission for service in the Armed Forces?

Answer. If confirmed, I would continue the process, already underway, of establishing new policy that addresses the areas for improvement identified in the Inspector General’s report.

Question. American military personnel routinely deploy to locations around the world where they must engage and work effectively with allies and host-country nationals whose faiths and beliefs may be different than their own. For many other cultures, religious faith is not a purely personal and private matter; it is the foundation of their culture and society. Learning to respect the different faiths and beliefs of others, and to understand how accommodating different views can contribute to a diverse force is, some would argue, an essential skill to operational effectiveness.

In your view, do policies concerning religious accommodation in the military appropriately accommodate the free exercise of religion and other beliefs, including individual expressions of belief, without impinging on those who have different beliefs, including no religious belief?

Answer. Yes.

Question. In your view, does a military climate that welcomes and respects open and candid discussions about personal religious faith and beliefs in a garrison environment contribute in a positive way to preparing U.S. Forces to be effective in overseas assignments? Would a policy that discourages open discussions about personal faith and beliefs be more or less effective at preparing servicemembers to work and operate in a pluralistic environment?

Answer. Current Department policy places a “high value on the rights of members of the Military Services to observe the tenets of their respective religions or to observe no religion at all,” neither encouraging nor discouraging discussions of religion by individual servicemembers. I believe our current policy wisely balances individual rights and military readiness.

FORCE OF THE FUTURE

Question. The Committee has been conducting a series of hearings on reforming the Department of Defense. A number of witnesses have called for reforms to the Pentagon’s personnel management system to ensure we recruit and retain the best and the brightest to work for the nation’s defense. This Committee is concerned, however, that on an issue of such importance, the Pentagon has chosen not to consult the Congress in its deliberations, yet foreign military officials, think tanks, and union representatives have received detailed briefings on Force of the Future (FOTF) that have not been provided to the Congress.

What was your role, if any, in establishing and executing the FOTF initiative?

Answer. When I was re-assigned to the Office of the Under Secretary of Defense for Personnel and Readiness, Secretary Carter had already announced his Force of the Future initiative at his former high school in Abington, Pennsylvania. Shortly thereafter, I provided a memorandum which outlined, in broad terms, how his vision might be realized and what I viewed as the general challenges that our military and civilian personnel systems faced. Secretary Carter then directed me to execute a plan in accordance with my memorandum to him. From that point forward, I served as Secretary Carter's principal agent and executor on the Force of the Future initiative and assembled a small research and writing team to assist me. Working Groups within the Department had already been established and I began chairing those sessions as they developed reform proposal ideas and possible options for implementation. I personally oversaw the development of reform proposal ideas, provided guidance and direction to the research and writing team, and approved the final set of reform proposals that we presented to the Deputy Secretary of Defense in August 2015.

Question. What role, if any, did you have in briefs to foreign military officials, think tanks, and union representatives prior to public announcement of the FOTF initiative?

Answer. I personally discussed the Force of the Future initiative, in broad terms, with the Chief of General Staff and a Minister of the Armed Forces from the UK, discussed the proposed reforms with leadership from both RAND and Institute for Defense Analyses (IDA) based on their extensive pre-existing research on military and civilian personnel reform, and personally met with the leadership of unions that requested meetings with me to address their concerns after v2.0 of the reform proposals was leaked publically.

Question. What are the clearly defined problems faced by the current military personnel system that the FOTF initiative is aimed at addressing?

Answer. As the Secretary of Defense has publically stated, the Force of the Future initiative was developed to focus on ways in which the Department could increase permeability of personnel and ideas between the public and private sector, increase recruiting results and outcomes for the Department, and emphasize talent management and retention to ensure that the quality of today's current force will translate to a "Force of the Future."

Additionally, the Secretary has also approved reform proposals focused on improving the quality of life of military parents so they may better balance commitments they make to serve in uniform and start and support a family. Secretary Carter believes this comprehensive package of family benefits will enable the Department to attract, incentivize, and retain the best talent today and in the future.

Question. What actions, if any, has the Department taken to determine whether the FOTF proposals would address those problems?

Answer. The Secretary has already approved more than three dozen reform initiatives of the 81 presented to him in August 2015. Many required significant study and analysis in their formulation; more still, before the Secretary was convinced that they would appropriately address the problem areas he identified and that I have already mentioned elsewhere in these answers. The Military Services and certain components within the Office of the Secretary of Defense (OSD) have already submitted initial implementation plans for the initiatives announced by the Secretary in November 2015 and those plans are currently under initial review. To my knowledge, the only initiatives that are currently being actively implemented across the Department are expanded Maternity Leave and the creation of the Defense Digital Service (DDS).

MILITARY PAY AND ALLOWANCES

Question. The Department has traditionally compared Regular Military Compensation against comparable civilian salaries to devise a percentile as a way to assess the relative attractiveness of military pay versus civilian pay.

What is the current comparable percentile of military pay versus civilian pay for officers and enlisted personnel?

Answer. A 2012 study (2009 data) found that military compensation compares favorably with private sector wages for American workers of similar education/experience and that on average, enlisted personnel are paid at the 90th percentile and officers are paid at the 83rd percentile relative to their civilian counterparts.

Question. How do these percentiles compare to the base level at which the Department feels military compensation must be to effectively recruit and retain the highest quality personnel possible for Military Service?

Answer. The Department's base level of the 70th percentile was set in a study produced almost 15 years ago. We have started a study of the base level of Regular Military Compensation to ensure it remains a relevant comparator for today's military force and expect those results this summer. The Department continually monitors the competitiveness of military compensation to ensure it remains sufficient to recruit and retain the high-quality force we need today and into the future.

Question. What is your assessment of the current military basic pay table in terms of providing adequate and competitive pay for military members and their families?

Answer. The current military basic pay table remains adequate, competitive, and sufficient to recruit and retain the high-quality force we need today. We are reviewing the pay table to determine whether it is properly aligned with the Department's talent management needs for the future force.

Question. What changes, if any, would you recommend for the revision of the military pay table?

Answer. I do not have any changes to recommend at this time, but, if confirmed, I will continue to closely monitor this critical issue and make recommendations for changes that I believe are appropriate.

Question. In a recent hearing concerning military personnel reform one witness recommended flexible authorities for the Military Departments to establish career and retirement packages that recognize the different professional qualifications within the Services. It was suggested that military career lengths be extended beyond 30 years of service for military specialties such as medical and legal, and perhaps shorter careers for infantry and similar combat arms positions.

What is your view on the need for such flexibilities?

Answer. The Department needs a broad range of authorities, personnel policies, and military compensation strategies that are flexible enough to address recruiting and retention issues that arise over time in a wide variety of career fields. The Department is reviewing whether current mandatory retirement ages continue to meet the needs of the joint force.

Question. If needed, what changes would you advocate to the military pay tables and to the military compensation and retirement system to achieve any desired flexibility?

Answer. Thanks to the efforts of the Congress, the Department is currently implementing one of the most significant changes to the military retirement system in generations, which will provide the Department and members with a modernized and more flexible retirement system. I do not have any additional changes to recommend at this time. While the current military basic pay table is competitive and sufficient to recruit and retain the high-quality force we need today, the Department is reviewing the pay table and other elements of military compensation to determine whether they are properly aligned with the Department's talent management needs for tomorrow's force.

Question. The Senate-passed version of the National Defense Authorization Act for fiscal year 2016 included a provision that would restore the original purpose of the Basic Allowance for Housing (BAH), to provide a tax-exempt allowance for military members and their families to purchase or lease adequate private housing. This provision addressed the situation in which two or more military members form a household where each receives a Basic Allowance for Housing. It was included with an Administration proposal to reduce Basic Allowance for Housing rates to provide an up to 5 percent out of pocket contribution by military members to their private housing, based on market rates.

What are your views on whether the Basic Allowance for Housing should be provided to all military members comprising a single household?

Answer. I support the purpose of the Basic Allowance for Housing as a fundamental part of Regular Military Compensation provided to all members, regardless of members' household choices. If I am confirmed, I will continue to review the Basic Allowance for Housing and make recommendations for changes that I believe are appropriate to maintain the competitiveness of Regular Military Compensation with private sector compensation.

Question. If the Basic Allowance for Housing is considered part of compensation rather than an allowance, particularly for those households that receive two or more Basic Allowances for Housing, should it be taxed as ordinary income? Should it be included in the calculation of retired pay?

Answer. It is my view that the Basic Allowance for Housing should not be taxed. Taxing this allowance would reduce the amount of the allowance that members have to pay for housing in their local areas, and may preclude them from being able to obtain suitable, adequate housing for their paygrade with the remainder. The recent enactment of a new retirement system for the military is a significant and meaning-

ful change to military compensation. Making a further change to include BAH as part of the retirement calculation would require additional analysis to understand the full impact.

If I am confirmed, I will review this matter and make recommendations for changes that I believe are appropriate.

Question. How would you amend the current system of allowances to provide adequate housing for all members of the military while also providing pay that is sufficiently competitive with that of civilian counterparts of comparable age and educational attainment?

Answer. Regular Military Compensation today compares favorably with private sector wages for American workers of similar education/experience. At this time, I do not see a need to amend these programs. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

Question. Do the military pay tables adequately compensate individuals for their specialized skills and provide an incentive to recruit science and engineering professionals into the military?

Answer. The military basic pay tables and the special and incentive pay authorities provided by the Congress do provide the ability to efficiently target additional compensation to individuals with specialized skills. The Department is reviewing the pay table and other elements of military compensation to determine whether they are properly aligned with the Department's talent management needs for tomorrow's force. If I am confirmed, I will continue this review and make recommendations for changes that I believe are appropriate. The Department is also, through the Force of the Future and other initiatives, pursuing non-monetary means of recruiting and retaining the best talent, to include those in technical fields.

Question. If confirmed, would you advocate for a review of the adequacy of military pay tables?

Answer. The Department is reviewing the pay table and other elements of military compensation to determine whether they are properly aligned with the Department's talent management needs for tomorrow's force.

READINESS RESPONSIBILITIES

Question. Section 136 of title 10, United States Code, gives the Under Secretary of Defense for Personnel and Readiness certain responsibilities for military readiness. Some important issues that affect military readiness, however, such as logistics and materiel readiness, have been placed under the jurisdiction of the Under Secretary for Acquisition, Technology, and Logistics.

In your view, what are the most significant challenges to the current readiness of our Armed Forces?

Answer. Currently, I'm concerned that unpredictable funding levels will thwart the Services' efforts to recover full spectrum readiness in the coming years in order to successfully meet the tenets of the defense strategy. In addition to stable funding levels, the Services require time to recover readiness; the global demand for our operations and capabilities strains the Services' ability to recover and train at home following 14 years of combat.

Readiness for high-end, high tech conflict demands a markedly different skill set than the counterinsurgency skills we've honed over the two wars. The Services continue to shift from counterinsurgency-focused training to training that addresses high-end contingency, full spectrum warfighter requirements, but require time and predictable funding to get there.

Question. What is your understanding of the term, "Readiness" as it applies to the responsibilities of the Under Secretary of Defense for Personnel and Readiness?

Answer. I define readiness as the Department's ability to deploy and generate adequately manned, trained and equipped forces required to execute the missions assigned by the President. This involves assessing and advising the Secretary on the state of military readiness, total force management (Active component and Reserve component), and the global allocation of our forces to ensure efficient and effective support of wartime and peacetime operations, contingency planning and preparedness. In partnership with the Office of the Chairman of the Joint Chiefs of Staff and the Armed Forces, it will be my primary duty to develop policies, plans and programs to ensure we have the right type and number of ready forces required to meet the demands of the National Military Strategy.

Question. In your view, is it necessary that the responsibilities of the Under Secretary of Defense for Personnel and Readiness with respect to Readiness be assigned to this position? Why or why not? If not, to what other officer or official of the De-

partment, the Joint Staff, or the Military Departments should the Readiness responsibilities be assigned?

Answer. There have been numerous studies on how to measure and define the readiness of our force, and one finding is invariably conclusive: the quality of our people is the hallmark of what makes the U.S. military the pre-eminent global fighting force. As such, the health of our All-Volunteer Force, analyzed through qualitative and quantitative metrics through other offices in the Under Secretariat, is inextricably linked to the readiness we need to execute the defense strategy. In fact, the importance of understanding strategic readiness within an increasingly unpredictable global landscape is evidenced by the Department's recent decision to elevate readiness oversight and management to the Assistant Secretary of Defense level. We should and will continue to work closely with the Services and Joint Staff to create synergies and define roles and responsibilities in managing readiness across the Department.

Question. What is your assessment of the impacts and challenges to DOD readiness as a result of sequestration?

Answer. It is my understanding that degraded readiness levels are largely attributed to prolonged counterinsurgency-based combat operations. The cuts posed by sequestration exacerbated already existing problems, undermined the Services' plans to recover full-spectrum readiness, and forced the Department to make hard choices to balance current and future readiness. The Force continues to be stressed in meeting operational demand globally, but the Services are able to meet the minimum operational requirements. The brunt of sequestration's effects was felt most in our ability to generate forces to meet contingency surge requirements—our readiness for major wars. Some of these effects will take considerable time and predictable resources to reverse.

Question. What is your assessment of the current readiness of our Armed Forces to execute the Defense Strategic Guidance?

Answer. Today our ready forces are postured globally, conducting counter-terrorism, stability, and deterrence operations. They maintain a stabilizing presence, conduct bilateral and multilateral training to burden-share and enhance our security relationships, and provide the crisis response capabilities required to protect U.S. National Security interests and deter potential adversaries from major conflict. While we remain able to meet the demand of current operations and the steady state requirements that the Nation asks of us, persistent operational demand and fiscal instability have made readiness recovery more challenging. While the specifics should be discussed in a classified environment, our ability to generate the surge required for a high-end emergent crisis is a very real and serious concern as we recover full spectrum readiness following operations in Iraq and Afghanistan.

Question. What is your understanding of the responsibilities of the Under Secretary of Defense for Personnel and Readiness and relationship to the Assistant Secretary of Defense for Logistics and Materiel Readiness in ensuring military readiness, including materiel readiness?

Answer. It is my understanding that the responsibilities of the USD (P&R) are to develop policies, plans, and programs for the Total Force to ensure efficient and effective support of wartime and peacetime operations, contingency planning, and preparedness whereas the Assistant Secretary of Defense for Logistics and Materiel Readiness (ASD L&MR) oversees materiel readiness which supports operational readiness. With Service readiness challenges largely distributed along personnel, training and equipment challenges, if confirmed, I envision heavy partnership with ASD L&MR in managing policy and readiness oversight in all aspects of equipping and supporting our force.

Question. What are the most critical objectives to improve readiness reporting and monitoring of the military forces, and if confirmed, how would you work with the Military Departments as well as other Office of the Secretary of Defense offices to achieve them?

Answer. To understand readiness, we must be successful in two areas. First, we must collect the right data—timely, accurate, and relevant information about the supply and demand for ready forces. This is an analytical challenge—we currently do this well, and are committed to improving further still. Second, no less of a challenge, we must understand what the data means—how it weighs on the serious questions of strategy, risk, and resourcing tradeoffs that the Secretary and Chairman must answer. I'm committed to partnering with the Departments, Joint Staff, Combatant Commands, and OSD offices to advance in both areas.

Regarding partnerships, we must ensure we're vectored on the correct metrics from the tactical, joint, and strategic levels that inform us about our ability to answer the National Military Strategy. This means working effectively with OSD (Policy), Joint Staff and the Military Departments. Additionally, it is essential to be able

to monitor not just the status of unit readiness but the health of the pipelines that drive and support that readiness. These downstream metrics not only provide a more complete picture of readiness, but they are also the key to forecasting problems.

END STRENGTH REDUCTIONS

Question. In 2014, the Department proposed a defense strategy that included eventual end strengths of 450,000 for the Army and 182,000 for the Marine Corps over the subsequent 5 years.

What is your understanding of the Army's and Marine Corps' ability to meet these goals without forcing out many soldiers and marines who have served in combat over the past 15 years with the implicit promise that they could compete for career service and retirement?

Answer. The Army and Marine Corps have indicated they will meet their prescribed end strengths on schedule. All of the Services have worked hard to affect the drawdown with minimal involuntary separations, while ensuring we retain needed quality and combat experience.

Question. What programs are in place to ensure that separating and retiring servicemembers are as prepared as they can be as they reenter the civilian economy?

Answer. In partnership with the Department of Veterans Affairs, Department of Labor, Department of Education, Small Business Administration, and the Office of Personnel Management, the DOD has redesigned the Transition Assistance Program (TAP) to prepare all servicemembers, both Active and Reserve component, for employment, attending an institution of higher learning or career technical training program, or starting a business. TAP includes servicemember counseling and training sessions, employment and career workshops, and education opportunities throughout the military life cycle, all while maintaining leadership focus on, and involvement in, each servicemember's transition process. DOD provides opportunities for servicemember credentialing and job skills training prior to separation.

Question. What steps are being taken to offer Reserve billets to Active Duty members being involuntarily separated due to the drawdown?

Answer. As part of their transition programs, all of the Services encourage eligible Active Duty members who are separating to consider continuing their service as members of the Reserve components. This portion of the transition program has received renewed emphasis as part of Service drawdown plans.

Question. How fast can the Army and Marine Corps responsibly and fairly reduce end strength while maintaining the integrity and readiness of combat units?

Answer. The Army and Marine Corps will continue to implement significant reductions over the next several years, but at a pace that responsibly ensures their ability to make ready the force they have now and in the future. The Marine Corps will meet its goal of 182,000 Active Duty in fiscal year 2017 and the Army will meet its end-strength goal of 980,000 Active, Guard and Reserve soldiers in fiscal year 2018. Our military must remain able to respond to any large-scale contingency operation. This will require careful consideration on the part of the Services about their organizational structures and their ability to reconstitute and mobilize forces.

Question. If sequestration continues through 2018, what will be the impact on the Active Duty and Reserve end strengths of all the Services, and how would the mix between the Active and Reserve forces be affected?

Answer. The continuation of sequestration will have a significant negative impact on the Department's ability to perform its missions, and may necessitate continued adjustments to end-strength levels for both our Active and Reserve components. If confirmed, I will support the Services as they strive to achieve the best possible levels and mix of military end-strength.

Question. What is your understanding of the need for additional force shaping tools requiring legislation beyond what Congress has provided?

Answer. Through the Force of the Future initiative, if confirmed, I hope to work with Congress to pursue flexibility within DOPMA, the new retirement system, and other tools that serve both retention and force shaping goals.

RECRUITING AND RETENTION

Question. The Department of Defense has indicated that approximately 25 percent of today's youth population is eligible for Military Service. This number is alarmingly low.

What are the main reasons for such a small pool of individuals in the 17 to 24 years of age population being eligible for service? Do you believe the current standards for enlistment are the right standards?

Answer. Although the Department continues to recruit the best and the brightest of America's young adults to sustain the All-Volunteer Force, our latest information indicates that unfortunately, only 29 percent of today's youth meet the standards for Military Service without a waiver. The majority of these disqualifications result from obesity and other medical conditions. Today's enlistment standards are appropriate, allowing the Services to accomplish their missions by recruiting a diverse force drawn from the best of today's youth.

Question. What is your view of the importance of increasing the number individuals for service that are older than the typical core recruiting demographic?

Answer. Anticipating the recruiting environment will continue to become more challenging, it is important for the Department and the Services to continuously identify ways to expand the pool of eligible individuals. Expanding that pool to older recruits is an option that may be considered, provided it will not impact the high quality expected of our new recruits.

Question. Some Services have recently relaxed grooming and appearance standards. In your view, how will this impact recruiting and retention?

Answer. The Services frequently review, and as appropriate, make changes to these policies in accordance with their individual needs. I am committed, if confirmed, to working with the Services to ensure that any proposed adjustments to these standards are carefully reviewed to ensure our full understanding of the implications such modifications may have, including their potential impact on recruiting and retention.

Question. As the economy continues to recover and strengthen, what is your assessment of the current recruiting climate? What legislative authorities, if any, do you believe would be helpful to improve recruiting?

Answer. As the economy continues to improve, the Department is starting to encounter a more challenging recruiting environment. Currently, we are well positioned to ensure near-term success in recruiting. We have an ongoing effort studying whether additional legislative authority is needed to ensure that we are best positioned to recruit in the longer term.

Question. Given the shrinking eligible population combined with the current force structure drawdowns and strengthening economy, do you believe the Department is, or soon will be, facing a recruiting and retention issue?

Answer. Despite today's challenges, the Department is achieving our recruiting goals. There are indicators, however, that the growing economy, the shrinking population of youth qualified for Military Service, the decreasing population of youth propensed to serve, and budgetary pressures will challenge the Services in recruiting and retaining the best and most qualified servicemembers. These realities remain a significant and constant concern.

Question. What policies or tools are needed by the Department to increase the propensity to serve of today's youth?

Answer. Your continued support, together with that of other members in Congress, is essential to maintaining adequate investments in recruiting resources, which will generate the future force upon which the Nation will depend. Specifically, I would ask that you consider how the Congress might broaden the means by which we approach America's youth. Mass marketing in traditional media, as well as more tailored social media campaigns will provide increased opportunities to afford both young Americans and their influencers (e.g., parents, teachers and coaches, clergy) access to accurate information about Military Service. The best way to improve propensity is to improve the perception of what it means to serve. Providing the Department the necessary flexibility to execute marketing, advertising and outreach programs in a manner that allows each Service to bridge knowledge gaps, correct misperceptions and reinforce a consistent, positive message is essential to sustaining the All-Volunteer Force.

MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST PROGRAM

Question. Under the Military Accessions Vital to National Interest (MAVNI) program, the Services may recruit non-permanent resident aliens who have certain high-demand medical or linguistic skills for service in the Armed Forces, and offer them an expedited path to citizenship.

What is the status of the MAVNI program?

Answer. The MAVNI pilot program, started in 2008 and continued with several adjustments and extensions, remains an Active pilot program that recruits individuals whose enlistments are determined to be vital to the national interest. DOD utilizes this program to recruit and fill critical needs for qualified health care professionals and people with certain language and associated culture capabilities. The program is due to end in October of 2016, but the Department is examining the

Services' needs for an extension. I will, if confirmed, ensure review and oversight of this pilot.

Question. How many individuals have been recruited under the program since its restart, and in what occupations?

Answer. The Military Services utilize the MAVNI authority to recruit and fill critical needs for qualified health care professionals and people with certain language and associated culture capabilities. Since reinstatement on May 16, 2012, there have been 5,092 MAVNI accessions.

- Fiscal year 2013–1,134 (1,088 language/46 health care providers)
- Fiscal year 2014–1,303 (1,202 language/101 health care providers)
- Fiscal year 2015–2,655 (2,622 language/33 health care providers)

In fiscal year 2015, Army, the primary user of the MAVNI authority, contracted 1,640 Regular Army enlistments, 981 Army Reserve enlistment and 33 health care professionals (HCPs). The majority of these new enlistments were for the top five MAVNI languages: Korean (544); Chinese (370); Nepalese (173); French (88); and Tagalog (81) for Regular Army. The Army Reserve's top five languages were Nepalese (216); Korean (211); Chinese (191); Hindi (106) and Yoruba (48). The remainder of the Active and Reserve component MAVNI enlistments is spread across several other languages.

There were 337 Army applicants (247–Active / 90–Reserve component) with DACA (Deferred Action for Childhood Arrivals) authorization in the Army Delayed Entry Pool (DEP). Only 9 (2 percent) have received a favorably adjudicated Single-Scope Background Investigation (SSBI), as required for all MAVNI applicants. The average SSBI takes approximately 8 months to complete. Five DACA recipients have shipped to Basic Training. The top DACA Languages (both Active and Reserve component) are: Korean (250), Tagalog (30), Portuguese (19) and Chinese (11). The remaining 27 enlistments are from various languages.

Of the 33 HCPs, 29 of them are Army Reserve physicians: Dentists (13); Psychiatrists (4); Anesthesiologists and Family Medicine Physicians (3 each); General Surgeons (2); and Entomologist, Emergency Medicine Physician, OBGYN and Internal Medicine Physician (1 each). The Reserve component accessed 4 Internal Medicine Physicians

The Air Force accessed one MAVNI from Kenya who is fluent in Swahili.

Question. What is your view of expanding the scope of the program to include more traditional, less specialized occupations, and to increasing the number of individuals that may be recruited under the program?

Answer. Expansion of the MAVNI program beyond critical skill sets to include less specialized occupations would require a change in law. Section 504 of title 10 is clear that individual enlistments must be based on the "vital" requirement.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. Over the past 14 years, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Reserve force management policies and systems have been characterized in the past as "inefficient and rigid" and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. Over the past 14 years, the Department has implemented policy changes governing the utilization of the Guard and Reserves and expanded pre- and post-mobilization benefits for Active Duty periods. These improvements have served to enhance predictability and morale among servicemembers. The Department strives to provide timely access to the Reserve components and to mitigate any adverse impact on members back at home or in their jobs. Ensuring or reducing the potential for adverse impacts due to deployments on individual members of the Reserve component is an area I will continue to assess.

Question. What do you consider to be the most significant enduring changes to the administration of the Reserve components aimed at ensuring their readiness for future mobilization requirements?

Answer. Significant enduring changes include title 10 section 12304b mobilization authority provided by the Congress in the fiscal year 2012 NDAA, which enables continued focus on readiness and Reserve component utilization for non-named contingencies. Other enduring features include the exceptional Reserve component performance record and support of the American people and employers. If confirmed, I will look to the RC in order to determine where its use aids the readiness of the Total Force.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. The Department is evaluating some minor adjustments to current authorities that will provide improved use of the Reserve components. One example is the Department's request to improve 12304b by allowing the Services to use Reserve components for Service-unique missions. Currently under 12304b, Reserve components can only be used for COCOM mission sets. If confirmed I will continue to assess this issue and request additional or modified authorities if I conclude they are necessary.

Question. What is your assessment of the Department of Defense programs to assist members of the National Guard and Reserves as they transition from a mobilized status?

Answer. As a Reservist myself who served in Iraq, I can tell you that predictability and open communications are two key elements in the sustainment of readiness and morale of Reserve component servicemembers and their families. Since 2008, the Yellow Ribbon Reintegration Program (YRRP) has provided invaluable deployment and reintegration support for the Reserve components. Its efforts, in collaboration with partners like Employer Support of the Guard and Reserve, Transition GPS (Goals, Plans, Success), the Department of Veterans Affairs and the community-based network of care, provide information, access, referrals and outreach to military members, their families, employers and immediate support network.

ENHANCED RESERVE MOBILIZATION AUTHORITIES

Question. In the National Defense Authorization Act for fiscal year 2012, Congress authorized the Service Secretaries to mobilize units and individuals in support of pre-planned combatant command missions for up to 365 consecutive days. In the current defense strategy, the President and Secretary of Defense have stated that while conventional ground forces will be reduced, Special Forces will be increased over the next 5 years, and a key component of the new strategy seems to be the establishment of a rotational presence in Europe, the Middle East, and anywhere United States interests are threatened. Some have called this a "lily pad" approach, and it potentially dovetails with an operational view of the Reserve components.

What is your assessment of the authority to order members of the Selected Reserve to Active Duty for preplanned missions in support of the combatant commanders (10 USC 12304b)?

Answer. This authority aids Services by allowing for planned Reserve component mobilizations when making decisions on restructuring and employing their forces. Utilization of the Guard and Reserve in the rotational support to COCOMs not only maintains higher readiness levels across the Total Force, but provides an operational reprieve for Active component units to optimize full-spectrum training opportunities at home station. I consider this a critical component recovering and improving the readiness of the Total Force.

Question. Does this authority facilitate placing members and units of the Selected Reserve in the planned rotation cycle for deployments for continuing missions?

Answer. This authority allows the use of RC forces in support of pre-planned and reoccurring combatant commander rotational requirements while also allowing the services to properly resource and prepare RC units for missions. This authority maintains the allotted preparation time for RC members to inform their employers or schools and make preparations for the family during their deployment.

Question. Are the other mobilization authorities adequate to mobilize members and units of the Selected Reserve for emerging requirements where it is not feasible to include information about the deployment in budget materials for the fiscal year of the deployment?

Answer. The current set of Authorities provides the Department access under practically every conceivable condition. In regards to emergent requirements, those not planned for in the budgetary process we would utilize section 12304 of title 10, United States Code, which results from a Presidential Authorization and has been used for addressing emergent requirements (Ebola, Haiti). At this time we rely on a Declaration of National Emergency which provides access to the RC through section 12302 of such title. However, should the Declaration of National Emergency not be renewed, section 12304 would be the only authority available to address emergent requirements.

Question. What is your assessment of the operational Reserve and how it will fit into this paradigm of smaller, more lethal forces rotating into and out of many locations of strategic interest?

Answer. The United States currently has the best equipped, trained, and experienced Reserve component since the Second World War. To that end, the Department

is looking to determine where the use of the Reserve component might add value not only to the Nation generally, but directly to the Active component as well. One example would be to direct some missions to the Reserve component where training and readiness levels are more easily achievable. This would release the Active component to train on more complex missions. If confirmed, I look forward to exploring additional capabilities and uses for the Reserve component.

Question. What is your understanding of the appropriate size and makeup of the Reserve components in light of the defense strategy?

Answer. Each of the seven Reserve components is unique in how it is employed and organized. I see a more robust use of the Reserve component in the future; however, we must be prudent in understanding the opportunities of capabilities resident in the RC as we prepare our force to meet increasingly complex mission requirements.

MILITARY QUALITY OF LIFE

Question. The Committee is concerned about the sustainment of key quality of life programs for military families, such as family support, child care, education, employment support, health care, and morale, welfare and recreation services, especially as DOD's budget declines.

If confirmed, what military quality of life programs would you consider a priority, and how would you work with the Services, combatant commanders, family advocacy groups, and Congress to sustain them?

Answer. If confirmed, I would continue to prioritize quality of life programs that promote the well-being and resilience of servicemembers and their families. Providing the greatest possible access to programs such as family life counseling; spouse education and employment support; fitness opportunities; morale, welfare, and recreation; and high quality child care, supports and enhances military family readiness, and ultimately mission readiness. I am also committed to nurturing safe and strong military families through the prevention of, and coordinated community response to, domestic violence and child abuse and neglect. If confirmed, I will work with stakeholders across the Department to sustain these programs, while ensuring good stewardship of public funds and appropriate return on investment.

FAMILY READINESS AND SUPPORT

Question. What do you consider to be the most important family readiness issues for servicemembers and their families?

Answer. If confirmed, I will make family readiness issues one of my priorities. Family readiness systems, services and programs must work in concert to support families in balancing work and family life while meeting mission needs. If confirmed, I will support, prioritize and appropriately resource timely access to quality child care, both on and off military installations. The Secretary's Force of the Future initiative has already taken significant steps, to include extending child care center hours, to help improve family readiness. Military spouse employment continues to present a particular challenge as our servicemembers and their families move from location to location. If confirmed, I will work to ensure that we continue to enhance the education and employment of our military spouses.

Question. If confirmed, how would you ensure that family readiness needs are addressed and adequately resourced?

Answer. Although we are currently in an era of declining budgets, the Department's continued emphasis on meeting family readiness needs is essential to maintaining a strong force. If confirmed, I would focus on understanding the needs of our military personnel and their families through a continuous dialogue with those who serve as well as robust research and evaluation. If confirmed, I will work with stakeholders to sustain programs that best meet these needs, while ensuring good stewardship of public funds.

Question. If confirmed, how would you ensure support is provided to Reserve component families related to mobilization, deployment and family readiness, as well as to Active Duty families who do not reside near a military installation?

Answer. I will promote a full range of services for Active, Reserve and National Guard members and their families. The Reserve component is both integral and essential to the readiness of the Total Force and the defense of our Nation. I will endeavor to provide Reserve component families with broadest access to resources while recognizing their unique needs as compared to the Active component. A coordinated, community-based network of care, encompassing support and services provided by the Department of Defense and the Department of Veterans Affairs, as well as through other Federal, State, local, non-profit and private providers, can be extremely effective in serving servicemembers and their families not residing on or

near military installations. Although we are currently in an era of declining budgets, the Department's continued emphasis on meeting family readiness needs is essential to maintaining a strong force. Family support programs need to meet the needs of military families across the Total Force, wherever they live: on military installations, near military installations, or far from military installations. If confirmed, I will work with stakeholders across the Department to understand the needs of our military personnel and their families by fostering a continued dialogue with those who serve, as well as through research and assessment.

Question. If confirmed, how would you ensure support is provided to Reserve component families related to mobilization, deployment and family readiness, as well as to Active Duty families who do not reside near a military installation?

Answer. Please see above response.

DEPARTMENT OF DEFENSE SCHOOLS IN CONUS

Question. Some have questioned the continuing need for DOD-operated schools for military dependent children within the Continental United States (CONUS).

In light of the Administration's request for additional Base Realignment and Closure authorities and current fiscal constraints, should DOD establish or update its criteria for the continued operation of DOD schools within CONUS?

Answer. The Department of Defense understands the importance of education and the role it plays in the success, stability, readiness, and retention of our servicemembers and their families. The Department is committed to quality educational opportunities for all military children, while balancing cost and exploring all options and alternatives.

In 2013, the Department initiated a study to consider the need for DOD to own and operate DOD Schools within the United States and to evaluate other options. Informed by the RAND Institute Research Report "CONUS Education Options Assessment" the Department has initiated a comprehensive assessment. We intend this review to establish a framework for assessing options—among them, maintaining the status quo—considering location-specific issues like cost, unique stakeholder equities, local education authorities, and state law, for each of the fifteen impacted installations, including those with special arrangements.

Question. Do you believe there continues to be a need for DOD to provide secondary education for dependents in CONUS? If so, why?

Answer. The President and the Department of Defense (DOD) view preserving and strengthening military families as critical to our national security. Military families bear an extraordinary burden for our freedom and the availability of quality education options is a critical quality of life factor. While kindergarten-grade 12 education is not a core mission of DOD, the education options available to military families remain a critically important factor of quality of life.

More than 90 percent of school age dependents of military members attend public schools operated by local education agencies (LEAs) in the United States. The 2008 National Defense Authorization Act (NDAA) authorized the Secretary of Defense to utilize defense-wide operations and maintenance funds to provide resources to local education agencies (LEAs) who educate military-connected students. The overarching goal of this authority is to use this competitive grant program to support the expansion of educational opportunities for children from military families attending U.S. public schools through a competitive grant program. As such, this investment has resulted in significant gains in student achievement, increased learning opportunities and educator professional development, and has enhanced transition support programs for over 500,000 military connected students in 1,500 public schools.

Question. If confirmed, how would you approach the task of eliminating DOD-operated schools in CONUS?

Answer. If confirmed, I will consider the RAND study's findings and the Department's comprehensive assessment, in addition to seeking input from the military community, advocacy and professional groups, and state and local educational agencies, in determining the best options for providing education support for military families. I will do this in consultation with stakeholders across the Department of Defense and in collaboration with Congress.

COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Question. If confirmed, how would you ensure that servicemembers with special needs family members relocate to new duty stations where special needs services are available?

Answer. The Department's current policies require the Military Services to screen and identify military family members with medical and educational needs before the

servicemember-sponsor's change of duty station to ensure that those needs can be met at the prospective new location. The Department has made tremendous progress towards standardizing the screening process, including the forms involved, the data collected, and the procedures followed by the Military Services and individual installations in order to streamline and minimize—to the greatest extent possible—the stress associated with the relocation process. If confirmed, I will do my best to ensure that case management, medical, educational, and personnel assignment functions work in concert in a straightforward, and consistent fashion, to ensure that our families with special needs receive the best possible support and services before, during, and after a move.

Question. If confirmed, how would you ensure outreach to those military families with special needs dependents so they are able to obtain the support they need?

Answer. If confirmed, I will continue to explore and utilize all available options to enhance the Department's efforts to communicate with military families with special needs dependents. Successful outreach requires that both families and engaged professionals understand where information can be sought and how services and referrals can be accessed. Like all military families, it is important to engage our military families with special needs dependents, where they live and thrive, as well as online (via websites, webinars, social media outlets, and digital strategies) and through more traditional print media. In addition, it is critical to train our leaders to identify and resolve issues affecting their servicemembers with special needs dependents through timely referrals to caring experts well equipped to assist in addressing concerns.

MORALE, WELFARE, AND RECREATION

Question. If confirmed, what challenges do you foresee in sustaining MWR programs in the future fiscal environment of the Department?

Answer. The continued vitality and relevance of MWR programs depends on sound management, meeting command and customer needs, a predictable stream of non-appropriated revenue, and solid appropriated fund support of mission essential and community support programs. It is imperative that we ensure access to quality programs, information and resources regardless of where our servicemembers and their families are located. Changes in our basing, deployment patterns and force structure will continue to have a significant impact on our ability to deliver quality of life programs to our military families. With more than 75 percent of military families now living off installation, there is an increasing need for partnerships and support from local governments, school systems and businesses to ensure we continue to provide comprehensive, accessible, and affordable quality of life programs.

If confirmed, I will work to ensure that we continue to provide these important services to our servicemembers and their families.

COMMISSARY AND MILITARY EXCHANGE SYSTEMS

Question. What is your view of the need for modernization of business policies and practices in the commissary and exchange systems? What are the most promising avenues for change to achieve modernization goals? What should the Department do to make the commissary system budget-neutral?

Answer. Commissary and exchange programs are important elements of the servicemembers' compensation package and contribute to the quality of life of military personnel and their families. The fiscal challenges the Department is facing demand that we evaluate all options to optimize these benefits to ensure our military families get the best value from the commissary and exchange system. I agree with public comments by the Department's Deputy Chief Management Officer (DCMO) that optimization of the commissary and exchange system should drive the budget, rather than budget-focused cuts that would reduce the commissary and exchange benefit. Strategies that give commissaries flexibilities to operate more like a commercial grocer while maintaining current savings and service levels will preserve the commissary benefit while decreasing the reliance on appropriated fund subsidies. I will work with the DCMO to explore and test several business strategies various options recommended by the Military Compensation and Retirement Modernization Commission (MCRMC) and a study by the Boston Consulting Group (BCG).

Question. What is your view of proposals to consolidate, eliminate, or privatize commissaries and exchanges in certain areas where they are duplicative of services readily available at reasonable cost in the community?

Answer. In my view, the commissaries make important contributions to the quality of life of our servicemembers and their families and I would not recommend the

elimination of the commissary and exchange system unless the Department can identify a more cost effective means of providing this valued benefit.

Section 651 of the National Defense Authorization Act (NDAA) for fiscal year 2016 requires the Department to submit to the Committees on Armed Services of the Senate (SASC) and the House of Representatives (HASC), not later than March 1, 2016, a report that addresses the privatization of the defense commissary system and the military exchange system, in whole or in part. Section 651 also requires the Comptroller General to submit a report to the SASC and HASC that assesses the above-referenced report from the Department. If confirmed, I intend to review these reports closely to help determine to assess whether such proposals should be considered.

Additionally, I have reviewed the MCRMC report and its recommendations regarding consolidation of the military resale system. Based on the BCG study's findings, it is my understanding that there are opportunities for the commissary and exchange systems to achieve operating efficiencies through enhanced collaboration and the development of common business systems and common business practices and that full consolidation is not presently required.

Question. In your view, why has the Department been resistant to implementing a pilot program to test privatization of the Defense commissary system?

Answer. It is my understanding that as required by section 651 of the NDAA for fiscal year 2016, the Department will provide a report to the SASC and HASC that examines the potential privatization of the defense commissary system. If confirmed, I look forward to reviewing the results of such report carefully in determining whether a pilot program to test privatization should be established. Nevertheless, I believe that we must be prudent in how we address proposed changes to the defense commissary system.

The suggestion that the commissary system be privatized is not new, and the Department has addressed this question many times. Since the 1920s, commissary privatization has been a topic of discussion and debate (e.g., why is the military in the grocery business). The conclusion reached by those past debates, and associated studies, is that full privatization is not an effective method of reducing the Department's budget for several reasons. Part of delivering the commissary benefit requires that the Defense Commissary Agency (DeCA) operate where servicemembers are located, even when it is not economically beneficial to the Department. DeCA operates in remote and overseas locations and must leverage the sales from the large stateside stores to support them. These remote and overseas locations are not attractive places to operate for commercial grocers, because they lose money. Over 40 percent of DeCA's appropriated budget provides commissary service in overseas and remote locations.

It has been suggested that the Department explore having commercial grocers take over some commissary stores, presumably the larger, profitable, stateside stores. However, if only some commissary stores were privatized, a substantial appropriated fund subsidy still would be required to service the military mission and authorized patrons in those remote and overseas areas. Additionally, if not all stores were privatized, the savings at remaining stores would decrease with DeCA's reduced buying power and increase the price of goods to commissary patrons. We must also be mindful of the domino effect the commissary has on the exchange system and morale, welfare and recreation (MWR) programs. It is well established that commissaries act as the "draw" for the military exchange system and that the loss of a commissary will result in reduced exchange earnings. This, in turn, would result in fewer exchange dollars being available to fund important MWR activities.

In short, the proposal for commissary privatization is complex and we would need to evaluate carefully the potential effect of privatization on the entire military resale ecosystem.

DOD CIVILIAN PERSONNEL WORKFORCE

Question. As the Department of Defense draws down its management headquarters functions, managers will have to make tough choice on the consolidation of functions and employees.

What is your view of a civilian employee retention system that incentivizes performance above all other factors when considering which employees to retain in a limited headquarters environment?

Answer. The Department is diligently working on a plan to establish procedures for implementing reductions of civilian positions in the Department, making the determination of which employees will be separated primarily on the basis of performance. I firmly believe that such a system will enable the Department to tailor workforce reductions in targeted ways to better align to mission and workload, minimize

disruption, and retain those employees who most contribute to mission accomplishment.

Question. If confirmed, what would be your role in the consolidation and elimination of duplicative and unnecessary positions within the Office of the Under Secretary of Defense for Personnel and Readiness?

Answer. The Office of the Under Secretary of Defense for Personnel and Readiness has already made great strides to consolidate or eliminate duplicative and unnecessary positions by reorganizing and delayering. If confirmed, I will lead the continued effort to improve the efficiency of the Personnel and Readiness enterprise.

Question. What additional ideas do you have to more efficiently manage the Department's civilian employees?

Answer. Secretary Carter announced his goal to build the Force of the Future in order for the Department to maintain our competitive edge in bringing top talent to serve the Nation in March 2015. The Secretary then directed me to examine the Department's civilian and military personnel practices, and to identify creative and modern ways to efficiently manage the force, upgrade the Department's systems and processes, and improve the Department's ability to attract the best talent. To that end, I have led an effort to design several Force of the Future initiatives in an effort to efficiently manage the Department's civilian employees.

If confirmed, I will continue to lead the effort in developing and implementing Force of the Future initiatives, and I will continue to work with all stakeholders to identify future workforce efficiencies to manage the civilian workforce.

Question. Do you feel the new performance management system will properly address the issue of employee performance reviews and ratings?

Answer. Yes. The Department's new performance management system, the Defense Performance Management and Appraisal Program, will focus on improving overall performance management through on-going and continuous supervisor and employee involvement. The program links organizational mission and goals to individual performance plans and ensures regular feedback during the appraisal cycle between employees and supervisors, resulting in increased employee engagement, morale, and effectiveness, and affording supervisors the ability to make meaningful distinctions in their evaluations of employee performance. The Defense Performance Management and Appraisal Program will emphasize and promote timely recognition and reward of employee contributions throughout the rating cycle.

If confirmed, I will evaluate the new system to ensure that the Department fully realizes a culture that embraces and supports a high-performing workforce, emphasizes the importance of employee engagement, and acknowledges the critical role of supervisors in effective performance management.

Question. Do managers have adequate tools to incentivize employee performance?

Answer. Performance incentives and recognition are important elements in the Department's efforts to retain talent and ensure an engaged workforce, and I believe that supervisors have sufficient tools to incentivize and recognize employee performance.

If confirmed, I will strive to ensure that supervisors across the Department will continue to use all available tools at their disposal to effectively incentivize and recognize employee performance. In addition, I would work with all stakeholders, the Administration, and Congress to identify and implement new authorities as needed.

MANAGEMENT HEADQUARTERS REDUCTIONS

The Department of Defense is currently under a statutory mandate to reduce headquarters staff by 25 percent.

If confirmed, will you commit to working with the DCMO to track the Office of the Secretary of Defense and the individual services' progress towards the 25-percent headquarters reductions?

Answer. I will commit to working in support of the DCMO-led initiative to track progress towards the 25-percent headquarters reductions.

Question. What progress has the Office of the Secretary of Defense made thus far on the 25-percent reductions?

Answer. The DCMO, with support from the Deputy Secretary of Defense, has instituted two reviews designed to identify headquarters elements for potential reductions—redefining Major Headquarters Activities and “delayering.” The Office of the Under Secretary of Defense for Personnel & Readiness (P&R) has taken an active role in each of these initiatives and to date has been able to identify, in broad terms, offices within all of P&R that will be assigned portions of the 25-percent cuts.

Question. Do you agree that the Department of Defense should strive to eliminate duplicative functions?

Answer. I agree that the Department should strive to eliminate duplicative functions. During the P&R delayering initiative I specifically asked the Services for their recommendations and input on anything that P&R is currently performing that they would consider duplicative.

Question. Do you believe that the process for deciding which functions are to be eliminated should be streamlined through each Service?

Answer. I believe much can be achieved by OSD and the Services coming together to identify functions that can be eliminated or streamlined.

ACQUISITION WORKFORCE

Question. The Department of Defense acquisition workforce has been the subject of a large quantity of reports and legislation.

What is your view on giving more acquisition authority to the Service Chiefs?

Answer. In view of the recent statutory changes giving more acquisition authority to the Service Chiefs, if confirmed, I will continue to work with the Under Secretary of Defense for Acquisition, Technology and Logistics, Frank Kendall, and the Services, to ensure any associated manpower, personnel, and training requirements are appropriately addressed.

Question. In what ways can we better train military personnel to be acquisition professionals?

Answer. I believe that we must constantly seek to improve on and provide opportunities for the training, education, and development of our acquisition professionals. If confirmed, I will continue to support the Under Secretary of Defense for Acquisition, Technology, and Logistics, Frank Kendall, in ensuring the continued development of military personnel as acquisition professionals.

Question. How do you envision an acquisition workforce that holds the leadership accountable for cost overruns on procurement contracts?

Answer. Although I believe it would be more appropriate if those responsible for procurement policies and practices addressed the issue of accountability for cost overruns, I believe that having and maintaining a properly trained workforce is a key element of minimizing the risk or potential for cost overruns. Accordingly, if confirmed, I will continue to support the Under Secretary of Defense for Acquisition, Technology, and Logistics, Frank Kendall, in his efforts with respect to ensuring acquisition workforce personnel policies and training requirements are appropriately addressed.

Question. Do you see an advantage to having a professional military acquisition workforce?

Answer. Yes, I believe that having a professional military acquisition workforce, balanced with a government civilian acquisition workforce, is advantageous. If confirmed, I will continue to support the Under Secretary of Defense for Acquisition, Technology, and Logistics, Frank Kendall, in his efforts with respect to recapitalizing, developing, and sustaining the professional acquisition workforce.

GI BILL BENEFITS

Question. Congress passed the Post-9/11 Veterans Educational Assistance Act in 2008 ("Post-9/11 GI Bill") that provides generous educational benefits for servicemembers who have served at least 90 days on Active Duty since 9/11.

What is your assessment of the impact of the Post-9/11 GI Bill on recruiting and retention, including the provision of transferability for continued service?

Answer. Given that the Post-9/11 GI Bill has been active only since 2009, its full impact on recruitment and retention is only starting to emerge, but by all accounts it is a valued benefit. The Department has sponsored a study with RAND National Defense Research Institute to review education benefits for servicemembers, including the benefits of the Post-9/11 GI Bill, and their impacts on recruiting and retention. We expect to see the study results later this summer.

Question. Would you recommend that the Department use transferability more sparingly as a retention incentive?

Answer. Transferability encourages our career servicemembers to stay in uniform and share the benefits they earned with their family members, while it remains a benefit servicemembers appear to value highly. The Department has sponsored a study with RAND National Defense Research Institute to review education benefits for servicemembers, including the benefits of the Post-9/11 GI Bill, and their impacts on recruiting and retention. Until the RAND study is complete in the summer of 2016, it would be premature to support adjustments to the Post-9/11 GI Bill benefits or changes in eligibility requirements for those benefits.

If confirmed, I will continue to assess the need for legislative modifications to the Post-9/11 GI Bill.

PERSONNEL POLICY IMPLEMENTATION

Question. What is your understanding of your responsibility, if confirmed, to inform and consult with this Committee and other appropriate Committees of Congress on the implementation of policies directed by law?

Answer. If confirmed, I will comply with all requirements to inform and consult with the appropriate Congressional Committees of jurisdiction on the implementation of personnel, manpower and readiness policies as directed by law.

Question. What is your understanding of the Department's obligation and authority to implement personnel policies to improve efficiency within the Department?

Answer. It is my understanding that the Department, under the direction of the Secretary, has both the authority and obligation to evaluate and implement the most effective personnel policies while improving efficiency within the Department. These policies must not compromise operational readiness or the well-being of our servicemembers, their families and civilian personnel.

Question. What is your understanding on the timeframe in which personnel policies directed by law must be implemented by the Department?

Answer. The personnel policies directed by law must be implemented in the timeliest method within the given resources and while ensuring the most effective and efficient outcome for the Total Force.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Personnel and Readiness?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

COMMAND CLIMATE ASSESSMENT

1. Senator MCCAIN. Mr. Carson, you committed to conducting a command climate assessment of your leadership. Please report to the Committee what outside organization will be conducting a command climate assessment of your leadership in the Under Secretary of Defense for Personnel and Readiness (USD P&R) organization. Please provide the Committee with a sample of the survey used and indicate when the Committee should expect to receive the results of the command climate assessment.

Mr. CARSON. Planning for the command climate survey is already well under way; when I returned from my confirmation hearing with the Committee, I immediately directed my staff to determine options for conducting the survey and how much time would be required to complete it. In the interests of preserving the independent nature of the survey, I have recused myself from further involvement. The OUSD (P&R) Chief of Staff, Ms. Virginia Penrod, is overseeing the survey, and reports that an outside vendor has been identified and the questions are being finalized now by the vendor. Once the survey is complete, which we currently estimate to take only a matter of weeks, the vendor will provide the results to the Deputy Secretary of Defense for his review and certification.

FORCE OF THE FUTURE

2. Senator MCCAIN. Mr. Carson, please produce and submit the background documents, research, and data used by your staff to formulate the Force of the Future proposals. Be specific.

Mr. CARSON. Enclosed, you will find the full bibliography that was used to construct the proposals, as well as develop the intellectual underpinnings thereof. The bibliography covers 54 pages and more than 1,000 references. In order to avoid inundating the Committee with paper or large digital files, I would respectfully recommend the Committee identify those sources it is most interested in, and I will be happy to provide digital copies of any material. Alternatively, if the Committee wishes to have direct access to all the documents, I will immediately direct my staff to collate and organize the documents thematically and provide a disc (or set of discs) to the Committee for its use, in short order. I should also note that this bibliography covers only source material utilized to develop and refine the proposals that were offered by the Departmental working groups. Additional working papers, such as charts and graphs developed for future publication, and other draft briefing material may be available, but are not covered within the scope of the bibliography. I have, however, enclosed copies of the previous versions of the reform proposals for the Committee's reference. These draft proposals constitute the primary working papers of the Force of the Future initiative.

 QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

ARMY ENDSTRENGTH AND INVOLUNTARY SEPARATION

3. Senator AYOTTE. Mr. Carson and Mr. Weiler, when you look at the current threats to our national security, do you see a strategic justification for the reduction of Army endstrength by 40,000 soldiers?

Mr. CARSON. Although it continues to be tasked to do more around the globe, I am confident our Army is able to support our National Security requirements. The Army has an exhaustive process which aligns force structure to wartime requirements, through which the Chief of Staff of the Army has indicated it can meet all of its current requirements. The end-strength goal of 980,000 Active, Guard and Reserve soldiers in fiscal year 2018 will be achieved at a pace which responsibly ensures the Army's ability to make ready its current and future force.

4. Senator AYOTTE. Mr. Carson and Mr. Weiler, do you both agree that we should avoid the use of involuntary separations as much as possible?

Mr. CARSON. I do. The Department policy on involuntary separations states that voluntary separation authority will be used to the maximum extent possible before using involuntary measures as part of the Services' force management plans. The Services make every effort to minimize use of involuntary separations for those servicemembers who are not being separated for discipline, disability, promotion failure, maximum tenure, or maximum age. When involuntary separations are used, it is typically to ensure the Services have the right balance in skills to maintain readiness and to meet their operational requirements in these fiscally constrained times.

CAUSALITY NOTIFICATION

5. Senator AYOTTE. Mr. Carson and Mr. Weiler, please provide an update on the Department of Defense's (DOD) efforts to improve casualty notification process and care for families of the fallen. How are you working to improve these efforts?

Mr. CARSON. Taking care of our servicemembers, families and survivors is one of the Department's most sacred responsibilities. Great time and effort is dedicated to ensuring the best care for families during these difficult times. We strive to continually update our processes. DOD has implemented the Gold Star Advocate Program, which is currently undergoing a Government Accountability Office (GAO) review, with a formal report from GAO to follow. Additionally, DOD has recently developed a three-module simulation training program for casualty notification, assistance, and survivor benefits. We anticipate it will be released within the next few months. DOD also is transitioning the DOD survivor survey to a telephonic protocol, from the current electronic method, in the hopes of increasing survivor participation. Finally, DOD continues its collaboration with the Department of Veterans Affairs and non-governmental organizations who assist survivors.

QUESTIONS SUBMITTED BY SENATOR MIKE LEE

RELIGIOUS FREEDOM

6. Senator LEE. Mr. Carson and Ms. O'Connor, with respect to religious freedom in the military, Federal statute states that "Unless it could have an adverse impact on military readiness, unit cohesion, or good order and discipline, the Armed Forces shall accommodate individual expressions of belief of a member of the Armed Forces reflecting sincerely held conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such individual expressions of belief as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment." If confirmed, how you do intend to fulfill the mandate of this law, and more broadly, how important do you judge it to be for servicemembers to feel that the expression of their religious beliefs are accommodated and protected by DOD?

Mr. CARSON. If confirmed, I will continue to review and update our religious accommodation program to ensure we continue to protect the expression of religious beliefs, both in policy and practice, to the greatest extent possible, consistent with military requirements

I think it is very important for servicemembers to feel that expressions of their sincerely held conscience, moral principles, or religious beliefs are accommodated and protected by DOD. Each of us working in the Department of Defense, and indeed the government, take an oath to support and defend the United States Constitution. Freedom of religion is provided for in the First Amendment to the Constitution. Our oath reminds us of our solemn responsibility to uphold the principles set forth in the United States Constitution. Servicemembers should feel that while they serve to protect the freedoms of all U.S. citizens, theirs are respected and upheld.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

CATCH A SERIAL OFFENDER PROGRAM

7. Senator MCCASKILL. Mr. Carson, as I stated in my letter to you on February 3, 2016, I appreciate the plan DOD has developed to implement the "Catch a Serial Offender," or CATCH, Program and staying within the timelines set out by the fiscal year 2016 NDAA to have the program in place by December 19, 2016. As I requested in my letter, I would like regular updates on the implementation progress. Do you think you are on track to meet the implementation deadline of December 19, 2016?

Mr. CARSON. Pursuant to the previously submitted DOD plan, the DOD Inspector General (IG), as the executive agent of this program, is responsible for the implementation policy of the CATCH program and is best poised to provide an update as to the overall implementation progress of the program. We are aware that NCIS has identified funding issues for this project. We are currently working with both NCIS and DOD/IG on solutions.

8. Senator MCCASKILL. Mr. Carson, what actions have been completed to date?

Mr. CARSON. Within P&R, a policy memo detailing SARC responsibilities in the CATCH program is in development. Our SAPRO office is also prepared to update DD Form 2910, Victim Reporting Preference, and assist the Services in developing trainings for Sexual Assault Response Coordinators (SARCs) and Special Victim Advocates (SVAs) once implementation procedures are established by DOD/IG. DOD/IG, as the executive agent of this program, is best poised to provide further actions completed to date.

9. Senator MCCASKILL. Mr. Carson, when will DOD start training the Sexual Assault Response Coordinators and Special Victim Advocates regarding the CATCH program?

Mr. CARSON. Training for Sexual Assault Response Coordinators and Special Victim Advocates will be dependent on implementation procedures established by DOD/IG. Once those procedures are finalized and modifications to the NCIS website to fully support the new functionality required by the CATCH process are complete, SAPRO will assist the Services in developing sample training slides to be utilized by the Services to train their SARCs, SAPR VAs, and SVC/VLC attorneys.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN E. GILLIBRAND

BOARD OF CORRECTIONS OF MILITARY RECORDS

10. Senator GILLIBRAND. Mr. Carson, you testified that last week, in your capacity as Principal Deputy Under Secretary of Defense for Personnel and Readiness, you signed and circulated a memorandum to all the Military Service organizations and veteran service organizations regarding the right to a de novo review of a discharge for veterans who were discharged under less than honorable conditions and who were later diagnosed with post-traumatic stress disorder. Please provide a copy of that memorandum.

Mr. CARSON. See memorandum below:



PERSONNEL AND
READINESS

PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

FEB 24 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

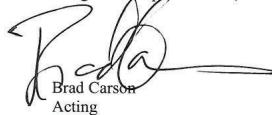
SUBJECT: Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRS/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI)

On September 3, 2014, the Secretary of Defense issued Supplemental Guidance to Military Boards of Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD or related conditions, such as TBI. The Department has implemented this robust guidance in comprehensive and coordinated fashion, thereby easing the burden on Veterans seeking redress while simultaneously ensuring fair and consistent results in these difficult cases.

This guidance remains exceptionally important, and we must renew and re-double our efforts to ensure that all Veterans who have sacrificed so much in service to our great Nation receive all of the benefits that the Supplemental Guidance may afford. Accordingly, the BCMRS/BCNR will waive, if it is applicable and bars consideration of cases, the imposition of the statute of limitation. Fairness and equity demand, in cases of such magnitude, that a Veteran's petition receives full and fair review, even if brought outside of the time limit.

Similarly, cases considered previously, either by Discharge Review Boards, or by BCMRS or the BCNR, but without benefit of the application of the Supplemental Guidance, shall be, upon petition, granted de novo review utilizing the Supplemental Guidance.

The Department remains committed to serving our Troops, Veterans, and their families, with justice, equity and compassion.


Brad Carson
Acting

MILITARY HEALTH SYSTEM

11. Senator GILLIBRAND. Mr. Carson, on December 8, 2015, I wrote a letter to you about quality care and patient safety in TRICARE Managed Care Support. The fiscal year 2016 NDAA Conference Report required the compilation of data regarding patient safety, quality of care, patient satisfaction, and health outcomes for the Military Health System. My letter inquired about efforts to ensure these standards are being adhered to in the managed care component, like they are in the military treatment facilities. I have not yet received a response. Please provide a description as to what steps you have taken to ensure high quality care in the purchased care component.

Mr. CARSON. In regard to your specific concerns with purchased care standards for patient safety, quality of care, patient satisfaction and health outcomes, we made changes to existing contracts that will be incorporated into the new TRICARE-2017 contracts. These changes include alignment of the direct and purchased care systems' quality reporting process and definitions, clarification of contractual language to assure appropriate peer review functions, updated contractor reporting requirements, and the extension of additional authorities to Defense Health Agency (DHA) Medical Directors. We also added non-contractual changes to improve internal reporting and transparency of purchased care data such as comparing standardized data elements with comparable direct care system data, and reporting aggregate data on network quality events to senior leadership when available.

QUESTIONS SUBMITTED BY SENATOR JOE DONNELLY

MENTAL HEALTH PROVIDERS

12. Senator DONNELLY. Mr. Carson, while TRICARE, the Department of Veterans Affairs, and the Army Substance Abuse Program all recognize the profession of clinical mental health counselors (CMHCs), there is currently no Military Occupational Specialty (MOS) for CMHCs in DOD. Practicing nationwide, CMHCs are specialists in mental health counseling with a master's or doctoral degree in clinical mental health counseling or a related degree and have completed a minimum of 2 years education, 3,000 hours of supervised post-master's clinical experience, and have passed a State licensure examination. Do you support creating an MOS for CMHCs, similar to that for clinical social work (MOS 73A) or clinical psychologist (MOS 73B)? Why or why not?

Mr. CARSON. Unlike the rigorous medical, doctoral and clinical training required for the current uniformed mental health specialties, many CMHC education programs have little to no training in mental health diagnosis and treatment. Thus, the Department does not support the creation of a Military Occupational Specialty for CMHCs at this time. The criteria for CMHCs to practice as independent mental health professionals, similar to a clinical social workers or clinical psychologists, was the subject of a DOD-commissioned Institute of Medicine (IOM) study published in 2010. As found by the Institute of Medicine report, the 50 States have widely varying licensure criteria for required accredited education, examination, and supervised clinical practice, resulting in the licensure of many types of providers as CMHCs.

Existing uniformed mental health provider specialties include psychiatrists, psychiatric nurse practitioners, psychologists, clinical social workers, and psychological technicians. We have taken steps to increase the number of mental health providers available to servicemembers, and across those five specialties, the number of mental health providers in our Military Treatment Facilities has risen to 9,295, an increase of 42 percent from fiscal year 2009 through fiscal year 2015.

13. Senator DONNELLY. Mr. Carson, in testifying before this Committee on October 21, 2015, former Secretary of Defense Robert Gates noted that one of his mental health priorities left unfinished during his time at DOD was expanding education assistance for mental health providers in return for service commitments. To what extent are DOD's existing education programs, including but not limited to the Uniformed Services University of Health Sciences, the Armed Forces Professional Scholarship Program, the Financial Assistance Program, and the Active Duty Health Professions Loan Repayment Program, utilized to educate mental health providers in return for service commitments? Please provide utilization rates specific to each program for educating mental health providers, including any additional relevant programs not listed here.

Mr. CARSON. We are obtaining the data on utilization rates for each of the education programs you listed and other relevant programs, and we will provide you a report when this effort is complete.

14. Senator DONNELLY. Mr. Carson, how can we enhance DOD's education programs to prioritize education for mental health providers?

Mr. CARSON. The Department has implemented common and coordinated training in evidence-based psychotherapies (EBPs) for psychological health conditions and increased the availability of effective psychological treatments for posttraumatic stress disorder (PTSD), major depression, and other psychological health (PH) conditions. In fiscal year 2015, DOD provided training to more than 941 providers in EBPs for PTSD, depression and other PH conditions. This includes 360 providers trained in PTSD EBPs and over 580 providers trained in EBPs for other PH conditions. DOD also trained 36 providers to be DOD trainers/consultants in EBPs for PTSD, depression, and other PH conditions in fiscal year 2015, creating a capacity of more than 114 EBP trainers/consultants within DOD. These additional trainers/consultants will increase the ability to train more providers in EBPs and therefore, further the effort to disseminate EBPs more broadly within DOD.

15. Senator DONNELLY. Mr. Carson, following up on your oral testimony in which you indicated concern that DOD may not have sufficient uniformed mental health providers to meet the needs of servicemembers, if confirmed, will you commit to providing Congress with a formal reassessment of DOD's mental health staffing requirements Department-wide?

Mr. CARSON. The Department has undertaken several major policy and program changes to ensure there are mental health providers to meet the demand for care. Between fiscal year (FY) 2009 and the first quarter (Q1) of fiscal year 2016, the Department dramatically increased the number of mental health providers available by 43 percent (to 9,377) to provide ready access to care to servicemembers, retirees and their families.

NUMBER OF MENTAL HEALTH PROVIDERS, FISCAL YEAR 2009–PRESENT.

	Military	Civilian	Contractor	Total
FY 2009	3,097	2,253	1,198	6,548
FY 2010	3,535	2,967	998	7,500
FY 2011	3,829	4,067	987	8,883
FY 2012	4,083	4,247	1,098	9,428
FY 2013	4,280	4,058	1,194	9,532
FY 2014	4,393	3,786	1,078	9,257
FY 2015	4,460	3,832	1,003	9,295
FY 2016Q1 ...	4,456	3,896	1,025	9,377

Since 9/11, the Department has increased the outlays for mental health care by a 10 percent compounded annual rate, roughly tripling care rendered between fiscal year 2002 through fiscal year 2014.

Despite the general increase in mental health providers, shortages for certain types of providers, such as psychiatrists and social workers, have persisted; for example, at the end of fiscal year 2015 all of the Military Services had a shortage of psychiatrists, with 127 positions authorized but not filled (864 authorized, 737 filled).

As a result of a joint DOD/VA assessment of mental health counseling resources conducted last year*, and the recommendations of a recent GAO inquiry on mental health staffing, we are already reassessing the adequacy of our mental health staffing models within the Military Health System. We can provide you an update upon conclusion of this analysis.

*DOD/VA Report to the Congress in Response to Senate Report 113–44, pg. 133, Accompanying S. 1197, the National Defense Authorization Act for fiscal year 2014. “Mental Health Counselors for Service Members, Veterans, and Their Families”

[The nomination reference of the Honorable Brad R. Carson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 8, 2015.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Brad R. Carson, of Oklahoma, to be Under Secretary of Defense for Personnel and Readiness, vice Jessica Garfola Wright, resigned.

[The biographical sketch of the Honorable Brad R. Carson, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF THE HONORABLE BRAD R. CARSON, WHICH WAS TRANSMITTED TO THE COMMITTEE AT THE TIME THE NOMINATION WAS REFERRED, FOLLOWS:

Education:

- Baylor University
 - 1985–1989
 - B.A., History
- Oxford University
 - 1989–1991
 - B.A./M.A., Politics, Philosophy, & Economics
- University of Oklahoma
 - 1991–1994
 - J.D.

Employment record:

- Crowe & Dunlevy, P.C.
 - Attorney
 - September 1994–August 1997
 - Tulsa, Oklahoma
- Department of Defense
 - White House Fellow
 - September 1997–December 1998
 - Washington, DC
- Crowe & Dunlevy, P.C.
 - Attorney
 - January 1999–February 2000
 - Tulsa, Oklahoma
- United States Congress
 - Congressman (2nd District—Oklahoma)
 - January 2001–January 2005
 - Washington, DC
- Harvard University
 - Fellow, Institute of Politics
 - February 2005–May 2005
 - Cambridge, Massachusetts
- Cherokee Nation Businesses, L.L.C.
 - Director of Business Development
 - June 2005–June 2006
 - President and Chief Executive Officer
 - June 2006–November 2008
 - Catoosa, Oklahoma
- United States Navy
 - Officer-in-Charge, MND–S, Weapons Intelligence Teams
 - December 2008–December 2009
 - Basrah, Iraq
- University of Tulsa
 - Associate Professor & Director, National Energy Policy Institute
 - December 2009–December 2011
 - Tulsa, Oklahoma

Department of Defense

- General Counsel of the Department of the Army
- Confirmed: December 2011
- Period of Service: January 2012–March 2014
- Washington, DC

Department of Defense

- Under Secretary of the Army
- March 2014–January 2016
- Washington, DC

Department of Defense

- Acting Under Secretary of Defense for Personnel and Readiness
- April 2015–January 2016
- Washington, DC

Department of Defense

- Senior Advisor to the Under Secretary of Defense for Personnel and Readiness and Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness
- January 2016–present
- Washington, DC

Honors and awards:

Military Awards

- Bronze Star
- Army Achievement Medal

Academic Awards

- Rhodes Scholar
- Bledsoe Award for Outstanding Law School Graduate at the University of Oklahoma College of Law (1994)
- Phi Beta Kappa
- Magna cum laude, Baylor University

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by the Honorable Brad R. Carson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

WASHINGTON, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Brad Rogers Carson.

2. Position to which nominated:

Under Secretary of Defense for Personnel and Readiness, United States Department of Defense.

3. Date of nomination:

7/8/2015.

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

[Nominee responded and the information is contained in the Committee's executive files.]

5. Date and place of birth:

11 March 1967; Winslow, AZ.

6. Marital status: (Include maiden name of wife or husband's name.)

Married to Julie Kruse Carson (maiden name Kruse).

7. Names and ages of children:

[Nominee responded and the information is contained in the Committee's executive files.]

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.*Undergraduate:*

Attended: Baylor University

Degree Granted: B.A.

Degree Received: 1989.

Graduate:

Attended: Oxford University

Degree Granted: B.A. / M.A.

Degree Received: 1991.

Attended: University of Oklahoma

Degree Granted: J.D.

Degree Received: 1994.

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

- CEO & President / Director, Cherokee Nation Businesses, LLC, June 2005–December 2008, Catoosa, OK.
- Officer-In-Charge, Weapons Intelligence Teams, MND-S, December 2008–December 2009, Iraq.
- Associate Professor of Business, Associate Professor of Law, University of Tulsa, December 2009–December 2011, Tulsa, OK.
- Director, National Energy Policy Institute, University of Tulsa, December 2009–December 2011, Tulsa, OK.
- General Counsel of the Department of the Army, Department of Defense, 2011 (confirmed) / January 2012 (assumed duties)–March 2014.
- Under Secretary of the Army, Department of Defense, March 2014–January 2016.
- Acting Under Secretary of Defense for Personnel and Readiness, April 2015–January 2016.
- Senior Advisor to the Under Secretary of Defense for Personnel and Readiness and Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness (January 2016–present).

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

White House Fellow, Special Assistant to the Secretary of Defense, 1997–1998.

United States Congressman, 2nd District of Oklahoma, January 2001–January 2005, Washington, DC.

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Oklahoma Bar Association, Member, 1994–present.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

United States Congress, 2nd District of Oklahoma.
Ran for Oklahoma U.S. Senate Seat in 2004.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

- Williams for City Council, 2011, \$500.
- Smith-Soap for Chief, 2011, \$5,000.
- Obama Victory Fund, 2011, \$1,000.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

- Bronze Star, 2010.
- Army Achievement Medal, 2010.
- Board of Directors, National Job Corps Association, 2005–2008.
- Fellow, Kennedy School of Government, Harvard University, February 2005–May 2005, Cambridge, MA.
- U.S. Junior Chamber of Commerce Ten Outstanding Young Americans, 2002.
- Rhodes Scholar, 1989–1991.
- White House Fellow, 1997–1998.
- Exceptional Contribution to Legal Services of Eastern Oklahoma, 1996.
- Bledsoe Award for Outstanding Law School Graduate from The University of Oklahoma, 1994.
- Adjunct Professor of Law (Law and Literature), University of Tulsa College of Law, 1997.
- Legal Services of Eastern Oklahoma, Board of Directors, 1997.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

- *The Economics of Renewable Energy*, in THE HANDBOOK OF ENERGY FINANCE (Wiley: 2012) (ed. Simkins).
- RENEWABLE ENERGY ECONOMICS (available at www.ssrn.com).
- “The Liberal Moment: What Happened?” in Symposium Issue of *Democracy: A Journal Of Ideas* (along with Michael Sandel, Michael Walzer, Danielle Allen, William Galston, Martha Nussbaum, Robert Reich, Katha Pollit, and Joe Klein) (Spring 2010).
- “The Claremore Diarist” in *The New Republic* (November 22, 2004).
- “Does the Democratic Party Have a Future?” in *The Weekly Standard* (September 16, 2002) (review of *The Emerging Democratic Majority* by Judis and Teixeira).
- “Payto Play,” in *Blueprint Magazine* (May 31, 2005).
- “The Fall of the House Of Representatives” in *Democracy: A Journal of Ideas* (September 2006) (review of *The House: A History Of The House Of Representatives* by Remini).
- “Smart Development Subsidies” in *Democracy: A Journal of Ideas* (part of “20 Ideas for the Next President”) (Spring 2008).
- *Tate v. Browning-Ferris Industries: Oklahoma Adopts A Common Law Action For Employment Discrimination*, 46 OKLA. L. REV 557 (1993).
- *Legal Issues Facing Small Businesses and Their Owners* (with Michael Troilo) in HUMAN RESOURCE MANAGEMENT IN SMALL BUSINESS (New Horizons in Management) (eds. Cooper and Burke).
- Federal Appellate Practice (with Robert E. Bacharach) in APPELLATE MANUAL FOR OKLAHOMA LAWYERS (eds. Muchmore & Ellis) (3 vols.) (1997).

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

Over the last 5 years, I have given multiple speeches and in venues both large and small. With exception of speeches I provided at Medal of Honor ceremonies, none of my speeches were from written and prepared remarks.

17. **Commitments regarding nomination, confirmation, and service:**

(a) Have you adhered to applicable laws and regulations governing conflicts of interest?

Yes.

(b) Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

No.

(c) If confirmed, will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Yes.

(d) Will you cooperate in providing witnesses and briefers in response to congressional requests?

Yes.

(e) Will those witnesses be protected from reprisal for their testimony or briefings?

Yes.

(f) Do you agree, if confirmed, to appear and testify upon request before this Committee?

Yes.

(g) Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Yes.

[The nominee responded to Parts B–F of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–F are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

BRAD R. CARSON

This 20th day of January, 2016

[The nomination of the Honorable Brad R. Carson was withdrawn by the President on March 17, 2016.]

[Prepared questions submitted to Ms. Jennifer M. O’Connor by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Committee has recently held a series of hearings on defense reform. What modifications of Goldwater-Nichols Department of Defense Reorganization Act of 1986 provisions, if any, do you believe would be appropriate?

Answer. The operational successes of the Armed Forces over the last 30 years demonstrates that, overall the reforms in the Goldwater-Nichols Act have served the Department well. I have not had the opportunity to observe the Department in sufficient detail to form an opinion regarding whether any modifications to Goldwater-Nichols provisions may be appropriate at this time. I understand that the Secretary and the SASC are currently looking at these issues. While defense reform efforts are more policy issues than legal issues, if confirmed I will keep an open mind and review and or make recommendations for change if warranted.

RELATIONSHIPS

Question. What is your understanding of both the formal and informal relationship between the General Counsel of the Department of Defense and the following offices?

The Secretary of Defense.

Answer. The Secretary of Defense is the head of the Department of Defense, and the General Counsel of the Department of Defense is the senior legal advisor to the Secretary and by law (10 U.S.C. § 140(b)) the chief legal officer of the Department. If confirmed, I expect to regularly provide legal advice to the Secretary and his staff on the continuum of issues faced by the Department.

Question. The Under Secretaries of Defense.

Answer. There are five Under Secretaries of Defense in the Office of the Secretary of Defense. The General Counsel and the attorneys in the Office of the General Counsel of the Department of Defense work very closely with each of the Under Secretaries of Defense, their Principal Deputies, and their respective staffs, on a daily basis to provide timely and accurate legal and policy advice.

Question. The Assistant Secretaries of Defense.

Answer. Under 10 U.S.C. § 138, there are fourteen Assistant Secretaries of Defense, some of whom report directly to the Secretary of Defense, while others report to an Under Secretary of Defense. The General Counsel and the attorneys in the Department of Defense Office of the General Counsel work very closely with each of the Assistant Secretaries of Defense, their Principal Deputies, and their respective staffs, on a daily basis to provide timely and accurate legal and policy advice, in a manner similar to that between the General Counsel and the Under Secretaries described above.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs is primarily advised by a military lawyer known as the Legal Counsel to the Chairman of the Joint Chiefs of Staff. The Chairman's Legal Counsel, and the attorneys in his or her office, work regularly with the General Counsel of the Department of Defense and the attorneys in that Office, on a myriad of issues that the Department must address.

Question. The geographic combatant commanders.

Answer. Each of the combatant commanders has his own dedicated military lawyer, known as the Staff Judge Advocate for that combatant command, who serves as the primary legal advisor for that combatant commander. If I am confirmed, my staff and I will work with the Chairman of the Joint Chiefs of Staff and the Joint Staff, including the Chairman's Legal Counsel, to assist each of the combatant command Staff Judge Advocates in providing timely and accurate legal advice.

Question. The Commander of the Joint Special Operations Command.

Answer. As noted above, each of the Combatant Commands has his own Staff Judge Advocate who, along with their staffs, is responsible for providing legal advice to each of the combatant commanders. If confirmed, I expect that my staff and I will work with the Staff Judge Advocate of the U.S. Special Operations Command (SOCOM), normally through the Chairman of the Joint Chiefs of Staff and the Chairman's Legal Counsel, to assist him in providing timely and accurate legal advice to the Joint Special Operations Command, since it is part of SOCOM.

Question. The Judge Advocates General.

Answer. The senior leadership of the three Military Departments and the four Military Services primarily get their legal advice from their respective Military Department General Counsels and Judge Advocates General. In 2004, sections 3037, 5148, 8037 of title 10, United States Code were each amended to state explicitly that "[n]o officer or employee of the Department of Defense may interfere with ... the ability of the Judge Advocate[s] General to give independent legal advice to" the leadership of their respective Military Departments. If confirmed as General Counsel, my staff and I will work with all of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps to assist them in providing timely and accurate legal advice to the leadership of their respective Military Department or Military Service.

Question. The Legal Advisor to the Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I expect to work closely with the Legal Counsel to the Chairman of the Joint Chiefs of Staff on a regular and recurring basis to assist him in providing timely and accurate legal advice to the Chairman and the Joint Staff, as well as the combatant commanders. The Department of Defense General Counsel and the Legal Counsel to the Chairman of the Joint Chiefs of Staff usually meet at least weekly to discuss current issues and I believe that is a practice that should be continued.

Question. The Staff Judge Advocates to the commanders of Combatant Commands.

Answer. As noted above, the General Counsel of the Department of Defense and his staff primarily work with the Staff Judge Advocates of the Combatant Commands through the Chairman's Legal Counsel and his staff.

Question. The General Counsels of the Military Departments.

Answer. If confirmed, I expect to work closely with the General Counsels of the Military Departments to assist them in providing timely and accurate legal advice to the senior leadership of their respective Military Departments.

Question. The Counsels for the Defense Agencies.

Answer. The General Counsel of the Department of Defense is dual-hatted as the Director of the Defense Legal Services Agency (DLSA). The General Counsels of the defense agencies and DOD field activities are all part of DLSA, and, as such, if confirmed, I will oversee and have responsibility for the General Counsels of the defense agencies and DOD field activities.

Question. The Counsel to the Inspector General.

Answer. Section 8(h) of the Inspector General Act of 1978, as amended, provides for a General Counsel to the Inspector General of the Department of Defense who is the chief legal officer in the Office of the Inspector General and is independent from the Department of Defense General Counsel (notwithstanding the status of the Department of Defense General Counsel as the chief legal officer of the Department of Defense). If confirmed, I plan to work regularly in a cooperative and collegial manner with the General Counsel to the Inspector General and his staff to provide timely and accurate legal advice to our respective clients.

Question. The Joint Service Committee on Military Justice.

Answer. The General Counsel of the Department of Defense provides tasks to the Joint Service Committee on Military Justice, and in turn, receives helpful advice from it. The General Counsel of the Department of Defense is responsible for designating a non-voting representative to the Joint Service Committee on Military Justice. If confirmed, I look forward to working closely with the Joint Service Committee on Military Justice on matters within its purview.

Question. The Comptroller General.

Answer. The Comptroller General is an official within the Legislative Branch. If confirmed, I plan to work with the Comptroller General and his staff in a cooperative and collegial manner on matters within the responsibility of the Comptroller General, such as fiscal law issues.

Question. The United States Court of Appeals for the Armed Forces.

Answer. Pursuant to section 941 of title 10, United States Code, the United States Court of Appeals for the Armed Forces is located within the Department of Defense for administrative purposes only. The General Counsel of the Department of Defense historically functions as an informal liaison between the Department of Defense and the Court. If confirmed, I plan to continue this relationship with the Court, in particular by respecting its independence.

Question. The Code Committee established under Article 146 of the Uniform Code of Military Justice.

Answer. I have been informed that the General Counsel of the Department of Defense has no formal relationship to the Code Committee, but that, as a historical practice, the General Counsel has provided informal support, upon request. If confirmed as the General Counsel of the Department of Defense, I expect to continue this practice, and will communicate with the Code Committee on a regular basis with respect to its activities.

Question. The Attorney General.

Answer. The Attorney General, as the head of the Department of Justice, is the top lawyer in the executive branch. She is the chief legal officer and law enforcement authority of the United States. If confirmed, I expect to work closely with the Attorney General and her staff to ensure that I am positioned to provide timely and accurate legal advice to senior leadership within the Department of Defense.

Question. The Office of Legal Counsel at the Department of Justice.

Answer. As the chief legal officer of the United States, the Attorney General and the Department of Justice are sometimes called upon to issue legal opinions that are binding on the entire executive branch, including the Department of Defense. The Attorney General has empowered the Assistant Attorney General in charge of the Office of Legal Counsel at the Department of Justice to issue these legal opinions when appropriate. I have been advised that, as a historical practice, the Department of Defense Office of the General Counsel works in a collegial and collaborative manner with the Office of Legal Counsel at the Department of Justice, to assist the General Counsel of the Department of Defense and his or her staff in the provision of timely and accurate legal advice to senior leadership of the Department

of Defense. If confirmed, I expect to continue to work regularly with the Department of Justice Office of Legal Counsel on the most complicated legal issues faced by the Department of Defense.

Question. The Office of Legal Adviser at the Department of State.

Answer. National security requires the Department of Defense to work closely with the Department of State on many matters. As such, the General Counsel of the Department of Defense and his or her staff must regularly work with the Office of Legal Adviser at the Department of State on matters of mutual interest. It is my understanding that the Office of the General Counsel for the Department of Defense and the Office of Legal Adviser at the Department of State historically have worked together in a collaborative and collegial fashion on matters of mutual interest, and if confirmed, I expect to continue this practice.

Question. The General Counsel of the Central Intelligence Agency.

Answer. Similar to the relationship between the Office of the General Counsel of the Department of Defense and the Office of Legal Adviser at the Department of State, the General Counsel of the Department of Defense and the General Counsel of the Central Intelligence Agency, as well as their respective staffs, must regularly work together on matters of national security in which both agencies have equities. It is my understanding that the General Counsel of the Department of Defense and the General Counsel of the Central Intelligence Agency have historically worked together in a collaborative and collegial fashion on matters of mutual interest, and if confirmed, I expect to continue this practice.

Question. The Interagency Legal Advisors Working Group.

Answer. It is my understanding that the General Counsel of the Department of Defense regularly participates in meetings of the Interagency Legal Advisors Working Group. If confirmed, I expect to continue this practice to facilitate communication and cooperation among attorneys from agencies involved in national security.

QUALIFICATIONS

Question. Section 140 of title 10, United States Code, provides that the General Counsel is the chief legal officer of the Department of Defense and that the General Counsel shall perform such functions as the Secretary of Defense may prescribe.

Assuming you are confirmed, what duties do you expect that the Secretary of Defense will prescribe for you?

Answer. The General Counsel, as the chief legal officer of the Department of Defense, is the primary legal advisor to the Secretary of Defense and other senior Department of Defense leaders. The Defense Department carries out unique military and national security functions, as well as a wide variety of activities from health care and cutting-edge research to education and everything in between. If confirmed, I expect that I will be responsible for overseeing the provision of timely and accurate legal advice on the myriad of activities that DOD performs. I eagerly anticipate the challenge, if I am confirmed, of providing legal advice on a wide portfolio of subject areas.

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. Since graduating from Georgetown Law School and serving as a Law Clerk for the U.S. Court of Appeals for the District of Columbia Circuit, I have nearly 2 decades of legal experience in the Federal Government and the private sector. I am currently serving in the Office of the General Counsel for the Department of Defense as a Deputy General Counsel, and this experience provides great insight into the mission of the Department of Defense and the challenges it faces. I have worked at the White House in as a Deputy Assistant to the President and Deputy White House Counsel for President Obama and in that capacity worked with lawyers at the Department of Defense as well as other federal agencies on a wide variety of issues facing those agencies. I also have experience as a senior attorney in other federal agencies, specifically as a Senior Counsel in the Department of Health and Human Services and as a Counselor to the Acting Commissioner at the Internal Revenue Service. In addition to this variety of federal experience, I spent 15 years practicing law in the private sector including as a partner in one of the mostwell-regarded defense and national security law practices in the country.

I believe that these experiences provide an excellent foundation for me to serve as the next General Counsel of the Department of Defense, if confirmed.

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of Defense?

Answer. The Department of Defense and the senior leaders of the Department of Defense in their official capacities are the clients of the General Counsel of the Department of Defense.

DUTIES AND CHALLENGES

Question. In your view, what are the major challenges confronting the next General Counsel of the Department of Defense?

Answer. The major challenges I will face, if confirmed, are directly related to the major challenges confronting the Department. These include supporting the Department's efforts to weaken and defeat al Qaeda and the Islamic State of Iraq and the Levant and ensuring compliance with the laws in all of the Department's operations and activities, including in its continuing military detention and military commissions operations. The Department's wide-ranging missions and activities also present substantive legal issues including on fiscal matters, environment and installation matters, personnel matters, intelligence matters, and acquisition matters. Major challenges confronting the next General Counsel will likely include legal issues arising from personnel initiatives, including implementation of the modernized retirement system for members of the uniformed Services, enacted by the National Defense Authorization Act for fiscal year 2016.

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

Answer. The Department has experienced attorneys who are experts in relevant areas of law, both in the Department of Defense Office of General Counsel and in the larger DOD legal community. If confirmed, I hope to lead those attorneys in their efforts to provide the best possible legal advice to decision makers throughout the Department of Defense. If confirmed, I would also endeavor to assist the Secretary of Defense by providing the legal advice he needs to lead the Department.

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of the Department of Defense?

Answer. If confirmed, I will develop a better sense of any problems related to the performance of the General Counsel's functions, but at this point I think that recruiting, developing, and retaining Office of General Counsel personnel with the requisite expertise are increasingly challenging in an environment of budget uncertainty, recent and impending personnel reductions, and recent retirements of highly qualified personnel.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will work closely with my colleagues to address these matters, including through succession planning, outreach and recruiting, and professional development opportunities.

Question. What do you see as the greatest legal problems facing the Department in the coming year?

Answer. The Department will continue to work to weaken and defeat al Qaeda and the Islamic State of Iraq and the Levant, and those campaigns present continuing legal issues to be evaluated and resolved as expeditiously as possible. Similarly, the Department faces significant ongoing litigation and legal issues associated with military detention and military commissions operations. Over the coming year, the Department will also continue to develop and refine its efforts to prevent and respond to sexual assault in the Armed Forces and to prevent and respond to retaliation against victims of offenses, those who report offenses, and third party responders. Congress has specifically highlighted the need to improve prevention of and response to sexual assaults in which the victim is a male servicemember and to develop a comprehensive strategy to prevent retaliation carried out by servicemembers against other servicemembers who report or otherwise intervene on behalf of the victim of an alleged sex-related offense. The development and implementation of such plans will require sustained attention over the coming year. I also think that working with Congress to respond to the recommendations of the Military Justice Review Group will be an area of particular emphasis in the coming year.

Question. Does the Office of the General Counsel have the resources to deal with these problems and do its everyday work?

Answer. If confirmed, I will be able to develop a better sense of the Office of the General Counsel's resource needs. However, I understand that budget uncertainty and recent and impending personnel reductions and retirements of seasoned professionals are likely to create challenges.

LEGAL OPINIONS

Question. Are legal opinions of the Office of the General Counsel binding on all lawyers within the Department of Defense?

Answer. The legal opinions of the DOD Office of General Counsel are generally binding throughout the Department of Defense.

There is an exception for the lawyers in the Office of the Inspector General, as the General Counsel to the Inspector General is expressly exempted from the scope of 10 U.S.C. § 140 by virtue of Section 907 of the FY2009 NDAA (5 U.S.C. App. Inspector General Act of 1978 § 8(h)). I note also that title 10 prohibits any officer or employee of DOD from interfering with the ability of certain senior military lawyers to give independent legal advice to their respective principals.

Question. How will you ensure that such legal opinions are available to lawyers in the various components of the Department of Defense?

Answer. If confirmed, I will meet regularly with senior lawyers throughout the Department, to keep them informed of relevant opinions and decisions of the Office of the General Counsel of the Department of Defense, and will circulate legal opinions to those affected by them.

Question. If confirmed, are there specific categories of General Counsel legal opinions that you expect to reconsider and possibly revise? If so, what categories?

Answer. At this time, I am not aware of any current legal opinions of the Office of the General Counsel of the Department of Defense that I expect to reconsider and revise, if confirmed.

Question. What role do you expect to play, if confirmed, in the development and consideration (or reconsideration) of legal opinions by the Office of Legal Counsel (OLC) of the Department of Justice that directly affect the Department of Defense?

Answer. If confirmed, I expect to work regularly with the Office of Legal Counsel at the Department of Justice in a collegial and collaborative fashion on the most complicated legal issues faced by the Department of Defense.

Question. What actions would you take in response to an opinion issued by OLC with which you disagreed as a matter of proper interpretation of the law?

Answer. The Attorney General, usually acting through the Assistant Attorney General in charge of OLC, is sometimes called upon to issue legal opinions that are binding on the entire executive branch, including the Department of Defense. If I am confirmed, should OLC issue an opinion with which I disagreed as a matter of law, I would express my opinion to the Assistant Attorney General in charge of OLC, if necessary and appropriate, and the Attorney General and ask for reconsideration of the OLC opinion.

INDEPENDENT LEGAL ADVICE

Question. In response to attempts within the Department of Defense to subordinate legal functions and authorities of the Judge Advocates General to the General Counsels of the Department of Defense and the Military Services, Congress enacted legislation prohibiting any officer or employee of the Department of Defense from interfering with the ability of the Judge Advocates General of the Military Services and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Chairman, service secretaries, and Service Chiefs. Congress also required a study and review by outside experts of the relationships between the legal elements of each of the Military Departments.

What is your view of the need for the Judge Advocates General of the services, the Staff Judge Advocate to the Commandant of the Marine Corps, and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to Service Secretaries, Chairman of the Joint Chiefs, Chiefs of Staff of the Army and Air Force, and the Chief of Naval Operations?

Answer. Our Nation's military lawyers play an important role for the Department of Defense. I appreciate that these lawyers, given their military training and experience, may have a perspective that civilian lawyers do not have, especially in matters of military operations, military personnel, and military justice.

The Judge Advocates General of the Military Departments, the Staff Judge Advocate to the Commandant of the Marine Corps, and the Legal Counsel to the Chairman of the Joint Chiefs of Staff should provide their best independent legal advice to the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Service Chiefs, as appropriate. That advice should be informed by the views of the Department of Justice, the DOD General Counsel, and the Military Department General Counsel concerned.

Question. What is your view of the responsibility of judge advocates within the services and joint commands to provide independent legal advice to military commanders?

Answer. Judge advocates within the Services and joint commands have a responsibility to provide legal advice to military commanders that is independent of improper external influence. While these judge advocates must be able to provide timely and effective day-to-day legal advice to military commanders in the field without seeking the approval and input of the DOD General Counsel, their advice should be informed by the views of the Department of Justice, the DOD General Counsel, the General Counsel of the Military Department concerned, and the Judge Advocate General concerned.

Question. If confirmed, would you propose any changes to the current relationships between the uniformed judge advocates and General Counsels?

Answer. I am not aware of any change that I would propose to the current relationships between the uniformed judge advocates and the General Counsels, if I am confirmed.

DETAINEE ISSUES

Question. Section 1032 of the National Defense Authorization Act for fiscal year 2016 prohibits the use of appropriated funds to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

In your view, does the President of the United States have authority under the law or the United States Constitution to direct the construction or modification of any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense without authorization by Congress?

Answer. The National Defense Authorization Act for fiscal year 2016 prohibits the use of the Department of Defense funds to “construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress” until December 31, 2016. There is a similar provision in the DOD Appropriations Act, 2016. These provisions restrict the Department from using funds to construct a facility to house Guantanamo detainees inside the United States.

Question. In your view, would any officer of the United States be authorized to execute the construction or modification of any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense on the order of the President, and without authorization by Congress?

Answer. The National Defense Authorization Act for fiscal year 2016 prohibits the use of Department funds to “construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress” until December 31, 2016. There is a similar provision in the Department of Defense Appropriations Act, 2016. These provisions restrict the Department from using funds to construct a facility to house Guantanamo detainees inside the United States.

Question. If confirmed, what role do you believe the General Counsel of the Department of Defense should play in the interpretation of this provision of law?

Answer. If confirmed, I would provide legal advice regarding compliance with the law.

COERCIVE INTERROGATION TECHNIQUES

Question. Section 2441 of title 18, United States Code, as amended by the Military Commissions Act of 2006, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a manner that provides appropriate protection from abusive treatment to U.S. detainees in foreign custody and to foreign detainees in U.S. custody?

Answer. I believe the standard as defined in U.S. domestic law is appropriate for purposes of protection from abusive treatment when applied to detention at home and abroad.

Question. Do you believe that the United States has the legal authority to continue holding alleged members and supporters of al Qaeda and the Taliban as enemy combatants?

Answer. Yes. Congress and the Federal courts have recognized the Executive branch's authority to detain individuals who were part of, or substantially supported, al Qaeda or Taliban forces, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy forces.

Question. Do you believe that the Federal courts have the procedures and capabilities needed to fairly and appropriately review the detention of enemy combatants, pursuant to habeas corpus petitions?

Answer. The Federal courts have established clear procedures to review the detention of enemy combatants, pursuant to habeas corpus petitions. In the habeas litigation, the courts have provided detainees with meaningful opportunities to contest the lawfulness of their detentions, while protecting core national security interests, such as the protection of classified information and the continued detention of enemy belligerents who pose a threat to the United States.

Question. What role would you expect to play, if confirmed, under the Periodic Review Board procedures for reviewing the status of Guantanamo detainees and determining whether the United States should continue to hold such detainees?

Answer. If confirmed, I would expect to provide legal advice to the Secretary of Defense on the status of the Guantanamo detainees and determinations regarding whether such detainees should continue to be held. In addition, the General Counsel appoints the legal advisor to the Periodic Review Board and is in the legal advisor's supervisory chain.

Question. The Military Commissions Act of 2009 revised the 2006 procedures for military commission trials of "alien unlawful enemy combatants".

In your view, does the Military Commissions Act of 2009 provide appropriate legal standards and processes for the trial of alien unlawful enemy combatants?

Answer. The Military Commissions Act of 2009 has provided appropriate standards and processes for the trial of alien unprivileged enemy belligerents. Processes such as these should regularly be reviewed for possible improvements.

Question. What role would you expect to play, if confirmed, in determining whether Guantanamo detainees should be tried for war crimes, and if so, in what forum?

Answer. The Convening Authority has the responsibility for determining whether to refer charges to a military commission. The General Counsel does not have a role in the referral of charges. If confirmed, I would expect to provide legal advice, as necessary, to the Secretary of Defense on these matters.

Question. What is your understanding of the relationship between the General Counsel of the Department of Defense and the legal advisor to the convening authority, the chief prosecutor, and the chief defense counsel for the military commissions?

Answer. The General Counsel is the chief legal officer of the Department. These specified lawyers play important roles in the military commissions process, requiring them to exercise independent legal judgment.

Question. By section 1045 of the National Defense Authorization Act for fiscal year 2016 (Public Law 114-92), Congress established that an individual in the custody or under the effective control of an officer, employee, or other agent of the United States Government or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual 2-22.3.

Do you believe interrogation techniques derived from Survival, Evasion, Resistance and Escape (SERE) techniques are a lawful and effective way to acquire useful intelligence?

Answer. No. SERE techniques are used to train U.S. military personnel how to resist interrogation by captors who do not comply with the Geneva Convention Relative to the Treatment of Prisoners of War. SERE techniques were never intended to be used by U.S. military interrogators nor are they authorized by or listed in Army Field Manual 2-22.3. Consequently, their use by U.S. interrogators would violate section 3(b) of Executive Order 13491, section 1002 of the Detainee Treatment Act of 2005, and section 1045(a)(2)(A) of the National Defense Authorization Act for fiscal year 2016, both of which provide that an individual in the custody or under the effective control of an officer, employee, or other agent of the United States Government, in any armed conflict, shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in Army Field Manual 2-22.3. Furthermore, paragraph 5 of Enclosure 4 to DOD Directive 3115.09, "DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning," provides that "Use of SERE techniques

against a person in the custody or effective control of the DOD or detained in a DOD facility is prohibited.

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?

Answer. Yes. I understand that section 1045 of the National Defense Authorization Act for fiscal year 2016 requires the Army Field Manual 2–22.3 to be reviewed every 3 years and revised as appropriate to ensure that it complies with the legal obligations of the United States and the practices for interrogation described in the section.

Question. What role do you believe the General Counsel of the Department of Defense should play in the interpretation of this provision of law?

Answer. In DOD Directive 5245.01, “General Counsel of the Department of Defense (GC DOD),” the Secretary of Defense designated the GC DOD as the chief legal officer of the Department of Defense and assigned to the GC DOD the responsibility to advise the Secretary of Defense and Deputy Secretary of Defense regarding all legal matters within or involving the Department. The GC DOD also is responsible for establishing DOD policy on general legal issues, determining the DOD position on specific legal problems, and resolving disagreements within the Department on such matters. Among other things, the GC DOD provides guidance on, and coordination of, significant legal issues in international law, including those presented by military operations requiring the approval of the Secretary of Defense, and the DOD Law of War Program.

Question. What role do you believe the Judge Advocates General of the Military Services should play in the interpretation of this provision of law?

Answer. By law, the Judge Advocates General, in addition to other duties prescribed by law, are the legal advisers of the Secretaries and of all officers and agencies of their respective Military Departments.

The Judge Advocates General and other military lawyers should play a prominent role in the interpretation of standards related to the treatment of detainees. The Judge Advocates General and the lawyers they lead bring experience and an important perspective to these and many other matters, and they play a vital role in supporting the operating forces worldwide. Judge advocates must be depended on to provide timely day-to-day legal advice to military commanders in the field. If confirmed, and if called on to offer any guidance on the above standards, I would expect to consult The Judge Advocates General and the Chairman’s Legal Counsel.

Question. If confirmed, will you take steps to ensure that all relevant Department of Defense directives, regulations, policies, practices, and procedures fully comply with the requirements of section 1045 and with Common Article 3 of the Geneva Conventions?

Answer. Yes.

MILITARY COMMISSIONS ACT

Question. In your view, do military commissions constituted pursuant to the Military Commissions Act of 2009 provide an effective forum for trying violations of the law of armed conflict?

Answer. Military commissions are an appropriate forum for trying offenses against the law of war and other offenses traditionally triable by military commission.

Question. What do you see as the advantages and disadvantages of military commissions as a forum for trying detainees for terrorism-related offenses?

Answer. The reforms of the Military Commissions Act of 2009 include reforms to a number of processes for the trial of alien unprivileged enemy belligerents. In addition, the Department of Defense has made many improvements to the transparency of the process, including closed-circuit transmission of all open proceedings to the general public, and public posting of the litigants’ filings. Nonetheless, legal and procedural challenges remain, particularly in light of the number of unsettled legal and procedural issues.

Question. Do you see the need for any changes to the Military Commissions Act of 2009?

Answer. If confirmed, I will evaluate the need for changes to the 2009 Military Commissions Act.

Question. Under current law, are there charges that could be brought against a detainee in an Article III Federal court that are not available or may not be available to the prosecution in military commissions?

Answer. Because military commission jurisdiction is limited to those offenses included in the MCA, Articles 104, and 106 of the UCMJ, and violations of the law of war, there are necessarily more charging options available in Federal court. In addition, although the MCA makes providing material support to terrorism cognizable by military commissions, the Federal courts have ruled that for conduct pre-dating enactment of the MCA, that charge is not available. It is conceivable that facts may exist such that a detainee, who could not be charged with this offense before a military commission, could still be tried for the analogous offense under title 18.

AUTHORITY FOR USE OF MILITARY FORCE/LAW OF ARMED CONFLICT

Question. Under what circumstances, if any, do you believe it would be appropriate for the U.S. military to use force, including deadly force, against United States citizens?

Answer. It is an unfortunate but undeniable fact that some of the threats we face from international terrorism involve plots by U.S. citizens. As then-Attorney General Holder observed in March 2012, it is clear that U.S. citizenship alone does not make such individuals immune from being targeted in the course of military counterterrorism operations conducted abroad. But a terrorist's U.S. citizenship does mean that the government must take into account all relevant constitutional considerations with respect to U.S. citizens. Of these, the most relevant is the Fifth Amendment's Due Process Clause, which provides that the government may not deprive a citizen of his or her life without due process of law. Due process takes into account the realities of combat.

Question. Under what circumstances, if any, do you believe it would be appropriate for the U.S. military to use force, including deadly force, inside the United States?

Answer. Protecting the U.S. Homeland from armed attack is the most important mission of the Department of Defense, and the use of U.S. Military Force could be appropriate in the drastic circumstances of an armed attack on the United States. I believe that domestic threats or acts of violence short of armed attack are appropriately addressed by local, State, and Federal law enforcement agencies.

Question. On September 18, 2001, Congress passed the Authorization for the Use of Military Force (Public Law 107-40), which provides that "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." This AUMF remains in effect and provides the legal authority for certain U.S. military actions.

What is your understanding of the role of the General Counsel in interpreting the AUMF and in the application of the AUMF to military activities?

Answer. I understand that the DOD General Counsel is responsible for advising the Secretary of Defense, the Office of the Secretary of Defense, and, as appropriate, other personnel of the Department of Defense on the interpretation and application of the AUMF to military operations.

Question. What is your understanding of how the AUMF intersects with the international law of armed conflict?

Answer. I understand that the domestic interpretation of the AUMF is informed by the international law of armed conflict, and that military operations pursuant to the AUMF are conducted consistent with the law of armed conflict.

Question. In your view, does the Department of Defense have the legal authorities it needs to conduct military operations against entities responsible for 9/11, against ISIL/ISIS, and against other forces who plan further attacks against the United States?

Answer. Yes. The existing statutory authorizations for the use of military force, together with the President's legal authority to direct military action under limited circumstances in the absence of a prior congressional authorization, provide adequate authority for military operations necessary to counter current and foreseeable terrorist threats. Although current legal authority is adequate, I support the Administration's proposal for a specific statutory authorization to use military force against ISIL.

Question. In your view, do existing legal authorities provide the U.S. military the legal flexibility it needs to respond to new and emerging terrorism threats?

Answer. The existing statutory authorizations for the use of military force, together with the President's constitutional authorities, provide adequate authority

for military operations necessary to counter foreseeable new or emerging terrorist threats.

Question. Without the AUMF, would the U.S. military have the legal authority to use force, including deadly force against members of al Qaeda, the Taliban, ISIS/ISIL and associated forces? If so, under what circumstances?

Answer. In the absence of congressional authorization, the President may order the use of military force to protect an important national interest, subject to important constitutional and statutory limitations on the scope and duration of those military operations. Where a sustained military campaign is called for, Congress has an essential role in authorizing the military action and providing the necessary resources.

Question. What is the impact of the President's Policy Guidance on Counterterrorism on legal application of the AUMF with respect to counterterrorism operations?

Answer. The President's May 2013 policy guidance on counterterrorism does not change the President's legal authority for military counterterrorism operations, which includes the authority provided by the AUMF. That Presidential guidance is, however, binding on the Department of Defense as a lawful order from the Commander in Chief.

Question. In your view, would it be appropriate for the United States to use military force against terrorist groups that have not engaged in hostilities directly against the United States, but merely shown an intent to do so? If so, under what circumstances?

Answer. The use of military force against a terrorist group that has not directly attacked the United States may be appropriate, for example, to respond to terrorist attacks on an ally of the United States or to respond to a threat of imminent terrorist attack on the United States or U.S. interests abroad.

UNMANNED SYSTEMS

Question. What are your views on whether the Department of Defense should assume greater responsibility for the operation of unmanned aerial systems (drones)?

Answer. The U.S. military has used remotely piloted aircraft since they were first developed to conduct intelligence, surveillance, and reconnaissance, as well as direct action during armed conflict. I support the Administration's policy as it relates to the responsibility of the Department of Defense for the operation of such aircraft.

Question. What legal benefits or risks to national security would be implicated if the Department were to take the lead role in operating unmanned systems?

Answer. The role of the Department of Defense in operating remotely piloted aircraft, and associated benefits and risks, are chiefly policy considerations. If confirmed, my focus with respect to military operations using remotely piloted aircraft will be on the legal basis for such operations and compliance with applicable law in conducting such operations.

Question. In your view, what is the appropriate legal standard for determining the appropriate use of civilian personnel, including civilian contractor personnel, in the operation of unmanned systems, including both armed and unarmed ISR systems, during military operations?

Answer. I have not been involved with this issue. If confirmed, I will examine this matter carefully.

CONTRACTORS ON THE BATTLEFIELD

Question. U.S. military operations in Iraq and Afghanistan have relied on contractor support to a greater degree than any previous U.S. military operations. The extensive involvement of contractor employees in a broad array of activities—including security functions—has raised questions about the legal accountability of contractor employees for their actions.

Do you believe that current Department of Defense regulations appropriately define and limit the scope of security functions that may be performed by contractors in an area of combat operations?

Answer. In my present position, I do not work with the Department of Defense regulations in this area. I am advised that the Department of Defense Federal Acquisition Regulations Supplement provides guidance in this area for contractors whose civilian personnel are performing in support of U.S. Armed Forces deployed outside the United States during contingency operations or humanitarian or peacekeeping operations, or during other military operations or exercises. If confirmed, I am prepared to review these Departmental regulations carefully and to advise on whether any amendments are needed.

Question. What changes, if any, would you recommend to such regulations?

Answer. See the above answer.

Question. Do you believe that current Department of Defense regulations appropriately define and limit the scope of contractor participation in the interrogation of detainees?

Answer. I do not work with the Department of Defense regulations in this area. If confirmed, I am prepared to review them.

Question. What changes, if any, would you recommend to such regulations?

Answer. See the answer above.

Question. OMB Circular A-76 defines “inherently governmental functions” to include “discretionary functions” that could “significantly affect the life, liberty, or property of private persons”.

In your view, is the performance of security functions that may reasonably be expected to require the use of deadly force in highly hazardous public areas in an area of combat operations an inherently governmental function?

Answer. In my present position, I have not been involved with this issue. I am advised that Office of Federal Procurement Policy (OFPP) Policy Letter 11-01 provides guidance on managing the performance of inherently governmental and critical functions, including guidance on security operations. If confirmed, I would evaluate the specific functions in light of this guidance.

Question. In your view, is the interrogation of enemy prisoners of war and other detainees during and in the aftermath of hostilities an inherently governmental function?

Answer. See the answer above. If confirmed, I would examine carefully the OFPP policy, applicable statutes, and Department policy to advise on this issue.

Question. What role do you expect to play, if confirmed, in addressing the issue of what functions may appropriately be performed by contractors on the battlefield?

Answer. If confirmed, I would expect to provide guidance to the Secretary and other senior officials regarding functions that may be lawfully performed by contractors on the battlefield.

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of the U.S. courts to persons employed by or accompanying the Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. It is important to maintain appropriate accountability for all persons supporting our Armed Forces, wherever they are located. I am generally aware of the Military Extraterritorial Jurisdiction Act of 2000 (MEJA), but I am not familiar with how well it has provided criminal jurisdiction over contractor employees in areas of combat operations.

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

Answer. I am not currently in a position to recommend any amendments to MEJA. If confirmed, I will review MEJA and, if I believe that any amendments are necessary, I will make recommendations at that time.

Question. What role would you expect to play, if confirmed, in developing Administration recommendations for changes to MEJA?

Answer. If confirmed, I anticipate being actively involved in any efforts to develop Administration recommendations regarding amending MEJA.

Question. Section 552 of the National Defense Authorization Act for fiscal year 2007 extended criminal jurisdiction of the military courts under the Uniform Code of Military Justice to persons serving with or accompanying an Armed Force in the field during time of declared war or a contingency operation, such as our current operations in Iraq and Afghanistan.

In your view, does the UCMJ provide appropriate jurisdiction for alleged criminal actions of contractor employees in Iraq, Afghanistan, and other areas of combat operations?

Answer. My view is that civilians serving with or accompanying our Armed Forces overseas who commit crimes should be held appropriately accountable. At this time, I do not have an informed view regarding whether the UCMJ provides the appropriate criminal jurisdiction over contractor employees in areas of combat operations.

Question. What is your view of the procedures agreed upon by the Department of Defense and the Department of Justice to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I am aware generally that there are procedures to reconcile these responsibilities reflected in Department of Defense Instruction 5525.07, “Implementation of the Memorandum of Understanding (MOU) Between the Departments of Justice (DoJ) and Defense Relating to the Investigation and Prosecution of Certain Crimes” (June 18, 2007). If confirmed, I intend to examine whether the MOU between the

Departments of Justice and Defense strikes the appropriate balance for the exercise of criminal jurisdiction.

Question. What changes, if any, would you recommend to the UCMJ to ensure appropriate jurisdiction for alleged criminal actions of contractor employees?

Answer. At this time, I have no such recommendations for amendments to the UCMJ. If confirmed, I will review the UCMJ's jurisdictional provisions regarding alleged criminal actions of contractor employees and, if I believe that any amendments are necessary, I will make recommendations at that time.

MILITARY JUSTICE MATTERS

Question. Article 6 of the Uniform Code of Military Justice gives primary responsibility for legal advice concerning military justice to the Judge Advocates General.

What is your understanding of the General Counsel's functions with regard to military justice and the Judge Advocates General?

Answer. In general, the DOD General Counsel plays no direct role in specific military justice cases. Decisions in military justice cases are made by the commander of the accused, the convening authority, the military judge, and court members. The Military Departments' Courts of Criminal Appeals and the U.S. Court of Appeals for the Armed Forces provide appellate review of cases arising under the UCMJ, as does the U.S. Supreme Court through writs of certiorari. The Secretary of Defense becomes involved in military justice only in limited circumstances, and the General Counsel provides legal advice to the Secretary in those circumstances. The General Counsel, like the Secretary of Defense and other senior civilian and military officials in the Department, must avoid any action that may constitute unlawful command influence or create an appearance of unlawful command influence.

I also understand that the General Counsel plays a role in the development of military justice policy, including by reviewing recommendations of the Joint Service Committee for Military Justice for amendments to the Manual for Courts-Martial and the Uniform Code of Military Justice and offering advice to the appropriate policy makers concerning those recommendations. I also understand that, traditionally, the DOD General Counsel has served as an informal DOD liaison to the U.S. Court of Appeals for the Armed Forces.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. Please see my previous answer concerning the role of the General Counsel.

Question. The May 30, 2013 Defense Legal Policy Board (DLPB) report on military justice in combat zones recommended a change in joint doctrine to specify that discipline is the responsibility of joint force commanders at all levels. The report recommended that this proposal should be presented to the DOD General Counsel and Secretary of Defense to be integrated into DOD and joint policy, and when appropriate, reviewed by the Joint Service Committee on Military Justice to be uniformly implemented by the Services.

In your view, is it essential to preserve the role of the military commander, including the joint force commander in deployed situations, for disposition of military justice matters?

Answer. The May 30, 2013, report of the Subcommittee on Military Justice in Combat Zones and the Defense Legal Policy Board's June 14, 2013, memorandum transmitting that report to the Secretary of Defense endorsed the preservation of the role of the military commander, including the joint force commander in deployed situations, in the disposition of military justice matters. If confirmed, I will study the Subcommittee's report and the Board's memorandum.

Question. What are your views on whether it would be appropriate to preserve the role of the commander as disposition authority, for the entire spectrum of military operations, from deployment to redeployment, in combat areas as well as in garrison?

Answer. I am not now prepared to offer specific assessments of the optimal command role in the disposition of allegations of crimes and other misconduct. If confirmed, I will examine this issue.

Question. If confirmed, what action will you take to ensure that the recommendations of the DLPB with respect to military justice in combat zones are implemented by DOD and the services?

Answer. If confirmed, I will study the recommendations of the Subcommittee and the Board. I understand that a number of the DLPB's recommendations have already been implemented. For example, Executive Order 13696 of June 17, 2015, amended Rule for Courts-Martial 601 to allow convening authorities to transfer con-

trol over the disposition of charges, including charges that have already been referred to a court-martial, to a parallel convening authority. I understand that the DLPB recommended such an amendment to facilitate trial of cases in deployed environments when the accused's command redeploys and is replaced by a new command. I further understand that, consistent with another DLPB recommendation, the same Executive Order increased the maximum authorized court-martial punishment for derelictions of duty that result in death or grievous bodily harm. Finally, I understand that consistent with another DLPB recommendation, on July 8, 2015, the Department of Defense amended the discussion accompanying Rule for Courts-Martial 906(b)(9) to remove language stating that a request for severance "should be liberally considered in a common trial."

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your understanding of the role of the DOD General Counsel in addressing the problem of sexual assault in the military?

Answer. The DOD General Counsel provides legal advice on proposed policies, DOD issuances, legislative proposals, and exceptions to policy relating to the problem of sexual assault and on sexual assault-related changes to the UCMJ.

As a whole, I see the Office of General Counsel working with the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps to ensure the military justice is a fair and equitable system of appropriate accountability that promotes justice, efficiency, and effectiveness in the military establishment, thereby strengthening the national security of the United States.

Question. Do you believe the DOD General Counsel's role in addressing the problem of sexual assault in the military is appropriate, and, if not, how should it be modified?

Answer. If confirmed, I will examine the role of the General Counsel in addressing the problem of sexual assault and determine whether any modifications are necessary.

Question. What is your assessment of the DOD sexual assault prevention and response program?

Answer. I understand that the Department has made significant strides to address this problem and is implementing many recommendations and improvements. It is my understanding that the Department is also confronting the issue of retaliation against victims and witnesses who report a sexual assault. This is an important challenge we need to address to eliminate the fear of retaliation, which can discourage victims and witnesses from coming forward to report a crime, receiving the support they need, and holding offenders appropriately accountable. If confirmed, I will conduct a thorough assessment of the program and work with my colleagues in DOD and the Congress regarding the sexual assault prevention and response program.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. As I understand it, unrestricted reports of sexual assault must be referred to law enforcement for investigation and commanders are notified of the allegations, including personally identifiable information (PII) of the victim and alleged offender, if known. In contrast, a restricted report allows a victim to disclose the details of the assault to specific individuals and receive medical treatment and counseling without triggering an automatic investigation or command notification. In a restricted report, the PII of neither the victim nor alleged offender is disclosed to commanders. The goal of restricted reporting is to give the victim support and medical care, and, potentially, the confidence eventually to come forward with an unrestricted report that would allow the Department to hold the alleged offender appropriately accountable. I see merit in providing both reporting options to victims, to encourage even those victims who desire privacy to come forward and have access to medical care. I would support further study on the effectiveness of both options in addressing sexual assaults.

Question. What is your understanding of the adequacy of DOD oversight of Military Service implementation of the DOD and Service policies for the prevention of and response to sexual assaults?

Answer. It is my understanding that there is robust oversight of Department policies for the prevention of and response to sexual assaults. I also understand that the Director, Sexual Assault Prevention and Response Office hosts quarterly integrated product team meetings attended by senior leaders from the Services, National Guard Bureau, Office of Secretary of Defense, and Office of the DOD Inspec-

tor General, which also serves as a forum for information sharing and updates. A representative of the Office of the General Counsel also attends.

Question. What is your assessment of current DOD policy as it pertains to the legal issues surrounding the investigation and prosecution of sexual assault cases?

Answer. I understand that sexual assault is a serious problem in the military. I am not now prepared to offer assessments of the legal issues surrounding the investigation and prosecution of sexual assault cases. If confirmed, I will engage with the Judge Advocates General and other civilian and military leaders and subject matter experts to determine what issues, if any, need to be addressed. I expect the Department's policies will be informed by the promising work done by the Response Systems to Adult Sexual Assault Panel, and the ongoing work of the Judicial Proceedings Panel. Additionally, the work of another congressionally mandated Federal advisory committee, the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces, may inform DOD policies in this regard.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults have occurred?

Answer. I think the chain of command has a critical role to play in changing military culture. Commanders are responsible for the good order and discipline of their units and are indispensable to creating a zero-tolerance climate for sexual assaults as well as a zero-tolerance climate for those who retaliate against victims. Leaders at every level must maintain a professional and respectful culture.

Question. In your view, what would be the impact of requiring judge advocates outside the chain of command, rather than commanders, to determine whether allegations of sexual assault should be prosecuted by the military?

Answer. I am not now prepared to offer specific assessments of the optimal roles of commanders and judge advocates in the disposition of sexual assault allegations. If confirmed, I will closely examine this issue.

RELIGIOUS ACTIVITY IN THE ARMED FORCES

Question. What is your understanding of current policies and programs of the Department of Defense and the Military Services regarding religious practices in the military?

Answer. I understand that the policies of the Department place a high value on the rights of members of the Military Services to observe the tenets of their respective religions.

Question. In your view, do policies concerning religious accommodation in the military appropriately accommodate the free exercise of religion and other beliefs, including individual expressions of belief, without impinging on those who have different beliefs, including no religious belief?

Answer. I have not yet had the opportunity to sufficiently review current Department policies to express an opinion on their appropriateness. It is my understanding that Department policies strive to accommodate the free exercise of religion by all servicemembers, and that the Department respects the rights of individuals to express their own religious beliefs, including the right to hold no beliefs.

Question. In your view, do requirements for individuals being accessed into the military, to first comply with military grooming and appearance standards that conflict with their sincerely held religious beliefs before being considered for a waiver of those military standards, constitute a constitutionally valid restraint on religious expression?

Answer. I have not yet had the opportunity to study the Department's current policies in sufficient detail to provide an opinion on their appropriateness in this regard. I understand that the current Department policy on religious accommodation is undergoing a periodic review; if confirmed I anticipate being personally involved in that review process.

Question. Under current law and policy, are individual expressions of belief accommodated so long as they do not impact unit cohesion and good order and discipline?

Answer. It is my understanding that current Department policy is to accommodate individual expressions of belief, unless they could have an adverse impact on military readiness, unit cohesion, and good order and discipline. In addition, the Religious Freedom Restoration Act applies to the military Services, and I understand the DOD Instruction on religious accommodation adopts the RFRA standard of review of requests for religious accommodation.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or

her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. I have not yet had the opportunity to study the Department's current policies in sufficient detail to provide an opinion on their proper balance. I understand that Department policies allow Military Chaplains to perform religious services in accordance with the tenets of their respective religions, and provide guidance to chaplains concerning the respectful incorporation of religious beliefs in a pluralistic setting. Military chaplains are an integral part of the fabric of the Armed Forces and play an important role in furthering the well-being and readiness of our servicemembers and their families.

Question. The Religious Freedom Restoration Act provides very broad protection for religious liberty, and provides that the Government [which includes the military] may not substantially burden a person's exercise of religion unless it furthers a compelling government interest, and that any such burden must be the least restrictive means of furthering that interest.

Do you believe that uniformity of appearance in the military constitutes a compelling government interest?

Answer. It is my understanding that this is a matter currently under litigation. As such I believe it is not appropriate for me to answer this question at this time.

Question. If so, do you believe that denying certain faith groups the ability to deviate from uniform and grooming standards, e.g., in maintaining an unshorn beard, in observation of their sincerely held religious belief, is the least restrictive means of furthering that interest?

Answer. It is my understanding that this is a matter currently under litigation. As such I believe it is not appropriate for me to answer this question at this time.

Question. How does the practice of allowing waivers for tattoos, including for religious themed tattoos, and medical shaving profiles for servicemembers both home and deployed, affect your analysis?

Answer. It is my understanding that this is a matter currently under litigation. As such I believe it is not appropriate for me to answer this question at this time.

SELECTIVE SERVICE ACT

Question. On December 3, 2015 Secretary of Defense Carter announced that the Department will open all military combat positions to women.

In your view, in light of Secretary Carter's decision, is the Selective Service Act constitutional? In your view, does this change in policy require the Selective Service Act to be amended to be gender neutral? If so, what changes would you recommend?

Answer. The Department provided a legal opinion to Congress on December 3, 2015 that explained that the factual backdrop to the body of Supreme Court cases in this area has been changed over time by the opening of combat position to women. Thus, it is appropriate for the executive and legislative branches to engage in a policy dialogue regarding these issues.

LEGAL ETHICS

Question. What is your understanding of the action a Department of Defense attorney should take if the attorney becomes aware of improper activities by a Department of Defense official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. DOD attorneys have an obligation to report improper activities by a DOD official. If an attorney believes that a DOD Official will act contrary to his or her advice and this behavior will violate or has violated law or regulation, the attorney must take appropriate action. If the allegation is against a Senior DOD Official, this must be reported to the DOD Inspector General within five working days, in accordance with DOD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the Department of Defense." If an allegation involves any other DOD Official (non-senior), the attorney should immediately report up through his or her attorney supervisory chain, including a supervising attorney, General Counsel, or Staff Judge Advocate, for appropriate action.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance?

Answer. DOD attorneys must adhere to the highest standards of professional conduct, including compliance with the rules of professional conduct of the licensing authority of the jurisdiction(s) in which they are members of the bar. Under DOD Instruction, 1442.02, "Personnel Actions Involving Civilian Attorneys," each DOD civilian attorney must have a current license to practice law from at least one State, the District of Columbia, or a U.S. commonwealth or U.S. territory. These rules,

along with the standards for military attorneys established by the Judge Advocates General of the Military Departments, have effectively maintained a high standard of conduct among DOD attorneys. If confirmed, I will monitor the adequacy of these rules and the procedures for administering inquiries regarding professional conduct to ensure the highest degree of professionalism in the provision of legal services throughout the Department.

LAW OF THE SEA

Question. The United Nations Convention on the Law of the Sea (UNCLOS) is currently pending in the Senate. What are your views whether or not the United States should accede to UNCLOS?

Answer. The Administration including Secretary Carter strongly supports accession, and although this is not an issue I have worked with, I support the Administration position.

Question. From a national security standpoint, what do you see as the legal advantages and disadvantages of the United States being a party to UNCLOS?

Answer. As noted above, this is not an issue I have worked with. However, I understand that becoming a party to the Law of the Sea Convention would enhance the U.S. security posture around the globe in significant ways, including by enabling the United States to reinforce all of the rights, freedoms, and uses of the sea and airspace codified in the Convention.

I am not aware of national security disadvantages of being a party to the Convention.

Question. In your view, is customary international law alone sufficient to safeguard U.S. navigational and overflight rights and freedoms worldwide?

Answer. As noted above, accession would enable the United States to reinforce all of the rights, freedoms, and uses of the sea and airspace codified in the Convention, including the navigational and overflight rights that are critical to the global mobility of U.S. forces. Although we have succeeded to date in preserving and protecting our navigational freedoms through reliance on customary international law, joining the Convention would place our national security on a firmer legal footing.

PROCESSING THE ANNUAL DEPARTMENT OF DEFENSE LEGISLATIVE REQUEST

Question. One of the current responsibilities of the General Counsel of the Department of Defense is to coordinate the Department's legislative program and to provide the Department's views on legislative proposals initiated from outside the Department.

If confirmed, what actions will you take to ensure that the Department's legislative proposals are submitted in a timely manner to ensure ample opportunity for consideration by Congress before markup of the annual National Defense Authorization Act?

Answer. I understand that the Office of General Counsel and the Office of the Assistant Secretary of Defense for Legislative Affairs have worked, and continue to work, closely together on improvements to the Department's Legislative Program—in consultation with the Office of Management and Budget—to transmit the Department's legislative proposals to Congress in a timely manner. If confirmed, I will monitor these efforts and look for any ways in which the process can be improved.

Question. What actions would you take, if confirmed, to ensure the Congress receives the Department's views on other proposed legislation in a timely manner?

Answer. I understand that the Office of General Counsel has worked closely with the Office of the Assistant Secretary of Defense for Legislative Affairs and the Office of Management and Budget to respond to request for views on Congressional bills expeditiously. If confirmed, I will work to ensure that the Department provides Congress with timely views on proposed legislation.

JUDICIAL REVIEW

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. The Supreme Court and lower Federal courts have frequently addressed the role of Article III courts in reviewing military activities. These courts have historically afforded great deference to the military in the conduct of its activities. See, e.g., *Loving v. United States*, 517 U.S. 748, 767 (1996); *Gilligan v. Morgan*, 413 U.S. 1, 4, 10 (1973); *Orloff v. Willoughby*, 345 U.S. 83, 93–94 (1953). But that deference is not unlimited, and since September 11, 2001, the Supreme Court has asserted itself in matters of national security and the conduct of military activities. For example, in *Hamdi v. Rumsfeld*, 542 U.S. 507, 535–36 (2004), Justice O'Connor stated that "[w]hatever power the United States Constitution envisions for the Executive

in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.”

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of Defense in ensuring the integrity and proper functioning of the officer promotion process?

Answer. It is my understanding that the Secretary of each Military Department, in consultation with his or her own General Counsel and Judge Advocate General, has the initial responsibility to ensure that the promotion selection process for both regular and Reserve officers complies with law and DOD policy. I am also aware that all reports of promotion selection boards are reviewed by the Office of the DOD General Counsel prior to final action on the report by the Secretary of Defense or Under Secretary of Defense for Personnel and Readiness. If the DOD General Counsel determines that a promotion selection board did not conform to law or policy, it would be the duty of the General Counsel to inform the Secretary of Defense or Under Secretary of Defense for Personnel and Readiness of the irregularities and to recommend appropriate corrective action. The Office of the General Counsel also has a role in ensuring that officer promotion policies promulgated in DOD regulations accurately reflect provisions of law in title 10.

Question. What is the role of the General Counsel of the Department of Defense, if any, in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. I know that the Office of the DOD General Counsel reviews all nomination packages that include adverse information before they are forwarded to the Secretary of Defense for action, ensuring that any adverse information attributed to an officer is supported by evidence in the accompanying reports of investigation. I understand that the DOD General Counsel and the General Counsel's staff often provide specific advice to the Under Secretary of Defense for Personnel and Readiness and the Secretary of Defense concerning difficult or unusual cases. I also understand that the Office of the General Counsel helps ensure that adverse information is communicated to the Armed Services Committee in an accurate, comprehensive, and timely manner and that the Committee is notified in a timely manner about recently initiated investigations involving officers pending confirmation.

RISK AVERSION

Question. Many attempts at Pentagon management reform, to include personnel reform and acquisition reform, involve allowing senior and local leadership to make maximum use of authorized flexibilities and exceptions to standard practices. It is generally believed that a risk averse culture has stifled this type of initiative within the leadership and workforce and thus trapped the Department in a set of antiquated and burdensome bureaucratic practices and oversight processes.

What role will you play to support efforts to allow DOD organizations to make maximum use of existing flexible management, acquisition, and personnel authorities so as to enable risk-taking and innovation in Pentagon processes?

Answer. My role, should I be confirmed as the DOD General Counsel, will be to ensure that attorneys within the DOD Office of the General Counsel understand the flexibilities as well as the limits provided in law and regulation, and advise their respective clients accordingly. DOD's attorneys should make sure that their clients are aware of any legal risks associated with various options, but they also should make it part of their jobs to think of ways to mitigate the risks. Ultimately, it is up to the decision-maker to determine how best to proceed, after fully understanding the range of options available. I believe that providing legal advice in this manner will enhance appropriate risk-taking and innovation within the Department, while still adhering to the law.

Question. How will you work to have your office combat the culture of bureaucratic risk aversion?

Answer. I believe that decision-makers within the Department will be more willing to take risk if they trust that their attorneys have the ability and expertise to identify accurately the range of possible options legally available and any associated legal pros and cons. Should I be confirmed, I would strive to enhance attorney training and professionalism within the organization, and to strengthen the important bond between attorney and client.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. In your opinion, what is the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. By statute, the Department of Justice is responsible for representing the United States, its officers and its agencies, including the Department of Defense, in litigation matters. In support of that responsibility, attorneys from the Department of Defense regularly work directly with counsel at the Department of Justice in cases and other litigation-related matters in which DOD, or one or more of its components or officials, is a party or has an interest.

Question. In your view, does the Department need more independence and resources to conduct its own litigation or to improve upon its current supporting role?

Answer. My understanding is that the Department's lawyers have exceptionally strong relationships with their counterparts at the Department of Justice and that the current arrangement serves the Department well. Accordingly, I am not aware of any changes that need to be made at this time.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the service boards for the correction of military records?

Answer. The Office of the DOD General Counsel may be required to provide legal advice on a very broad range of issues. Working closely with the Office of the Under Secretary of Defense for Personnel and Readiness, which has responsibility for Departmental policy for the Military Department boards for the correction of military/ naval records, the Office of the General Counsel provides legal advice on policy issues affecting military personnel and performs a pre-publication legal sufficiency review of every DOD military personnel policy issuance.

ROLE IN WHISTLEBLOWER ENFORCEMENT

Question. What role, if any, does the General Counsel play in ensuring the legal sufficiency and consistent execution of Department of Defense Inspector General whistleblower investigations?

Answer. It is my understanding that the position of General Counsel to the DOD IG is established by law in the Inspector General Act. The General Counsel to the IG is appointed by the Inspector General of the Department of Defense and acts as the chief legal officer of the Office of the Inspector General; this position is not under the supervision of the General Counsel of the Department of Defense. It is my understanding that the Department General Counsel does not review the legal sufficiency of Inspector General investigations, including whistleblower investigations. However, if confirmed, I would assist the Office of the Inspector General as requested and appropriate, and would provide appropriate legal advice to the Department in conjunction with actions stemming from an investigation.

Question. What role does or should the General Counsel play in ensuring consistency of application and interpretation of whistleblower protections across the Military Services and the Department?

Answer. While I have not yet had the opportunity to study the Department's current policies in sufficient detail to provide an opinion on this matter, if confirmed, I would work to ensure consistency while providing legal advice on such matters.

DEFENSE DEPARTMENT CIVILIAN VACANCIES

Question. Recently, the President appointed two individuals to serve in acting positions in violation of the Federal Vacancies Reform Act of 1998 (FVRA). Under title 5, United States Code section 3348(d), an action taken by any person whose appointment is not in compliance with FVRA shall have no force or effect and may not be ratified.

What role, if any, did you have in advising the President or the Secretary of Defense concerning the prospective acting appointment of these individuals?

Answer. I played no role in advising either of them concerning the designation of these individuals to serve in an acting capacity.

Question. What action, if any, would you expect to take if confirmed, in identifying any actions taken by these individuals that could be without legal authority or effect?

Answer. If confirmed, I will work to determine if any corrective actions are appropriate.

Question. If confirmed, what actions would you take if it were brought to your attention that a civilian appointment was potentially in violation of the FVRA?

Answer. The Vacancies Act requires that each case be evaluated on its own particular facts. If confirmed, I will be sensitive to the requirements of the Act and, together with the Department of Justice, will endeavor to provide legal advice that is responsive to the facts and the law.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of Defense?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MIKE LEE

RELIGIOUS FREEDOM

1. Senator LEE. Mr. Carson and Ms. O'Connor, with respect to religious freedom in the military, Federal statute states that "Unless it could have an adverse impact on military readiness, unit cohesion, or good order and discipline, the Armed Forces shall accommodate individual expressions of belief of a member of the Armed Forces reflecting sincerely held conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such individual expressions of belief as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment." If confirmed, how you do intend to fulfill the mandate of this law, and more broadly, how important do you judge it to be for servicemembers to feel that the expression of their religious beliefs are accommodated and protected by DOD?

Ms. O'CONNOR. Department policy in DOD Instruction 1300.17, *Accommodation of Religious Practices Within the Military Services*, incorporates the provision of law cited above regarding individual expressions of sincerely held beliefs based on conscience, moral principles, or religion. This policy further provides that the Department "places a high value on the rights of members of the Military Services to observe the tenets of their respective religions or to observe no religion at all . . ." and that "[i]n so far as practicable, a servicemember's expression of sincerely held beliefs (conscience, moral principles, or religious beliefs) may not be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment."

The right to observe and practice religious faith is very important to many members of the services. It is a right that is extremely important to protect. And, subject to the requirements of good order, discipline, and military readiness, our servicemembers should not be subject to adverse personnel actions due to expressing their religious beliefs. If confirmed, I will ensure that the actions and initiatives under my purview, or upon which I provide legal advice, comply with these critical requirements. I believe that it is very important to our volunteer force that the Department protect such expression "to the greatest extent possible, consistent with its military requirements," as provided for in Department policy.

AUTHORIZATION FOR USE OF MILITARY FORCE

2. Senator LEE. Ms. O'Connor, do you believe that the United States Government under the 2001 Authorization for Use of Military Force (AUMF) has the authority to capture and indefinitely detain U.S. persons on U.S. soil?

Ms. O'CONNOR. As a policy matter, the Administration has taken the position that suspected terrorists arrested inside the United States will be prosecuted in Article III courts, not detained pursuant to the 2001 AUMF. In addition, the President has stated that the U.S. Government "will not authorize the indefinite military detention without trial of American citizens" and further stated "that doing so would break with our most important traditions and values as a Nation."

As a legal matter, the Non-Detention Act of 1971, 18 U.S.C. § 4001, provides that "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." In *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), a plurality of the Supreme Court concluded that the President's detention of a U.S. citizen captured on the battlefield is not foreclosed by the Non-Detention Act because Congress, through the 2001 AUMF (which provides the authority to detain members of al Qaeda, the Taliban, and associated forces), had expressly authorized such detention for the duration of the relevant conflict. However, the Supreme Court has never resolved the question of whether the 2001 AUMF authorizes detention for individuals captured inside the United States.

EXPERIENCE

3. Senator LEE. Ms. O'Connor, you have worked in a variety of places in the United States Government and in the private sector, but you have never worked in DOD. Given the variety of legal challenges that DOD will be facing in the next year, including the proposed closure of the Guantanamo Bay Detention Facility (GTMO), expanded warfare against the Islamic State of Iraq and Syria (ISIS) and other terrorist groups, reorganization of agencies within the Department, and the potential for healthcare reform, what experience from your career will help you make up for the lack of time you have had at DOD?

Ms. O'CONNOR. The role of the General Counsel is to serve as the chief legal officer of the Department and the principal legal advisor to the Secretary of Defense. The portfolio of the Department's General Counsel is expansive, matching the breadth of the Department. The Office of the General Counsel (OGC) has responsibility for providing legal advice in the areas of contracting, departmental organization, fiscal law, privacy, information security, litigation, installations, military and civilian personnel, cyber, the law of armed conflict, health care, intelligence, environmental restrictions and remediation, detainee litigation, military justice, and government ethics, among many others.

The role of the General Counsel is not to be a subject matter expert in every one of these areas. Instead, the General Counsel is advised by an incredible team of civilian and military legal professionals with significant relevant experience in their subject matter within the Department of Defense. To lead this team, the General Counsel must be an excellent lawyer and strong leader, possessed of excellent judgment, a superior analytical ability to identify and frame legal issues and strong ability to clearly communicate legal advice and recommendations. The General Counsel must also have experience developed over years of legal practice for diverse clients and in diverse areas of the law, and with an understanding of how Federal agencies work, internally and with other agencies, including the Department of Justice, to resolve legal issues. I bring that experience, judgment and understanding to this position.

The breadth and diversity of my experiences across government and in the private sector have prepared me well for the challenges facing the Department in the next year. During the course of nearly 2 decades of law practice, I was a partner in one of the most well-regarded defense and national security practices in the country, advising clients on numerous of the Department's programs and components and on compliance with the Department's requirements and regulations. I also have close to 8 years of experience in 5 different Federal agencies, most recently and currently in the Department of Defense. All of those years have provided relevant learning and practice experiences. In particular, while a lawyer at the Departments of Defense and Health and Human Services, the Internal Revenue Service and the White House, I worked on the legal issues associated with fiscal law, development of legislation, procurement and contracting practices, holding civilian personnel accountable for their actions, reorganizing business units to improve practices, evaluating and improving cyber and information security practices, implementing health care reforms, privacy and transparency, the potential dissolution of and creation of new Federal agencies, and Federal Government employee ethics compliance. Since join-

ing the Department of Defense in October 2015 as the Deputy General Counsel for Legal Counsel, I have immersed myself in a broad range of its issues, including through the lens of litigation, which touches nearly every aspect of the OGC portfolio.

Providing advice on military operational law is an important aspect of the General Counsel portfolio. While I had limited familiarity with this area prior to joining the Department, I have already begun developing constructive relationships with The Judge Advocates General of the Army, Navy, and Air Force, the Staff Judge Advocate to the Commandant of the Marine Corps, the staff judge advocates of many of the Combatant Commands, as well as the judge advocates who advise the Joint Chiefs of Staff. I have tremendous respect and admiration for these fine lawyers, and if confirmed will work closely with them and draw on their experiences, expertise and recommendations. As a litigator by practice, I have extensive experience identifying subject matter experts in any given area in order to quickly learn new issues and identify the key issues for deeper development. I also firmly believe in the benefits of collaboration and developing the best ideas from everyone on a team. If confirmed, I look forward to working closely with this talented team.

QUESTIONS SUBMITTED BY SENATOR JACK REED

TRANSFER OF DETAINEES TO THE UNITED STATES

4. Senator REED. Ms. O'Connor, would it be lawful for the President to transfer detainees from Joint Task Force (JTF) Guantanamo (GTMO) to the United States or begin construction on any facility inside the United States to house detainees currently held at JTF GTMO?

Ms. O'CONNOR. As the Attorney General recently stated, current law prohibits the transfer or release of detainees from the United States Naval Station, Guantanamo Bay, Cuba, to the United States and prohibits the construction or modification of facilities in the United States to house such detainees.

CLOSURE OF THE NAVAL BASE AT GUANTANAMO, CUBA

5. Senator REED. Ms. O'Connor, can DOD close or relinquish control of the U.S. Naval Base at Guantanamo, Cuba, or implement a material modification to the treaty that would return that base to Cuba?

Ms. O'CONNOR. I am not aware of any proposal to close or relinquish control of United States Naval Station, Guantanamo Bay or to modify the Treaty between the United States of America and Cuba signed at Washington, DC on May 29, 1934 (the Treaty). The Administration is committed to working with Congress to end detention operations there in a responsible manner that protects U.S. national security. DOD does not have the authority to close or relinquish control of the U.S. Naval Base at Guantanamo Bay, Cuba, or implement a material modification to the Treaty that would return that base to Cuba. Section 1036 of the National Defense Authorization Act for fiscal year prohibits the use of funds made available for DOD for fiscal year to close or abandon United States Naval Station, Guantanamo Bay, Cuba; (2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or (3) to implement a material modification to the Treaty that constructively closes United States Naval Station, Guantanamo Bay.

TRANSFER OF DETAINEES WITHOUT CONGRESSIONAL NOTIFICATION

6. Senator REED. Ms. O'Connor, was the President's transfer of five detainees at JTF GTMO in exchange for SGT Bergdahl without 30 days' notice to Congress lawful in light of section 1035 of the Fiscal Year 2014 National Defense Authorization Act (NDAA)?

Ms. O'CONNOR. On December 5, 2014, the Department of Defense provided the attached letter to this Committee, and on July 17, 2015, the Acting General Counsel provided a separate letter (also attached) to the House Armed Services Committee explaining the joint legal conclusions of the Departments of Justice and Defense. I did not participate in development of those legal conclusions. I understand that the legal conclusions were based on a determination that waiting for 30 days would have imperiled the life of a soldier. The Departments of Justice and Defense considered this to be an exceptional and extraordinary situation involving an exigency. My understanding is that the Department has met all notice, certification and reporting requirements for all other transfers and intends to continue to do so. I believe that approach is legally required, and I agree with it wholeheartedly.

I also believe that the decision not to have advised Congress earlier, in order to provide as much notice as possible of the transfer, did significant damage to the De-

partment's relationship with Congress. If a similar situation were to be presented to me, I would recommend that the Secretary consult with Congress as soon as feasible.



COMPTROLLER

UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

DEC 5 2014

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Consistent with section 145.8 of OMB Circular A-11, this letter reports the views of the Department of Defense regarding the opinion of the U.S. Government Accountability Office (GAO), dated August 21, 2014, concluding that the Department of Defense's transfer of five detainees from Guantanamo Bay to Qatar without 30 days' advance notice to Congress as described in section 1035(d) of the National Defense Authorization Act for Fiscal Year 2014 violated section 8111 of the Department of Defense Appropriations Act, 2014, and that the Department's obligation of appropriated funds to carry out the transfer therefore violated the Antideficiency Act, 31 U.S.C. § 1341(a). The Department disagrees with GAO's conclusion.

As previously explained to Congress and GAO, the Administration concluded that the transfer of the five detainees could lawfully proceed, in the exercise of the President's constitutional authority to protect the lives of Americans abroad and, specifically, to protect U.S. service members, notwithstanding the absence of 30 days' notice as described in section 1035(d). In response to GAO's request, the Department provided a statement of the Administration's legal views on the application of section 8111 to the transfer (enclosed), in which both the Department of Justice and the Department of Defense concurred, presenting three separate grounds for concluding that the transfer did not violate federal law. First, section 8111 bars the use of funds for transfers that do not comply with section 1035, but section 1035, unlike the version of the provision covering the prior year, conditions the authority to make transfers only on the Secretary's making certain determinations (which the Secretary made), not on his providing advance notice under section 1035(d). Second, even if section 1035 were read to make compliance with the notice requirement a condition on transfers, the provision should not be read, in the absence of a clear statement, to apply where providing the notice would interfere with the President's exercise of his constitutional authority to protect the life of an American service member. Third, if section 1035(d) were nonetheless read to apply in those circumstances, it would be unconstitutional as applied.

Observing that it is not GAO's role to determine the constitutionality of federal statutes, GAO's opinion expressly declined to address the constitutionality of section 8111 or section 1035 as applied in this instance. GAO's opinion similarly failed to take into account the potential constitutional infirmities when construing these statutes. Accordingly, the legal analysis in the opinion is incomplete, and GAO's stated conclusion is unfounded.

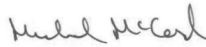


GAO's conclusion with respect to the Antideficiency Act is premised on its analysis of section 8111 and is likewise incorrect. GAO's opinion states: "If an agency incurs an obligation in excess of or in advance of amounts that are legally available, the agency has violated the Antideficiency Act." The opinion further asserts that "DoD obligated funds that were not legally available for obligation because DoD did not satisfy the notification requirements under section 8111." To the contrary, for the reasons explained in the statement of the Administration's legal views, the use of appropriated funds to effect the transfer of the five detainees was lawful under section 8111, either as a matter of statutory interpretation or under separation of powers principles. Because funds appropriated by Congress for purposes including detainee transfers were, under the circumstances presented here, legally available for obligation notwithstanding the absence of 30 days' advance notice, there was no violation of the Antideficiency Act.

The foregoing is concurred in by the Department of Justice.

Identical letters are being submitted to the President, President of the Senate, Speaker of the House of Representatives, Chairman of the House Committee on Armed Services, Chairman of the Subcommittee on Defense of the Senate Committee on Appropriations, Chairman of the Subcommittee on Defense of the House Committee on Appropriations, and Comptroller General of the United States.

Sincerely,



Michael McCord

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member

Administration Views Provided to the Government Accountability Office

July 31, 2014

3. Please provide your legal views on the application of section 8111 of the Consolidated Appropriations Act, 2014 to the transfer of the five individuals.

Under the particular circumstances presented, the transfer of the five individuals at issue was lawful notwithstanding the absence of 30 days' advance notice. Section 8111 of division C of the Consolidated Appropriations Act, 2014, Pub. L. 113-76, 128 Stat. 131, provides that "[n]one of the funds appropriated ... in this Act may be used to transfer any [Guantanamo detainee] to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1035 of the [National Defense Authorization Act for Fiscal Year 2014 ("FY 2014 NDAA"), Pub. L. 113-66, 127 Stat. 851]." Section 8111 did not prohibit the transfer of the five individuals for one of three possible reasons.

1. Under the best reading of section 8111, that provision prohibits the use of appropriated funds to make a covered transfer only if the transfer is unlawful under section 1035. Here, although questions have been raised about the Administration's compliance with the notice requirement in section 1035(d), the transfer itself was lawful under section 1035, because section 1035 does not make notice a precondition of transfer.

Section 1035(b) states that, except as provided in section 1035(a), "the Secretary of Defense may transfer an individual detained at Guantanamo to the custody or control of ... a foreign country[] only if the Secretary determines" two things—(1) that actions have or will be taken that substantially mitigate the risk that the individual will engage in activity that threatens the United States or U.S. persons or interests and (2) that the transfer is in the national security interest of the United States. Section 1035(c) lists several factors that the Secretary "shall specifically evaluate and take into consideration" "[i]n making the determination specified in subsection (b)," but section 1035 does not impose any other preconditions on the Secretary's authority under section 1035(b) to make transfers. In the case of the transfer of the five individuals, the Secretary made the two determinations required by section 1035(b) after evaluating and taking into consideration the factors specified in section 1035(c). The transfer was therefore lawful under section 1035.

The fact that the Secretary did not provide notice 30 days before the transfer as described in section 1035(d) does not alter that conclusion. Section 1035(d) states that the Secretary "shall notify the appropriate committees of Congress of a determination . . . under subsection . . . (b) not later than 30 days before" a covered transfer, but section 1035(d) specifies no consequence for the failure to make that notification. Thus, while section 1035(d) imposes a legal requirement that the Secretary provide Congress with notice 30 days before making certain transfers, neither it nor any other provision of section 1035 (or the FY 2014 NDAA) states that a transfer that is otherwise authorized by section 1035(b) is rendered unlawful by the absence of the notification.

The language of the transfer restriction in the prior version of the National Defense Authorization Act, the NDAA for Fiscal Year 2013 (“FY 2013 NDAA”), Pub. L. 112-239, 126 Stat. 1914, supports this plain language reading of the FY 2014 NDAA. The FY 2013 transfer restriction stated that, subject to a limited exception, the Secretary could not use any funds available to the Department of Defense to make a transfer “unless the Secretary submit[ed] to Congress” a certification containing specified findings “not later than 30 days before the transfer.” FY 2013 NDAA, section 1028(a) (1). Unlike the language in section 1035 of the FY 2014 NDAA, the FY 2013 language expressly conditioned the lawfulness of a transfer on the Secretary’s notifying Congress 30 days in advance of the transfer. Congress’s deliberate decision not to use that language in the FY 2014 NDAA strongly suggests that the FY 2014 NDAA—as its plain text indicates—does not condition the lawfulness of the transfer itself on the provision of notice.

Accordingly, under this reading of section 8111, the use of appropriated funds to effect the transfer of the five individuals was lawful under section 8111 because the transfer was lawful under section 1035, regardless of whether the Administration complied with any notice requirement imposed by section 1035(d).

2. Section 8111 might be read more broadly, to prohibit the use of appropriated funds to make a transfer not only when the transfer is itself unlawful under section 1035, but also whenever any other applicable requirements in section 1035, including the notice requirement in section 1035(d), are not satisfied. Even under that broader reading, however, the transfer of the five individuals did not violate section 8111 because, under the particular circumstances of this transfer, the absence of 30 days’ advance notice did not violate section 1035(d), for one of two reasons.

a. First, section 1035(d) might be construed as having been inapplicable to this particular transfer. The transfer was necessary to secure the release of a captive U.S. soldier, and the Administration had determined that providing notice as specified in the statute could jeopardize negotiations to secure the soldier’s release and endanger the soldier’s life. In those circumstances, providing notice would have interfered with the Executive’s performance of two related functions that the Constitution assigns to the President: protecting the lives of Americans abroad and protecting U.S. service members. Such interference would “significantly alter the balance between Congress and the President,” and could even raise constitutional concerns; and courts have required a “clear statement” from Congress before they will interpret a statute to have such an effect. *Armstrong v. Bush*, 924 F.2d 282, 289 D.C. Cir. (1991). Congress may not have spoken with sufficient clarity in section 1035(d) because the notice requirement does not in its terms apply to a time-sensitive prisoner exchange designed to save the life of a U.S. soldier. *Cf. Bond v. United States*, 134 S. Ct. 2077, 2090-93 (2014).

b. Second, if section 1035(d) were construed as applicable to the transfer, the statute would be unconstitutional as applied because requiring 30 days' notice of the transfer would have violated the constitutionally-mandated separation of powers. Compliance with a 30 days' notice requirement in these circumstances would have "prevent[ed] the Executive Branch from accomplishing its constitutionally assigned functions," *Morrison v. Olson*, 487 U.S. 654, 695 (1988), without being "justified by an overriding need" to promote legitimate objectives of Congress, *Nixon v. Administrator of General Servs.*, 433 U.S. 425, 443 (1977). As just discussed, the Administration had determined that providing notice as specified in the statute would undermine the Executive's efforts to protect the life of a U.S. soldier. Congress's desire to have 30 days to weigh in on the determination that the Secretary had already made, in accordance with criteria specified by Congress, that the transfer did not pose the risks that Congress was seeking to avoid, was not a sufficiently weighty interest to justify this frustration of the Executive's ability to carry out these constitutionally assigned functions. Thus, even though, as a general matter, Congress had authority under its constitutional powers related to war and the military to enact section 1035(d), that provision would have been unconstitutional to the extent it applied to the unique circumstances of this transfer. And, just as section 1035(d) would be unconstitutional to the extent it was construed as applicable to the transfer, the broader reading of section 8111 would likewise be unconstitutional as applied to that transfer, because it would attempt to impose through the spending power the same unconstitutional requirement that section 1035(d) would attempt to impose directly.

Accordingly, even under this reading of section 8111, the use of appropriated funds to effect the transfer of the five individuals was lawful under section 8111, either as matter of statutory interpretation or under separation of powers principles.

3. Finally, note that GAO itself held that various statutory funding restrictions against U.S. combat operations in Southeast Asia did not apply to the rescue of Americans, including the attempted rescue of the crew of the *Mayaguez*. *Letter to the Hon. Thomas Eagleton*, 55 Comp. Gen. 1081 (1976). Having earlier noted the President's constitutional power to order such rescue operations, GAO stated that "neither the language of the acts nor their legislative histories make clear congressional intent respecting the President's power to rescue Americans abroad," *id.* at 1086, and therefore that "the availability of appropriations for rescue operations for Americans is not flatly precluded by the . . . funding limitation statutes," *id.* at 1088. The literal language of some of the restrictions, GAO conceded, would seem to cover rescue operations, but GAO read that language as aimed at offensive operations, *id.* at 1087. Here, for the reasons described earlier, the literal language of Section 8111 need not be construed to apply to this transfer, and reading the provision to apply to it would have rendered the provision unconstitutional as applied. Accordingly, GAO precedent supports the conclusion that section 8111 did not prohibit the use of appropriated funds to carry out the transfer.



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

GENERAL COUNSEL

JUL 17, 2015

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing in response to the Committee's interest, as expressed in section 1040 of H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016 passed by the House, and in correspondence between the Department of Defense and the Department of Justice dated between January 1, 2014, and June 1, 2014, relating to the transfer of five detainees held at Guantanamo Bay, Cuba, in exchange for Sergeant Bowe Bergdahl. Specifically, section 1040 requests any such correspondence that includes legal analysis of section 1035 of the National Defense Authorization Act for Fiscal Year 2014 ("NDAA for FY 2014"), Pub. L. 113-66; section 8111 of the Consolidated Appropriations Act (P.L. 113-76), 2014; the Antideficiency Act (31 U.S.C. 1341); or Article II of the Constitution.

The Executive Branch has substantial confidentiality interests in legal advice provided by the Department of Justice, and, therefore, such advice is generally not disclosed. The Department of Defense does, however, appreciate your interest in understanding the legal rationale for the Administration's conclusion that the transfer of the five individuals was lawful. To accommodate that interest, we have previously provided the Committee with significant information on this topic. The Department's General Counsel testified about this issue before the Committee in both open and closed session, and has been interviewed by Committee staff. The Department also provided the Committee with a letter, dated December 5, 2014, reporting the views of the Department regarding the opinion of the U.S. Government Accountability Office (GAO) that the Department of Defense's transfer of five detainees from Guantanamo Bay to Qatar without 30 days' advance notice to Congress violated section 8111 of the Department of Defense Appropriations Act, 2014. That letter included a statement of the Administration's legal views on the application of section 8111 and section 1035, in which both the Department of Justice and Department of Defense concurred. The letter concluded that GAO's failure to take into account potential constitutional infirmities when construing these statutes rendered GAO's legal analysis incomplete and the stated legal conclusion unfounded.

We understand from Committee staff that you would like information on the timing and the legal rationale for the Administration's conclusion that the transfer was lawful under section 1035 of the NDAA for FY 2014. This letter therefore provides additional information on those two specific topics.



As Secretary Hagel noted in his congressional notification of May 31, 2014, we consulted with the Department of Justice about the application of the notification requirement in section 1035(d) to the transfer of five detainees to Qatar. Specifically, on May 6, 2014, the Department of Justice was consulted as to whether proceeding with the transfer of detainees without 30-days' notice to Congress might be lawful given the extraordinary circumstances at issue here – in which providing 30-days' notice would put into peril the life of a service member in captivity. The Department of Justice provided preliminary legal views on this question shortly thereafter. On May 22, 2014, the Department of Defense provided the Department of Justice with a description of the specific circumstances at issue in the proposed transfer of five detainees in exchange for Sergeant Bergdahl. Based on that description, prior to the decision to proceed with the transfer, the Department of Justice advised that the described facts did not alter its earlier preliminary analysis.

As previously described to the Committee, the Administration's view is that under the particular circumstances presented, the transfer of the five individuals at issue was lawful under section 1035, notwithstanding the absence of 30-days' advance notice to Congress. Although questions have been raised about the Administration's compliance with the notice requirement in section 1035(d), the transfer itself was lawful under section 1035, because section 1035 does not make notice a precondition of transfer.

Section 1035(b) states that, except as provided in section 1035(a), "the Secretary of Defense may transfer an individual detained at Guantanamo to the custody or control of ... [a] foreign country[] only if the Secretary determines" that—

(1) actions have or will be taken that substantially mitigate the risk that the individual will engage in activity that threatens the United States or United States persons or interests; and

(2) the transfer is in the national security interest of the United States.

Section 1035(c) lists several factors that the Secretary "shall specifically evaluate and take into consideration" "[i]n making the determination specified in subsection (b)," but section 1035 does not impose any other preconditions on the Secretary's authority under section 1035(b) to make transfers. In the case of the transfer of the five individuals, the Secretary made the two determinations required by section 1035(b) after evaluating and taking into consideration the factors specified in section 1035(c). The transfer was therefore lawful under section 1035.

The fact that the Secretary did not provide notice 30 days before the transfer as described in section 1035(d) does not alter that conclusion. Section 1035(d) states that the Secretary "shall notify the appropriate committees of Congress of a determination . . . under subsection . . . (b) not later than 30 days before" a covered transfer, but section 1035(d) specifies no consequence for the failure to make that notification. Thus, while section 1035(d) imposes a legal requirement that the Secretary provide Congress with notice 30 days before making certain transfers, neither it nor any other provision of section 1035 or the NDAA for FY 2014 states that a transfer that is otherwise authorized by section 1035(b) is rendered unlawful by the absence of the notification.

The language of the transfer restriction in the preceding year's National Defense Authorization Act, section 1028 of the National Defense Authorization Act for Fiscal Year 2013 ("FY 2013 NDAA"), Pub. L. 112-239, 10 U.S.C. 801 note, supports this plain language reading of the NDAA for FY 2014. The transfer restriction in the NDAA for FY 2013 stated that, subject to a limited exception, the Secretary could not use any funds available to the Department of Defense to make a transfer "unless the Secretary submit[ted] to Congress" a certification containing specified findings "not later than 30 days before the transfer" (section 1028(a)(1) of FY 2013 NDAA). Unlike the language in section 1035 of the NDAA for FY 2014, the language of the NDAA for FY 2013 expressly conditioned the lawfulness of a transfer on the Secretary notifying Congress 30 days in advance of the transfer. Congress's deliberate decision not to use that language in the NDAA for FY 2014 strongly suggests that the NDAA for FY 2014—as its plain text indicates—does not condition the lawfulness of the transfer itself on the provision of notice.

Although the transfer of the five detainees was lawful under the plain language of section 1035, the fact that the transfer was authorized does not resolve the question of whether the Secretary violated section 1035(d) by failing to provide notice in the circumstances at issue in this specific case. Under the particular circumstances of this transfer, the Administration determined that the absence of 30-days' advance notice did not violate section 1035(d) for the following reasons.

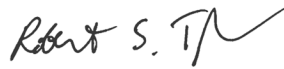
First, section 1035(d) might be construed as having been inapplicable to this particular transfer. The transfer was necessary to secure the release of a captive U.S. soldier, and the Administration had determined that providing notice as specified in the statute could jeopardize negotiations to secure the soldier's release and endanger the soldier's life. In those circumstances, providing notice would have interfered with the Executive's performance of two related functions that the Constitution assigns to the President: protecting the lives of Americans abroad and protecting U.S. service members. Such interference would "significantly alter the balance between Congress and the President," and courts have required a "clear statement" from Congress before they will interpret a statute to have such an effect. *Armstrong v. Bush*, 924 F.2d 282, 289 (D.C. Cir. 1991). Congress may not have spoken with sufficient clarity in section 1035(d) because the notice requirement does not in its terms apply to a time-sensitive prisoner exchange designed to save the life of a United States soldier. *Cf. Bond v. United States*, 134 S. Ct. 2077, 2090-93 (2014).

Second, if section 1035(d) were construed as applicable to the transfer, the statute would be unconstitutional as applied because requiring 30-days' notice of the transfer would have violated the constitutionally mandated separation of powers. Compliance with a 30-days' notice requirement in these extraordinary circumstances would have "prevent[ed] the Executive Branch from accomplishing its constitutionally assigned functions," *Morrison v. Olson*, 487 U.S. 654, 695 (1988), without being "justified by an overriding need" to promote legitimate objectives of Congress, *Nixon v. Administrator of General Servs.*, 433 U.S. 425, 443 (1977). As noted in the preceding paragraph, the Administration had determined that providing notice as specified in the statute would undermine the Executive's efforts to protect the life of a U.S. soldier. Congress's desire to have 30 days to weigh in on the determination that the Secretary had already made, in

accordance with criteria specified by Congress, that the transfer did not pose the risks that Congress was seeking to avoid, was not a sufficiently weighty interest to justify this frustration of the Executive's ability to carry out these constitutionally assigned functions. Thus, even though, as a general matter, Congress had authority under its constitutional powers related to war and the military to enact section 1035(d), that provision would have been unconstitutional to the extent it applied to the unique circumstances of this transfer.

We look forward to continuing to work with you in your oversight of this matter. Please let us know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Taylor", with a stylized flourish at the end.

Robert S. Taylor
Acting General Counsel

cc:
The Honorable Adam Smith
Ranking Member

VIOLATION OF LAW

7. Senator REED. Ms. O'Connor, would you resign your position if you were confirmed as the DOD General Counsel and thought the President was violating the law on transferring detainees from the detention facility at U.S. Naval base GTMO to the United States?

Ms. O'CONNOR. If confirmed as the chief legal officer of the Department, my role would be to ensure the Department complies with the law. At bottom, I do not expect this particular hypothetical to arise because the Secretary of Defense has made clear that it is his and the President's intention to work with Congress to amend the statutes that currently prohibit transfers of detainees from GTMO to the United States. In the hypothetical situation in which it appeared to me that the President were pursuing a course of action that would violate laws involving transferring detainees from GTMO, I would discuss the matter with the Secretary of Defense and other officials, as appropriate, to ensure my legal position was duly considered. If my concerns were not alleviated, I would continue to advocate for my legal position while at the same time advising the Secretary of Defense on alternative courses of action, with the aim of reaching a result that complied with the law.

My job as an attorney is to provide advice to senior decision makers. If I found myself in a position where my advice was not being considered, I would conclude that I could no longer serve and would resign. I also would refuse to take any action that I believed to be unlawful. In my view, however, resignation would be the absolute last measure as it would preclude me from continuing to advocate for my legal position and to influence decisions in the area concerned.

FUTURE LAW OF WAR DETAINEES

8. Senator REED. Ms. O'Connor, it is our understanding that it is currently the policy of the administration not to transfer additional detainees to GTMO for law of war detention. In light of that policy, is it possible for DOD to detain ISIS or al Qaeda combatants captured in the future for law of war detention, as is permitted under the law of armed conflict?

Ms. O'CONNOR. Yes, the Department has the legal authority to detain ISIS and al Qaeda combatants captured in the future under the law of war. The 2001 Authorization for Use of Military Force permits law of war detention of ISIS and al Qaeda combatants, and the law of armed conflict permits detention of hostile forces detained in the course of lawful armed conflict.

As a policy and practice, U.S. government personnel make determinations in each case regarding whether an individual may be lawfully detained—ensuring, for example, that they meet legal standards for detention and that there is no mistaken identity—and what the appropriate disposition of the individual would be. Appropriate disposition depends on the facts and circumstances of each capture. The U.S. government considers all appropriate disposition options for individuals, including transfer to another country for detention or prosecution; transfer to the United States for prosecution in an appropriate forum; and continued law of war detention by U.S. forces at an appropriate location.

 QUESTIONS SUBMITTED BY SENATOR CLAIRE McCASKILL

WHISTLEBLOWER REPRISAL COMPLAINTS

9. Senator McCASKILL. Ms. O'Connor, in your opening statement you pledged to serve the people who serve in uniform and the civilian personnel who support them as well as to ensure DOD remains in full compliance of the law. One of the issues facing DOD is the issue of whistleblower reprisal complaints. In some cases, the complaint is made against a senior officer or civilian who is well respected and trusted within the Department. If confirmed, how will you balance supporting the trust and confidence of experienced senior officers and civilians against a whistleblower reprisal complaint and ensure full compliance of the law?

Ms. O'CONNOR. Reprisal against whistleblowers is illegal, unacceptable and detrimental to the operations of the Department. If confirmed, I would provide advice to senior officials regarding compliance with the prohibitions against whistleblower reprisal and would expect such compliance within my own office. Allegations of misconduct against senior officials, including allegations of whistleblower reprisal, are investigated either by the Inspector General of the Department of Defense or the Inspectors General of the Military Departments. If confirmed, I would assist the Of-

office of the DOD Inspector General as requested and appropriate, including assisting with referrals of such allegations to the appropriate Inspector General.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN E. GILLIBRAND

RETALIATION

10. Senator GILLIBRAND. Ms. O'Connor and Mr. Weiler, I have heard many stories from servicemembers about retaliation after coming forward to report a sexual assault. Not only have I heard this from survivors, but also bystanders who intervened on behalf of a survivor. The most recent data we have indicates that 62 percent of sexual assault survivors perceived some form of retaliation as a result of reporting, and of those, 32 percent perceived professional retaliation and 35 percent perceived administrative retaliation. Yet, I am aware of few if any cases where the Services or DOD have taken action to punish a retaliator. If confirmed, what actions would you take to ensure that those that commit retaliation are punished appropriately and that survivors are protected from retaliation when they come forward to report a sexual assault?

Ms. O'CONNOR. I find the high percentages of reported retaliation to be very concerning. Acts of retaliation are inherently wrong and, on that basis alone, must be prevented. When such acts occur, offenders should be held appropriately accountable. Acts of retaliation also have the pernicious collateral effect of discouraging other victims from coming forward, further heightening the importance of effective prevention and response measures. I understand that the Department and, in particular, the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)) have been studying the problem of retaliation and effective prevention and response measures. I look forward to working with OUSD (P&R) to implement the retaliation prevention strategy that is currently being prepared by the Department, as required by section 539 of the National Defense Authorization Act for fiscal year 2016.

In addition, I believe that response measures must include innovations to encourage victims of retaliation to report it, to support them when they do, and to investigate such reports when they are made. Such reports and investigations are a prerequisite to holding those who engage in retaliation appropriately accountable. If confirmed, I would work with DOD policymakers to promote such measures.

TRANSPARENCY OF COURTS-MARTIAL

11. Senator GILLIBRAND. Ms. O'Connor, as a former litigator, I am sure you are familiar with the Public Access to Court Electronic Records, commonly known as PACER, which permits members of the public to view and download court records from Federal, district, and circuit courts for a nominal fee. The military courts-martial system has no comparable system. Do you support a system of public access to courts-martial records, similar to PACER, to increase the transparency of the military justice system?

Ms. O'CONNOR. Yes, I support the creation of a PACER-like system to make court-martial filings available to the general public and, if confirmed, would work with the Military Services to create such a system. I understand that the proposed Military Justice Act of 2016, which the Department transmitted to Congress on December 28, 2015, includes a provision (section 1104) that would require the Department of Defense to adopt the best civilian practices to facilitate public access to court-martial docket information, filings, and records. I fully support that proposal and, if I am confirmed and if Congress adopts that provision and it is enacted into law, I would ensure its implementation.

[The nomination reference of Ms. Jennifer M. O'Connor follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 21, 2015.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Jennifer M. O'Connor, of Maryland to be General Counsel of the Department of Defense, vice Stephen Woolman Preston, resigned.

[The biographical sketch of Ms. Jennifer M. O'Connor, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JENNIFER M. O'CONNOR

Education:

Undergraduate:

- Harvard College
- Attended: 1983–87
- Degree Granted: 1987
- Degree Received: Bachelor of Arts

Graduate:

Columbia University, School of International and Public Affairs

- Attended: 1990–93
- Degree Granted: 1990
- Degree Received: Master of Public Administration

Georgetown Law School

- Attended: 1993–1997
- Degree Granted: 1997
- Degree Received: Juris Doctor

Employment record:

Department of Defense

- Deputy General Counsel
- October 2015–present

The White House

- Deputy Assistant to the President and Deputy White House Counsel
- May 2014–October 2015

US Department of Health and Human Services

- Senior Counsel
- December 2013–May 2014

Internal Revenue Service

- Counselor to the Acting Commissioner
- May–November 2013

Wilmer Cutler Pickering Hale and Dorr, LLP

- Partner and Counsel/Associate
- June 2002–May 2013

Miller Cassidy Larocca and Lewin LLP/Baker Botts LLP (merged)

- Associate
- 1998–2002

The Court of Appeals for the District of Columbia Circuit

- Law Clerk to Judge Judith Rogers
- 1997–1998

The U.S. Department of Labor

- Deputy Assistant Secretary for Policy
- 1996–1997

The White House

- Special Assistant to the President
- 1993–1996

The White House

- Deputy Director of Management and Administration
- 1993

Clinton for President/Clinton-Gore '92/Presidential Transition

- Various Campaign Field and Political Positions
- 1992–1993

Office of the Manhattan Borough President (NYC)

- Economic Development Policy Advisor/Deputy Press Secretary
- 1990–1992

Ruth Messinger for Borough President Campaign

- Field Staff
- 1989

- The Sawyer Miller Group
- Research, Production and Executive Assistant
 - 1987–1989

Honors and awards:

- Academic Awards
- Order of the Coif, Georgetown Law School
 - Teaching Fellowship in Legal Writing, Georgetown Law School
 - Elizabeth Carey Agassiz Award (Harvard College)
 - National Merit Scholarship (Harvard College)
 - Harvard Club Scholarship
 - Teaching Fellowship in Financial Management, Columbia School of International and Public Affairs

Other awards:

- 2012, 2013 Benchmark Litigation Leading Lawyer in Appellate, Securities and White Collar Criminal practice areas
- 2012 Top 250 Women in Litigation, Benchmark Litigation
- Gideon Champion of Justice award from the New York State Association of Criminal Defense Lawyers.
- Defender of Innocence Award, Mid-Atlantic Innocence Project

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Ms. Jennifer M. O'Connor in connection with her nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

Room SR-228

WASHINGTON, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Jennifer M. O'Connor.

2. **Position to which nominated:**
General Counsel, Department of Defense.

3. **Date of nomination:**
September 21, 2015.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**
Date: February 12, 1966.

Place: Cambridge, Massachusetts.

6. Marital status: (Include maiden name of wife or husband's name.)

Married to David Case.

7. Names and ages of children:

[Nominee responded and the information is contained in the Committee's executive files.]

8. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

High School: Wellesley High School

Attended: 1980–1983

Degree Granted: 1983

Received: High School Diploma

Undergraduate:

Harvard College

Attended: 1983–1987

Degree Granted: 1987

Degree Received: Bachelor of Arts

Graduate: Columbia University, School of International and Public Affairs

Attended: 1990–1993

Degree Granted: 1990

Degree Received: Master of Public Administration

Graduate: Georgetown Law School

Attended: 1993–1997

Degree Granted: 1997

Degree Received: Juris Doctor

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Deputy General Counsel, Department of Defense, Washington, DC. October 2015–present.

Deputy Assistant to the President and Deputy White House Counsel, The White House, Washington, DC. May 2014–October 2015.

Senior Counsel, U.S. Department of Health and Human Services, Washington, DC. December 2013–May 2014.

Counselor to the Acting Commissioner, IRS, Washington, DC. May–November 2013.

Partner (2006–2013), Counsel/Associate (2002–2005), Wilmer Cutler Pickering Hale and Dorr, LLP, Washington, DC. June 2002–May 2013.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Law Clerk, U.S. Court of Appeals for the DC Circuit, 1997–1998

Deputy Assistant Secretary for Policy, U.S. Department of Labor, 1996–1997

Special Assistant to the President, The White House, 1993–1996

Deputy Director for Management and Administration, The White House, 1993

Economic Development Associate and Deputy Press Secretary, Office of the Manhattan Borough President (NYC), 1990–1992

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Corporation member, The Green Acres School, Rockville, MD. (All parents of enrolled students are Corporation members.)

New York Bar Association

DC Bar Association

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

5/28/2015 Hillary for America, \$2700

9/24/2012 Obama Victory Fund, \$10,000 (This was a single contribution to a Committee that then distributed these funds to other committees: Colorado Democratic Committee, Democratic Executive Committee of Florida, Democratic Party of Virginia, Democratic Party of Wisconsin, Iowa Democratic Party, Nevada State Democratic Party, New Hampshire Democratic Party, Obama for America, Ohio Democratic Party).

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

2012, 2013 Benchmark Litigation Leading Lawyer in Appellate, Securities and White Collar Criminal practice areas

2012 Top 250 Women in Litigation, Benchmark Litigation

Gideon Champion of Justice Award, NYS Association of Criminal Defense Lawyers

Defender of Innocence Award, Mid-Atlantic Innocence Project

Order of the Coif, Georgetown Law School

Teaching Fellowship in Legal Writing, Georgetown Law School

Teaching Fellowship in Financial Management, Columbia School of International and Public Affairs

Elizabeth Carey Agassiz Award (Harvard College)

National Merit Scholarship (Harvard College)

Harvard Club Scholarship.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

False Claims Act Update Part II, Financial Fraud Law Report, April 2013, with David Ogden, Jonathan Cedarbaum, Christopher Babbitt and Robin Baker.

Fourth Circuit Expands FCA Limitations Period, March 22, 2013, with David Ogden et al, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=10737420807>

False Claims Act Update Part I, Financial Fraud Law Report, March 2013, with David Ogden, Jonathan Cedarbaum, Christopher Babbitt and Robin Baker.

2013 NDAA Expands Whistleblower Protections, January 11, 2012, with David Ogden and Carl Nichols, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=10737419520>

False Claims Act: 2012 Year-In-Review, January 2, 2013, with Robin Baker et al, Found at https://www.wilmerhale.com/uploadedFiles/Shared_Content/Editorial/Publications/WH_Publications/Client_Alert_PDFs/FCA%20YearInReview%202012.pdf

Whistleblower Protection Enhancement Act of 2012 Signed into Law, December 4, 2012, with David Ogden and Carl Nichols, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=10737418720>

New York's Highest Court Addresses State False Claims Act for First Time; Holds that Federal Law Preempts its Application to DHL Delivery Fees, May 8, 2012, with David Ogden and Jonathan Cedarbaum, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=94766>

DC Circuit Requires Fairness Hearing Where Relator Objects to False Claims Act Settlement, April 25, 2012, with David Ogden, Jonathan Cedarbaum, Carl Nichols and Todd Braunstein, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=92912>

New York Attorney General Files First-of-its-Kind Lawsuit, Casting Spotlight on Recent Developments in State and Local False Claims Acts, April 23, 2012, with David Ogden and Pablo Kapusta, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=92620>

U.S. Justice Department Announces First-Ever Settlement of False Claims Act and Antitrust Claims Based on Bid-Rigging in Bureau of Land Management Mineral Rights Lease Auctions, February 21, 2012, with David Ogden, Jonathan Cedarbaum, Carol Clayton, Mark Kalpin and Matthew Benedetto, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=92408>

Case Study: *Railway Logistics v. U.S.*, Law360, February 2, 2012, with David Ogden, Carl Nichols, Gregory Petkoff and Carla Weiss.

The Court of Federal Claims' Railway Logistics International Decision Limits Seventh Amendment Right of Government Contractors to Jury Trial to Contest Fraud-Based Counterclaims, January 30, 2012, with David Ogden, Jonathan Cedarbaum, Carl Nichols, Gregory Petkoff, and Carla Weiss, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=92653>

The False Claims Act: 2011 Year-In-Review, January 6, 2012, with Jonathan Cedarbaum et al, Found at <https://www.wilmerhale.com/uploadedFiles/WilmerHaleSharedContent/Files/Editorial/Publication/False%20Claims%20Act%202011%20Year-In-Review.pdf>

The Supreme Court's Schindler Elevator Decision on the False Claims Act's "Public Disclosure" Bar, May 18, 2011, with Carl Nichols and Christopher Babbitt, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=93638>

Third Circuit Adopts Implied False Certification Theory, July 11, 2011, with Carl Nichols, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=88832>

False Claims Act Development, April 2, 2010, with Karen Green, David Ogden, Jonathan Paikin, Kimberly Parker, Howard Shapiro, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=89367>

FDA Plans to Increase Strict Liability Criminal Prosecutions of Corporate Executives, March 11, 2010, with Karen Green, Brent Gurney, Stephen Jonas, Robert Keefe, Kimberly Parker, Emily Schulman and Howard Shapiro, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=95079>

New Legislation and Executive Action Strengthen Federal Anti-Fraud Efforts, May 22, 2009, with Jonathan Cedarbaum, Karen Green, Jonathan Paikin and Robert Cultice, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=91891>

Pro-Plaintiff False Claims Act Amendments Advance in Congress, May 4, 2009, with Jonathan Cedarbaum, Karen Green, Jonathan Paikin and Robert Cultice, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=90864>

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Congress Considers Pro-Plaintiff Amendments to False Claims Act, June 25, 2008, with David Ogden et al, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=93290>

False Claims Act Developments, February 29, 2008, Found at <https://www.wilmerhale.com/pages/publicationsandnewsdetail.aspx?NewsPubId=93019>

Statistics on Corporate Downsizing Cases: Unfulfilled Promise for Plaintiffs, 48 Lab. L. J. 627 (1997).

Getting Smart About Getting Tough: Juvenile Justice and the Possibility of Progressive Reform, 33 Am. Crim. L. Rev. 1299 (1996), with Lucinda Treat.

Employment-Related Crimes, 32 Am. Crim. L. Rev. 213 (1995) with Rudolf and Westover.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitments regarding nomination, confirmation, and service:**

(a) Have you adhered to applicable laws and regulations governing conflicts of interest?

Yes.

(b) Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

No.

(c) If confirmed, will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

Yes.

(d) Will you cooperate in providing witnesses and briefers in response to congressional requests?

Yes.

(e) Will those witnesses be protected from reprisal for their testimony or briefings?

Yes.

(f) Do you agree, if confirmed, to appear and testify upon request before this Committee?

Yes.

(g) Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Yes.

[The nominee responded to Parts B–F of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–F are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JENNIFER M. O’CONNOR

This 4th day of January, 2016

[The nomination of Ms. Jennifer M. O’Connor was reported to the Senate by Chairman McCain on March 17, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 13, 2016.]

[Prepared questions submitted to Mr. Todd A. Weiler by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Committee has recently held a series of hearings on defense reform. What modifications of Goldwater-Nichols Department of Defense Reorganization Act of 1986 provisions, if any, do you believe would be appropriate?

Answer. Although I am not currently prepared to recommend any specific modifications, I recognize the Committee’s consideration of possible reforms. Goldwater-Nichols has served the Department well and I believe it is appropriate to review possible changes that modernize its usefulness. If confirmed, I look forward to working with the Congress and across the Department to identify potential changes to Goldwater-Nichols, as well as related statutes and policies.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I believe that my background of defense, commercial and nonprofit experience, including over 6 years in the Pentagon serving as White House Liaison, Deputy Assistant Secretary and acting Principal Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs (M&RA) has prepared me to contribute in addressing the ongoing challenges that face our men and women in uniform, their families and civilian personnel across the Department of Defense.

As a combat veteran and single soldier, I experienced first-hand the need for programs that address the unique challenges faced by single soldiers, particularly as we were preparing to deploy to Operation Desert Shield. Upon entering the Pentagon in 1993, I worked extensively within the Army M&RA portfolio to strengthen the Better Opportunities for Single Soldiers (BOSS) program. While in that position, I developed a strong rapport and experience in working with senior military leaders to develop and expand programs, such as Army Distance Learning, to help stabilize and reduce time spent away from home and family for soldiers in the classroom. The M&RA experience further provided me with the opportunity to learn and hone the skills necessary to lead efforts through the programming, budget and execution processes; the importance of building consensus to ensure the long-term viability and readiness of Guard and Reserve forces; and the importance of listening to soldiers and families to truly hear their needs and work to respond.

As an entrepreneur and businessman, I have approached commercial work with the continued understanding and appreciation for those who serve. I have been fortunate in my business career to lead large organizations of professionals and I consistently experience the value that former military personnel bring to all levels of business operations, from entry-level to the boardroom. While working in the Pentagon and later in commercial business, I have continued to promote the importance of strong transition programs for servicemembers and the value that they bring to our businesses.

For the past 10 plus years, I have worked extensively with wounded warrior programs and efforts to reduce suicides among our greatest national treasures, our servicemembers and veterans. I have come to understand the vital importance of programs like adaptive sports to engage these warriors and help them return to an active lifestyle—the impacts of which are seen in their faces and the faces of their families and friends.

I continue to develop a deeper appreciation for the soldiers, sailors, airmen and marines and their families who sacrifice every day in altruistic service to our Nation. If confirmed as Assistant Secretary of Defense for Manpower and Reserve Affairs, I look forward to applying this experience to support our servicemembers, their families and our civilian personnel so that we maintain a combat ready Total Force

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the first Assistant Secretary of Defense for Manpower and Reserve Affairs?

Answer. I believe that the first Assistant Secretary of Defense for Manpower and Reserve Affairs will have some of the typical challenges that come with the creation and adjustments of duties for a new office such as this. These challenges are likely to include creating an environment that eliminates the residual barriers for effective integration of the Reserve Affairs portfolio across the M&RA and Personnel and Readiness organizations, so as to ensure a “Total Force” mission orientation in everything that we do. I also foresee a variety of challenges, as the Department attempts to review and implement military and civilian personnel policies that enhance the Total Force, while gaining manpower efficiencies across the headquarters, as well as implementing efficiencies and improved business practices across a wide area of portfolio activities.

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

Answer. If confirmed, I will work closely with counterparts within the Office of the Under Secretary of Defense for Personnel and Readiness, as well as the Services and Congress to ensure that we are implementing changes in a thoughtful and efficient manner. With regard to the newly created office and its impact on military and civilian personnel within the office, I would anticipate working closely with the existing staff to ensure understanding and support across the organization for the new functions. Additionally, I will work closely with the Reserve components and Service counterparts to demonstrate the increase in of commitment to the Total Force that comes from this expanded portfolio of responsibilities

DUTIES

Question. Section 902 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for fiscal year 2015 amended section 138(b) of title 10, United States Code, to redesignate the position of the Assistant Secretary of Defense for Reserve Affairs, as the Assistant Secretary of Defense for Manpower and Reserve Affairs. The Assistant Secretary of Defense for Manpower and Reserve Affairs has the principal duty of overall supervision of manpower and Reserve affairs of the Department of Defense, and such other duties as the Secretary of Defense may prescribe.

Assuming you are confirmed, what duties do you expect to be assigned to you?

Answer. If confirmed, I would serve as the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) on all matters relating to military and civilian personnel policies and programs, military community and family policy, Reserve component affairs and integration, and Total Force planning and requirements. In addition, I would oversee the operations of the Department of Defense Education Activity, the Defense Commissary Agency, and the Armed Forces Retirement Home, and provide policy oversight of the Office of Family and Employer Programs and Policy.

Question. In carrying out these duties, what would be your relationship with the following officials?

The Secretary of Defense.

Answer. As I understand it, the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)) reports directly to the USD(P&R). If confirmed, I would report through the USD(P&R) to the Secretary of Defense.

Question. The Deputy Secretary of Defense.

Answer. As I understand it, the ASD(M&RA) reports directly to the USD (P&R). If confirmed, I would report through the USD(P&R) to the Deputy Secretary of Defense.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. If confirmed, I would report directly to the USD(P&R).

Question. The Assistant Secretary of Defense for Health Affairs.

Answer. If confirmed, I would establish a close and collaborative relationship with the Assistant Secretary of Defense for Health Affairs, with a view to working together for the good of the Department and its personnel on cross-cutting issues and other matters of mutual interest.

Question. The Department of Defense General Counsel.

Answer. The Department of Defense General Counsel is the chief legal officer of the Department of Defense. If confirmed, I would seek the General Counsel's advice on all legal matters arising with regard to the policies and programs under the purview of the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

Question. The Department of Defense Inspector General.

Answer. If confirmed, I would establish a close and collaborative relationship with the Department of Defense Inspector General. I would forward to the Office of the Inspector General any information pertaining to waste, fraud, abuse, or reprisal within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs, and would be responsive to Inspector General Reports of investigation, inspection, and audit regarding matters arising within the Office.

Question. The Service Secretaries.

Answer. If confirmed, I would consult and collaborate with the Service Secretaries on cross-cutting issues and other matters of mutual interest and will seek Service Secretary input and coordination on major policy and program initiatives.

Question. The Service Chiefs and the Chief of the National Guard Bureau.

Answer. If confirmed, I would consult with the Service Chiefs and Chief of the National Guard Bureau on key personnel issues and collaborate closely with them on cross-cutting issues and other matters of mutual interest.

Question. The Assistant Secretaries for Manpower and Reserve Affairs of the Army, Navy, and Air Force.

Answer. If confirmed, I would meet regularly with the Military Department M&RAs to discuss and consult on key personnel issues, actively seek their views and input on major policy and program initiatives, and collaborate closely with them on cross-cutting issues and other matters of mutual interest, all with a view to working together for the good of the Department and its personnel.

Question. The Deputy Chiefs of Staff of the Army and Air Force for Personnel, the Chief of Naval Personnel, and the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs.

Answer. If confirmed, I would meet with Deputy Chiefs, the Chief of Naval Personnel, and the Deputy Commandant on key personnel issues and collaborate closely with them on cross-cutting issues and other matters of mutual interest, all with a view to working together for the good of the Department and its personnel.

Question. The Chiefs of the Army, Navy, and Air Force Reserves and the Commander of the U.S. Marine Corps Forces Reserve.

Answer. If confirmed, I would meet frequently with the Reserve Chiefs and the Commander to consult and collaborate on key issues affecting Reserve affairs and integration across the Department, with a view to promoting a "total force" approach to all matters under the purview of the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

Question. The combatant commanders.

Answer. Formal communications to the commanders of the Combatant Commands normally are transmitted through the Chairman of the Joint Chiefs of Staff. If confirmed, I would work through the USD(P&R) and the Chairman to ensure that major policy and program initiatives under the purview of the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs are coordinated closely with the combatant commanders and would seek their input on cross-cutting issues and other matters of mutual interest.

Question. The Joint Staff, particularly the Director for Manpower and Personnel (J-1).

Answer. If confirmed, I will meet with the Director for Manpower and Personnel (J-1) on key personnel matters and would collaborate closely with the J-1 on cross-cutting issues and other matters of mutual interest.

Question. Director, Defense Health Agency.

Answer. If confirmed, I would collaborate with the Director of the Defense Health Agency on cross-cutting issues and other matters of mutual interest.

Question. Director, Office of Personnel Management.

Answer. If confirmed, I will seek guidance, as necessary, from the Director, Office of Personnel Management (OPM) on civilian personnel matters and would work with the Director to address provisions of law and policy under the purview of OPM, as they affect the Department of Defense civilian workforce.

TRANSGENDER

Question. If confirmed, what would be your role in the review and approval of Department policy on whether transgender persons should be allowed to serve openly in the military?

Answer. If confirmed, I would offer my advice to the Department's leadership on potential policy considerations related to the range of issues that may be associated with allowing transgender servicemembers to serve openly.

RELIGIOUS ACCOMMODATION

Question. On July 22, 2015 the Department of Defense Inspector General released a report on "Rights of Conscience Protections for Armed Forces Service Members and Their Chaplains." The Inspector General found that the Services are not processing special religious accommodation requests promptly and, once accommodation requests are approved, they do not last for the duration of soldiers' military careers. In many cases, this has put individuals in the difficult position of being forced to violate their faith in order to join the military and they must resubmit accommodation requests every time they transfer military bases. In some cases, these policies are unfairly burdening individuals specifically recruited by our Armed Forces for their unique language, culture, and technical skills.

If confirmed, what would be your role in addressing the recommendations in the Inspector General report?

Answer. If confirmed, and after carefully reviewing the Inspector General's report and current policy, I would evaluate the necessity of updating or reinforcing existing policy.

Question. Do you support a policy to allow servicemembers' religious accommodations to follow their service throughout their entire military careers—no matter where they are stationed?

Answer. In my view, it would be appropriate for the Department to permit a religious accommodation afforded to a servicemember to continue—until and unless—at some point, there is a compelling government interest that requires withdrawal of that accommodation. If confirmed, I will work with stakeholders across the Department to review current DOD policies in this regard and evaluate whether they should be updated.

Question. Do you support a policy that would allow prospective recruits to request accommodation prior to enlisting or accepting a commission for service in the Armed Forces?

Answer. Yes, in my view, an individual should know—prior to enlistment or commissioning—whether his or her religious requirements can be accommodated. If confirmed, I will work with stakeholders across the Department to review current DOD policies in this regard and evaluate whether they should be updated.

Question. In your view, do requirements for individuals being accessed into the military to first comply with military grooming and appearance standards that conflict with their sincerely held religious beliefs before being considered for a waiver of those military standards constitute a constitutionally valid restraint on religious expression?

Answer. In my view, an individual should know—prior to enlistment or commissioning—whether his or her religious requirements can be accommodated. If confirmed, I will work with stakeholders across the Department to review current DOD policies in this regard and evaluate whether they should be updated.

Question. In your view, how do the Military Services justify strict adherence to military grooming and uniform standards in the case of religious observance, while authorizing tens of thousands of shaving profiles, including allowing beards for deployed servicemembers, and tens of thousands waivers from tattoo policies that include religious-themed tattoos and tattoos of bible verses?

Answer. I am not in a position to interpret or speculate on individual Service policies or exceptions. I simply do not have enough information. I think most leaders make decisions and grant exceptions on the best information they have available to them at the time. If confirmed, I will review current policies and evaluate the need to update or reinforce policies within my portfolio.

Question. Do you believe that allowing servicemembers of certain faiths, such as Sikh, Orthodox Judaism, or Islam, to maintain beards or wear turbans or other religious headwear, while in uniform, would strengthen or weaken the United States military's standing in areas of the world where such religions predominate? Would such allowance help or hurt our coordination and engagement with such foreign nations?

Answer. I believe that increased diversity in the U.S. military can only strengthen its ability to perform its mission around the globe.

Question. American military personnel routinely deploy to locations around the world where they must engage and work effectively with allies and host-country nationals whose faiths and beliefs may be different than their own. For many other cultures, religious faith is not a purely personal and private matter; it is the foundation of their culture and society. Learning to respect the different faiths and beliefs of others, and to understand how accommodating different views can contribute to a diverse force is, some would argue, an essential skill to operational effectiveness.

In your view, do policies concerning religious accommodation in the military appropriately accommodate the free exercise of religion and other beliefs, including individual expressions of belief, without impinging on those who have different beliefs, including no religious belief?

Answer. Based on what I know today, yes.

Question. In your view, does a military climate that welcomes and respects open and candid discussions about personal religious faith and beliefs in a garrison environment contribute in a positive way to preparing U.S. forces to be effective in overseas assignments? Would a policy that discourages open discussions about personal faith and beliefs be more or less effective at preparing servicemembers to work and operate in a pluralistic environment?

Answer. It is my understanding that current Department policy places a high value on the rights of members of the Military Services to observe the tenets of their respective religions or to observe no religion at all. As I understand current policy, it neither encourages nor discourages discussions of religion by individual servicemembers.

FORCE OF THE FUTURE

Question. The Committee has been conducting a series of hearings on reforming the Department of Defense. A number of witnesses have called for reforms to the Pentagon's personnel management system to ensure we recruit and retain the best and the brightest to work for the nation's defense. This Committee is concerned, however, that on an issue of such importance, the Pentagon has chosen not to consult the Congress in its deliberations, yet foreign military officials, think tanks, and union representatives have received detailed briefings on Force of the Future (FOTF) that have not been available to the Congress.

What was your role, if any, in establishing and executing the FOTF initiative?

Answer. While I did not have any role in establishing the FOTF initiative, I expect, if confirmed, to play a critical role in implementing the initiative.

Question. What role, if any, did you have in briefs to foreign military officials, think tanks, and union representatives prior to public announcement of the FOTF initiative?

Answer. I have not had any role in briefs to foreign military officials, think tanks, or union representatives on the FOTF initiative.

Question. What is the clearly defined problem faced by the current military personnel system that the FOTF initiative is aimed at addressing?

Answer. I have not been involved in development of the FOTF initiative; however, as I understand it, it is an effort to maximize the Department's ability to access and recruit; develop and utilize; and support and retain the very best talent the Nation has to offer. If confirmed, I anticipate playing a critical role in implementing the FOTF initiative and, in doing so, will work closely with Department leadership and the Congress to ensure the initiative adds value to both the military and civilian personnel systems.

MILITARY PAY AND ALLOWANCES

Question. The Department has traditionally compared Regular Military Compensation against comparable civilian salaries to devise a percentile as a way to assess the relative attractiveness of military pay versus civilian pay.

What is the current comparable percentile of military pay versus civilian pay for officers and enlisted personnel?

Answer. Although I do not know the precise percentile for comparing military and civilian pay, it is my understanding that military compensation generally compares favorably with civilian compensation.

Question. How do these percentiles compare to the base level at which the Department feels military compensation must be to effectively recruit and retain the highest quality personnel possible for Military Service?

Answer. Although I do not know the precise percentile for comparing military and civilian pay, I believe we need to ensure military compensation remains sufficient to recruit and retain the high-quality force we need today and into the future.

Question. What is your assessment of the current military basic pay table in terms of providing adequate and competitive pay for military members and their families?

Answer. If confirmed, I would review the competitiveness of military compensation to ensure it remains adequate, competitive, and sufficient to recruit and retain the high-quality force we need today and into the future.

Question. What changes, if any, would you recommend for the revision of the military pay table?

Answer. At this time, I do not have any changes to recommend. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

Question. In a recent hearing concerning military personnel reform one witness recommended flexible authorities for the Military Departments to establish career and retirement packages that recognize the different professional qualifications within the Services. It was suggested that military career lengths be extended beyond 30 years of service for military specialties such as medical and legal, and perhaps shorter careers for infantry and similar combat arms positions.

What is your view on the need for such flexibilities?

Answer. I am aware that military compensation must be broadly applied across the entire force but still be flexible enough to address recruiting and retention issues that arise in different career fields. If confirmed, I would review military personnel policies and military compensation and make recommendations for changes that I believe are appropriate.

Question. If needed, what changes would you advocate to the military pay tables and to the military compensation and retirement system to achieve any desired flexibility?

Answer. At this time, I do not have any changes to recommend. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

Question. The Senate-passed version of the National Defense Authorization Act for fiscal year 2016 included a provision that would restore the original purpose of the Basic Allowance for Housing, to provide a tax-exempt allowance for military members and their families to purchase or lease adequate private housing. This provision addressed the situation in which two or more military members form a household where each receives a Basic Allowance for Housing. It was included with an Administration proposal to reduce Basic Allowance for Housing rates to provide an up to 5 percent out of pocket contribution by military members to their private housing, based on market rates.

What are your views on whether the Basic Allowance for Housing should be provided to all military members comprising a single household?

Answer. I understand Congress requested the Secretary of Defense to submit a report on this topic. I have not reviewed this report, but if I am confirmed I will review it and make recommendations for changes that I believe are appropriate.

Question. If the Basic Allowance for Housing is considered part of compensation rather than an allowance, particularly for those households that receive two or more Basic Allowances for Housing, should it be taxed as ordinary income? Should it be included in the calculation of retired pay?

Answer. I understand Congress recently enacted a new retirement system for the military. I expect that making changes such as this would require additional analysis to understand the impact. If I am confirmed, I will review this matter and make recommendations for changes that I believe are appropriate.

Question. How would you amend the current system of allowances to provide adequate housing for all members of the military while also providing pay that is sufficiently competitive with that of civilian counterparts of comparable age and educational attainment?

Answer. It is my understanding that the current housing allowance programs serve the purpose of providing adequate housing for uniformed servicemembers. I further understand that, combined with other pays and allowances, overall military compensation is sufficiently competitive with that of comparable civilian counterparts. At this time, I do not see a need to amend these programs. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

Question. Do the military pay tables adequately compensate individuals for their specialized skills and provide an incentive to recruit science and engineering professionals into the military?

Answer. It is my understanding that there is flexibility within the total military compensation system to incentivize the recruitment and retention of members with certain skills when and where such incentives may be needed. I have no view as to what specific flexibilities or incentives may be available for members with science or engineering backgrounds. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

Question. If confirmed, would you advocate for a review of the adequacy of military pay tables?

Answer. At this time, I do not have any changes to recommend. However, if I am confirmed, I would review military compensation and make recommendations for changes that I believe are appropriate.

END STRENGTH REDUCTIONS

Question. In 2014, the Department proposed a defense strategy that included eventual end strengths of 450,000 for the Army and 182,000 for the Marine Corps over the subsequent 5 years.

What is your understanding of the Army's and Marine Corps' ability to meet these goals without forcing out many soldiers and marines who have served in combat over the past 15 years with the implicit promise that they could compete for career service and retirement?

Answer. I understand that the Services have worked to minimize involuntary separations during the drawdown. Unfortunately, due to the size of the personnel reductions, it has been difficult for the Services to properly shape their force without some involuntary separations.

Question. What programs are in place to ensure that separating and retiring servicemembers are as prepared as they can be as they reenter the civilian economy?

Answer. It is my understanding that Department has a very robust transition assistance program under the direction of the Assistant Secretary of Defense for Readiness, in which separating and retiring servicemembers are required to participate prior to leaving Active Duty, with a view to preparing them to reenter civilian life. Additionally, the Yellow Ribbon Reintegration Program (YRRP) connects National Guard and Reserve members, and their families, with resources throughout the deployment cycle. YRRP also educates the members and their families, and connects them to service providers who can assist them in overcoming challenges associated with reentering the civilian economy after mobilization.

Question. What steps are being taken to offer Reserve billets to Active Duty members being involuntarily separated due to the drawdown?

Answer. I do not know the details or have specifics, but I understand that all of the Services encourage eligible Active Duty members who are separating, either voluntarily or involuntarily, to consider continuing their service as members of the Reserve components.

Question. If sequestration continues through 2018, what will be the impact on the Active Duty and Reserve end strengths of all the Services, and how would the mix between the Active and Reserve forces be affected?

Answer. It is widely understood that the continuation of sequestration will have a severe, negative impact on the Department's ability to perform its missions. If confirmed, I will work with the Services to achieve the best possible levels and mix of military strength.

Question. What is your understanding of the need for additional force shaping tools requiring legislation beyond what Congress has provided?

Answer. My understanding is that Congress has supported the Department with the force shaping authorities necessary to meet the drawdown under its current plan. However, if confirmed I will carefully review whether the Department requires additional force shaping authorities from Congress.

RECRUITING AND RETENTION

Question. The Department of Defense has indicated that approximately 25 percent of today's youth population is eligible for Military Service. This number is alarmingly low.

What are the main reasons for such a small pool of individuals in the 17 to 24 years of age population being eligible for service? Do you believe the current standards for enlistment are the right standards?

Answer. It is my understanding that the latest information currently available indicates that only 29 percent of today's youth meet the standards for Military Service without a waiver. The majority of disqualifications are the result of obesity and other medical conditions. I believe the current enlistment standards are the right standards. That being said, I understand the Department continuously reviews these standards and makes changes as appropriate.

Question. What is your view of the importance of increasing the number individuals for service that are older than the typical core recruiting demographic?

Answer. I believe it is important for the Department and the Services to continuously look for ways to expand the pool of eligible individuals, provided those individuals are fully capable of meeting the rigors of Military Service.

Question. Some Services have recently relaxed grooming and appearance standards. In your view, how will this impact recruiting and retention?

Answer. Grooming and appearance standards rest with the Military Services. I am not aware of what changes the Services may have made to such policies, but if confirmed, I would work with the Services to ensure that any proposed modification of such standards is carefully considered, including the possible implications that the modification may have on recruiting and retention.

Question. As the economy continues to recover and strengthen, what is your assessment of the current recruiting climate? What legislative authorities, if any, do you believe would be helpful to improve recruiting?

Answer. With the improving economy, I understand the Department is starting to observe a more challenging recruiting environment, but is well positioned to ensure success in recruiting. I do not believe there are any additional legislative authorities needed at this time.

Question. Given the shrinking eligible population combined with the current force structure drawdowns and strengthening economy, do you believe the Department is, or soon will be, facing a recruiting and retention issue?

Answer. It is my understanding that the Department is currently achieving recruiting goals, but there are indications the recruiting environment is becoming more challenging and will continue to be so for the foreseeable future. Additionally, continued budgetary pressures may challenge the Services' efforts to retain the best and most qualified servicemembers. If confirmed and appointed I will carefully monitor recruiting and retention.

Question. What policies or tools are needed by the Department to increase the propensity to serve of today's youth?

Answer. Although the American public clearly has faith in the efficacy of our military, a disconnect—defined by lack of knowledge, misperceptions, and an inability to identify with those who serve—has emerged in today's society that threatens our ability to recruit quality youth with the skill sets our Armed Forces need to remain the most capable and effective military in the world.

The best way to improve propensity is to improve the perception of what it means to serve. We need to reconnect America with what Military Service really means through effective marketing campaigns, among other means. In order to ensure these campaigns are successful, we must have sufficient and sustained marketing and advertising resources.

MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST PROGRAM

Question. Under the Military Accessions Vital to National Interest (MAVNI) program, the Services may recruit non-permanent resident aliens who have certain high-demand medical or linguistic skills for service in the Armed Forces, and offer them an expedited path to citizenship.

What is the status of the MAVNI program?

Answer. It is my understanding that the MAVNI program is still an active pilot program that recruits individuals whose enlistments are determined to be vital to

the national interest. I understand that under this pilot program the Department has recruited individuals with certain language or cultural skills and also medical professionals. If I am confirmed, I will ensure periodic review and oversight of this pilot.

Question. How many individuals have been recruited under the program since its restart, and in what occupations?

Answer. I do not have current data, but if confirmed, I will fully inform myself about this the pilot program.

Question. What is your view of expanding the scope of the program to include more traditional, less specialized occupations, and to increasing the number of individuals that may be recruited under the program?

Answer. If I am confirmed, I will review the MAVNI pilot program and consider whether expanding it would be appropriate and contribute to meeting our recruiting and readiness goals.

MOBILIZATION AND DEMOBILIZATION OF NATIONAL GUARD AND RESERVES

Question. Over the past 14 years, the National Guard and Reserves have experienced their largest and most sustained employment since World War II. Reserve force management policies and systems have been characterized in the past as “inefficient and rigid” and readiness levels have been adversely affected by equipment stay-behind, cross-leveling, and reset policies.

What is your assessment of advances made in improving Reserve component mobilization and demobilization procedures, and in what areas do problems still exist?

Answer. It is my understanding that the Department has focused on increasing the alert and notification timelines prior to mobilization. DOD needs to provide predictability to Reserve component servicemembers, their families and employers, whenever operational requirements allow. If confirmed, I would continue the efforts of the Department to improve in this area and will monitor this issue closely.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the National Guard and Reserves?

Answer. I do not have enough information to make an assessment at this time. However, if confirmed, I will examine all existing authorities for accessing the Reserve components, with a view to ensuring that the Department has the appropriate authorities to meet the challenges associated with the frequent and recurring operational role of the Guard and Reserves in our force deployment plans.

Question. What is your assessment of the Department of Defense programs to assist members of the National Guard and Reserves as they transition from a mobilized status?

Answer. It is my understanding that the Department of Defense’s Yellow Ribbon Reintegration Program (YRRP) provides for the well-being of National Guard and Reserve members, their families and communities, by connecting them with resources throughout the deployment cycle. Specifically, YRRP educates servicemembers and their families, and connects them to service providers who can assist them in overcoming the challenges of reintegration after mobilization.

ENHANCED RESERVE MOBILIZATION AUTHORITIES

Question. In the National Defense Authorization Act for fiscal year 2012, Congress authorized the Service Secretaries to mobilize units and individuals in support of pre-planned combatant command missions for up to 365 consecutive days. In the current defense strategy, the President and Secretary of Defense have stated that while conventional ground forces will be reduced, Special Forces will be increased over the next 5 years, and a key component of the new strategy seems to be the establishment of a rotational presence in Europe, the Middle East, and anywhere U.S. interests are threatened. Some have called this a “lily pad” approach, and it potentially dovetails with an operational view of the Reserve components.

What is your assessment of the authority to order members of the Selected Reserve to Active Duty for preplanned missions in support of the combatant commanders (10 USC 12304b)?

Answer. If confirmed, I will thoroughly review the effectiveness and utility of the 10 USC 12304b activation authority in light of the demands facing the Department. I will make a determination as to whether 10 USC 12304b satisfies the long-term needs of the Department, and if necessary, will recommend legislative changes that may be required to maximize the utility of this authority to the Department, while also providing as much predictability and protections to our Reserve component members as reasonably possible.

Question. Are the other mobilization authorities adequate to mobilize members and units of the Selected Reserve for emerging requirements where it is not feasible

to include information about the deployment in budget materials for the fiscal year of the deployment?

Answer. If confirmed, I will examine all existing authorities to ensure that the Department can meet all of the challenges must face, including emergent unplanned requirements, particularly given the frequent and recurring operational role of the Guard and Reserves in our force deployment plans.

MILITARY QUALITY OF LIFE

Question. The Committee is concerned about the sustainment of key quality of life programs for military families, such as family support, child care, education, employment support, health care, and morale, welfare and recreation services, especially as DOD's budget declines.

If confirmed, what military quality of life programs would you consider a priority, and how would you work with the Services, combatant commanders, family advocacy groups, and Congress to sustain them?

Answer. If confirmed, I would make quality of life programs that promote the well-being and resilience of servicemembers and their families—including family life counseling; fitness opportunities; morale, welfare, and recreation; and child care support—a priority. I would work with stakeholders across the Department to sustain these programs, while ensuring good stewardship of public funds and appropriate return on investment.

FAMILY READINESS AND SUPPORT

Question. Servicemembers and their families in both the Active and Reserve components have made tremendous sacrifices in support of operational deployments. Senior military leaders have warned of concerns among military families as a result of the stress of deployments and the separations that go with them.

What do you consider to be the most important family readiness issues for servicemembers and their families?

Answer. In my view, military spouse career and educational assistance, together with timely access to quality child care, both on and off military installations, and the development and reinforcement of relationship and parenting skills, are among the most important family readiness issues with which the Department can assist servicemembers and their families.

Question. If confirmed, how would you ensure that family readiness needs are addressed and adequately resourced?

Answer. I believe that, even in an era of declining budgets, the Department's continued robust emphasis on meeting family readiness needs is essential to maintaining a strong force. Family support programs need to meet the needs of military families across the Total Force—Active and Reserve component—and wherever they live: on military installations, near military installations, or far from military installations.

If confirmed, I would focus on understanding the needs of our military personnel and their families. I would work with stakeholders across the Department to sustain programs that best meet these needs, while ensuring good stewardship of public funds.

Question. If confirmed, how would you ensure support is provided to Reserve component families related to mobilization, deployment and family readiness, as well as to Active Duty families who do not reside near a military installation?

Answer. My goal, if confirmed, would be to promote a full range of Services for Active, Reserve and National Guard members and their families. Based on my experience in both the public and private sectors, I believe that a coordinated, community-based network of care, encompassing support and services provided by the Department of Defense and the Department of Veterans Affairs, as well as through other Federal, State, local, non-profit and private providers, can be incredibly effective in reaching and serving geographically dispersed servicemembers and their families.

DEPARTMENT OF DEFENSE SCHOOLS IN CONUS

Question. Some have questioned the continuing need for DOD-operated schools for military dependent children within the Continental United States (CONUS).

In light of the Administration's request for additional Base Realignment and Closure authorities and current fiscal constraints, should DOD establish or update its criteria for the continued operation of DOD schools within CONUS?

Answer. It is my understanding that dependents' education plays an important role in the success, stability, readiness, and retention of our servicemembers and their families. If confirmed, I will work to ensure that quality educational opportuni-

ties exist for all military children, while balancing cost and exploring all options and alternatives.

Question. Do you believe there continues to be a necessity for DOD to provide the option of secondary education for dependents of servicemembers in CONUS? If so, why do you believe local education agencies to be inadequate?

Answer. Military families bear an extraordinary burden for our freedom and I believe that the availability of quality education options is a critical quality of life factor. If confirmed, I will look for high quality education options available to all military children, while balancing cost and exploring all options and alternatives.

Question. If confirmed, how would you approach the task of eliminating DOD-operated schools in CONUS?

Answer. If confirmed, I will work to ensure that quality educational opportunities exist for all military children, while balancing cost and exploring all options and alternatives. In so doing, I would elicit direct feedback from the military community, advocacy and professional groups, as well as state and local educational agencies, and would collaborate and consult with the Military Departments and with Congress to determine the best options for providing education support for military families.

OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Question. In your view, how should the Office of Community Support for Military Families with Special Needs collaborate with the Services to ensure that military families with special needs children receive the services they need when they relocate with the military member to a new duty location?

Answer. As I understand it, the Office of Community Support for Military Families with Special Needs collaborates with the Military Services to ensure that the medical and educational needs of military family members are identified and considered in the course of the assignment process. I further understand that the Exceptional Family Member Program (EFMP)—located on military installations—offers information and referral services and support designed to help families identify local services before, during, and after a move.

Question. If confirmed, how would you ensure that servicemembers with special needs family members relocate to new duty stations where special needs services are available?

Answer. I believe that the Department's current policies required the screening of military family members with special medical and educational needs before a move. If confirmed, I would do my best to ensure that these policies are implemented in a straightforward, uniform, and consistent fashion, with a view to ensuring that our families receive the best possible support and services.

Question. If confirmed, how would you ensure outreach to those military families with special needs dependents so they are able to obtain the support they need?

Answer. If confirmed, I would explore all available avenues to enhance the Department's efforts to communicate with military families with special needs dependents. I envision that a broad spectrum of outreach would be most effective, including face-to-face, DOD websites, webinars, social media outlets, digital strategies, and printed media.

MORALE, WELFARE, AND RECREATION

Question. If confirmed, what challenges do you foresee in sustaining MWR programs in the future fiscal environment of the Department?

Answer. I believe participation in recreation, fitness, sports, cultural arts and other leisure activities is key to improved health and well-being and helps to build strong military families and healthy communities. If confirmed, I would work with stakeholders across the Department to sustain such programs, while ensuring good stewardship of public funds.

COMMISSARY AND MILITARY EXCHANGE SYSTEMS

Question. What is your view of the need for modernization of business policies and practices in the commissary and exchange systems? What are the most promising avenues for change to achieve modernization goals? What should the Department do to make the commissary system budget-neutral?

Answer. Although I do not have details, I am aware that the Department has been examining the commissary and exchange systems with a view to reducing their reliance on appropriated funds. I recognize the importance of the commissary and exchange systems to their beneficiaries and, if confirmed, will work steadfastly to preserve the value of these benefits for our servicemembers and families. I agree with public comments by the Department's Deputy Chief Management Officer

(DCMO) that we need to let the optimization of the commissary and exchange businesses drive the budget, rather than engaging in budget-focused cuts that would drive a reduction of the benefit. If confirmed, I will work with the DCMO to explore and test several business strategies recommended by the Military Compensation and Retirement Modernization Commission (MCRMC) and a study by the Boston Consulting Group (BCG).

Question. What is your view of proposals to consolidate, eliminate or privatize commissaries and exchanges in certain areas where they are duplicative of services readily available at reasonable cost in the community?

Answer. I understand that the Government Accountability Office (GAO) is currently evaluating the feasibility of privatizing commissaries. Although I am not familiar with the specifics regarding privatization, if confirmed, I look forward to reviewing the GAO report to assess whether the value provided by the commissary system could be more effectively provided by a private party. I am also aware that the MCRMC put forth recommendations regarding full consolidation of the military resale system, but I tend to agree with public statements made by the DCMO to the effect that because both the commissaries and the exchanges operate under the auspices of a "common owner"—the Department of Defense—full consolidation is not necessary to achieve the benefits that the MCRMC and the BCG reports recommended. I generally agree with the BCG study's findings that there are opportunities for the commissary and exchange systems to achieve operating efficiencies through enhanced collaboration and the development of common business systems and common business practices. Regarding your question about elimination, I believe the quality of life value of these benefits is of great importance to our servicemembers and their families. Therefore, unless the Department can identify a more cost effective means of providing these valued benefits, I would not support their elimination.

DOD CIVILIAN PERSONNEL WORKFORCE

Question. As the Department of Defense draws down its management headquarters functions, managers will have to make tough choice on the consolidation of functions and employees.

What is your view of a civilian employee retention system that incentivizes performance above all other factors when considering which employees to retain in a limited headquarters environment?

Answer. I believe that a system basing reductions in force primarily on performance gives the Department the ability to retain those employees whose performance most contributes to mission accomplishment.

Question. If confirmed, what would be your role in the consolidation and elimination of duplicative and unnecessary positions within the Office of the Under Secretary of Defense for Personnel and Readiness?

Answer. It is my understanding that the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs has already made efforts to consolidate or eliminate duplicative functions and unnecessary positions. If confirmed, I will continue this effort to identify and eliminate inefficiencies and redundancies within the Office.

Question. What additional ideas do you have to more efficiently manage the Department's civilian employees?

Answer. If confirmed, I would work with all stakeholders to further identify workforce efficiencies, seek and apply best practices, and identify and pursue additional authorities as necessary to efficiently manage the civilian workforce, from hiring and onboarding, to performance management, to retirement and divestiture.

Question. Do you feel the new performance management system will properly address the issue of employee performance reviews and ratings?

Answer. It is my understanding that the new system has been designed to focus on improving overall performance management by promoting continuous supervisor and employee discussions of expectations and performance, enhancing accountability, and affording supervisors the ability to make meaningful distinctions in their evaluations of employee performance.

If confirmed, I will ensure that the Department effectively evaluates the new system to determine whether it achieves these objectives.

Question. Do managers have adequate tools to incentivize employee performance?

Answer. To the best of my knowledge, supervisors in the Department of Defense have adequate tools to incentivize employee performance.

If confirmed, I will make every effort to ensure that the Department employs all of the tools available to it to incentivize and recognize employee performance in support of mission accomplishment. Should I identify new authorities and tools that

might benefit the Department, I will work within the Administration and with Congress to bring them to fruition.

MANAGEMENT HEADQUARTERS REDUCTIONS

Question. The Department of Defense is currently under a statutory mandate to reduce headquarters staff by 25 percent.

If confirmed, will you commit to working with the DCMO to track the Office of the Secretary of Defense and the individual services' progress towards the 25-percent headquarters reductions?

Answer. Yes, as a priority, if I am confirmed.

Question. What progress has the Office of the Secretary of Defense made thus far on the 25 percent reductions?

Answer. My review of the publicly available 2017 Department of Defense Budget request revealed that comprehensive efforts were underway to meet reduction targets. If confirmed, I look forward to joining that effort to assist the Department in meeting those targets.

Question. Do you agree that the Department of Defense should strive to eliminate duplicative functions?

Answer. Yes. If confirmed I will work toward that end.

Question. Do you believe that the process for deciding which functions are to be eliminated should be streamlined through each service?

Answer. Yes. If confirmed, I will work with the Services to see how I might assist in that regard.

ACQUISITION WORKFORCE

Question. The Department of Defense acquisition workforce has been the subject of a large quantity of reports and legislation.

What is your view on giving more acquisition authority to the Service Chiefs?

Answer. I am aware of recent statutory changes in this regard. If confirmed, I will work with the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) and the Services to ensure any associated manpower and training requirements are appropriately addressed.

GI BILL BENEFITS

Question. Congress passed the Post-9/11 Veterans Educational Assistance Act in 2008 ("Post-9/11 GI Bill") that provides generous educational benefits for servicemembers who have served at least 90 days on Active Duty since 9/11.

What is your assessment of the impact of the Post-9/11 GI Bill on recruiting and retention, including the provision of transferability for continued service?

Answer. It is my understanding that the measurable impact that the Post-9/11 GI Bill has on recruitment and retention is only starting to emerge. I am advised that the Department has sponsored a study with RAND National Defense Research Institute to review education benefits for servicemembers, including the benefits of the Post-9/11 GI Bill, and their impacts on recruiting and retention.

Question. Would you recommend that the Department use transferability more sparingly as a retention incentive?

Answer. I don't have a recommendation at this time, but if confirmed, I would review this issue carefully.

PERSONNEL POLICY IMPLEMENTATION

Question. What is your understanding of your responsibility, if confirmed, to inform and consult with this Committee and other appropriate Committees of Congress on the implementation of policies directed by law?

Answer. I understand that it will be my responsibility, if confirmed, to regularly consult with and inform this Committee, and other appropriate Congressional Committees, on the Department's implementation and oversight of policies directed by law.

Question. What is your understanding of the Department's obligation and authority to implement personnel policies to improve efficiency within the Department?

Answer. If I am confirmed, implementing personnel policies that improve efficiency within the Department will be of utmost importance to me in the exercise of my duties.

Question. What is your understanding on the timeframe in which personnel policies directed by law must be implemented by the Department?

Answer. It is my understanding that there are specific timeframes directed by law within which the Department must implement certain personnel policies. Imple-

menting these policies within the timeframes prescribed by law and keeping Congress updated on the progress of such implementation will be my top priority, if confirmed.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense (Manpower & Reserve Affairs)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

ARMY ENDSTRENGTH AND INVOLUNTARY SEPARATION

1. Senator AYOTTE. Mr. Carson and Mr. Weiler, when you look at the current threats to our national security, do you see a strategic justification for the reduction of Army endstrength by 40,000 soldiers?

Mr. WEILER. If confirmed, rest assured I will work with the military leaders of the Army on this issue. If the Army leadership felt the Army could not meet its strategic defense requirements, I would support their effort for increased funding and authorization for the end strength necessary to meet their strategic defense requirements.

2. Senator AYOTTE. Mr. Carson and Mr. Weiler, do you both agree that we should avoid the use of involuntary separations as much as possible?

Mr. WEILER. Yes. The Services should use voluntary separation authorities to the maximum extent possible in their efforts to reduce end strength. Congress has given great flexibilities to the Department to do these types of voluntary reductions. However, due to the size of the reduction the Department is undergoing, I'm sure that as a last resort, there are occasions where involuntary separations may be necessary to properly size and balance the force to maintain readiness and meet operational requirements.

CASUALTY NOTIFICATION

3. Senator AYOTTE. Mr. Carson and Mr. Weiler, please provide an update on the Department of Defense's (DOD) efforts to improve casualty notification process and care for families of the fallen. How are you working to improve these efforts?

Mr. WEILER. If confirmed, I will prioritize the needs of servicemembers, families and survivors. I will work with the Department, the Department of Veterans Affairs and other non-governmental agencies to ensure the best care and services are available for families of survivors during these difficult times.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN E. GILLIBRAND

RETALIATION

4. Senator GILLIBRAND. Ms. O'Connor and Mr. Weiler, I have heard many stories from servicemembers about retaliation after coming forward to report a sexual assault. Not only have I heard this from survivors, but also bystanders who intervened on behalf of a survivor. The most recent data we have indicates that 62 percent of sexual assault survivors perceived some form of retaliation as a result of reporting, and of those, 32 percent perceived professional retaliation and 35 percent perceived administrative retaliation. Yet, I am aware of few if any cases where the Services or DOD have taken action to punish a retaliator. If confirmed, what actions would you take to ensure that those that commit retaliation are punished appropriately and that survivors are protected from retaliation when they come forward to report a sexual assault?

Mr. WEILER. Retaliation is completely unacceptable, and it is my understanding that the Department has been taking positive action to ensure it doesn't happen in the first place and to respond appropriately if it does happen. While this issue is not directly within the purview of the Assistant Secretary of Defense for Manpower and Reserve Affairs, I look forward, if confirmed, to supporting the Department's efforts in this area in whatever manner possible.

[The nomination reference of Mr. Todd A. Weiler follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 11, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Todd A. Weiler, of Virginia, to be an Assistant Secretary of Defense, vice Jessica Lynn Wright, resigned.

[The biographical sketch of Mr. Todd A. Weiler, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF TODD A. WEILER

Education:

- Texas Christian University
 - August 1983–December 1987
 - Bachelor of Arts, Political Science

Employment record:

- President/CEO, One Hemisphere Ventures, Inc.
 - Alexandria, VA 22304
 - August 2010–present
- Consultant, DBA, One Hemisphere Ventures
 - Miami Beach, FL 33139
 - January 2010–August 2010
- Owner/Managing Member, FootStomp, LLC
 - Alexandria, VA 22304
 - February 2011–October 2015
- Vice President, Computer World Services Corp.
 - Falls Church, VA 22042
 - June 2009–August 2010
- Co-owner/Chief Operating Officer, Arrowpoint Corporation
 - Alexandria, VA 22304
 - October 2001–August 2008
- Vice President & CIO, Communities In Schools
 - Arlington, VA 22202
 - August 1999–September 2001
- Deputy Assistant Secretary, Department of the Army

- The Pentagon, Washington, DC 20006
 - June 1993–August 1999
- White House Liaison, Department of Defense
- The Pentagon, Washington, DC 20006
 - January 1993–June 1993
- Aviation Officer, Department of the Army
- Ft. Rucker, AL; Ft. Campbell, KY
 - (Commissioned May 1987 with graduation deferral, Service start date of January 1988–August 1991)

Honors and awards:

- Military Awards
- Air Medal
 - SW Asia service Medal with 2 Bronze Stars
 - Meritorious Service Medal
 - Distinguished Honor Graduate, Rotary Wing Aviation School

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. Todd A. Weiler in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

WASHINGTON, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Todd Alan Weiler.
2. **Position to which nominated:**
Assistant Secretary of Defense for Manpower and Reserve Affairs.
3. **Date of nomination:**
11 January 2016.
4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]
5. **Date and place of birth:**
October 7, 1964; Texarkana, TX.
6. **Marital status:** (Include maiden name of wife or husband's name.)
Married to Ediberto Mitsuharu Kadowaki, Jr.
7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Midland High School, Midland, TX

August 1980–May 1983

HS Diploma

Texas Christian University, Fort Worth, TX

August 1983–December 1987

Bachelor of Arts, Political Science

9. Employment record: List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

President/CEO, One Hemisphere Ventures, Inc., 905 N. Howard St., Alexandria, VA 22304, August 2010–present.

Consultant, DBA, One Hemisphere Ventures, 1390 Ocean Dr. #507, Miami Beach, FL 33139, January 2010–August 2010

Owner/Managing Member, FootStomp, LLC, 905 N. Howard St., Alexandria, VA 22304, February 2011–October 2015

Vice President, Computer World Services Corp, 6400 Arlington Blvd., Suite 670, Falls Church, VA 22042, June 2009–August 2010

Co-owner/Chief Operating Officer, Arrowpoint Corporation, 5999 Stevenson Ave., Suite 403, Alexandria, VA 22304, October 2001–August 2008

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Deputy Assistant Secretary (Reserve Affairs, Mobilization, Readiness & Training), Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs) Department of the Army, The Pentagon, Washington, DC 20006, June 1993–August 1999

White House Liaison, Department of Defense, The Pentagon, Washington, DC 20006, January 1993–June 1993

Board Member, Federal Prison Industries (UNICOR), February 1996–August 1999

Member, Civil Tiltrotor Development Advisory Committee, 1994–1995 est.

Member, Defense Trade Advisory Group, 2010 (resigned, did not attend)

Army Aviation Officer, Department of the Army, January 1988–August 1991 Commissioned May 1987 with degree deferral until graduation from Texas Christian University, December 1987

11. Business relationships: List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Sole Owner, President/CEO, One Hemisphere Ventures, Inc.

Sole Owner, Managing Member, WeilKad Properties, LLC

Owner and Manager thru WeilKad Properties, LLC, Weiler Investments, LLC

Consultant, R4 Alliance

12. Memberships: List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Member, VFW

Member, American Legion

Founding Member, National Security Democrats

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$100 or more for the past 5 years.

2015:

Hillary for America—\$2,700

Castro for Congress—\$1,000

2014:

Ready for Hillary PAC—\$250

2012:

Obama for America—\$1,000
Mike O'Brien for Congress—\$2,300
Peyton Williams for Congress—\$1,000
2011:
John Douglass for Congress—\$2,500
Mullen for Congress—\$5,000
2010:
Billy Kennedy for Congress—\$500

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Air Medal
SW Asia Service Medal w/2 BSS
Meritorious Service Medal
Distinguished Honor Graduate, Rotary Wing Aviation School.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
None.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you have been nominated.
None.

17. **Commitments regarding nomination, confirmation, and service:**

(a) Have you adhered to applicable laws and regulations governing conflicts of interest?
Yes.

(b) Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?
No.

(c) If confirmed, will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?
Yes.

(d) Will you cooperate in providing witnesses and briefers in response to congressional requests?
Yes.

(e) Will those witnesses be protected from reprisal for their testimony or briefings?
Yes.

(f) Do you agree, if confirmed, to appear and testify upon request before this Committee?
Yes.

(g) Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?
Yes.

[The nominee responded to Parts B–F of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

TODD A. WEILER

This 29th day of January, 2016

[The nomination of Mr. Todd A. Weiler was reported to the Senate by Chairman McCain on March 17, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 17, 2016.]

APPENDIX

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued March 10, 2015

Decided August 7, 2015

No. 14-1107

SW GENERAL, INC., DOING BUSINESS AS
SOUTHWEST AMBULANCE,
PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD,
RESPONDENT

Consolidated with 14-1121

On Petition for Review and Cross-Application
for Enforcement of an Order of
the National Labor Relations Board

Alison N. Davis argued the cause for the petitioner. *Sherron McClain* was with her on brief. *Jennifer W. Thomas* entered an appearance.

Kellie J. Isbell, Attorney, National Labor Relations Board, argued the cause for the respondent. *Richard Griffin, Jr.*, General Counsel, *John H. Ferguson*, Associate General Counsel, *Linda Dreeben*, Deputy Associate General Counsel, and *Robert J. Englehart*, Supervisory Attorney, were with her on brief.

Before: HENDERSON, SRINIVASAN and WILKINS, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge* HENDERSON.

KAREN LECRAFT HENDERSON, *Circuit Judge*: This case involves a labor dispute between an ambulance company and its employees. We do not reach the merits of that dispute, however, because we conclude that Lafe Solomon, the former Acting General Counsel of the National Labor Relations Board (NLRB or Board), served in violation of the Federal Vacancies Reform Act of 1998 (FVRA), 5 U.S.C. §§ 3345 *et seq.* Accordingly, the unfair labor practice (ULP) complaint issued against the ambulance company was unauthorized. We grant the petition for review, deny the cross-application for enforcement and vacate the Board's order.

I. BACKGROUND

A. VACANCY STATUTES

The FVRA is a response to what Chief Justice John Marshall called “the various crises of human affairs”—problems that arise when our Constitution confronts the realities of practical governance. *M'Culloch v. Maryland*, 17 U.S. 316, 415 (1819). Specifically, the Appointments Clause generally requires “Officers of the United States” to be nominated by the President “by and with the Advice and Consent of the Senate.” U.S. CONST. art. II, § 2, cl. 2. Advice and consent is “more than a matter of etiquette or protocol”; it is a “structural safeguard[]” intended to “curb Executive abuses of the appointment power” and to “promote a judicious choice of persons for filling the offices of the union.” *Edmond v. United States*, 520 U.S. 651, 659 (1997) (quotation marks and alterations omitted). But vacancies can occur unexpectedly (due to death, resignation, illness, etc.) and the

confirmation process takes time. See ANNE JOSEPH O'CONNELL, WAITING FOR LEADERSHIP at 10 fig. 5 (2010) (finding average lag time of 190 days between vacancy and confirmation). To keep the federal bureaucracy humming, the President needs the power to appoint acting officers who can serve on a temporary basis without first obtaining the Senate's blessing.

Since the "beginning of the nation," the Congress has given the President this power through vacancy statutes. *Doolin Sec. Sav. Bank, F.S.B. v. Office of Thrift Supervision*, 139 F.3d 203, 209–10 (D.C. Cir. 1998) (citing, *inter alia*, Act of May 8, 1792, ch. 37, § 8, 1 Stat. 279, 281).¹ The predecessor to the FVRA, the Vacancies Act, was first enacted in 1868. See Act of July 23, 1868, ch. 227, 15 Stat. 168. The Vacancies Act allowed the President to fill vacancies with temporary acting officers, subject to limitations on whom he could appoint and how long the appointee could serve. See Pub. L. No. 89-554, 80 Stat. 378, 426 (Sept. 6, 1966); Pub. L. No. 100-398, 102 Stat. 985, 988 (Aug. 17, 1988).

Presidents, however, have not always complied with the Vacancies Act. See MORTON ROSENBERG, CONG. RESEARCH SERV., 98-892 A, THE NEW VACANCIES ACT: CONGRESS ACTS TO PROTECT THE SENATE'S CONFIRMATION PREROGATIVE 2–3 (1998). By 1998, an estimated 20% of all officers in positions requiring presidential nomination and Senate confirmation (PAS positions) were serving in a temporary acting capacity,

¹ The Constitution also partially addresses this problem. The President can temporarily fill vacancies "that may happen during the Recess of the Senate." U.S. CONST. art. II, § 2, cl. 3. But the Recess Appointments Clause is an incomplete answer because the President may need to install an acting officer *before* the Senate's next recess.

many well beyond the time limits prescribed in the Vacancies Act. *See id.* at 1. Nor was the Vacancies Act particularly amenable to judicial enforcement. In *Doolin*, for example, we did not decide whether the acting director of the Office of Thrift Supervision lacked statutory authority because we determined that any error in his appointment was cured. *See* 139 F.3d at 214. We relied on the doctrine of ratification: because the director’s decision was later approved by a properly appointed director, any defect in his appointment was immaterial. *See id.* at 212–14. Our decision in *Doolin*, along with the President’s appointment of Bill Lann Lee to be Acting Attorney General of Civil Rights in 1997, prompted congressional action. *See* ROSENBERG, *supra*, at 1, 8.

In June 1998, Senators Fred Thompson, Robert Byrd, Strom Thurmond and others introduced the FVRA to strengthen, and ultimately replace, the Vacancies Act. *See* 144 CONG. REC. S6413–14 (daily ed. June 16, 1998) (statement of Sen. Thompson). The statute was framed as a reclamation of the Congress’s Appointments Clause power. *See id.* at S6413 (“This legislation is needed to preserve one of the Senate’s most important powers: the duty to advise and consent on presidential nominees.”); S. REP. NO. 105-250, at 5 (1998) (“If the Constitution’s separation of powers is to be maintained, . . . legislation to address the deficiencies in the operation of the current Vacancies Act is necessary. . . . [T]he Senate’s confirmation power is being undermined as never before.”). After some amendment, the FVRA was enacted in October 1998. *See* Pub. L. No. 105-277, div. C, tit. I, § 151.

The FVRA provides that, in the event of a vacancy in a PAS position, the “first assistant” automatically takes over in an acting capacity. 5 U.S.C. § 3345(a)(1). The President can also choose to appoint a senior employee from the same agency or a PAS officer from another agency to serve as the acting

officer. *Id.* § 3345(a)(3), (a)(2). Generally speaking, an acting officer can serve no longer than 210 days and cannot become the permanent nominee for the position. *See id.* §§ 3346; 3345(b). Moreover, in response to *Doolin*, the FVRA renders actions taken by persons serving in violation of the Act void ab initio. *See id.* § 3348(d)(1)–(2) (“An action taken by any person who is not acting [in compliance with the FVRA] shall have no force or effect” and “may not be ratified.”); *see also* 144 CONG. REC. S6414 (explaining that the FVRA “impose[s] a sanction for noncompliance,” thereby “[o]verruling several portions of [*Doolin*]”); S. REP. NO. 105-250, at 5 (“The Committee . . . finds that th[e ratification] portion of [*Doolin*] demands legislative response. . .”).

B. NLRB GENERAL COUNSEL VACANCY

Under the National Labor Relations Act (NLRA), the General Counsel of the NLRB must be appointed by the President with the advice and consent of the Senate. 29 U.S.C. § 153(d). He is primarily responsible for prosecuting ULP cases before the Board. *Id.* Indeed, the Board cannot adjudicate a ULP dispute until the General Counsel decides a charge has merit and issues a formal complaint. *See id.* § 160(b); 29 C.F.R. §§ 102.9, 102.15. To manage the volume of ULP charges filed each year, the General Counsel has delegated his authority to investigate charges and issue complaints to thirty-two regional directors. *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 139 (1975) (citing 29 C.F.R. §§ 101.8; 102.10). The General Counsel, however, retains “final authority” over charges and complaints and exercises “general supervision” of the regional directors. 29 U.S.C. § 153(d).

In June 2010, Ronald Meisburg resigned as NLRB General Counsel. The President directed Lafe Solomon,

then-Director of the NLRB's Office of Representation Appeals, to serve as the Acting General Counsel in Meisburg's stead. *See* Memorandum from the White House for Lafe E. Solomon (June 18, 2010). The President cited the FVRA as the authority for Solomon's appointment. *See id.* (invoking "section 3345(a) of title 5").² On January 5, 2011—six months into Solomon's temporary appointment—the President nominated him to be General Counsel. 157 CONG. REC. S69 (daily ed. Jan. 5, 2011). The Senate, however, returned Solomon's nomination. 159 CONG. REC. S17 (daily ed. Jan. 3, 2013). The President resubmitted Solomon's nomination on May 24, 2013, 159 CONG. REC. S3884 (daily ed. May 23, 2013), but ultimately withdrew it and nominated Richard Griffin instead, who was confirmed by the Senate on October 29, 2013. 159 CONG. REC. S7635 (daily ed. Oct. 29, 2013). All told, Solomon served as Acting General Counsel from June 21, 2010 to November 4, 2013.

C. BOARD PROCEEDINGS AGAINST SOUTHWEST

SW General, Inc. (Southwest) provides ambulance services to hospitals in Arizona. Its emergency medical technicians, nurses and paramedics are represented by the International Association of Fire Fighters Local I-60,

² The NLRA also authorizes the appointment of a temporary Acting General Counsel. *See* 29 U.S.C. § 153(d); *see also* S. REP. NO. 105-120, at 16 (FVRA does not override appointment provision in NLRA (referencing 5 U.S.C. § 3347(a)(1)(A))). The President did not invoke the NLRA when appointing Solomon, however—perhaps because the FVRA allows an acting officer to serve for a longer period of time. *Compare* 29 U.S.C. § 153(d) (permitting service for 40 days, tolled while nomination is pending before Senate), *with* 5 U.S.C. § 3346 (permitting service for 210 days, tolled while first or second nomination is pending before Senate).

AFL-CIO (Union). The most recent collective bargaining agreement between Southwest and the Union contained a “Longevity Pay” provision, guaranteeing annual bonuses to Southwest employees who had been with the company for at least ten years. In December 2012—after the collective bargaining agreement expired but before the parties negotiated a replacement—Southwest stopped paying the longevity bonuses.

The Union immediately filed a ULP charge with the NLRB. Regional Director Cornele Overstreet issued a formal complaint on January 31, 2013, alleging that Southwest had unilaterally discontinued longevity payments in violation of sections 8(a)(1) and 8(a)(5) of the NLRA, 29 U.S.C. § 158(a)(1), (5). After a hearing, an administrative law judge (ALJ) agreed that Southwest had committed a ULP. Southwest filed fifteen exceptions to the ALJ’s decision, the second of which challenged the ULP complaint on the ground that Acting General Counsel Solomon was serving in violation of the FVRA. *See* Resp’t’s Exceptions to ALJ Decision at 1 ¶ 2, No. 28-CA-094176 (Sept. 5, 2013). In May 2014, the NLRB adopted the ALJ’s recommended order with only minor modifications, *see* 360 N.L.R.B. No. 109 (2014), and it did not address Southwest’s FVRA challenge.

Southwest petitioned this Court for review and the Board cross-petitioned for enforcement. We have jurisdiction pursuant to 29 U.S.C. § 160(f), (e).

II. ANALYSIS

Southwest maintains that, as of January 2011, Acting General Counsel Solomon was serving in violation of the FVRA and, thus, the ULP complaint issued against it in January 2013 was invalid. Specifically, Southwest argues that Solomon became ineligible to serve as Acting General Counsel

once the President nominated him to be General Counsel. *See* 5 U.S.C. § 3345(b)(1).³ In its original brief, the Board vigorously contested Southwest’s reading of the statute but made no argument—except in a lone footnote—about the *consequences* of an FVRA violation. We therefore asked the parties to submit supplemental briefs addressing whether an FVRA violation, assuming one occurred, would nonetheless be harmless error. With the benefit of the parties’ arguments, we now conclude that (A) Solomon was serving in violation of the FVRA when the complaint issued against Southwest and (B) the violation requires us to vacate the Board’s order.

A.

The key provision of the FVRA, for present purposes, is section 3345. For ease of reference, we quote the provision in full:

§ 3345. Acting officer

(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the

³ We note that Solomon’s nomination was no longer pending when the ULP complaint issued against Southwest: the Senate had returned it and the President had not yet resubmitted it. The Board, however, does not argue that the non-pendency of Solomon’s nomination should make a difference in our analysis. We therefore assume it does not.

We also note that the complaint against Southwest was issued by Regional Director Overstreet pursuant to a *delegation* of authority from Solomon. The Board, however, does not argue that this delegation survives any defect in the General Counsel’s authority. We, again, assume *arguendo* that it does not.

Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

(1) the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346;

(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of section 3346; or

(3) notwithstanding paragraph (1), the President (and only the President) may direct an officer or employee of such Executive agency to perform the functions and duties of the vacant office temporarily in an acting capacity, subject to the time limitations of section 3346, if—

(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the officer or employee served in a position in such agency for not less than 90 days; and
(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule.

(b)(1) Notwithstanding subsection (a)(1), a person may not serve as an acting officer for an office under this section, if—

(A) during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve, such person—

(i) did not serve in the position of first assistant to the office of such officer; or

(ii) served in the position of first assistant to the office of such officer for less than 90 days; and

(B) the President submits a nomination of such person to the Senate for appointment to such office.

(2) Paragraph (1) shall not apply to any person if—

(A) such person is serving as the first assistant to the office of an officer described under subsection (a);

(B) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and

(C) the Senate has approved the appointment of such person to such office.

(c)(1) Notwithstanding subsection (a)(1), the President (and only the President) may direct an officer who is nominated by the President for reappointment for an additional term to the same office in an Executive department without a break in service, to continue to serve in that office subject to the time limitations in section 3346, until such time as the Senate has acted to confirm or reject the nomination, notwithstanding adjournment sine die.

(2) For purposes of this section and sections 3346, 3347, 3348, 3349, 3349a, and 3349d, the expiration of a term of office is an inability to perform the functions and duties of such office.

Solomon became Acting General Counsel pursuant to subsection (a)(3)—the senior agency employee provision. As the Director of the Office of Representation Appeals for the previous ten years, Solomon easily met the salary and experience requirements of that subsection. *See id.* § 3345(a)(3)(A)–(B). According to Southwest, however, Solomon could no longer serve as Acting General Counsel once the President nominated him in January 2011 to be General Counsel. Subsection (b)(1) of the FVRA prohibits a person from being both the acting officer and the permanent nominee unless (1) he served as the first assistant to the office in question for at least 90 of the last 365 days or (2) he was confirmed by the Senate to be the first assistant. *See id.* § 3345(b)(1)–(2). Solomon was never a first assistant *at all* so the exceptions plainly do not apply to him. The Board, however, contends that the prohibition in subsection (b)(1) governs only an acting officer who assumes the position pursuant to subsection (a)(1), not an acting officer who is directed to serve by the President pursuant to subsections (a)(2) or (a)(3). Thus, the pivotal question is whether the prohibition in subsection (b)(1) applies to *all* acting officers, as Southwest contends, or just first assistants who become acting officers by virtue of subsection (a)(1), as the Board contends. Considering this question de novo,⁴ we think Southwest has

⁴ The NLRB is not entitled to *Chevron* deference when it interprets the FVRA, “a general statute not committed to [its] administration.” *Soc. Sec. Admin. v. FLRA*, 201 F.3d 465, 471 (D.C. Cir. 2000). We also note that, in 1999, the Office of Legal Counsel (OLC) endorsed the NLRB’s interpretation of subsection (b)(1). *See* Guidance on Application of Federal Vacancies Reform Act of 1998, 23 Op. O.L.C. 60, 64 (1999) (“The limitation on the ability to be the nominee for the vacant position and to serve as the acting officer applies only to persons who serve as acting officers by virtue of having been the first assistant to the office.”). But the

the better argument.⁵

The first independent clause of subsection (b)(1) is the clearest indication of its overall scope. That clause states that “*a person* may not serve as an acting officer for an office under *this section*.” 5 U.S.C. § 3345(b)(1) (emphases added). The term “a person” is broad; it covers the full spectrum of possible candidates for acting officer. *See Pfizer, Inc. v. Gov’t of India*, 434 U.S. 308, 312 (1978) (“the phrase ‘any person’ ” has a “naturally broad and inclusive meaning”). And the phrase “this section” plainly refers to section 3345 in its entirety. Throughout the FVRA, the Congress was precise in its use of internal cross-references. *See, e.g.*, 5 U.S.C. §§ 3345(b)(2)(A) (“subsection (a)”); 3345(c)(1) (“subsection (a)(1)”); 3345(c)(2) (“this section and sections 3346, 3347, 3348 . . .”); 3345(a)(2)–(3) (“paragraph (1)”); 3348(e) (“this section”). If the Congress had wanted to enact the Board’s understanding, it would have said “first assistant” and “that subsection” instead of “a person” and “this section.” Thus, the plain language of subsection (b)(1) manifests that no person can serve as both the acting officer and the permanent nominee (unless one of the exceptions in subsections (b)(1)(A) or (b)(2) applies).

OLC is not entitled to *Chevron* deference either. *See Crandon v. United States*, 494 U.S. 152, 177 (1990) (“advisory opinion[] . . . of the . . . OLC . . . is not an administrative interpretation that is entitled to deference under *Chevron*”).

⁵ Our decision is in accord with the two other courts that have considered the question. *See Hooks v. Remington Lodging & Hospitality, LLC*, 8 F. Supp. 3d 1178, 1187–89 (D. Alaska 2014); *Hooks v. Kitsap Tenant Support Servs., Inc.*, No. 13-cv-5470, 2013 WL 4094344, at *2 (W.D. Wash. Aug. 13, 2013).

The Board's main argument to the contrary focuses on the first dependent clause in subsection (b)(1): "Notwithstanding subsection (a)(1)." According to the Board, the "notwithstanding" clause limits subsection (b)(1)'s prohibition to first assistants who become acting officers pursuant to subsection (a)(1). There are several flaws with this argument. For starters, it is not what the word "notwithstanding" means. *See Sandifer v. U.S. Steel Corp.*, 134 S. Ct. 870, 876 (2014) ("It is a fundamental canon of statutory construction that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning." (quotation marks omitted)). "Notwithstanding" means "in spite of," OXFORD ENGLISH DICTIONARY (2d ed. 1989); BLACK'S LAW DICTIONARY (10th ed. 2014)—not, as the Board would have it, "for purposes of" or "with respect to." Here, then, the "notwithstanding" clause means "to the extent that subsection (a)(1) deviates from subsection (b)(1), subsection (b)(1) controls." *See United States v. Fernandez*, 887 F.2d 465, 468 (4th Cir. 1989) (proviso "'notwithstanding any other provision of law' . . . naturally means that the [statute] should not be limited by other statutes"); ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 126 (Thompson/West 2012) ("A dependent phrase that begins with *notwithstanding* indicates that the main clause that it introduces . . . derogates from the provision to which it refers."). The Congress likely referenced subsection (a)(1) to clarify that its command—that the first assistant "shall" take over as acting officer—does not supersede the prohibition in subsection (b)(1). But, apart from setting out an order of operations, the "notwithstanding" clause has no significance for the ultimate scope of subsection (b)(1). *See Kucana v. Holder*, 558 U.S. 233, 238–39 n.1 (2010) ("The introductory clause ['Notwithstanding any other provision of law'] does not define the scope of [the statute]. It simply informs that once

the scope of the [statute] is determined, [it applies] regardless of what any *other* provision or source of law might say.”).

Context further refutes the Board’s “notwithstanding” argument. As discussed, the Board’s interpretation of “notwithstanding” is irreconcilable with the breadth of the words “a person” and “this section” in the remainder of the introductory clause. See *Maracich v. Spears*, 133 S. Ct. 2191, 2205 (2013) (“The provisions of a text should be interpreted in a way that renders them compatible, not contradictory.”); *cf. also United States v. Emerson*, 270 F.3d 203, 233 n.32 (5th Cir. 2001) (“[W]here the preamble and the operative portion of the statute may reasonably be read consistently with each other, the preamble may not properly support a reading of the operative portion which would plainly be at odds with what otherwise would be its clear meaning.”). Indeed, the only other time section 3345 uses the phrase “a person” is in subsection (a)(2) and, there, the phrase is plainly not limited to a first assistant. Moreover, the Congress used the word “notwithstanding” several times in section 3345. See 5 U.S.C. §§ 3345(a)(2)–(3) (“notwithstanding paragraph (1)”); 3345(c)(1) (“Notwithstanding subsection (a)(1)” and “notwithstanding adjournment sine die”). Each time, it plainly meant “in spite of” rather than “with respect to.” “It is a well established rule of statutory construction that a word is presumed to have the same meaning in all subsections of the same statute.” *Allen v. CSX Transp., Inc.*, 22 F.3d 1180, 1182 (D.C. Cir. 1994) (quotation marks omitted). Similarly, the Congress used the phrase “For purposes of” in subsection (c)(2), which shows that it knew how to use limiting language when it wanted to. See *Vonage Holdings Corp. v. FCC*, 489 F.3d 1232, 1240 (D.C. Cir. 2007) (“[W]e have repeatedly held that where different terms are used in a single piece of legislation, the court must presume that Congress intended the terms to have different meanings.” (quotation marks and

alteration omitted)). The Board's crabbed interpretation of "notwithstanding" simply does not pass muster.

Further, the Board's reading of subsection (b)(1)—but not Southwest's—renders other provisions of section 3345 superfluous. See *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) ("It is a cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant." (quotation marks omitted)). In the Board's view, subsection (b)(1) applies only to subsection (a)(1)—the first assistant provision. Although we do not decide its meaning today, subsection (a)(1) may refer to the person who is serving as first assistant *when the vacancy occurs*. Accord 23 Op. O.L.C. at 64 ("[W]e believe . . . you must be the first assistant when the vacancy occurs in order to be the acting officer by virtue of being the first assistant."). Under this reading, subsection (a)(1) provides a default rule that automatically promotes someone (the current first assistant) to be the acting officer without a break in service and without action by the President. But if subsection (a)(1) refers to the first assistant at the time of the vacancy, then the condition in subsection (b)(1)(A)(i)—that the person "did not serve in the position of first assistant to the office" in the prior 365 days—is inoperative because the current first assistant *necessarily* served as the first assistant in the previous year. If Southwest is correct that subsection (b)(1) applies to all acting officers, however, then subsection (b)(1)(A)(i) is not superfluous because many PAS officers (subsection (a)(2)) and senior agency employees (subsection (a)(3)) will not have served as the first assistant in the prior year.

At oral argument, the Board argued—consistent with a revised OLC opinion—that subsection (a)(1) also applies to a person who becomes first assistant *after* the vacancy occurs.

Oral Arg. Recording 17:02–30:24; *accord* Designation of Acting Associate Attorney General, 25 Op. O.L.C. 177, 179–81 (2001). This interpretation, the Board contends, gives a nonsuperfluous meaning to subsection (b)(1)(A)(i). Yet, the Board’s interpretation faces another surplusage problem. Section 3345(b)(2)(A) allows an acting officer to also be the permanent nominee if, *inter alia*, he “is serving as [a] first assistant.” But the current first assistant—whether he became first assistant before or after the vacancy—is *necessarily* serving as a first assistant. The Board’s interpretation (which reads “person” in subsection (b) to mean “first assistant”) creates surplusage whereas Southwest’s interpretation (which reads “person” to mean “first assistant, PAS officer or senior agency employee”) does not.

Perhaps sensing the weakness of its textual arguments, the Board falls back on legislative history and statutory purpose to support its interpretation. Its argument needs to be quite strong because, to repeat, the text of the FVRA plainly supports Southwest. *See Milner v. Dep’t of Navy*, 562 U.S. 562, 572 (2011) (“Those of us who make use of legislative history believe that clear evidence of congressional intent may illuminate ambiguous text. We will not take the opposite tack of allowing ambiguous legislative history to muddy clear statutory language.”); *Kloeckner v. Solis*, 133 S. Ct. 596, 607 n.4 (2012) (“[E]ven the most formidable argument concerning the statute’s purposes could not overcome the clarity we find in the statute’s text.”). As we shall see, however, the Board’s argument is anything but.

The Board first points to a floor statement by Senator Thompson, the chief sponsor of the FVRA. Thompson presaged the Board’s view, stating, “Under § 3345(b)(1), the revised reference to § 3345(a)(1) means that this subsection applies only when the acting officer is the first assistant, and

not when the acting officer is designated by the President pursuant to §§ 3345(a)(2) or 3345(a)(3).” 144 CONG. REC. S12,822 (daily ed. Oct. 21, 1998). Yet, a statement of a single Senator—even the bill’s sponsor—is only weak evidence of congressional intent. *See Zuber v. Allen*, 396 U.S. 168, 186 (1969) (“Floor debates reflect at best the understanding of individual Congressmen.”); *Chrysler Corp. v. Brown*, 441 U.S. 281, 311 (1979) (“The remarks of a single legislator, even the sponsor, are not controlling in analyzing legislative history.”). Moreover, Thompson was immediately contradicted by Senator Byrd—an “original sponsor” of the FVRA. 144 CONG. REC. S12,824 (statement of Sen. Byrd). Byrd’s statement⁶ hewed much more closely to the statutory text and suggested that subsection (b)(1) applies to all categories of acting officers. Thus, the floor statements are a wash. *See March v. United States*, 506 F.2d 1306, 1314 n.31 (D.C. Cir. 1974) (“[W]here, as here, [congressional debates] reflect individual interpretations that are contradictory and ambiguous, they carry no probative weight.”). And Senator Thompson’s statement is certainly not enough to overcome the FVRA’s clear text. *See Nat’l Ass’n of Mfrs. v. Taylor*, 582 F.3d 1, 12 (D.C. Cir. 2009) (“Floor statements from members of Congress, even from a bill’s sponsors, cannot amend the

⁶ “[T]he officer’s position may . . . be filled temporarily by either: (1) the first assistant to the vacant office; (2) an executive officer who has been confirmed by the Senate for his current position; or (3) a career civil servant, paid at or above the GS-15 rate, who has served in the agency for at least 90 of the past 365 days. However, *a person* may not serve as an acting officer if: (1)(a) *he is not the first assistant*, or (b) he has been the first assistant for less than 90 of the past 365 days, and has not been confirmed for the position; and (2), the President nominates him to fill the vacant office.” 144 CONG. REC. S12,824 (emphases added).

clear and unambiguous language of a statute.” (quotation marks omitted)).

The Board next cites a Senate committee report to buttress its interpretation. The report states that “a *first assistant* who has not received Senate confirmation, but who is nominated to fill the office permanently, can be made the acting officer only if he has been the first assistant for at least 180 days in the year preceding the vacancy.” S. REP. NO. 105-250, at 2 (emphasis added). The committee report, however, is inapposite because it discusses a *different version* of the FVRA from the one ultimately enacted. Specifically, an earlier draft of subsection (b) provided:

(b) Notwithstanding section 3346(a)(2), a person may not serve as an acting officer for an office under this section, if—

- (1)** on the date of the death, resignation, or beginning of inability to server of the applicable officer, such person serves *in the position of first assistant* to such officer;
- (2)** during the 365-day period preceding such date, such person served *in the position of first assistant* to such officer for less than 180 days; and
- (3)** the President submits a nomination of such person to the Senate for appointment to such office.

Id. at 25 (emphases added). This version of subsection (b) manifestly applies to first assistants only. But the version ultimately enacted looks quite different. In fact, the change in phraseology weighs somewhat *against* the Board’s interpretation. See *Ariz. Pub. Serv. Co. v. EPA*, 211 F.3d 1280, 1289 (D.C. Cir. 2000) (“The fact that Congress

specifically rejected language favorable to [a party's] position and enacted instead language that is consistent with [the opponent's] interpretation only strengthens our conclusion that the [opponent] has correctly ascertained Congress' intent").

Finally, the Board contends that Southwest's interpretation of subsection (b)(1) defeats the purpose behind subsections (a)(2) and (a)(3): namely, "expanding the pool of potential acting officers beyond first assistants." Resp't's Br. 38. But accepting Southwest's interpretation in no way decreases the pool of people eligible to be an acting officer; it merely decreases the pool of people eligible to be both the acting officer *and* the permanent nominee.

In short, the text of subsection (b)(1) squarely supports Southwest's interpretation and neither the legislative history nor the purported goal of the FVRA helps the Board. We therefore hold that the prohibition in subsection (b)(1) applies to all acting officers, no matter whether they serve pursuant to subsection (a)(1), (a)(2) or (a)(3). Because Solomon was never a first assistant and the President nominated him to be General Counsel on January 5, 2011, the FVRA prohibited him from serving as Acting General Counsel from that date forward.

B.

Having concluded that Solomon was serving in violation of the FVRA when the ULP complaint issued against Southwest, we must now determine the consequence of that violation. Southwest believes we *must* vacate the Board's order. If the violation had occurred in the typical federal office, we might agree. The FVRA renders any action taken in violation of the statute void ab initio: section 3348(d) declares that "[a]n action taken by any person who is not acting

[in compliance with the FVRA] shall have no force or effect” and “may not be ratified.” 5 U.S.C. § 3348(d)(1)–(2). Moreover, without a valid complaint, the Board could not find Southwest liable for a ULP. *See* 29 U.S.C. § 160(b) (requiring complaints); *NLRB v. Dant*, 344 U.S. 375, 382 (1953) (“[T]he remedial processes of the [NLRA] to cure [unfair labor] practices . . . can only be invoked by the issuance of a complaint.”); *NLRB v. Highland Park Mfg. Co.*, 341 U.S. 322, 325 (1951) (“The Board is a statutory agency, and, when it is forbidden to investigate or entertain complaints in certain circumstances, its final order could hardly be valid.”).

But this is not the typical case. Section 3348(e)(1) exempts “the General Counsel of the National Labor Relations Board” from the provisions of “section [3348],” including the void-ab-initio and no-ratification rules. *See* 5 U.S.C. § 3348(e)(1).⁷ The Board contends that section 3348(e)(1)

⁷ According to a Senate committee report, section 3348(e) was intended to exempt the General Counsel of the NLRB from “the vacant office provisions” of the FVRA. S. REP. NO. 105-250, at 20. The vacant office provision is section 3348(b), which provides that, absent compliance with the FVRA, an office must “remain vacant” and “only the head of [the] Executive agency may perform any function or duty of such office.” 5 U.S.C. § 3348(b)(1)–(2). The Congress did not want the “head” of the NLRB—*i.e.*, the Board members—to perform the duties of the General Counsel because the NLRA intentionally “separate[s] the official who . . . investigate[s] and charge[s] [ULPs] from the officials who . . . determine whether th[e] statute ha[s] actually been violated.” S. REP. NO. 105-250, at 20; *see also Haleston Drug Stores v. NLRB*, 187 F.2d 418, 421 n.3 (9th Cir. 1951). “If the non-delegable duties of the[] general counsel were somehow to be performed by the [Board members] that policy would be obliterated.” S. REP. N

allows it to raise arguments like harmless error and the de facto officer doctrine. *See generally* 5 U.S.C. § 706 (in reviewing agency action, “due account shall be taken of the rule of prejudicial error”); *Doolin*, 139 F.3d at 212–14. We therefore assume that section 3348(e)(1) renders the actions of an improperly serving Acting General Counsel *voidable*, not void, and consider the two arguments the Board posits in its supplemental brief. We express no view on whether section 3348(e)(1) could be understood more broadly to wholly insulate the Acting General Counsel’s actions even in the event of an FVRA violation. We similarly express no view on defenses the Board never raised. *See United States v. Hasting*, 461 U.S. 499, 510 (1983) (“[W]e are not required to review records to evaluate a harmless error claim, and do so sparingly.”).

i. Harmless Error

We first address the “rule of prejudicial error.” 5 U.S.C. § 706. As previously discussed, we held in *Doolin* that any statutory defect in the acting director’s authority was cured because a subsequent, properly appointed director ratified his actions. *See* 139 F.3d at 213. The Board does not rely on *Doolin*’s holding—understandably, inasmuch as no properly appointed General Counsel ratified the ULP complaint against Southwest. *See generally* *FEC v. NRA Political Victory Fund*, 513 U.S. 88, 98–99 (1994). The Board instead relies on a paragraph of dicta from *Doolin*. In *Doolin*, we analogized a complaint in an administrative enforcement proceeding to a grand jury indictment in a criminal proceeding. *See* 139 F.3d at 212. Defects in a grand jury indictment do not constitute reversible error, *Doolin* noted, unless they “prejudiced” the

the General Counsel from *section 3348(d)* (*i.e.*, the no-ratification and void-ab-initio provisions).

defendant. *Id.* (quoting *Bank of Nova Scotia v. United States*, 487 U.S. 250, 254 (1988)). And a defect does not prejudice the defendant if a petit jury subsequently finds him guilty beyond a reasonable doubt. *Id.* (citing *United States v. Mechanik*, 475 U.S. 66, 73 (1986)). The same logic might apply, we postulated in *Doolin*, if an agency adjudicator finds a petitioner liable despite a defective administrative complaint. *See id.* *Doolin* ultimately declined to rely on this hypothesis, however, because the parties had not briefed it. *See id.* Here, on the other hand, the Board brings *Doolin*'s dicta to the forefront and argues that the NLRB's final order renders harmless any defect in the ULP complaint against Southwest.

The grand jury analogy in *Doolin*, like the doctrine of harmless error generally, focuses on the existence *vel non* of "prejudice[]" to the petitioner. *Id.* But a petitioner need not demonstrate prejudice in the first place if the alleged error is "structural" in nature. *Landry v. FDIC*, 204 F.3d 1125, 1131 (D.C. Cir. 2000). In the grand jury context, for example, the occurrence of race or sex discrimination in the selection of grand jurors constitutes a structural error that warrants automatic reversal. *See id.* at 1130–31 (citing *Vasquez v. Hillery*, 474 U.S. 254, 261 & n.4 (1986) (race); *Ballard v. United States*, 329 U.S. 187, 195 (1946) (sex)). In the agency context, we concluded in *Landry* that "[i]ssues of separation of powers" are structural errors that do not require a showing of prejudice because "it will often be difficult or impossible for someone subject to a wrongly designed scheme to show that the design—the structure—played a causal role in his loss." *Id.* at 1131. "[D]emand for a clear causal link to a party's harm" would frustrate the "'prophylactic'" goal of the separation of powers—*i.e.*, "'establishing high walls and clear distinctions because low walls and vague distinctions will not be judicially defensible in the heat of interbranch conflict.'" *Id.* (quoting *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 239

(1995)). *Landry* rejected the argument that subsequent de novo review by the Federal Deposit Insurance Commission could render harmless the fact that the ALJ was serving in violation of the Appointments Clause. *See id.* at 1130–32. “If the process of final de novo review could cleanse the violation of its harmful impact,” *Landry* reasoned, “then all such arrangements would escape judicial review.” *Id.* at 1132.

Southwest contends that an FVRA violation is a structural error that cannot be rendered harmless by subsequent de novo review. We do not reach that question, however, because we agree with another one of Southwest’s arguments. Specifically, the grand jury analogy from *Doolin* is ill-suited in this case. In a criminal proceeding, the grand jury and petit jury are similarly situated and have the same basic task: determining the defendant’s guilt under the requisite standard of proof (“probable cause” and “beyond a reasonable doubt,” respectively). *See Mechanik*, 475 U.S. at 70. As such, “[a] later conviction by a petit jury supplies *virtual certainty* that a properly constituted grand jury would have indicted.” *Landry*, 204 F.3d at 1131 (emphasis added). Here, however, we lack the same certainty. The NLRB General Counsel is statutorily independent from the Board, *see NLRB v. United Food & Commercial Workers Union, Local 23*, 484 U.S. 112, 124 (1987); *Sears, Roebuck*, 421 U.S. at 138–39, and he has “final authority” over the issuance of ULP complaints, 29 U.S.C. § 153(d); *see also United Food*, 484 U.S. at 126 (General Counsel has “unreviewable discretion to file and withdraw a complaint”). He essentially exercises prosecutorial discretion: he need not issue a complaint even if he believes a ULP was committed. *See United Food*, 484 U.S. at 126, 130. Moreover, the General Counsel sets the enforcement priorities for the NLRB and generally supervises its lawyers. *See*

at 138–42. During oral argument, the Board conceded that, if the General Counsel’s office were vacant, the NLRB “would not be issuing complaints.” Oral Arg. Recording 32:51–32:57. The Board nonetheless argued that, because the type of ULP charged against Southwest was not “of substantial legal interest” to Acting General Counsel Solomon, that particular complaint did not require submission to the General Counsel’s Office for review beforehand. *Id.* at 32:06–32:51. Southwest rightly points out, however, that a different General Counsel may have imposed different requirements and procedures during his tenure. *See, e.g.*, Memorandum GC 11-11 from Acting Gen. Counsel Lafe Solomon to All Reg’l Dirs., Officers-in-Charge, and Resident Officers 1 (Apr. 12, 2011) (identifying four “groups” of matters that must be submitted to General Counsel for advice, including those that “involve a policy issue in which I am particularly interested” and “involve issues as to which the law is in flux as the result of Board or court decisions”). Accordingly, notwithstanding the final Board order, we cannot be confident that the complaint against Southwest would have issued under an Acting General Counsel other than Solomon. *See Haleston Drug Stores*, 187 F.2d at 422 n.5 (“[O]scillations in rigor are characteristic of prosecuting officers.”). Our uncertainty is sufficient to conclude that Southwest has carried its burden of demonstrating that the FVRA violation is non-harmless under the Administrative Procedure Act. *See Jicarilla Apache Nation v. U.S. Dep’t of Interior*, 613 F.3d 1112, 1121 n.5 (D.C. Cir. 2010) (although “[t]he burden to demonstrate prejudicial error is on the party challenging agency action,” it “is not a particularly onerous requirement” (quotation marks and ellipsis omitted)). We therefore conclude that the NLRB order did not ratify or otherwise render harmless the FVRA defect in the ULP complaint against Southwest. We note, however, that our conclusion does not control whether the

ineligibility of an official with prosecutorial responsibilities in other contexts should be considered harmless.

ii. De Facto Officer Doctrine

The only other argument in the Board’s supplemental brief is the de facto officer doctrine. This oft-forgotten doctrine has “feudal origins,” dating back to the 15th century. *Andrade v. Lauer*, 729 F.2d 1475, 1496 (D.C. Cir. 1984); *see also* Note, *The De Facto Officer Doctrine*, 63 COLUM. L. REV. 909, 909 n.1 (1963) (“The first reported case to discuss the concept of *de facto* authority was *The Abbe of Fountaine*, 9 Hen. VI, at 32(3) (1431).”). The doctrine “confers validity upon acts performed by a person acting under the color of official title even though it is later discovered that the legality of that person’s appointment or election to office is deficient.” *Ryder v. United States*, 515 U.S. 177, 180 (1995). In its most recent cases, however, the Supreme Court has limited the doctrine, declining to apply it when reviewing Appointments Clause challenges, *see id.* at 182–83, and important statutory defects to an adjudicator’s authority, *see Nguyen v. United States*, 539 U.S. 69, 78 (2003).

In its traditional form, the de facto officer doctrine distinguishes between “direct” and “collateral” attacks on an officer’s authority. *Andrade*, 729 F.2d at 1496. A collateral attack challenges “government *action* on the ground that the officials who took the action were improperly in office.” *Id.* (emphasis added). The de facto officer doctrine bars such attacks. *Id.* A direct attack, by contrast, challenges “the *qualifications* of the officer, rather than the actions taken by the officer.” *Id.* (emphasis added). The de facto officer doctrine allows such attacks but they can be brought via writ of quo warranto only. *Id.* at 1496–97. To obtain quo warranto against a federal official, an interested party must petition the

Attorney General of the United States to institute a proceeding in federal district court. D.C. CODE §§ 16-3501–02. If the Attorney General declines, the interested party can petition the court to issue the writ instead. D.C. CODE § 16-3503. Both the Attorney General and the court, however, have “broad discretion” to decline to make use of quo warranto. *Andrade*, 729 F.2d at 1498.

This Court has rejected the traditional version of the de facto officer doctrine. *See id.* at 1498–99. Direct action via quo warranto is too “cumbersome,” we explained in *Andrade*, and “could easily operate to deprive a plaintiff with an otherwise legitimate claim of the opportunity to have his case heard.” *Id.* at 1498. We disapprove of any “interpretation of the de facto officer doctrine that . . . would render legal norms concerning appointment and eligibility to hold office unenforceable.” *Id.* Instead, we have held that collateral attacks on an official’s authority are permissible when two requirements are satisfied:

First, the plaintiff must bring his action at or around the time that the challenged government action is taken. Second, the plaintiff must show that the agency or department involved has had reasonable notice under all the circumstances of the claimed defect in the official’s title to office.

Id. at 1499. Both requirements are met here.

The first requirement, as stated in *Andrade*, appears on its face not to fit this case. The plaintiffs in *Andrade*

these circumstances, we have held, a party satisfies the first *Andrade* requirement if it challenges an officer's authority as a *defense* to the enforcement action. *See FEC v. NRA Political Victory Fund*, 6 F.3d 821, 828 (D.C. Cir. 1993). Of course, the ordinary rules of exhaustion and forfeiture still apply. *See United States v. L.A. Tucker Truck Lines, Inc.*, 344 U.S. 33, 38 (1952); *FEC v. Legi-Tech, Inc.*, 75 F.3d 704, 707 (D.C. Cir. 1996). In the administrative proceedings below, Southwest raised its FVRA challenge as an exception to the ALJ decision. It therefore complied with the NLRA's jurisdictional exhaustion requirement. *See* 29 U.S.C. § 160(e) ("No objection that has not been urged before the Board . . . shall be considered by the court," absent "extraordinary circumstances"); *id.* at § 160(f) (incorporating § 160(e)); *see also Trump Plaza Associates v. NLRB*, 679 F.3d 822, 829 (D.C. Cir. 2012) ("Cases interpreting section 10(e) look to whether a party's exceptions are sufficiently specific to apprise the Board that an issue might be pursued on appeal."). And the Board does not assert that Southwest's challenge was otherwise untimely or forfeited. Thus, we assume it was properly preserved.

Nor does the Board contest that the second *Andrade*

does not challenge the adequacy of this notice. Moreover, the notice requirement is satisfied if the agency learns of the defect from *any* source, not only the petitioner. See *Andrade*, 729 F.2d at 1499 (“[We] do[] not require . . . that the agency’s knowledge of the alleged defect must come from the plaintiff.”). The Board has not informed us when it first became aware of Solomon’s problematic service. We therefore cannot say that its notice of the FVRA defect was inadequate. Accordingly, we conclude that the de facto officer doctrine does not bar Southwest from challenging Solomon’s authority.

Finally, we emphasize the narrowness of our decision. We hold that the former Acting General Counsel of the NLRB, Lafe Solomon, served in violation of the FVRA from January 5, 2011 to November 4, 2013. But this case is not *Son of Noel Canning*⁸ and we do not expect it to retroactively undermine a host of NLRB decisions. We address the FVRA objection in this case because the petitioner raised the issue in its exceptions to the ALJ decision as a defense to an ongoing enforcement proceeding. We doubt that an employer that failed to timely raise an FVRA objection—regardless whether enforcement proceedings are ongoing or concluded—will enjoy the same success. See 29 U.S.C. § 160(e); *Andrade*, 729 F.2d at 1499.

For the foregoing reasons, we grant the petition for review, deny the cross-application for enforcement and vacate the NLRB order.

So ordered.

⁸ *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. 2013), *aff’d*, 134 S. Ct. 2550 (2014).

NOMINATIONS OF GENERAL JOSEPH L. VOTEL, USA, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES CENTRAL COMMAND; AND LIEUTENANT GENERAL RAYMOND A. THOMAS III, USA, TO BE GENERAL AND COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND

WEDNESDAY, MARCH 9, 2016

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

The Committee met, pursuant to notice, at 10:03 a.m. in room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Wicker, Ayotte, Fischer, Cotton, Ernst, Tillis, Sullivan, Graham, Reed, Nelson, Manchin, Gillibrand, Blumenthal, Hirono, Kaine, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning. The Senate Armed Services Committee meets this morning to consider the nominations of General Joseph Votel to be Commander, U.S. Central Command (CENTCOM), and Lieutenant General Raymond Thomas to be Commander of U.S. Special Operations Command (SOCOM).

Congratulations to both of you on your nominations.

Of course, we know today would not be possible without the support and sacrifice of Michelle Votel and Barbara Thomas, who are with us this morning. Welcome.

As is our tradition, we hope you'll take the opportunity to introduce your family joining you today.

Our nominees have both served this Nation for decades and are stepping forward to lead in a time of crisis and conflict. It's unfortunate that most Americans won't fully understand what you and the men and women you lead do on a daily basis to protect the country. But, those of who do, those of us who have had the honor and privilege to spend time with you and our military servicemembers, we're grateful for your service.

I'd also like to thank General Lloyd Austin for his 4 decades of distinguishes service to our Nation, and his family for their many

sacrifices that made his service possible. The Members of this Committee wish him and his family all the best in his well-earned retirement.

At yesterday's hearing on the posture of CENTCOM and SOCOM, we discussed at length how increasing threats stretching from North Africa to South Asia, combined with misguided reductions in defense spending, are placing a dangerous and unnecessary burden on our servicemembers, including our special operators. The breakdown of state authority across the region has created a vacuum filled by the most extreme and anti-American of forces, Sunni terrorist groups, such as ISIL [the Islamic State of Iraq and the Levant] and al Qaeda, Shiite extremists, such as the Islamic Republic of Iran and its proxies, and the imperial ambitions of Vladimir Putin. In light of recent events, I want to express particular concern about the destabilizing behavior of the Iranian regime, which has gotten worse, not better, since the nuclear agreement was reached last July.

Just yesterday, Iran launched multiple ballistic missiles from several locations, which, according to the State Department, may have violated U.N. [United Nations] Security Council resolutions. This comes after Iran's advanced missile tests in October violated U.N. Security Council Resolution 1929. Iran fired rockets within 1,500 yards of a United States aircraft carrier in December, and, in January, Iran illegally seized two United States Navy vessels and detained 10 American sailors, in violation of international law and centuries of maritime custom. I'm not sure which is worse, the Ayatollah pinning medals on the chests of IRGC [Islamic Revolutionary Guard Corps] henchmen who conducted this illegal and provocative action or the shameful and dangerous lack of condemnation by senior administration officials. Such silence doesn't empower moderates, it emboldens bullies, and each provocation that goes unopposed increases the chances of the likelihood of miscalculation that could spiral into a wider conflict.

I could not agree more with former Secretary Robert Gates when he recently said that the real problem with United States policy in the Middle East is the lack of a clear strategy. "If you accept the premise that we face a generation-long period of turbulence and violence in the Middle East," he said, "the lack of an overarching strategy for how you react to a region in flames is a problem. Are there fires we should just let burn out? Who are our friends? Who should we support?" By accident or design, the fires in the Middle East are burning out of control. Given the diversity and the complexity of the threats we face, our Nation is in dire need of candid strategic leadership. We need it from our policymakers, and we need it from our military commanders, as well. We need you to have the courage to speak truth to power and to ask for the resources and the authorities you need, not just those you think the administration will allow. You owe that to this Committee, to the men and women you will lead, and to the American people.

Senator Reed.

STATEMENT OF SENATOR JACK REED

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

Let me join you in welcoming General Votel and General Thomas. Like you, I would also like to recognize their families, because, without their families, they would not be able to dedicate themselves to the service and to the soldiers, sailors, marines, and airmen that they lead.

Barbara Thomas and Tony and Michael are here. Thank you.

Also Michelle Votel is here. Thank you very much.

For the benefit of all that are here today, let me say, I think we're fortunate to have two warriors who have fought relentlessly over the last several decades in behalf of the United States before us today.

Both CENTCOM and SOCOM are playing critical roles in helping to ensure our security here at home by addressing threats where they reside overseas. As we covered in some depth yesterday, CENTCOM has the lead for our efforts against a diverse set of challenges ranging from the fight against ISIL in Iraq, Syria, and elsewhere, to preventing the reemergence of al Qaeda in Afghanistan, to helping to ensure Iran is complying with the Joint Comprehensive Plan of Action (JCPOA) while countering the country's malign activities throughout the region.

General Votel, you will take command in a time of tremendous instability in the CENTCOM area of responsibility. I look forward to hearing your thoughts on how you will seek to manage the various conventional and unconventional security challenges that you will face.

General Thomas, you are intimately familiar with the opportunities and challenges facing you as the next SOCOM Commander. Since September 11th, 2001, the men and women of SOCOM have been heavily committed to CENTCOM and have supported the other geographic Combatant Commands, most notably as part of efforts to counter violent extremist groups, stem the flow of narcotics, and build a capacity of foreign partners. Over the last 15 years, SOCOM has also seen its budget more than quadruple and its assigned manpower increase by almost 25,000 personnel. Some have called SOCOM a microcosm of the broader Department of Defense with ground, air, and maritime components, a global orientation, and Service-like authorities and responsibilities. In many cases, SOCOM also acts as the connective tissue between DOD [Department of Defense], interagency elements, and foreign partners. SOCOM's organization and global reach offers many benefits, particularly in addressing transregional issues like terrorism that are not bound by geography. However, as we seek to take advantage of SOCOM's new attributes, we must also ensure appropriate civilian policy and programmatic oversight of SOCOM, especially by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (SO/LIC).

General Thomas, I look forward to discussing the role of SOCOM within the Department and the interagency in supporting the U.S. national security objectives.

The operational tempo facing our Special Operations Forces (SOF) shows no sign of slowing for the foreseeable future. General Votel, you testified at yesterday's posture hearing that critical to all of your efforts is ensuring we preserve our force and families, providing for their short- and long-term well-being. You indicated

that SOCOM's initiatives in these areas have increased resilience, decreased reported symptoms of depression, increased utilization of behavioral health services, and expanded access to timely rehabilitative care. I commend you and your predecessors in taking action to help address the challenges facing special operators and their families. I know General Thomas will continue that effort.

Mr. Chairman, thank you very much.

Chairman MCCAIN. Thank you.

General Votel and General Thomas, there are standard questions that the Committee asks for military nominees. These are standard questions, but, I hope you take the questions seriously. If you would just answer yes or no to these following questions:

In order to exercise its legislative and oversight responsibilities, it's important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[Both witnesses answered that they have not.]

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify, upon request, before this Committee?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly-constituted committee, or to consult with the Committee regarding the basis for any good-faith delay or denial in providing such documents?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Thank you very much.

General Votel, we will begin with you.

**STATEMENT OF GENERAL JOSEPH L. VOTEL, USA, NOMINEE
FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO
BE COMMANDER, UNITED STATES CENTRAL COMMAND**

General VOTEL. Chairman McCain, Ranking Member Reed, Members of the Committee, I'm honored and humbled to appear before you today regarding my nomination to serve as the Com-

mander of United States Central Command. I want to thank President Obama, Secretary Carter, and General Dunford for their confidence in nominating me for this important position.

I want to take this opportunity, right up front, to introduce and recognize my wife, Michelle. I would not be here today without her love and encouragement through our nearly 36 years of marriage. Michelle's tireless commitment to our military families is a constant source of inspiration to many others, and to me. She understands the issues and stresses that come with Military Service, and has united with other spouses to advocate for the families of our brave men and women. I am extremely proud of her and the important work that she continues to do.

Chairman MCCAIN. Welcome.

General VOTEL. I'm also very proud to be seated next to Lieutenant General Tony Thomas, a friend of nearly 40 years, a fellow SOF Commander, and the most experienced Special Operations officer this Nation has ever produced. There is no one more qualified to be the next SOCOM Commander.

I hope that today's testimony proves valuable to the Members of the Committee. You know all too well the numerous and complex challenges that we face in the Central Command region and the difficult and dangerous work that we are asking our extraordinary servicemembers to perform.

From my perspective, the challenges we face in CENTCOM are unprecedented. The immediate threat in Iraq and Syria is an extraordinarily violent terrorist organization that is attempting to govern as a state, is supported by high numbers of foreign fighters, and which propagates an ideology that radicalizes thousands and inspires terrorist action in our Homeland and that of our allies. We are dealing with a civil war, where Syria, backed by powerful expansionist and malign actors in the form of Iran and Russia, barrel bombs its own citizens, creating a humanitarian disaster and fueling large-scale migration across the region and into Europe.

The area is rife with longstanding sectarian issues that breed mistrust and disenfranchisement. I characterize all of these and many others as generational issues. Our current military strategy of working by, with, and through our partners requires both patience and perseverance. As we have seen in Afghanistan, our efforts will include both successes and setbacks. However, in the balance, this approach builds capacity and establishes local ownership over the problem. The United States and CENTCOM play a critical role leading, marshaling, accelerating, and enabling the coalition, while bolstering the indigenous forces who will ultimately provide the solutions, steeling their will and demonstrating our resolve. We have to do all of this while not losing sight of the other 18 countries in CENTCOM or missing the fact that both state and nonstate actors have varied interests in the region, some legitimate, some not, and that the dynamics within the Middle East often have disrupted transregional effects.

I am committed to helping you gain the insight on CENTCOM's strategies, plans, and activities required to fulfill your constitutional responsibilities. In my 20 months at SOCOM, I have learned that, as a combatant commander, I must have a relationship with the oversight committees of Congress that is built on candor, con-

fidence, and responsiveness. I don't want you guessing about what CENTCOM is doing. I would like to assure you that, if confirmed, this commitment to you will underpin everything we do at Central Command. I have also learned the importance of taking full advantage of the authorities you have granted to combatant commanders. To this end, if confirmed, I intend to press the fight and capitalize on opportunities that we identify.

In closing, I am deeply honored to be considered for this position. If confirmed, I look forward to working with this Committee and the entire Congress to address the many challenges we face.

Mr. Chairman, thank you for the opportunity to be here this morning. I look forward to answering your questions.

Chairman MCCAIN. Thank you.

General Thomas.

**STATEMENT OF LIEUTENANT GENERAL RAYMOND A. THOMAS
III, USA, NOMINEE TO BE GENERAL AND COMMANDER,
UNITED STATES SPECIAL OPERATIONS COMMAND**

General THOMAS. Chairman McCain, Ranking Member Reed, Members of the Committee, thank you for the opportunity to appear before you today regarding my nomination to be the next Commander of United States Special Operations Command. I'm grateful to the President, Secretary Carter, and Chairman Dunford for their trust and confidence in nominating me for this position.

I'm honored to be included on this panel with my current boss and classmate, General Joe Votel, with whom I've had a long professional acquaintance and who I deeply respect and admire.

I'm especially pleased that my wife of 32 years, Barb, is able to be here with me today along with her father, retired Rear Admiral Gerhardt, who served this Nation for 33 years.

Chairman MCCAIN. Admiral, welcome. Where did your son go wrong?

[Laughter.]

Chairman MCCAIN. Thank you.

General THOMAS. Also in attendance are our two sons, Tony and Mike, both of whom are West Point graduates and veterans of multiple tours in combat, as well as their wives, Brooke and Christi. Barb has been a constant source of inspiration and support for our entire family, and I could not imagine making this journey without her. She has played an integral role supporting the families of the forces I've been associated with, especially during multiple combat deployments.

I am deeply honored to be considered by the Committee for this position. I firmly believe that Special Operations Forces perform a vital function within the Department of Defense, supporting our geographic combatant commanders and providing our leadership with unique solutions to challenging problems. If confirmed for this position, I look forward to working with this Committee to address the needs and requirements of our Special Operations Forces, ensuring they remain the very best in the world.

Thank you again, Mr. Chairman. I look forward to answering your questions.

Chairman MCCAIN. Thank you, General. Welcome, to your family.

Who stood higher in the class?

General VOTEL. I don't think that's true, Mr. Chairman. I made the top 50 percent possible.

[Laughter.]

Chairman MCCAIN. I think I'll use that line.

[Laughter.]

Chairman MCCAIN. I welcome both of you. These are most serious responsibilities that you're assuming. I know your families and all of us are proud of you.

General Votel, General Petraeus, for whom all of us have the highest respect, said a successful commander must be guided by, "the big ideas about the challenges he faces". This is important, given the state of the Middle East today. My question is what big ideas guide your approach to CENTCOM? How does that lead you to think about the role for the U.S. military?

General VOTEL. Mr. Chairman, thank you.

The big ideas that I think about, frankly, are relationships. What I have learned in my experience at SOCOM is that relationships are absolutely vital to the things that we do, and they have to be sustained, they have to be multilevel, and they have to be routinely engaged upon. I think part of the big idea in addressing the issues in CENTCOM is in continuing to build relationships and continuing to reassure and strengthen the relationships that we have in the region. As we move forward—and if confirmed—that will be an area in which I intend to focus.

Chairman MCCAIN. General Nicholson, the new Commander in Afghanistan, testified before this Committee that the security situation in Afghan is deteriorating. Do you agree with that?

General VOTEL. Yes, Mr. Chairman, I do agree with that.

Chairman MCCAIN. Therefore, would it not be logical, then, to advocate for a conditions-based withdrawal of U.S. troops, as opposed to a calendar-based?

General VOTEL. Yes, Mr. Chairman, I agree with that.

Chairman MCCAIN. Could you tell me if you believe we have a strategy and therefore a policy to defeat ISIL, retake Mosul, and take Raqqa?

General VOTEL. Mr. Chairman, yes, I believe we have a strategy. That said, I do have concerns about our broader strategy against ISIL, about how we are applying resources, about how we are focusing our authorities, about how we are leveraging all of the required instruments of government—of our own and of our partners—in going after that. As I mentioned in my opening comments, our military approach is one of "by, with, and through". We are working with our partners in both Iraq and Syria to address that.

The situation in both of those countries is extraordinarily different, and I've recognized the difference of that. In Iraq, we do have a partner, we do have a government. In Syria, we don't. I am concerned about how we approach this, moving forward in Syria, without a political element to support that. I intend, if confirmed for this position, to look very carefully at our strategy, to ensure that it has the coherence that is required, that we have the resources we need to go after those important locations that you cited, and that we have the authorities to do that.

Chairman MCCAIN. General Breedlove, before this Committee, recently said that Vladimir Putin was weaponizing the refugee situation to break up the European Union. Do you agree with that?

General VOTEL. Mr. Chairman, I do agree with that.

Chairman MCCAIN. Then do you believe that perhaps we should have a no-fly zone in order for refugees to have someplace to go besides going to Europe, where, basically, they're being shut out now, as we speak?

General VOTEL. Mr. Chairman, reluctantly, my answer is no. If I could explain, a moment. First of all, I share in your concern and the Committee's concern on the humanitarian disaster that is in place and the barrel-bombing and other things that are taking place in this area. That said, as I have looked at what the potential options are, I have to do a more complete look at the assessment of those to ensure that they will achieve the end states that we truly desire. If confirmed, I commit to do that. I commit to do it quickly.

Chairman MCCAIN. What's your problem with a no-fly zone?

General VOTEL. Mr. Chairman, I don't have a problem with a no-fly zone. I—what my—

Chairman MCCAIN. Do you think things have been going well for the last 4 years, especially as far as refugees are concerned?

General VOTEL. No, Mr. Chairman, I don't think they've been going well.

Chairman MCCAIN. Don't you think it might be an idea to think about a place where these refugees could go, besides stacking up in places like Greece and others? Don't you think that it might be nice, sometime, to say to a Syrian, "You can go someplace and not be barrel-bombed"?

General VOTEL. I do, Mr. Chairman.

Chairman MCCAIN. Do you think the United States of America has the military capabilities to set up and enforce a no-fly zone?

General VOTEL. I do believe we have the capabilities to do that, Mr. Chairman.

Chairman MCCAIN. There's a editorial in the Washington Post this morning that indicates their view that Vladimir Putin has been achieving most of his goals, including with this cease-fire, to create conditions on the ground which then allow the continued presence of Bashar Assad, which the President, 4 years ago, said he was going to have to go. Do you agree with that assessment, that Vladimir Putin now, with this cease-fire, is creating conditions on the ground which are very favorable to Russia, particularly considering they had no presence in the region as short a time as 2 years ago?

General VOTEL. I do agree with that assessment, Mr. Chairman.

Chairman MCCAIN. I thank you, General.

Again, congratulations to both of you, and we look forward to confirming your nomination.

Senator Reed.

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

Again, thank you for your service, both of you. I think it's fortuitous that both of you have been Special Forces operators, because, as General Votel leaves the command, and, General Thomas, you would assume the command, and one of the major areas of conflict

is CENTCOM, the overlap is striking and important, but there's a further issue here. That's synchronizing counterterrorism operations across many different commands. Your comments, General Votel, not only as the present SOCOM Commander, but prospectively the CENTCOM Commander, and then yours, General Thomas, about how SOCOM can synchronize with other commands to have a worldwide unified effort against terrorists.

General VOTEL. Senator, I think this is a good task for SOCOM. In fact, we have been asked to begin to pull together the transregional approach to how we look at violent extremist organizations, particularly al Qaeda and the Islamic State. One of the advantages that we do have is that we are present in every combatant command through our theater Special Operations commanders, who are under the operational control of the geographic combatant commanders. We have a network that connects us together. We have processes that allow us to assess that. We are working very diligently right now to pull together a framework plan and the processes that will allow us to make assessments and ultimately make recommendations up to the Secretary of Defense on how we prioritize our efforts globally against all of these terrorist threats.

Senator REED. General Thomas, same line of questioning. Your thoughts, please.

General THOMAS. Senator Reed, we are currently pursuing a transregional approach to the ISIL challenge. As a subordinate unit for SOCOM, we're in all the countries where ISIL currently resides, and working across the transregional boundaries with the respective geographic Combatant Commands and up through our higher headquarters in SOCOM. I look forward to reinforcing that collaboration and that effect for the future.

Senator REED. There's another issue, in terms of sort of the structure of our efforts, and that is that, within Department of Defense, the Assistant Secretary of Defense (ASD) for Special Operations Low Intensity Conflict, SO/LIC, has been given what is referred to Service Secretary-like authorities. You both, in your present jobs, have had to work with that structure. Again, your comments on how effective that is. Are there changes necessary? Or in what way could it be improved?

General VOTEL. I think from an effectiveness standpoint, Senator, what ASD-SO/LIC does for us is, they do act as a convening authority within the Department. As we work issues that go across the various Office of Secretary of Defense directorates, they have a great capability to look at that and help coordinate those activities across the Department. That has been extraordinarily helpful for us.

With respect to improvements that then might need to be made there, I think many of the original intended purposes of that have largely been achieved from when ASD-SO/LIC was established. I think, perhaps, that we may look at how we organize that particular element for the future.

Senator REED. General Thomas, any thoughts?

General THOMAS. Senator, in my current capacity, I engaged ASD-SO/LIC primarily through the higher headquarters of SOCOM. However, in the opportunities where we have dealt with them directly, and if confirmed as the SOCOM Commander, I look

to them for two primary functions: oversight and advocacy. I think they perform that role very adequately.

Senator REED. Just a final question. General Votel, we spoke yesterday with General Austin and in your presence, about a Syria train-and-equip force. One of the factors that has always been difficult in Syria, unlike Iraq, is, however you evaluate the Iraqi forces, they're on the field. They're a national force. They have a somewhat political coherence with the government. We don't have that in Syria. That complicates any type of effort we're going to make in Syria, whether it's to prevent refugees, whether it's going to be to degrade and destroy the capacity of ISIL in Syria. Your thoughts, in terms of our train-and-equip? Obviously, we made one effort, which was ended because it was not deemed effective.

General VOTEL. Thank you, Senator.

I agree with your assessment here. The lack of a political entity link to it made it much more difficult. We've learned a lot out of that experience. As General Austin mentioned yesterday, we are moving forward with a revised version of that program.

I think we have looked very, very carefully at it. I think we understand what that is capable of. In my view, I look at it as a thickening effort. I don't look at it in the same way as we did before, as a decisive way of raising a large force. But, I do think it is helpful to have people who have been trained by us, who have the techniques, who have the communications capability and the resources to link back into our firepower. I think that's very helpful in places like the Azaz corridor, along the Mara line. I also think it's extraordinarily helpful in the southern desert, in the Euphrates Valley, here, where we are trying to raise resistance elements. Those give us additional capabilities. They may not be decisive among themselves, but they are important to continuing to present dilemmas to ISIL.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I want to thank you, General Votel and General Thomas, for your service, and the service of your family, in these important positions.

I wanted to ask you, General Votel, yesterday, when you testified before our Committee, you recognized the incredible service of Sergeant First Class Matthew McClintock, who was posthumously awarded the Silver Star for his incredible bravery, for hours, where he fought against a large number of Taliban insurgents and saved so many of his fellow soldiers. We really appreciate his heroism.

As you both know, the lives of our brave servicemembers depend on our ability to conduct successful combat search-and-rescue and medevac capabilities. Also, to the extent we can get to our wounded warriors within the "golden hour," it really makes a difference in saving American lives. General Votel, I wanted to ask you, if confirmed, will you look very closely at this issue, especially in Afghanistan, and ensure that we always have robust combat search-and-rescue capability and medevac plans and capabilities to ensure we get to our wounded warriors as soon as possible?

General VOTEL. Yes, Senator, I will. I share in your concern and the importance of those resources.

Senator AYOTTE. I appreciate it. I think it's something we really have to look at, especially as we're looking at our force posture in Afghanistan. Whatever we do, we need to make sure that that capability is there for our men and women in uniform. I appreciate that commitment from you.

I also wanted to follow up on Afghanistan, about the Haqqani Network. I noted that, in your prepared testimony, you wrote that we remain concerned about the continuing threat that the Haqqani Network poses to our forces and the stability of Afghanistan. You said, in your statement, that we need Pakistan to take more decisive actions against the Haqqani Network. Could you describe for us what actions you would like to see Pakistan take, to the extent you can in this setting? Also, do you believe that Pakistan has to be much more aggressive than it has been in going after the Haqqani Network? Can you tell us where you think they are, vis-à-vis getting at this very dangerous network that is undermining stability and harming us in Afghanistan?

General VOTEL. Thank you, Senator.

First of all, I think Pakistan has a way of communicating to the Haqqani and a way of highlighting to them the disruptive role they are playing in Afghanistan. I think the first thing they need to do is leverage their influence with that particular organization to prevent them from having those particular effects. Secondly, if that does not work, then I think they need to look at conducting the security operations to contain them and keep them from coming across the border and having an impact in Afghanistan.

Senator AYOTTE. To both of you, do you think Pakistan really needs to do more, be more aggressive against the Haqqani Network?

General VOTEL. I think they do. I think we've seen some instances lately where Pakistan has been aggressive in some of the things they've been doing along the border. As we mentioned yesterday, they have been pretty aggressive, they have pushed a lot of fighters into Afghanistan. That's created additional turbulence, but it's also created opportunities for us that we've been able to capitalize on.

Senator AYOTTE. Right.

General THOMAS. Senator, I believe they play a critical role. I'd offer that—in light of the fact this is an open session, I'll be careful about my comments—we've had the closest thing to collaboration and synchronization over this last year with them that I've seen in the preceding decade. We are driving for the essential collaboration with the Pakistanis to ensure they are able to do what they need to do on their side of the border.

Senator AYOTTE. That's important. Thank you.

General Votel, yesterday before the Committee when General Austin was here, and I also noted, in your prepared statement, that Iran has invested significantly in its ballistic missiles program. This is something I addressed with General Austin yesterday. Yet, unbelievably, even based on what happened yesterday, just 1 day later, we had Iran reportedly test fire two more ballistic missiles with ranges apparently of greater than 1,000 miles. Yesterday,

General Austin agreed with me that Iran was not deterred, at this point, based on the JCPOA, with its ballistic missile program. Do you agree with that? How important is it that we address their ballistic missile program? Because, obviously, from what I understand and what DNI [Director of National Intelligence James] Clapper and other officials have said, that would be their preferred method of delivering a nuclear weapon to the United States of America.

General VOTEL. Thank you, Senator.

I absolutely do agree with that assessment that General Austin offered yesterday. All indications are they haven't backed off on anything, and, in fact, may, in fact, be more aggressive in the days since the agreement.

I share your concern about the ballistic missile defense threat. This is certainly an area in which I will have to pay more attention to and learn more about, but what I have seen so far is concerning to me. Just the sheer number, the ratio of their missiles to those of us and our allies is of concern. I do know we have a phased adaptive approach to how we are addressing that, and addressing the qualitative and quantitative mix of that, and ensuring that we have the right balance for the threat. You have my commitment that we will pay very strict attention to that.

Senator AYOTTE. I appreciate it.

Thank you so much, to both of you.

Let me just say, as I said yesterday, we really need to up our sanctions against Iran on the ballistic missile program, because they've done this, even with the anemic sanctions. I think they're proven to be anemic, given their continuing testing of ballistic missiles. I hope that the administration will take immediate action, and, if not, that Congress will act on this ballistic missile program.

Thank you both.

Senator REED [Presiding]. On behalf of Chairman McCain, Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

I want to thank both of you, and your families, for the service you've given to this country. I'm amazed at the quality of people that continue to just keep stepping forward. I want to thank both of you.

General Thomas, I wanted to ask you. I've said in the past, I believe that sending United States trainers and weapons to Syria—I said that weapons to Syria would make us safer. I would support it. I did not then. What I'm hearing from the region, further supports my belief that maybe it hasn't. They decided, in 2015, this administration, to deploy United States Special Ops Forces to help Syrian allied targets, which were ISIL leadership in and around Raqqa. Additionally, United States forces on the ground in Syria are helping to coordinate local militias in providing equipment, intelligence, and training.

I would ask, General, what's your assessment of the performance of the United States Special Operations Forces against ISIL in Syria? What have we done, I'm sure, from an administration standpoint, to tie your hands, to not let you do your job?

General THOMAS. Senator, thanks for that question.

I admit to being biased when you asked me about my assessment of performance of our special operators because I think they've performed extraordinarily.

Senator MANCHIN. I know they're exceptional.

General THOMAS. I'm actually quite pleased with the progress that we've made, especially recently, with the surrogate forces that we've been able to develop in northeastern Syria specifically. As I think you're aware, by, with, and through them, we've been able to secure a swath of terrain that is the size of New Jersey, Delaware, and, most recently, Rhode Island, in and around Shaddadi, so that is a sizable amount of terrain. Just over this past weekend, we think we killed the military emir for all of ISIL in Shaddadi, and I think it speaks volumes about how dire their fight is that their senior military commander was in the thick of it at a relatively tactical location.

Ultimately, I think we're making progress through these surrogates. It has been a tough and formative experience, but I think they're—

Senator MANCHIN. Are the rebels stepping up? I mean, are they capable of doing the job, but just with our instructions and our, basically, helping them through the leadership that we give them?

General THOMAS. Senator, with this specific force that we're working with in northeastern Syria, they have performed very, very well. Every time, they've met their march objective on time or ahead of time, with pretty extraordinary losses. Their losses over this last month were in excess of 75. Now that we're on the ground, we're able to assess the voracity of their reports. They're losing a lot of people to carry the fight against ISIL. I'm impressed with their tenacity.

Senator MANCHIN. General Votel, in testimony earlier this year, General Campbell stated that Afghanistan has not achieved an enduring level of security and stability and that justifies a reduction in our support in 2016. That was why the President's decision to maintain current force levels through most of 2016 was important. No one wants Afghanistan to be the next Iraq. My question would be, as we talk about the need for conditions-based withdrawal of the U.S. Forces, in your opinion, what would these conditions look like? Should it happen?

General VOTEL. First of all, in terms of the conditions that we should be looking at, I mean, I think we should be looking at Afghanistan's ability to sustain their forces, to be able to plan their operations, to be able to provide for their own aerial support, both rotary wing and fixed wing, and be able to do a lot of their own ISR. As General Nicholson highlighted a couple of weeks ago when he was here, there are a number of areas in which they have to make improvements. I think we have to continue to move forward with them. I absolutely support the conditions-based approach as we look to our force levels in Afghanistan.

Senator MANCHIN. Let me just say this also. Prescription drug abuse in my State of West Virginia, all over this country, it's a tremendous concern. It's affecting families and destroying people's lives. Ninety percent of the world's supply of opium poppy comes from Afghanistan. What in the world can we do? What are you all doing? Is there more that we can do to stop this scourge?

General VOTEL. We have, in the past, provided assistance to other U.S. Government agencies that are on the ground and are addressing that particular issue. I think the things that we can do is, continue to highlight to the Afghan leadership, through our influence channels, the devastating impact that drugs has, not only on their country, but on the other countries that are receiving that, and that, ultimately, that drug culture, the cultivation there, leads to a system of corruption that ultimately undermines many of the things that they want to achieve, and certainly the things that we are interested in achieving in Afghanistan.

Senator MANCHIN. General Thomas, what I would ask—on the Special Forces units in the National Guard—and in West Virginia, we have a very Active National Guard, as you know—what can we do to help them understand and train for the ability to dominate the human domain? Do you believe that the National Guard can play and fill that role?

General THOMAS. Senator, I've actually spent some quality time in your State.

Senator MANCHIN. I know, and I appreciate that very much.

General THOMAS. I very much appreciate the contribution of both our Guard and Reserve Forces. They're integral to everything we're doing. I think they are participants in the development of our ability to leverage and thrive in the human domain. I think they're integral to everything—

Senator MANCHIN. You believe that they do create a value for you, and basically are helping in order to be able to meet the missions that are needed, I think, for our country, even at home and abroad.

General THOMAS. Senator, they play a critical role.

Senator MANCHIN. They can. Okay. Thank you very much.

Thank you, Mr. Chairman.

Senator REED. On behalf of Chairman McCain, Senator Fischer, please.

Senator FISCHER. Thank you, Senator Reed.

Hello, gentlemen. It's good to see you. I thank you for your service and your willingness to continue to serve the people of this country and also the troops that are working with you on the support mission.

General Thomas, as you know, ISIL operates across combatant command boundaries and our counter-ISIL fight is spread between different commanders across each of these various regions. Are you satisfied with the level of coordination and the consistent policy guidance on our global fight against ISIL, or are you concerned that our approach is possibly too segmented?

General THOMAS. Senator, as a military commander, I probably share the concern of your comments there, that we're never fast enough. We're always endeavoring to make decisions faster and to stay ahead of the enemy cycle. It is admittedly challenging across geographic combatant command boundaries, more so even with the countries we're dealing with, five failed states that underpin those locations. But, we are endeavoring to work that collaboration piece as aggressively as possible.

I think we're making progress, but it's, admittedly, challenging.

Senator FISCHER. As you move into your new position, if you're confirmed, would you look to possibly see changes, where we're able to address this in a faster fashion?

General THOMAS. Senator, if confirmed, I would look to reinforce the initiative that General Votel has already begun. I think you know that SOCOM has been tasked—first of all, they have a historic role, a historic requirement to synchronize Special Operations activity. That was already inherent in SOCOM. General Votel's been asked, and I've been part of the dialogue in developing the processes where we can do that better for the future. I think SOCOM can play a critical role for that.

Senator FISCHER. We see in recent reports that are suggesting that ISIL's directing their foreign fighters not to go to Syria. They're instead suggesting that these people travel to Libya. The main reason is because I think the forces there are under less CT [counterterrorism] pressure. How can we better address that weakness that we have? If ISIL's exploiting it again, how can we address that? I know that there's issues that are being addressed, that we can work on it, but I certainly hope you're willing to look outside the box a little so that we can get in those areas where I realize the danger is greater, and I realize events on the ground and not having a government to work with in Libya does make it easier for these forces to go there, but we have to meet that challenge.

General THOMAS. Senator, I share your concern. Over a decade ago, when we first addressed the al Qaeda problem when it first blossomed, there was a stated concern that if we're too successful, they might go somewhere else, the squeezed-balloon analogy. In fact, I think that's what's happened, where they have moved to ungoverned spaces—Libya, specifically, as you cite. We have had some effects there recently, and—given the nature of this open forum, I would prefer to discuss those in a closed session. But, we are making some inroads there, in terms of establishing the framework for what we need to do against the ISIL threat that has developed in Libya.

Senator FISCHER. Thank you.

General Votel, yesterday General Austin mentioned the Syrian train-and-equip program, that it was going to be restarting and the Department would be training individuals and then returning them to augment the capabilities of the various groups. How does the vetting for this program work? Do we vet only individuals, or do we vet the groups, as well?

General VOTEL. Senator, we are vetting specifically leaders that are associated with the groups.

Senator FISCHER. Are the individuals and the groups required to attack ISIL and forego the attacks on Assad? Is that a requirement?

General VOTEL. What we are doing is, we are trying to recruit from organizations that are focused on ISIL naturally. We're trying to avoid the problem that we had the last time, where we didn't know what their allegiances are. Certainly, our mission is ISIL. It is our intent that they help with the ISIL mission.

Senator FISCHER. Right. But, would that limit the pool?

General VOTEL. I think that it does.

Senator FISCHER. Are these individuals required to commit to promoting respect for human rights and the rule of law? Does that come into the vetting process?

General VOTEL. That's a key part of the training period that we provide to them.

Senator FISCHER. It has been reported that there are some Kurdish groups out there that have attacked United States-supported groups. Do you believe attacking other U.S.-supported elements of the opposition should disqualify a group from receiving U.S. assistance?

General VOTEL. Yes, I do. I think it works contrary to our purposes, in terms of what we're trying to accomplish.

Senator FISCHER. Okay. Thank you, sir.

Chairman MCCAIN [Presiding]. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

General Votel and General Thomas and your families, thank you very much for your sacrifice and service.

General Thomas, the current threat environment and our strategy has really increased the demand on our Special Forces, and there are also significant costs, in terms of time and resources, in developing Special Ops compared to developing and maintaining regular combat units. In your view, what is the impact on morale and readiness to our SOCOM troops as need for Special Forces increase? Should you be confirmed, what is your plan to provide a sufficient Special Operations Force structure to support SOCOM's many missions while maintaining sufficient dwell times?

General THOMAS. Senator, thanks for that question.

Clearly, sustaining this magnificent force is a focal point for all of us, both in my current capacity and through our higher headquarters at SOCOM. I want to thank the Committee for the tremendous resourcing we've had to establish the programs, to sustain the force psychologically, spiritually, and physically. It's been extraordinary.

You mentioned we are pursuing an OPTEMPO [operational tempo] that none of us forecasted to be this far into the fight. It has put absolute pressure on the force, in terms of, you know, just the ability to sustain individual capacity and, you know, through their families. It's clearly a focused force for the future. But, again, I'd like to thank you for the resources that you all have provided.

Senator HIRONO. Where are we with regard to—again, General Thomas—with regard to recruiting and retaining the Special Operations community? Can you break this down by Service?

General THOMAS. Senator, to date, and it's really telling, in terms of the quality of the people that are still attracted to this line of work—we are still meeting all our recruitment objectives. We have not had any difficulty, so far, sustaining the force, in terms of recruitment and development of special operators.

Senator HIRONO. Thank you. That's good to know.

Again, General Thomas, General Votel spoke yesterday of SOCOM's presence in the Asia-Pacific, our bilateral activities and close relationships with our partners and in the success and stability of the region. For what you can describe in this unclassified setting, what would be your top priorities in the Asia-Pacific if con-

firmed as SOCOM Commander? What do you perceive as the most important duties of SOCOM in the Asia-Pacific region?

General THOMAS. Senator, I monitored the proceedings yesterday, and your question to General Votel, and agree with the criticality of staying engaged in the Pacific region. Specifically, I think we have to keep an eye on Korea and the Special Operations capabilities that are pertinent to that problem. Tangentially, I think weapons of mass destruction, as they flow and as dual-use technology flows through that theater, through the Pacific, I think, are an area of interest, as well.

To General Votel's point, the criticality of continuing to develop relationships, both those that are currently established and future relationships that will make us more potent than just our individual capabilities.

Senator HIRONO. General Votel, would you like to add anything to what General Thomas just said?

General VOTEL. I would, Senator, I think one of the areas that we do have to pay attention to—and I agree with the priorities that General Thomas just laid out—I do think we need to pay particular attention to some of our allies who feel threatened or whose security is being threatened by China and some of their activities in the South China Sea, the East China Sea. I think this is an area—our reassurance, our continuing relationships with them, I think, are extraordinarily important.

Senator HIRONO. Have we given you enough resources to maintain those relationships and build upon those relationships, particularly, of course, with Japan, the Philippines, and South Korea?

General VOTEL. Senator, in my view, you have. As I mentioned yesterday, we really have not left the Pacific. While we've done a variety of other things, we recognize the importance of that area, we recognize the importance of those long-term relationships there. We have continued to do that. Our command that is out there, that region is the only area where we have two general officer theater Special Operations Command, because we consider it to be so important. I do think we do have the resources we need out there.

Senator HIRONO. General Votel, maybe I can just get a commitment from you on this question. Secretary Carter has decided that the military occupations and positions should be open to qualified women, without exception. Should you be confirmed, you would have a commitment to implementing this directive in your command.

General VOTEL. Absolutely. You have my commitment, Senator.

Senator HIRONO. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

Thank you, gentlemen, very much for being here today.

Michelle, it is really good to see you again. Thank you so much.

Barbara, very nice to meet you and your family, as well. Thank you all for being here today.

As you know, gentlemen, my husband served for many years in the Special Operations community, and I'm very proud of my husband and of his service. I was very blessed to be part of the Special Operations community as a spouse. I do understand the challenges,

and I know them firsthand, with having a loved one serving in Special Operations and the challenges that come along with the families that are engaged in that fight from the home, as well.

With that said, I am a strong supporter of SOCOM's preservation of the force and family initiatives, and I'm glad to see that SOCOM has done so much to support our Special Operations families and our wounded warriors through these programs, as well.

Earlier this year, I did have the opportunity to visit Fort Bragg. While I was there visiting with a number of our operators, I had the great opportunity to go to the Tactical Human Optimization Rapid Rehabilitation and Reconditioning Facilities, otherwise known as THOR-3. Don't tell anybody, but I was able to go do PT [physical training] while I was there with a number of folks, and one special wounded warrior, who is a great friend of mine from Iowa State University, and was able to see those facilities. They are amazing. I will tell you, I have both of my God-given original legs. My friend only has one, after a trip to Afghanistan. I'm not ashamed to admit that he kicked my backside pretty good in these facilities. But, it is my hope that, with this wonderful opportunity our special operators have, it is my hope that we can further expand these facilities, not only to those that are existing operators, but those that are trying to return to the fight after being wounded, as well.

I would love your comments, gentlemen, about THOR-3 and the advantages it gives to our Special Operations communities, and then also what more can we do, as Congress, to support the THOR-3 initiatives, if you can give us guidance on that, please.

General VOTEL. Let me start, Senator. First of all, thanks for your strong support in your service as a SOF spouse. It is good to see you again.

Senator ERNST. Thank you.

General VOTEL. I think the THOR-3 facilities are extraordinarily important to us. They provide us a location that's in our unit areas, with trusted providers that our operators and our members know and feel comfortable going and having their problems addressed. Of course, our objective, here, with those who are wounded, injured, or ill, is to bring them back to full capability. We want them on the team, and that's what they want. I am very, very pleased just at the importance that these have in doing it. By the way, it gives us a place where we can bring the other aspects of our program—the social, the psychological, the spiritual aspects—all in one place. Extraordinarily important.

I think the thing that Congress can continue to support us on, first of all, is continuing the funding for these programs, and then, second of all, for the military construction projects that are remaining for those that we still need to build. We have been well supported in this, and you have my great thanks for that. We will ask for more in the future. We would appreciate the continued support of Congress for that.

Senator ERNST. Thank you, General Votel.

General Thomas?

General THOMAS. Senator Ernst, I'd again like to thank you for the considerable resources that the Committee has provided to effect program like the THOR program. Our organization represents

a legion of very, very satisfied customers for the services that you provide. I would offer, if I were speaking for them, that they would comment that it's probably the most profound example of the investment in the well-being of our individual servicemembers. Again, I'd like to thank you. General Votel, most expertly covered the things that we'd hope you sustain into the future.

Senator ERNST. Thank you very much, gentlemen. Thanks, to your families, for being here today, as well.

I just want to emphasize to my Committee Members, as well, here, those that are still remaining, it is a phenomenal program that THOR-3 provides for those operators, and I do hope that we continue to provide resources and help them get back into the fight, as well as help those that are continuing in the fight.

Thank you very much, Mr. Chair.

Chairman MCCAIN. Knowing you, Senator Ernst, I'm sure we will.

Senator King.

Senator KING. Thank you, Mr. Chairman.

General Votel, I cannot recall a time when a individual has appeared before this Committee 2 days in a row. You should examine your former life to see what it was that made you deserve such treatment. But, we're delighted to have you here.

I'd like to go back to the Chairman's opening statement and those questions that he asked. It's unbelievably important for you gentlemen to give your unvarnished, best advice up the chain of command, which, in your case, is only one step to the President. Your expertise, your whole careers have been developing knowledge and competence and awareness and intuition about all of these multiple challenges that we face. It is so important that you give that clear advice. If you don't, our leaders can't lead. They have to have people who are willing to tell them the truth, who are willing to push, if you will. This isn't really a question, but you've already said yes to this question, and I just want to emphasize how important it is. We can't have good policy, particularly in the field of foreign policy and military affairs, if people in your position aren't borderline obnoxious about making your views clear to our elected leaders. I want to commend that to you.

A kind of paradox of our involvement in the Middle East is that we clearly have an important role to play. We have important responsibilities. It affects the national interest. On the other hand, to some extent, I fear that we enable some of our allies in the region to not meet their responsibilities, because we're always there. We've talked about the problem of an army in Syria, for example.

General Votel, reflect on that. Do you see what I mean about the paradox? We need to lead, we need to be there. But, if we're always there, then the other folks can stand back and say, "Okay, the Americans are going to take care of this, and maybe we'll pay for a few sorties, but we're not going to get our hands dirty."

General VOTEL. Senator, I agree with your assessment on that. I do think that is a byproduct of the way we approach many of our regional problems. I think we have to, in some cases, exercise some tough love with some of our partners, here, to ensure they develop the capabilities and the follow through to sustain those and main-

tain those for the long term so that they can take care of their security requirements.

I absolutely agree with you on that. If confirmed, I do look forward to conducting my assessment of the region and where there are areas where our activities are contributing to that, and then looking at how we mitigate that and get the focus back on where it needs to be.

Senator KING. The particular issue of concern to me is the issue of ground troops. We're not going to defeat ISIL strictly from the air. I think everybody knows that. I don't think any war has ever been won strictly from the air. Yet, for us to put in ground troops, whether it's in a large increment or little by little, is exactly what ISIL wants. The army that defeats ISIL has to be, it seems to me, a regional Muslim-based army, Arab-based army. We just have to develop strategies for getting the regional powers more engaged. Would you comment?

General VOTEL. I would absolutely agree with that. I think part of our challenge here is making sure we look at the various interests and objectives that each of the different countries has in that region that contribute to the problem that you're highlighting right here. I look forward, if confirmed here, of trying to bring some coherence to that with the partners that we have invested in for a long period of time and who should continue to play the leading role in their own area.

Senator KING. I appreciate that.

A quick question on Afghanistan. It seems to me that one of the gaps in the strategy is that, as we draw down and the authorities of the people that are there, the missing piece is air for the Afghan forces. They are at the very beginning of developing an air capability. What are your thoughts about some residual close air support for some reasonable period of time so we don't have a 2-year gap, if you will, where we're gone, the Afghans have no air support, and the Taliban is resurgent.

General VOTEL. Senator, I agree with you. I think their air support, both rotary wing, fixed wing, ISR, their lite strike capability is a lagging development. While we have programs, we are moving in the right direction, I think it is going to take some time. I think it is absolutely critical that we continue to provide those resources so, while that is being developed, we don't even further—

Senator KING. We don't have a gap.

General VOTEL.—we don't have a gap and we don't incur further problems in the security environment because of that.

Senator KING. I hope you will articulate that, this is a subtlety of the policy, but I think it's a very important one, and I hope that will be also conveyed up that short chain of command that you guys are involved with.

General VOTEL. Thank you, Senator.

Senator KING. Gentlemen, thank you very much.

Chairman MCCAIN. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Thank you both for your service. Thank you for your families' service, as well.

Lieutenant General Thomas, I want to ask about the training that is provided to our special operators. Given the increased chal-

allenges and the rising use of our special operators all around the world, what kinds of additional training, what kinds of upgrades in training do you contemplate providing to our special operators?

General THOMAS. Senator, a key aspect of the preparation of our forces is obviously the cycle of sustaining them as combat is regularly on their schedule. I think that we have very aggressively approached that sustainment aspect for our forces, in terms of, you know, complete review of the psychological, spiritual, and physical composition of our operators, of our teams in the wake of their service overseas and as we sustain them for the future fight. It's integral to everything we're doing right now, so it's absolutely part of the program.

Senator BLUMENTHAL. What kinds of attention—I know it's common among all the Services to give increased attention to post-traumatic stress. You mentioned the emotional, as well as spiritual, challenges they face. But, obviously, with the increased number and intensity of deployments, post-traumatic stress is an ongoing challenge.

General THOMAS. Senator, the continuing challenge—and this won't be a surprise to you—is reducing the stigma of leveraging the capabilities that you all have afforded us to array around our forces. We have the right professionals, we have the right, you know, folks that are available. It's really compelling our leaders and our individual members to avail themselves of those capabilities. Again, beating that stigma down, that it doesn't convey that you are less valuable to us; in fact, it conveys you're more valuable to us that you've self-assessed and you're inclined to use the great professionals that are available.

Senator BLUMENTHAL. With special operators, there may be less reluctance, or more reluctance—I don't know which one would apply—General Votel, if you have perspective on that.

General VOTEL. No, I think you're right on it, Senator. I think with Special Operations, it is a peculiar problem. The number-one message that we have tried to send throughout the Special Operations Command on this problem is that it is absolutely normal and expected to ask for help. The reason we have made these investments, the reason we have these people in the organizations is so you can get the help. I actually think that message is resonating. I agree with General Thomas, that this is an area we have to continue to push on. But, this idea of making it normal and expected to ask for help is beginning to resonate with the force. I think we have to continue to push that.

Senator BLUMENTHAL. Thank you.

I know that you've been asked about Iran's ballistic missile program, and that you're going to be giving it attention. I've continuously condemned Iran's ongoing ballistic missile program for ignoring its international obligations under the U.N. Security Council resolutions. I think that increased and intensified sanctions are necessary. Would you support those kinds of increased and intensified sanctions if Iran continues with the present program?

General VOTEL. Yes, Senator, I would.

Senator BLUMENTHAL. Are there additional steps that you think we can and should take?

General VOTEL. I think, frankly, we should continue to try to expose Iran for the role they are playing in fomenting other things that are happening in the region. We spoke earlier about barrel-bombing by the Syrian regime, a regime that is supported by both Russia and Iran. I think they should be held accountable for their support to a regime that does that to their people. I think we should use the full measure of our resources—information, diplomatic, others—to bring that to people’s attention and hold them accountable for the actions that they are perpetrating.

Senator BLUMENTHAL. Are you satisfied that we have sufficient intelligence and surveillance to verify Iran’s compliance with the nuclear agreement?

General VOTEL. Senator, I can’t say that I am, because I don’t know all the details of the program yet. I’m aware of some aspects of it. I don’t think I can give you a complete answer at this particular time. It certainly will be something that I will look into if confirmed and assume the position.

Senator BLUMENTHAL. Thank you.

Thank you both for your service. I look forward to hearing more from you in the years ahead.

Thank you very much, Mr. Chairman.

Chairman MCCAIN. Senator Cotton.

Senator COTTON. Gentlemen, thank you both for appearing before the Committee today, for your many years of service, and being willing to serve again in these new roles.

General VOTEL, I want to ask you a question related to the role for which you’ve been nominated, to Central Command. You heard me speak to General Austin about this yesterday. Is Russia achieving its military objectives in Syria?

General VOTEL. I think that it is, Senator.

Senator COTTON. Can you elaborate?

General VOTEL. I think they are very keen to ensure they have a long-term presence in the area. They certainly want access in the Mediterranean, they want to be a player in that part of the area, and they want to be a player at the table with us. I think they are moving in the direction where they could potentially achieve all of those objectives.

Senator COTTON. What will be the long-term security implications if a Assad regime more dependent than ever on Russia grants unfettered access for Russia to its bases in western Syria, unfettered access that could involve anti-access aerial denial weapons for the eastern Mediterranean and the Suez Canal, recognizing, as we discussed yesterday, that this puts you at the seam of both AFRICOM [United States Africa Command] and EUCOM [United States European Command]?

General VOTEL. Right. I think you just highlighted one of the key concerns, here, the access control piece. I think it also portends some potential problems here than may linger between Russia and Turkey, for example, an important NATO [North Atlantic Treaty Organization] ally and, by the way, on the flank of NATO, on the southern flank of NATO. I think it lays out some fairly considerable concerns for us that we have to pay attention to in an area of the world that we consider to be very important, not just for the Middle East, but for Europe and Africa, as you mentioned earlier.

Senator COTTON. Be quite dangerous if, for instance, Russia and Assad were supporting the PKK [Kurdistan Workers' Party] inside of Turkey, and the implications of what that might mean for Turkish action in Syria and the invocation of Article 5?

General VOTEL. Sure. Absolutely, Senator.

Senator COTTON. General Thomas, I want to turn to you to a question for the role to which you've been nominated, Commander of SOCOM. General Votel, you might chime in on this, given that you currently fill that role. I know that, with Senator Hirono, you were speaking briefly about China and the South China Sea. I want to ask if you could elaborate on that. Specifically, do you feel that there is a role for a persistent presence of Special Operations Forces in and around the South China Sea to reassure our allies and to confront some of the Chinese aggression in that region?

General THOMAS. Senator, while I admit that that's not my area of expertise at the moment, other than the Korea niche that my current unit is deeply involved, I do believe that there's a critical role for Special Operations, especially towards both the establishment and maintenance of relationships relative to our assigned mission set.

Senator COTTON. General Votel, do you have anything to say on that question?

General VOTEL. I agree. Senator, I would look forward to an opportunity to talk with you about some of the things, perhaps in a different setting than here. But, what I can say is this, is that we are extraordinarily grateful for the investments that Congress has allowed us to make in a number of our maritime platforms. We are going to significantly upgrade all of our maritime platforms from naval special warfare. It's starting now, is continuing over the next several years. In my view, this will provide some very good capabilities to support Admiral Harris's requirements out in that very important part of the world.

Senator COTTON. Thank you.

General Thomas, question about budgets. We live in a time of, unfortunately, restricted budgets for our military. In many cases, Members of Congress have said that we want to fully fund, or even increase funding, for Special Operations Forces. You've seen some budgets that have made some improvements in that area. Could you describe, though, the extent to which you in this future role, and Special Operations Forces more generally, depend, not just on their own budgets, but on the budgets of conventional forces that are facing unprecedented pressures?

General THOMAS. Senator, first of all, I'd like to thank the Committee for the extraordinary funding that we receive. In my current capacity, we lack for nothing, in terms of resources, to address the current fight.

Having said that, and as I think you know, we live and we incur some risk by living in an OCO [Overseas Contingency Operations]-funded paradigm, where 50 percent of my budget is OCO. It's reliable, but it's on a by-year basis.

To your point about reliance on the Services, Special Operations, both my current command and, if confirmed as the future SOCOM Commander, I can't emphasize enough, is our reliance on our sister Services. There's nothing we do that we don't derive critical sup-

port from them. Budget constraints on them will have at least an indirect impact on our ability to conduct our missions.

Senator COTTON. Thank you.

I want to look back, finally, at experiences you both had as junior officers. I believe you both served in Panama. General Thomas, I believe you served in Granada. We look back on those times now and say those were relatively surgical operations in which we achieved our military and political objectives and withdrew from the country promptly. Many observers say that we should do that today in places like Afghanistan, Iraq, Libya, and so forth. As you reflect on those times, can you say why the war we face now is different from those operations in Granada and Panama?

General VOTEL. Senator, let me start.

I think the situations in which we are injecting ourselves into are significantly more complex than some of the situations that you outlined here. There are sectarian issues, there are great power issues, there are civil war issues, there is terrorism. I think those make the situations in which we step into extraordinary complex. I think it highlights for us—the lesson I learned is—reflecting back on my early experience and what we see now is the decision to commit U.S. Forces to an area is an extraordinarily important one, and it's not one that can be taken lightly or with the view of getting in and getting out quickly, because we have to be able to sustain it, we have to be able to persevere with our partners, and we have to be able to see it through to the objectives that we want to achieve.

General THOMAS. Senator, to dovetail on General Votel's comments, you're making me go back 30-something years, in terms of the successive efforts we've had from Granada, Panama, Somalia, Desert Storm, Bosnia, et cetera. You know the history. The complexity has built as we've gone to the current. I can't imagine a more complex set of threats than we're currently facing.

The challenge, though, that I would offer relative to those first—those formative experiences, which really helped us become the force we are now, I think that in the critical phase that arguably is the hardest is war termination, how you finish what you start, how you complete, how you do work yourself out of a job, in terms of, you know, your security requirements, back to Senator King's discussion about the leadership role that the United States plays before, during, and after these challenges. That's the perennial challenge, in my mind.

Senator COTTON. Thank you both.

Chairman MCCAIN. Senator Heinrich.

Senator HEINRICH. Thank you, Mr. Chairman.

General Votel, General Thomas, I want to thank you both for being here, for your service, and especially for your unvarnished opinions on these matters. We really do value that enormously.

General Votel, I think it's pretty safe to say that all of us on this dais support, relentlessly but also intelligently, as Senator King alluded to, the targeting of ISIL through their resources, their finances, their infrastructure. As we've seen coalition airstrikes now, on the order of almost 11,000 strikes, have a significant damage on their ability to expand territory and strengthen their hold, we've seen success in them cutting pay and benefits, as well. But, that

said, we have a very long way to go. I want to ask you a fairly straightforward, but obviously complicated, question. Do you believe you have the authorities and the resources necessary to continue prosecuting this war against ISIL and to their elimination?

General VOTEL. Senator, thanks. I think the answer to the question is probably no. We certainly have the authorities we need to have right now to go after the targets that we have and the operations that we are doing. But, as we've talked about, there are other operations that we are going to do. We are going to focus on Mosul at some point. We are going to focus on Raqqa at some particular point. I do believe those will take additional resources. I'd look forward, if confirmed, to getting in position and making sure I understand the situation on the ground and what the requirements are, and advocating for the right resources for our people to have to accomplish the missions that we are asking them to do.

Senator HEINRICH. We very much appreciate your advice on that front. I think it takes us back also to the issue that Senator King brought up about having the right ground forces in place to be successful in this long term. I want to ask you what your thoughts are on how you plan to encourage our Arab allies to fulfill their portion of this coalition effort.

General VOTEL. Thanks, Senator. I look forward to that engagement, if confirmed, as well. I think this is an extraordinary task that we will have to do. I think it goes to ensuring that we look at the objectives that we share with our partners. Once we can agree on those objectives, looking at how we bring together, collectively, the resources that go after that. I really think a key aspect of this is, begin to bring coherence to our overall approach to the region and to the problems that we share. Certainly, everybody has their own view on the particular problems, what is affecting their interests. But, I think what we have to do, and what I have to do, if confirmed as the CENTCOM Commander, is try to do my very best to bring coherence to that and identify the big problems that we have to come together to solve, collectively.

Senator HEINRICH. Right.

I want to switch gears a little bit and ask you, in particular, about the V-22 Osprey, which has really fulfilled a very unique role in a number of our operations. It's also suffered some losses and some maintenance issues as a result of that tempo. We've seen some of those come offline, yet there's no funding for additional aircraft to replace those losses. I want to get your opinion on, you know, what is the right number of V-22s to be able to do the kinds of jobs that you're going to need to do. Are we meeting that need?

General VOTEL. Thanks. Thanks, Senator.

First off, let me just say, that is a magnificent platform that has been a game-changer for us in some areas, here.

Senator HEINRICH. Yeah.

General VOTEL. Its speed, its ability to move and get into areas that weren't accessible to us before is extraordinarily important.

I think the number we have right now, which is 50, meets our requirement. I am concerned, however, that we don't have ready reserves for us, that we don't have a stockage of V-22s—as you know, we did lose one, and being able to replace those. We currently don't have a developed requirement for that. I do know Air

Force Special Operations Command has begun to look at that. We look forward to addressing that requirement and identifying that particular number.

My personal opinion is, I think the number is probably in the range of three or four that we need to have. It certainly would augment the schoolhouse, but it would also give us a ready reserve if we do lose aircraft.

Senator HEINRICH. Do you have any additional thoughts on the particular role that's performed, in terms of long-range personnel recovery? I'm curious if you would see a potential for Air National Guard units to be able to help in that sort of long-range personnel recovery mission for both the title X and also, for that matter, the Homeland security responsibilities.

General VOTEL. I absolutely do see a role for our Reserve-component elements doing that. In fact, I'll just tell you, I think Air Force Special Operations Command does this as good or better than everybody in SOCOM, in terms of how they've integrated the total force into how we do that. I absolutely agree with that. I do think that, as we've talked about earlier, the personnel recovery mission is an extraordinarily important one, and it is one that this particular platform that we just talked about, the V-22, is uniquely designed for. Its ability to dash, its ability to get there, its ability to carry a load out and get people back to where we need them is exceptional. I do think we should continue to look at that, and I look forward to supporting that approach.

Senator HEINRICH. I look forward to working with you on that. I want to thank you both for being here today.

Chairman MCCAIN. General Votel and General Thomas, is there any doubt that ISIL is metastasizing in different parts of Africa, such as Libya? We now see an upturn in participation and actions by Boko Haram?

General VOTEL. Mr. Chairman, there's no doubt in my mind that they have metastasized. We're tracking at least eight established provinces right now.

Chairman MCCAIN. General Thomas, it seems to me that this argues for more Special Forces presence on the ground, especially in a country like Libya.

General THOMAS. Mr. Chairman, we'd agree with your assessment there that that particular part of ungoverned space requires, potentially, unique Special Operations solutions, and we're attempting to provide those options to the chain of command.

Chairman MCCAIN. Is the key to it to match up with local forces that are opposed to ISIL, or is it to have hit-and-run operations, what kind of activity would Special Forces be engaged in? What would be their objectives in a place like Libya?

General THOMAS. Mr. Chairman, I think, ultimately, we don't succeed unless there's some reformation of the government there. As you know, it's absolutely ungoverned at this moment in time, although there is considerable progress, in terms of diplomatic initiatives. I think the primary role, the principal role, arguably, from our Special Operations approach, would be to identify the organizations that we can work with that may provide the security apparatus that would be affiliated with the future government of Libya. There are opportunities for kinetic—you'd categorize them as dash-

and-run-type operations—there are some kinetic opportunities there, but I think they would be merely to shape the overall approach.

Chairman MCCAIN. But, there are organized groups that you could have operations with in Libya?

General THOMAS. Yes, Mr. Chairman. We've already identified some formative organizations that we hope to be able to work with in the future.

Chairman MCCAIN. Does that have anything to do with these two different governments?

General THOMAS. Mr. Chairman, it's cognizant of the competing equities in that country, in terms of reforming the government, but it's completely synchronized with that effort. In fact, it's informed by the State Department effort there.

Chairman MCCAIN. Recent Boko Haram activity seems to indicate that they are increasing in their lethality. Is that your assessment?

General THOMAS. Mr. Chairman, I think they've presented a pretty consistently lethal organization.

Chairman MCCAIN. But, hasn't there been a step up recently of their operations and activities?

General THOMAS. I think they have attempted it. I think they've also suffered some serious losses from the Nigerian Government, as well. We're most concerned about their intent to potentially migrate—metastasize, as you mentioned earlier—and affiliate with either ISIL in Libya or with al Shabaab in Somalia. We're very attuned to that.

Chairman MCCAIN. There's only one other comment that I would make, and that is that, when you tell these young men that they can't attack Bashar Assad and Syrian forces that have been slaughtering men, women, and children with barrel-bombing, I think ISIL is, you know, among most evil on Earth. ISIL isn't barrel-bombing the men, women, and children. Bashar Assad is. To somehow, therefore, expect these young Syrians that we're recruiting and training to only go after ISIL—thought we learned that lesson before, when we went down to, in the words of General Votel's predecessor, four or five moderate forces after spending \$43 million. I hope we're not going to repeat that experiment, General Votel.

General VOTEL. No, Mr. Chairman, I agree, that is signature lesson learned of the original version of the program, and is one we are attempting not to repeat.

Chairman MCCAIN. Senator Cotton, did you want to ask another question?

Senator COTTON. One question. I just realized, General Votel, you were the commander of 75th Ranger Regiment at the start of Operation Enduring Freedom?

General VOTEL. I was, Senator.

Senator COTTON. General Thomas, you were the commander of 175 at the start of Operation Enduring Freedom.

General THOMAS. Yes, sir, I was.

Senator COTTON. Must have been quite the time together. Do your O-5s and O-6s today have the same kind of delegated deci-

sionmaking authorities that the two of you did in the early days of the war on terror?

General VOTEL. Actually, I think, in some cases, they have as good or better delegated authorities, dependent upon the areas in which they are operating.

General THOMAS. I agree with General Votel's assessment. I'd also add that they're more talented than we were back then, so they're more capable of using those authorities.

Senator COTTON. Thank you.

Chairman MCCAIN. Time after time, we see recommendations from your level to the White House. It isn't that they're rejected. We see that there's no answer. Classic example is the fuel trucks that I mentioned before, that, for 16 months, traveled with impunity, ferrying oil for ISIL. We waited 16 months before attacking one of the major sources of revenue for ISIL. A lot of my constituents don't quite understand that. It's my understanding that it wasn't that you were prohibited. It's my understanding that it just didn't happen, that the decision didn't come. Are you aware of that, General?

General VOTEL. Senator, I am not aware of the details that surrounded that decisionmaking to target those specific vehicles.

Chairman MCCAIN. You are aware that, for 16 months, that they, with impunity, ferried oil to places where they could gain millions of dollars' worth of revenue.

General VOTEL. I——

Chairman MCCAIN. You are aware of that.

General VOTEL. I am aware that they had an architecture.

Chairman MCCAIN. That sometimes is frustrating to some of us.

We're awaiting the presence of Colonel Graham, retired, thank God—and he's supposed to be here in the next couple of minutes, so we'll give him——

I'm just not going to hold up the Committee any longer. I'm sorry, I'm not going to wait for Senator Graham, I'm sure that you will be relieved to know.

This hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

[Prepared questions submitted to General Joseph L. Votel, USA by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater-Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy in the 21st century.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater-Nichols Act provisions?

Answer. From my perspective, Combatant Commands (COCOM) are appropriately structured for both peacetime and combat. Combatant commands have served our Nation well in the planning and conduct of military operations. While it is true that

JTFs are commonly used to direct combat operations, waging and managing wars requires Combatant Commands. Combatant Commands also are uniquely structured to prevent wars, and if necessary synchronize between numerous, simultaneous campaigns that cross COCOM boundaries. While I agree that we should seek to streamline, simplify, and reduce duplication of staffs at all levels, I believe we should be careful about moving to an organization where the JCS becomes too operational and directive to the COCOMs.

Question. In your view, what modifications to the Unified Command Plan (UCP), if any, would enhance the warfighting effectiveness of the Department of Defense?

Answer. CENTCOM has been heavily involved in both the 2013 and 2015 UCP review process. Working together with the services and other Combatant Commands, we have provided a comprehensive list of recommended changes to the UCP. These have been forwarded to the Secretary of Defense for his consideration. I don't want to get ahead of Secretary Carter by mentioning any specific proposals at this time. Additionally, we are actively participating in the work groups associated with the Department of Defense Organization and Responsibilities Review and are providing our inputs through those working groups.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense, and from the Secretary of Defense to the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Central Command (CENTCOM), to the following officials:

The Secretary of Defense.

Answer. Subject to direction from the President, the Commander, U.S. Central Command performs duties under the authority, direction and control of the Secretary of Defense. In addition, the Commander, U.S. Central Command is responsible to the Secretary of Defense for the preparedness of the command to carry out its missions.

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

Answer. The Chairman is the principle military advisor to the President, National Security Council, and Secretary of Defense. Section 163 of title 10, U.S. Code, allows communication between the President or the Secretary of Defense and the combatant commanders to flow through the Chairman. As is custom and traditional practice, and as instructed by the Unified Command Plan, I would communicate with the Secretary through the Chairman of the Joint Chiefs of Staff and the Vice Chairman in his absence. I anticipate a close dialogue with the Chairman and Vice Chairman on all significant matters.

Question. The Service Secretaries and Service Chiefs.

Answer. The Secretaries of the Military Departments are responsible for the administration and support of forces assigned to the Combatant Commands. Commander U.S. Central Command coordinates closely with the Secretaries to ensure that requirements to organize, train, and equip U.S. Forces for Central Command are met.

Commander, U.S. Central Command communicates and exchanges information with the Service Chiefs to support their responsibility for organizing, training and equipping U.S. Forces. Successful execution of the U.S. Central Command mission responsibilities requires close coordination with the Service Chiefs. If confirmed, I intend to work closely with the Service Chiefs to understand the capabilities of their Services to clearly communicate to them the CENTCOM theater's requirements, and to ensure effective employment of the Services' capabilities in the joint and coalition execution of the U.S. Central Command mission.

Question. Commander, U.S. Special Operations Command.

Answer. Commander, U.S. Central Command maintains close relationship with all other combatant commanders—functional and geographic. These relationships are critical to the execution of our National Military Strategy, and are characterized by mutual support, frequent contact, and productive exchanges of information on key issues. This is especially true of Commander, U.S. Special Operations Command, with whom I will have daily coordination because of concurrent operations within U.S. Central Command Area of Responsibility.

Question. Commander, North Atlantic Treaty Organization (NATO) Resolute Support, Afghanistan / Commander, United States Forces Afghanistan.

Answer. Commander, United States Central Command requires close cooperation with Commander, NATO Resolute Support, Afghanistan / Commander, United States Forces Afghanistan to support and resource the efforts to achieve the goals

of the NATO mandate in Afghanistan. The dual-hatted nature of this Commander also means as Commander, United States Forces Afghanistan, General Nicholson formally reports to Commander, United States Central Command, and a strong spirit of collaboration will characterize our interactions.

Question. The respective United States Chiefs of Mission within the CENTCOM AOR.

Answer. I would necessarily have close working relationships with the respective United States Chiefs of Mission within the CENTCOM AOR in order to ensure unity of effort between U.S. military and all other U.S. Government activities in those respective countries and across the CENTCOM AOR.

Question. The respective U.S. Senior Defense Officials/Defense Attachés (SDO/DATT).

Answer. I would necessarily have a close working relationship with the respective U.S. Senior Defense Officials/Defense Attachés (SDO/DATT) within the CENTCOM AOR in order to maintain the SDO/DATT's role a primary military advisor to the respective Ambassador, and to facilitate the SDO/DATT's role a primary conduit between U.S. Central Command and the Ambassador.

MAJOR CHALLENGES AND OPPORTUNITIES

Question. In your view, what are the major challenges and opportunities that would confront you if you are confirmed as the next Commander of CENTCOM?

Answer. CENTCOM's strategic environment is the most unstable it has been in 40 years. Ongoing political transitions, poor economic conditions, civil wars, ethno-sectarian violence, and an expanding global terrorist movement continue to make the region susceptible to prolonged turmoil and instability. An underlying symptom of regional stability is the Sunni-Shiite rift which is frequently cited as the source of sectarian violence. This narrative is artfully exploited by extremist organizations such as ISIL and underpins the proxy contests between Saudi Arabia and Iran. Afghanistan remains a significant challenge, its future, and our regional objectives hinge upon the performance of the ANDSF [Afghan National Defense and Security Forces] to provide security for the Afghan people.

There are, however, opportunities as we see our way through these challenges. We will continue to build strong relationships in the region and remain a steadfast partner through an uncertain transition. We have the opportunity to counter the perception of diminished U.S. engagement and continue to contribute positively to regional stability. By viewing the region holistically, we can identify connections between the disparate conflicts and find ways to cooperate with international partners to work toward enduring solutions.

Question. The President has requested approximately \$610 billion for National Defense in fiscal year (FY) 2017, to include \$523.9 billion in funding for the base budget for the Department of Defense and \$58.8 billion for Overseas Contingency Operations (OCO). The 2016 Future Years Defense Program projected about \$17 billion above the current request.

What is your assessment of the impact of potential reductions in the Defense budget on CENTCOM's operational planning, requests for forces, and operating budgets? If confirmed, how would you prioritize the use of available funds?

Answer. Presence of the United States and the ability to effectively and routinely train with our regional partners is one of the few stabilizing factors in the Middle East, where Russia, Iran, and Violent Extremist Organizations actively vie for influence. Reductions to the Department's budget continue to risk readiness, posture and presence, all of which are needed to sustain a credible deterrent, and support of expeditionary and forward stationed force; continued reductions send a message to both potential adversaries and our key partners regarding our enduring commitment. Over the long-term, decreased investment in posture and presence increases the risk to U.S. forces and personnel, both at home and abroad. Prioritization of funding should be based on long-term National Security and GEF objectives balanced with nearer term impacts of ongoing operations.

Question. In your opinion, what are the considerations or alternatives if an aircraft carrier presence in the Gulf cannot be sustained by the Navy in 2016 and beyond?

Answer. The operational impact and subsequent risk of Carrier Strike Group (CSG) gaps cannot be overstated. Given the impact and risk, CENTCOM has postured our Joint Force to offset the loss of power projection with operating concepts that maximize the full potential of the remaining, but limited assets in theater. Force reductions have already decreased our ability to deter malign actors and defend the Arabian Gulf, which directly affects our contingency response capabilities and ultimately our relationships across the AOR. CSG gaps deliver a strategic mes-

sage about this decreased capability and perceived decline of United States interest in the greater Middle East. In addition to posturing our allocated forces to mitigate CSG gaps, we are also increasingly reliant on our closest allies to offset our decreased strike capability. For example, CENTCOM has recently leveraged the French carrier Charles De Gaulle to mitigate the lack of U.S. CSG presence. We will continue to look for similar opportunities in the future.

Question. If Future Years Defense Program requirements are consistently underfunded, what would be your assessment of the level of risk to the U.S. national security objectives in the CENTCOM AOR?

Answer. As the Chairman of the Joint Chiefs of Staff recently testified before the House Appropriations Defense Subcommittee, "It will also be several years before we fully restore full spectrum readiness across the services and replenish our stocks of critical precision munitions." Consistent underfunding of the FYDP only exacerbates these conditions at a time when CENTCOM already faces unprecedented risk resulting from reduced posture and presence during a period characterized by rising sectarianism, civil wars, conflict spillover, increasing adversary capabilities and engagement, and humanitarian crises. The complex and dynamic nature of the central region demands consistent, credible U.S. posture and presence in order to accomplish our long-term national security goals. Failure to address the near term issues in the Middle East increases the risk to U.S. national security objectives in the long term. Supporting needed capabilities in the FYDP reduces the chances of strategic surprise and reassures our regional partners that the United States remains engaged and is not abandoning the region.

NATIONAL MILITARY STRATEGY

Question. The June 2015 National Military Strategy states: "We are positioning forces where they are most needed, exemplified by our rebalance to the Asia-Pacific region as well as our evolving presence in Europe, the Middle East, Latin America, and Africa" while emphasizing "... we will press forward with the rebalance to the Asia-Pacific region ..."

What impact, if any, do you anticipate this guidance will have on the operations and activities of CENTCOM?

Answer. CENTCOM has clearly articulated the forces required to maintain a posture and presence in the Middle East and forces required for rapid response. These force levels have been identified against an acceptable level of risk. Clearly, reducing forces below this level increases the associated risk. In an era of declining Department of Defense resources, we must all work together cooperatively to identify areas where we can accept reductions and inform our leadership of where reductions incur increased risk to the security of the Nation. I will work to clearly articulate CENTCOM's requirements to the Chairman and Secretary and to work innovatively to maintain security levels with less resourcing.

READINESS OF FORCES

Question. What is your assessment of the readiness of U.S. forces that have been deployed to Operation Freedom's Sentinel, Operation Inherent Resolve, and other operations in the CENTCOM area of responsibilities?

Answer. CENTCOM continues to receive ready forces for deployment to the CENTCOM AOR. soldiers, sailors, airmen, marines, and coast guardsmen execute complex and diverse missions at very high level of precision. We cannot say enough about the professionalism of the servicemembers and DOD civilians serving in the CENTCOM AOR.

The environment is as complex as I have ever seen during my years of service. The men and women deployed to the CENTCOM region are delivering effects on a daily basis that are moving the campaign forward. Whether we are discussing strikes, advise and assist, special operations, counter piracy, or training with our allies and partners, these great Americans (and coalition members) are meeting or exceeding our expectations.

AFGHANISTAN STRATEGY

Question. What is your assessment of the current security situation in Afghanistan and the nature, size, and scope of the insurgency and the terrorist threat?

Answer. A year after the ISAF change of mission, ANDSF is still learning to adapt operations under unprecedented parameters—specifically uncertainty in senior leadership and ANDSF's independent operations with reduced coalition enablers. ANDSF remains challenged in maintaining security across the country and continued insurgent attacks in population centers increasingly feed a popular perception that the security situation is deteriorating. Although these security incidents rep-

resent setbacks in the security environment, they have not yet evolved into a more significant “tipping point” in which cascading effects pose an existential threat to Kabul and threaten the viability of the Afghan state.

The insurgency, despite challenges to Mullah Mansour as emir, remains relatively united since the revelation of former Taliban Emir Mullah Omar’s death. The insurgency’s capacity and capability is largely unchanged, with strength estimated at 20,000–40,000 fighters. In 2016, Taliban will likely attempt to capitalize on perceived gains to increasingly threaten key areas. ANDSF, with Coalition enabler support, will likely prevent the Taliban from holding strategic terrain. Of significance is the emergence of IS–Khorasan Province as a competitor to the insurgency, drawing from its resources and distracting operations in some areas. IS–Khorasan likely has less than 3,500 fighters and is expected to remain mostly contained to north-eastern Afghanistan due to ANDSF, Coalition, and Taliban operations focusing on quelling IS–Khorasan expansion.

Small pockets of core al Qaeda (AQ) (Arabs who served with the group since prior to 9/11) remain anchored in the AFG/PAK region. Although likely numbering less than 50 individuals, these remaining AQ members are committed to plotting against the U.S. Homeland and Western regional interests. The group has faced significant challenges and has reduced its operational tempo, choosing to focus on self-preservation. AQ is optimistic it can outlast counterterrorism pressure and reemerge following a U.S. withdrawal. AQ can be expected to reenergize should pressure abate. Also of concern, is the establishment of AQ in the Indian Subcontinent (AQIS), intended by AQ leadership to serve as the AQ’s flagship in South Asia should remaining legacy AQ leadership be killed. AQIS is comprised of Afghans, Pakistanis, and Indians, and has proven adept at conducting high profile attacks in Pakistan.

Question. What is your understanding of United States vital interests and Strategic objectives in Afghanistan?

Answer. As President Obama reaffirmed on October 15, 2015, current United States strategy and objectives in Afghanistan are to disrupt threats posed by al Qaeda, support the Afghan National Defense and Security Force (ANDSF), and give the Afghan people the opportunity to succeed as they stand on their own as a regionally integrated, secure, stable, and developing country. The Afghan Government and its people approved United States forces to conduct two well-defined and complementary missions as part of Operational Freedom’s Sentinel (OFS) to achieve U.S. objectives and build upon the gains of the last 14 years. First, through OFS, U.S. forces are continuing the United States counterterrorism mission against al Qaeda, its associates, and other transregional terrorist organizations in Afghanistan to prevent the resurgence of these groups and external plotting against the Homeland and United States targets and interests in the region. Second, in coordination with NATO Allies and Resolute Support partner nations, United States forces are conducting a train, advise, and assist (TAA) mission to continue building the capabilities and long-term sustainability of the ANDSF. The U.S. supports the institutionalization of ANDSF gains by conducting functionally based security force assistance (SFA) as part of the NATO-led Resolute Support Mission. United States and coalition forces are conducting TAA efforts at the Afghan National Army corps level, the Afghan National Police equivalent level, and with the Afghan security ministries to improve their ability to support and sustain the fighting force. Tactical level TAA is conducted for Afghan special operations units and the Afghan Air Force.

Question. What is your understanding of U.S. strategy to achieve these objectives?

Answer. The United States will maintain 5,500 military personnel at a small number of bases in Kabul and Bagram with regional outstations, including in Jalalabad in the east and Kandahar in the south beginning in January 2017.

UNITED STATES TROOP LEVELS IN AFGHANISTAN

Question. In October 2015, President Obama announced that the United States would plan to retain 9,800 United States servicemembers in Afghanistan through most of 2016, along with our allies and partners. The mission of the United States forces would be training, advising and assisting Afghan security forces and supporting counterterrorism operations against al Qaeda. The President also announced that instead of going down to a normal embassy presence in Kabul by the end of 2016, we will maintain 5,500 troops and the mission will not change.

Do you support the President’s decision on the size of the United States military presence in Afghanistan in 2016?

Answer. I support the President’s decision on the size of the U.S. military presence in 2016. The current plan requires a reduction of United States forces to 5,500 with a Kabul centric presence focused predominantly on ministerial advising, the Afghan Air Force, and the Afghan Special Security Forces by January 2017. By

maintaining 9,800 troops through most of 2016 we maintain the ability to conduct train, advise, and assist (TAA) with the Afghan National Army (ANA) at the Corps level and the Afghan National Police (ANP) equivalent level, which proved critical during the 2015 fighting season. In addition, it provides the same amount of counter-terrorism forces throughout most of 2016.

Question. What is your understanding of the pace of withdrawal of United States forces in Afghanistan during 2016? Do you agree with this pace of withdrawal?

Answer. The pace of the withdrawal will provide the current level of TAA to the Afghan National Defense and Security Forces (ANDSF) through fighting season 2016 with a responsible transition to the post-2016 presence that will focus on ministerial advising, training the Afghan Special Security Forces (ASSF) and Afghan Air Force (AAF), and counter-terrorism, which I support.

Question. What military activities or lines of effort do you anticipate will be reduced, and to what degree, if U.S. force presence is decreased to 5,500 troops?

Answer. The decrease to a force presence of 5,500 troops will require collapsing the Train, Advise, and Assist Commands (TAACs) in the East and South and ceasing TAA at the ANA Corps and the ANP Zones.

Question. What, if any, challenges do you foresee, in the implementation of the plan announced by the President?

Answer. The challenge will be dependent upon the progress that the ANDSF are able to make from now through 2016 to include sustainment. Continued ANDSF progress and increased proficiency to conduct independent operations in fighting season 2016, and improved sustainment and maintenance systems will enable the further reduction of coalition forces as the ANDSF solidify security gains. However, if the ANDSF demonstrate uneven performance similar to the 2015 fighting season and continue to struggle with their sustainment systems it will be difficult to address those challenges as the TAACs collapse and the focus shifts to ministerial advising.

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

Answer. If General Nicholson determines in either his 90 day assessment or Fall review that sufficient progress has not been made in the ANDSF, I will provide my best military advice to support his recommendations. This may require the ability to maintain TAA at the ANA Corps and ANP Zones which will require maintaining bases and personnel.

Question. What are the challenges and opportunity costs associated with drawing down to 5,500 troops and then subsequently ramping back up to 9,800?

Answer. The primary challenge to draw down to 5,500 troops and then to ramp back to 9,800 troops will be to reconstitute the infrastructure that was divested and the contracts that were terminated. This would require re-occupation of locations transferred to the ANDSF and re-establishing contracts to support those locations.

SECURITY TRANSITION IN AFGHANISTAN

Question. In mid-2013 the Afghan National Defense Security Forces (ANDSF) assumed lead responsibility for security throughout Afghanistan. In 2015 the ANDSF assumed sole responsibility for securing their country. Simultaneously, in a period of about 2 years, U.S. and coalition force presence was reduced from about 140,000 troops to 14,000 troops.

What is your assessment of the performance and capabilities of the ANDSF since assuming full responsibility for Afghanistan's security?

Answer. The performance of the ANDSF was uneven during the 2015 fighting season. Afghan security forces successfully demonstrated the ability to plan and conduct large-scale offensive operations across Afghanistan as well as the capability to re-take key terrain following insurgent offensives, such as the ANDSF re-capture of Kunduz City last fall. However, the 2015 fighting season made clear the continued ANDSF challenges in areas such as combat enablers, logistics, ministerial capacity, and leadership. Afghan leadership remains a viable CT partner. However, the ANDSF operational leadership has struggled to keep quality leaders, and many remain untested. Although nepotism and corruption still remains, senior leaders have recently taken steps to rotate corps commanders, enforce retirement age, and replace underperformers and corrupt leaders. The MOD is aware of its leadership shortcomings and is instituting several leadership schools to improve leadership within its officer corps.

Question. What do you consider to be the most significant challenges the ANDSF face in assuming and maintaining their security responsibilities in the 2016 fighting season and in the next few years?

Answer. The ANDSF's greatest challenges are in the areas of leadership, human capital, aerial fires, and sustainability of high casualties. The ANDSF remain in a

primarily defensive posture based on static checkpoints, which is a major factor of the ANDSF's high casualty rate. ANDSF leadership must prioritize efforts to move them towards a more offensive posture. In terms of human capital, our efforts should focus more on developing ANDSF institutional capacity to educate their personnel in some of the highly technical jobs within the organization, particularly in intelligence, aviation, and maintenance. Additionally, the ANDSF must continue to address their high attrition rates so that the force is able to grow and consistently perform at an acceptable level. The current operational readiness cycle is not keeping pace with the high operational tempo and attrition, including casualties. Our advisors are working with the Afghan ministries to institute a readiness cycle that can allow for some recovery time from perpetual combat that some units are engaged in. This has to be addressed if we expect the ANDSF to be able to sustain themselves and secure the country. Finally, we must work with the U.S. Government, coalition members, and others to ensure a long-term outlook for equipping the ANDSF, as systems they use today may need replacing in the future. For example, the current aerial fires shortages do not allow the ANDSF to fully support forces against the enemy. The AAF requires assistance in developing a long-term aviation sustainment plan, including maintenance, parts, and contract support. The support of CAS platforms will be critical in supporting maneuver elements to be integrated into offensive operations. Moreover, a shift to a more maneuver-oriented Afghan National Army may require considering modernization requirements so they have the required capabilities.

Question. What United States and coalition enabling capabilities do you believe are most important to supporting ANDSF in providing security for Afghanistan?

Answer. Continued provision of intelligence, special operations forces advising, ministry advising and in extremis close air support are the most important capabilities we can provide, consistent with Presidential guidance for the mission.

Question. The Afghan Local Police (ALP) provides security within villages and rural areas and has been placed more directly under the command and control of the Afghan Uniform Police. What is your assessment of the effect of the ALP program and do you believe they should be part of the long-term strategy in Afghanistan?

Answer. My current assessment of the ALP program is that it is not as effective as it could be. When tactically employed within 1 kilometer of their village as intended, ALP personnel serve an important part of the ANDSF provincial layered security construct as they are familiar with their local area and can identify "bad actors." However, ALP personnel are often employed away from their villages, and used as personal bodyguards for provincial council members, district governors, and other local power brokers. I understand that Resolute Support advisors are currently working with the Ministry of Interior to implement several reforms intended to improve the ALP. I recognize that the ALP is a controversial organization and I would like to work with Afghan leadership to see if these reforms prove to be meaningful and understand how they see the ALP fitting into the long-term strategy for their country before recommending the United States determine how we see the ALP fitting into our long-term strategy in Afghanistan.

Question. Recently, this Committee received testimony about troubling allegations concerning child sexual abuse by members of the ALP.

In your view, what is the appropriate role for a U.S. military commander who is working with the ALP, when that U.S. officer becomes aware of allegations of child abuse by members of the ALP?

Answer. The U.S. Military takes all allegations of sexual abuse very seriously. Upon witnessing or receiving allegations, U.S. Military personnel are required to report any allegations of sexual abuse incidents up their chain of command. If any allegations of abuse involve Afghans, a report must be forwarded to the Commander, United States Forces—Afghanistan (USFOR-A) and copied to the Staff Judge Advocate so that United States advisors can notify our Afghan partners and encourage them to investigate the allegation.

Question. If confirmed, what direction would you give to U.S. personnel assigned to your command who become aware of such allegations?

Answer. I would continue to tell U.S. personnel to report any suspected violations through their chain of command as soon as they become aware of them.

Question. Under what circumstances would you expect U.S. personnel under your command to intervene to stop such misconduct if they suspect it or observe it?

Answer. If U.S. personnel suspect or observe an incident of abuse, they should report it through their chain of command. U.S. advisors will bring an allegation to the attention of the appropriate Afghan officials and encourage the Afghan government to thoroughly investigate the incident and administer justice appropriately. Although we believe such conduct is reprehensible, U.S. coalition forces do not have

the legal authority to enforce matters of Afghan domestic law. United States servicemembers may intervene to stop the commission of an imminent or ongoing serious offense, including sexual abuse, which they observe, as legally appropriate. I expect our servicemembers to do what is morally correct considering the circumstances surrounding the incident as there could be significant risk to their life and the lives of those with them.

BUILDING AND SUSTAINING THE AFGHAN NATIONAL DEFENSE SECURITY FORCES

Question. The ANDSF are near their target end strength level of 352,000, consisting of an Afghan National Army (ANA) of 195,000 and Afghan National Police (ANP) of 157,000.

In your view, do the ANA and ANP have the right size and capabilities to address the current security situation on the ground in Afghanistan?

Answer. Although the ANDSF fighting capacity demonstrated in the 2015 fighting season was inconsistent, I believe these numbers are appropriate given the current conditions on the ground. The Afghan Security Institutions continue to mature in both capacity and capability, but are not at a level in which they can fight, train, and sustain their own force without our support and advising. Once periodic assessments indicate performance is more consistent throughout the ANDSF, with commensurate improvements in security conditions, we can relook the size of the force and make any recommended changes. Capability gaps persist in close air support, intelligence, surveillance and reconnaissance (ISR), and special operations forces that will require continued TAA focus for the coming years. In some cases, such as aviation, equipment will not be fully fielded until 2018 or beyond.

Question. What in your view are the greatest challenges to building and sustaining the capabilities of the ANDSF over the next 2 years?

Answer. I believe the greatest challenges facing the ANDSF include ensuring we have adequate Afghanistan Security Forces Fund funding to sustain and modernize the ANDSF; ensuring there is adequate Afghan institutional training capability focused on their key challenges, such as leadership and shortages of technical skills needed for unit level organic maintenance; implementing an automated integrated pay and personnel system to ensure Congress and international donors have confidence that the approximately \$1 billion per year in pay and personnel costs are not being siphoned off to corruption; and ensuring the \$14 billion of defense items we have provided to the ANDSF are properly sustained with support from DOD experts.

Question. If confirmed, what would be your priorities for building the capabilities of the ANDSF, including the key enablers that the ANDSF need to develop and maintain?

Answer. The priorities for building the capabilities of the ANDSF center on achieving sustainable levels of equipment and personnel, and developing effective operational/strategic vision among ANDSF leadership. Developing Afghan aviation capability is a top priority. The first 4 of 20 A-29 fixed wing light air support aircraft were just delivered to Afghanistan following the completion of nearly a year of training in the United States of their pilots. Training of additional pilots is ongoing, with completion of delivery and integration expected in 2018. Additionally, in the last year the AAF has started to integrate armed MD-530 and fixed forward firing Mi-17 helicopters, which are providing critical aerial fires support to ANDSF operations. The ANDSF sustainment systems and personnel training pipeline are not yet mature and require dedicated efforts to ensure appropriate life cycle management of weapons and equipment and personnel development. An example of our investment in Afghan human capital is the recruiting and training of 90 A-29 maintainers through 2018 to provide a self-sustaining capability that does not yet exist. It is also critical to identify gaps in direct and indirect fires, intelligence, medical logistics, and the ability of the ANDSF to generate accurate readiness reporting. Finally, it is important we continue to support efforts to reconstitute their ground force as equipment life cycles, personnel attrition, and combat losses unfold. Any change in prioritization will be done in coordination with General Nicholson and his team.

Question. At the North Atlantic Treaty Organization (NATO) Summit in Wales in September 2014, NATO leaders declared “we are adapting our operations, including in Afghanistan, in light of progress made and remaining challenges.” At the NATO Summit in Chicago in May 2012, the countries participating in the coalition discussed a model for the future size of the ANDSF of around 228,000, a reduction of about one third from the current ANDSF end strength.

What is your understanding regarding current assumptions for the size of the Afghan security forces through 2016 and beyond?

Answer. Current international funding provides for an authorized ANDSF strength of 352,000 personnel through 2018 and we are working with partners to extend funding to sustain these levels through 2020. Recent DOD studies and analyses support maintaining the current 352,000 ANDSF authorization, plus 30,000 Afghan Local Police, in order to provide basic security for the country and cope with current and projected insurgent and terrorist threats.

Question. Do you agree that any future reductions in the size of the ANDSF need to be based on the security conditions in Afghanistan at the time those reductions would occur?

Answer. Even though the ANDSF performed admirably in 2015, it is clear that Afghanistan has not yet reached an enduring level of security and stability sufficient to justify a reduction of its force levels. The coalition must continue assisting the ANDSF to improve and to optimize its structure, posture, and capabilities. In spite of our considerable progress, challenges exist that require our long-term commitment. It is imperative to move away from the year-to-year planning routine and plan towards a multi-year horizon to facilitate stability of the force and long term planning. This strategic outlook will provide 'time and space' for the ANDSF to execute their plans more completely, and develop increased resiliency in its institutions and organizations. Only then, Afghanistan will realize its full potential.

Question. If confirmed, do you agree to conduct a review of the plans for the future ANDSF force levels to assess whether the size and capabilities of those forces are appropriate to address security conditions in Afghanistan after 2016?

Answer. Yes. Any decisions for future ANDSF force levels should be based on current threat conditions and force capabilities as laid out in the semi-annual Periodic Mission Review (PMR), and should I judge that additional force structure is required I will make appropriate recommendations to the Secretary of Defense to seek additional funding as part of the annual review of the ANDSF Plan of Record. Working with USFOR-A and the Afghan government, we assess the capabilities and size of the ANDSF to ensure the security of the country and defeat of the insurgency. As you are aware, the enemy situation is ever changing with the extension of fighting seasons and the rise of insurgent forces and we constantly review our plans in light of the environment and situation on the ground. With these constant changes comes the challenge of manning a force for today and attempting to predict an appropriate force for the future.

TRAIN, ADVISE AND ASSIST MISSION

Question. In October 2015, President Obama said that "Our troops are not engaged in major ground combat against the Taliban" while the Afghan forces are "... developing critical capabilities—intelligence, logistics, aviation, command and control."

How would you characterize the importance of the advise-and-assist role in support of Afghan security forces?

Answer. Training, advising, and assisting the ANDSF and developing the capacity of the Afghan security ministries is a central component of the Resolute Support mission. Advising at the ministry level, ANA Corps and ANP equivalent level, and at the tactical level for the Afghan Air Force and Afghan Special Security Forces is critical to the success of the Afghan security forces. The ANDSF performed inconsistently during 2015, but they continue to improve with train, advise, and assist support from the U.S. and coalition forces.

Question. What is your understanding of the role that U.S. and coalition trainers and advisers will play in building the capabilities of the ANDSF in 2016 and in future years?

Answer. The spring 2016 Periodic Mission Review (PMR) will provide insights into the current and projected status of the insurgency and performance of the ANDSF. The performance of the ANDSF during the 2015 fighting season and the 2016 Winter Campaign has continued to be uneven. As a result, the ANDSF will require the train, advise, and assist (TAA) mission to continue throughout 2016 and potentially beyond. As we develop and solidify performance at each level, we will make assessments and recommendations for the future of the TAA mission. As the ANDSF makes consistent, sustainable improvements we will be able to reduce our full time support efforts and transition to a more expeditionary advising as-needed throughout the country.

Question. What is your understanding of the timelines that will be required to develop critical ANDSF capabilities including intelligence, logistics, aviation, command and control?

Answer. While it is difficult to provide precise timelines even as we continually assess the capabilities in these and other areas, I assess it will take multiple years

to fully develop the capabilities to a point the ANDSF will be able to stand and operate on its own. Currently, the ANDSF has some capabilities in the areas of intelligence, logistics, aviation, and C2, but it is not fully established across the force. As an example, the long-term intelligence development effort will continue through at least 2017 and includes both training and equipping of intelligence, surveillance and reconnaissance (ISR) enablers to the Afghan Security Institutions (ASI). The goal is an Afghan Intelligence enterprise that is capable of executing intelligence functions, as well as executing the intelligence functions—planning, collecting, analysis, production and dissemination—to support ANDSF operations. The Intelligence train, advise and assist (TAA) mission is conducted at the ministerial levels, at the Afghan national intelligence centers, and with the Afghan Special Security Forces (ASSF) with support from CENTCOM through intelligence engagement programs. In January 2016, CENTCOM conducted two intelligence affiliation seminars on intelligence analysis and collection management for ANDSF personnel. These seminars provided a structured academic environment that enables GIRoA intelligence personnel to engage in unclassified open forum discussions on various topics with U.S. IC subject matter experts to share tactics, techniques and procedures (TTP) as well as lessons learned from past experiences. Seminar modules culminate in practical exercises that allow seminar participants to apply the concepts and tools discussed during seminar. Finally, programs are ongoing pertaining to logistics avionics and other necessary skills and systems.

Question. Recent incidents in both Afghanistan and Iraq indicate that the train, advise, and assist mission may include risks that could result in casualties to United States forces.

What is your assessment of the risks involved with the train, advise, and assist mission and what steps can and should be taken, in your opinion, to mitigate those risks?

Answer. Although we changed our focus, the enemy did not and Afghanistan will remain a dangerous place for the coalition, Afghan officials, non-governmental organizations, and the men and women conducting the TAA mission. In order to develop a capable ANDSF at all levels that can function with minimal coalition direct support, we must continue TAA at the lowest levels possible for the near term, consistent with the President's guidance. Currently, the best way to accomplish this task is by maintaining a continuous presence with the ANDSF units; these units, however, are continuously fighting and cannot be pulled off the line to reconstitute and train without jeopardizing overall security. To reduce the immediate risk to our personnel, we have taken steps to vet the units/organizations we partner with, provide security teams to over-watch key engagements, and provide specific guidance to the forces conducting operations with the ANDSF. In the long-term, by having a more capable ANDSF, we mitigate the risk to the personnel on the ground, our vital national interest, and the Homeland.

RECONCILIATION

Question. What is your understanding of the status of talks designed to bring about reconciliation between the Government of Afghanistan and members of the Taliban?

Answer. The Quadrilateral Coordination Group (QCG) of Afghanistan, Pakistan, the United States, and China has met on 4 occasions between 11 January and 23 February. The intended outcome of these QCG discussions is a complete reconciliation roadmap, which reflects the shared commitment of QCG member countries and sets specific measures necessary to commence Afghan-led, Afghan-owned peace talks between GIRoA and the Taliban. Members have notionally agreed to general principles of the roadmap and intend to finalize technical details in follow-on meetings. This will enable a supportive environment for reconciliation initiatives in Afghanistan, in the hopes of ultimately establishing lasting regional peace. QCG representatives have called upon Taliban groups to enter into early talks with GIRoA to politically resolve their differences and cease violence. They have mutually committed to a robust effort to eliminate all forms of terrorist groups, regardless of their national origins.

Question. How does (1) the fracturing of the Taliban and (2) the emergence of ISIL affect the prospects for reconciliation between the Government of Afghanistan and members of the Taliban?

Answer. Some opposition groups have formed in Afghanistan as a result of dissatisfaction with Mullah Mansour being named the new Taliban Emir; the Islamic Emirate High Council represents the most prominent group. This, along with the emergence of IS-Khorasan Province, has led to pockets of "red-on-red" violence in the west and east. However, we judge the distraction of dealing with perceived

Taliban fracturing and the emergence of IS-Khorasan will have little impact on near-term reconciliation efforts and the 2016 fighting season since the Taliban are likely confident in their ability to minimize threats to their resources and legitimacy.

Question. What is role of the United States, if any, in reconciliation negotiations?

Answer. Ultimately, the threats Afghanistan faces require our sustained attention and forward presence. Reconciliation is a path needed to obtain a negotiated settlement and end the conflict in Afghanistan. Current reconciliation efforts are Afghan-led, Afghan owned initiative. Our forces support President Ghani and his efforts to find a lasting solution to the violence in Afghanistan. We remain ready to assist our partners, as needed.

Question. In your view, what should be the role of Afghanistan's neighbors, in particular Pakistan and China, in the reconciliation process?

Answer. Pakistan's involvement in the peace process is critical, and Islamabad continues to support ongoing reconciliation efforts. Pakistan desires a comprehensive and enduring relationship with Afghanistan that contributes to the security and prosperity of the two nations. Stronger ties between the two nations would help reinforce efforts for peace and development in the region. Terrorism is a common enemy of both countries and Pakistan and Afghanistan need to work together to counter it. A negotiated peace is the most viable option to establish lasting stability in Afghanistan. China has asserted its commitment to the nascent peace process as a member of the Quadrilateral Coordination Group (QCG). The Afghans are hoping that China will exert greater influence in the talks on Pakistan, which is a Chinese ally. China believes the effort is the right approach to achieve long-term stability in Afghanistan. China has announced strategic economic plans for the Central Asian region and a peaceful Afghanistan could play a bigger role in those plans.

UNITED STATES SECURITY ASSISTANCE AND STRATEGIC RELATIONSHIP WITH PAKISTAN

Question. What is your assessment of the strategic relationship between the United States and Pakistan? What would you consider to be areas of shared strategic interest between the two countries?

Answer. The United States-Pakistan strategic relationship has improved considerably since 2011 and maintaining a strong United States-Pakistan defense relationship is in our countries' best interest. Likewise, a reliable and mature Pakistan-Afghanistan relationship is critical to the United States and vital to regional stability. With regard to our shared strategic interest, Pakistan's counterterrorism and counterinsurgency campaign remains vital to targeting militants that threaten the United States and Pakistan. Our security assistance, which focuses on enhancing Pakistani CT and COIN capabilities is critical in this regard.

Question. What do you consider to be the major challenges in the United States-Pakistan strategic relationship?

Answer. We have been encouraged by Pakistani statements that they intend to target all militants on their soil. In June 2014, Pakistan announced Operation Zarb-e-Azb in which they have undertaken major clearing operations in North Waziristan. Despite this positive momentum against some militants, particularly al Qaeda (AQ) and Tehrik-e-Taliban Pakistan (TTP), we remain concerned about the continuing threat to our forces in Afghanistan posed by the Haqqani Network (HQN). We continue to urge Pakistan at the highest levels to take deliberate action against this group.

Question. If confirmed, what changes, if any, would you recommend to enhance United States relations with Pakistan, particularly in terms of military-to-military relations?

Answer. If confirmed, I would be candid with Pakistan's military leadership. I'll ensure that U.S. national security policy is clearly understood and offer suggestions for improving our mil-to-mil relationship. Additionally, I would work to strengthen the Pakistan-Afghanistan bilateral relationship by encouraging closer mil-to-mil cooperation as well as confidence building measures and mechanisms to better manage the disputed border. I'll encourage Pakistan to continue to support the Quadrilateral Coordination Group process and to work to bring legitimate Taliban leadership to the table. An agreement of a roadmap would be a significant step in the right direction and all involved parties have responsibilities, especially Pakistan.

Question. Since 2001, the United States has provided significant security assistance to Pakistan including significant funds to reimburse Pakistan for the costs associated with military operations conducted by Pakistan along the Afghanistan-Pakistan border.

In your view, how effective have operations by the Pakistan military been in disrupting safe havens in western Pakistan?

Answer. United States security assistance and reimbursements through the Coalition Support Fund (CSF) have been vital tools in Pakistan's CT and COIN operations in the FATA. These operations are intended to disrupt terrorist organizations and place ungoverned areas back under the writ of the state. According to the Pakistani military, their operations have largely cleared the area of insurgents, and the Pakistan government now controls approximately 90 percent of the infrastructure in the FATA. These successes are partially owed to continued U.S. reimbursements through CSF. Particularly with the onset of Operation Zarb-e-Azb in 2014, we have seen further disruption of militant safe havens in North Waziristan. CSF helps sustain Pakistan's large deployments in the FATA, and maintain the high operational tempo required to pressure militant groups. This operation is ongoing, and we urge Pakistan to do more to ensure it is targeting all militant groups, including HQN.

Question. How effective has the assistance and other support that the United States has provided to Pakistan been in promoting United States interests?

Answer. The Pakistan military continues to play a visible role in efforts to reduce safe havens in the Federally Administered Tribal Areas (FATA) along the Afghanistan-Pakistan border, while at the same time actively countering violent extremist organizations, including AQ and the newly-emerged IS-KP. During the most recent fighting season we saw increased collaboration among Afghan and Pakistani military leadership. Commanders at the corps level have met multiple times and continue their efforts to increase interoperability between the forces. Both countries' military leaders also are working to secure a bilateral border standard operating procedure. In the meantime, we need Pakistan to take decisive actions against the Haqqani Network. The Pakistanis are uniquely positioned to counter HQN, which remains the greatest threat to our forces and long-term stability in Afghanistan.

Question. Do you support conditioning United States assistance and other support on Pakistan's continued cooperation in areas that are important to United States security interests?

Answer. I support clear and effective signaling, both positive and negative, that establishes United States credibility with the Pakistan Government. For example, the HQN certification requirement included in the fiscal year 2015 and fiscal year 2016 CSF authorization signals to Pakistan how seriously the United States takes the threats our forces face in Afghanistan from this group. At the same time, maintaining security cooperation and assistance will be important for the United States to achieve our other CT and COIN interests that benefit from Pakistan's current operations in the FATA.

Question. What are the risks and benefits, in your view, associated with conditioning United States assistance and other support on Pakistan's continued cooperation in areas that are important to United States security interests?

Answer. The risks and benefits of conditioning our assistance and support to Pakistan vary. The important thing will be for the United States to maintain credibility while still accruing benefits toward our U.S. CT and COIN interests. If we are able to strike such a balance and remain consistent in our bilateral relationship, we may see Pakistan increase its transparency and cooperation with Afghanistan on the full range of security, border control, and economic issues. Likewise, Pakistan may take further action against violent extremist organizations, such as HQN. However, the risks of ineffective and unclear signals and conditioning may risk us losing our access and frank dialogue to Pakistan in areas critical to our United States interests, may reduce Pakistan's willingness to continue its CT/COIN operations, and risks our current access to Pakistan Air Lines of Communication and Ground Lines of Communication to support operations in Afghanistan and the region.

COMBATING TERRORISM

Question. Within the CENTCOM AOR, what do you consider to be the highest counterterrorism priorities?

Answer. Any threat to the Homeland is our highest priority. Terrorism threats that affect global commerce, regional security and stability are also our highest priorities.

CENTCOM's strategic environment contains converging and compounding threats, instability, and violence as political transitions, civil wars, and aggressive Violent Extremist Organizations, (VEOs) threaten global security and stability, as well as U.S. core national interests and persons. In recent years, VEOs increasingly exploit ungoverned or under-governed spaces in the AOR. They plan and launch attacks, undermine local governments, and exercise malign influence from these spaces. At the same time, VEOs and other militant proxies continue to exploit security vacuums in countries experiencing political transitions and unrest, namely Iraq and Syria, Yemen, Egypt and Lebanon. Chronic instability, disenfranchised populations,

and weak regional governments provide new footholds for a resilient and expanding global jihadist movement and an ideal environment for Iran and its allies to aggressively undermine United States regional goals.

- VEO incited violence is not regionally contained within the Middle East. Increasingly, splinter groups, affiliates and lone-wolfs have emerged across Western Europe, Africa and North America to threaten democratic ideals and the free flow of global commerce. While disparate and fragmented, these entities remain aligned through Islamic jihadist ideology and objectives to incite fear and create regional political and social instability. Indeed, the export of violent jihadi operatives and tactics from Iraq, Syria, Pakistan, Libya and other hotspots to Europe and the Homeland is underway and likely to increase as ISIL, AQ and other VEOs are pressured in their safe havens. This development is a tremendous concern.
- The Iraq / Syria area of operations is the premier destination for jihadist foreign fighters from all over the world. The majority of these fighters are joining ISIL's ranks, although some have joined ANF and other Syrian opposition elements. Returning battle-hardened foreign fighters will pose increasing risk to their home countries, including the U.S. Homeland.
- ISIL. ISIL is a competitor to al Qaeda and has significantly changed the jihadist landscape. ISIL desires expanded reach beyond Iraq and Syria and will try to leverage regional instability to revive a caliphate stretching from Europe to North Africa to South Asia. ISIL has received pledges of allegiance from smaller jihadist groups in Yemen, Egypt, Libya, Afghanistan and Algeria and inspired lone wolf attacks in Algeria, the west and the Homeland.
- AQ. AQ is becoming more diffuse and decentralized. The risk of affiliates and allies operating in more areas and increasingly collaborating and coordinating with one another as a transitional loosely-confederated force is cause for concern. The AQ ideology remains persuasive, attracting and radicalizing susceptible individuals in the region. It is critical we maintain our vigilance in countering the group and its narrative. The AQ Shura is largely driven from the Pakistan FATA. The AQ Shura, however is resilient, finding new safe haven in northern Syria.
- Other Extremist Groups.
 - In Yemen, AQAP is growing fueled on continued instability and violence, the lack of any governance and the continuing hostilities between Saudi Arabia, UAE and the Huthis. AQAP, which continues to harbor, foment and plan attacks on western and United States persons, has advantaged themselves seizing large swaths of Yemen and erecting governance in captured areas—some of the governance in the Mukallah area is effective and credible.
 - AQ affiliates. ANF will threaten neighboring states, particularly Israel and Lebanon, where the group has launched anti-Hezbollah attacks. The ongoing Syrian conflict has also created a safe haven for the Khorason Group, a network of AQ veterans with plans to conduct external attacks into Europe.

Question. What is your assessment of the threat posed by ISIL, al Qaeda and their associated forces to the United States Homeland and U.S. interests overseas?

Answer. ISIL remains a threat to the United States Homeland and U.S. interests overseas, and if unchecked, the group will attempt to consolidate its territories to expand its self-declared Islamic Caliphate. ISIL's ability to leverage cyber-space to influence and train sympathizers to conduct lone-wolf style attacks presents the most pressing threat to the U.S. Homeland. Additionally, foreign fighters, including those from Western nations, continue to flow into the region, attracted by the prominence and success of ISIL operations and its so-called "caliphate." The eventual return of these radicalized fighters to their homelands is an increasing threat to U.S. and coalition partners, as demonstrated by the Paris attacks. As ISIL continues to broaden its reach beyond Iraq and Syria, the group is gaining the freedom of movement to train and plan for external operations against Western, regional, and global interests.

Al Qaeda remains avowedly hostile to the United States and its allies, convinced that the United States is directly and maliciously responsible for the actors, policies, and practices AQ believes are repressing Sunni Muslims around the world. In Syria, AQ's operatives advanced a complex plot to attack commercial aviation, and there is no reason to believe that United States airstrikes against those operatives—known as the Khorasan Group—in any way detracted from AQ's intent to target the West. Quite the contrary, Abu Muhammad al Jawlani—the leader of AQ's Syrian affiliate al Nusrah Front—has explicitly and publicly stated that the group would be justified in attacking the United States.

Question. What is your understanding of the Department's role in the U.S. strategy to combat terrorism in the CENTCOM AOR?

Answer. Per the Secretary's December 1, 2015 statement before the House Armed Service Committee, the top priority objectives in the CENTCOM area of responsibility are to deter aggression, bolster security of our friends and allies, ensure freedom of navigation in the Gulf, check Iran's malign influence, and degrade and ultimately defeat ISIL. More specifically with regards to ISIL, the department will continue to take the fight to the enemy, seek to develop capable, motivated local ground forces and set the conditions for a political solution to the civil war in Syria and work towards inclusive governance in Iraq. These objectives mean leveraging all components of national power—diplomatic, intelligence, law enforcement, economic and informational. The United States will continue to provide leadership to the Global Coalition to counter ISIL and will provide a template for nations and multi-lateral organizations that may support the broader effort to counter violent extremism in the future.

Question. Given your current knowledge of CENTCOM programs, do you believe the Command's resources are aligned in a manner consistent with the appropriate counterterrorism priorities?

Answer. Yes. The command is actively optimizing available resources to engage in hostilities across the AOR against terrorist threats to U.S. persons and interests. We are balancing the need for continued operations in AFG with a growing need to advance our capabilities and effectiveness against ISIL in Iraq and Syria, while sustaining an effective effort against AQAP in Yemen. Thus far, we are able to address these threats without receiving additional capacities. However, no optimization plan can account for the ever-changing and evolving threat, which if unchecked, quickly exceeds current capability. In particular, the CT fight exacts a premium on special enabling ISR, PR and SOF assets that bring unprecedented precision and effectiveness to the fight. These capacity challenges will significantly shape the nature and scope of our operations throughout the AOR.

Question. How important to military operations in areas of active hostilities is the ability to detain and question captured individuals?

Answer. The ability to detain individuals is essential—a fundamental tenant of fighting and winning the current fight. Detaining enemy combatants for interrogating and exploitation provides otherwise unobtainable actionable intelligence concerning enemy planning, intent, disposition, and readiness. Importantly, detaining and exploiting enemy personnel and materiel prior to turning them over to partner nations is critical—we must retain this policy going forward. In addition, detaining enemy combatants introduces uncertainty into enemy leadership decision making and planning efforts, directly impugns the enemy's strategic messaging while working to undercut their morale.

Related and pertinent is the development of an effective long-term policy for the detainment of enemy combatants which would allow holding certain enemy combatants indefinitely to fuel increased exploitation.

As recent history shows, during conduct of Operations Iraqi and Enduring Freedom exploitation of captured personnel and materiel directly underpinned the operations cycle and follow-on targeting efforts, stoking OPSTEMPO and creating momentum against which the enemy could not counter nor defend.

Working with our Coalition partners, information gained from exploitation of enemy personnel and material adds depth to our intelligence assessment, exposing enemy vulnerabilities, communicating our superiority, uniting the effort and protecting the force.

SYRIA AND IRAQ

Question. What is your assessment of the current security situation in Iraq and Syria? What is your understanding of the current United States strategy and objectives in Syria and Iraq? What modifications, if any, would you recommend?

Answer. With Coalition support, Iraqi and Kurdish Security Forces (ISF/KSF), and Syrian Democratic Forces (SDF) and vetted opposition forces have largely halted the expansion of ISIL's area of control and reclaimed territory. In Iraq, ISIL remains a generally cohesive and capable force; however, losses of previously held territory since June 2015 in Sinjar, Bayji, and Ramadi, and west of Kirkuk City indicate the group is struggling to sustain its defensive posture on multiple fronts. ISIL remains reliant on layered defenses around its strongholds, but will not likely be able to repel sustained ISF offensives supported by the PMF, KSF, and Coalition airstrikes. While ISIL leaders continue to direct operations throughout Iraq from Mosul, the loss of several leaders, including its overall leader for Iraq, and declining freedom of movement, has slowed ISIL's ability to resupply and reinforce elements engaged in protracted battles. Mosul will remain the group's finance hub as ISIL likely will increasingly rely on extortion and tax revenue streams following air-

strikes on ISIL's oil infrastructure and production capabilities. Meanwhile, the Iraqi Government continues to face fiscal challenges to resource the anti-ISIL fight due to the effects of volatile global oil prices, which are also affecting its ability to provide more adequate essential services to its people. Recent protests in Baghdad attest to the population's desire for government reforms to fight corruption, which PM Abadi is striving to accomplish amidst sectarian tensions.

The situation in Syria is relatively dynamic, with ISIL, pro-regime forces, opposition, and al Nusrah Front (ANF) all contending for territory in northern Aleppo and eastern Homs provinces. ISIL has lost multiple facilitation routes from Turkey to eastern Syria as a result of opposition gains, resulting in ongoing ISIL efforts to gain access to additional border crossings. In eastern Syria, ISIL retains a significant presence in Raqqah and Dayr az Zawr; however, recent SDF efforts supported by Coalition airstrikes have removed ISIL's overt control of key strongholds in northern Raqqah and Hasakah provinces. Raqqah remains ISIL's primary headquarters in Syria, providing an operational and logistics hub for both Iraq and Syria. Despite airstrikes, ISIL continues to conduct offensive and defensive operations from its territory in eastern Syria. In western Syria, ISIL continues to threaten areas east of Aleppo, but ISIL faces airstrikes and resistance from pro-regime forces, ANF, and opposition elements. Since the Cessation of Hostilities (CoH) agreement began on 27 February, the security situation has improved in most areas across the country. The CoH has so far been largely observed by all parties, despite claims of violations by both sides. United Nations humanitarian aid supplies are beginning to flow into previously inaccessible areas and the Red Crescent has asked the Russians to support the flow of its aid into Syria. Russian support has emboldened and allowed the Assad regime to seize the initiative on multiple fronts and Russian equipment continues to flow into the country. Regime ground forces, supported by Russian air strikes, are continuing operations against ANF in Idlib Province and ISIL in eastern Aleppo and eastern Homs Provinces. In northern Aleppo, the YPG remains just west of the opposition-controlled Azaz point of entry (POE). The most noticeable reduction in fighting has occurred in southern Syria.

U.S. strategy, as part of an international Coalition in a whole of governments approach and by, with and through partner forces, is to ultimately defeat Da'esh. The United States also desires a political transition in Syria in order to reestablish representative governance in Syria along the lines of the Geneva Communiqué, and assist in Iraq achieving inclusive governance capable of meeting the needs of its people and secure its sovereignty. Our objectives in Iraq and Syria are to defeat Da'esh, establish effective, inclusive governance, increase regional stability, and alleviate human suffering. Additionally, we seek to protect the Homeland and U.S. citizens and interests abroad. I believe the strategy and objectives are sound.

Question. What do you believe are the major lessons learned from the Iraq invasion and the follow-on efforts to stabilize the country through 2011?

Answer. Major combat operations in Iraq in 2003 validated United States ability to conduct such operations rapidly and surgically. However, those combat operations were also based on faulty assumptions, which led to policy decisions that in hindsight helped foment an insurgency (e.g. De-Bathification and disbanding the in-place security apparatus, viability of infrastructure). The relearning of counterinsurgency tactics, techniques and practices, a continuing complex and multi-faceted strategic environment, combined with inadequate and poor resourcing for transition to Stability and Reconstruction Operations allowed for the insurgency to last for years. Host-nation partnering and interagency coordination has improved our ability to combine both direct and indirect (lethal and non-lethal) means to target underlying root causes of insurgency to achieve post-combat stability.

Question. What is your assessment of the biggest challenges associated with working with the Government of Iraq and Iraqi Security Forces?

Answer. The biggest challenges associated with working with the Government of Iraq (GoI) and Iraqi Security Forces (ISF) are sectarian divides and the divergence of interests between the GoI and Coalition. While the Abadi government represents Iraq, it is largely dominated by Shiite interests, and exerts control on central and southern Iraq. The Autonomous Region of Kurdistan is led by the Kurdish Regional Government (KRG) in northern Iraq and represents the interests of Iraqi Kurds. ISIL took advantage of perceived Sunni underrepresentation in the GoI and were able to seize western Iraq with relative ease. Like the governing bodies of Iraq, the ISF is comprised of disparate sectarian organizations, such as the Kurdish Peshmerga, Shiite dominated Iraqi Army, and Sunni tribal forces. As operations advance to regain seized territory, these sectarian frictions increase, especially with the Shiite dominated Iraqi Army liberating Sunni population centers. Additionally, while the Coalition is focused on dismantling and defeating ISIL, the GoI's desire to do the same is less important than protecting Shiite power bases. This manifests

in the GoI and ISF moving on their own timeline to retake Iraqi territory utilizing different calculus when assessing risk.

Question. In your view, what is the proper role on the United States military in the conflict in Syria?

Answer. United States Syrian strategy rests on our assessment that the ultimate defeat of ISIL is a political objective that military power supports. As such, commitments of large “foreign” land forces and military footprints would likely exacerbate longstanding, underlying tensions. Accordingly, a credible indigenous ground force is required in Syria for success. The United States military is helping develop this force. However, there is still insufficient numbers of credible indigenous ground forces at this time. Our Coalition Military Campaign in Syria is directed against DAESH. Other local, regional, and international actors are pursuing objectives and interests which are sometimes at odds with our Coalition goals. We must continue to approach these from the military lens through a whole of government approach. In the meantime we will continue to attrite ISIL leadership and fielded forces, and to degrade and dismantle ISIL as an organization in Syria. We will remain focused on countering ISIL to ultimately defeat their ability to hold territory and to terrorize the people of Syria, the region, and the world.

The Syria Train & Equip program was suspended in September. However, we continue to re-supply and provide air support to the New Syrian Forces that graduated from the program prior to its suspension and are currently fighting ISIL. A modified Train & Equip should be re-established as soon as possible. Going forward, the program of instruction can focus on tailored classes to train indigenous leaders that can in turn leverage their training to increase the number of fighters engaged in direct combat against ISIL. The Coalition’s campaign against ISIL requires a capable and resilient indigenous force. The T&E is an effective means to meet this requirement.

Question. What is your assessment of the support the United States has provided to the vetted moderate Syrian opposition?

Answer. The ultimate defeat of ISIL requires a ground force. Supporting vetted elements of the Vetted Syrian Opposition (VSO) is the best option for the Coalition to meet and defeat ISIL on the battlefield. While the training component of the Syria Train & Equip program was suspended in September 2015, we continued to re-supply and provide air support to the New Syrian Forces who graduated from the program prior to its suspension and are currently fighting ISIL. The provision of support to the VSO is essential to demonstrating the Coalition’s resolve in our CENTCOM Military Coalition Campaign to Defeat ISIL and continues to be instrumental in the survivability of supported VSO elements. Training select individuals to be force multipliers will help expand Coalition support and increase the effectiveness of supported VSO forces.

Question. In your view, what should be NATO’s role with respect to Syria (i.e. should NATO consider a military intervention, the creation of a no-fly zone, or other military operations to protect civilians and support opposition forces)?

Answer. NATO, and specifically our NATO ally Turkey, is faced with several challenges: massive refugee migrations, much of it from Syria but also from North Africa where instability remains a key challenge; Russian aggressiveness along its periphery; and the expressed intent of ISIL to conduct terrorist attacks on the homelands of NATO members. NATO must balance all of these defense requirements with any considerations of future roles.

Northern Syria, in particular, is incredibly fluid and complex, with many groups attempting to secure different outcomes. ISIL sees this area as key terrain, and is fighting hard to retain it. Our forces have made gradual progress to seize key points, and they continue to fight. Our NATO ally, Turkey, geographically adjacent to the conflict zone and operating daily near Russian forces engaged in combat in Syria, is a member of our Coalition and is engaged with us to degrade, destroy and ultimately defeat ISIL. We remain closely partnered with Turkey to mitigate these, and to find operational solutions that advance our Coalition military objectives. NATO and we in the Coalition agree that a political transition in Syria is required to assure the long-term stability of the region. Ultimately Assad’s removal, to rid Syria of an autocratic regime whose hostility towards its own people was the original cause of the Syrian Civil War, is essential. However, the Assad regime is still recognized internationally as the legitimate government of Syria. Until the international community is prepared to change its position with regard to the Assad regime, NATO’s and the Coalition’s best course is supporting the current Cessation of Hostilities effort followed by negotiations leading to Assad’s removal.

I do not expect the Cessation of Hostilities to be immediately or fully effective. Even an effective Cessation of Hostilities leaves the requirement for continued prosecution of the Coalition’s campaign to Defeat ISIL. Syria has been devastated by years of war and, once war finally ceases, will require many more years to heal.

NATO should continue to support the Coalition, and present a strategic counter to an increasingly aggressive Russia. Russia has reasserted itself on the international stage by use of threat, invasion, and military action in Crimea, Ukraine, and now Syria NATO can support the Coalition in Syria through the provision of select capabilities now, and can support in the future by contributing the means that will be necessary to conduct stability operations, such as humanitarian support and effective governance.

Question. What additional military steps, if any, should the United States be taking to advance the process for a political solution?

Answer. In Iraq, although not perfect, the ISF is driving ISIL from their nation. That is not the case in Syria. Our Syria Train & Equip program is one way that we can generate an indigenous ground force to accomplish Coalition objectives. Our Coalition is now assessing further military operations that can accelerate the campaign. We know that key military objectives are on the horizon: key ISIL territory such as, Mosul, Raqqah, and the Manbij pocket must all be freed from ISIL control. We are collaborating with our partners in the region and seeking further contributions from Coalition members so that we have the right capabilities. We are conducting tailored strikes from the air already, and are developing further options for DOD review to assure our best chance to achieve our campaign objectives. Such options include activities across the range of military domains and environments.

IRAN

Question. Iran continues to have a destabilizing agenda in the Middle East through both conventional and unconventional capabilities.

What is your assessment of the military threat posed by Iran?

Answer. Iran has a large conventional military, composed of approximately 700,000 personnel divided into two separate militaries—the Islamic Republic of Iran Forces and the Islamic Revolutionary Guard Corp (IRGC). The IRGC has an additional estimated 600,000-strong militarized Basij (para-military) Resistance Force for immediate mobilization in a crisis. Tehran's primary conventional power projection means are ballistic missiles and its expanding navy. Its missile inventory is the largest in the Middle East and includes both medium and short range ballistic missiles, many which are increasingly accurate and capable of reaching most key targets in the region; these weapons provide Iran a deep-strike deterrent. Iran's navies are expanding weapons and inventory and have instituted measures to ensure survival beyond an initial strike, through dispersal of its military forces. Iran is able to capitalize on strategic locations (SOH, oil platforms) by threatening to close or attack these areas. Expected military improvements in ballistic and naval cruise missile technologies will strengthen Iranian Anti-Access Area Denial efforts and allow Tehran to threaten adversaries more frequently and with greater lethality.

Question. What is your understanding of the role of CENTCOM in implementing United States policy with respect to Iran?

Answer. CENTCOM plays a key role in countering malign Iranian influence while maintaining a credible deterrent capability. CENTCOM will continue to closely monitor Iran's actions in the AOR and assess Iranian activity as it relates to United States interests. In response to any JCPOA compliance allegations, CENTCOM will provide support as necessary to the Department of State and other government agencies during the dispute resolution process. If necessary, CENTCOM will enforce the stated policy of the United States.

Question. What action, if any, do you believe the United States and the international community could undertake to counter Iran's increasing conventional military capabilities?

Answer. Iran has invested significantly in building modern ballistic and cruise missile and unconventional warfare capabilities, and it has already begun increasing resources towards more conventional military spending in the wake of recently lifted sanctions. These forces threaten neighboring GCC countries and undermine Middle Eastern stability, as well as the sanctity of the free flow of commerce. Our focus, in countering increased Iranian conventional capabilities, should be on building the capacity of our regional partners and promoting interoperability with each other and the United States, so they can better collectively provide for their own self-defense in the face of an increasingly aggressive and well-resourced Iran. Simultaneously, we must maintain U.S. presence, so that Iran continues to be deterred, and our allies continue to be reassured of U.S. support and leadership. That being said, I believe that Iran is unlikely to employ conventional military capability to solidify their regional hegemony. Rather, they will continue to use proxies and unconventional warfare to undermine their regional competitors through malign influence

and promoting instability. This makes countering Iranian messaging and proxies as critical as countering their conventional capabilities.

Question. In your view, what risks, if any, are associated with reducing United States presence in the Middle East with respect to the threat posed by Iran?

Answer. CENTCOM continues to work hard to sustain enduring military, security, and intelligence ties with our regional partners. Our current posture provides sufficient assurance to our partners of our resolve and capacity to secure our enduring interests. However, any response to crises or conflicts in the region requires access, basing, and overflight authorities. Further reductions of U.S. force presence could jeopardize that assurance, resulting in decreased access to host nation facilities. We must sustain our posture to reduce the risk of miscalculation and to deter Iran from conducting conventional and unconventional acts of aggression, as well as to preserve our ability to provide the Secretary and President with a full range of options in the event of provocation.

We must also keep in mind that further reduction of United States presence could provide opportunities that other countries such as the Russia or China could exploit. Proxies of Iran could also exploit the absence of United States presence, further exacerbating the sectarian divisions and leading to instability.

Question. In your view, what role, if any, should CENTCOM play in countering Iran's support of international terrorism throughout your area of responsibility?

Answer. Iran's support of international terrorism, and specifically within the CENTCOM Area of Responsibility, continues to destabilize its neighbors. Even with successful implementation of the JCPOA, Iran's malign activities to expand its influence continues, thorough the provision of support to terrorist groups and allied militias. CENTCOM supports vigorous intelligence sharing both with our Inter-Agency partners and our Allies and partners around the world. In terms of countering Iran's influence directly, we need continued support for full funding on our efforts to Build Partner Capacity (BPC) amongst the Gulf Cooperation Council States and others within the Region. Where U.S. interests are directly threatened we need to maintain the ability to act unilaterally in order to expose, disrupt and reduce their capacity over time; an example would be Maritime Interdiction Operations (MIO).

EGYPT

Question. What is your assessment of the security situation in Egypt?

Answer. The government of Egypt has made significant strides in restoring stability in mainland Egypt following two revolutions. Government efforts to improve the capabilities and capacities of Egypt's security forces continue to be a top priority. I am obviously concerned by the sustained insurgency in the Sinai Peninsula, which poses a persistent threat to civilians, both foreign and domestic, and notably to the Multinational Force Observer mission throughout the Sinai. Of growing significance is the support from Libya-based extremists to Sinai-based groups. As we continue to examine our operational priorities for the CT fight in Libya, it is imperative we work with our Egyptian partners to ensure the threat to their territory is mitigated.

Question. What is your assessment of the United States-Egypt security relationship?

Answer. The United States-Egypt security relationship remains strong. We continue to work closely with Egypt's Armed Forces (EAF) to improve the security of their borders and increase Egypt's capabilities in the counter-terror fight in the Sinai and on the Libyan border. Egypt depends heavily on United States assistance for these important regional objectives. CENTCOM enjoys the benefit of a stalwart Arab ally in the region, along with unparalleled access to the Suez Canal and Egyptian airspace.

Question. What is your assessment of the role Egypt plays with respect to regional stability?

Answer. Egypt remains an anchor state in the CENTCOM area of responsibility. The country's geographic location, its enduring peace treaty with Israel, its control of the Suez Canal, and its moderate religious and cultural Pan-Arab influences are key factors in support of regional stability. In addition, Egypt is geographically positioned to act as a buffer in countering the flow of foreign fighters, materiel, and financial support to extremists transiting from Libya through Egypt into the Central Region.

Question. In your view, should the United States Government continue to provide Foreign Military Financing funds to the Egyptian military?

Answer. Yes. United States Government aid and support to Egypt is crucial to our strategic partnership. Our military assistance continues to play a major role in protecting our interests. The \$1.3B in FMF which Egypt receives annually helps to

modernize its armed forces and build the capabilities necessary to address our mutual security interests in the region. United States assistance supports the EAF's efforts to secure its western border regions and the Sinai Peninsula, both of which are critical to CENTCOM's success in the Coalition Campaign to defeat ISIL. Discontinuing our support to Egypt may force Egypt to seek aid from other countries and likely weaken United States influence and jeopardize United States access in the Middle East.

Question. What is your assessment of Egypt's counterterrorism operations?

Answer. Egypt remains an anchor state in the CENTCOM AOR. It is important for a number of reasons, to include the country's geographic location, its enduring peace treaty with Israel, its oversight of the Suez Canal, and its cultural and religious influence across the region and the globe. As Egypt continues to struggle with the effects of a weak economy and instability derived from years of political upheaval and violence, President al Sisi is working to strike a balance between promoting a more representative form of government and combatting what he perceives as a subversive form of political Islam and transnationally based, locally supported violent extremism. Egyptians believe that political Islam is bound tightly to the VEO activity in the Sinai and across mainland Egypt, into neighboring Libya. In particular, they see Ansar Bayt al Maqdis (ABM) and IS-Saini as growing threats, capable of conducting attacks in the region. Although nascent Egyptian CT forces are willing to conduct operations, these operations are characterized by limited duration and effectiveness. Egypt remains cautious in partnering with the USG to combat these threats, and will remain significantly constrained by both capability and capacity to challenge these groups in the near-term. Additionally, internal power disputes between the Egypt MOD and MOI pose considerable challenges in developing a unified way ahead.

YEMEN

Question. A civil war between Houthis backed by Iran and President Hadi's forces backed by the Saudi coalition continues without a clear path towards resolution. In addition to the civil war, a number of senior United States officials have indicated the most dangerous associated force of al Qaeda is al Qaeda in the Arabian Peninsula (AQAP) and the ongoing conflict has allowed them to expand their footprint in Yemen.

What is your assessment of the threat posed by AQAP to the United States?

Answer. AQAP has leveraged the political chaos and security vacuum in Yemen to seize military garrisons, government offices, ports, and energy facilities in the southeastern part of the country and establish a de-facto headquarters in the coastal city of Mukallah. AQAP has used these strongholds to generate funds on the order of millions of dollars, enabling the group to co-opt large portions of the local populace, improve weapons stockpiles, enhance recruitment and training initiatives, and seize additional territory. These developments are particularly disconcerting when you consider AQAP's track record for plotting attacks against the United States.

While AQAP may be focused on domestic operations at the moment, it remains capable and intent on striking the American Homeland. In fact, AQAP leaders recently issued several public statements threatening the United States and highlighting the need to strike our interests at home and abroad. These threats, coupled with AQAP's strong operational security, suggest it could attack the Homeland with little to no warning. If we do not deal with AQAP, it is only a matter of time before the group uses its expanded capabilities and safe haven to attempt another attack against the U.S.

Question. What is your assessment of the efforts of the Saudi coalition to defeat the Houthis in Yemen?

Answer. The Saudi-led coalition has seen notable successes in its efforts to restore a legitimate government to Yemen, but it is becoming increasingly clear that this conflict will not be solved via military solution. As the coalition attempts to drive back Houthi-aligned forces, a sincere, open political dialogue is required to bring this conflict to resolution. This must be done with the support of the coalition, its opponents in Yemen, the international community, and most importantly the Yemeni tribes and peoples. Furthermore, all parties must make a sincere effort to prevent AQAP and the relatively new Islamic State branch in Yemen from exploiting security vulnerabilities to build their own capabilities, which could be leveraged to threaten the region.

Question. What is your assessment of the current United States strategy to counter AQAP?

Answer. The previous United States strategy to counter AQAP worked by, with, and through the government of Yemen and our regional partners to build the capabilities of Yemeni Security Forces to keep AQAP in check. Currently, we have no United States presence in Yemen, which has limited our ability to maintain awareness of and keep pressure on AQAP. The effects of this decreased pressure can be seen in AQAP's expansion in eastern and southern Yemen. We continue to work with regional partners to develop counters to AQAP expansion in Yemen and throughout the region.

Question. What is the appropriate role of the United States military in countering the threat of AQAP, and how should this role be coordinated with other partners in the region as well as with other agencies and departments in prosecuting an interagency strategy?

Answer. The current conflict in Yemen has created a security vacuum AQAP is exploiting. Any effective strategy to counter AQAP expansion must also focus on ending the conflict between the Houthis and the legitimate government of Yemen to reestablish internal security. Recognizing there cannot be an enduring "military" solution to the current crisis in Yemen, we support United States and international diplomatic activities to create conditions for a political resolution while concurrently working with our regional partners to keep pressure on AQAP. It is encouraging that we have seen some movement towards a meaningful political dialogue in recent months, but we are acutely aware a lot of work and cooperation is still required. My interagency colleagues and I recognize the criticality of these efforts to the region and pledge our continued emphasis to our efforts in working with all the involved parties.

CENTRAL ASIAN STATES

Question. What, if any, concerns do you have about Russia attempting to reassert itself in the Central Asian States?

Answer. Russia has moved to assert itself in Central Asia through a combination of military, economic, and informational means in an effort to resurrect its great power status and hedge against perceived instability emanating from Afghanistan. Russia has recently touted the idea that the United States is abandoning the region and is leaving behind an unstable situation in Afghanistan which will lead to the potential threat of the Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP) as well as the Taliban creating instability in Central Asia. This narrative is part of an effort to sow fear and doubt in the minds of Central Asian leaders and create a dependency among regional states for Russia to provide security through Russian troop presence, membership in Russian-led security organizations such as the CSTO, and promises of military equipment. Russia is also pressuring Tajikistan to allow its forces to patrol its border with Afghanistan. Economically, Russia is promoting the Eurasian Economic Union (EAEU), which currently includes Kazakhstan and Kyrgyzstan. Russia is also pressuring Tajikistan to join. Through the EAEU, Russia hopes to assert regional economic dominance. Taken together, we see Russia attempting to undermine the sovereignty and independence of Central Asian states which are a key United States interest. Sustained Russian pressure will make it difficult for the United States to deepen our defense ties and support regional stability. Despite this constraint, we continue to work in areas that promote defense professionalization, professional military education, and build capacity against transnational threats while being mindful of Russia's influence in the region.

LEBANON

Question. Over the past decade, the United States has provided over \$500 million in security assistance to the Government of Lebanon.

In your view, what is the appropriate role for CENTCOM in Lebanon?

Answer. CENTCOM's role in Lebanon is to support the Lebanese Armed Forces (LAF) whenever and wherever possible. Despite political and sectarian challenges exacerbated by a nearly 2-year presidential vacancy, the LAF continues to achieve operational successes in the C-ISIL fight along the Syrian border and provide for the country's internal security. The LAF enjoys broad public support—partly due to its cross-sectarian make-up and trusted leadership, but also due to its demonstrations of capability and resolve. CENTCOM must continue to support broader USG policy directives by fostering the mil-to-mil relationship with the LAF via the sustained provision of defense articles, services and training through U.S. grant aid. The LAF continually proves its transparency and professionalism in its dealings with United States Forces, and CENTCOM support for it will ensure continued stability in Lebanon, and a reduced threat for the state of Israel.

Question. Iran has a large arsenal of short- and medium-range ballistic missiles that are capable of reaching forward-deployed United States forces, allies and partners in the region. The Ballistic Missile Defense Review Report of February 2010 stated that the United States intends to pursue a Phased Adaptive Approach to ballistic missile defense against such missile threats in various regions, including the Middle East.

Do you believe that such a phased adaptive approach would provide CENTCOM with the missile defense capabilities needed to defend our forward deployed forces and our allies and partners in the region?

Answer. Ballistic missile defense (BMD) is an integral part of U.S. military and diplomatic strategies wherever the United States has security commitments. Regionally based U.S. BMD assets represent a clear signal of commitment to both allies and adversaries. The Ballistic Missile Defense Review (BMDR) directs us to tailor our missile defense capabilities to the threats and circumstances unique to that region. A more effective BMD system will strengthen deterrence against regional ballistic missile armed adversaries, like Iran, and provide more effective protection should deterrence fail. This approach must be built on the foundation of strong cooperative relationships with partners and Allies. It must be sufficiently flexible to address other regional actors, as they present ballistic missile threats. As such, our regional partners have made significant bilateral investments in the acquisition and employment of U.S. BMD systems. Recently Saudi Arabia and Yemen have deployed and successfully intercepted ballistic missiles in support of Operation Restore Hope. Additionally, we are working with the Gulf Cooperation Council to develop a region-wide BMD capability, including through the development of a ballistic missile early warning system (BMEWS). Therefore, the tenants of the phased adaptive approach are capable of defending our forward deployed forces, allies and partner nations. However, our ability to pace the threat (in both capability and capacity) continues to be a challenge—sufficiency and cybersecurity are significant challenges that must be addressed and employed across the regional security architecture.

Question. What role do you see for other nations in the AOR to contribute to regional missile defense capabilities, either with their own systems or purchasing U.S. systems (such as UAE interest in purchasing the Terminal High Altitude Area Defense (THAAD) system)?

Answer. Our partners in the CENTCOM AOR play a critical role in regional missile defense and will continue to do so for the foreseeable future. Over the last decade, partner nations such as Kuwait, the Kingdom of Saudi Arabia, and the United Arab Emirates have made extraordinary and impressive strides in developing, procuring and employing advanced missile defense capabilities, building a cadre of capable operators and (to a lesser extent) maintainers via FMS programs, while participating in combined exercises. Currently, these capabilities, in conjunction with U.S. deployed systems, are actively contributing to deterring the Iranian threat and, in some cases, defeating the ballistic missile threat from rogue actors. Future efforts will see each of these nations, to include Qatar, continuing to expand upon their advanced missile defense capabilities. Advanced systems such as THAAD, combined with ongoing, combined operations and expanding interoperability with deployed U.S. BMD units, also augment our own defensive posture in support of deployed forces and key infrastructure. Furthermore, on May 14, 2015 President Obama and the heads of Delegations of Gulf Cooperation Council states reached agreement at Camp David to deepen their strategic partnership in defense and security cooperation. At that summit the leaders agreed to “develop a region-wide BMD capability, including through the development of a ballistic missile early warning system (BMEWS).” We continue to make progress on this important effort.

Question. What is your assessment of the progress in the Middle East towards a Phased Adaptive Approach solution to ballistic missile defense and what are the major impediments to progress?

Answer. U.S. BMD deployments in the Arabian Gulf began in the early 1990s, and since then, there has been progress in adding quantitatively and qualitatively to the baseline capabilities in order to keep pace with regional threats. The U.S. inventory in the region includes both land- and sea-based interceptors. The United States currently maintains Aegis BMD-capable ships and Patriot batteries in the Arabian Gulf region for the defense of U.S. core interests in the region. The United States, Kuwait, United Arab Emirates and Saudi Arabia each deploy lower-tier systems capable of point defense of high priority critical assets. Additionally, through separate bilateral agreements, the U.S. shares ballistic missile early warning data that is being used in support of passive and active missile defense activities with several partner nations. Efforts to bolster cybersecurity, while maintaining data-

sharing and interoperability, remains one of the top impediments to a phased adaptive approach as the cyber threat in the region continues to grow. Partner nations have purchased numerous missile defense and Command and Control systems through both foreign military sales and via direct commercial sales. As a result, the command, control and communications architectures employed by our regional partners do not universally meet the same level of cybersecurity safeguards required for U.S. missile defense systems. This delta introduces vulnerabilities, effects partner nation integration, and impedes the ability to integrate with U.S. deployed forces across the region.

Question. What suggestions would you have to improve progress towards a coordinated Phased Adaptive Approach in the Middle East?

Answer. Recognizing the tremendous investment in the last decade to bolster our missile defense capability in the Middle East, I believe we must maintain our national commitment to providing the most advanced missile defense capabilities in defense of our forward deployed forces, partner nations, and U.S. national interests in the region. The continued proliferation of and improvement in ballistic missile capabilities requires us to continue our efforts to counter these threats with the most advanced weapons systems and best trained military personnel in the world. Likewise, I recommend we continue to support research and development of more advanced systems and asymmetric methods to combat the entire BMD engagement chain in order to stay ahead of the evolving threat and to place ourselves on the right side of the cost curve (missiles vs. interceptors). The contributions from our partner nations are critical in this effort—the tremendous work done by our military and other U.S. intergovernmental agencies to assist in the BMD mission and improve partner nation missile defense capabilities is imperative as we look to the future of missile defense.

BUILDING PARTNER CAPACITY AND SECURITY ASSISTANCE

Question. In the past few years, Congress has provided DOD a number of authorities to provide security assistance to partner nations.

In your view, what should be our strategic objectives in building the capacities of partner nations in the CENTCOM AOR?

Answer. Our strategic objectives in building the capacities of partner nations the Central Region continue to focus on those critical capabilities that contribute to our mutual security interests: counter-terrorism, border security, and air & missile defense. Two of the bigger authorities and funds provided to DOD in recent years, ITEF and CTPF, have gone directly toward building these capabilities among our key partners. Additionally, we have used these funds to build partner nation capacity for ongoing challenges to be faced by indigenous forces with U.S. support through host governments. This requires conventional formations to establish a large-scale persistent train and equip relationship with key partners. An example of building partner capability can be seen with the Jordan Operational Engagement Program (JOEP) where we provide equipment and training to Jordanian forces, which improves their capabilities in counter-terror and border security operations. This enables them to work together with other regional partner in counter-ISIL operations.

Question. As commander of U.S. Special Operations Command, you have directed efforts designed to build partner capacity. What are the major lessons learned from your efforts to use the authorities Congress has provided?

Answer. SOCOM provides resources (personnel and equipment) to the geographic Combatant Commands (GCCs) who execute the Security Cooperation programs in their Area of Responsibilities (AOR). With very few exceptions, SOCOM does not initiate or request either title 10 or title 22 Building Partner Capacity (BPC) projects. Each of the Theater Special Operations Commands (TSOCs) work with their respective GCCs to draft multi-year plans to develop partner nation Special Operations Forces (SOF) in their regions.

That being said, I'd like to elaborate on my two key observations:

The first is that most of the SOF enterprise is not as familiar or comfortable with the wide range of existing BPC authorities as we should, or rather must, be. All the authorities that the GCCs need already exist, we just need to learn how to use them better to meet our needs. Of the more than 160 congressional statutes that authorize the U.S. Government to undertake security cooperation with foreign partners, about 120 of them apply to DOD. Out of those 120 authorities, SOF routinely utilizes fewer than about a dozen for BPC activities. In order to support BPC events proposed by the TSOCs and GCCs, our challenge is to determine which authority and funding source can be used. Admittedly this can be a complicated process since almost all of the available authorities have different submission processes, different

deadlines, different eligibilities, different approving authorities, different vetting requirements, and different funding cycles. So, to help our TSOCs sort through the wide range of available resources, I have made education on security cooperation authorities a priority. Formal training on authorities is now available from Joint Special Operations University (JSOU), and I have created a Security Cooperation Coordination office within my J5 to act as a single-entry point for help on available authorities. SOCOM is also working closely with the Defense Security Cooperation Agency (DSCA) to improve support to GCC-led Security Cooperation efforts that involve SOF-related defense articles (materiel and training).

My second observation that we must recognize and fully appreciate Department of State's (DOS) lead role in ensuring consensus for all BPC projects. While we may want an authority that would enable a quicker response to identified needs (train, equip, advise, etc.), we have learned that our desired end-state of support to a foreign unit must complement the DOS strategic goals for the entire country and region.

In summary, the necessary authorities already exist to accomplish any BPC project. We, the GCCs and SOCOM, must improve our ability to fully utilize existing authorities to accomplish BPC efforts in support of broader U.S. policy goals.

COUNTER THREAT FINANCE

Question. In addition to high profile efforts to disrupt ISIL funding streams as part of the Operation Inherent Resolve (OIR) campaign, DOD and the Intelligence Community (IC) have invested more resources in identifying and tracking the flow of money associated with terrorist networks and illicit trafficking. Identifying and disrupting key individuals, entities, and facilitation routes enabling the flow of money that supports terrorism, production of IEDs, narco-trafficking, proliferation, and other national security threats could have a significant impact on confronting these threats.

What are your views on the role of DOD in counter threat finance activities?

Answer. DOD plays a critical role in USG counter-threat finance (CTF) activities. DOD enables and enhances Interagency (IA) capabilities to: (1) discover vulnerabilities in adversary networks through analysis and collection; (2) conduct planning to synchronize and integrate law enforcement and/or regulatory authorities; (3) build partner nation CTF capacity; (4) further specific cases against individuals operating illicitly in support of an adversary state or network; and (5) provide appropriate financial analysis and support to the development of kinetic targeting. Over the past year, the Department institutionalized CTF as a vital DOD program through the Joint Requirements Oversight Council process. Institutionalizing and operationalizing DOD CTF capabilities are important enablers that will create a CTF trained and resourced force that can identify and degrade current and future threat financing on the 21st century battlefield.

Question. What is your assessment of OIR efforts to disrupt ISIL funding?

Answer. CJTF-OIR efforts have addressed all aspects of ISIL funding—from generation and sales through distribution and warfighting sustainment. Targeting ISIL controlled oil fields have significantly disrupted ISIL's capability to generate large revenue streams from this resource. To increase pressure on ISIL revenue generation the coalition has also targeted several bulk cash sites denying ISIL access to accumulated wealth. Additionally, coalition air strikes on logistical, training and headquarters facilities also imposes cost on ISIL's bottom line, forcing its leadership to make hard decisions about where they allocate their available resources.

Coalition operations against ISIL-controlled oil infrastructure and bulk cash sites have negatively impacted ISIL's finance and logistics networks. While ISIL still controls over 80 percent of Syria's energy resources, infrastructure and assets and while this sector has accounted for 50 percent of ISIL's revenue, these numbers are now in reduction. ISIL oil revenues are down by about 30 percent. The group has cut its fighter salaries in half in some areas, and is burdening the populations under control with extortionist taxes to alleviate economic shortfalls.

Additionally, the coalition has also focused on decreasing liquidity in ISIL-controlled territory by preventing ISIL from acquiring cash. In August 2015, the coalition worked with the Government of Iraq to emplace a ban and hold in escrow the distribution of government salaries into ISIL-held areas, which curtailed ISIL's ability to tax these funds. Finally, recent Coalition strikes against bulk cash sites in Mosul have also incinerated millions of dollars under ISIL's control.

Question. Are there opportunities to replicate or improve upon past network-disruption efforts in impacting facilitation networks?

Answer. Yes. Our successes in disrupting facilitation networks working in conjunction with and in support of our Interagency partners provide ample opportuni-

ties to expand efforts and results in these areas. We have partnered with USG law enforcement (LE) agencies outside CENTCOM's OIR Joint Operations Area to leverage partner nation law enforcement authorities to disrupt adversary facilitation networks involved in illicit border activities which facilitates and sustain ISIL operations. This proven effort provides a good model of joint LE-DOD efforts which we are institutionalizing and replicating across the USG LE enterprise.

Another example of formalizing IA-CENTCOM successes against facilitation networks is our leveraging USG Department of Commerce regulatory End-Use Checks in the form of a CENTCOM Concept of Operations which partners our efforts across the whole of government and has led to the disruption of trans-shipments to our adversaries.

Question. In your view, how should the Department of Defense coordinate and interface with other key agencies, including the Department of Treasury and the Intelligence Community, in conducting counter threat finance activities?

Answer. Based upon experiences in the conflicts in Iraq and Afghanistan, CENTCOM champions the "whole-of-government" coordination and unique methods of Interagency-DOD interfacing through a series of initiatives driving collaboration and Intelligence Community support for CTF at every phase of operations and planning. These initiatives include: (1) establishing an office of primary responsibility within the Command for promoting Interagency operational collaboration, intelligence coordination, and planning; (2) hosting Interagency liaison officers as part of the Staff and; (3) establishing a strategic network of CTF personnel embedded in other branches of the government to pursue actions in support of mutually identified priorities. Furthermore, we integrate inter-agency counterparts into our Battle Rhythm through inclusion in working level communities of interest, our interagency working group, target development and senior level Counter-Terrorism Coordination Board forum, to ensure we are collaborating at every critical decision point—sharing information and coordinating efforts.

STRATEGIC COMMUNICATIONS AND INFORMATION OPERATIONS

Question. Over the past decade, DOD has funded an increasing number of military information support operations (formerly known as psychological operations) and influence programs.

What are your assessment of DOD's military information support operations, influence programs, and other information warfare efforts in the CENTCOM AOR?

Answer. Good progress has been made and CENTCOM is seeing some success in combatting ISIL's propaganda and narrative online using our existing programs. We are expanding our cooperation with our Interagency and Coalition partners to achieve our common mission of countering ISIL ideology and propaganda. Our efforts are focused at the tactical and operational level to amplify battlefield successes and counter ISIL's disinformation. We are seeing positive momentum working with regional military partners, who increasingly use their IO training to combat violent extremist messaging.

Looking ahead, we need to continue to improve operating with our interagency and regional partners in a more synchronized manner so that we can dominate the information environment. This will enable us to discredit, erode, and attack ISIL's legitimacy in the eyes of those audiences susceptible to being radicalized.

Question. What unique value should such programs contribute in distinction from strategic communications and influence activities conducted by other government departments and agencies?

Answer. Strategic communications are targeted and tailored for select groups and individuals generally comprised of large audiences. Military information operations can be—and frequently are—directed to mass audiences as well as to individuals posting on social media websites. CENTCOM Information Operations focuses its efforts in two main lines of effort: 1) building capacity of regional military partners to conduct IO/MISO for themselves; and 2) supporting on the ground operational activities by amplifying successes and discrediting ISIL's false messaging. We provide fact-based online messaging integrated and synchronized with real-time events, presenting information that regional audiences cannot find elsewhere. CENTCOM has the unique capacity to mobilize indigenous voices leveraging existing regional networks. This provides authenticity and credibility than the USG could not create alone. These efforts organize existing counter-ISIL conversation, supply new content, share successful tactics, and encourage credible voices to move to conversation threads that the adversary is using for recruitment. CENTCOM programs play an important role in countering the appeal of ISIL's brand, to key audiences in Iraq/Syria, the region and abroad, interrupting the echo chambers of propaganda and disinformation that the group has created. We synchronize our efforts with the new

Global Strategic Engagement Cell within the Department of State, meeting several times a week, and are committed to supporting the U.S. whole of government and coalition approach.

Question. ISIL, al Qaeda and affiliated violent extremist groups work hard to appeal to local populations. In several cases throughout the CENTCOM AOR these efforts have allowed violent extremists to establish a safe haven, conduct operations, and expand their recruiting base. The composition and size of these groups in comparison to the U.S. Government permits them to make policy decisions very quickly.

Do you believe CENTCOM and other agencies within the U.S. Government are appropriately organized to respond effectively to the messaging and influence efforts of ISIL, al Qaeda and other affiliated terrorist groups?

Answer. CENTCOM is postured to identify and effectively counter adversary disinformation concerning Coalition efforts in Iraq and Syria. We are linked at the operational and strategic level with other departments conducting similar efforts. However, there are times where tactical successes in Iraq and Syria could be better exploited at the strategic communications level. ISIL's messaging and appeal outside Iraq and Syria are a major concern—CENTCOM participated in a series of working groups alongside Department of State and Special Operations Command to address this concern and improve overall USG ability to synchronize efforts and respond more rapidly. We are working a number of initiatives in this regard. The problem is not one of organization or venues to promote cross departmental coordination. Rather, the emerging challenge is creating procedures to rapidly coordinate with the Department of State's Global Engagement Center, Coalition capabilities; such as the Coalition Global Communication Cell in London; the Sawab Center in UAE; the Dubai Regional Media Hub; and others. Establishing and improving these procedures will increase our speed, volume and messaging effectiveness. Numerous efforts are underway to move these issues forward.

INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES

Question. Over the last 15 years, CENTCOM has received the overwhelming majority of the ISR support that DOD has been able to generate. However, the demand for more ISR has continued to outstrip the supply, even though the Secretary of Defense has taken extraordinary actions to ramp up the acquisition of more and more capable and varied ISR systems. Other Combatant Commands and other military missions and operations outside of the CENTCOM AOR have gone wanting.

Question. As a military commander, what are the indications that you look for that would suggest you do not have enough ISR?

Answer. Over the last 15 years, ISR (and FMV in particular), has become the critical joint enabler for CENTCOM operations across the AOR. FMV is critical to both counterterrorism and conventional combat operations because it is used to establish pattern of life, develop targets, ensure minimal collateral damage, and perform battle damage assessment. The demand for ISR continues to outpace supply across the entire AOR, from OIR to Afghanistan, and from Yemen to the Arabian Gulf. Determining if we have enough ISR is based on intelligence requirements articulated through the collection management process. These quantified intelligence requirements are the demand signal from the warfighter on how much ISR they need to accomplish the mission. The collection management process allows CENTCOM to compare its intelligence requirements against the ISR available in theater, assign ISR assets against these prioritized requirements, and identify the resulting ISR shortfalls.

Question. Do you foresee, and if so to what degree, CENTCOM relinquishing existing ISR systems as demand continues to grow, specifically in northern Africa?

Answer. ISR remains a key enabler in both the CT and conventional fights we are concurrently engaged in within the OIR JOA, as well as in Yemen and Afghanistan. Currently every COCOM is operating at a deficit with respect to ISR demand versus assets available. An increase in demand in any theater drives a risk discussion of whether the new requirements will be sourced at the expense of another COCOM's existing capacity. As a result, CENTCOM does not believe there will be any reduction in ISR requirements in the near future. The extension of current operations and force levels in Afghanistan, combined with the growing scope of operations in Iraq/Syria, continues to expand CENTCOM's requirements. Additionally, as operations also expand across the Arabian Peninsula (ex. Yemen and support to the Kingdom of Saudi Arabia), CENTCOM's ISR requirements will expand in kind—competing with expanding CT efforts in AFRICOM (and perhaps PACOM in the future). As a result, we are not likely to recommend any asset relinquishment from CENTCOM's AOR.

CENTCOM HEADQUARTERS

Question. What considerations must be taken into account to determine whether a military headquarters, such as CENTCOM headquarters, has the right number of people?

Answer. Traditionally, Combatant command headquarters manpower is determined based on assigned UCP, JSCP, and GEF missions along with the size and complexity of the assigned AOR. When combat operations are necessary, the combatant command headquarters is traditionally augmented by temporary manpower to handle the increased workload of contingency operations. For the last 15 years CENTCOM has continuously been engaged in combat operations throughout our AOR. Since major combat operations with United States ground forces in Iraq and Afghanistan have ended, CENTCOM has sharply reduced the number of temporary augmentees. Despite the reduction in temporary manpower, they continue to conduct operations enabling security forces and civil authorities “by, with, and through” our coalition partners to defeat ISIL throughout the AOR. Because the “temporary” combat operations have become more enduring, CENTCOM has had to rely more on its permanent manpower to handle these mission sets and the peacetime workload.

Question. Will you commit to conducting a review of the size of the CENTCOM headquarters?

Answer. Yes. Over the past 10 years, CENTCOM has had more than 6 internal and external manpower reviews and studies. Additionally, the 25 percent management headquarters manpower reduction, mandated by the 2016 NDAA, will necessitate another manpower review.

INTERAGENCY COLLABORATION

Question. The collaboration between U.S. Special Operations Forces, general purpose forces, and other U.S. Government departments and agencies has played a significant role in the success of counterinsurgency and counterterrorism operations in recent years. However, much of this collaboration has been ad hoc in nature.

What do you believe are the most important lessons learned from the collaborative interagency efforts in Afghanistan, Iraq, and elsewhere?

Answer. Counter Terrorism (CT) operations are intelligence intensive since the greatest challenge is “finding and fixing” the terrorists—an act of extreme complexity and difficulty requiring every intelligence capability and domain at our disposal.

The CT paradigm demands the highest art in target discretion, lethality and precision. Each of these attributes demands fused, all-source intelligence assessments to ensure mission success. We have learned that no single Intelligence Community (IC) entity is sufficiently omniscient to provide the required level, depth and TEMPO of intelligence necessary to underpin effective CT operations—mandating close collaboration across the “find, fix and finish” process. Our experiences in Operations Enduring and Iraqi Freedom have highlighted the need for collaborative and synchronized intelligence effort from across the IC to develop the needed intelligence. Only a united effort, synchronized at all levels by professionals from all intelligence domains is sufficient to effectively address this task.

SECTION 1208 OPERATIONS

Question. Section 1208 of the Ronald Reagan National Defense Authorization Act for fiscal year 2005 (Public Law 108–375), as amended by subsequent bills, authorizes support (including training, funding, and equipment) to forces and individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism.

What is your assessment of this authority?

Answer. I am very appreciative of Congress’ continued interest in and support for this program. Section 1208 remains a critical tool in our combating terrorism efforts. It allows small-footprint SOF elements to take advantage of the skills and unique attributes of indigenous regular and irregular forces—local area knowledge, access, ethnicity, and language skills to achieve effects that are critical to our mission objectives, especially in remote or denied areas where U.S. formations are infeasible. Our ability to quickly provide enabling support to willing partners under section 1208 has resulted in hundreds of successful tactical operations. These operations have disrupted terrorist networks and their activities and denied them operating space across a wide range of operating environments, at a fraction of the cost of other programs. As the SOCOM Commander, the 1208 program is one of my highest priorities.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your assessment of the problem of sexual assaults in CENTCOM?

Answer. CENTCOM's efforts in encouraging victims to step forward and to protect them once they do, have led to an estimated increase in reporting for CENTCOM over the past 3 years (Reported assaults relative to the average population increased from .08 percent (FY 13) to .15 percent (FY15)). This assessment aligns with overall DOD statistics which continue to trend toward increases in victim reporting of sexual assault. The increase in reporting seems to indicate greater support to victims and greater confidence in the military justice system.

There is a positive trend by command climate survey respondents which indicate they feel leadership is firmly committed to preventing sexual assault and if it occurs will hold perpetrators accountable.

Question. What is your assessment of CENTCOM's sexual assault prevention and response program?

Answer. Sexual Assault Prevention and Response (SAPR) continues to receive CENTCOM leaders' highest level of attention. Leaders at all levels continue to aggressively execute the Department's five Lines of Effort (LOEs) which include: 1) Prevention, 2) Investigation, 3) Accountability, 4) Advocacy/Victim Assistance, and 5) Assessment. Throughout the AOR, CENTCOM units implement specific and wide-ranging Service initiatives while adhering to the Commander's clearly-stated policy of zero tolerance for sexual harassment and discrimination.

Fundamentally, sexual assault is a safety and readiness issue, and we must continue to address it with efforts at all levels of the chain of command.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. I strongly support the current provisions for restricted and unrestricted reporting of sexual assaults. Having these two reporting options will allow us to emphasize a commitment to victim care, while also supporting the victim's desires for privacy. Restricted reporting permits victims of sexual assault to report the crime to specific individuals, allow them a wide range of care (medical, mental health, legal advice, etc.) without notifying command or law enforcement officials. The ability to change to an unrestricted report at any point enables an official investigation to move forward and provides the victims of sexual assault choices and options during a deeply personal and life-changing time.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. CENTCOM's aim is to reduce—with the ultimate goal of eliminating—the crime of sexual assault in the CENTCOM AOR. Their strategic approach to sexual assault is prevention first, but when necessary, focused and unwavering commitment to a victim's care. CENTCOM's chain of command will continue to take deliberate and meaningful actions to prevent sexual assaults, empower victims, facilitate recovery when incidents do occur, and sustain our commitment to holding offenders appropriately accountable for their actions.

Question. What is your view of the adequacy of resources and programs in CENTCOM to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. CENTCOM provides victims adequate resources through robust advocacy, and victim assistance through advertisement and ease of access to resources. The services provided to victims include educational information via written and electronic methods, resources centers in the AOR, legal/victim counsel, medical providers, victim advocates and psychological assistance.

Question. What is your view of CENTCOM initiatives to prevent additional sexual assaults?

Answer. CENTCOM has effective initiatives and programs in place to prevent additional sexual assaults. The Headquarters and the Components have initiated several effective training methods, including SAPR Stand-downs, team building events, values-based training, bystander intervention and leadership training. The HQ Command Climate Survey has historically reflected a healthy SAPR environment compared to other DOD Joint units. I believe the training initiatives and leadership involvement has been effective, and I will evaluate and assess all areas with an eye towards continuous improvement immediately upon taking command.

Question. What is your view of the adequacy of the training and resources available to CENTCOM to investigate and prosecute allegations of sexual assault?

Answer. I believe that the amount of training and resources in those areas where we have high concentrations of soldiers (Service Components, Joint Task Forces, etc.) is adequate. However, I do have concerns with resources at satellite and remote

locations. The emphasis is to mitigate shortages in those locations by focusing on partnership and collaboration with the component headquarters in the AOR. In the event a sexual assault is committed, commanders have the responsibility to hold servicemembers accountable and I will be committed to bringing to bear all resources required at these locations ensuring thorough and complete investigations are conducted.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. It is absolutely a responsibility for commanders at every level to promote an environment that respects every member and is intolerant of the disparaging behaviors that may bring about a sexual assault. We must demand servicemembers understand and embody the military core values, and demonstrate the courage to act on these types of issues.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting.

If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. I will not tolerate retaliation on victims who report or are considering reporting a sexual assault. I know victims often will look to experiences of other survivors as an indication of how they may be treated. Victims must know that they will not be retaliated or blamed for the illegal actions of others. If a member of CENTCOM is found to have retaliated against or socially ostracized a victim, it will result in criminal prosecution under the UCMJ for Article 92, Failure to Obey Orders or Regulations. They will be held accountable for their actions. I will continue General Austin's zero tolerance policy for any type of sexual harassment or retaliation.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. I will continue General Austin's policy of zero tolerance for any type of sexual assault, harassment, or discrimination backed up by processes that require notification reports to General Officers when an unrestricted sexual assault is reported. CENTCOM fully understands that underreporting of sexual assaults affects CENTCOM's ability to provide services to the victim, as well as hinders the ability to take action against an alleged offender. Military victims must feel they are protected, treated with dignity and respect, and are provided the highest quality of support, advocacy, and care. We will continue the annual continuum that General Austin started that has led to increased reporting. Members of CENTCOM must be trained about the resources available, ways to protect their privacy, and leaders must be supportive. Training will continue to be mandatory for both military and civilian, and will include all ranks. Members of CENTCOM will be educated in the process and leaders will work for their trust. Only then will victims feel more comfortable in reporting. We will also continue to hold perpetrators accountable and ensure personnel command-wide know that reports are taken seriously and justice is pursued is vitally important. While we will protect the innocent victims' identities, case outcomes will be well-publicized. The message will be sent that perpetrators of sexual assault and harassment are held accountable.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. I believe the Department's current policy is appropriate and properly places the responsibility for making these decisions in our most experienced leaders. Senior commanders regularly make difficult decisions on military justice matters and rely upon military legal experts to advise them on the merits and options in all cases. Commanders are explicitly charged with maintaining good order and discipline and in my view are fully capable and the proper authority to make that determination.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in CENTCOM?

Answer. While there is always more work to do and ways to improve, CENTCOM has established a solid foundation for education, advocacy, and accountability. Reporting has increased and more confidence in the system is shown in recent CENTCOM climate surveys. The system in place will be evaluated and improved upon using experience and lessons learned. Most importantly, I will ensure we provide any assistance necessary to survivors of sexual assault.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of CENTCOM commanders to prosecute sexual assault cases?

Answer. In my assessment our senior military leaders are fully capable of making difficult decisions with complex facts. Our leaders are supported with well trained personnel to advise them and we continue to aggressively attack the blight of sexual assault. We will continue to support the policy and adapt to changes as they occur. In my opinion our organization is strengthened by providing our military leaders with both the responsibility and authority necessary to ensure that all of our outstanding men and women, our sons and daughters are protected from sexual assault. With the responsibility to protect our servicemembers and their families commanders should be able to hold accountable those that commit misconduct.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes, if confirmed

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes, if confirmed

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, CENTCOM?

Answer. Yes, if confirmed

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes, if confirmed

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, if confirmed

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

NEVER CONTRACT WITH THE ENEMY

1. Senator AYOTTE. General Votel, are you familiar with the Never Contracting with the Enemy provision in the National Defense Authorization Act (section 841 of the fiscal year 2015 NDAA)?

This provision provides the authority to expeditiously terminate contracts that are found to be benefiting our enemies. These authorities have been credited with preventing more than \$31 million from ending up in the hands of our enemies.

General VOTEL. Yes, I am.

2. Senator AYOTTE. General Votel, if confirmed, do you commit to monitoring the implementation of these authorities to make sure that we use them as aggressively as possible to ensure DOD is acting as a responsible steward of our tax dollars and preventing our money from ending up in the hands of our enemies?

General VOTEL. Yes, I do.

3. Senator AYOTTE. General Votel, do you commit to pushing CENTCOM officials to aggressively scrutinize subcontracting networks to ensure money is not ending up in the hands of our enemies?

General VOTEL. Yes, I do.

4. Senator AYOTTE. General Votel, do you commit to ensuring that CENTCOM provides its data in a timely manner each year to enable the submission of the section 841 reporting requirement to Congress?

General VOTEL. Yes, I do.

FULFILLING OPERATIONAL NEEDS

5. Senator AYOTTE. General Votel, as I am sure you are aware, there are currently multiple Army units who have filed Operational Needs Statements for a commercial software product in support of their missions, most of which are focused on anti-ISIL operations. One of these units has been waiting for over 18 months for a tool that they deem mission critical. Is the 95th Civil Affairs Brigade still waiting for this capability after 18 months?

General VOTEL. SOCOM continues to work in coordination with Headquarters Department of Army (HQDA) G2/3 and the U.S. Army Special Operations Command to assist in the fulfillment of the Operational Needs Statement (ONS) requirements. HQDA G3 validated the ONS for the 95th Civil Affairs Brigade (CAB) on 26 Aug 2015. The 95th CAB has the majority of the capabilities required by the ONS today. SOCOM will award a contract in the May-June 2016 timeframe to fully address the remaining capability required by the ONS, specifically the entry of civil affairs specific data via unclassified mobile devices.

6. Senator AYOTTE. General Votel, what is the fielding plan for these operational needs in the near-term?

General VOTEL. Fielding has been accomplished for all SOF units for the required capabilities via the SOF Palantir Mesh. Access to the SOF Palantir Mesh is web-based and accessible from any desktop or laptop connected to the Non-Secure Internet Protocol Router Network (NIPRnet), Secret Internet Protocol Router Network (SIPRnet), Joint Worldwide Intelligence Communication System (JWICS), and Battlefield Information Collection and Exploitation System (BICES). The final capability, entry of civil affairs specific data via unclassified mobile devices, will be fielded in the July-August 2016 timeframe.

 QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

MILITARY INTELLIGENCE

7. Senator MCCASKILL. General Votel, last fall the New York Times reported that intelligence on the Islamic State had been manipulated or dismissed by intelligence personnel at U.S. Central Command (CENTCOM). I understand the military intelligence community receives information from a wide variety of sources and agencies which has to be interpreted to provide the best information to decision-makers. However, I know the interpretation can be skewed to reach conclusions favorable to leaderships' expectations or desires. If confirmed, how are you going to ensure intelligence is not being manipulated or skewed in order to present an accurate understanding of the issues in your area of responsibility?

General VOTEL. If confirmed, I will establish and reinforce a Command-wide expectation that the intelligence we handle and the analysis we conduct must be performed through unbiased, fact-driven, and professionally dispassionate processes and procedures. As importantly, we will perpetuate a Command-climate that incentivizes the undiluted transmission of intelligence and information both within and outside of CENTCOM, even if the information is inconvenient, unpopular, or contrary to other views.

RECONSTRUCTION AND SUSTAINABILITY

8. Senator MCCASKILL. General Votel, Congress has been clear that greater analysis and assurances are needed to ensure that reconstruction and infrastructure projects the United States is funding in Afghanistan are not only needed and wanted by the Afghan Government, but sustainable for the Afghan Government. Congress made this clear in the Fiscal Year 2013 National Defense Authorization Act, which stated that funding for reconstruction and development in contingencies will not be available for use until a sustainability assessment is conducted that accounts for the host country's ability to maintain these projects. Should you be confirmed, as the commander of CENTCOM, you will play a key role in implementing the law as it pertains to projects in Afghanistan and the rest of CENTCOM's area of responsibility (AOR). What steps will you take to ensure that projects within CENTCOM's AOR meet the statutory requirements for sustainability?

General VOTEL. CENTCOM will continue to work closely with the Combined Security Transition Command-Afghanistan (CSTC-A) and the Government of the Islamic Republic of Afghanistan (GIROA) to ensure infrastructure that is developed or reconstructed is sustainable in accordance with elements of assessment outlined in fiscal year 2013 NDAA. CSTC-A will work with GIROA Ministries to divest unneeded

infrastructure to ensure remaining infrastructure is within their capacity to sustain. Additionally, we will initiate a training program to develop personnel in the Afghan Ministries of Defense and Interior who can perform these assessment responsibilities. CENTCOM will continue to apply these best practices for any future capital projects that benefit a host nation country and is funded by the Department of Defense across the AOR.

[The nomination reference of General Joseph L. Votel, USA follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 22, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

General Joseph L. Votel.

[The biographical sketch of General Joseph L. Votel, USA, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL JOSEPH L. VOTEL

Source of commissioned service:

USMA

Educational degrees:

- United States Military Academy—BS—No Major
- United States Army Command and General Staff College—MMAS—Military Art and Science
- United States Army War College—MSS—Strategic Studies

Military schools attended:

- Infantry Officer Basic and Advanced Courses
- United States Army Command and General Staff College
- United States Army War College

Foreign language(s):

French

Promotions:

Promotions	Dates of appointment
2LT	8 May 80
1LT	28 Nov 81
CPT	1 Feb 84
MAJ	1 Sep 91
LTC	1 May 95
COL	1 May 01
BG	1 Jan 05
MG	2 Oct 08
LTG	10 Jun 11
GEN	28 Aug 14

Major duty assignments:

From	To	Assignment
Aug 14	Present	Commander, United States Special Operations Command, MacDill Air Force Base, Florida.

From	To	Assignment
Jun 11	Jul 14	Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, North Carolina and Operation Enduring Freedom, Afghanistan.
Jul 10	Jun 11	Chief of Staff, United States Special Operations Command, MacDill Air Force Base, Florida.
Jul 08	Jul 10	Deputy Commanding General, Joint Special Operations Command, Fort Bragg, North Carolina, and Operation Iraqi Freedom, Iraq.
Apr 06	May 08	Deputy Commanding General (Operations), 82d Airborne Division, Fort Bragg, North Carolina and Operation Enduring Freedom, Afghanistan.
Jan 06	Apr 06	Deputy Director, Joint Improvised Explosive Device Defeat Organization, Office of the Secretary of Defense, Washington, DC.
Jul 04	Dec 05	Director, Joint Improvised Explosive Device Defeat Task Force, Office of the Deputy Chief of Staff, G-3/5/7, United States Army, Washington, DC.
Sep 03	Jul 04	Deputy Director for Information Operations/Director, Army Improvised Explosive Device Defeat Task Force, Office of the Deputy Chief of Staff, G-3/5/7, United States Army, Washington, DC.
Jul 01	Aug 03	Commander, 75th Ranger Regiment, Fort Benning, Georgia and Operation Enduring Freedom, Afghanistan and Operation Iraqi Freedom, Iraq.
Jul 00	Jun 01	Student, United States Army War College, Carlisle Barracks, Pennsylvania.
Aug 98	Jul 00	Commander, 1st Battalion, 75th Ranger Regiment, Hunter Army Airfield, Georgia.
Jun 96	Jun 98	Commander, 2d Battalion, 22d Infantry Regiment, 10th Mountain Division (Light), Fort Drum, New York.
Aug 94	Jun 96	Staff Officer, Contingency Initiatives Branch, Office of the Assistant Chief of Staff, Plans and Policy, Allied Forces Southern Europe, Naples, Italy and Operation Joint Endeavor, Bosnia-Herzegovina.
Jun 91	Jun 94	Liaison Officer, later S-3 (Operations), later Executive Officer, 1st Battalion, 75th Ranger Regiment, Hunter Army Airfield, Georgia.
Aug 90	Jun 91	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas.
Sep 88	Jun 90	Plans/Liaison Officer, later S-3 (Plans), 75th Ranger Regiment, Fort Benning, Georgia and Operation Just Cause, Panama.
Jun 85	Sep 88	Small Groups Tactics Instructor, United States Army Infantry School, Fort Benning, Georgia.
Jan 85	Jun 85	Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia.
Oct 80	Nov 84	Rifle Platoon Leader, later Executive Officer, A Company, later S-1 (Personnel), later Commander, A Company, 1st Battalion, 4th Infantry Regiment, 3d Infantry Division, United States Army Europe and Seventh Army, Germany.

Summary of joint assignments:

Summary of joint assignments	Date	Grade
Commander, United States Special Operations Command, MacDill Air Force Base, Florida.	Aug 14–Present	General
Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, North Carolina and Operation Enduring Freedom, Afghanistan.	Jun 11–Jul 14	Lieutenant General
Chief of Staff, United States Special Operations Command, MacDill Air Force Base, Florida.	Jul 10–Jun 11	Major General
Deputy Commanding General, Joint Special Operations Command, Fort Bragg, North Carolina, and Operation Iraqi Freedom, Iraq.	Jul 08–Jul 10	Brigadier General/ Major General
Deputy Commanding General (Operations), 82d Airborne Division/Deputy Commanding General (Operations), Combined Joint Task Force-76, Operation Enduring Freedom, Afghanistan.	Jan 07–Apr 08	Brigadier General
Deputy Director, Joint Improvised Explosive Device Defeat Organization, Office of the Secretary of Defense, Washington, DC.	Jan 06–Apr 06	Brigadier General
Director, Joint IED Defeat Task Force, Office of the Deputy Chief of Staff, United States Army, Washington, DC.	Jul 04–Dec 05	Colonel/Brigadier General
Staff Officer, NATO Peace Implementation Force, Operation Joint Endeavor, Bosnia-Herzegovina.	Sep 94–Feb 95	Major
Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Operation Enduring Freedom, Afghanistan.	Jun 11–Jul 11	Lieutenant General
Deputy Commanding General, Operations, Joint Special Operations Command, Operation Iraqi Freedom, Iraq.	Aug 08–Dec 08	Major General
Deputy Commanding General (Operations), 82d Airborne Division/Deputy Commanding General (Operations), Combined Joint Task Force-76, Operation Enduring Freedom, Afghanistan.	Jan 07–Apr 08	Brigadier General

Summary of joint assignments	Date	Grade
Commander, 75th Ranger Regiment, Operation Enduring Freedom, Iraq	Sep 01–Dec 01	Colonel
Commander, 75th Ranger Regiment, Operation Iraqi Freedom, Iraq	Mar 03–May 03	Colonel

United States decorations and badges:

Defense Distinguished Service Medal
 Distinguished Service Medal
 Defense Superior Service Medal (with 2 Oak Leaf Clusters)
 Legion of Merit (with Oak Leaf Cluster)
 Bronze Star Medal (with 3 Oak Leaf Clusters)
 Defense Meritorious Service Medal
 Meritorious Service Medal (with 3 Oak Leaf Clusters)
 Joint Service Commendation Medal (with Oak Leaf Cluster)
 Army Commendation Medal
 Army Achievement Medal (with Oak Leaf Cluster)
 Combat Infantryman Badge (with Star)
 Expert Infantryman Badge
 Master Parachutist Badge (with Bronze Star)
 Ranger Tab
 Army Staff Identification Badge

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by General Joseph L. Votel, USA in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Joseph L. Votel.

2. **Position to which nominated:**
Commander, United States Central Command, MacDill Air Force Base, Florida.

3. **Date of nomination:**
22 Feb 2016.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**
14 February 1958; Saint Paul, Minnesota.

6. **Marital status:** (Include maiden name of wife or husband's name.)
Married to Michele Marie Votel (maiden name—Belair).

7. **Names and ages of children:**
[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

I have held no advisory, cumulative, honorary or other part-time service or positions with Federal, State, or Local governments, other than those listed in the service record extract provided to the Committee by the Executive Branch.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

I have held no positions as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Member of the Association of the United States Army (AUSA)
Member of the 75th Ranger Regiment Association

Member of the 82nd Airborne Division Association

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

St. Maurice medal from the National Infantryman's Association

St. Barbara Medal from the Artillery Association

William G. Knowlton Award from the Military Intelligence Association

Honorary Medal from the Army Engineer Association

Honorary Medal from the Ordnance Association

Honorary Medal from the Army Aviation Association

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

I agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

I agree, when asked before any duly constituted committee of the Congress, to give my personal views, even if those views differ from the Administration in power.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOSEPH L. VOTEL

This 11th day of December, 2015

[The nomination of General Joseph L. Votel, USA was reported to the Senate by Chairman McCain on March 17, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 17, 2016.]

[Prepared questions submitted to the Lieutenant General Raymond A. Thomas III, USA by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater-Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy going forward.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater-Nichols Act provisions?

Answer. This is a topic under discussion as part of the DOD's review of the Goldwater-Nichols Act. One of the greatest challenges in facing these transregional challenges is matching the speed of our adversary with the speed of our decision making process. We must enable faster, real-time operational decision-making to enhance

command of globally integrated operations. We must develop a common global operating picture for the Secretary and DOD Civilian and Military leadership, and more timely current operations planning and execution. This could enable global and functional unity of effort across the Joint Force while generating positive second order effects and efficiencies, subject to organizational details.

As part of reviewing ways to match the speed of our adversaries, as currently interpreted the Chairman provides his best military advice to the SecDef and President, but does not have the authority to direct or redirect the employment of forces or resources. Currently, this authority resides with the SecDef. Per title 10 USC 152, "The Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces." This portion of title 10 is an area worth discussion and review.

Question. Some have advocated for changes to the SOCOM Commander's responsibilities under title 10, United States Code that would enhance the Commander's role in the promotion, assignment, retention, training, and professional military education of special operations officers.

What is your assessment of the need for such changes?

Answer. Promotion boards, selection for command, selection for advanced educational opportunities, foreign language testing policy, and foreign language proficiency bonus payment policies all differ significantly by Service and are all primarily crafted to support Service needs. SOCOM will continue to partner with the Services to ensure SOF equities are realized during these career milestones to ensure our force is properly manned, trained, and equipped.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander of SOCOM to the following offices:

The Secretary of Defense.

Answer. The Secretary of Defense is the SOCOM Commander's next superior command authority in the chain of command, as your introductory paragraph stated. If confirmed, I will look to the Secretary of Defense for the operational authority, and the resources, to develop and employ the most well-trained and capable Special Operations Forces our Nation can muster to meet the challenges of a highly uncertain global security environment now and in the future. The SOCOM Commander owes the Secretary of Defense his best military advice on all aspects of training, equipping, managing, and employing Special Operations Forces in support of his, and the President's, national security objectives.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The SOCOM Commander coordinates activities through the Chairman of the Joint Chiefs of Staff. As the senior military advisor to the President and Secretary of Defense, the Chairman is essential in communicating Special Operations Forces' capabilities and requirements to the President and Secretary of Defense. Coordination of SOCOM activities ensures that the Chairman remains fully informed in support of his responsibilities and for coordination of SOCOM staff and the Joint Staff efforts to meet Presidential and Secretary of Defense directed tasks.

Question. The Under Secretary of Defense for Policy.

Answer. The Under Secretary of Defense for Policy, USD(P), is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy. The USD(P) develops, coordinates, and oversees the implementation of a wide variety of Department policy, including matters related to planning, programming, budgeting, and execution of special operations activities. USD(P) also exercises authority, direction and control over the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict ASD(SO/LIC), who is responsible for overall supervision of Special Operations activities. If confirmed, I will work closely with USD(P) to ensure SOCOM activities are closely aligned with Department policies.

Question. The Under Secretary of Defense for Intelligence.

Answer. The USD(I) is the principal intelligence advisor to the Secretary of Defense. He exercises authority, direction, and control on behalf of the Secretary of Defense over all intelligence and security organizations within the Department of Defense, including the National Security Agency, the Defense Intelligence Agency, the National Geospatial Intelligence Agency, the National Reconnaissance Office, the Defense Security Service, and the intelligence components of the Combatant Com-

mands and Military Services. Across the Defense Intelligence components, the Secretary oversees the \$18B Military Intelligence Program, the Defense portion of the \$54B National Intelligence Program, the intelligence interests within the Battlespace Awareness portfolio, and over 110,000 personnel. He is also dual-hatted as the Director of Defense Intelligence in the Office of the Director of National Intelligence, and reports to the DNI in this capacity. He is the Department's principal interface with the Central Intelligence Agency and other elements of the Intelligence Community, and represents the Department on intelligence and sensitive operations at the National Security Council.

Question. The Under Secretary of Defense for Acquisition, Technology & Logistics.

Answer. The Under Secretary of Defense for Acquisition, Technology, and Logistics, USD (AT&L), is the principal staff assistant and advisor to the Secretary of Defense for all matters relating to the DOD Acquisition System, including procurement; research, development, test and evaluation (RDT&E); military construction; and nuclear, chemical, and biological defense programs. If confirmed, I will closely coordinate SOCOM acquisition activities with USD (AT&L) to ensure SOCOM procurement efforts are closely aligned with Department procurement processes and priorities.

Question. The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Answer. ASD (SO/LIC) is the principal staff assistant and civilian advisor to the USD(P) and the Secretary of Defense on Special Operations and low intensity conflict matters. The principal duty of the ASD (SO/LIC) is the overall oversight of Special Operations activities within the Department of Defense, including SOCOM. As I state in subsequent responses, the SOCOM Commander works closely with ASD (SO/LIC) in the execution of his "Service-like" authorities under 10 U.S.C. section 167.

Question. The Service Secretaries.

Answer. The SOCOM Commander's authority over the Service components, and those forces assigned to him, is clear in the Goldwater-Nichols Act, but requires close coordination with the Service Secretaries to ensure that SOCOM does not intrude upon each Service Secretary's legal responsibilities. Close coordination between the SOCOM Commander and each of the Service Secretaries is also essential to gaining and maintaining the Services' support of Special Operations Forces with support units from the General Purpose Forces and with service-common materiel.

Question. The Service Chiefs.

Answer. Without the full support and cooperation of the Service Chiefs, the SOCOM Commander cannot ensure the preparedness of his assigned forces to execute his assigned missions. The Joint Chiefs are also a source of experience and judgment that every combatant commander may call upon. If confirmed, I will continue a full and frank dialog with the Service Chiefs.

Question. The other combatant commanders.

Answer. Successive SOCOM Commanders have fostered an atmosphere of teamwork and trust in their relationships with the combatant commanders. These relationships have only strengthened over the last 15 years as trans-regional threats have emerged and certainly since SOCOM has been responsible for synchronizing planning for global operations against terrorist networks. If confirmed, I will continue to work closely with the other combatant commanders to achieve our common objectives against transnational threats and violent extremist organizations. I will be committed to providing the geographic combatant commanders trained and ready Special Operations Forces to support national and theater security objectives.

MAJOR CHALLENGES AND PRIORITIES.

Question. In your view, what are the major challenges confronting the next Commander of SOCOM?

Answer. Winning the current fight, including against the Islamic State (IS), al Qaeda (AQ), and other areas where SOF is engaged in conflict and instability is an immediate challenge—SOCOM is focused here on a daily basis. This will continue to be a major challenge and one which, if confirmed, I will ensure is adequately resourced with trained and ready forces. I will work with the Secretary of Defense, the Chairman of the Joint Chiefs, the Service Chiefs, and the geographic combatant commanders to ensure our Special Operators are best leveraged to engage in the persistent fight against these transregional terrorist threats.

Terrorism remains the most pressing threat to the security of Americans at home and abroad. The growth and expanding influence of transregional threats, including violent extremist organizations (VEOs) and transnational organized crime, remains a very challenging threat. VEOs have proven themselves highly resilient and adapt-

able, and less reliant on nation-state sponsors for funding and safe havens. Our Special Operators will be called upon to protect the Nation from these threats, and to build the capacity of partners and allies to deny terrorists and violent extremists from the safe havens they need to develop and launch attacks.

As the force provider for SOF, the SOCOM Commander must prepare his forces and sustain a high state of readiness for the full range of conflict and contingency scenarios. We must balance the steady-state requirements to meet current challenges while preparing for a volatile, uncertain, complex, and ambiguous threat in the future. Investing now in partnerships, concepts, access, and capabilities will ensure we have the competitive advantage in the future. Doing so effectively requires the right level of resources, and the right approach to sustaining our force.

Another challenge is managing and preserving SOCOM's Major Force Program-11 funding within the current budget and future budget discussions. At the forefront of this discussion is the recognition that many of the current expenditures are funded by the overseas contingency operations funds. The other part of this challenge includes monitoring and understanding the stress the Services' budgets are facing and the impacts it will have on their ability to meet present and future SOCOM requirements for forces, capabilities, and platforms.

None of this can happen if we do not preserve and protect our Special Operations Forces and the families that support them. After nearly 15 years of sustained high operational tempo, our people need help with mending their mind, body, and spirit. The Nation asks much of our Special Operators and their families, and they have always delivered. Much more will be asked of them, and, if confirmed, I will seek to preserve our most precious asset—our people.

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

Answer. In order to thwart expanding transregional threat networks and VEOs such as IS and AQ, SOCOM must outpace the growth of threat networks with friendly networks across cultures. Working with our international partners allows us to share the burden more appropriately. We must engage, not only where problems occur, but also in places critical to our vital national interests where no visible threat currently exists. Success in meeting these challenges demands unprecedented levels of trust, confidence, and understanding built through persistent engagement.

In order to win the current fight, I will place a premium on the organization, training, education, and equipping of our force as we face new and rapidly growing challenges. SOF's readiness also hinges upon our ability to preserve our force and care for our families.

I will continue to place my priority on the Preservation of the Force and Family (POTFF) initiative. With the support of Congress, the Department of Defense, and the Services I will fully support what General Votel, Admiral McRaven, and Admiral Olson started. Aggressively, I will reach out to our SOF families and listen to their concerns to ensure, between the Services and SOCOM, there are solutions available to meet their needs. One of the key causes of stress for our families is the unpredictability of training and deployment schedules, and I will continue measures to improve in these areas.

To offset resourcing shortages, while maintaining the best trained and educated force, we must use technology to meet our immediate and long-term challenges. SOF must be internally innovative and take advantage of innovations that could enhance our ability to conduct SOF activities. It is critical that our use of new technology outpaces our adversaries. In this sense, acquisition speed and agility is paramount.

Question. What are the most important lessons you have learned during your tenure in senior leadership positions in the special operations community?

Answer. My career-long appreciation of the value of small, highly competent teams, capable partners with shared objectives, and political permission to act on our authorities continues to be reinforced.

The most important lesson I have learned is the value of open and transparent relationships and communication with all parties who influence the Special Operations community.

Question. If confirmed, what priorities would you establish in terms of issues that must be addressed by the Commander of SOCOM?

Answer. As the Commander of Joint Special Operations Command and a senior member of the SOCOM Enterprise, I believe in the Command's current touchstone priorities of ensuring SOF readiness, helping our Nation win, continuing to build relationships, preparing for the future, and preserving the force and families. We will remain agile and flexible and will continue to shift emphasis to remain relevant.

CIVILIAN OVERSIGHT OF SOCOM

Question. The legislation creating SOCOM assigned extraordinary authority to the Commander to conduct some of the functions of both a Military Service and a unified combatant command.

Which civilian officials in the Department of Defense (DOD) exercise civilian oversight of the "Service-like" authorities of the Commander, SOCOM?

Answer. ASD (SO/LIC) is the principal staff assistant and civilian advisor to the Under Secretary of Defense for Policy (USD(P)) and the Secretary of Defense on Special Operations matters. The principal duty of the ASD (SO/LIC) is the overall oversight of Special Operations activities within the Department of Defense, including SOCOM.

SOCOM also coordinates with the USD(P), USD(AT&L), and Under Secretary of Defense (Comptroller) on matters within their jurisdiction which touch upon the SOCOM Commander's "Service-like" authorities under 10 U.S.C. section 167. The SOCOM Commander and his staff works closely with USD(P), USD(AT&L), and the Comptroller, and their staffs, to ensure SOCOM's programs are aligned with Department of Defense acquisition policies and are appropriately funded.

The Under Secretary of Defense for Intelligence has primary responsibility for oversight over intelligence and intelligence-related activities and all matters pertaining to the Military Intelligence Program (MIP) budget.

Question. In your view, what organizational and administrative relationship should exist between the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD SOLIC) and the Commander, SOCOM?

Answer. There are two sides to this—oversight and advocacy. The ASD (SO/LIC) provides oversight on behalf of the Secretary of Defense, to ensure the SOCOM Commander and the activities of the Command are aligned to the Department's policies, directives, and regulatory requirements. At the same time, the ASD (SO/LIC), as the Secretary's principal civilian advisor for Special Operations, is an advocate for SOF to ensure the views and interests of the SOCOM Commander are represented in the formulation of policy and allocation of resources within the Department and with Congress.

Question. What should be the role of the ASD SOLIC in preparation and review of Major Force Program 11 and the SOCOM's Program Objective Memorandum?

Answer. ASD (SO/LIC) is directed by the Deputy Secretary of Defense to provide overall oversight of the preparation and justification of Special Operations Forces (SOF) programs and budget; review and approve memoranda of agreement governing the SOCOM program, budget, and execution process; approve the U.S. Special Operations Command recommendations concerning which programs the SOCOM Commander will execute directly; review the SOCOM Program Objectives Memoranda (POM) and budget prior to submission to the Director for Program Analysis and Evaluation and the DOD Comptroller, respectively; and present and defend the SOF program to the Congress, with the advice and assistance of the SOCOM Commander. I believe these duties describe the appropriate role for ASD (SO/LIC) in oversight and support of SOCOM.

Question. What is the appropriate role of the ASD SOLIC in the research and development and procurement functions of the SOCOM?

Answer. The development and procurement functions receive civilian oversight from both ASD(SO/LIC) and USD(AT&L); the ASD(SO/LIC) function is primarily to ensure SOCOM investments are aligned with the Department's policies and strategies while the USD(AT&L) primarily ensures adherence to acquisition policy and coordination with other DOD and Service investment efforts.

Question. What is the appropriate role of the ASD SOLIC in the operational planning of missions that involve special operations forces, whether the supported command is SOCOM, a geographic combatant command, or another department or agency of the U.S. Government?

Answer. Through broad policy, coordination, and oversight roles as the principal staff assistant and civilian advisor to the Secretary of Defense on Special Operations matters, the ASD (SO/LIC) reviews the procedures and provides policy guidance to the SOCOM Commander on all aspects of Special Operations planning, including contingency planning when directed by the President or Secretary of Defense.

Question. What is the role of the Under Secretary of Defense for Intelligence in providing civilian oversight of U.S. SOF in relation to the responsibilities of the ASD SOLIC?

Answer. The Under Secretary of Defense for Intelligence has primary responsibility for oversight over intelligence and intelligence-related activities and all matters pertaining to the Military Intelligence Program (MIP) budget. ASD SOLIC has oversight over all non-intelligence SOF operational activities falling outside estab-

lished intelligence functions to include clandestine operations employing cover, and the oversight of SOF policy and resources.

DEPARTMENT OF DEFENSE BUDGET

Question. The bipartisan budget agreement of 2015 allocated \$610 billion in base and overseas contingency operations funding for fiscal year 2017 for the Department of Defense, which is less than the amount projected for fiscal year 2017 in last year's Future Years Defense Program.

What impact, if any, did the bipartisan budget agreement of 2015 have on the fiscal year 2017 budget request for SOCOM?

Answer. DOD's planned fiscal year 2017 funding was approximately \$20 billion dollars below the fiscal year 2017 level agreed to in the bipartisan budget agreement of 2015. While reductions came mostly from the Services, SOCOM was slightly impacted by the Department's actions to balance to the BBA fiscal year 2017 funding level. Taking into account base to OCO transfers to comply with the BBA, SOCOM's reductions totaled \$209M: \$17M in baseline, \$57M in OCO reductions, and \$135M in MILCON projects which were deferred to fiscal year 2018. These reductions came primarily from C4I and planned SOF capital equipment replacements, contractor logistic support for EC-130 aircraft, European Reassurance Initiatives, and classified rotary wing aircraft. Overall, we assess these reductions are manageable.

Question. What is your assessment of the risk assumed by the fiscal year 2017 budget request for SOCOM and, if confirmed, how would you seek to mitigate such risks?

Answer. Risk associated with the fiscal year 2017 budget request can best be characterized as manageable. The fiscal year 2017 combined baseline and OCO request represents a 3.2 percent increase over the fiscal year 2016 enacted levels, and, if appropriated, will provide the resources necessary for mission accomplishment. However, we remain concerned about the Service's ability to provide an adequate level of SOF support. SOF depends on the Services in areas such as Service-provided capabilities/manning to deployed SOF, depot maintenance, sustainment and restoration of basic facilities and infrastructure, base operating support (both garrison and deployed) and the continued development of SOF through institutional training and education opportunities. We mitigate Service risk with continuous dialogue with the Services, CJCS, OSD, and GCCs to ensure SOF requirements for Service support are identified as early as possible to ensure resources are available when needed. While challenges can and do occur, we are usually able to address them or find acceptable alternatives to meet SOF requirements.

SOCOM considers our reliance on OCO funding a significant risk; 27 percent of SOCOM's fiscal year 2017 PB request is OCO. The uncertain and year-by-year nature of OCO funding, coupled with SOCOM's charge from the Department to carry out persistent, networked, distributed operations, provides sufficient justification to transition OCO-funded capabilities to the baseline. Recent strategies to mitigate this risk have been overcome by the Budget Control Act and Bipartisan Budget Act, but we will continue to work with the Department and Congress to find resourcing strategies to mitigate this risk.

COMBATING TERRORISM

Question. What is your understanding of the U.S. national strategy for counterterrorism and what are the roles and responsibilities of the Commander of SOCOM within the strategy and how would you fulfill such responsibilities if confirmed?

Answer. The primary role for the Commander of SOCOM is to synchronize DOD CT plans and planning efforts. Practical implementation of synchronization occurs throughout the development of the Campaign Plan for Countering Transregional Terrorist Organizations (CTTO) and in the parallel development of the GCCs' subordinate regional CT plans. Specifically, regional objectives/intermediate military objectives and planning and assessment tasks are agreed upon through the Joint Planning Working Groups which are comprised and represented by all GCCs and Functional Combatant Commanders (FCCs) and led by Headquarters SOCOM.

Question. If confirmed, how would you seek to fulfill SOCOM's assigned responsibilities for synchronizing global operations against terrorist networks?

Answer. I will continue with SOCOM's development of the Campaign Plan for Countering Transregional Terrorist Organizations, directed by the Chairman of the Joint Chiefs of Staff, pursuant to the Secretary and the President's most recent counter-terrorism guidance. The plan is implemented by and through all the global combatant commanders and addresses the principal terrorist threat networks identified by policy and the intelligence community. The new mechanism we have begun implementing, even as the plan is being written and coordinated, is the revised glob-

al synchronization and new strategic assessment process. This gives voice to all 4 star commanders quarterly with the Chairman on their commands' views of the terrorist challenges and requirements in their geographic or functional areas. It leads to the global quarterly assessment provided by SOCOM, with any necessary recommendations for the Chairman or the Secretary on weighting or changing levels of effort, networks for emphasis, and force or resource transfers, if applicable.

Question. Do you believe current authorities of the SOCOM Commander are adequate for SOCOM to fulfill its responsibilities for synchronizing global operations against terrorist networks? If not, what changes would you recommend?

Answer. The current authorities are adequate for SOCOM to fulfill its responsibilities for synchronizing global operations against terrorist networks. However, the environment does not remain static. I believe we will need to assess authorities and funding that allow us to be adaptive and flexible to move and outpace our adversaries.

Question. Are there steps DOD should take to better coordinate its efforts to combat terrorism with those of other federal departments and agencies?

Answer. We can, and must always strive to, improve on our methods for coordination and effective collaboration with those who are primary in intelligence, law enforcement, diplomacy, financial matters, information activities, and oversight. We've learned much and applied those lessons in coordination over the past 15 years, and have seen gratifying advances in collaborative operations and assessments. The Constitutional and legal differences in departmental and agency authorities, that lead to some logical and necessary tensions between actionable intelligence and prosecutable evidence, will remain a challenge to the nation's global multi-dimensional counterterrorist campaign. Yet we are finding ways to minimize limitations through interagency and coalition mechanisms that attack these problems, such as Operation Gallant Phoenix.

Question. On May 23, 2013, the President issued policy guidance regarding U.S. counterterrorism operations that "indicated a preference that the U.S. military should carry out the use of force in active warzones, and beyond."

Do you agree with the preference indicated in the President's May 23, 2013 policy guidance and, if so, why?

Answer. I am familiar with the specific Presidential guidance and agree with the policy. We seek to prevent terrorist attacks against U.S. persons in the best means possible for any situation.

ISLAMIC STATE OF IRAQ AND THE LEVANT (ISIL)

Question. What is your assessment of the threat posed by ISIL and its associated forces to the U.S. Homeland and U.S. interests more broadly?

Answer. The Islamic State (IS) poses a threat to the U.S. Homeland, though the threat to U.S. interests abroad is likely higher. IS-inspired lone actors pose the most direct and immediate threat to the U.S. Homeland, as we saw in San Bernardino and Dallas. IS's ability to inspire such lone actors is growing as its message resonates with Muslim extremists in the West.

Question. Outside of Syria and Iraq, which ISIL affiliates in your view pose the greatest threat to U.S. interests?

Answer. Outside of Syria and Iraq, IS-Libya poses the greatest threat to U.S. interests. The lack of any credible Libyan counterterrorism pressure, recognizable government, or stability in the region emboldens IS-Libya and affords IS the opportunity to pursue training, planning, and operations in Libya against regional and Coalition interests. Libya also provides a foothold from which ISIL can expand its reach and influence throughout Africa.

AL QAEDA

Question. What is your assessment of the threat posed by al Qaeda and its associated forces to the U.S. Homeland and U.S. interests overseas more broadly?

Answer. Al Qaeda and its affiliates remain a significant threat to U.S. interests, personnel and facilities, despite limited guidance from AQ senior leaders and continued pressure from U.S. CT operations. Al Qaeda affiliates, such as AQ in the Arabian Peninsula, al Shabaab and al Nusra Front are more operationally active, increasing their influence and connectivity with other extremist groups.

Question. In your view, what impact, if any, has the expansion of ISIL and ISIL affiliates had on al Qaeda, its recruitment, planning and operations?

Answer. Competition from IS has fractured several al Qaeda groups, which has challenged al Qaeda's recruitment and operational planning. Several al Qaeda members have defected to join IS ranks. Additionally, IS's battlefield successes, along with its efforts to supplant al Qaeda, have driven IS to the top of the global Salafi

jihadist movement, siphoning off al Qaeda adherents and resources. Furthermore, IS's sophisticated use of social media has undermined al Qaeda's recruitment, appeal, media coverage, and operating space.

Recruitment: Most foreign fighters in Syria opt to join IS over al Nusrah Front. IS is also better than al Qaeda at using social media to attract a broad pool of Western supporters.

Jihadist Appeal: IS has gained the admiration and support of many al Qaeda mid-level and rank-and-file members. Several al Qaeda-aligned groups and individuals have officially realigned with IS.

Media Coverage: IS's propaganda highlighting its battlefield successes has completely overshadowed al Qaeda's media efforts.

AFGHANISTAN

Question. What is your assessment of the current security situation in Afghanistan?

Answer. The situation in Afghanistan has changed in 2015 quite significantly. The competition for Afghanistan has expanded and become more intense, engaging not only the Taliban, but also a resurgent al Qaeda, the Haqqani network, the Islamic State, and to a lesser extent other insurgent groups such as the Islamic Movement of Uzbekistan. Four primary factors have driven this change.

First, this was the first year when the Afghans were in the primary role regarding security, the coalition having officially ended their combat mission. The Taliban did not let this pass unnoticed and have pressed our Afghan partners very hard from Kunduz in the north to Helmand in the south. Lack of clarity regarding coalition plans has in some cases ceded battlefield initiative to the opposition. With our continued support, the emergence of a combat-capable Afghan Air Force could help return battlefield initiative to our Afghan partners.

Second, the death of long-time Taliban leader Mullah Omar became publicly known and his replacement, Mullah Mansour, has taken the reigns of Taliban leadership. Mullah Mansour has chosen to increase Taliban attacks to strengthen his position vis-à-vis not only the Afghan Government and potential Taliban splinter groups, but also other insurgent organizations like the Islamic State.

Third, the Islamic State has come to Afghanistan. The Islamic State is challenging the Taliban, particularly in Nangarhar Province, and also the Afghan Government. Calling themselves the Islamic State in the Khorasan (ISKP), they have announced the importance of Afghanistan to their cause. In response, we recently expanded our authority to target them just as we target al Qaeda, based on their status as insurgents.

Fourth, al Qaeda as a group has been weakened in Afghanistan, and only a small number of its operatives are still actively militant in the border areas between Afghanistan and Pakistan. In October 2015, a multi-day operation in southern Afghanistan that involved Special Operations Forces and American airstrikes targeted an al Qaeda in the Indian Subcontinent training camp. Sensitive Site Exploitation from another raid on another al Qaeda facility in eastern Afghanistan led to discovery of the camp's existence and the eventual raid that destroyed it.

Question. What is your understanding of the current U.S. strategy and objectives to combat terrorism in Afghanistan and to train, advise, and assist the Afghan National Defense and Security Forces? What modifications, if any, would you recommend to strengthen that effort?

Answer. Aligned with Commander Resolute Support (COM RS) functionally-based Security Force Assistance (FB-SFA) efforts, U.S. and Coalition SOF are advising Afghan Special Security Forces (ASSF) on critical enablers like aviation, logistics, intelligence fusion, and command and control. While the force has drawn down, SOF presence remains robust in order to advise the ASSF, a critical component of the Afghan government's ability to maintain a sustainable security apparatus.

The NATO Special Operations Component Command-Afghanistan/Special Operations Joint Task Force-Afghanistan (NSOCC-A/SOJTF-A) has five Special Operations Advisory Groups (SOAGs) focused on mentoring and advising our ASSF partners to ensure they can command, control, maintain, and sustain their tactical units spread across the country. These special military and police units are our most capable partners in the Counterterrorism (CT) fight.

While countering corruption is not a primary SOF mission, we promote sound Afghan governance by helping ASSF develop mechanisms of transparency regarding not only money and equipment, but also operations. Time and again, Afghans prove patient when told the truth about collateral damage during combat operations, less so when such notification is delayed. In all our training and advising operations we

emphasize the importance of transparency and clear communication to the primary stakeholders, the Afghan people.

To reassure our Coalition and Afghan partners of our commitment, we should maintain planning flexibility and be prepared to fully support the willingness of our NATO and Coalition partners to continue the Resolute Support mission. Mission duration should be addressed carefully, and in concert with the other key factors to ensure our enemies fear our resolve and our partners welcome it.

Question. In your professional military judgment, what U.S. military capabilities and authorities will be necessary to implement this strategy in 2016 and beyond?

Answer. Mission duration, basing, optimal authorities, and adequate enablers are equally important to achieve overall military effectiveness and a sustainable security strategy in Afghanistan.

The number of U.S. SOF in-country is a very important part of the total force package. Likewise, SOF is ineffective if not supported by adequate conventional forces and enablers, such as Intelligence Reconnaissance and Surveillance (ISR) platforms. Additionally, close air support (CAS) enhances SOF capability and, when employed, allows our forces to reduce risk.

A large force, with limited authorities, and locked down in a few large bases, may not be as effective as a smaller, much more flexible force, spread across more smaller bases affording greater access to Afghan SOF partners. Further, with adequate enablers, smaller forces can maintain greater effectiveness, but without adequate ISR, even a large force could be fighting 'blind'.

Through SOF efforts, the Afghan Special Security Forces have become the pre-eminent Afghan force and are in very high demand. They are capable, and routinely conduct partnered, enabled, and fully independent operations.

A flexible, conditions-based approach provides the best chance for supporting the Afghan National Defense and Security Forces' continued development as part of Afghanistan's future stability, while achieving our own strategic objectives.

Question. Recently, this Committee received testimony about troubling allegations concerning child sexual abuse by members of the Afghan Local Police (ALP).

In your view, what is the appropriate role for a U.S. military commander who is working with the ALP, when that officer becomes aware of allegations of child abuse by members of the ALP?

Answer. A commander's role working with ALP is to report any suspicions of sexual abuse to the Afghan government and encourage that they take action to protect their citizens by thoroughly investigating all allegations and administering justice appropriately.

Question. If confirmed, what direction would you give to SOCOM personnel who become aware of such allegations?

Answer. United States forces will routinely report allegations of criminal violations up the chain of command, and support Afghan law enforcement and judicial authorities as appropriate.

Question. Under what circumstances would you expect SOCOM personnel to intervene to stop such misconduct if they suspect it or observe it?

Answer. Our forces will act to prevent harm they witness, and then support Afghan law enforcement authorities in responding to criminal acts. We expect all members of the force to report allegations or suspicions up their chain of command.

SYRIA AND IRAQ

Question. What is your understanding of the current U.S. strategy and objectives in Syria and Iraq and the role of U.S. Special Operations Forces (SOF) in support of the strategy?

Answer. The President's National Strategy to Counter ISIL, and the several new supplemental campaign plans, inform the Department and the GCCs that our goals are to reduce and degrade ISIL, and eventually to bring about its defeat, within a multinational approach. This is an interagency effort that must bring to bear all the appropriate elements of national power, as well as those of our partners and allies. Yet the effort is only in part a military one; during and after a campaign to defeat ISIL, we must deal with societal and governance stability, economic distress, and humanitarian crises in both countries. Our long term goals are legitimate and peaceful governance, social stability, absence of conflict, and re-energized development, which will require sustained coalition effort over many years. Our nation's SOF capabilities are applicable in conflict phases through direct action, developing partner forces, planning assistance, and delivering combat support capabilities. Equally important are direct civil affairs and information activities, and partner support, in post-combat and stability phases.

AL QAEDA IN THE ARABIAN PENINSULA

Question. What is your assessment of the current United States strategy to counter the threat posed by al Qaeda in the Arabian Peninsula and what is your understanding of the role of United States SOF in support of that strategy?

Answer. Access to Yemen inhibits comprehensive SOF support in support of the United States strategy, which is designed to assist the legitimate armed forces of Yemen and their legitimate government to defeat several strains of terrorism that include al Qaeda. The long range goal of the strategy is a stable and politically coherent Yemen, under a popularly elected government, that is free of external aggression, transnational terrorism, major political violence or indigenously originating terrorism. The SOF role includes providing training assistance and advice to approved, designated Yemeni armed forces elements, facilitation of their equipping efforts, and a specific United States counter terrorism line of effort involving United States and Yemeni nationally approved objectives and targets.

NORTH AFRICA

Question. What is your assessment of the security situation in Libya and, more broadly, throughout North Africa?

Answer. The violent overthrow of Muammar Qaddafi's government in Libya upended the political status quo and forced post-revolutionary leaders to attempt to rebuild political institutions. Libya's descent into civil war has benefitted regional jihadist groups, particularly Islamic State-Libya.

Morocco and Algeria have largely avoided political turmoil, though violent conflict and political disorder has undermined North Africa's economic potential. Parts of North Africa have become strongholds for criminal networks, including drug traffickers and human smugglers, who have used North Africa as a base from which to gain entry into Europe. Egypt and Tunisia are directly threatened by the presence of ISIL in Libya.

Question. In your assessment, what terrorist groups pose the greatest threat to U.S. interests in the region and beyond?

Answer. IS-Libya poses a limited threat to U.S. interests in the region. However, IS-Libya demonstrates the greatest level of governance and influence outside of IS's Middle East enclave. Additionally, IS-Libya indirectly threatens United States interests by posing the greatest risk to coalition partners operating beyond the North African region and European countries due to IS-Libya's training camps and geographic proximity to Europe. IS-Libya also has the resources to strengthen other IS-branches in Africa by providing training, weapons, and fighters to IS-West Africa, in Nigeria, and to IS-Sinai, in Egypt.

Question. What is your understanding of the U.S. strategy to combat these threats and the role of SOF in implementing that strategy?

Answer. The United States strategy in Africa focuses on neutralizing Al-Shabaab in East Africa (Somalia) and empowering the Federal Government of Somalia to secure its own borders, neutralize Al-Shabaab, and interdict the flow of illicit drugs, money, WMD material, and personnel. Next, the strategy focuses on working with our African partners in North and West Africa to ensure they are willing and capable of containing the instability in Libya, degrading VEOs in the Sahel-Maghreb region, and interdicting the flow of illicit material. Equally important, we are working with our African partners on containing Boko Haram. Ultimately, our goal here is to have Nigeria capable of suppressing Boko Haram's recruiting, operations, and support in accordance with international human rights law.

SOF implements this strategy by being a part of global team of national and international partners, that conduct persistent, networked, and distributed full spectrum special operations in support of AFRICOM to promote stability and prosperity in Africa. The SOCAFRICA end states are to neutralize Al-Shabaab and al Qaeda Affiliates and Adherents in East Africa, contain Libyan instability and Violent Extremist Organizations and other Terrorist organizations in North and West Africa, and degrade Boko Haram.

PAKISTAN

Question. What is your assessment of Pakistan's cooperation with the United States in counterterrorism operations against militant extremist groups located in Pakistan?

Answer. The United States-Pakistan relationship is fundamental to our vital national security interests. We will need to continue cooperation with Pakistan to defeat al Qaeda, support Pakistan's stability, and achieve a lasting peace in Afghanistan. If confirmed, I would in consultation with Commander CENTCOM continue

to evaluate the specifics of the relationship based on my assessment of our shared interests with Pakistan and its effectiveness of achieving our shared goals. I will continue to evaluate the efficacy of the SOF-to-SOF military cooperation we have with Pakistan and identify ways in which we can support CENTCOM efforts to work with Pakistan to enhance regional stability.

SPECIAL OPERATIONS AUTHORITIES

Question. The Commander of SOCOM has received more control over the deployment and utilization of special operations forces. For example, the Secretary of Defense modified policy guidance for the Combatant Commands that gave SOCOM, for the first time, responsibility for resourcing, organizing, and providing guidance to the Theater Special Operations Commands of the geographic combatant commanders and special operations forces assigned to them.

Do you believe the Commander of SOCOM needs additional authorities to optimize the utilization of deployed special operations forces?

Answer. No, we do not require additional authorities. Having the Theater Special Operations Commands assigned to SOCOM enables resourcing, organizing, and guidance supporting geographic combatant commanders while increasing effectiveness of special operations forces assigned to them. Over the past year we have developed processes to optimize this force allocation.

SECTION 1208 OPERATIONS

Question. Section 1208 of the Ronald Reagan National Defense Authorization Act for fiscal year 2005 (Public Law 108-375), as amended by subsequent bills, authorizes the provision of support (including training, funding, and equipment) to regular forces, irregular forces, and individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism.

What is your assessment of this authority?

Answer. I am very appreciative of Congress's continued interest in and support for this program. Section 1208 remains a critical tool in our combating terrorism efforts. It allows small-footprint SOF elements to take advantage of the skills and unique attributes of indigenous regular and irregular forces—local area knowledge, access, ethnicity, and language skills to achieve effects that are critical to our mission objectives, especially in remote or denied areas where larger U.S. formations are infeasible. Our ability to quickly provide enabling support to willing partners under section 1208 has resulted in hundreds of successful tactical operations. These operations have disrupted terrorist networks and their activities and denied them operating space across a wide range of operating environments, at a fraction of the cost of other programs.

Question. Are there any modifications that you would recommend to this authority?

Answer. I am encouraged by Congress's efforts to provide us with the tools we need to execute the mission and in particular our shared perspective on the value of section 1208. The SOCOM staff, in collaboration with the Combatant Commands and ASD-SOLIC, has worked closely with Congress for the past 10 years to incrementally grow this program apace with the requirements. I envision modest growth in the program in the coming years, as the Combatant Commands will increasingly leverage small-footprint, discreet SOF elements to execute combating terrorism operations by-with-and through willing partners. Meanwhile, we must maintain adequate fiscal authority to rapidly respond to emerging crises. After more than 10 years it continues to provide tremendous flexibility and responsiveness in support of our combating terrorism operations, while affording the DOD leadership and Congress complete visibility through notification, reporting, and briefing requirements. I absolutely believe we must maintain section 1208 authority for the foreseeable future; as a combatant commander I would advocate for a multi-year extension—out to fiscal year 2020 or later.

AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (ISR)

Question. Airborne ISR capabilities are frequently cited by combatant commanders as one of their greatest unmet requirements.

What is your assessment of the availability of airborne ISR to fulfill the requirements of the combatant commanders?

Answer. There is a critical shortfall in airborne ISR across the Department of Defense, and it is hampering the effectiveness of the combatant commanders. For Special Operations units in particular, ISR is critical to understanding and targeting the enemy, providing force protection and overwatch, and degrading and destroying terrorist cells and networks. The lack of ISR slows the pace of operations and inhib-

its our ability to put decisive pressure on enemy networks such as ISIL or al Qaeda. Additionally, SOCOM continues to drive the requirement for a DOD-wide, joint global data transport infrastructure for moving Airborne ISR data from asset/sensor to processing, exploitation and dissemination (PED) nodes, C2 cells, and forward deployed elements for all services and SOF.

Question. What, if any, suggestions do you have for improving the prioritization and allocation of ISR capabilities across the geographic Combatant Commands?

Answer. The current system does an adequate job in prioritizing and allocating ISR, but it lacks the flexibility and agility to rapidly move assets across a changing battlefield. In particular, moving ISR across combatant command boundaries is problematic, and creates seams which our enemies exploit. However, as mentioned in the previous question, the greatest challenge to our ability to employ ISR is the lack of capacity. There simply is not enough.

SOCOM ACQUISITION AUTHORITIES

Question. SOCOM is unique within DOD as the only unified command with acquisition authorities and funding. Further, the Commander of SOCOM is the only uniformed commander with a subordinate senior acquisition executive.

If confirmed, how would you ensure SOCOM requirements are adequately vetted and balanced against available resources before moving forward with an acquisition program?

Answer. If confirmed, I would ensure that SOCOM requirements are fully coordinated with the Joint Staff and the Services to focus the command's resources on only those requirements that are truly SOF-peculiar. For those SOF-peculiar programs, I will continue the Commander-driven process of my predecessor where we reviewed requirements and prioritized resources against those requirements and ensured full transparency of how we allocated those resources with the Department and the Congressional Committees.

Question. In your view, are there ways in which the SOCOM acquisition system can be reformed to more expeditiously address emerging requirements?

Answer. It is critical that we continuously evolve SOCOM's acquisition system to ensure it can support the evolving operational environment and pace of our SOF operations. I believe it is critical that SOCOM continue to retain its flexibility to tailor the more traditional DOD acquisition processes to ensure they can respond rapidly to emerging battlefield requirements. I fully support the initiatives currently employed by SOCOM's Acquisition Executive, such as SOFWERX and TALOS, to facilitate collaboration and reduce barriers to entry with traditional and non-traditional industry partners and academia.

Question. What role can SOCOM's development and acquisition activities play in broader service and DOD efforts?

Answer. There is a symbiotic relationship between SOCOM's activities and the Services and DOD. SOF relies on the Services and DOD for those major platform acquisitions better suited for their infrastructure, scope, and breadth. SOF enjoys a size and scale that allows for greater agility, especially in the development phase, that often leads the DOD in defining and developing solutions to capabilities that begin as SOF-peculiar but over time transition to the Services. Continuing our current processes to coordinate and collaborate early and often with our DOD and Service counterparts ensures these transitions occur deliberately and as timely as possible.

Question. If confirmed, how would you ensure that special operations capabilities and requirements are integrated into overall DOD research, development and acquisition programs?

Answer. If confirmed, I would continue full transparency of not only the developments SOCOM is pursuing but also the capabilities we are seeking to partner on. For capabilities, this transparency is facilitated by our relationship with the Joint Staff through their requirements evaluation process and annual review of Combatant Command Priorities. SOCOM also conducts annual Service-to-SOF talks with the respective Service Chiefs to review items of mutual interest. For developments, we intend to continue semi-annual SOF Acquisition Summits with USD(AT&L), the Joint Staff, and each of the Service Acquisition Executives.

Question. If confirmed, how would you ensure sufficient resources are dedicated to the development of special operations-unique platforms, when required?

Answer. If confirmed, I would continue the interactive and transparent process that has resulted in the excellent support to date from Congress for resourcing. Integral to that process is coordination with our key stakeholders in the SOCOM mission, namely ASD(SO/LIC), USD(I), the Joint Staff and interagency partners so that

SOCOM's requests are fully aligned with and complementary to our government's overarching strategies and operations.

Question. If confirmed, what metrics will you use to determine the effectiveness of SOCOM technology development investments and whether SOCOM is investing sufficient resources in these efforts?

Answer. The average SOF operator is older, more experienced, with more training and education opportunities, and battle-tested after numerous combat deployments. They provide the first, and arguably the most effective, feedback on how well the equipment we provide supports them in current and future operations. As the JSOC Commander, I participated in the Commander-driven process, representing those operators, within SOCOM to ensure the right requirements were identified, validated, and resourced. SOCOM is constantly reviewing our assumptions to ensure our efforts are as dynamic as the pace of change both in the technologies at our disposal and the security situations where SOF will be employed.

Question. If confirmed, how will you ensure that SOCOM has an acquisition workforce with the skills, qualifications, and experience needed to develop and manage its acquisition and research and development programs?

Answer. If confirmed, I will empower the SOCOM Acquisition Executive to continue to recruit, train, and retain a workforce with a SOF Acquirer mindset. DOD has formally recognized that workforce for excellence for the past five straight years. Additionally, I would ask the Services to continue to assign their best acquisition officers to meet the demands of the SOF acquisition mission.

STRESS ON THE FORCE AND FAMILIES

Question. In recent years, special operations forces have experienced higher suicide rates than those in the general purpose forces and continue to face significant numbers of divorces. SOCOM has focused significant effort and resources on addressing the stress on special operators and their families through the Preservation of the Force and Families initiative.

If confirmed, how would you seek to address issues associated with the stress of difficult and repeated deployments on special operators and their families?

Answer. Even one suicide is a tragedy. Unfortunately, the SOF suicides outnumber GPF suicides. From 2012 to 2013, GPF suicides reduced from 22.7 / 100,000 to 18.7/100,000. However, the GPF rate showed a slight increase in 2014 to 19.9/100,000. On the other hand for the same time period, SOF suicides have shown a steady decreasing trend: from 39.3 in 2012 to 35.8 in 2013, to 27.2 in 2014, and to 25.0 in 2015 per 100,000, which is a 26 percent decrease in raw numbers of SOF suicides between the years of 2012 and 2015. Regardless, per DOD policy, the number of suicides per year that are less than 25 do not use the "per 100,000 comparison rate." SOF suicides have not been more than 25 per year since tracking began in 2007.

I consider preserving the force and families my highest priority. The success of any mission depends on our people. While the command has seen a steady decrease in suicides over the past 4 years, my focus on this problem will not waver. I hope to achieve a command climate that views behavioral healthcare as a normal and expected aspect of personal and professional development.

If confirmed, I intend to continue the efforts of my predecessors by maintaining personnel and operational tempos that provide predictability to the forces and their families. The command's policy is that SOF will be at home no less than one-third of the time during a 2 year period.

I will also ensure that SOCOM continues to promote the psychological, physical, social, and spiritual wellbeing of the force and their families by embedding professional staff into our formations where they are accepted as trusted and accessible members of the team.

The Services and DOD provide a host of excellent family readiness, spiritual, behavioral health, and fitness programs, and we will continue to leverage those programs while working to fulfill gaps and meet unique requirements. We have made tremendous strides in meeting the needs of our servicemembers and their families, and I will continue to build on that foundation.

Question. How do you define "special operations-unique" challenges to special operators and their families?

Answer. The special operations community is unique in that it includes a more experienced, older population who are expected to meet exceptionally high standards of maturity, stability, and readiness. Special Operation Forces and their families face consistently high PERSTEMPO and short notice deployments that are unique in both scope and mission requirements. Many of SOCOM's forces are geographically isolated and have sensitive mission sets that limit their ability to seek support

outside of the unit. With the high demand for special operations, it is important that we have systems in place that keep our forces in the fight and return them to duty quickly when they experience illnesses and injuries. With Congress' help we have been able to help mitigate some of these unique challenges. The command's Human Performance Programs help our people to train better and rehabilitate faster when they are injured. The pilot authority to conduct family programs granted by Congress allows the command to agilely respond to the needs of our families, and our embedded behavioral health providers help our teammates to get help early and often.

RECRUITING AND RETENTION

Question. What are the biggest challenges to retention you see in the SOCOM community?

Answer. Overall, retention objectives are being met across the SOF Enterprise, and the Services' implementation of retention incentives are being effectively managed. While there are some areas for concern within specific officer/enlisted career fields and/or year groups for each of the Services' special operations forces, we continue to meet our operational requirements.

The constant global demand for special operations forces since 2001 has resulted in near constant deployments for our SOF operators. This, coupled with other challenges such as Service force reductions, Service force management initiatives, military compensation and retirement modernization commission, selective early retirement boards, high-year tenure reductions, and a high retirement-eligible population require scrutiny to ensure the Special Operations Force is not negatively impacted, and continues to attract and retain the best to meet operational requirements across the entire spectrum of Special Operations.

Question. What steps need to be taken, in your view, to meet the recruiting and retention goals of each of the Services' special operations forces?

Answer. Maintaining the experience base and the personnel we have in our inventory to meet our current operations tempo is paramount to successful mission execution. Overall, recruiting and retention objectives are being met across the SOF Enterprise, and monetary incentives, which are being effectively managed, continue to be valuable recruiting and retention tools. We thank you for the continued support for and funding for programs that are beneficial to SOF and also in maintaining recruiting and retention budgets for the Services.

Recruiting and retention efforts, however, must look beyond reactive financial incentives and must emphasize total servicemember and family wellness. It is a moral imperative. The welfare of our servicemembers and their families is critical to our command's readiness and our ability to accomplish the mission. We demand the best from our people and in return have an obligation to provide the best care, education, equipment, and training to them. We are grateful to congress for passing into law section 554 of the fiscal year 2014 Defense Authorization Act, authorizing SOCOM to support family programs by finding innovative solutions to meet their unique needs. Working together with the Services, we need to maintain these programs to ensure the Special Operations Force not only attracts the best, but also retains the operational experience and capability necessary to meet operational requirements across the entire spectrum of Special Operations.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. What is your assessment of the problem of sexual assaults in SOCOM?

Answer. We remain committed at all levels to preventing sexual assault and providing resources to victims. SOCOM has experienced a reduction in incidents of sexual assault.

Question. What is your assessment of current sexual assault prevention and response policies and procedures in SOCOM?

Answer. I believe the efforts undertaken to prevent these crimes are proving effective in reducing incidents and increasing reporting. We will continue to work closely with the Services to improve investigation of and response to sexual assault. Where we lack resources, then we will rely on available facilities to ensure timely support—medical, psychological, investigative—to victims of sexual assault.

Prevention of sexual assault is a leadership responsibility. Commanders at all levels must remain committed to eliminating sexual assault within our forces by sustaining robust prevention and response policies; by providing thorough and effective training to all assigned servicemembers; by identifying and eliminating barriers to reporting; and by ensuring care is available and accessible.

Question. Do you consider current sexual assault policies and procedures, particularly those on restricted and unrestricted reporting, to be effective?

Answer. I do believe that the current sexual assault policies and procedures are effective. The ability for victims to choose between restricted and unrestricted reporting is an example of this effectiveness. The choice represents a balance between taking care of victims and prosecuting offenders. Allowing victims to file restricted reports provides the Department and commanders information to better understand the scope of the sexual assault problem, while also respecting a victim's privacy and providing access to medical care and support services.

Question. What is your view of the adequacy of the training and resources SOCOM has in place to investigate and prosecute allegations of sexual assault?

Answer. We receive excellent support as we work with the Military Services for training sexual assault response personnel to ensure they are well-trained to investigate and prosecute allegations of sexual assault. Improved training for investigators is also a priority and this includes investigative resources in deployed areas. As you may imagine, deployed operations and the combat environment are very dynamic and investigative resources are often strained by other mission requirements. I believe the DOD training network in place now prepares investigators and prosecutors to handle sexual assault cases in a caring, responsive, and professional manner. Our ability to respond and support victims is critical.

SOCOM reports sexual assault allegations to service law enforcement to investigate. Some SOCOM units have assigned service-provided military law enforcement that operate under Service supervision. Others have a supporting military law enforcement agency that investigates the allegations. Both arrangements provide adequate investigative support. The services are responsible for training sexual assault response personnel to ensure they are well-trained to investigate and respond to allegations of sexual assault. With respect to prosecution, we work through our service components for prosecution of sexual assault cases. Our joint commands receive prosecution support through support agreements depending on the service of the accused. Accordingly, our prosecution support is consistent with that of the services. Our ability to respond and support victims is critical.

Question. What is your view of the adequacy of resources and programs in SOCOM to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. Victim care is a top priority. We work with the military Services to ensure sexual assault care providers (Sexual Assault Response Coordinators, Victim Advocates, medical and mental health providers, and legal counsel) are well-trained to support victims of sexual assault. If resources are not readily available where the alleged incident occurred, victims are transported to a facility where there is appropriate victim advocate support, medical and psychological care and investigative/legal support.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. Supporting victims of sexual assault is a leadership responsibility and priority. Commanders at all levels must remain committed to ensuring victims receive the service support they deserve. If any barriers are encountered, I expect commanders to take the lead in resolving them.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. Establishing an appropriate culture where victims are treated with dignity and respect starts at the top. Commanders are accountable for what happens in their units and they set the leadership tone. Commanders are crucial to our ability to effect institutional change and leaders at all levels must foster a command climate where sexist behavior, sexual harassment, and sexual assault are not condoned or ignored.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting.

If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. First of all, any form of retaliation goes against our core values and has no place in our military. If confirmed, I will ensure that the culture of Special Operations is one of respect and that retaliation is not tolerated, especially among peers.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. In order to increase reporting of sexual assaults by military victims, we must improve victim confidence in our ability to respond to incidents of sexual assault. We must also continue to reinforce a climate in which victims are treated with dignity and respect, and where any form of retaliation or reprisal is unequivocally unacceptable. If confirmed, I will continue the partnership with the Services

to assess current programs and develop initiatives to enhance support services and improve our systems to hold perpetrators appropriately accountable.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. I support the Department's current policy. The Uniform Code of Military Justice operates as both a criminal justice system and a critical component of a commander's authority to maintain good order and discipline. I believe our military members and national security will best be served by retaining the military commander's key role in the military justice decision process. While I greatly value the legal analyses and recommendations provided by our highly proficient judge advocates, and fully expect all leaders in the Services to take the greatest advantage of this expertise, I firmly believe the military commander's role is indispensable in the prosecutorial process.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in SOCOM?

Answer. I will ensure that commanders and all in SOCOM understand that the prevention of sexual assault and the response to sexual assault are priorities that each of us is responsible for.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of SOCOM commanders to prosecute sexual assault cases?

Answer. It is my understanding that these changes are designed to facilitate the prosecution of sexual assault cases which is always a positive development.

HQ SOCOM and the elements under its administrative control, JSOC and the TSOCs, have noticed no impact with respect to prosecuting sexual assaults. The services provide administrative control over the service components' courts-martial and I defer to the services for comment concerning the service components.

ASSIGNMENT POLICIES FOR WOMEN IN THE MILITARY

Question. On December 3, 2015, Secretary Carter announced his final determination to open all military positions, career fields and specialties to women.

Do you believe that gender neutral occupational standards for SOCOM occupations have been set appropriately?

Answer. I am completely confident that our occupational standards have been set appropriately and that our challenging standards, applied appropriately by our training professionals, will continue to produce Special Operations personnel who are ready to succeed in the vital, challenging missions our Nation requires.

Question. If confirmed, will you commit to submitting to the Committee the implementation plans that are to be used for the integration of women into SOCOM occupations?

Answer. When our implementation plan is approved by the Secretary of Defense I will, with Secretary Carter's approval, submit it to this Committee.

SELECTIVE SERVICE ACT

Question. Some have suggested that the success of the All-Volunteer Force has reduced the need for our Nation to have a continuing authority and capability to conduct a draft. Further, a future national emergency may require that the military have the ability to identify citizens with unique and specialized skills to fill critical combat support requirements, both within the military and in the civilian sector. Currently, the Selective Service System does not identify individuals with such skills.

Do you believe the Selective Service System, with its focus on supplying large numbers of replacement combat troops, meets the needs of the Nation and today's military, as well as national and military needs over the next 20 years?

Answer. The Selective Service System as currently constructed meets the requirement to provide large numbers of personnel in the event of a national emergency. If a scenario presents a need for specialized combat support skill sets, and those personnel do not exist at sufficient levels, the current system is inadequate.

Question. Do you believe the Selective Service System we have today can provide the types of skills and individuals that the special operations community needs?

Answer. The Selective Service System does not meet the needs of SOF given that two of the SOF truths are SOF cannot be mass produced and competent SOF cannot be created after emergencies occur.

Question. Do you believe that the military, civilian security agencies, and the Nation may have specialized needs that a Selective Service System based on education and skills, and not raw numbers of combat troops, might be better to accommodate?

Answer. A Selective Service System that collects a broader range of data could very well better support the more technically oriented military of today and the future.

Question. Do you believe that whatever the Selective Service may look like, that if there's a requirement that citizens and residents register, that women should be included in that requirement?

Answer. Everyone who is eligible and capable of serving should be required to register for the Selective Service.

LANGUAGE AND CULTURAL AWARENESS CAPABILITIES

Question. Deployed special operations personnel remain heavily concentrated in the Central Command area of operations, including many who have been deployed outside of their regional area of expertise.

Are you concerned that the language and cultural skills among SOF are being degraded because of repeated deployments outside their regional area of expertise?

Answer. This continues to be a concern. SOF accrue language and cultural capability through training and experience and the pace of deployments into the Central Command area of operations has contributed to imbalances in SOF language and cultural capability. At the basic levels, SOF remain proficient due to the effective efforts of SOF training institutions and units. Moving forward, training and developing partner forces increasingly demands intermediate or higher proficiency. Likewise, our efforts in which we are partnered with multiple nations are more effective when SOF are able to communicate directly with those partners and allies in their languages. This too calls for higher proficiency.

Question. If so and if confirmed, what, if anything, would you do to ensure these unique skills are adequately maintained?

Answer. Language and culture skills begin with requirements articulated in TSOCs' plans. Recruitment, assignments, training, testing, and incentives all play critical roles in fulfilling the warfighters' requirements. I will continue efforts already begun to ensure we have the instructors most adept at maximizing training gains within the available time at our schools and in our unit sustainment and enhancement programs. I will increase collaboration with DOD and among the Services and SOF components to optimize heritage recruitment, regionally relevant assignments, training, testing, and incentives. Alignment of these functions to the actual capabilities warfighters require is central to this effort. Sufficient language and cultural capability derives from time on task and I will assess the balance of capabilities required of our operators to ensure its optimization.

SPECIAL OPERATIONS MISSIONS

Question. In recent years, SOF have taken on an expanded role in a number of areas important to countering violent extremist organizations, including those related to information and military intelligence operations. Some have advocated significant changes to SOCOM's title 10 missions to make them better reflect the activities special operations forces are carrying out around the world.

What current missions, if any, do you believe can and should be divested by SOCOM, and why?

Answer. SOCOM and SOF senior leaders are in a constant process of reviewing our SOF core activities as outlined in DOD Directive 5100.01. This process encapsulates current authorities and the ever-changing global environment Special Operations Forces deal with to meet current and future requirements threat detection and counter violent extremist organizations operations. This process is reported in updates to the Directive itself, as well as, other key reporting documents to include our new reporting requirements as the Trans-regional Lead for the department. At the moment, I'm not prepared to advocate for divestiture of current SOCOM missions.

Question. Are there any additional missions that you believe SOCOM should assume, and, if so, what are they and why do you advocate adding them?

Answer. One additional mission to consider would align our counterterrorism strategy with the global threat of radicalized foreign fighters. SOCOM is in a unique situation where we look at the global threat picture and can synchronize regional efforts into a single mission focus. This is a cross-departmental effort within the Department and across the USG approach to get at this effort. Trained radical foreign fighters create a threat to other recruitment from terrorist groups, as well as, a threat to their respective countries they retain citizenship with. SOF routinely

works with partner nation military and International law enforcement organizations to engage on looking at these networks. We are in a unique situation to synchronize planning.

MILITARY INTELLIGENCE OPERATIONS

Question. In your view, how are intelligence operations carried out by special operations personnel different from those carried out by others in the intelligence community?

Answer. Special Operations personnel carry out a variety of intelligence operations, and the key difference is that they are conducted in direct support of special operations missions. While they are mindful of national collection priorities, SOF conduct intelligence to directly enable task forces conducting operations on behalf of the Combatant Commands. The preponderance of special operations intelligence assets are dedicated to locating individuals, illuminating enemy networks, understanding environments, and supporting partners. In most cases, similar capability does not exist within the IC or DOD.

Question. If confirmed, how would you ensure intelligence activities carried out by special operations forces are coordinated adequately with other activities carried out by the intelligence community?

Answer. SOF intelligence activities are closely coordinated with the Combatant Commands and intelligence community. There are robust mechanisms in place to ensure SOF units comply with all applicable policies and directives. If confirmed, I would continue to closely monitor the activities of Special Operations Forces, and ensure that required coordination and synchronization with the Intelligence Community continues to strengthen.

SPECIAL OPERATIONS PERSONNEL IN EMBASSIES

Question. SOF deploy to work with country teams in a number of priority countries where the United States is not engaged in direct action operations, but rather trying to stop the spread of violent extremism. Their mission is to support the priorities of the Ambassador and the geographic combatant commander's theater campaign plan against terrorist networks.

If confirmed, how would you seek to ensure the goals of SOF deployed to these countries are aligned closely with those of the Ambassadors they are working with?

Answer. Essential to the success of SOF is absolute commitment to ensuring the goals of the Ambassador, the GCC and any deployed SOF are one in the same, at all times. I completely concur deployed SOF's mission is to support the priorities of the Ambassador and SOF does nothing without the express approval of the U.S. Ambassador/Chief of Mission to that country. In the case of section 1208 authority, for example, we must gain written concurrence from the U.S. Chief of Mission (COM) prior to the application of that authority in support of our operations.

Headquarters SOCOM employs two persistent, strategic avenues to engage with and inform the Embassy leadership of SOF capabilities and operations, the Special Operations Liaison Officer (SOLO) Program and the Ambassador Orientation Visit (AOV) Program.

Special Operations Liaison Officers (SOLOs) are SOCOM-sourced, U.S. SOF-qualified officers, placed under Chief of Mission authority as part of the Country Team, via an U.S. Chief of Mission (COM)-approved NSDD-38 agreement. These are permanent change of station assignments where the duties and responsibilities of the SOLO are derived from the COM's Integrated Country Strategy and consistent with the GCC's Theater Security Cooperation Plan. Placing the SOLOs under Chief of Mission authority acknowledges and supports the Department of State's lead in Security Sector Assistance as outlined in Presidential Policy Directive-23. There are currently seventeen serving SOLOs in various countries (Australia, Brazil, Canada, Colombia, El Salvador, France, Israel, Italy, Japan, Jordan, Kenya, Norway, Peru, Poland, Romania, Turkey, and United Kingdom) working with the United States Embassy country teams. Since 2007, the program has been highly successful in building key SOF partners, preparing for future contingencies, and building mutually beneficial global relationships in support of U.S. Embassy, geographic combatant command and Theater Special Operation Command engagement strategies. With a very small footprint, the countries with SOLOs enjoy a more efficient relationship with the U.S. interagency, GCCs, and SOCOM on SOF specific issues, affording insight and influence with strategic partner nation SOF globally, building the pool of security exporters in advance of crisis.

The AOV provides future Ambassadors the opportunity to visit SOCOM Headquarters, receive briefings on SOCOM unique capabilities and responsibilities, as well as regionally targeted introductions considerate of their newly assigned posts.

During the program the ambassadors have a one hour one-on-one discussion period with their respective TSOC Commander and a one hour session with the SOCOM commander. To date, SOCOM has hosted more than 274 ambassador designees. Feedback on the program has been positive and the future ambassadors have indicated that the experience is worthwhile and will help them in the future.

In addition to the AOVs hosted by USSOCOM, the TSOC Commanders also work vigorously to ensure coordination between the SOF under their command and the Chiefs of Mission and U.S. Country Teams in the countries where SOF is deployed. This coordination takes place in a variety of recurring venues and dedicated key leader engagements with the Embassies. TSOC Commanders also leverage a robust network of SOF “nodes” assigned to Embassies, such as the aforementioned SOLOs as well as other temporarily assigned liaison officers, and also numerous Special Operations Command Forward (SOC FWD) command and control elements. Through these Embassy-based SOF personnel, continuous coordination with the COM and the principals on the U.S. Country Team is accomplished through enduring SOF presence at our diplomatic posts.

Question. In your view, what is the value of SOF to their respective geographic Combatant Commands and the country teams they are supporting?

Answer. The value of SOF to their respective geographic Combatant Commands lies in our global perspective that spans regional boundaries, coupled with our ability to act and influence locally with a range of options; our networked approach that integrates the capabilities of our domestic and international partners, paired with our ability to act discreetly against our most important threats; and our seamless integration with the Services to support and enhance their effectiveness, while we provide capabilities that SOF is uniquely structured to deliver. All of these are only possible due to our people—adaptive, agile, flexible, bold, and innovative—who allow us to seize opportunities early, and have strategic impact with a small footprint.

U.S. SOF brings unique capabilities to further U.S. policy, goals, and regional/country objectives. In coordination with our interagency partners from across the U.S. Government, SOF works to ensure a synchronized whole of government approach. As such, U.S. SOF have become an integral part of every Geographic Combatant Command Theater Campaign Plan.

INFORMATION WARFARE

Question. What are your views on DOD’s military information support operations and influence programs and their integration into overall U.S. foreign policy objectives?

Answer. Military Information Support Operations (MISO) are a critical military capability for the current and future operating environments. MISO forces provide commanders at all echelons a cost effective, small footprint asset that develops and disseminates culturally relevant information and messaging designed to support the achievement of military objectives. In addition to promulgating the friendly narrative, MISO counter hostile information and propaganda, de-legitimizing and countering the appeal of terrorist ideology and its proponents.

MISO activities are fully coordinated with the Department of State and are complementary to and supportive of U.S. foreign policy objectives, although they do not explain or clarify U.S. foreign policy directly. When operating out of a U.S. Embassy, at the request of an Ambassador, Military Information Support Teams’ (MIST) support to public diplomacy is closely coordinated with the embassy country team and often serves to support the achievement of both military and Department of State (DOS) objectives. MISTs also provide the capability to maintain awareness of the information environment by identifying current trends in local and regional media reporting, identifying hostile messaging, and measuring local populace reaction.

Fiscal constraints, along with the increasing complexities associated with conducting large-scale DOD operations across the globe, combined with the rapidly evolving domains of the information environment, make MISO a quintessential capability in achieving national security objectives. MISO is the primary capability in DOD to engage in the battle of the narrative.

Question. What is the role of DOD in relation to the intelligence community and the State Department in conducting these activities?

Answer. Military Information Support Operations Forces provide unique capabilities which can support the entire USG information and influence efforts worldwide. They continue to be one of the most deployed in the military, with 39 MISO elements deployed across the world, 23 working directly out of U.S. Embassies. These elements develop messages to counter hostile information and propaganda that are culturally relevant to the host nations’ population. Outside areas of hostilities,

MISO activities are fully coordinated with the Department of State and must have the concurrence of the relevant U.S. Ambassador. MISO elements working out of embassies, called MISTs, closely coordinate all activities with the embassy staff. A steady drumbeat with a clear and compelling narrative that supports U.S. policy, anchored in the bedrock of truth, best serves our national interests. The Department of Defense takes its lead from the Commander-in-Chief and, outside areas of hostilities, the Department of State in re-enforcing the message from our nation. We are cognizant of the varying roles and missions in the information realm, and through close coordination and focused planning, have been successful in executing mutually supportive operations with all other agencies of the USG. In summary, DOD works in concerted efforts with the intelligence community and the DOS in a holistic approach to ensure we support a cohesive and consistent message.

CIVIL AFFAIRS OPERATIONS

Question. In your view, does SOCOM have sufficient personnel and resources to conduct the range of civil affairs missions required for today's operations?

Answer. No, the dynamic and evolving nature of our complex operating environment has and continues to place an incredible strain on our Civil Affairs Forces. Our SOF Civil Affairs are currently deployed at a 1:1 ratio. Our SOF CA forces are a finite asset. To mitigate the risk we see our Trans-Regional Synchronization process and associated prioritization as a means by which we mitigate this risk.

The 95th CA Brigade is the Active Duty SOF Civil Affairs unit. The 95th is comprised of five Active Duty battalions. Each battalion is comprised of 6 companies with 5 CA Teams within each company. There is a total of 150 CA Teams to support global SOCOM priorities.

The 85th CA Brigade is the Active Duty General Purpose Forces CA unit. The 85th is comprised of 5 Active Duty battalions. Each battalion is comprised of 5 companies with 5 CA Teams within each company. The brigade will be reduced to one battalion by fiscal year 2017. This one battalion is tasked to support the Army's Global Response Force responsibilities.

Question. If confirmed, how would you ensure civil affairs activities by special operations personnel are integrated into larger U.S. government efforts?

Answer. SOF CA Operations are already deeply integrated into the planning and operations of the 3 D's (Defense, Diplomacy, and Development). SOF CA currently works out of 25 U.S. Embassies across the globe and assists each Country Team member in achieving specific effects within their own strategy/plan. Our nation's military contributions to foreign policy are only of the instruments of national power. As an integral part of this contribution, our SOF Civil Affairs deployed as part of the Civil Military Engagement program are uniquely positioned within countries across the globe to address civil vulnerabilities which if not addressed contribute to the spread of Violent Extremist Organizations. They are part of the connective tissue, starting at the tactical level with our Civil Military Support Elements continuing to the operational level with our deployed Theater Civil Military support Elements, between bringing together our Unified Action Partners to achieve a synchronized and balanced whole of government approach.

Question. If confirmed, how would you ensure Civil Affairs and Military Information Support Operations are adequately coordinated to achieve a maximum impact?

Answer. Maintaining the ability to forward deploy our SOF CA and embed them with our TSOCs and U.S. Embassies is critical to ensuring proper planning and execution for stability operations. Civil Affairs and Military Information Support Operations constitute an indirect approach to addressing our global threats. These efforts are complementary and integrated into each of our lines of effort. They are documented in our supporting campaign plans, as well as echoed through the goals and strategies of our Unified Action Partners. Synchronization occurs at each level—from tactical, to operational, to strategic—as exercised by echelon of command within our formation. This nested synchronization is best demonstrated by resourcing decision that are made as part of our Trans-Regional Synchronization process

CAPABILITIES OF SPECIAL OPERATIONS FORCES AND GENERAL PURPOSE FORCES

Question. What is your assessment of the mix of responsibilities assigned to general purpose and SOF, particularly with respect to security force assistance and building partner military capabilities?

Answer. Both Special Operations Forces (SOF) and General Purpose Forces (GPF) are capable and have supported these missions most recently in Iraq and Afghanistan. Many GPF, like SOF, have units that are now regionally focused and have a thorough understanding of the culture and are able to build relationships with the partner nations military. SOF are best utilized in areas which are politically sen-

sitive environments and where a large U.S. presence or a sizeable force is unacceptable to a host country government, while GPF are best suited for delivering GPF capabilities to foreign military forces in environments where U.S. presence is acceptable to the host-country government and where large-scale U.S. presence is considered necessary and acceptable by the host-country government.

Question. Are there certain mission areas that should be reserved for SOF only?

Answer. Missions involving the Title 10 SOF Core Activities include Direct Action, Special Reconnaissance, Unconventional Warfare, Counterterrorism, and Counter Proliferation of Weapons of Mass Destruction. These missions are highly specialized requiring extensive mental and physical training and a high degree of risk that the personnel conducting these missions accept. However, other agencies in the U.S. Government are also specialized in some of these missions, particularly Counterterrorism and Counter Proliferation of Weapons of Mass Destruction. SOF needs to partner closely with them in the conduct of these operations. Additionally, SOF is best suited for politically sensitive environments, where an overt large U.S. presence is unacceptable to the host nation's government, and in denied environments.

SPECIAL OPERATIONS ENABLING CAPABILITIES

Question. In your view, how should the responsibility for providing enabling capabilities for special operations missions be divided between SOCOM and the services?

Answer. The 5th SOF truth is, "Most Special Operations require non-SOF assistance." The current enabling force structure is sufficient to meet SOF requirements. Most SOF enablers are used for short duration support for the SOF operator. However, during sustained operations SOF must rely on theater provided Service enablers to meet their support requirements.

Question. In light of current budget pressures, do you believe SOCOM and the services are maintaining adequate enabling capabilities to support special operations missions?

Answer. Regional challenges in austere, politically sensitive environments, as have occurred with VEOs throughout northern Africa and the Levant in the past 10 years, require non-standard, rapidly executed and low foot print solutions in enabling logistics support. This challenge requires SOCOM and the Services to quickly realign funding for enabling support mechanisms inside year of execution for support to SOF operations in these emerging regional actions. While DOD has sufficient assets for this type of support, enabling actions in quickly emerging, politically sensitive, austere environments often requires a custom solution not tasked to any specific logistic or support capability. Standard solutions do not always work for non-standard, challenging environments. Libya is a key example of an emerging requirement, in a politically sensitive environment, requiring non-standard, quickly designed and executed funding solutions if determined to be in our national interest.

Question. What enabling capabilities are in short supply or at greatest risk with current budget constraints?

Answer. The enabling capabilities that are the most requested and in greatest short fall for SOF are Airborne ISR and SOF enabler support personnel. Shortfalls in current ISR support capability for meeting SOF global demand crosses multiple disciplines and affects actions and decisions across the SOF spectrum of operations. SOF depend heavily on Service provided capabilities for support for operational readiness and execution. Current sequestration-associated force structure reductions on the services will decrease the availability of these special operations enablers.

RENDER SAFE PROFICIENCY

Question. The proliferation of weapons of mass destruction is a growing and especially concerning threat to our nation. Select special operations units are assigned the task of interdicting and rendering-safe weapons of mass destruction should they ever fall into the wrong hands.

If confirmed, how would you ensure render-safe capabilities are adequately maintained by special operations units who may currently be heavily engaged in offensive kill/capture missions against high value counterterrorism targets?

Answer. The Department of Defense has tasked SOCOM with the responsibility of Counter Proliferation of Weapons of Mass Destruction. The tasks inclusive in these responsibilities span Counterproliferation, interdiction, and render safe. My view is that SOF has found the proper threshold of maintaining the world's foremost counterterrorism force, while ensuring our Counterproliferation forces, including the no fail mission of render safe, are manned, trained, and equipped and prepared to address WMD threats as they arise. Special operations units continuously participate in the Joint Operational Readiness and Training (JORTS) Cycle that incorporates world-wide deployments, individual training, collective training, and joint

exercises (and evaluations) year round. If confirmed, I will continue to use the current training and exercise programs in place to maintain our ability to meet our mission to Counter WMD.

Question. Do you believe additional render-safe capabilities are needed within SOCOM?

Answer. SOCOM has sufficient render-safe capacity to respond to the most likely CWMD scenarios based upon today's threat analysis. SOCOM's technical capability is world-class and must remain so as our adversaries capabilities evolve. Robust research and development to maintain the lead in state-of-the-art technology are imperative. We must continue to resource these efforts and transfer as much capability as is reasonable to forward-deployed SOF units. The same approach must reside within our interagency supporting partners as they provide a symbiotic relation that is integral to our capabilities.

Question. What is your assessment of the role of SOF in disrupting the development or acquisition of weapons of mass destruction by state and non-state actors?

Answer. SOCOM plays a vital role in understanding and mitigating the networks that support the flow of commodities that support state and non-state procurement activities that feed WMD programs and the proliferation of WMD knowledge, material, and expertise. We work alongside our USG partners through the whole of SOF approach to apply our capabilities in a network-centric application against actors of concern who have, or desire, a WMD capability. I feel this is a collective activity, working with allies and partners to reduce those WMD threats of our Nation and our interest abroad. Through a shared understanding of the threats, we are able to better strengthen alliances by building our partners capabilities and the focusing of finite SOF capabilities.

Question. Do you believe SOF currently have adequate capabilities to carry out such missions?

Answer. SOF today possesses adequate capabilities to conduct such missions based upon our understanding of the current threat. That understanding continuously evolves, therefore I encourage our efforts that look to project what the threat may look like in the near and mid-term future. By forecasting what the threat may evolve to, we can then focus on developing SOF forces capable of responding in advance of our adversary's ability to counter our capabilities.

SUPPORTED COMBATANT COMMAND

Question. Under certain circumstances and subject to direction by the President or Secretary of Defense, SOCOM may operate as a supported combatant command.

In your view, under what circumstances should SOCOM conduct operations as a supported combatant command?

Answer. SOCOM has not historically been the supported combatant command for operations, with the exception of several compartmented operations. Rather, it provides specialized forces capabilities to the geographic Combatant Commands (GCC) in pursuit of national objectives. Even our most high-end forces are typically put under the operational control of the geographic combatant commander to execute missions of national importance. That force package itself often receives significant support from the GCC, but as far as supported/supporting roles between the Combatant Commands is concerned, there are no obvious circumstances under which SOCOM would need to be the supported commander for operations. The GCCs have the overall military responsibility within their areas, integrating the spectrum of military operations and activities over time. With that responsibility comes their role as the supported commander. One potential exception to this is in the area of planning and combatting transregional threats where unlike the geographic combatant commanders who are focused on their particular AOR, Commander SOCOM takes a global approach.

Question. In your view, what resource, organization, and force structure changes, if any, are required in order for SOCOM to more effectively conduct both supporting and supported combatant command responsibilities?

Answer. The ongoing discussion and strategy development regarding transregional threats continues to inform our thinking in this area. It may be possible to assign one GCC as the supported commander for a given threat such as ISIL and designate the other GCCs as supporting commanders. However, this approach has some inherent limitation in that each GCC is incentivized to address the threat in its borders, without necessarily having a comprehensive understanding of the threat as a whole. Assigning transregional problems to a combatant commander such as SOCOM, which has no boundaries, may enable synchronized operations against threats such as foreign terrorist fighter flow, for example. However, this would require adjustment in the way our Combatant Commands habitually interact.

Our evolving campaign plan against transregional terrorist organizations seeks to find the right balance between establishing GCCs and Functional Combatant Commands as the supported command, relying heavily on the former.

INTERAGENCY COLLABORATION

Question. The collaboration between U.S. SOF, general purpose forces, and other U.S. Government departments and agencies has played a significant role in the success of counterinsurgency and counterterrorism operations in recent years. However, much of this collaboration has been ad hoc in nature.

What do you believe are the most important lessons learned from the collaborative interagency efforts in Afghanistan, Iraq, and elsewhere?

Answer. Deepening our interagency (IA) relationships and collaboration continues to be a hallmark of U.S. SOF efforts as these partnerships have proven to be essential to success. In terms of lessons learned:

Increasing the depth and speed of information sharing has helped us accelerate our targeting processes, improved its fidelity, and significantly expanded the availability of intelligence for future operations.

Additionally, closer IA collaboration and integration has expanded the U.S. Government's options for success in the CT fight. Our relationship with our IA partners is a two way street, and we often find the quickest, most effective solution to many of today's CT challenges lies within SOF playing a supporting role to a Law Enforcement "finish". Whether through leveraging our more robust DOD logistics enablers, or the sharing of information and situational awareness provided by SOF, we believe our partners gain as much or more from these relationships.

Finally, one of the top lessons learned is the need to develop and maintain relationships and trust across the IA. This forms the foundation for understanding our IA partner's priorities, capabilities, and areas where we can best support one another in this global fight.

Question. How do you believe these efforts can be improved?

Answer. Like many inter-organizational challenges, good, rapid two-way communications and understanding is essential. SOCOM has put a significant level of energy into building both the electronic and human network connections to enable this.

We have established a recurring Video Tele-Conference series where our IA partners are key participants. However, not all of our sister departments and agencies have the appropriate systems to join. This is something we can assist with to a degree, but in the end, it is up to our IA counterparts to invest in the electronic communications systems to allow full collaboration. In addition to this area of improvement, it would be helpful to establish and publish a common standard to enable trusted, vetted connections across the multiple electronic communications networks of individual agencies.

On the human side of the network, SOCOM has provided a liaison element to most of our key IA partners and, in turn, accepted a liaison from these agencies. While these individuals are critical nodes in maintaining our relationships and communications, we also need to be more consistent in expanding opportunities for exposing our internal staff and leadership to deeper IA interactions. I am hopeful that our IA partners feel the same way. Establishing such early relationships will be especially valuable as our young leaders of today become senior leaders tomorrow.

Question. Should these informal and ad hoc arrangements be made more formal (i.e. through legislation, DOD Directives or Instructions, etc ...) or is their ad hoc nature the reason for their success?

Answer. I am not sure ad hoc is the correct term as most all our relationships with our IA partners are supported through more formal agreements, whether a tactical-level partnership, or a more long-standing exchange of liaisons. To date, we have been quite successful in using the existing processes and I see no pressing need to overlay further instructions on what is essentially a successful, mutually beneficial effort to achieve national objectives.

At the same time, it would be helpful to examine ways where we might formally address IA interactions, authorities, and funding for those operations and activities that require synchronized SOF-IA efforts, as there have been times when some of our IA partners with a significant capability are limited by lack of specific guidance from their standard operating procedures, or conflict with existing authorities, or funding constraints.

DETAINEE TREATMENT POLICY

Question. Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2-22.3, issued in September 2006,

and in DOD Directive 2310.01E, the Department of Defense Detainee Program, dated September 5, 2006?

Answer. Yes

Question. If confirmed, would you ensure that special operations forces comply with the standards in the Army Field Manual, the DOD Directive, and applicable requirements of U.S. and international law regarding detention and interrogation operations?

Answer. Yes

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander of SOCOM?

Answer. Yes

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MCCASKILL

WHISTLEBLOWERS AND REPRISAL

1. Senator MCCASKILL. Lieutenant General Thomas, I remain concerned over retaliation on military and civilian members who make "protected communications" regarding the perception of a violation of law or regulation. All whistleblowers, whether they are civilian employees, uniformed military personnel, or contractors, are critical to revealing waste, fraud and abuse. Do you support military and civilian members of the special operations community to make "protected communications" without the fear of reprisal?

Lieutenant General THOMAS. Yes.

2. Senator MCCASKILL. Lieutenant General Thomas, what specifically will you do to ensure the special operations community understands whistleblower reprisal?

Lieutenant General THOMAS. My intent, if confirmed, will be for my senior leadership across the Special Operations Forces (SOF) enterprise to understand what constitutes a Whistleblower Reprisal (WR), who it applies to, actions to take for prevention, and actions to take should it occur. The bottom line is to create and maintain an environment in which all members of SOF will readily do the right thing with respect to fraud, waste, and abuse, as well as other issues that might arise, without fear of reprisal.

I will stress the significance of whistleblower reprisal immediately upon assumption of command with my senior leaders, and then regularly reinforce the topic to ensure SOF leaders are communicating with their subordinate leaders, supervisors, and employees. I will work with the SOCOM Inspector General (IG) to provide oversight on WR, and have him provide updates and trend analysis to me. Continual education and reeducation of the SOF enterprise are critical. Commanders' Conferences, Pre-Command Courses, Senior Enlisted Courses, IG Inspections, and sens-

ing sessions will all be critical means to ensure the Special Operations community understands whistleblower reprisal.

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN III

NATIONAL GUARD SUPPORT TO SPECIAL OPERATIONS FORCES

3. Senator MANCHIN. Lieutenant General Thomas, the West Virginia National Guard is partnered with the Combating Terrorism Technical Support Office and the special operations community to develop the ability to effectively use social media in support of Special Operations Forces operations. How can Senator Manchin better assist and advocate for this effort?

Lieutenant General THOMAS. At this point, no additional assistance is needed, but I will request the Senator's assistance and advocacy if required in the future. Publically available information is an important tool in the broader U.S. Government and partner nation efforts to counter threats to our Nation. The Combating Terrorism Technical Support Office and the West Virginia National Guard are valuable contributors in support of that broader effort.

4. Senator MANCHIN. Lieutenant General Thomas, the West Virginia Air National Guard, specifically the 130th Airlift Wing, is providing significant Intelligence, Surveillance, and Reconnaissance (ISR) and airlift support to Joint Special Operations Command (JSOC) and the Theater Special Operations Commands. How can Senator Manchin better assist and advocate for this effort?

Lieutenant General THOMAS. The support the West Virginia Air National Guard (WV ANG) provides to JSOC and Special Operations Command South is robust. To date, there have been no notable restrictions to the support provided. Any potential assistance or advocacy would likely be along two lines of effort. The first would be towards exploring a formal association in the context of a SOF-gained unit (a Special Operations Wing), requiring discussions among the Air Force Special Operations Command (AFSOC), the National Guard Bureau (NGB), and the State of West Virginia. The second would be towards ensuring that funding is available for recapitalization/transition from the legacy C-130 airframes the unit currently operates to the C-130J model (whether or not a formal affiliation with AFSOC occurs).

5. Senator MANCHIN. Lieutenant General Thomas, should further consideration be given toward aligning the 130th Airlift Wing with Air Force Special Operations Command or having this wing somehow affiliated in support of JSOC?

Lieutenant General THOMAS. The 130th Airlift Wing (AW) and JSOC currently enjoy a mutually beneficial relationship that has resulted in a significant amount of joint activity between the two units. Their relative geographic locations and the varied terrain and ranges that West Virginia offers make this a complementary partnership. JSOC has benefitted from the habitual relationship by utilizing competent and responsive airlift support, while the 130th AW has benefited by having their aircrews being exposed to unique training opportunities that only SOF offers. As stated above, consideration to formalize a SOF aviation affiliation would have to take place among AFSOC, the NGB, and the WV ANG. Any formal association would be dependent on AFSOC's plans for the recapitalization and final endstate (total number of aircraft and basing locations) of the A/MC-130J fleet.

[The nomination reference of Lieutenant General Raymond A. Thomas III, USA follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 22, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601:

To Be General

Lieutenant General Raymond A. Thomas III.

[The biographical sketch of Lieutenant General Raymond A. Thomas III, USA, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LIEUTENANT GENERAL RAYMOND A. THOMAS III

Source of commissioned service:

USMA

Educational degrees:

- United States Military Academy—BS—No Major
- United States Naval War College—MA—National Security
- United States Army War College—MSS—Strategic Science

Military schools attended:

- Infantry Officer Basic and Advanced Courses
- United States Naval Command and Staff College
- United States Army War College

Foreign language(s):

Spanish

Promotions:

Promotions	Dates of appointment
2LT	28 May 80
1LT	28 Nov 81
CPT	1 Feb 84
MAJ	1 Apr 92
LTC	1 Mar 97
COL	1 Jun 02
BG	16 Jun 08
MG	3 Dec 11
LTG	8 Nov 13

Major duty assignments:

From	To	Assignment
Jul 14	Present	Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, North Carolina
Nov 13	Jul 14	Associate Director of the Central Intelligence Agency for Military Affairs, Langley, Virginia
Jun 12	Jul 13	Commander, Special Operations Joint Task Force-Afghanistan/North Atlantic Treaty Organization Special Operations Component Command-Afghanistan, International Security Assistance Force/United States Forces Afghanistan, Operation Enduring Freedom, Afghanistan
Aug 10	Jun 12	Deputy Commander, Joint Special Operations Command, United States Special Operations Command, Fort Bragg, North Carolina
Aug 09	Aug 10	Deputy Director for Special Operations, J-37, The Joint Staff, Washington, DC
Feb 09	Aug 09	Deputy Commander for Operations, Joint Special Operations Command, United States Special Operations Command, Fort Bragg, North Carolina, Operation Enduring Freedom, Afghanistan and Operation Iraqi Freedom, Iraq.
Jul 07	Feb 09	Assistant Division Commander (Support), 1st Armored Division, Germany and Multi National Division—North, Operation Iraqi Freedom, Iraq
Apr 05	Jul 07	Chief of Staff, Joint Special Operations Command, Fort Bragg, North Carolina
Jul 03	Apr 05	Director of Operations, Joint Special Operations Command, Fort Bragg, North Carolina and Joint Task Force, Operation Enduring Freedom, Afghanistan
Jul 02	Jul 03	Brigade Commander, Joint Task Force Bravo, Soto Cano Air Base, Honduras
Jul 00	Jul 02	Commander, 1st Battalion, 75th Ranger Regiment, Hunter Army Air Field, Georgia and Operation Enduring Freedom, Afghanistan
Jul 96	Jul 99	Executive Officer, later Squadron Commander, 1st Special Forces Operational Detachment (Delta Force) (Airborne), Fort Bragg, North Carolina
Jun 95	Jul 96	Executive Officer, 2d Battalion, 75th Ranger Regiment, Fort Lewis, Washington
May 92	Jun 94	Operations Officer, later Troop Commander, 1st Special Forces Operational Detachment (Delta Force) (Airborne), Fort Bragg, North Carolina
Jan 90	May 91	Aide-de-Camp to the Commanding General, Joint Special Operations Command, Fort Bragg, North Carolina and Joint Task Force, Operation Desert Storm, Saudi Arabia

From	To	Assignment
Jun 87	Jan 90	Commander, A Company, 3d Battalion, 75th Ranger Regiment, Fort Benning, Georgia and Operation Just Cause, Panama
Jan 86	Jun 87	Assistant S-3, Plans/Liaison Officer, 75th Ranger Regiment, Fort Benning, Georgia
Aug 85	Jan 86	Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia
Feb 84	Jun 85	Commander, A Company, 2d Battalion, 2d Infantry, Fort Lewis, Washington
Sep 82	Feb 84	Platoon Leader, later Executive Officer, A Company, 2d Battalion, 75th Ranger Regiment, Fort Lewis, Washington and Operation Urgent Fury, Grenada
Feb 81	Sep 82	Platoon Leader, later Company Executive Officer, later Scout Platoon Leader, 3d Battalion, 47th Infantry, Fort Lewis, Washington

Summary of joint assignments:

Summary of joint assignments	Date	Grade
Commander, Joint Special Operations Command/Commander, Joint Special Operations Command Forward, United States Special Operations Command, Fort Bragg, North Carolina	Jul 14–Present	Lieutenant General
Associate Director of the Central Intelligence Agency for Military Affairs, Langley, Virginia	Nov 13–Jul 14	Lieutenant General
Commander, Special Operations Joint Task Force-Afghanistan/North Atlantic Treaty Organization Special Operations Component	Jun 12–Jul 13	Major General
Command-Afghanistan, International Security Assistance Force/United States Forces Afghanistan, Operation Enduring Freedom, Afghanistan		
Deputy Commander, Joint Special Operations Command, United States Special Operations Command, Fort Bragg, North Carolina	Aug 10–Jun 12	Brigadier General
Deputy Director for Special Operations, J-37, The Joint Staff, Washington, DC	Aug 09–Aug 10	Brigadier General
Deputy Commander for Operations, Joint Special Operations Command, United States Special Operations Command, Fort Bragg, North Carolina, Operation Enduring Freedom, Afghanistan and Operation Iraqi Freedom, Iraq	Mar 09–Jul 09	Brigadier General
Chief of Staff, Joint Special Operations Command, Fort Bragg, North Carolina	Apr 05–Jul 07	Colonel
Director of Operations, Joint Special Operations Command, Fort Bragg, North Carolina and Joint Task Force, Operation Enduring Freedom, Afghanistan	Jul 03–Apr 05	Colonel
Brigade Commander, Joint Task Force Bravo, Soto Cano Air Base, Honduras	Jul 02–Jul 03	Colonel

Summary of operational assignments:

Summary of Operational Assignments	Date	Grade
Commander, Special Operations Joint Task Force-Afghanistan/North Atlantic Treaty Organization Special Operations Component Command-Afghanistan, International Security Assistance Force/United States Forces Afghanistan, Operation Enduring Freedom, Afghanistan	Jun 12–Jul 13	Major General
Deputy Commander for Operations, Joint Special Operations Command, United States Special Operations Command, Fort Bragg, North Carolina, Operation Enduring Freedom, Afghanistan and Operation Iraqi Freedom, Iraq	Mar 09–Jul 09	Brigadier General
Assistant Division Commander (Support), 1st Armored Division, Multi-National Division—North, Operation Iraqi Freedom, Iraq	Sep 07–Dec 08	Colonel/Brigadier General
Director of Operations, Joint Special Operations Command, Fort Bragg, North Carolina and Joint Task Force, Operation Enduring Freedom, Afghanistan	Jul 03–Apr 05	Colonel
Commander, 1st Battalion, 75th Ranger Regiment, Hunter Army Air Field, Georgia and Operation Enduring Freedom, Afghanistan	Dec 01–Apr 02	Lieutenant Colonel
Aide-de-Camp to the Commanding General, Joint Special Operations Command, Fort Bragg, North Carolina and Joint Task Force in support of Operation Desert Storm, Saudi Arabia	Feb 91–Apr 91	Captain
Commander, A Company, 3d Battalion, 75th Ranger Regiment, Fort Benning, Georgia and Operation Just Cause, Panama	Dec 89–Jan 90	Captain
Platoon Leader, A Company, 2d Battalion, 75th Ranger Regiment, Fort Lewis, Washington and Operation Urgent Fury, Grenada	Oct 83–Oct 83	First Lieutenant

United States decorations and badges:

Defense Superior Service Medal (with 4 Oak Leaf Clusters)
 Legion of Merit
 Bronze Star Medal (with 4 Oak Leaf Clusters)
 Purple Heart
 Defense Meritorious Service Medal (with 2 Oak Leaf Clusters)
 Meritorious Service Medal (with 2 Oak Leaf Clusters)
 Joint Service Commendation Medal
 Army Achievement Medal
 Combat Infantryman Badge (with Star)
 Combat Action Badge
 Expert Infantryman Badge
 Master Parachutist Badge (with 2 Bronze Stars)
 Military Free Fall Parachutist Badge
 Ranger Tab

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lieutenant General Raymond A. Thomas III, USA in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Raymond A. Thomas III.

2. **Position to which nominated:**

Commander, United States Central Command, MacDill Air Force Base, Florida.

3. **Date of nomination:**

22 Feb 2016.

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

[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**

6 October 1958; Philadelphia, PA.

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married to Barbara Ann Gerhard Thomas.

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

35 years of Military Service.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

None.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

I do.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

I do.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

RAYMOND A. THOMAS III

This 26th day of January, 2016

[The nomination of Lieutenant General Raymond A. Thomas III, USA was reported to the Senate by Chairman McCain on March 17, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 17, 2016.]

**NOMINATION OF GENERAL VINCENT K.
BROOKS, USA, FOR REAPPOINTMENT TO
THE GRADE OF GENERAL AND TO BE COM-
MANDER, UNITED NATIONS COMMAND,
COMBINED FORCES COMMAND, AND
UNITED STATES FORCES KOREA**

TUESDAY, APRIL 19, 2016

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

The Committee met, pursuant to notice, at 9:30 a.m. in room SH-216, Hart Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Reed, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, and King.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning. The Senate Armed Services Committee meets this morning to consider the nomination of General Vincent Brooks to the Commander of the United Nations (UN) Command, Combined Forces Command (CFC), and the United States Forces Korea (USFK).

General, we congratulate you on your nomination. We thank you for your decades of distinguished service and your willingness to step forward and lead once again.

Of course, we know today would not be possible without the support and sacrifice of your wife, Carol, who's with us this morning. As in our tradition, we hope you will take the opportunity to introduce your family joining you today.

North Korea's destabilizing behavior continues to present a real and rising risk of conflict. Over the past 3 months, it has defied the international community by testing a nuclear device and launching a long-range missile. Now there are reports that it may test another nuclear device. These calculated cycles of provocation continue to pose a risk of violent escalation on the Korean Peninsula. This is the daunting challenge that American forces on the Korean Peninsula confront every day, but it is one they confront together with their South Korean brothers and sisters in arms. This Committee is deeply grateful for the close cooperation of our friends in Seoul and between United States Forces Korea and the ROK [Republic of Korea] armed forces. I applaud the leadership of President

Park these last few months as she and her government contend with the continued menace from the North.

As I've said previously, I'm very encouraged by the joint United States/Republic of Korea statement from January that our two countries will begin the process of consultation for deploying the Terminal High-Altitude Area Defense, THAAD, system for the Korean Peninsula. The development of this system by the alliance is a critical step to providing a further layer of defenses against North Korean provocations.

As the United States and South Korea continue to work together on strengthening our common security, I want to stress how important it will be for nations like South Korea to support the outcome of the Permanent Court of Arbitration's upcoming decision on disputed maritime claims in the South China Sea. The international order, based on rules, standards, and norms, has brought decades of security and prosperity to the Asia-Pacific. The continued strength of this order is in the interest of all nations, but it's a special responsibility of prosperous and democratic nations to speak up forcefully in its defense. Furthermore, I am increasingly hopeful that the recent agreement between South Korea and Japan on the issue of so-called "comfort women" will mark a new era between Seoul and Japan based, not on the burdens of history, but on the shared goal of forging a more stable, peaceful, and prosperous future for the Asia-Pacific region.

Finally, I want to express my appreciation for General Brooks' candid and forthright comments concerning the impact that misguided budget cuts and sequestration have made on United States Forces Korea and the continued risk they pose to its mission in the years ahead. It's irresponsible to continue asking our military servicemembers and their families to serve on the Korean Peninsula while at the same time accepting a budget situation that reduces their readiness and degrades their ability to perform their mission.

As this Committee turns its attention to this year's defense authorization bill, we look forward to your testimony on your views on how we can work together to ensure that the men and women you will lead have everything they need and deserve to defend our Nation.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. I join you in welcoming General Brooks.

I thank you, General, for your dedicated service to the Nation over many, many years and your willingness to continue to serve in a most challenging position.

I also want to recognize and thank your family members, because I think you serve not alone, but with a great family. Your father, Major General Leo Brooks, retired, sir, thank you for your service. Your mother, Naomi, who is really in charge of the whole operation. We know that. Brother Leo, thank you, General, for your service. Your sister, Marquita, and, of course, your wife, Carol. Thank you, Carol.

As the Chairman has pointed out, the actions of Kim Jong-un over the past 3 years illustrate that he remains determined to defy the international community, to the detriment of North Korea's prosperity and growth, and with little concern for the well-being of his own people and also for the stability of the region and the world. Last year, for example, a land mine placed in the demilitarized zone by the regime severely wounded two South Korean soldiers, and could have resulted in a major escalation of hostilities, had South Korea not limited itself to an appropriate and proportionate response that eventually was effective.

Earlier this year, North Korea conducted its fourth nuclear test and tested an engine designed for an intercontinental ballistic missile (ICBM), making it clear that North Korea will continue its reckless pursuit of ballistic missiles and nuclear weapons, thereby threatening its neighbors and the overall peace and stability of the region.

While I support the implementation of additional U.S. and United Nations sanctions, it is, unfortunately, likely that North Korea will continue on this dangerous path, necessitating our continued support and a strong posture on the Peninsula. General, we look forward to your views on how you believe we can best deter and contain the threat posed by the North Korean regime.

I'd also like to make a few points regarding China's role in the recent sanctions regimes that were passed by Congress and the United Nations. China has finally agreed to implement strong UN sanctions meant to curb North Korea's nuclear development. However, China's insistence on exceptions for trade, "determined to be for the purpose of people's livelihood," raises a serious concern about China's commitment to sanctions. How broadly these exceptions are interpreted may determine whether the UN sanctions are successful overall.

China is responsible for the vast majority of North Korea's trade and financial assistance, and their actions are, therefore, key to success of the sanctions regime. We hope it's successful. Without effective sanctions, it is clear that North Korea will continue destabilizing the region with its nuclear missile developments.

General, I look forward to hearing how you view the security situation on the Peninsula, the role China can play to curb North Korean ambitions, and your other comments.

Thank you again for your service, and thank you for being here. Chairman MCCAIN. Welcome, General.

STATEMENT OF GENERAL VINCENT K. BROOKS, USA, NOMINEE FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED NATIONS COMMAND, COMBINED FORCES COMMAND, AND UNITED STATES FORCES KOREA

General BROOKS. Thank you, Chairman McCain and Ranking Member Reed, Members of the Committee. I certainly appreciate this opportunity to appear before you today. I'm honored to have been chosen by President Obama, Secretary Carter, and General Dunford for this important position, this complex and tri-hatted command. I'm very grateful for the confidence.

Chairman, as you've asked, I thank you for the privilege of having my family with us today, and I'd like to again review who they are.

I'd start by saying that they've been my inspiration and really my guiding light for my life and my career. I certainly appreciate their presence here today.

I'd begin with my wife, Dr. Carol Brooks, who's a physical therapist and educator. She's also a fellow Army brat, married within the tribe, in this case. She's been my partner in this journey of service for over 33 years since we were married.

Chairman MCCAIN. Welcome.

General BROOKS. Second, my parents, General Leo Brooks, U.S. Army, Retired, and my mother, Naomi Brooks. They really set the foundation for the military tradition of our family, and have been my inspiration for service to God and country, as well.

Chairman MCCAIN. Welcome.

General BROOKS. Next, my brother, General Leo Brooks, Jr., U.S. Army, Retired, who preceded me at West Point by 1 year. He was in the wrong class, but I won't hold that against him.

Chairman MCCAIN. He was in the wrong school.

[Laughter.]

General BROOKS. I'll take that one for the record, Senator.

[Laughter.]

General BROOKS. But, Leo is a fine example of an infantry leader, and was a great example for me throughout his career, and now has been an exemplar of how to transition properly and carry the same type of leadership into the corporate world.

Chairman MCCAIN. Welcome.

General BROOKS. Finally, my sister, Marquita Brooks, who is an attorney with a major Washington, DC, law firm that has international responsibilities and relationships. While the youngest, she is clearly the most accomplished. Senator Reed, she's actually the one who's really in charge of the family, exercising civilian control of the military in our house. But, I am very happy to have them here today.

Chairman MCCAIN. Welcome.

General BROOKS. Mr. Chairman and Committee Members, the world is changing, and the dangers to our country, our interests, and our friends continue to rise even as our relationships improve. If confirmed, I intend to capitalize on the relationships that I've had the privilege of developing over many years of overseas duty in peacetime engagements and in combat and stability operations.

Among these relationships, and particularly relevant to the positions for which I've been nominated, are United Nations sending states, regional allies, and Indo-Asia-Pacific neighbors, most notably Japan, China, and especially the Republic of Korea military leaders. Having commanded a combat infantry battalion of more than 800 United States and ROK soldiers near the demilitarized zone in the late 1990s, I fully appreciate the need for continuously sharpening the edge of our readiness to deter aggression while also being ready to fight tonight. Having spent the last 3 years as the Commander of U.S. Army Pacific, the Army component of U.S. Pacific Command (PACOM), I'm under no illusions as to the challenges of shaping the environment to prevent a crisis from esca-

lating into open warfare. I'm also fully aware of the challenges of sustaining military operations in northeast Asia at the distant end of our Pacific lines of communication, and particularly so in a time of fiscal constraint, which raises the risks to our ability to respond.

I endorse General Scaparotti's four priorities: sustain and strengthen the alliance, maintain the armistice, transform the alliance, and sustain the force. I believe these to be the right direction for the three commands for which I've been nominated. If confirmed, I will, as any commander would, make my own assessment of the way ahead. I hope to keep the Committee informed on my conclusions.

I am most excited about the honor of commanding, once again, if I'm confirmed, the privilege of leading the finest our Nation has to offer, and their counterparts from the Republic of Korea and the United Nations sending states, is what I enjoy most and what I do as a professional military officer. I pledge to give them my best as they give me their best.

I recognize my personal and professional responsibility to provide my best military judgment and candid military advice. If confirmed, I will fulfill both. Also, if confirmed, I look forward to joining with Ambassador Mark Lippert, and I pledge to do my best on behalf of our Nation and the Republic of Korea during this challenging time of danger, change, and opportunity.

Again, thank you, Chairman McCain, Ranking Member Reed, Members of the Committee, for your support to our Forces and for this opportunity. I look forward to your questions.

Chairman MCCAIN. Thank you very much, General.

I think, for the record, it's pretty important for us to recognize the contributions that the Republic of Korea pays for our presence there. Isn't it a fact that it costs us less to have troops stationed in Korea than in the United States, given the contribution the Republic of Korea makes to the stationing and all the other services that they provide for the American military?

General BROOKS. Senator, thanks for the question.

I believe, as you do, that the Republic of Korea is carrying a significant load and is dedicated to our presence there. I would give two examples of that.

First is that they pay about 50 percent of our personnel costs of being there.

Chairman MCCAIN. Which comes up to around \$808 million, is that correct from last year?

General BROOKS. That's correct, Senator.

Chairman MCCAIN. \$808 million.

General BROOKS. That's correct.

Chairman MCCAIN. Thank you.

General BROOKS. As their consumer price index rises, they bring it up as well.

The second example would be the largest DOD [Department of Defense] construction project we have anywhere in the world, about a \$10.8 billion project that is really being used to relocate U.S. Forces further to the south.

Chairman MCCAIN. How much are they paying for that?

General BROOKS. They carry 92 percent of that.

Chairman MCCAIN. Ninety-two percent.

General BROOKS. Ninety-two cents on a dollar, Senator.

Chairman MCCAIN. Thank you.

It would cost more to keep those troops stationed in the United States than it would be in Korea. Is that correct?

General BROOKS. Absolutely, Senator.

Chairman MCCAIN. Let's talk about sequestration, real quick. The terms of our ability to "fight tonight," what has been the effect of sequestration on your ability to respond to a crisis on the Korean Peninsula?

General BROOKS. Senator, first, because Korea has such a high priority, the forces who are there are kept in high readiness. The consequence of sequestration, though, in my view, is what happens to the forces who are behind it. I've certainly had to recognize that, as the Commander of U.S. Army Pacific. I have concerns that there is a shallowing of the depth of the forces that are behind to reinforce, whether they're in a lower state of readiness that would require more time or if they are not able to respond at all due to other crises in the world.

Chairman MCCAIN. If it continues, what's the consequences, if sequestration continues?

General BROOKS. Senator, I think we're going to continue to lose options that would be available in a time of crisis.

Chairman MCCAIN. In recent years, the North Koreans have invested heavily in asymmetric capabilities, nuclear weapons, missiles, submarines. It's our information that their conventional capabilities have suffered. What lesson are we to draw from that?

General BROOKS. Senator, I'd say the first lesson is that they're shifting their focus, but doing it on a base of a very large military. They're still the fourth largest military in the world, even though the conventional capabilities are atrophying to a degree, where they don't get to train them as much as they might like. But, these asymmetric capabilities you referred to, particularly long-range missiles, nuclear capability, and cyberactivity, are causes for great concern. I think that's the direction they're going to continue to head.

Chairman MCCAIN. How serious is their intercontinental ballistic missile threat over time?

General BROOKS. At the present time, Senator, I think that they're struggling with getting the program up and operational, but it's very clear, through the parades that they've done, what systems they have, and some of the attempted launches that they have not had success in. Over time, I believe we're going to see them acquire these capabilities if they're not stopped.

Chairman MCCAIN. Have you heard of cooperation between North Korea and Iran?

General BROOKS. Senator, I've heard these reports, and am very concerned about it.

Chairman MCCAIN. What are the benefits that deploying a THAAD system is?

General BROOKS. Senator, the key benefit is that it thickens the defensive structure that is there. I think that's very important, that there would be an integrated, layered air defense system. This Terminal High-Altitude Air Defense takes care of a particular set of threats that are emerging in their missile development.

Chairman MCCAIN. Do you think there's any additional steps that we could take to reassure allies and counter North Korea nuclear provocations?

General BROOKS. I think probably the best actions to be taken, Senator, would be, continue to maintain a strong alliance and increase the number of countries that are aligned against North Korea and its development.

Chairman MCCAIN. Are you worried about what apparently is the immaturity and unpredictability of the rotund ruler in Pyongyang?

General BROOKS. Senator, in my view, we need to take his actions with a great deal of seriousness because of the direction he's going with these weapons and these capabilities that are emerging. I am very concerned about the direction he's going. It's evident that he's not yet deterred in his pursuit. If confirmed, I intend to be a close partner with the Republic of Korea to make sure they're ready.

Chairman MCCAIN. Thank you.

I forgot, at the beginning of the hearing, I have to ask standard questions. You just say yes or no on it. This is standard for this Committee to ask these questions.

In order to exercise its legislative and oversight responsibilities, it's important that this Committee and other appropriate committees of Congress be able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

General BROOKS. Yes, I have.

Chairman MCCAIN. Do you agree, when asked, to give your personal views, even if these views differ from the administration in power?

General BROOKS. I do.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General BROOKS. No, sir.

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

General BROOKS. I will.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General BROOKS. I will.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

General BROOKS. They will.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify, upon request, before this Committee?

General BROOKS. I do.

Chairman MCCAIN. Do you agree to provide documents, including copies of the electronic forms of communications, in a timely manner when requested by a duly-constituted committee, or to consult with the Committee regarding the basis for any good-faith delay or denial—

General BROOKS. I do.

Chairman MCCAIN.—in providing——

General BROOKS. Excuse me.

Chairman MCCAIN.—providing such documents?

General BROOKS. I do.

Senator REED.

Senator REED. I now pronounce you a general.

[Laughter.]

Senator REED. Thank you, General Brooks, for your testimony, and for all your service, and your family's service.

The Chairman touched on the issue of THAAD, which is critical. As I understand it, there are negotiations going on with the South Korean Government, but they're influenced by the Chinese statements of disapproval or dismay at the deployment of THAAD. Could you give us your views on this issue? How critical the system is. Do you expect it to be deployed in a reasonable period of time?

General BROOKS. Senator, there is a binational group that's already doing evaluation of the utility of THAAD and potential placement, if it were to be approved. I think, first and most importantly, this has to be a decision between the United States Government and the Republic of Korea Government, particularly so for the Republic of Korea. I am aware that there are some concerns that have been expressed by China. We are trying to reassure. I know that this is not an issue for China, but there's a need for communication at the present time.

Senator REED. Thank you.

What additional force posture upgrades would you think would be desirable in addition—let's assume that a THAAD system was in place. Are there other systems or forces that should be moved into the Peninsula, or operating there?

General BROOKS. Senator, thanks for the question. There is an ongoing effort by the Services to provide a rotational set of forces. This brings units that are already in a higher state of readiness to the Korean Peninsula. First, I would say, I want to reinforce that, if confirmed. I think that's a good solution that's providing us a better foundation of readiness.

I know General Scaparotti has raised concerns about more intelligence, surveillance, and reconnaissance (ISR) assets and layered, integrated missile defense.

Senator REED. Right.

General BROOKS. I would ask for those two, and to adopt those concerns as I take command, if confirmed.

Senator REED. I think, in terms of priorities, it would be the layered missile defense, including THAAD, and ISR, which is a asset that commanders desire across the world, but you think it's critical.

General BROOKS. I do think those are critical, Senator.

Senator REED. Getting back to the political dynamic you face, the Chinese are the most influential, vis-à-vis the North Korean regime, but some question of how much influence they even have. Do you think and will you work with your colleagues to try to develop a better relationship, in the sense of getting the Chinese to put more pressure on the North Korean regime? Is that something within your hopes or aspirations?

General BROOKS. Senator, I'd say I'm fortunate that I already have relationships with the People's Liberation Army, from my cur-

rent position in U.S. Army Pacific, and I would want to use those, if confirmed, to improve the posture. I think there are challenges that have been expressed to me by the senior Chinese military leadership, but they don't have the influence that they once had. I think some of that is doubtful, as well. I would want to challenge that. I do believe they have opportunities to influence greater than they have in the past. But, I would want to be part of that dialogue, if confirmed.

Senator REED. Part of that is the implementation of these sanctions. I would presume, not only yourself, but your civilian colleagues, will be looking carefully at the actual implementation of sanctions. Is that accurate, too?

General BROOKS. That's accurate, Senator. I would.

Senator REED. Thank you very much.

Right now, we have been, for a decade or so, looking at our command relationship with the South Koreans, in terms of who will actually be in charge of operations there. Can you give us your assessment of where we are in that sort of evolution or devolution of command responsibilities from United States Forces, UN forces, to South Korean forces?

General BROOKS. Yes, Senator. This is a very important aspect that, if confirmed, I would concentrate a lot of my attention on, and that is ensuring that the conditions for the transfer of operational control are being met. That has to be done over time, not with a particular timeline.

Where we are is that, we've shifted from a fixed timeline to a conditions-based transition. I see progress being made, whether it's in the procurement of key systems by the Republic of Korea or the creation of things like combined divisions. There's a combined second infantry division now, that is ROK and United States. That's strengthening the alliance, but, at the same time, building the muscle memory that makes it possible for them to take leadership.

Senator REED. Thank you very much, General. We hope, and we're confident, that you will do a superb job and actually redeem the reputation of your brother's school.

Thank you very much.

General BROOKS. Thanks, Senator.

Chairman MCCAIN. Thank you, Colonel.

[Laughter.]

Chairman MCCAIN. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

General, thank you for your service.

China/North Korea relations appear to have deteriorated in recent years. How do key stakeholders in China view North Korea's growing belligerence? To what extent, if at all, do tensions between Beijing and North Korea provide opportunities for a closer, more meaningful United States/China collaboration on the issues surrounding North Korea?

General BROOKS. Senator, thank you for the question.

I'd say, first, again, this is based on my encounters with senior People's Liberation Army military leaders. The word is "frustration". They're frustrated. That's what's been communicated to me. I do think that that creates room for opportunities.

First, as we look at the United States and ROK relationship, we would want to make sure that that is truly ironclad, as there will need to be a discussion between the Republic of Korea and China, as well. How we think our way through approaching nuclear disarmament, when it's all said and done, will require cooperation among many nations.

Senator ROUNDS. Sino-South Korean relations appear to have been strengthening, and some observers sense that South Koreans increasingly believe that the road to unification runs through Beijing. Is this your assessment? What are the implications for United States interests for growing Sino-South Korean ties?

General BROOKS. Senator, I believe that there is an important role to be played in all of the relationships in the region. If I can broaden it just a bit, I would say the Japan/Republic of Korea relationship, the United States/Japan/Republic of Korea relationship, the Republic of Korea/China relationship, these are critical to the way ahead. I wouldn't agree that it goes through Beijing. I'd say that it goes through cooperation, and that that cooperation is something that's building at the present time. If confirmed, I would commit myself to that purpose.

Senator ROUNDS. Many United States allies and partners in the region have strong economic ties to China. South Korea, in particular, has deepened its economic relationship with China through a free trade agreement. Does this economic reliance by United States allies on China create any complication for United States security strategy? If so, how should the United States react?

General BROOKS. Senator, it's my opinion that there are some complications that really just comes from the potential of leverage being exercised by someone who's a significant trade partner. China from time to time asserts that leverage on, not only the countries of northeast Asia, but many of the countries. They are the primary trading partner with nearly every country in the Indo-Asia-Pacific region that I have encountered.

I don't think that that should preclude cooperation. I think it's necessary to then work through those pressures that emerge in order to create a greater sense of connectedness among the countries that would seek nuclear disarmament from North Korea. If confirmed, that's where I will have my attention focused.

Senator ROUNDS. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Shaheen.

Senator SHAHEEN. Thank you.

Thank you, General Brooks, for your service, for your family's service. Congratulations on your nomination.

You and the leadership here on the Committee have talked about the commitment of South Korea to our relationship, to the positioning of United States troops and their continued contributions on the Korean Peninsula. Is there any concern that the loss, by the ruling party, of its recent parliamentary elections will affect that relationship?

General BROOKS. Senator, I think it's still a bit early to determine that. What I can tell you is, if confirmed, I'll be committed to whichever government and whichever structure they have.

That's really our obligation. That has been the case through these many years of armistice.

Senator SHAHEEN. Obviously, North Korea's recent actions show that it is going to continue to defy the international norms, UN Security Council resolutions, and all other reasonable actions that we would expect from that country. Can you talk about what else we can do, other than increase sanctions to thwart North Korea's nuclear ambitions? You talked about THAAD. Are there other things that we should be doing and other ways that we should be responding to North Korea's actions?

General BROOKS. Senator, that's a challenging question. I would tell you that I believe that the foundation for anything that comes next is what we're doing right now. That's a very strong alliance, an increasing number of countries who are aligned against North Korea, and the sanctions. We certainly have hope that they will have some effect. Thus far, it has not deterred Mr. Kim Jong-un in his pursuit of missiles and other technologies that are very dangerous. That would mean, then, I would have to be among those, if confirmed, who would provide options and alternatives how military pressures could be used to try to change the calculus. I'm not prepared to say what those would be, but I hope to come back and report to the Committee, if confirmed.

Senator SHAHEEN. Thank you.

In the response to the Committee's questions, you highlight North Korea's efforts to develop a submarine-launch ballistic missile capability. Obviously this signifies North Korea's commitment to continue to diversify in the Pacific region, and will obviously have an impact on security. How important is our undersea superiority in the region? Is our attack submarine procurement plan adequate to meet our demands in the future?

General BROOKS. Senator, I'd refer back to Admiral Harris's testimony as he gave the posture of the Pacific forces. I agree with his point about the asymmetric advantage we have in our undersea capability. I am concerned about the pursuit of submarine-launched ballistic missiles by North Korea. While they have not been successful, this is like watching someone ride a bike and falling off of it, but eventually they could become a BMX [bicycle motocross] champion. We can't underestimate the hazard that is emerging on this. We have to remain strong in that. But, I would defer to him and to the Department of the Navy, in terms of what is required.

Senator SHAHEEN. We look forward to hearing more on that.

Finally, as you know, more than 7,800 troops remain lost and unrecovered from the Korean War. Last year, had an Army first class private, Elmer Richard, from Exeter, New Hampshire, who was returned to his family. He had been lost in December of 1950, was listed as Missing in Action. I know this is a sensitive issue, but do you foresee any potential to restart talks with North Korea on how to recover those who are Missing in Action from the Korean War?

General BROOKS. Senator, I think it's one of the most important obligations we can fulfill; and, if the conditions change in our relationship, where we can have a reasonable dialogue with North Korea, that should be one of the first things considered. If confirmed, I would commit myself to that. It's a solemn obligation that

we never, never leave those behind. If we can recover them, we will.

Senator SHAHEEN. Thank you. I very much appreciate that. I agree that that should be a priority for us.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

General, thank you very much for being here today. I truly appreciate your service to our Nation. Thank you very much.

A number of topics have been covered today. I'd like to go back to the OPCON [operational control], the transfer of the ROK military. Let's go back, specifically, what areas of the ROK will you seek to help develop to set conditions for a successful OPCON transfer in the future? Understanding that this may not occur until 2020s or so. But, what are the specific areas that we can assist them with?

General BROOKS. Senator, thanks for the question.

I would say that some of the first things we should concentrate on—and, if confirmed, this would be my focus—their ability to exercise effective command and control over their forces and U.S. Forces in a complex environment. That would be the first one.

The second would be their ability to control some of the critical operations that have to begin in the beginning of any crisis. Some of the counterfire missions, for example, would be very important to ensure they're able to take that mission.

The third that I would want to be actively engaged in, if confirmed, would be to assist them in their leader development so that their leaders are being generated in such a way that once the transfer of operational control occurs, they're able to handle it in perpetuity, with our support.

Senator ERNST. Can you elaborate a little bit on—is it a cultural divide, and why we have not worked in some of those areas before to develop their leadership further? Can you explain, maybe, why this hasn't happened, and why, maybe, it's taking so long to actually go through the OPCON?

General BROOKS. Senator, I can comment as an outside observer. I'm not deeply involved in the way that's happening right now. I do know that my predecessors—and I've talked to many of them—have been committed to these purposes for many years. I would want to continue that.

I do believe it's generational. I have seen the difference, in my own experience, from the way we interacted with the Republic of Korea military forces back in the mid-1990s and to the present. An example would be their ability to be critical of themselves in the results of an exercise. In the 1990s, it just wouldn't happen. In the present time, there is hearty and healthy debate and disagreement. I think that it's very important. Some of this just takes time, and we have to stay on it. I would do that, if confirmed.

Senator ERNST. Okay, I appreciate that very much.

The United States and South Korea currently operate under the Special Measures Agreement in which the ROK contributes towards the United States costs. I know this was brought up, as far as contributions of the South Koreans, as well. But, if we can go back, what types of specific services—just lay it out there for Joe

out on the street—what specific services are the South Koreans providing to our United States Forces in Korea? Is it housing and so forth?

General BROOKS. It's a combination, but it includes housing. It includes civilian pay for those Republic of Korea nationals who are providing much of the workforce in support of the United States Forces there that would otherwise have to be United States Government civilian employees, and it would be another burden for this body and others to carry. It's those types of things. It's the services, in particular. It's the 50 percent of the pay and allowances that happen over there, that are carried by the Special Measures Agreement. But, it's also those things that have to do with operational preparations. We want to make sure that, as we continue to negotiate the Special Measures Agreement over the next few years, that we keep an eye focused on the operational support aspects, as well, whether that's base construction, et cetera.

Senator ERNST. I just wanted to reemphasize how important it is to understand those measures, those basic measures that are supported by South Korea, so that we make an informed decision as this occurs, what it will cost our military is what they're providing. I appreciate that very much. Thank you for your service.

Thank you.

Thank you, Mr. Chair.

Chairman MCCAIN. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

Aloha, General Brooks. I want to add my thanks to you and your family for your service to the country. Of course, I fully expect that you will be confirmed in your new position. I thank you very much for being the Commander of U.S. Army Pacific (USARPAC).

When you look at the important relationships in this part of the world, and you mentioned the United States/Japan/Republic of Korea relationship, very important. As you know, the Japan/ROK relationship could be better. If confirmed, do you see a role that you could play in strengthening the Japan/South Korea relationship?

General BROOKS. Senator, thanks for the question. Aloha, as well.

I absolutely see a role. If confirmed, I would want to capitalize on the relationships that I've already developed. I'm very close to the chief of the Ground Self-Defense Force and the Self-Defense Force of Japan, those two particular leaders. I have a good relationship already with the Chairman of the Republic of Korea Joint Chiefs of Staff. I think that positions me very well to try to use our good relationships to strengthen their relationship. We've been very effective at that, thus far. I would add to that, if confirmed.

Senator HIRONO. I think that it's clear that the military relationships are very strong. It would be good if Prime Minister Abe and President Park could have more of public kind of meetings to show that we are all on the same page.

The actions of North Korea have been, of course, extremely troubling. The development of their long-range missile capabilities are concerning to the U.S. and our allies in the region. You did mention, I think, in response to a question, that the Chinese military leaders with whom you come in contact, they are frustrated with

what North Korea is doing. Can you elaborate a little bit more on what their frustration is and what they intend to do about their frustration to limit North Korea's provocative actions that leads to instability in that part of the world?

General BROOKS. Senator, the word "frustration" is the word that was used. I always try to characterize it that way. That's what they said to me, and that's what I'm passing on. It's frustration with, I think, a loss of the controls that perhaps they once had, or perceived that they had, their ability to guide the behaviors of North Korean leadership, especially with Kim Jong-un himself. This is what the source of the frustration is. They've not communicated to me what their intentions are on how to build pressure on that right now. I see that happening in the diplomatic arena, but I don't see what military actions are being taken.

I would have concerns about their reorganization if they begin to concentrate on their position adjacent to North Korea and what that would mean. I, frankly, would think that would challenge us to have a greater dialogue with them on what their intentions are.

Senator HIRONO. One of the things that we're contemplating doing is the THAAD, locating it in South Korea, and China has expressed their displeasure with that. How do you think we can resolve or reassure China as to our own intentions with that?

General BROOKS. Senator, I believe the most important step is for us to find an opportunity for dialogue and try to work through it. There's a diplomatic aspect of that, that I would want to support, if confirmed, but there's also a military aspect of it, where we could talk to them very specifically about the capabilities of the system, if permitted to do so.

Senator HIRONO. All of us, I believe, here are aware of the importance of the rebalance to the Asia-Pacific and our country's leadership role in maintaining a level of stability. Having been our USARPAC commander, what is your impression of our presence in the Asia-Pacific region? What are our strengths in this region? What are areas we can improve? And what road do you think the United States Forces Korea can play in strengthening our presence and partnership in the Asia-Pacific area?

General BROOKS. Senator, thanks for the question. Thanks for your support in our efforts to rebalance.

I'd say, first, that it's very important that we concentrate on the totality of the Indo-Asia-Pacific region. The northeast Asia part of it, where Korea is located, is a foundation of that, and the relationships that really help to build strength for this broader Indo-Asia-Pacific engagement begin there, in many ways. I think we have to continue to set an example of strong alliance in northeast Asia while we also increase our presence and our activities and engagements throughout the rest of the Indo-Asia-Pacific region. That's what's ongoing right now.

This is an important opportunity for us to pursue. It will take resourcing to do that. We shouldn't underestimate the power of our presence west of the International Date Line and our leadership as we interact with other countries of the region. I hope that the Committee will be able to sustain that.

Senator HIRONO. Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman.

Good morning, General Brooks. I want to thank you for you being here. I want to compliment you on your outstanding resume and accomplishments in your career.

I also want to compliment the Brooks family for a long-term dedication to service to this Nation. Thank you all for being here. I'm sure you're very proud.

General Brooks, I want to go back, to begin with, following up on some questions about rebalancing the—when we were down in the region last year for an update, the problem that I have with where we are with rebalancing is that, although we're shifting assets to an area of the world that we're having increasing concern, there's a baseline that's being reduced. While, on the one hand, we seem to be moving resources in that area, it's a percentage of a smaller baseline. Do you share that concern? What should we, as we're looking at appropriations in NDAA [National Defense Authorization Act], should we pay particular attention to, in terms of making sure we have the resources, the materials, down in that region?

General BROOKS. Senator, I think it's very important, as I know all the Services Chiefs have testified to, that there's a strong foundation of the Services first, because it's the Services that make it possible for the combatant commanders globally, but certainly in the Pacific, to do their work.

I would ask that the Committee consider the consequences of further reductions or the impacts of sequestration which will limit options on responding to crises that are unfolding in the region. That's, to me, the biggest challenge. It is the potential loss of the ability to generate options to change a situation in a time of crisis. Whether that's reclamation activities in the South China Sea or a natural disaster, like the four earthquakes that happened in one of the provinces of Japan, here, just in the 3 days. We have to be in many places simultaneously, and have to have sufficient forces to be able to respond to each of them.

Senator TILLIS. Today, what does that look like? How many places could we be, simultaneously, at the current capabilities and funding?

General BROOKS. Senator, we have a robust force in the Pacific. I will certainly acknowledge that. As an Army officer, I can say that we've significantly increased the presence of forces that are assigned to PACOM by 40 percent over the last 2 years. That gives us the ability to be in a lot of places. But, if the resourcing foundation is pulled back, we will have fewer of those units in readiness. That's the biggest concern. We can be in a number of places. We can have small engagements that are happening in India the same day that we're in Indonesia, the same day that we're in Oceania, in the island states of the Pacific Ocean, and maintaining, still, a robust presence in northeast Asia.

Senator TILLIS. How well do you think we're doing with either partners or potential partners in the region to share in the responsibility to keep this part of the world safe?

General BROOKS. Senator, I'd say, first, that we're doing an excellent job in northeast Asia, where we have alliance structures to work with. We are in close dialogue with other allies in the re-

gion—Australia, in particular—as they are reassessing their strategy for the future. We’re actively involved in that discussion with them.

We have to have that conversation with other countries in the region who are emerging, who are developing their capabilities. I would say that, within U.S. Pacific Command, all the components are very actively engaged in helping as many countries as possible who want to work with the United States to be able to do so.

Senator TILLIS. General Brooks, it seems to me that the greatest threat in that area—although China is doing what they’re doing, the greatest threat in the area, I think, uniformly, everyone agrees, is North Korea. Do you see any meaningful change to their behavior over the past couple of years, or is this the same old antagonistic role that they want to play in that region? Do you see any trends that would concern you, maybe they’re going beyond just being a nuisance and a threat in that area, to a real threat that we may have to deal with over the next couple of years?

General BROOKS. Senator, it’s my opinion that North Korea is moving in the wrong direction, and the changes that we’ve seen are all provocative and more dangerous. Their willingness to draw blood, to sink vessels, to fire some of their numerous artillery systems into populated areas, to put land mines outside of Republic of Korea camps, all these things are indications of an escalating approach to crisis. We’ve seen more crises in the last 5 years than we’ve seen in the majority of the time of the armistice. I’m very concerned about that. If confirmed, that would be a focus of my attention.

Senator TILLIS. Thank you, General.

I also want to compliment you on the thorough nature of your responses to the written questions. Thank you very much. There’s a lot of good information in there. I look forward to supporting your confirmation.

Chairman MCCAIN. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you, General, for your service to the country, and also, just as importantly, your family’s support for our country.

Sir, if I may, with all that’s going on in the world today—our presence in Iraq, Afghanistan, and Syria, and all that part of the world—we’ve been in South Korea for 60 years, since the Korean War. If we had left, as we have left Iraq and now we see what’s happening, and we’re—contemplating Afghanistan, downsizing—if we’d have had that same knowing hindsight, if it is 20–20—what would Korea look like today if we had left, 60 years after the Korean war?

General BROOKS. Senator, it’s difficult to answer that question, but I appreciate the spirit of it. I would tell you that, in my view, having seen the changes that just occurred in the last 20 years, the trajectory of the Republic of Korea’s rise would have been completely different. I’m convinced of that. I think that the degree of our commitment there has had impacts that are far beyond military security and preservation of the armistice. It’s everything. It’s form of government. It’s the role of civil society. It’s education. It’s public health. It’s impacted all of those. That’s, to me, the fruit of our commitments.

Senator MANCHIN. Is South Korea able to take care of itself now?

General BROOKS. Senator, it is. Although I'd say its defenses are not able to be taken care of by itself, but certainly its population is well cared for by the ROK government.

Senator MANCHIN. Also, with the new change of government—I know it's been touched on here—with the new South Korean elections, having multiple parties now and a lot of rhetoric coming, how do you think that's going to affect our relationship there?

General BROOKS. First, Senator, I would say that that's the fruit of our commitment there, and we should recognize it as such, that there are two parties, that there is political competition.

General BROOKS. It's a good thing.

Senator MANCHIN. I thought they've had more than two parties?

General BROOKS. They have, over time. I'm speaking of this shift of power that just happened on the most recent election.

Senator MANCHIN. Okay.

General BROOKS. But, this is, in my view, the fruit of our commitment there.

Senator MANCHIN. Hasn't there been rhetoric that they want to downsize our military presence?

General BROOKS. To my knowledge, Senator, that is a topic of debate in Korea, just as it is here.

Senator MANCHIN. The one question about, basically, the threat stemming from offensive cyberoperations, are not a new discussion or topic in this Committee, for sure, but their attack on Sony, in November 2014, made it clear that they were prepared to use their cybercapabilities against the U.S. companies and its citizens. They seem to do it without fear of retribution. The kind of attacks go beyond simple nuisance, especially those aimed at the government institutions. I guess I would ask, what are we doing to curb these actions? What do you believe is appropriate response to these attacks?

General BROOKS. Thanks for the question, Senator.

This is another area that I am not optimistic about the direction that North Korea is going. I agree with your point that they seem to be more and more willing to do this. They have, in fact, electronically attacked U.S. companies. What we can do about it, first, from a military perspective, is, we try to make sure our networks are protected, knowing full well that this will be one of the instruments that they will use. They can use it today. They can use it at any point in time.

Senator MANCHIN. Are there counterattacks we can use to do harm on them, let them know that we're not going to tolerate this, and it's going to be irreversible if they do that and we hit back?

General BROOKS. Senator, I would want to talk about our full capabilities in a classified session, but that is an option that's available.

Senator MANCHIN. Okay. If I can, the last question I have is, the annual United States-South Korea military exercise called Foal Eagle will end April 30th, I guess, end of this month, here. I think it marks another successful year of combined training. I've been supportive of these exercises, since they prepare both of our militaries for a wide range of situations, including the fall of the North Korean regime, how they would be able to take over at that point.

Also, being a former Governor of West Virginia, I was pleased to see our State guardsmen were able to participate. How is that working, the National Guard being involved in those proceedings?

General BROOKS. Senator, these exercises, like the Foal Eagle exercise that you alluded to—it's about to be completed—these are very important as demonstrations of our commitment and our resolve, but they're also practice. If we want to be ready to "fight tonight," we have to practice to be ready to "fight tonight".

I'm very pleased about the engagements we have with the Guard units, Air and Army National Guard, throughout the region, but certainly in Korea, as well. They're an important part of the team, and we look for them to participate with us as much as we can on the events that we do in the region at the present time.

Senator MANCHIN. General Brooks, the congratulations has come from both sides of the aisle. I think it's a bipartisan effort here that we're going to be able to support you, and do it in fine fashion. We're happy to have you here, sir.

Thank you.

Chairman MCCAIN. Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

General, thanks, to you and to your family, for your service to the country.

General, I visited several United States and allied missile defense sites in the Middle East and Europe last month. Whether in Israel or the Gulf states or among the NATO [North Atlantic Treaty Organization] allies, I constantly heard about the need to improve the integration and the interoperability of our missile defense forces with our partner nations. What are your top priorities for improving interoperability across the United States and South Korean missile defense efforts?

General BROOKS. Senator, thanks for the question.

If confirmed, the first emphasis would be on building trust, which would then be followed by authority to share information. I think the key to the interoperability efforts in all of these areas—and I've been part of the ones in the Middle East, and certainly part of the ones in the Pacific—is about having the authority to share the information that can cause the systems to be actually drawn together into an effective network of response. That would be my priority, if confirmed.

Senator DONNELLY. General, my fellow Hoosier and friend, Senator Richard Lugar, championed nuclear nonproliferation efforts in the Senate for decades. Historically, we've combated nuclear proliferation by extending the umbrella of our own deterrent to protect our friends and neighbors, as well. What is your view of the importance of our extended nuclear deterrent on the Korean Peninsula, both in deterring attacks and countering incentives for nuclear proliferation?

General BROOKS. Senator, I believe it's very important and must be part of our arsenal of options that are available to respond in crisis.

Senator DONNELLY. One of the things, when I visited General Scaparotti there, was to talk about: the core of the mission is "fight tonight". I was wondering if that is going to be one of the cores of your tenure there, following through on that "fight tonight". What

is your understanding of the concept of “fight tonight” as it applies to South Korea and North Korea?

General BROOKS. Senator, if confirmed, that absolutely would be one of my priorities. Again, I’ll adopt General Scaparotti’s priorities. This idea of being ready to “fight tonight” means that we have less and less warning about what can occur. When we take, for example, that North Korea has somewhere on the order of 160,000 artillery pieces, and most of those—or 116,000, rather—most of those are within 60 kilometers of the demilitarized zone. It’s a matter of an order to fire, in many cases. The amount of warning time, therefore, is extremely short. We have to be ready to respond to things tonight, which means we can’t have a long cycle of readiness and preparation. Time gives us an advantage of being sharper, not being fundamental or foundational. That’s what I would focus on, if confirmed.

Senator DONNELLY. One of the things I remember—and I know the Chairman remembers this well—was when the U.S.S. *Pueblo* was taken, and still sits at a North Korean port. Having read a little bit about that, one of the things that was said was that, when they were taken, we had no resources in the area, once it was taken, we weren’t able to interdict it or to stop it. You know, we saw what just happened in the Arabian Gulf with some of our riverine boats in that area. Do you have a commitment that, if there is an effort made, that if somebody tries to grab one of them or take one of them, that it will be interdicted before it gets into a North Korean port again?

General BROOKS. Senator, that would be my expectation, that, first, we would establish some rules of engagement. I think we’ve learned a lot about having standing rules of engagement over the years. I would not want that to happen again. If confirmed, that would be a focus of mine, to make sure we’re better postured this time than last.

Senator DONNELLY. Okay. I think it would probably be beneficial to work with our other leaders in the area just to make sure we’ve gamed that out, so to speak, that, if this were to happen, how would we be able to stop it from ending with one or more of our ships in their ports?

As you look at your new assignment, what is the biggest concern that you have as you look at the lay of the land there? How do you plan to deal with it?

General BROOKS. Senator, as I contemplate potentially being assigned to this important position, there are several things that concern me. I would say trying to find—this is for me, personally, as a commander—to find the balance between the readiness to “fight tonight” and the preservation of the armistice. These are two different roles, and I think they have to be balanced. That’s particularly important as we think about the pressure that has been placed on the Republic of Korea and the testing of their patience. If confirmed, I would be actively involved in trying to find the right balance between those two, in close partnership with the ROK military.

Senator DONNELLY. Thank you, General, thank you to your family, too, for your service.

Chairman MCCAIN. Senator King.

Senator KING. Thank you, Mr. Chairman.

General, I apologize for being late. I was meeting with your colleague, General Clark, on other issues this morning.

We had a good discussion, you and I, a week or so ago, and I want to follow up on some of those questions.

On Senator Donnelly's question about rules of engagement, I think it's very important to be as clear as we can with the North Koreans—and I don't know whether this is via your position, the President, or somewhere in between—about what the rules of engagement are so there aren't misunderstandings about what type of incursion will draw what type of response. Clearly, you don't want to lay out your whole battle plan, but, on the other hand, most wars start based upon one side or the other misunderstanding or being surprised by a reaction. I would hope that our rules of engagement can be rather clear in order to avoid the possibility of hostilities inadvertently escalating, either along the DMZ [demilitarized zone] or somewhere else on the Peninsula.

General BROOKS. Senator, I agree with that point.

Senator KING. Let me ask a specific question. I understand that Secretary Carter announced that there are now official discussions about the deployment of a THAAD battery or batteries on the Peninsula. What are your thoughts about what the implications of that, whether that's desirable, from a military point of view, and what China's reaction might be?

General BROOKS. Senator, if confirmed, we would continue to work through this bilateral mechanism of discussing the utility and the possible placement of a terminal high-altitude battery. In my opinion, it is a needed capability, whether THAAD or something like that. There needs to be that layer of protection added to a broader set of protections against ballistic missiles. If confirmed, that would be a point of emphasis for me.

Senator KING. Especially given the apparent acceleration of North Korean efforts toward both miniaturization of nuclear weapons and ballistic missiles.

General BROOKS. That's correct, Senator. That's the reason why we have to have this. We see the direction that North Korea is going; and, to be ready to "fight tonight" against it, we have to posture.

Senator KING. Do we have Patriots in Korea now?

General BROOKS. We do, Senator.

Senator KING. You have such a challenging position. I mean, we have ISIL [Islamic State of Iraq and the Levant] and China, Russia, Iran, but yours is right up there in the top five, for sure, in terms of the danger and volatility of the region. One thing I want to communicate is that you keep in touch with us. To the extent we can be helpful in either the resources necessary to meet the challenges that you see—and you're going to be situated on the ground, you'll see what those challenges are—but also policies and authorities that you think are important, I hope that this will not be a one-hearing relationship with this Committee, because we want to be engaged with you. I want this to be an ongoing set of discussions so that we know what you need and can help you to obtain those resources.

General BROOKS. Thank you, Senator. If confirmed, I look forward to working with the Committee.

Senator KING. A final question about the relationship between Japan and South Korea. It's been strained, historically, for reasons going back into the last century. But, it seems to me that, strategically, they have so much in common. Do you see a potential for increasing at least the military-to-military relationship? How does that play into an overall strategy for the region?

General BROOKS. Senator, I do see great potential in this. Frankly, great progress also, given some of the very, very deep issues that cannot be overlooked. But, I am confident that the military-to-military relationship will be a key way for countries—and those two countries, in particular—to move forward. I mentioned trust, a bit earlier, and how important it is for trust to be established. We're not there yet. We know that. I think each of the countries knows that. There's not an abundant trust. How do we build that? That's through continued engagements like we've talked about. If confirmed, that's what I would commit to.

Senator KING. One way we build it is by a common understanding of the danger that both face from the North. I think, hopefully, that will be a spur to these discussions, which I think, in terms of long-term stability of the region, are very important, that those two allies of ours also can find a way to become allies of each other.

General BROOKS. I agree, Senator. I recall having a conversation with leaders in each of the two countries, saying, "We can't have our friends not getting along. And so, let's try to find ways to work together." We can be that candid with them, because we have very close relationships.

Senator KING. General, thank you very much for your service. I'm delighted that someone of your quality is willing to take on this very difficult assignment. As I said, I want to reiterate, let this be the beginning of a conversation, not the end. I look forward to being in touch.

General BROOKS. Thank you, Senator.

Senator KING. Thank you, General.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

General, good to see you again. I want to thank you for taking on this important assignment. I want to thank your family, as well. Know that these kind of assignments, it's not just one person serving, it's everybody. I appreciate that, your family members, here.

I want to follow on this line of questioning about allies and Korea and Japan. I think you are incredibly well positioned to help with that trilateral relationship, which we all recognize is so important. Senator Hirono was talking about it. Could you talk more—specifically on that—United States, Korea, Japan—what you could be doing, helping that, from a military training perspective, what we should be doing? If you wouldn't mind, given the billet you're in right now, and then where you're going to be going, just the broader importance of allies, as Senator King was talking about. You know, there's this kind of strain, kind of, going through the political discussion nationally. It's in Congress, it's certainly in the pres-

idential campaign, on both sides really, Republicans and Democrats campaigning, where they seem to be dismissive of the need for allies. President's interview in *The Atlantic Monthly*, I thought was kind of unprecedented, that he would be dismissive of numerous allies of ours, given that he's still the President. He's not writing his memoirs yet. On the Republican side, there are some presidential candidates who are equally dismissive. Can you give us your sense of how important allies are for the security of the United States and the region? I think some people need a little education on that issue.

General BROOKS. Senator, thanks for the question.

I would begin on the question related to the trilateral relationship and what we might be able to do. Because the relationship is recognized as being important—by Japan, by the United States, and by Korea—I think we have a good momentum that's already undertaken. It's underway. What we can do militarily is look for more opportunities for engagement. Some of that would be at the highest levels. It would be most senior military leaders, like their political leaders, just having conversations, whenever possible, and a trilateral event. I've been part of some of those already, and, if confirmed, I would want to continue that, to try to be part of any trilateral discussions.

There are real readiness concerns that help to inform this, as well. For example, the United Nations Command has a United Nations Command rear area that's in Japan. The mission in Korea cannot be fulfilled without cooperation from Japan. We have practical military reasons to have cooperation. If confirmed, I would highlight those as a need.

If I can comment on the broader question of the need for partners in the region, it's been my experience, in my military judgment, that is a fundamental part of our U.S. engagements internationally.

Senator SULLIVAN. That keeps us safe, as well as our allies, and helps with prosperity in the region. It's not some kind of, you know, zero-sum gain, where it only benefits one party. Isn't that correct?

General BROOKS. I agree, Senator. I would say that our history shows what happens when retrenchment occurs. We can look at the 1930s and see the consequences that followed, 1940s, of what happens if we retrench ourselves back, focused only on ourselves and not on the rest of the world. Certainly we've moved a long way since the 1940s, in terms of the role of the United States in leadership. Leadership has to be fulfilled through relationship. The relationships are what these engagements are all about.

I'd strongly advocate for continued engagement, and the resourcing to do it. It shouldn't be seen as something that's not of value for us. It's significantly valuable. That's where our partners come from at a coalition, if we transition to crisis. That's how we keep 16 United Nations sending states, and maybe move it to 20 if we had a crisis. It's through those relationships. I strongly advocate those.

Senator SULLIVAN. Let me just end by, again, a specific question, then a general one. You know, we're talking about the ability to "fight tonight". Are there capability gaps and training challenges that you're seeing right now with regard to Korea, but also with

regard to the issue of the size of the Army? The administration is pushing for an Army of 450,000 Active Duty Forces. General Mark Milley, USA, to his credit, came in front of this Committee 2 weeks ago, said that put us at high military risk. That didn't make a lot of news. I thought it should make a lot of news. High military risk, at 450,000. I want your view on how that could possibly impact your mission to "fight tonight".

If you wouldn't mind commenting very briefly—as General Milley's been looking at readjusting our force posture, he did make the decision to reverse an earlier decision by the Army to get rid of the 425 [4th Brigade Combat Team (Airborne), 25th Infantry Division] at JBER [Joint Base Elmendorf-Richardson], the only airborne brigade combat team in the Asia-Pacific. When he made that announcement, he said how well they're trained, how critical they are to a contingency in Korea. Do you support that decision by General Milley? Can you explain why, if you do?

I know I asked you about five questions in there.

Sorry, Mr. Chairman.

General BROOKS. Thanks, Senator.

First, if I can comment on the very important capability that exists in an airborne force in Alaska, in close range to any of our interests or concerns. That is very important to us. It is located at a power projection platform. I'd strongly support the decision that was made by General Milley to defer any further reductions on that unit until later in 2017. We're not out of the woods on that. The resourcing and the pressures on the size of the force are driving that. I think that there's a clear recognition that we need those capabilities, but will we be sized enough and resourced for the size that we're given? That's what I'd ask for the Committee to really help us focus on. I think General Milley made that point very, very well.

I do remain concerned about the consequences of a smaller set of forces, whether it's U.S. Army or the other Services who also are part of the United States Forces Korea, and what that would mean, in terms of how much flexibility we have to respond to the unforeseen in a time of crisis. What's behind the tip of the spear in this case? If it is a force that is under-resourced and, therefore, in a lower state of readiness, then the risk is elevated. We're given a choice at that point in time: respond rapidly with undertrained, under-equipped forces, or take the time to train and equip them and perhaps lose a significant amount of momentum or have a catastrophe at the start of an operation. This is the tradeoff that's happening. I don't think we're sized correctly for the missions we're seeing in the world. The world has changed since some of the assumptions were made a few years ago about force sizing. With the Committee's support, I look forward to informing that on what we need in Korea.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

I would like, first of all, to thank you, as others have done, for your service and for your family's service over many, many years

since your graduation from West Point and your serving in a variety of different places around the world.

I want to follow a series of questions that I think Senator Shaheen asked about undersea warfare and our capabilities in the part of the world where you will have responsibility of the Asia-Pacific. In that theater, undersea capabilities are especially vital, given the size, geographically, and the nature of the terrain, which is primarily sea, even though the most publicized part of the confrontational area with North Korea is often the land. Certainly, the *Ohio* replacement, in terms of nuclear deterrence, is particularly important.

I think that we can continue to produce both the *Virginia*-class and the *Ohio* replacement in a way that keeps constant our need for the *Virginia*-class at a level of 48, which is the designated number, and replaces the *Ohio*-class. The *Ohio* replacement program, I think, is very, very important as part of our nuclear deterrence.

I would like a commitment from you that you will support that program. The Navy has outlined it, but we still have the challenge of finding a way to pay for it. I think your commitment, in terms of the interests that you have to consider in North Korea and the surrounding area, are very important.

General BROOKS. Senator, thanks for the question.

First, I would defer to the Department of the Navy on exactly what the requirements are. I can tell you that, if confirmed, I would be one of the consumers of the capability that's generated, and I would certainly want to have those capabilities. In my view, if we were to find ourselves in a crisis, it would not be restricted to the Korean Peninsula in its physical geography; it would be the surrounding areas. It would be the airspace over it. It will be space. It will be in the cyberdomain. It'll be a much more expansive experience than what we saw in 1950 to 1953. We have to recognize that. These capabilities are very important to me, as a joint commander, and I would want to have that. You have my commitment that I would be asking for them, to be sure.

Senator BLUMENTHAL. In terms of undersea warfare—you've mentioned cyber. I agree, it is critically important. The *Virginia*-class capability enables surveillance, intelligence, special operations. Of course, *Ohio* replacement, nuclear deterrence. Would you agree that these programs have to be funded so that you, as a consumer, can take advantage of them?

General BROOKS. I would, Senator, particularly when we think about where North Korea and South Korea are located and who's in the neighborhood. We can't ignore the Pacific fleet from the eastern military district of Russia, and what actions they might take in a time of crisis. These kind of capabilities, I think, would be very important to maintain security and focus on the actual operation at hand.

Senator BLUMENTHAL. Senator King asked you about the issue of how to define war and response to, in effect, a declaration of war by certain attacks on our capabilities. Obviously, this issue is particularly pertinent when it comes to cyber, since we are under attack literally every day from certain elements, including, potentially, North Korea. Would you agree that we need to define more

precisely and more accurately what constitutes an act of war against our country in the cyber area?

General BROOKS. Senator, I would say that, if confirmed, I would want to lay out all options, and not to preclude any options or consideration. I, for one, would offer caution about being too explicit—and I think that point was made earlier—while at the same time, being very clear of things that we are extremely concerned about and intend not to tolerate. But, we have to make sure we back up our words. This is the important part.

Senator BLUMENTHAL. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Gillibrand.

Senator GILLIBRAND. Thank you very much for this hearing.

General Brooks, in the first 4 months of 2016, we've seen a nuclear test, a space launch, multiple short-range ballistic missile launches, and a ground test of ICBM engine from North Korea. Do you believe that our current strategy is successfully halting or slowing down North Korea's missile technology development? Do you think that the newest sanctions agreed to by China will have an effect? If North Korea's technology continues to advance, what are our options for halting it?

General BROOKS. Senator, thanks for the question.

I believe the first part of the strategy, which has led to deterrence and preservation of the armistice, is working. I think it's too early to make judgments on UN Security Council Resolution 2270 and what effect that that might have on their programs. At the present time, it has not stopped them in pursuing these capabilities.

Senator GILLIBRAND. As many as 70 of North Korea's top leaders have been executed in the last 5 years. How do you think these purges have impacted the stability of the regime in Pyongyang? In the event of a significant destabilization in North Korea, what would be your primary security concern?

General BROOKS. Senator, the approach that Mr. Kim Jong-un is taking toward his military leadership is a cause for concern. The potential of having anyone who can counterbalance him or provide advice, that potential is going down. It is not evident that he's able to receive advice. What that then means, in terms of a cycle of provocation and having any breaks that would stop that, I believe should be a cause for concern. I don't know what mechanisms we have to influence that directly. I think the alternative is, as a military leader, I would have to be more concerned with, What do I do if he uses the capabilities that he has? How do I prepare to "fight tonight"? I'd have to rely on other mechanisms, other parts of our governmental efforts that would have a better influence on changing his calculus and changing the way he approaches that. But, to me, it's very concerning. I don't know which direction this could go. Frankly, I'm not optimistic about the direction that North Korea is going.

Senator GILLIBRAND. On March 8th, the South Korean Government announced that dozens of its top officials had their smartphones hacked by North Korea. How do you assess the cyberattack capabilities of North Korea, relative to our and our allies' abilities to defend against them? What can you tell us about

this, in an unclassified setting, about what we are doing to increase our cyberwarfare advantages?

General BROOKS. Senator, I'd say this is an area of growth. This is part of the asymmetric effort that North Korea is undertaking. While I wouldn't characterize them as the best in the world, they are among the best in the world, and the best organized. What they are experimenting with, what they're willing to do, their demonstrated attacks against a U.S. company, that shows a boldness and a capability. That is cause for concern.

From a military perspective, our first concern, first approach is to protect our networks, protect our capabilities so that we remain ready to "fight tonight" without disruption. But, I think that has to also be applied beyond the military domain, as is clearly evident, and that's a whole-of-government effort that the United States and the ROK government would have to undertake. If confirmed, I would want to advise and inform that, what options there might be, and the nature of the problem as we see it.

Senator GILLIBRAND. On April 13th, the ruling party in the South Korean Parliament lost its majority for the first time in 16 years. How do you think this development will impact regional security?

General BROOKS. Senator, I'm not sure. I think it's too early to say whether there'll be any differences in the approach to policy, the international engagements of the Republic of Korea. I'm confident, though, there will not be a change in the recognition of the need for a strong alliance. How that manifests itself inside of Korea, we'll work through that. If confirmed, I'll do that closely with Ambassador Mark Lippert.

Senator GILLIBRAND. Okay.

Last question, on December 29, 2015, South Korea and Japan signed an agreement addressing the issue of "comfort women". The agreement has yet to be fully implemented, but its signing reflected an effort to improve the relationship between the two countries. Our strategy in the region is tied to effective coordination with both Japan and South Korea. How would you assess the current state of relations between the two sides? Do you think this will change following the recent elections? What can the U.S. do to assist our allies moving towards a better relationship between them?

General BROOKS. Senator, I think that it was a very important step that—those steps you alluded to in the agreement, and recognizing that very complex and deep-rooted issue. I think both countries recognize there's still work to be done, but it created an opening for us, militarily. That's what I would highlight, that, by those political decisions, military engagement increased nearly immediately. I would want that to continue, because we know the importance of having a close connection between the Republic of Korea, Japan, and the United States in security. That would be where I'd concentrate my attention, if confirmed.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ayotte.

Senator AYOTTE. Thank you, Chairman.

I want to thank you, General and your family, for your leadership, service, and willingness to step up to this important position.

I wanted to reiterate my agreement with Senator Shaheen on, where you can, to restart recovery operations for those Missing in Action in North Korea, obviously where conditions warrant our ability to do that. In New Hampshire, we have at least 42 that have been identified that are Missing in Action, so this is an important issue, I think, to all of us. But, I understand the conditions on the ground are very difficult in North Korea.

General BROOKS. They are, Senator. Thanks for your continued pursuit of that. As I mentioned, this is a solemn obligation. If confirmed, I would remain committed to that, in support of the Defense POW/MIA [Prisoner of War/Missing in Action] Accounting Agency.

Senator AYOTTE. Thank you, General.

I wanted to ask about the ballistic missile testing by North Korea; in particular, the KN-08, what the capability of those missiles are, what activity we see right now in North Korea that is of concern to us, how you think we should address it. I'd also like you, in turn, to address the cooperation between North Korea and Iran, when it comes to their missile programs, because we also know that, recently, Iran has been testing ballistic missiles, as well.

General BROOKS. Senator, the KN-08 missile is one of the capabilities that we see North Korea trying to develop. We haven't seen success on that yet, but we know that that's a pursuit. What that would mean to us then is, more of U.S. territories, and the Homeland also, could be threatened if they're able to achieve that.

The big concern that we see is that some of the technologies that would be needed to put together this type of a system, they've demonstrated those capabilities. When we see that long-range missile capability that was able to put a satellite into space, for example, that, coupled with nuclear development, the chemical weapons that they already have, and biological weapons, creates a significant hazard. We have to make sure we're ready, first, to defend the Homeland and defend the Republic of Korea and our forces who are there. This is where I would concentrate.

Senator AYOTTE. What can you speak to the cooperation between Iran and North Korea on the missile programs?

General BROOKS. Thank you, Senator.

This is an area of great concern for me. I believe that any cooperation between two proliferating nations who are pursuing this kind of technology is very dangerous for the world. It's very dangerous for the region, certainly for the command that I would be in, if confirmed.

Senator AYOTTE. Do you know how great that cooperation is, at this point?

General BROOKS. Senator, I'm aware of some cooperation, and I would want to detail it in a classified session.

Senator AYOTTE. Thank you.

I would like to ask you, in your response to the advance policy questions, you state that the early deployment of more Patriot systems in the event of crisis is critical to the defense of our assets on the Peninsula. Could you speak to if we're going to need more Patriot air and missile defense systems in the event of a crisis in Korea, why aren't we deploying them now? Just, as I understand, obviously, with some of the actions of the leader in North Korea

that are deeply troubling, that we can't always predict what this individual will do.

General BROOKS. Senator, this is a very important question, as well. Because of the size of our forces, to commit them in one place where you have a hazard is to make them unavailable in another. A portion of the U.S. Patriot force has to be held in readiness to be committed to any number of regions. In a time of crisis, a decision would be made by the Joint Staff on where to prioritize that.

I would say, though, that there's positive news, here, and that is that the Republic of Korea and its procurement programs has chosen to purchase the Patriot Advanced Capability 3, which is the same type of system we have. That relieves some of the burden on us committing U.S. assets to solve this problem that still exists.

Senator AYOTTE. Is this something that, as you are in this position, going forward, you'll look at recommending if we have enough assets, in terms of the Patriot, to defend our own forces?

General BROOKS. Senator, it is. I will focus on that as a high priority if I am confirmed.

Senator AYOTTE. Thank you. Really appreciate it.

Finally, in the advance policy questions, you state that China, Russia, and North Korea all share similar goals concerning United States military activity in the region and on the Peninsula. What are those goals, in your view?

General BROOKS. First, Senator, I'd say a non-nuclear North Korea is the first common interest. That's been expressed diplomatically and publicly. The second is stability on the Korean Peninsula. That, too, has been expressed. We express it through our commitment to the armistice, and that's been expressed verbally by other countries, like China. Those, I think, are the two most important. There clearly are differences, as well, that must be highlighted on how that's to be fulfilled.

Senator AYOTTE. Just so I understand, what are the concerns about China, Russia, and North Korea, in terms of what their alliance might be to undermining our interests?

General BROOKS. I'm sorry, Senator, I misunderstood your question.

Senator AYOTTE. No, no. No worries.

General BROOKS. I believe that we have to be thoughtful of the interests of Russia and China as they regard North Korea. There has been a historic relationship among them. In my estimation, it is strained right now in each case. But, what that would mean in a time of crisis is a very different thing. Coalitions of convenience, coalitions of common interest can create a much more complex problem for a United Nations Command or a Combined Forces Command Korea.

Senator AYOTTE. Thank you, General.

Chairman MCCAIN. Senator King.

Senator KING. One followup question.

General, you mentioned the cybercapability of North Korea, which I think is very real. Did the United States respond in any specific and identifiable way to the Sony hack in—to North Korea?

General BROOKS. Senator, I think there were evident responses in the public domain. Some of the condemnation, some of the issues that followed that. I wouldn't want to detail, in this session, any

precise electronic measures that were taken as a result of that. Be happy to discuss that in a classified session.

Senator KING. Thank you. I'd like to do that.

Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. General, you mentioned that relations are strained between Russia, China, and North Korea. But, I don't see any result from that. China controls the economy. They could shut down the North Korean economy in 2 weeks. Can't be too strained.

General BROOKS. Senator, I am waiting to see what the actual result is going to be. They do have significant economic influence, and it has not been shut down. These sanctions, if they agree to them and implement them, could have a significant effect, but that hasn't occurred yet.

Chairman MCCAIN. Do you think that the Chinese are going to harm what little there is of the North Korean economy?

General BROOKS. Senator, I honestly don't know. I think that they are going to take additional measures, but they may have some back doors that are open.

Chairman MCCAIN. How much arms sales does the United States do to South Korea, roughly?

General BROOKS. Senator, I don't know the exact amount. I do know that some of the critical systems have been purchased over the last 2 years.

Chairman MCCAIN. Is it in the hundreds of millions?

General BROOKS. I'd say it's probably in that order. I'd be happy to give you a more precise answer.

[The information referred to follows:]

General BROOKS. The United States provides over 80 percent of the defense imports to the Republic of Korea. Over the last decade, the United States has averaged over \$2 billion in defense sales to the ROK. That number has sharply increased in the last 3 years, approaching \$3.5 billion as the ROK has made considerable investment in obtaining United States platforms that will enhance its intelligence, surveillance, and reconnaissance (ISR), ballistic missile defense (BMD), and Air Superiority capabilities. These acquisitions directly support Alliance capabilities aimed at strengthening the country's combined defense. Sharing agreements also enable indigenous production in the ROK of highly capable combat systems, modeled on United States systems.

Chairman MCCAIN. Do you think that it would be a good idea for the Republic of Korea to develop their own nuclear capability?

General BROOKS. At this time, Senator, I have not seen anything that would move us in that direction. We're still looking for a non-nuclear Korean Peninsula.

Chairman MCCAIN. The removal of the nuclear umbrella that's been in place for 70 years—would not be a good idea to remove that?

General BROOKS. It would not at the present time, Senator. If you're talking about the U.S. nuclear umbrella.

Chairman MCCAIN. Would it at any time?

General BROOKS. I think that there could be a time where we don't have a nuclear hazard, but we're not at that time now, and nor will we be in the near future.

Chairman MCCAIN. For us to notify the Government of the Republic of Korea, that we will no longer provide them with a nuclear

umbrella would motivate them to then develop nuclear capability, wouldn't you think?

General BROOKS. Senator, I think they would have to contemplate that to maintain their own security. That question would likely come up.

Chairman MCCAIN. How's the attitude of the people of Korea towards the United States and its military?

General BROOKS. In my opinion, Senator, it's better now than it was 20 years ago, and there's a greater appreciation in this new generation, which surprised me. I thought we were going the other direction, some time ago. But, perhaps some of the provocations have increased that recognition and awareness.

Chairman MCCAIN. You see no lessening of the relationship in the Republic of Korea's commitment to supporting our forces that are there?

General BROOKS. I don't see any diminution of that.

Chairman MCCAIN. And their military is quite capable?

General BROOKS. They're very capable, about 640,000 strong, and getting stronger all the time with these additional capabilities and our support.

Chairman MCCAIN. They are now, I believe, the world's fifth largest economy?

General BROOKS. Senator, they are. They're continuing to rise.

Chairman MCCAIN. The North Korean economy is about 150th?

General BROOKS. It's depressing, the conditions that exist in North Korea, Senator.

Chairman MCCAIN. Have you seen anything of value from this North Korean officer who defected?

General BROOKS. I'm not aware of anything, at this point, Senator. I've not seen any intelligence or any results.

Chairman MCCAIN. Have you any intelligence about the capabilities of the North Koreans, particularly since they seem to be investing in asymmetric capabilities, as opposed to conventional capabilities?

General BROOKS. I do see that development, Senator, and remain concerned about it.

Chairman MCCAIN. And their submarine capability?

General BROOKS. My understanding is, they have somewhere on the order of 70 submarines. Of course, they're trying to create a submarine-launch ballistic missile at this time. That's cause for great concern.

Chairman MCCAIN. Have we been surprised at—despite repeated failures,—ultimately their, success? In other words, they seem to be moving towards greater and greater capabilities, despite their repeated failures.

General BROOKS. I don't think, Senator, that's a surprise, that they've been able to achieve that. I don't find it as a surprise. They're pursuing it, and they're going to have success through iterations if they're not stopped.

Chairman MCCAIN. Where does their technological base come from for that?

General BROOKS. Senator, that's something I don't know, and it would be a cause of great concern for me if it's from proliferating

parties elsewhere—Iran and others, for example. I have some concerns that it might be the case.

Chairman MCCAIN. Well, I thank you, General. I thank your family for being here. We'll look forward to, unless Senator King would object, probably moving forward with your candidacy.

[Whereupon, at 11:00 a.m., the hearing was adjourned.]

[Prepared questions submitted to General Vincent K. Brooks, USA by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy in the 21st Century.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. The professional military education and acquisition certification requirements have been effective in establishing a new baseline for common understanding of joint operations and military acquisition. With that baseline established, it is worth looking ahead to future joint education needs and what constitutes joint credit. Many operations happen today in a joint and multinational context, yet others in interagency and intergovernmental contexts. Consequently, the experiences and exposures of today's military professionals far exceed what was contemplated, and that is good. However, restrictions on what comprises qualification disregard large portions of the experience. This is worth reviewing to ensure we are developing the right kinds of leaders for the future.

Question. In your view, what modifications to the Unified Command Plan, if any, would enhance the warfighting effectiveness of the Department of Defense?

Answer. The reviews of the Unified Command Plan being undertaken are timely. The Unified Command Plan has served us well and placed the United States in a unique position of being able to simultaneously control military operations around the globe. The boundaries are worthy of a review to determine if there is a need to adjust based on changing relationships with countries and within sub-regions that before were necessarily separated. Any adjustment should be viewed as not only a streamlining or reorganizing, but also, as a statement of future interest. Accordingly, a thoughtful review and an equally thoughtful strategic narrative should accompany one another.

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and functions of the Commander, United Nations Command (UNC)/Combined Forces Command (CFC)/United States Forces Korea and what is your understanding of how these different command responsibilities interrelate?

Answer. In the most basic sense, they are three related commands with shared staffs but very different authorities. The United Nations (UN) Command is the multinational command. The Combined Forces Command is the bilateral/bi-national command. The United States Forces Korea (USFK) is the unilateral/national command for United States Joint Forces in Korea.

In greater detail, The United Nations Command helps ensure peace and stability on the peninsula and was created by United Nations Security Council Resolution 84 in 1950. It is the international symbol and vehicle by which UN nations assisted the Republic of Korea (ROK) to repel the North Korean attack and restore peace and security to the Peninsula. Today, the United Nations Command still implements the provisions of the 1953 Armistice Agreement. Moreover, it remains the unified command that United Nations military forces and assistance would fall under to assist the ROK in its defense.

Combined Forces Command (CFC) is the standing bilateral command between the United States and the ROK to deter external provocation, prepare for potential instability, and defend the ROK in case of war. To accomplish these missions, CFC plans in conjunction with the ROK Joint Chiefs of Staff, conducts exercises to validate the readiness of the forces, and executes wartime Operational Control over United States and ROK forces.

United States Forces Korea supports the 1953 United States-ROK Mutual Defense Treaty, the United Nations Command and Combined Forces Command by providing training and support to United States Forces in Korea.

The UNC, CFC and USFK Commander is responsible for organizing, training and equipping United States Forces, developing multiple combined plans to defend the ROK, ensuring the readiness of United States and ROK forces to execute those plans, continuing to enforce compliance with the 1953 Armistice Agreement, and preparing to receive and employ United Nations forces that will help defend the ROK if deterrence fails.

Question. What background and experience, including joint duty assignments, do you possess that you believe qualifies you to perform these duties?

Answer. My career has been varied in that I have served in or in direct support of all of the geographic Combatant Commands except Africa Command. And I have served in the Joint Staff and the Army Staff as a general officer. Within a 36 year career, 16 years have been in command, at multiple levels from company to theater, and included operations in multinational commands and Combatant Commands, in combat and in peace support operations abroad. With respect to Korea, 2 years of infantry battalion command in the Republic of Korea near the demilitarized zone; and nearly 3 years of commanding U.S. Army Pacific the Army component of United States Pacific Command which supports United States Forces Korea provide me with a deep well of first hand experiences and relevant insights, as well as an array of strong personal relationships with senior military leaders globally, most notably in the Republic of Korea, Japan, China, and Australia.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. Yes, in preparation for confirmation and, if confirmed, consulting others with more experience and deeper perspectives will enhance my expertise to perform the duties required. I look forward to the opportunity to learn more about the nuances of the situation in Korea so that I may be better enabled to provide sound military advice and options.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, United Nations Command/Combined Forces Command/United States Forces Korea with the following officials:

The Secretary of Defense.

Answer. The Commander, United Nations Command, reports to the Secretary of Defense through the Chairman, Joint Chiefs of Staff, and through the Secretary of Defense to the President of the United States, while at the same time keeping the Commander, U.S. Pacific Command (PACOM), informed of any communications with U.S. national authorities. A validated combined United States-ROK document provides further guidance on the Commander, Combined Forces Command's unique relationship with the ROK National Command and Military Authorities and the United States Secretary of Defense.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense is delegated full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary on any and all matters for which the Secretary is authorized to act pursuant to law. The UNC/CFC/USFK Commander coordinates and exchanges information with the Deputy Secretary on matters delegated by the Secretary, while keeping the PACOM Commander informed. My anticipation is that, if confirmed, most of my interaction with the Deputy Secretary of Defense will be in the area of resourcing critical warfighting capabilities and mitigating existing risks.

Question. The Under Secretary of Defense for Policy.

Answer. A direct command relationship between the Under Secretary of Defense for Policy and the UNC/CFC/USFK Commander does not exist. However, the UNC/

CFC/USFK Commander regularly interacts, coordinates and exchanges information with the Under Secretary of Defense for Policy on policy issues relating to United States-ROK, North Korean, and Northeast Asian affairs. The Commander directly communicates with the Under Secretary of Defense for Policy on a regular basis.

Question. The Under Secretary of Defense for Intelligence.

Answer. There is not a direct command relationship between the Under Secretary of Defense for Intelligence and the UNC/CFC/USFK Commander. However, the UNC/CFC/USFK Commander regularly interacts with, coordinates, and exchanges information with the Under Secretary of Defense for Intelligence on intelligence related matters.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman functions under the authority, direction, and control of the President and Secretary of Defense. The Chairman transmits communications between the President and Secretary of Defense and the UNC/CFC/USFK Commander, as well as oversees the activities of the UNC/CFC/USFK Commander as directed by the Secretary of Defense. As the principal military advisor to the President and the Secretary of Defense, the Chairman is a key conduit between the Combatant Commander, Interagency, and Service Chiefs.

The UNC/CFC/USFK Commander keeps the Chairman informed on significant issues regarding UNC, CFC, USFK, and the Korean Theater of Operations. The Commander directly communicates with the Chairman of the Joint Chiefs of Staff on a regular basis.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of Military Departments are responsible for administration and support of forces that are assigned or attached to the USFK Commander. The Secretaries fulfill their responsibilities by exercising administrative control (ADCON) through the Service Component Commands assigned to USFK and to United States Pacific Command.

Question. The Chiefs of Staff of the Services.

Answer. The Chiefs of Staff of the Services are responsible for the organization, training, and equipping of the Services under title 10, United States Code (USC). Their support is critical to meet readiness needs. The Service Chiefs of Staff also provide military advice to the President of the United States, the National Security Council, the Homeland Security Council, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff as members of the Joint Chiefs of Staff. The USFK Commander coordinates with the PACOM Commander to coordinate with the Chiefs of Staff of the Services on matters related to manning, training, and equipping forces necessary to perform their roles and missions.

Question. Commander, United States Pacific Command.

Answer. The USFK Commander, as commander of a sub-unified command of PACOM, reports directly to PACOM Commander on matters directly pertaining to USFK responsibilities and on the transitions to and from crisis. As UNC/CFC Commander, he keeps the PACOM Commander informed of any communications with U.S. national authorities.

Question. Other Combatant Commanders.

Answer. Formal relationships between the USFK Commander and the geographic and functional Combatant Commanders derive from command authority established by title 10 USC, section 164. Combatant commanders closely coordinate as necessary to accomplish all assigned missions. Recognizing the key role played by global combatant commanders, and by adjacent geographic combatant commanders, coordination will be a key to success.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. I believe the next Commander of UNC/CFC/USFK will be confronted with multiple challenges which include an intensifying North Korean threat, leading a major repositioning of United States Forces on the peninsula, and continuing to work the Conditions-Based Operational Control Transition Plan, or COT-P. While maintaining readiness on the Peninsula we must simultaneously be able to respond to an evolving asymmetric threat from nK that will result in less unambiguous warning. The changing relationships in the region may add new challenges in preserving stability in Korea.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges and problems?

Answer. If confirmed, I will sustain and enhance the deep trust-based relationships that have proven critical to our Alliance's success for more than six decades. This includes ensuring that our robust and deliberate crisis planning efforts are sustained, continuing our comprehensive exercise program, and maintaining our "fight tonight" capability. Simultaneously, we will work with PACOM and DOD to contribute to the whole-of-government approach already underway in terms of deterrence, defense, ability to compel and strategic shaping. Specifically, I will continue the practice of cooperating closely with the offices of the United States Secretary of Defense and the ROK Ministry of National Defense in the execution of our Alliance bilateral tailored deterrence strategy. Additionally, I will continue to move forward developing and preparing to implement the 4D Strategy to Detect, Defend, Disrupt, and Destroy the North Korean missile threat. I will also identify additional initiatives that I feel are required to not only address our challenges, but to capitalize on emerging, perhaps fleeting opportunities to achieve our Alliance objectives. Among these opportunities is the increasing emphasis on the role of UN Command and the contributions made by sending states.

NORTH KOREA

Question. North Korea represents one of the greatest near term threats to regional security and stability. The seriousness of the threat is seen by North Korea's continued pursuit of nuclear weapons and ballistic missiles. Even without these capabilities, however, North Korea's conventional military force coupled with its history of aggressive and unpredictable behavior underscore the dangerousness of the situation.

What is your assessment of the current security situation on the Korean peninsula?

Answer. Kim Jong-un's assumption of power following his father's death in December 2011, has led to a more aggressive and unpredictable North Korea. He exercises complete dominion over his subordinates in a humiliating and brutal fashion including purges, public demotions and re-promotions of military leaders, and brutal public executions. He canonized his nuclear program into the North Korean Constitution, restarted the production of plutonium, refuses to engage the United States in discussions pertaining to his uranium centrifuge programs, and flagrantly flouts United Nations Security Council Resolutions limiting his missile launch activities. Additionally, he recently threatened pre-emptive nuclear strikes against the United States and other countries in the region.

North Korea's large, conventional forces remain forward deployed near the DMZ [demilitarized zone]. Equipment for these forces remains badly outdated and a poor economy means the KPA [Korean People's Army] lacks the logistical support necessary to sustain a large scale attack. Nevertheless, the size and location of the KPA forces requires Alliance readiness to counter this conventional threat as reminded by the 2010 Cheonan sinking and shelling of YongPyong-do, and the August 2015 landmine incident. These incidents have incensed the ROK public and have added pressures to the ROK military to forcefully respond to any future North Korean provocations. This raises our concern for the increased likelihood a small incident could quickly escalate to a much larger miscalculation by one or both sides.

The UN Commission of Inquiry report from February 2014 documented well the North's horrific human rights policies and abuses. Pyongyang has shown to be particularly sensitive to this criticism especially when it focuses on Kim Jong-un as a responsible actor. Continuing efforts to indict or recommend Kim Jong-un be referred to the International Criminal Court will continue to draw sharp criticism from Pyongyang.

Kim Jong-un uses the perception of external threats to better control the Party, KPA, and citizenry. By hyping the threat of the ROK-United States Alliance, the regime justifies the complete militarization of the economy and population. Under Kim Jong-un, the North's propaganda is emphasizing economic progress while increasing their nuclear arsenal.

Kim Jong-un's despotic leadership increases the risk for instability, we expect additional pressures—domestic and international—as a result of his nuclear and missile programs, and economic and food supply improvements are not likely. His conventional and asymmetric capabilities always provide threatening options for provocations to counter or respond to these pressures.

Question. What is your assessment of the threat posed to South Korea, Japan, and the United States by North Korea's ballistic missile and weapons of mass destruction capabilities?

Answer.

Ballistic Missiles

North Korea's inventory of ballistic missiles includes several hundred short range ballistic missiles (Toksas, SCUD), and medium range ballistic missiles (No Dong) available for use against targets on the Korean Peninsula and Japan.

The developmental intermediate range ballistic missile (IRBM) (Musudan), though untested and potentially unreliable as a weapon, could also be launched at targets in the region. North Korea has also displayed an intercontinental ballistic missile (ICBM) (KN08) during military parades, which is capable of targeting the United States.

In February 2016, North Korea successfully conducted another Taepo-Dong 2, satellite launch vehicle (SLV) launch. Developing an SLV significantly contributes to North Korea's long-range ballistic missile development, since they have many shared technologies.

Since at least May 2015, North Korea has been developing a submarine launched ballistic missile capability, which highlights its commitment to diversifying its missile forces and nuclear delivery options, while strengthening missile force survivability. If this system becomes operational, it will have a security impact to the Pacific Region.

WMD

North Korea continues to develop its nuclear weapons capability. They've demonstrated this through four underground nuclear tests (2006, 2009, 2013, 2016) and the continual production of fissile material. Given the amount of time and resources the regime devotes to nuclear and missile programs, we must assume North Korea has the technical capability to mount and deliver a nuclear warhead using ballistic missiles.

North Korea has a longstanding chemical weapons (CW) program with the capability to produce and stockpile several CW agents. North Korea could employ CW agents by modifying a variety of conventional munitions, including artillery and ballistic missiles capable of targeting the ROK and potentially Japan or China.

North Korea's current biological research infrastructure combined with its weapons industry gives them a potentially robust biological warfare capability. The capability to successfully conduct a biological weapons attack would put the entire Korean Theater of Operations (KTO) at risk.

Question. What is your assessment of North Korea's conventional capabilities and readiness?

Answer. It is my assessment that budget constraints, shortages of fuel, outdated equipment, a broken supply chain and conflicting economic requirements have forced NKPA conventional forces to experience a degree of atrophy over the past several years. North Korea's ability to conduct offensive operations is also severely impacted by the inability of their logistics systems to sustain operations over a long period of time. Additionally, over the years we have observed reduced levels and complexity in overall training, especially within North Korea's mechanized and armor forces which significantly impacts their ability to conduct synchronized combined arms maneuver and large scale operations. The majority of its combat systems are antiquated, with many of the weapons systems dating from the 1960s, 70s and 80s.

The most credible NKPA threat comes from its large inventory of Long Range Artillery (LRA) and Multiple Rocket Launchers (MRL) which can range well into the ROK. Additionally, there are over 300 LRA systems, 240mm MRLs and 170mm Koksas Guns that can range the Greater Seoul Metropolitan Area with conventional and chemical munitions. Pyongyang has made some improvements in the quality of its MRLs, Air Defense systems and Artillery in recent years. However, in the end North Korea must rely on the brute force of numbers against the superior United States ROK Alliance.

Question. What, if anything, should be done to strengthen deterrence on the Korean Peninsula?

Answer. Attention to encouraging a strong and cohesive alliance, with patient and deliberate responses to provocations, and an broadening group of like-minded nations who view North Korean actions unacceptable, will strengthen deterrence. The Alliance's Deterrence Strategy Committee is continuously identifying and pursuing initiatives to strengthen deterrence based on our bilateral tailored deterrence strategy. If confirmed, I will lead the continued training and modernization of our forces, to be ready with the capability to impose great costs on North Korea should they engage in large-scale military aggression or use weapons of mass destruction. More efforts by the United States and the ROK to further improve our missile defenses, as well as our intelligence, surveillance, and reconnaissance capabilities and the overall interoperability between forces will strengthen deterrence. Finally, an em-

phasis on regional relationships to broaden the array of countries who cooperate in deterring North Korea.

Question. What capabilities are the most critical to mounting an effective defense against a North Korean move across the DMZ?

Answer. I believe there are several aspects to this. First, particularly in the initial stages of hostilities, is having trained and ready ROK forces as the principle ground force. Secondly, having the critical enablers brought to bear by the U.S., like: Intelligence, Surveillance, and Reconnaissance, C4I [command, control, communications, computers, and intelligence], and joint operational fires in support of the Alliance, to include Patriot BMD, MLRS for the Counterfire Fight, and aircraft and precision munitions for Joint Fires. Due to the limited warning we expect to receive prior to a North Korean attack, we need sufficient quantities of these capabilities readily available prior to the start of hostilities. In addition, United States augmentation of in-place USFK capabilities also remains an essential component to defeating North Korean aggression and restoring stability on the Korean Peninsula.

Question. Do you support the formal consultation between the Republic of Korea (ROK) and United States regarding the deployment of a Terminal High-Altitude Area Defense (THAAD) system to the Peninsula?

Answer. Yes. On 7 February 2016, after the North Korean TD-2/Space Launch Vehicle event, the ROK and United States jointly announced bilateral consultations to assess the feasibility of deploying a THAAD system to the ROK. These consultations are ongoing between the ROK and the United States, and will provide an assessment and recommendations on the feasibility of deploying a THAAD system in defense of the ROK against North Korean ballistic missile threats. These discussions are a crucial bilateral effort.

Question. What do you perceive are the differences, if any, between Kim Jong-un and his father?

Answer. I believe Kim Jong-un (KJU) is very different from his father. Kim Jong-un demands to be the center of attention during his guidance visits, enjoys the spotlight, routinely gives speeches and displays gregariousness, openness, and energy in contrast to his more serious and much less active father. His emphasis on public projects such as the amusement park, aquarium, and ski resort initially resonated positively with the people. However, his public humiliation of his uncle and subsequent executions of those associated with that uncle, along with other purges and executions, appear to have tempered earlier enthusiasm and we now see greater potential for instability as a result of Kim Jong-un's behaviors and the absence of advisers he is willing to consult.

Compared to his father, Kim Jong-un is more aggressive with advancing the North's nuclear program and ignoring international concerns. His father was more willing to offer negotiations probably to ease Chinese and other international pressures. Kim Jong-un's approach clearly is to refuse to negotiate and to publically emphasize that refusal.

Kim Jong-un also appears to be more risk-tolerant, arrogant, and impulsive than his father, raising the prospect of miscalculation. This is most evident in his bellicose statements threatening the United States and ROK and his willingness to aggressively publicize his nuclear weapons program.

Question. What is your assessment of China's role in managing North Korean behavior and ambitions?

Answer. It is my assessment that China is in fact frustrated, yet unwilling to apply pressures that could threaten the viability of the North Korea and its regime. Fear of instability is a core concern for PRC leaders, and fear that the ROK may seize control over a destabilized North Korea are more threatening to Beijing than a North Korean nuclear program.

The PRC will likely continue to apply limited pressure on the North to resume dialogue on denuclearization while maintaining its "no war, no instability, no nukes" policy for the peninsula. The PRC agrees with the North that the United States Hostile Policy toward the North needs to be addressed as part of any final denuclearization deal. The PRC, DPRK, and Russia all share similar goals concerning United States military activity in the region and on the peninsula.

Question. How stable is the current North Korean regime?

Answer. The North Korean regime is presently stable. Kim Jong-un is the unchallenged leader and has complete control of the military as the head of the National Defense Commission (NDC), the government, and the ruling Korean Worker's Party (KWP). There have been no significant signs of instability that would indicate a collapse of the regime despite the numerous leadership, organizational, and policy changes Kim Jong-un has made during his leadership.

As evidence of his complete control, Kim Jong-un has removed, dismissed or executed several senior military and political leaders with no discernible backlash from

the ruling elites. Furthermore, Kim Jong-un appears to be firmly driving all provocations during the current period of tension, which began with North Korea's 4th nuclear test in Jan.

NORTH KOREAN NUCLEAR PROGRAM

Question. In 2010, North Korea disclosed that it has a functioning uranium enrichment program and in 2015 announced its intention to restart plutonium production at Yongbyon. These developments, coupled with its underground nuclear tests—the fourth of which was conducted earlier this year—make it clear that North Korea is determined to pursue nuclear weapons and the means to deliver them. Moreover, North Korea has a history of proliferating missile and nuclear technology. The Proliferation Security Initiative (PSI) is a means to interdict suspect shipments, including shipments of nuclear or missile items to and from North Korea.

In your view, are there additional steps that DOD could take, including with our allies and partners, to ensure that North Korea does not proliferate missile and nuclear technology to countries such as Syria, Iran and others?

Answer. In my view, recent UNSC [United Nations Security Council] imposed sanctions, as well as those unilaterally imposed by the U.S. through Congressional and Executive Branch actions, are unprecedented and enjoy broad international support. These new sanctions will require broad and consistent implementation from China, Russia, and other regional and international actors. It is too early to determine how effective this latest round of sanctions will be and we need to closely monitor to determine whether additional actions are necessary to pressure the North Korean regime, its client states, and those states not aggressively supporting the sanction protocols. USFK will coordinate closely with PACOM and DOD to contribute USFK capabilities and resources as appropriate to prevent further proliferation.

Question. In your view, how does the lack of progress in diplomatic efforts to persuade North Korea to verifiably dismantle its nuclear weapons program inform or guide United States nuclear deterrence strategy in the region?

Answer. In my view, ever since we initiated negotiations with North Korea in 1988, multiple Administrations have tried a variety of diplomatic approaches to seek a resolution to North Korea's nuclear program. Threats, generous economic and humanitarian aid, and refusing to respond to the North's bad behaviors are all tactics our government has used in an attempt to resolve the nuclear issue. USFK's role is to maintain an Alliance that is capable and ready. By doing so, we have deterred North Korea for more than 60 years. The ROK's concerns have grown with the North's increased nuclear capabilities and the Alliance will need to increasingly consider appropriate actions and steps to ensure nuclear deterrence along with our conventional deterrence capabilities.

Question. Would you recommend any improvements to the organization or capability of the PSI member nations to improve the ability to interdict prohibited shipments to and from North Korea?

Answer. The Proliferation Security Initiative involves multiple countries and is rightly the responsibility of the PACOM Commander. USFK has a supporting role in this context. With strong international support for the recently imposed, tougher, UN Sanctions regime, countries in the region are likely to be more supportive when we have clear information a prohibited shipment is occurring. If confirmed, and should such opportunities surface, I look forward to garnering ROK assistance and supporting the PACOM Commander in his efforts to interdict as directed by OSD.

USFK BALLISTIC MISSILE DEFENSE PRIORITIES

Question. Recent developments in the North Korean ballistic missile program—the successful space launch of a satellite in February 2016, the display of a road-mobile missile launcher during a parade last year, the launch of short-range ballistic missiles during United States-ROK joint exercises in March 2016—coupled with the unpredictability of the North Korean regime place a premium on a robust, coordinated missile defense capability in the region.

In your view, what are the highest priority missile defense needs of United States Forces Korea and Combined Forces Command?

Answer. As I understand it, the ROK-United States Alliance is making progress in its ballistic missile defense (BMD) capabilities as demonstrated by the ROKs ongoing efforts to upgrade its Patriot missile systems from PAC II to PAC III; however, there remains work to be done. One important area is achieving BMD interoperability and a common operating picture across the Alliance for BMD. If I am confirmed this will be one of the first areas that I focus on. Additionally, the Alliance would greatly benefit from an Upper Tier ballistic missile defense capability

such as Terminal High Altitude Area Defense (THAAD) in order to fully address the advancing capabilities of the North Korean missile threat. Additionally, the early deployment of more Patriot Systems in the event of crisis is critical to the defense of critical assets on the Peninsula.

Question. What missile defense capabilities do you believe are needed in the near term to meet the operational needs of these commands, and what systems are available to provide such capabilities?

Answer. I believe the evolving ballistic missile threat in Korea requires an interoperable layered ballistic missile defense. The addition of an upper-tier intercept capability such as the Terminal High Altitude Area Defense (THAAD) would complement the Patriot's existing terminal defense capability and enhance ballistic missile defense on the Peninsula against North Korean missile threats. Furthermore, I believe that the United States and ROK continue to identify potential improvements to Alliance missile defense capability. If confirmed, I will conduct a thorough review of the missile defense capabilities to ensure we are as prepared as possible to defend against the North Korea ballistic missile threat, and I will seek to have any emerging capabilities committed first to the Korean peninsula.

Question. In addition to the deployment of Patriot, THAAD, and Aegis BMD capable ships to the Pacific, what other steps, if any, do you think are necessary to provide adequate protection for U.S., partner, and allied assets?

Answer. I believe we must continue to enhance the interoperability of the ROK and United States BMD capabilities to ensure the rapid and seamless sharing of ballistic missile warning, tracking, and engagement information.

Other steps include encouraging the ROK to continue developing its indigenous ballistic missile defense capabilities and to ensure they are interoperable with United States capabilities. This effort should also focus on ROK procurement of sufficient BMD-capable munitions to enhance its own defensive capabilities and contribution to Alliance BMD. Progress in this area would directly contribute to the ROK meeting one of the conditions for OPCON [operational control] transition.

Further, encouraging the ROK to participate in United States-ROK-Japan trilateral BMD-link exercises and discussions will improve protection. I understand that the 2014 Trilateral Information Sharing Agreement provides a framework for trilateral discussions and information exchanges with regard to the NK nuclear and ballistic missile threat.

EXTENDED NUCLEAR DETERRENCE

Question. Are there additional steps that DOD could take to reassure allies and counter North Korean nuclear provocations by improving the readiness, training, and effectiveness of United States nuclear forces assigned to support the nuclear deterrence mission in the Pacific?

Answer. I believe that continued engagement by DOD through our force posture, exercise program, and additional flexible deterrent measures assures our partners in the region while deterring North Korean aggression. I support diplomatic efforts to denuclearize North Korea, and if confirmed, I would ensure that we are prepared to deter and defend against any North Korean nuclear threat through training and readiness.

ROLE OF OTHER REGIONAL COUNTRIES

Question. North Korea's provocative behavior threatens not just security and stability on the Korean Peninsula, but also the security and stability of the entire region.

In your view, what are the roles and responsibilities of other regional countries in helping to manage the threat posed by North Korea's nuclear and ballistic missile programs?

Answer. From my perspective it is imperative that all United Nations members vigorously apply United Nations Security Council Resolution 2270, particularly China and Russia. As the Commander of United States Army Pacific, I developed relationships with military leaders in most of the regional countries (less Russia). Each can play an important role in deterring North Korea and in responding to a crisis. Cooperation among regional countries, can signal to North Korea that is increasingly isolated, and this isolation can impose costs on the regime. If confirmed, I would seek to leverage the relationships to strengthen military cooperation and to increase collective efforts to deal with the North Korean threat, and to set conditions for future stability and prosperity.

UNITED STATES—REPUBLIC OF KOREA ALLIANCE

Question. Since the end of World War II, the United States-ROK alliance has been the linchpin of peace and security in the Asia-Pacific region. This relationship has gone through periods of inevitable change.

What is your impression of the current United States security relationship with the ROK?

Answer. My experience and impression today as the USARPAC [U.S. Army Pacific] Commander is that the current United States security relationship with the ROK is very strong, based on mutual respect and trust, and grounded in the Mutual Defense Treaty.

The recent 47th Republic of Korea (ROK) and United States (U.S.) Security Consultative Meeting (SCM) held in Seoul on 2 Nov 2015 reaffirmed the commitment of the ROK and United States Presidents to continue to build a comprehensive strategic alliance of bilateral, regional and global scope based on common values and mutual trust, as set forth in the June 2009 “Joint Vision for the Alliance of the Republic of Korea and the United States of America” and reiterated in the May 2013 “Joint Declaration in Commemoration of the 60th Anniversary of the Alliance between the Republic of Korea and the United States of America.”

I’m convinced that the ROK-United States security relationship remains one of the strongest in the region, and will continue to grow stronger in the coming years.

Question. If confirmed, what measures, if any, would you take to improve the United States-ROK security relationship?

Answer. If confirmed, I will continue the work of previous leaders to build and maintain strong ties with ROK leadership, including the ROK Joint Chiefs of Staff and Operational Commands, the Ministry of Defense, and other vital ROK Ministries responsible for both internal and external security. ROK-United States relationships are critical, so routine engagement on a daily basis is the key to success in the ROK-United States Alliance at every level.

If confirmed, I will also continue to develop expanded engagement between U.S. Forces and the local and provincial communities throughout the peninsula. Cultural exchanges are vital to enhance mutual understanding between our diverse communities, both civil and military, and build the foundation for lasting relationships at every level. Military exchanges at every level improve our interoperability and create synergy across the joint and combined force. I will inculcate an appreciation by every servicemember in USFK that each of us has a responsibility to nurture the Alliance in how we interact with the ROK communities and that we all serve as Ambassadors of the United States to the ROK citizens.

Lastly, I will work closely with the United States Ambassador to Korea and other elements of the United States Government to collaboratively design and implement Alliance-building initiatives that promote the continuation of a strong United States-ROK security relationship.

Question. What is your assessment of ROK warfighting capability trends with regard to the modernization and capability improvements in ROK equipment and training?

Answer. It is my assessment that the ROK military remains a capable and motivated force that continues to transform to meet emerging threats and changes in the region. However, I understand they need to continue to reduce critical capabilities gaps and to prepare for an eventual conditions-based assumption of operational control in the future. I believe the ROK government is committed to modernizing their force and addressing these capability gaps. If confirmed, I will work closely with ROK leaders to continually assess their progress during our annual combined and joint exercises, annual conferences focused on selected capability gaps, and through continued engagement with joint and combined force commanders.

Question. What is your understanding of the command relationships between United States and ROK forces?

Answer. It is my understanding that the United States-ROK command relationships are structured to address the distinct requirements of Armistice, crisis, and wartime conditions. They provide very close cooperation, collaboration, and transparency to fully leverage joint and combined capabilities, and provide the required flexibility to allow a tailored Alliance response to military crises on the Peninsula. Today, the ROK Chairman is responsible for the conduct of ROK forces and the defense of South Korea during Armistice conditions. In wartime, the current Alliance command relationships dictate that a United States General, the Commander of CFC, exercises operational control of selected United States and ROK forces.

Question. Since the 2010 North Korean attacks against the ROK—the sinking of the South Korea Navy ship *Cheonan* and the artillery attacks on Yeonpyeong island—South Korea has been adamant that it will respond “firmly” to the next

such provocation. A main topic during subsequent United States-ROK Security Consultative Meetings has been the development of a joint counter-provocation plan, which was formalized earlier this year. Since the formalization of the counter-provocation plan there was a summer 2015 landmine attack that injured 2 South Korean soldiers.

What is your understanding of how the attacks on the Cheonan, Yeonpyeong Island, and the recent landmine attack changed the ROK and United States security posture on the Peninsula?

Answer. It is my assessment that these attacks are examples of the continued threat from North Korea as they seek opportunities to create a crisis situation during Armistice to create instability, and attempt to gain concessions from the ROK and the international community. The Command has since signed a combined Alliance counter-provocation contingency plan that improved the readiness posture and allows for a timely, decisive, proportionate, and coordinated Alliance response to future provocations. CFC/USFK/UNC lines of communication with ROK JCS, United States DOD, and U.S. National Command Authority (NCA) have been improved and exercised as a result of these most recent provocations.

Each time these attacks occur, though unfortunate, they exercise and strengthen the resolve of the ROK-United States Alliance. If confirmed, I would continue such efforts to ensure we are always improving deterrence and, in the event of another provocation, improve our ability to support our ROK Allies, react to the provocation, and rapidly deescalate the situation to return to a stable environment.

Question. What is your understanding of the United States obligations in the event of an attack on South Korea by North Korea, and under what circumstances do you believe the United States Armed Forces should be committed to engage North Korean forces in response to an attack on South Korea?

Answer. Based on the Mutual Defense Treaty, our Alliance has deterred a major North Korean conventional attack, and maintained our commitment to defend South Korea from external aggression. There are a number of plans that outline specific United States commitments and South Korean obligations to coordinate responses to North Korean provocations or attacks.

TRANSFER OF WARTIME OPERATIONAL CONTROL

Question. In his statement to the Senate Armed Services Committee in February on the posture of USFK, General Scaparrotti stated that the path for the transfer of the operational control of combined forces on the Korean Peninsula from the United States to the ROK will be based on ROK's development of relevant capabilities for wartime OPCON and the security environment on the Peninsula and the region.

What is your understanding of the ROK's current and projected military capabilities and the ability of ROK forces to assume a greater role in the defense of their homeland including responsibility for command and control of the readiness, operations and war fighting of their own forces in wartime?

Answer. The ROK maintains a highly trained, modernized, and capable military that is continuously improving. Their ground force is fully capable of defending the ROK from aggression and defeating a NK conventional attack.

ROK Naval forces are highly trained and rapidly expanding capabilities to operate in deeper waters. The addition of *Aegis*-class destroyers aids their ability to control local seas and also improves ballistic missile defense. The ROK Air Force has made great progress in both training and capability in recent years and is fully able to integrate with the U.S. Air Force to form a decisive team that provides our largest advantage over our adversary. Additionally, both ROK Marines and ROK Special Forces have increased their capability and capacity levels, enabling an even more lethal joint and combined team.

In short, the ROK military is highly capable and will only increase its capabilities as it continues to modernize and interoperate with United States Forces in Korea. The ROK military's continued focus and effort to increase its capabilities will ensure that the ROK is able to achieve the conditions for the transfer of wartime OPCON and lead the combined defense against any NK aggression.

Question. How can United States Forces Korea assist the ROK to develop these capabilities in the near-to-medium term?

Answer. USFK can assist the ROK in developing these capabilities in the near-to-medium term through our robust training and exercise program at the tactical level in unit field training exercises, and at the theater level in our two annual command post exercises, Ulchi Freedom Guardian and Key Resolve. These training events and exercises enable both the ROK and United States Forces to hone capabilities, enhance interoperability, and test new processes and procedures. Moreover,

increased contact at multiple echelons of command can assist in developing further the interoperability and strength among the two forces. I welcome initiatives like the Combined ROK-U.S. 2nd Infantry Division.

Through the Conditions-Based OPCON Transition governance process, USFK and ROK leaders continually and bilaterally meet to discuss progress, issues, and the way ahead for the ROK to assume operational control of its armed forces. The United States Forces will continue to be the honest broker to ensure that our ROK counterparts are able to "Fight Tonight." Through the Conditions-based OPCON Transition Program (COTP), the ROK and the United States have bilaterally agreed to specific metrics that will assist us in determining when the ROK has obtained the capabilities and capacity to assume control.

The ROK can also develop these capabilities by continuing to invest in their defense by acquiring the capabilities needed for OPCON transfer. These include continued acquisitions in intelligence, surveillance & reconnaissance (ISR), ballistic missile defense (BMD), critical munitions, and C4I.

CONSOLIDATION OF U.S. FORCES

Question. The Land Partnership Plan (LPP) is consolidating the combat brigade and supporting elements of the 2nd Infantry Division in and around Camp Humphreys, south of Seoul. United States costs associated with implementing the LPP are estimated at \$3.2 billion, and that does not include hundreds of millions of dollars in transition costs for sustaining facilities until the move is completed. The Yongsan Relocation Plan (YRP) proposes to move most of the United States Forces currently stationed at Yongsan compound in Seoul to Camp Humphrey as well. The YRP relocation is to be largely funded by the Republic of Korea Government, but the United States will face potentially significant costs as well.

What is the current status of the two consolidation plans and the timeline for completion?

Answer. The Yongsan Relocation Plan / Land Partnership Plan (YRP/LPP) program is 73 percent complete with CY15-16 being the largest years of construction placement. We currently estimate substantial completion of the YRP/LPP construction programs for the end of CY18. However, some unit relocation will occur beyond CY18 due to retaining United States counter-fire forces north of Seoul and the Combined Forces Command HQ in Seoul until OPCON transition occurs.

In 2003 there were 174 United States sites located across the ROK. To date, the United States returned 49 sites to the ROK. As we continue to consolidate under the YRP/LPP programs, we will eventually return an additional 29 sites with an enduring end state of 96 sites, generally located within the two enduring hubs of Humphreys and Daegu.

Question. In your opinion, does the consolidation better support the warfighting mission? If so, how?

Answer. The completion of the LPP/YRP programs consolidates mission command and intelligence assets which will streamline communications, enabling a more rapid response to warfighting mission execution. Consolidation also allows better force protection, and the centralization of facilities and services also improves quality of life for servicemembers.

The consolidation of forces triggers consolidation of all combat support and combat service support elements. It enhances force protection by reducing the footprint necessary for ballistic missile defense (BMD) and by locating a larger number of non-combatants south of the Han River, simplifying evacuation operations during contingency and crisis operations.

Operational efficiencies will also be realized; this has and will continue to reduce the infrastructure footprint and strategically save valuable sustainment, restoration, and maintenance (SRM) costs. Planning assumptions also take into account that consolidation of other installation support services such as medical, in/out processing, training, schools, finance, and others will garner future cost savings and efficiencies. Consolidation of facilities, services, and people, along with energy efficient buildings, will reduce future operating costs.

Question. What do you anticipate to be the total costs, including transition costs, to be incurred by the U.S. Government to carry out the two consolidations?

Answer. Transformation and Re-stationing is a \$10.7 billion project consisting of two programs, Yongsan Relocation Program (YRP) and the Land Partnership Program (LPP). Out of the total \$10.7 billion, the ROK is funding approximately 91 percent, with the United States funding 9 percent. The YRP program is largely funded by the ROK. Under the LPP, if the ROK requests the United States to vacate a facility or installation, the ROK pays the relocation costs. Conversely, if the U.S. chooses to relocate an installation or facility it is required to fund the costs. Host

nation burden sharing contributions received from the ROK under the Special Measures Agreement will fund the majority of U.S. LPP construction obligations. The remaining costs associated with transition were POM'd by the relocating organizations.

Question. Given that the U.S.-ROK Status of Forces Agreement states that the United States is not obligated to restore facilities and areas to their original condition when they are returned to the ROK, to what extent do you believe the United States should compensate the ROK for the costs related to environmental clean-up at bases being vacated as a result of the LPP?

Answer. Under SOFA article IV, the ROK is not obligated to compensate the United States for improvements to facilities and areas and the U.S. is not obligated to restore them to their previous condition, when they are returned.

I believe this long standing arrangement is balanced. Both governments recognize the importance of environmental protection in the context of defense activities in Korea. In addition, DOD policy requires prompt action be taken by commanders to address a substantial impact to human health and safety due to environmental contamination caused by DOD activities and is located on a DOD installation.

Environmental clean-up according to domestic Korean law for conditions other than those needed to address a substantial impact to human health may be undertaken by the Korean Government.

HOST NATION BURDEN-SHARING PROGRAMS

Question. The United States and ROK currently operate under a "Special Measures Agreement" (SMA) in which the ROK contributes toward United States costs associated with maintaining U.S. Forces in the country.

Answer. The United States and ROK signed a new SMA on 2 February 2014 which constitutes a 5-year agreement through 31 December 2018. The current SMA agreement increases ROK SMA contributions annually by the previous year's ROK Consumer Price Index. The calendar year 2015 and calendar year 2016 ROK Consumer Price Index increased by 1.3 percent which amounted to SMA contributions totaling 931 billion won (-\$808 million) in 2015 and 944 billion won (-\$819 million) in 2016. These funds are spread across three cost sharing categories of labor, logistics, and construction.

The labor cost sharing program accounts for up to 75 percent of the salary for approximately 8,600 Korean National employees directly supporting United States Forces. The Korean National employees provide significant contributions to mission accomplishment, particularly with bilingual language capability and continuity.

The logistics cost sharing program allows for in-kind contribution for supplies and services along ten categories which include munitions storage, equipment maintenance, warehousing, transportation, sustainment services, and base operations support. The program allows the United States to solicit and recommend the contractor with the ROK Ministry of National Defense (MND) serving as final arbiter.

The ROK Funded Construction program allocates funding in cash and in-kind construction for military construction to include associated design and project oversight. Projects are restricted to mission essential military construction and cannot be used to build recreational facilities. The program allows the United States to select projects but requires consultation with the ROK MND.

Question. What is your assessment of the current level and quality of the burden-sharing arrangement?

Answer. It is my understanding that the ROK pays approximately 50 percent of the cost to station United States Forces on the peninsula through the Special Measures Agreement (SMA) which is negotiated every 5 years. Due to fiscal challenges we face as a nation, this is a very important agreement and if confirmed I will be intimately involved in its negotiations.

TRAINING OF UNITED STATES FORCES IN THE REPUBLIC OF KOREA

Question. One of the challenges for the United States troops on the Korean Peninsula is training, particularly the access to training ranges for large ground unit maneuver and fires and for close air support missions.

What is your understanding of the training challenges for United States Forces in the ROK, including the availability and access to training ranges for large ground unit maneuver and fires, close air support, and other Air Force training requirements?

Answer. Due to limitations on the Korean peninsula, it is necessary for the United States Air Force to utilize off-peninsula training opportunities to meet some Operations Plans training requirements. Some of these requirements are to maintain proficiency on CAS, Interdiction, and Suppression of Enemy Air Defense com-

petencies. Robust range capabilities that realistically replicate the NK air defense and electronic warfare threat in a contested environment are essential to gaining and maintaining these capabilities and are generally not available on The Peninsula.

Ground unit maneuver and fires training rely heavily upon United States exclusive and ROK Land Partnership Program (LPP) shared training facilities. The combination of these two sets of training facilities meet the U.S.-standard training requirements in order to maintain proficiency in ground combat operations, particularly artillery and maneuver training. Air-ground integration with maneuver forces are limited in scenario development due to range limitations and restricted surface danger zones, thereby inhibiting scale of exercises to platoon/company levels.

Question. In your view, are the ranges in Korea adequate to meet the training requirements of United States Forces?

Answer. Yes, and if confirmed I commit to evaluating the options available for training to refine my view. However, given the limitations of both air and ground Service Components to conduct realistic live fire and maneuver training, the ranges in Korea are not as capable when compared to range capabilities available to most CONUS-based units and require some training to take place outside the ROK. The limited availability of land for maneuver, live fire, and situational training exercises limits training to platoon/company-level training events. Higher echelon headquarters such as battalion and brigade can conduct training using multi-echelon techniques by combining live, virtual, and constructive exercise design to mitigate the impact of training area limitations. Although less than optimal, air-to-ground limitations have been mitigated by taking advantage of high-quality off-peninsula exercises such as RED FLAG Alaska.

Question. How will the overall readiness reduction of United States Forces due to budget cuts and sequestration, as forecast by the Chairman of the Joint Chiefs of Staff and Service Chiefs, impact United States Force capabilities in Korea?

Answer. Existing budget cuts and sequestration effects if fully implemented will reduce resources available to maintaining training and equipment readiness for all forces committed to Korea. This will increase the need for prioritizing capabilities and elevating risk in others. Moreover, the availability of forces to reinforce the forward deployed and stationed forces, in periodic exercises and in crisis response will be strained in each service of the U.S. military. Finally, the necessary modernization to find replacements to key munitions that are reaching an end of life cycle, and aging combat vehicles and aircraft that are in use, and to introduce emerging capabilities that are needed to offset numerical advantages belonging to North Korea will be severely challenged under the forecasted cuts and effects of sequestration.

The strength of the United States and ROK Alliance remains the cornerstone of deterrence on the Korean Peninsula. Like other commands, USFK faces many challenges to maintain our readiness in a resource constrained environment. These challenges create risk in several areas. Although USFK has taken steps to mitigate those risks, fully addressing these challenges requires allocation of resources over an extended period of time.

Examples include the need to refurbish our M1A2 tanks and Assault Breaching Vehicles that are part of the Korea Enduring Equipment Set. Additionally, The USFK strategic backbone communications infrastructure is beyond end-of-life and requires an equipment refresh and upgrade in order to ensure the ability to "Fight Tonight." The replacement of the existing Asynchronous Transfer Mode/Secure Optical Network (ATM/SONET) and transition to the Internet Protocol/Multi-Protocol Label Switching (IP/MPLS) are necessary efforts to modernize the strategic communications equipment within the Korean Peninsula, and align the communications infrastructure with the Department of Defense Joint Information Environment (JIE) initiatives. Funding delays will impact the ability to enable Mission Command.

Future budget cuts and sequestration will ultimately degrade the overall readiness of USFK and its ability to execute the Operations Plan (OPLAN). Our current posture and presence has a significant reassuring effect on the domestic population while also deterring North Korean aggression. Increased fiscal constraints negatively impact the readiness of on-peninsula, and especially, follow-on forces—creating further degradation in capability to respond to North Korean aggression. Any degradation in capability increases risk to the force and risk to mission success.

QUALITY OF LIFE

Question. Through investment in quality of life amenities, to include housing, health care, and recreation, the Department has worked to achieve the goal of making South Korea an "assignment of choice" for United States Forces.

What do you consider to be the most essential quality of life programs for soldiers and their families stationed in Korea and, if confirmed, what would be your goals in this regard?

Answer. I would like to touch on two quality of life areas that I consider most essential. The first is access to high quality medical care and, second, the education of our children. We have an incredible team of medical professionals and educators that provide world class support to our military members and their families every day.

High quality and readily available medical care is an essential component of our community. The medical care our servicemembers and their Families receive in the ROK is high quality, safe, and meets their access to care needs. Our military healthcare system is augmented by more than 40 ROK network hospitals, managed by the TRICARE Overseas Program. Each of these network hospitals strives to provide healthcare in a familiar environment, most with a well-resourced International Health Clinic that provide our beneficiaries high quality care with transportation, language, and escort support.

There are over 4,500 students enrolled in 12 Department of Defense Education Activity (DODEA) facilities across the peninsula. All of the schools are fully accredited under the AdvancED program.

In addition to the existing 12 facilities, there are additional schools under construction and planned to open within the next 18 months. At Camp Humphreys, new middle and elementary schools will begin classes in January and August 2017, respectively.

If confirmed, my intent is to maintain the level of access and high quality of both of these critical areas.

Question. What is your understanding of the capacity of DOD schools in South Korea to accommodate the increase in families/children associated with tour normalization?

Answer. Tour normalization is an outdated concept that is no longer used. I believe this question addresses the concerns involved with the consolidation of forces and installations. We have the capacity to meet the needs of our families. For example, Osan Air Base Elementary school opens in August 2016 and will be the first DOD Education Activity school in the Pacific that incorporates the new 21st Century design. This new design will be the template for all future schools. Daegu Middle High opens in August 2017 after construction completes this spring.

In locations with limited population or education services, there are programs and mitigations in place to meet the needs of students. We provide transportation for students to attend nearby DODEA schools. For instance, we plan to transport 6–8 students from Chinhae to Daegu Middle High beginning in August 2017. For locations where transportation is not feasible, we work with our DODEA partners through the Non-DOD Schools Program (NDSP). The NDSP is a program within the Department of Defense Education Activity that provides educational support and financial assistance to defray costs of education and to facilitate educational continuity in international locations where there is no DODEA school.

MEDICAL CARE FOR UNITED STATES FORCES IN KOREA

Question. One of the most important quality of life issues in Korea is ensuring access to high quality medical care for servicemembers of all military branches and their families. Separate medical chains of command responsible for providing health care, and the presence of non-command-sponsored family members who need health services, among other factors, have presented challenges.

If confirmed, how would you assess the management and delivery of health care services in South Korea for both command and non-command sponsored family members?

Answer. It is my understanding that USFK health care services receive the resources to provide adequate levels of care to servicemembers and command-sponsored family members. If confirmed, I will monitor the management of these resources which enable USFK to provide basic health care maintenance, and serve our population well. High quality medical care availability is a top priority and is integral to our military readiness.

When more advanced care is required, we rely on Korean network hospitals managed by the TRICARE Overseas Program. This network enables USFK to meet TRICARE care standards for our population, which includes emergency response services and access to more routine and specialty care when needed.

USFK closely manages patient care by monitoring access, quality, and safety. This same medical care system provides support to our non-command sponsored family members on U.S. installations on a space-available basis and off-installation at the

same Korean TRICARE network facilities used by all other beneficiaries. Assessment of the management and delivery of health care services is an ongoing process using the same The Joint Commission (TJC) accreditation standards and evaluation used in the United States

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your assessment of the problem of sexual assaults at USFK?

Answer. Progress is being made but sexual assault remains a challenge throughout our military. Within USFK, there are challenging conditions that must be countered through engaged leadership and through cultivating a culture of intolerance to sexual assault or harassment. Among the conditions are: 1) the demographics of USFK's military population; for example, a population that is 10 percent higher in first term enlistees than CONUS installations. 2) a high population of personnel who are on unaccompanied tours as geographic bachelors. 3) the rotational nature of service in Korea whether in individual rotations or in collective unit rotations. Although these conditions create a challenge, USFK continues to make progress in its efforts to prevent sexual assault. The number of founded penetrative offenses (the most serious offense) are tracking lower in fiscal year 2016 than the previous year.

Question. What is your assessment of USFK's sexual assault prevention and response program?

Answer. Although much work remains to be done in order to eliminate the scourge of sexual assault from our ranks, USFK and its components implement strong programs which are showing positive results. The number of founded penetrative offenses (the most serious offense) are lower than the previous year while the reporting of these most serious offenses is up over the past year. This indicates training is effective and USFK personnel are comfortable with reporting allegations of sexual assault, confident in their chain of command, know they will get the help they need, and know their reports will be thoroughly and fairly investigated. There are many "best practices" emerging in Korea and, if confirmed, I would highlight and encourage initiatives that change the culture and reduce the frequency.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. I view the provision for both types of reports to be useful and worth sustaining. While restricted reporting is frustrating from a command desire to relentlessly pursue any all reports and to ensure perpetrators do not have latitude to become repeat offenders, this provision clearly considers the needs and desires of individual victims where our first obligation is met. Some victims require medical treatment, or perhaps information on services available to them, but they do not want to speak with law enforcement personnel or undergo the rigors and publicity that may go along with an investigation and a trial. It is proper that we allow these victims to make restricted reports, so that we can protect their privacy, but still provide them the services they need. The investigative process after an unrestricted report mandates the safety of the victim and provides the military with the ability to hold offenders accountable.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. Sexual assault is a crime that violates basic human dignity and the standards of decency which we must uphold and protect. Engaged leadership by the chain of command must lead efforts to provide support to victims of sexual assault in unrestricted cases. Working with their trained victim advocates and response coordinators, the chain of command must ensure that all necessary resources are made available to victims. Leaders have the responsibility to ensure victims of sexual assault receive timely care and support and are protected from being re-victimized as a result of reporting the incident. Leaders ensure that victim-blaming does not occur within the organizational culture. Moreover, leaders ensure there is balance in protecting the rights of accused and victims, while concurrently addressing organizational culture and values. The chain of command is the quintessential integrator of all aspects of the system of prevention and response. If confirmed, I will continue to focus on achieving the goal of zero incidents and 100 percent reporting as I have focused in my last three commands.

Question. What is your view of the adequacy of resources and programs in USFK to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. The resources and programs in USFK provide appropriate medical, psychological, and legal help to victims of sexual assault. It is assessed that USFK's reported sexual assaults increased last year due to the education among our people

concerning resources and reporting options available to them, and the confidence that they will receive the compassionate and professional help they require if they report an allegation. This trend is reflective of increased confidence in the chain of command taking appropriate action and increased knowledge of the program as a result of the training.

Question. What is your view of USFK initiatives to prevent additional sexual assaults?

Answer. USFK and its components actively implement dynamic and engaging training. The training includes hands on interactive role-playing, drama, mentoring, and communication training. For example, USFK is developing training which is specifically targeted at our most at risk population, our younger military personnel. This training teaches our younger personnel how to understand and better communicate with the opposite sex, in order to set conditions that prevent sexual assault.

USFK and its components have also increased active and passive safety measures—including increased patrols, CCTV cameras, and enhanced locks and lighting in the dormitories.

Question. What is your view of the adequacy of the training and resources available to USFK to investigate and prosecute allegations of sexual assault?

Answer. USFK investigative and prosecutorial resources are adequate. Criminal investigative agencies prioritize sexual assault cases and thoroughly investigate all allegations of sexual assault. With increased training and specialization, both investigators and prosecutors are becoming increasingly skilled in dealing with these types of cases, which can often be complex and challenging by their nature.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. If sexual assault is to be eliminated, our military culture must support an environment that does not tolerate sexual assault. The chain of command, at all levels, must be fully engaged and lead this cultural change. Commanders must lead and support all of our prevention programs, which are designed to eliminate sexual assault and harassment within our ranks and sustain an environment of trust for our servicemembers, civilians, and families. Engaged leadership must be nested from senior commanders down to the first line supervisor to establish and maintain a climate where any sex crime within our ranks is viewed as unacceptable by everyone in the military.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting.

If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. If confirmed, I will ensure that leaders understand retaliation against those who report sexual assault will not be tolerated. We will pursue every allegation and ensure it is thoroughly and professionally investigated, and—if necessary—take appropriate action. Preventing retaliation must be a key part of all training and every servicemember, civilian, and family member must be fully educated on the reporting options and resources available to them. Additionally, communication within the command, particularly from previous victims of sexual assault to other members of the command, on the realities of whether or not they felt retaliation will be important to drive away the anticipation of retaliation.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. USFK has seen an increase in reporting because military personnel are well-trained, and commanders strongly support those personnel who make reports. During the most recent USFK Commander-directed IG Pulse Inspection, the following are some of the findings:

Ninety-seven percent of servicemembers (SMs) could define sexual assault (SA) concepts and their reporting options correctly. Command teams indicated that they have trained their subordinates regularly on the subject and feel confident they would know how to properly report an incident. Ninety-one percent of SMs stated that they would report SA incidents to their chain of command because they trust them and have witnessed cases being handled properly. Ninety-one percent of SMs believed their chain of command would take SA reports seriously and would protect their individual safety as a component of their responsibility.

To sustain United States Forces in Korea, if confirmed, we will continue to focus on proper command climates, enforce discipline, and emphasize comprehensive fitness and wellness. We will also focus organizational effort on our leader development programs that emphasize the character development and values of every servicemember assigned to USFK. Particularly in the areas of preventing crime, sexual harassment, and sexual assault, we will take proactive steps that continue a down-

ward trend in substantiated cases. Prevention of sexual assault and crime is vital to readiness and discipline, building trust, and ultimately prevailing in combat. I will continue to encourage pursuit of the goal of zero incidents and 100 percent reporting.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. Commanders are passionate about eliminating sexual assault because this offense tears at unit cohesion, good order, and discipline. A judge advocate from outside the chain of command will not have the same authority, resources, and experience as a commander who is intimate in the knowledge of his unit and responsible for maintaining the good order and discipline of his or her unit. Removing responsibility outside the chain of command would not help to ensure fair and just treatment of all victims and all accused personnel. I believe it would undermine the commander's authority and ability to maintain good order, discipline, and readiness in his formation. It is critical for the commander to be the center of gravity for both setting standards and enforcing discipline within their formations. Ultimately, it is the Commander who has the authority and responsibility for the command climate, good order and discipline, and morale of the unit they command. Granting decision authority to a judge advocate from outside the unit, who does not have an understanding of the unit's command climate, morale, good order, and discipline, will undermine the social fabric of the unit and its overall effectiveness.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults at USFK?

Answer. If confirmed, I will assess initiatives that reinforce the need for all members to be fully committed to creating a positive climate—one of trust and respect in which every person can thrive and achieve their full potential. Particularly in the areas of preventing crime, sexual harassment, and sexual assault, we will take proactive steps that continue a downward trend in incidents, including regular sensing sessions to provide insights on what leaders need to be most aware of for effective prevention strategies. I will also lead by example, personally exhibiting caring and compassion for victims, and high expectations and active engagements to prevent further assaults. Moreover, I would seek to positively reinforce creative leaders who get results in building trust.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of USFK commanders to prosecute sexual assault cases?

Answer. Much of this legislation has been useful; however, some time may be required to assess its effectiveness. One initiative that has already proven highly effective has been the establishment of the Special Victim Counsel. These counsel listen to victims, educate them on the complexities of the justice system, and ensure that the rights of victims are protected throughout investigations and trial. Representation by the Special Victim Counsel has ensured that victims are properly heard throughout the judicial process. This has led to fair and just results at trial.

Question. In your view, what is the appropriate role for a U.S. military commander who is working with coalition partners, when that U.S. officer becomes aware of allegations sex trafficking or of child abuse by members of that coalition force?

Answer. In my view, the U.S. military commander must immediately report the allegations up the chain of command of the coalition partner and must direct full cooperation by U.S. investigators and legal personnel with coalition investigators and prosecutors. If the commander has a counterpart commander, he or she should seek out that commander and inform them of the allegation while continuing to monitor what is done with the report.

Question. If confirmed, what direction would you give to U.S. personnel assigned to your command who become aware of such allegations?

Answer. If confirmed, my standing direction will be for all members of the command to immediately report these types of egregious incidents. USFK's policy of zero tolerance for human trafficking activity and sexual assault/harassment/abuse of any kind will remain unchanged for all servicemembers, civilians, and contractors. We will constantly work to improve discipline and ensure servicemembers conduct themselves beyond reproach, both on and off duty. Human trafficking activity and sexual assault/harassment/abuse are incompatible with our military core values. These activities have direct and negative impacts on our ROK-United States Alliance; combat readiness; servicemember, civilian, and family morale; and community health issues.

Question. Under what circumstances would you expect U.S. personnel under your command to intervene to stop such misconduct if they suspect it or observe it?

Answer. If confirmed, I would expect all U.S. personnel under my command to immediately step in to stop or prevent sexual assault if it is observed or suspected. In order to prevent sexual assault, every member of the command and community must be committed to advancing an environment where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored. Every member of the command must add their voice to call an end to this crime and assume responsibility to intervene and report when misconduct is observed.

NORTH KOREA—POW—MIA RECOVERY EFFORTS

Question. From 1996–2005, the United States worked with the North Korean military to recover and repatriate the remains of American servicemembers who perished on the Korean peninsula.

In your opinion, under what conditions should the United States work with North Korea to repatriate the remains of American servicemembers found in North Korea?

Answer. For some time, the U.S. has separated recovery repatriation operations from other policy and political issues. I agree with this from a humanitarian perspective, and as a condition of armistice.

However, to work with North Korea in this regard requires confidence of a stable and secure environment in which to work, as well as confidence that both parties will uphold their responsibilities in such an arrangement. These conditions are not present at this time.

Until the political and military situation on the Korean peninsula improves appreciably, the possibilities for resuming remains recoveries in NK remains bleak. With the potential for additional nuclear and missile tests in the near future, and direct threats against the U.S., the environment is not conducive for cooperative discussions between our government and NK on joint recovery operations. If confirmed, I pledge my full support to the Defense POW/MIA Accounting Agency (DPAA), the U.S. lead for remains recovery, to accomplish their noble and important mission.

ROK—JAPAN RELATIONSHIP

Question. The ROK and Japan are two of our most important bilateral alliances, but historical issues have prevented cooperation and integration between them to this point. The recent Comfort Woman agreement between Tokyo and Seoul was an important step for moving forward on this issue.

What is your assessment of the ROK-Japan relationship?

Answer. In my current role commanding United States Army Pacific I have participated actively in advancing the ROK-Japan relationship and am pleased that there is increasing progress, albeit measured. From first-hand experience in collective venues, as well as in one-on-one discussions with military leaders of both countries, I know that the United States is viewed as the honest broker in enabling the repair of a centuries-old strained relationship with deep and highly emotional roots. Positive signals include continuing efforts to resolve the Comfort Women issue, and recent statements by President Park and Prime Minister Abe at the Nuclear Summit agreeing to increase security cooperation to encourage North Korea to give up its nuclear weapons program.

The United States will continue to play an integral role in facilitating this relationship, and if confirmed, I will continue to support and nurture the creation of mutual trust in conjunction with the service staffs, the Joint Staff, the DOD, and Department of State to maintain this path.

Question. What opportunities for cooperation do you foresee for the bilateral (ROK-Japan) and trilateral (ROK-Japan-U.S.) relationships?

Answer. Korea and Japan have signaled strong interest in increased cooperation for Humanitarian Assistance/Disaster Relief, maritime Search and Rescue (SAR) operations, and anti-piracy efforts. However, the primary catalyst for improvement in the ROK-Japan relationship is the evolving nuclear and ballistic missile threat from North Korea. This security concern presents tremendous opportunities for enhanced military-to-military cooperation, and we are working alongside Pacific Command to facilitate trilateral missile warning exercises in the near future.

Additionally, General Lee and Admiral Kawano joined General Dunford via video teleconference for the second Trilateral Chiefs of Defense (Tri-CHOD) conference in February of this year (the first was in Japan in July 2014) to further efforts on trilateral information sharing and collaboration in light of increasing North Korean nuclear and missile threats. They agreed to coordinate further on mutual security issues to enhance peace and stability in the region, and are tentatively scheduled for another trilateral meeting later this summer.

I feel confident that we are on the right trajectory for increased cooperation, and as always, we stand by ready to support all efforts to improve trilateral relationships.

REGIONAL POSTURE

Question. In your opinion, how should the United States employ its forces in ROK to provide for regional presence and engagement, and to best respond to regional threats, provide support for out-of-area contingencies, and maintain readiness?

Answer. In my opinion, the increasing use of high readiness forces on operational deployments to Korea is to be sustained. Additionally, the periodic increases in presence, through exercises, visits, alert deployments is improving readiness while also sending a signal of continued commitment. If confirmed, I would rely on PACOM to develop the regional relationships through their Theater Security Cooperation programs, while USFK concentrates on connecting those relationships to the three missions on the Korean peninsula (USFK, CFC, UNC).

If confirmed, I will work to consider the potential to use forces on the peninsula for other mission sets, and perhaps explore with the ROK the prospect for using combined forces off peninsula. This will have to be done in a very deliberate manner due to the diplomatic issues involved, and will primarily involve PACOM or other U.S. commands depending on the location and nature of the activities.

Question. What adjustments, if any, do you anticipate having to make to your strategy if current budget cuts and sequestration cuts remain in place?

Answer. USFK continues to be second only to Afghanistan for resources. However, as was the case with my predecessor, General Scaparrotti, I am concerned about the readiness of follow-on forces required to prosecute our operational plan. If the cuts remain in place, we will have to factor them into our operations plans. Additionally, we will have to assume higher risk in terms of North Korea perceiving the opportunity to successfully conduct provocations and aggression, as well as the speed and effectiveness of our responses. I have concern about the ability of DOD to develop and deliver emerging capabilities quickly enough under sequestration, particularly in protective systems that can counter rockets, artillery and mortars and to counter the cyber and asymmetric threats. Conventional resources will have to be dedicated to these purposes, and tactics may be required to mitigate the risks that emerge from under-resourcing.

Question. What additional strategic risks do you think you will have to assume over the next 5 years in your area of responsibility if the current budget cuts and sequestration cuts remain in place?

Answer. I anticipate that the next 5 years will see additional advances in North Korea's asymmetric capabilities. Unfortunately, we cannot dismiss the prospect that they would engage in a large-scale act of aggression or potentially experience significant internal instability. I am also concerned that North Korea could misperceive that it has opportunities to use military adventurism to serve its interests during the United States or South Korean presidential transitions.

However, more than anything else, I am concerned about the strategic risk that would come from continued budget cuts and sequestration cuts. My concern centers on the effect of cuts to military capabilities and forces available to me as commander, should I be confirmed. Additionally, I am worried about the perception or reality of U.S. fiscal challenges eroding U.S. influence overall, and that this situation may provide encouragement to our competitors and adversaries to continue to challenge U.S. interests.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. I do.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. I do.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. I do.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. I do.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis of any good faith delay or denial in providing such documents?

Answer. I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NORTH KOREAN MISSILE TESTING

1. Senator INHOFE. General Brooks, what is your assessment of North Korea's nuclear and long range missile capabilities?

General BROOKS. North Korea continues to invest in their nuclear infrastructure and can conduct additional nuclear tests at any time. We believe North Korea has followed through on their public statements regarding the status of Yongbyon, indicating the facilities are continuing to operate for the purposes of producing fissile material for additional nuclear weapons. This includes an expanded uranium enrichment facility and a graphite-moderated plutonium production reactor. North Korea's four nuclear tests indicate they have produced nuclear weapons, and additional testing would allow the regime to improve their nuclear weapons capability. North Korea remains committed to developing and maintaining a nuclear capability and attempts to display a credible threat.

North Korea's long range missiles are capable of targeting United States interests in the Pacific region and all of the U.S. These missiles consist of the Hwasong-13, an intermediate range missile capable of targeting U.S. interests in the Pacific and the KN08 road-mobile intercontinental ballistic missiles (ICBM). North Korea has displayed both missile systems in past military parades; however, these systems have never been successfully flight tested and their current reliability as a weapon system is assessed as low.

Additionally, North Korea has launched five Taepo Dong ICBM/Satellite Launch Vehicle's (SLV) with the most recent being this past February. Developing an ICBM/SLV contributes to North Korea's long-range ballistic missile development, since the two vehicles have many shared technologies.

The determined pursuit of these capabilities by the North Korean regime poses a continued, and elevating security threat the Republic of Korea, our forces in northeast Asia (Korea and Japan), and potentially the Homeland and territories of the United States.

2. Senator INHOFE. General Brooks, in your opinion, why are we seeing an increase in North Korean missile testing and launches?

General BROOKS. Kim Jong-un prioritizes displaying and portraying to the United States, ROK, the region, and possibly its domestic audience, the regime's military capability and readiness. North Korea places emphasis on its ability to have a credible deterrent and strike capability against the United States "hostile policy" towards North Korea. North Korea continues to invest in their ballistic missile capability by expanding the size and sophistication of its ballistic missile forces-from close range to intercontinental ballistic missiles. As North Korea increases its capability, they must conduct more testing of engines and missiles to validate the designs of both. We expect North Korea to continue testing and launching ballistic missiles as part of the normal research and development process to validate each system's reliability.

3. Senator INHOFE. General Brooks, how does the recent spike in missile and rocket testing by North Korea shape future United States plans and requirements on the Korean Peninsula?

General BROOKS. The recent spike in missile and rocket testing by North Korea requires continued diplomatic effort and military preparation to deter and defend any North Korean threats. United States plans will include our force posture, exercises, and additional flexible deterrent measures to assure our regional allies while deterring North Korean aggression. USFK has a critical role in enhancing the pos-

ture and readiness of its forces through exercises to ensure both their readiness and the reliability of communications systems to support senior leader decision making. These exercises should improve our ability to execute a full spectrum of potential options and ensure a capable, credible, and ready deterrent force.

Regarding our combined planning efforts, the first new United States-ROK Alliance Operations Plan (OPLAN) in decades was approved by the SECDEF late last year and was immediately placed into effect. We are developing branch plans to that OPLAN to help address contingencies that we and our Alliance partners might face. We will continually use lessons learned from exercises, as well as real world developments, and apply these to our future plan updates and revisions.

There are two specific requirements that USFK in conjunction with USPACOM can focus on to further assure the ROK and regional allies and deter future North Korean provocations. The first involves the incorporation of United States strategic assets into combined exercises and the second being multi-lateral efforts that focus in the area of Chemical Biological Radiological Nuclear (CBRN) resilience, more specifically, in the area of radiological (R) and nuclear (N) resilience. These efforts will assist in identifying and filling critical gaps, improving readiness, and further reassuring our alliance partners. In addition to reassuring our partners, these events could be messaged in a deliberate and responsible manner to further deter North Korean nuclear provocation.

Additionally, we should continue to engage in ongoing bilateral discussions to determine the feasibility of deploying U.S. Terminal High Altitude Air Defense (THAAD) capability to Korea. A potential THAAD in defense of the ROK-United States Alliance would complement the existing ROK-United States Ballistic Missile Defense (Patriot) architecture with a layered missile defense that would be capable against existing and emerging advanced missile threats. The addition of THAAD would contribute to the deterrence calculus by significantly decreasing the potential of North Korea to achieve its intended effects with its ballistic missiles. Further, a potential THAAD deployed to Korea would increase the Alliance's capability to defend critical areas during all phases of the war plan.

4. Senator INHOFE. General Brooks, do you believe we need any additional capabilities or force structure in order to provide adequate deterrence and defense against the North Korean threat?

General BROOKS. Yes. Forward positioning additional critical assets for Ballistic Missile Defense, ISR, and CBRNE defense west of the International Date Line mitigates a dangerous time/distance/risk challenge. USFK also needs increased cyber protection capabilities.

A significant concern on the Korean Peninsula is the reduced warning time prior to any act of North Korean aggression. The risk mitigation challenge for Korea is a function of the physical location of forces and their operational readiness for potential employment based on maintenance, equipping, manning, and training. Further, our ability to protect critical C4 systems through robust and persistent cyber protection measures on the peninsula is absolutely essential, as North Korea has demonstrated both a capability and willingness to employ offensive cyber operations.

Additionally, the prepositioning of critical logistical enablers through programs such as Maritime Preposition Squadron (MPSRON) and Army Prepositioned Stocks (APS) mitigates the time/distance challenge while reducing requirements for strategic lift assets in crisis. Lastly, the continuous rotation of joint combat forces to the peninsula enables both deterrence and assurance by ensuring warfighting capabilities are readily available while integrating and engaging with our ROK Allies. By leveraging the availability and responsiveness of rotational forces and capabilities, ensuring a robust theater posture for critical logistics, increasing cyber protection capacity, and forward positioning critical capabilities to adequately defend the ROK, the United States, and regional partners, we can reduce the risk of the North Korean threat.

CHINESE INFLUENCE IN NORTH KOREA

5. Senator INHOFE. General Brooks, what impact do you believe China's import ban will have on North Korea?

General BROOKS. If China actively implements UN Security Council Resolution 2270 in a sustained manner, North Korea will find itself facing strategic dilemmas. North Korea may be forced to make hard choices balancing the continued development of its asymmetric capabilities, including weapons of mass destruction, against domestic needs. How North Korea will manage this dilemma is difficult to determine, but we will need to be prepared for potentially violent reactions by the Kim regime. We may also find that North Korea increases the risks it is prepared to take

in its proliferation activities, to potentially include involvement with Violent Extremist Organizations. Further, it is important to acknowledge the possibility that effective enforcement of UNSCR 2270, by China and others, will have a destabilizing effect on North Korea, in which case China may alter the degree to which it enforces UNSCR 2270 based on China's expressed interest in maintaining stability.

6. Senator INHOFE. General Brooks, how much influence does China currently have on Kim Jong-un?

General BROOKS. In my meetings with senior PLA military officials there is clearly a perception that the Chinese have less influence than they want, or than they previously had. That notwithstanding, China is North Korea's largest trading partner and a treaty ally. Trade with China is critical to North Korea, and comprises more than 70 percent of the North Korean economy. Consequently China has potential leverage that has not been fully applied to curbing Kim Jong-un's decisions and actions. However, North Korea frequently acts contrary to China's expressed interests, like denuclearization, calling into question how vigorously China applies its leverage, or the strength of Chinese influence. We should also be mindful that Chinese success in influencing North Korea may also prompt the Kim regime to take actions to prove to the NK people it is not beholden to China, further complicating our efforts to assess Chinese influence.

7. Senator INHOFE. General Brooks, is China's influence increasing or decreasing?

General BROOKS. China's influence appears to be decreasing although there is more leverage China could exert if they deem doing so to be in their interests. The past couple of years have seen China's influence over North Korea called into question, particularly after the execution of Kim Jong-un's uncle, Chang Song-taek in December 13. Recently, Beijing has demonstrated a willingness to attempt to influence NK behavior, but likely has not used all the means at its disposal to compel NK toward denuclearization.

UNITED NATIONS INFLUENCE ON NORTH KOREA

8. Senator INHOFE. General Brooks, what impact do you believe United Nations (UN) demands will have on North Korea?

General BROOKS. The UN Security Council unanimously adopted Resolution 2270 on 2 Mar 2016, to impose additional legally binding sanctions on North Korea (NK) in response to its fourth prohibited nuclear test (6 Jan 2016), and its prohibited ballistic missile launch (7 February 2016). The goal of these sanctions is to convince Pyongyang to return to the negotiating table and agree to a complete, verifiable, and irreversible denuclearization. I believe that committed application of sanctions by the international community will have an effect, but we will need more time to gauge the true impacts on NK and its behavior. The effectiveness of previous sanctions have been undermined by a lack of implementation by the Member States, and may have enabled NK to evade the intended impact. While NK behavior has not historically been influenced by UN sanctions, I am optimistic that UNSCR 2270 will be more effective if PRC supports it, but will require more time to assess the scope and scale of its impact.

9. Senator INHOFE. General Brooks, do you believe the UN's call for countries to "redoubled their efforts" will bring additional pressure and support against North Korea, outside of the United States?

General BROOKS. The successful outcome of United Nations Security Resolution (UNSCR) 2270 relies on the meaningful implementation of its provisions by all Member Nations. The UN's call for "redoubling efforts" came just two weeks after passing UNSCR 2270. This new round of sanctions will likely be more effective due to the U.S. Department of State's efforts to work with Member Nations to ensure we remain unified in implementing our agreed-upon solutions, but this will take time to assess and have effect. If confirmed as Commander of USFK/UNC/CFC, I will work with the military representatives of our multinational community in Korea to preserve a deterrent posture and also emphasis on the Armistice to support the political and economic effects resultant from UNSCR 2270 over time.

KIM JONG-UN

10. Senator INHOFE. General Brooks, what is your assessment of the 'unpredictability' of Kim Jong-un?

General BROOKS. Kim Jong-un's unpredictability is of great concern and is potentially destabilizing to the region. He has ignored consistent calls from the inter-

national community to refrain from provocative actions, including ballistic missile launches and nuclear weapons development, and has refused to return to the negotiating table. He has pursued an even harder line when faced with international condemnation for his actions while portraying them internally as protecting the regime from hostile outside powers. This continuing narrative serves not only to distract the regime's populace from the shortcomings of his leadership and repressive hold on power, but also to deflect responsibility for the dilapidated state of his domestic economy.

11. Senator INHOFE. General Brooks, do you believe he is a rational actor?

General BROOKS. I believe Kim Jong-un is a rational actor as demonstrated by his deliberate, methodical approach in his development of North Korea's asymmetric capabilities. He makes decisions to attain specific goals toward meeting his strategic objectives however, he appears to be a poor decision-maker that tends to make emotional decisions, and, he is increasingly isolated internal to his government and externally to other governments. He may be prone to miscalculation of the effects of his actions on the decisions of other national leaders. This is evident in his decisions to ignore the will of the international community in regards to North Korea's nuclear and ballistic missile programs and human rights issues. Additionally, he continues to conduct provocative actions that impact regional security, and invests in domestic economic projects that are not in the best interest of his people. KJU continues to pursue North Korea's longstanding strategic objectives of regime survival based on the development of WMD, a bilateral peace treaty with the United States, followed by the expected demand for removal of United States Forces from the Korean peninsula, and eventual reunification of the two Koreas under its terms favorable to himself.

CAPABILITIES IN SOUTH KOREA

12. Senator INHOFE. General Brooks, are we effectively deterring North Korean aggression? If no, why?

General BROOKS. Since the signing of the ROK-United States Mutual Defense Treaty in 1953, the Alliance has successfully deterred North Korea from launching a major conventional attack. Deterring an isolated adversary who has little regard for human life and faces internal challenges is an inherently difficult task, and our record on deterring lower levels of aggression is mixed. We have seen instances when deterrence has failed, including North Korea's landmine ambush last August which maimed two South Korean soldiers. However, in these instances, the Alliance has responded quickly and firmly, deescalating the situation and preventing potential future aggression. Currently, our Alliance's Deterrence Strategy Committee continues to work on measures to enhance our deterrence efforts.

13. Senator INHOFE. General Brooks, what is current status and capabilities of South Korean Forces?

General BROOKS. The Republic of Korea (ROK) maintains a professional military, augmented by a significant conscript force. Compared to the North Korean Military, the ROK maintains a smaller, but much more modern and capable force. They are well trained and lethal on their weapons platforms, but are challenged with Joint and Combined Arms integration. The ROK force itself is more hierarchical than United States Forces, and Army-centric—which represents 79 percent of the active force. However, their military is becoming more Joint-minded every day due to our continued interaction and through their own joint exercises and development.

Similar to the U.S. military, they are facing budget and demographic pressures which are driving reductions to the current size of their force even as they undertake modernization. Their modernization challenges include the planned purchases of precision munitions, ballistic missile defense capability, and fifth generation fighter aircraft. We continue to address critical shortfalls and develop methods to ensure we are able to "Fight Tonight," while continuing to pave the way to Operational Control (OPCON) Transition.

14. Senator INHOFE. General Brooks, are you concerned about our ability to provide follow-on forces to United States Forces-Korea (USFK) on time and fully trained?

General BROOKS. I am concerned with reduced DOD-wide readiness and force availability, coupled with the tyranny of distance in the Pacific. The combined effects of sequestration and increasing commitments around the world, with a re-assertive Russia and rising China, pose global force challenges. The use of in-place, forward-deployed or forward-stationed forces will be critical to changing the course

of an escalating crisis immediately reinforced by the joint forces assigned to Commander, U.S. PACOM. The risk comes in the potential of not being able to drive the crisis back toward the conditions of Armistice, as that would require reinforcement from a thinly-stretched and under-resourced set of global forces resulting in a diversion of ready assets from another region, or the commitment of significant fiscal resources to accelerate preparation of reinforcements to be ready to fight upon arrival in Korea. For USFK, forward positioning additional critical assets for Ballistic Missile Defense (BMD), Intelligence, Surveillance, & Reconnaissance (ISR), Cyber, and Chemical, Biological, Radiological, Nuclear & Explosives (CBRNE) defense west of the International Date Line mitigates a dangerous time/distance/risk challenge to initial follow-on forces. If confirmed, I would seek the Committee's support on resourcing these critical capabilities forward, and in building the services forces requested by the Service Chiefs and Secretaries.

15. Senator INHOFE. General Brooks, are you concerned about the ability of North Korea to prevent follow-on forces from arriving on the Korean peninsula?

General BROOKS. North Korea cannot prevent follow-on forces from arriving on the Korean peninsula however, it can disrupt and delay their arrival, buying critical time for North Korea to inflict casualties on the ROK and Japanese populations to achieve a strategic effect. As North Korea continues to test and work toward greater capability in its short, intermediate, and intercontinental ballistic missile programs, as well as the pursuit of weaponized nuclear capability, the combination of these emerging capabilities with their extensive special operations, cyber, submarine and naval mining capabilities, provides the potential to disrupt the flow of U.S. and UN Sending States into Korea. If confirmed I would ask for support from the Committee to garner the resources and capabilities to mitigate against the North Korean efforts to disrupt or delay friendly forces.

16. Senator INHOFE. General Brooks, is rotating one Armored Brigade Combat Team (ABCT) and a Combat Aviation Brigade (CAB) enough to deter North Korea or should we reconsider permanently stationing those forces in South Korea?

General BROOKS. The continuous rotation of joint combat forces to the peninsula deters North Korea and assures our allies. The rotational forces are added to permanently stationed forces to create an effective combination of deterrent capabilities. The forces in the question (armored combat and combat aviation) are among others that also rotate (fighter squadrons, engineer units, signal units, rocket units) and they join stationed units (medical, air defense, intelligence, logistics) to create the requisite combination of capabilities. I support the rotational model and believe it is well suited to the missions on the Korean Peninsula. Permanently stationed forces in Korea have historically struggled to gain and sustain high levels of training, modernization, and manning readiness levels. The turbulence of monthly turnover of personnel (8–12 percent turnover of each unit per month) on 1- and 2-year tours in the Republic of Korea (ROK) creates a higher consumption of training resources. The rotational system ensures units arrive at a high state of operational readiness and are sustained there for the duration of the operational deployments. This results in greater stability and cohesion, and when coupled with increased environmental understanding and interaction with ROK forces, provides a more ready to fight tonight force. . If confirmed, I would ask from the services and from the Committee, the support required to maintain a balance of permanent and rotational forces on the peninsula as a sustainable model that is appropriate to the current alliance. Two examples of a balanced approach are in combat aviation and in long range rocket forces.

The Combat Aviation Brigade trains and operates in a unique, congested, and very restrictive environment while preparing for complex mission sets in support of armistice and crisis scenarios. Often, the pilots are required to fly overwater and conduct Deck Landings on Ships in support of Counter SOF missions. Due to serious concerns regarding risk mitigation, safety, and unpredictability in a complex environment, I endorse the Department of Army proposal contained in the Total Army Analysis fiscal year 2019–2023, and the findings of the National Commission on the Future of the Army, to retain the CAB in Korea as a permanently stationed unit.

In long range rocket forces, the 210th Field Artillery Brigade (210 FAB), as part of the Conditions-based Operational Control Transition Plan (COTP), will remain north of Seoul to provide a counter fire capability against North Korean long range artillery. The 210 FAB provides fire support for 2nd Infantry Division (2ID) and is an important part of the United States ability to deter aggression and maintain peace on the Korean Peninsula—and if deterrence fails—“fight tonight” in support of the United States-ROK Alliance. Recently, 210 FAB reorganized and incorporates a rotational multiple launch rocket system (MLRS) battalion among two other per-

manently stationed MLRS battalions. The rotational MLRS battalion provides additive counter fire capability and capacity, at the same time exposing more United States soldiers to the unique mission in the ROK, further enhancing the partnership between the ROK-United States Armies.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

OPERATIONALIZING AEGIS ASHORE

17. Senator HIRONO. General Brooks, you mentioned the North Korean missile threat in both your written and oral testimonies. One issue that has been discussed is the possible operationalization of the Aegis Ashore test facility at the Pacific Missile Range Facility (PMRF) on the island of Kauai. Given the current capabilities of North Korea as well as the missile defense systems which we field today what are your thoughts on operationalizing the facility?

General BROOKS. While I would defer to the testimony of Admirals Gortney and Syring, and Lieutenant General Mann as a more definitive expertise for the value of operationalizing PMRF, in my judgment this would be a useful capability to add to the layers of defense of the Homeland. In my present role as Commanding General, U.S. Army, Pacific I evaluate our ability to defend our Pacific territories and states, especially Hawaii. I believe there is a need for ballistic missile defense protection that Aegis Ashore at PMRF could enable.

18. Senator HIRONO. General Brooks, do you think there could be a hybrid solution where the system could be "operationalized" as needed when the threat level is deemed to be high but when it is low or normal that the balance of the PMRF facilities including Aegis Ashore be available for normal test operations?

General BROOKS. I do, and would defer to the Missile Defense Agency, Army Space and Missile Defense Command as the joint functional component for ground-based missile defense and to U.S. Northern Command as the integrating command on the right statutory approach to making operational use of test capability for actual defense in a time of pending attack.

[The nomination reference of General Vincent K. Brooks, USA follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 4, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

General Vincent K. Brooks, 9015.

[The biographical sketch of General Vincent K. Brooks, USA, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL VINCENT K. BROOKS

Source of Commissioned Service

USMA.

Educational degrees:

United States Military Academy—BS—No Major

United States Army Command and General Staff College—MMAS—Military Arts and Science

Military schools attended:

Infantry Officer Basic and Advanced Courses

United States Army Command and General Staff College
 School of Advanced Military Studies
 Senior Service College Fellowship—Harvard University

Foreign Language(s):

German.

Promotions:

Promotions	Dates of appointment
2LT	28 May 80
1LT	28 Nov 81
CPT	1 Feb 84
MAJ	1 Sep 91
LTC	1 May 95
COL	1 Jun 99
BG	1 May 04
MG	15 Aug 07
LTG	3 Jun 11
GEN	2 Jul 13

Major duty assignments:

From	To	Assignment
Jul 13	Present	Commanding General, United States Army Pacific, Fort Shafter, Hawaii
Jun 11	Jun 13	Commanding General, United States Army Central/Third United States Army, Shaw Air Force Base, South Carolina, Operation Enduring Freedom and Operation New Dawn
Apr 09	May 11	Commanding General, 1st Infantry Division, Fort Riley, Kansas and Operation Iraqi Freedom/New Dawn, Iraq
Oct 08	Apr 09	Deputy Commanding General, III Corps, Fort Hood, Texas
Apr 08	Oct 08	Special Assistant to the Commanding General, III Corps and Fort Hood, Fort Hood, Texas
Feb 08	Apr 08	Acting Commanding General, 1st Cavalry Division, Fort Hood, Texas
May 06	Feb 08	Deputy Commanding General (Support), 1st Cavalry Division, Fort Hood, Texas and Deputy Commanding General (Support), Multi-National Division Baghdad, Operation Iraqi Freedom, Iraq
Dec 04	May 06	Chief, Public Affairs, Office of the Secretary of the Army, Washington, DC
Jul 04	Dec 04	Deputy Chief, Public Affairs, Office of the Secretary of the Army, Washington, DC
Jan 03	Jul 04	Deputy Director for War on Terrorism, J-5, The Joint Staff, Washington, DC, and Deputy J-3, Chief Operations Spokesman-Western Hemisphere, United States Central Command, Operation Iraqi Freedom, Qatar
Jun 02	Jan 03	Deputy Director for Political Military Affairs-Western Hemisphere, J-5, Joint Staff, Washington, DC
Jul 00	Jun 02	Commander, 1st Brigade, 3d Infantry Division (Mechanized), Fort Stewart, Georgia and Operation Joint Guardian, Kosovo
Jun 99	Jun 00	Chief, Plans and Programs Division, G-3, Third United States Army/Amy Forces Central Command, Fort McPherson, Georgia and C-5/J-5 (Plans and Policy), Coalition/Joint Task Force, Kuwait
Jul 98	Jun 99	Senior Service College Fellow, John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts
Apr 96	May 98	Commander, 2d Battalion, 9th Infantry Regiment, 2d Infantry Division, Eighth United States Army, Korea
Jun 95	Apr 96	Aide-de-Camp to the Vice Chief of Staff, Army, Washington, DC
Jan 95	Jun 95	Infantry Systems Integrator, Combat Maneuver Division, Force Development Directorate, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC
May 94	Jan 95	Operations Officer, 1st Brigade, 1st Cavalry Division, Fort Hood, Texas
May 93	May 94	Operations Officer, 2d Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, Texas
May 92	May 93	Plans and Exercises Officer, G-3, 1st Cavalry Division, Fort Hood, Texas
Aug 90	May 92	Student, Command and General Staff Officer Course, United States Army Command and General Staff College, Fort Leavenworth, Kansas
Nov 87	Jun 90	Personnel Assignment Officer, Infantry Branch, later Professional Development Officer, Combined Arms Division, Officer Personnel Management Directorate, United States Total Army Personnel Command, Alexandria, Virginia
Jul 84	Nov 87	Adjutant, later Commander, B Company, later Commander, Headquarters and Headquarters Company, 4th Battalion (Mechanized), 16th Infantry Regiment, 1st Infantry Division (Forward), United States Army Europe and Seventh Army, Germany
Jan 84	Jul 84	Student, Infantry Officer Advanced Course, United States Army Infantry School, Fort Benning, Georgia

From	To	Assignment
Oct 80	Dec 83	Weapons Platoon Leader, B Company, later Heavy Mortar Platoon Leader/Executive Officer, later Scout Platoon Leader/Executive Officer, Combat Support Company, later Support Platoon Leader, 1st Battalion (Airborne), 504th Infantry Regiment, 82d Airborne Division, Fort Bragg, North Carolina

Summary of joint assignments:

	Date	Grade
Commanding General, 1st Infantry Division, Operation Iraqi Freedom/New Dawn, Iraq.	Feb 10–Jan 11	Major General
Deputy Director for War on Terrorism, J–5, The Joint Staff, Washington, DC	Apr 03–Jul 04	Colonel/Brigadier General
Deputy J–3, Chief Operations Spokesman-Western Hemisphere, United States Central Command, Operation Iraqi Freedom, Qatar.	Feb 03–Apr 03	Colonel
Deputy Director for War on Terrorism, J–5, The Joint Staff, Washington, DC	Jan 03–Feb 03	Colonel
Deputy Director for Political Military Affairs-Western Hemisphere, J–5, Joint Staff, Washington, DC.	Jun 02–Jan 03	Colonel

Summary of operational assignments:

	Date	Grade
Commanding General, United States Army Commanding General, United States Army Central/Third United States Army, Operation Enduring Freedom and Operation New Dawn, Kuwait.	Nov 11–May 12	Lieutenant General
Commanding General, 1st Infantry Division, Operation Iraqi Freedom/New Dawn, Iraq.	Feb 10–Jan 11	Major General
Deputy Commanding General (Support), Multi-National Division Baghdad, Operation Iraqi Freedom, Iraq.	Oct 06–Dec 07	Brigadier General/Major General
Deputy J–3, Chief Operations Spokesman-Western Hemisphere, United States Central Command, Operation Iraqi Freedom, Qatar.	Feb 03–Apr 03	Colonel
Commander, 1st Brigade, 3d Infantry Division (Mechanized), Operation Joint Guardian, Kosovo.	May 01–Nov 01	Colonel

United States decorations and badges:

Distinguished Service Medal (with 2 Oak Leaf Clusters)
 Defense Superior Service Medal
 Legion of Merit (with 3 Oak Leaf Clusters)
 Bronze Star Medal (with Oak Leaf Cluster)
 Defense Meritorious Service Medal
 Meritorious Service Medal (with 7 Oak Leaf Clusters)
 Air Medal
 Joint Service Commendation Medal
 Army Commendation Medal (with Oak Leaf Cluster)
 Army Achievement Medal (with 2 Oak Leaf Clusters)
 Combat Action Badge
 Expert Infantryman Badge
 Senior Parachutist Badge
 Ranger Tab
 Joint Chiefs of Staff Identification Badge
 Army Staff Identification Badge

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by General Vincent K. Brooks, USA in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Vincent K. Brooks.

2. **Position to which nominated:**

Commander, United Nations Command/Combined Forces Command/United States Forces Korea, Republic of Korea.

3. **Date of nomination:**

April 4, 2016.

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

[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**

October 24, 1958; Anchorage, Alaska.

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married to Carol P. (Perry) Brooks.

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Member, Rotary Club, Junction City, KS

Honorary Member, Rotary Club, Sumter, SC

Member, Masonic Lodge, Free and Accepted Masons, Virginia, Inc.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

Honorary Doctor of Laws, New England School of Law, Boston, MA

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes, I agree.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?
Yes, I agree.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

VINCENT K. BROOKS

This 23rd day of January, 2016

[The nomination of General Vincent K. Brooks, USA was reported to the Senate by Chairman McCain on April 26, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 28, 2016.]

NOMINATIONS OF GENERAL CURTIS M. SCAPARROTTI, USA FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE; AND GENERAL LORI J. ROBINSON, USAF FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND

THURSDAY, APRIL 21, 2016

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

The Committee met, pursuant to notice, at 9:32 a.m. in Room SH-216, Hart Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Wicker, Ayotte, Fischer, Cotton, Ernst, Tillis, Sullivan, Graham, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning.

The Senate Armed Services Committee meets this morning to consider the nominations of General Curtis Scaparrotti to be Commander of United States European Command (EUCOM) and Supreme Allied Commander, Europe (SACER); and General Lori Robinson to be Commander of United States Northern Command (NORTHCOM) and Commander of North American Aerospace Defense Command (NORAD).

We congratulate both of you on your nominations. We thank you for your decades of distinguished service to our Nation and for your willingness to serve once again. Of course, we know today would not be possible without the support and sacrifice of your family and friends, some of whom are with us this morning. As is our tradition, we hope you will take the opportunity to introduce your family joining you today.

General Scaparrotti, you seek to lead a command very different from the one your predecessor, General Philip Breedlove, USAF, inherited just 3 years ago. When Vladimir Putin invaded Ukraine and annexed Crimea, dismembering a sovereign nation in the heart of Europe for the first time in 7 decades, General Breedlove led with clarity and purpose. He pushed EUCOM and NATO [North Atlantic Treaty Organization] to adjust the scope, scale, and seriousness of the new strategic reality we face in Europe. That will be the urgent and unfinished task left to you, General Scaparrotti, if confirmed.

Over the past 2 years, Vladimir Putin has been learning from bloody experience in Ukraine and Syria that military adventurism pays, that diplomacy can be manipulated to serve his strategic ambitions, and that the worst refugee crisis since World War II can be weaponized to divide the West and weaken its resolve.

The only deterrence that we seem to be establishing is over ourselves. Indeed, 2 years after Russia invaded Ukraine and annexed Crimea, the administration has still not provided Ukrainian forces with the lethal assistance they need to defend themselves and which Congress has authorized for fear of provoking Russia.

This fear of escalation only encourages the kind of aggressive and dangerous behavior we saw last week when Russian fighter jets conducted simulated attacks within 30 feet of a United States Navy destroyer in international waters and performed dangerous maneuvers within 50 feet of a U.S. surveillance aircraft in international airspace.

The European Reassurance Initiative is a positive first step to re-establishing deterrence in Europe. But it is just that, a first step. Russia is building an advanced anti-access, area denial network from Kaliningrad to Crimea to the Eastern Mediterranean. Russian submarine activity in the North Atlantic and the Mediterranean is at the highest level since the Cold War. Russia's military modernization and expanding operations demand a comprehensive review of United States force posture in Europe and the resources necessary to support it.

But a strong response to Vladimir Putin's aggression cannot come from America alone. With a revanchist Russia on its doorstep and a flood of refugees pouring across its borders, NATO has to step up. Our NATO allies not only need to reverse declining defense budgets and honor their pledge to reach the 2 percent target within a decade, they must also invest in critical military capabilities that further alliance interoperability.

A strong NATO is in America's national security interests. Nowhere has that been clearer than in Afghanistan. Our allies have sacrificed blood and treasure fighting alongside us for 15 years. Now the balance of our shared mission and, indeed, the fate of Afghanistan hangs in the balance.

The President has announced he intends to reduce United States forces in Afghanistan from the current level of 9,800 to 5,500 by the end of the year. Such a reduction will have profound consequences, especially the end of the United States train, advise, and assist mission at all but the highest levels of the Afghan military. This at the same time ISIL [the Islamic State of Iraq and the Levant] is now on the battlefield, al Qaeda is resurgent, and the

Taliban is on the offensive. Just this week, the Taliban conducted a suicide bombing in Kabul that killed over 60 people and wounded more than 300, most of whom were civilians, including women and children.

The President has a decision to make: maintain or increase the current level of U.S. troops given conditions on the ground, or continue with a calendar-based withdrawal. The right answer is clear. But whatever his decision, the President needs to make it as soon as possible. The uncertainty surrounding America's commitment to Afghanistan discourages our allies and encourages our enemies.

NATO's force generation conference is in June and the NATO summit in Warsaw is in July. At stake is whether NATO forces will remain in western and northern Afghanistan or whether those areas will be ceded to the influence of Iran or criminal drug rings. Have no doubt: NATO will follow America's lead on troops in Afghanistan. It is up to the President of the United States to show that leadership.

General Robinson, the Committee looks forward to hearing your assessment of the threats to the U.S. Homeland that NORTHCOM is tasked to defend, especially the development of advanced missiles capable of carrying nuclear payloads by Russia, Iran, and North Korea.

We will be interested to hear your views on the importance of the United States-Mexico security relationship. Heroin, largely produced in Mexico, continues to ravage communities across our Nation and demands a renewed effort to combat this scourge both in our streets and at its source. We must reckon with the fundamental truth that the real driver of drug trafficking is demand for drugs here at home. While it is clear the Mexican Government must do more within its borders, our Government needs to finally get serious about border security. As former SOUTHCOM [U.S. Southern Command] Commander General John Kelly, USMC, recently testified about our southern border—and I quote—"The border is, if not wide open, then certainly open enough to get what the demand requires inside of the country."

While border security is ultimately the responsibility of the Department of Homeland Security (DHS), I am deeply concerned about the lack of coordination between DOD [Department of Defense] and DHS along the border. During a recent visit that I made to Fort Huachuca Army Base in Sierra Vista, Arizona, I observed the Army conducting training missions with its UAV [unmanned aerial vehicle] fleet. Despite these aircrews flying along the United States-Mexico border, the training missions were not being coordinated with the Department of Homeland Security to surveil the border for drug trafficking activities. This is unacceptable.

Not only does military training in areas along the border benefit military readiness by providing realistic training in a real world, operationally relevant environment, it can also provide a vital secondary benefit to DHS counterdrug and border security operations by increasing situational awareness. DOD and DHS should be working to ensure training missions for UAV squadrons, ground sensor platoons, and other units are fully integrated. General Robinson, I look forward to hearing your views on how NORTHCOM

can contribute to enhancing interagency cooperation along our borders.

Senator Reed?

STATEMENT OF SENATOR JACK REED

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

I want to welcome the nominees and thank both of them for their extraordinary service to the Nation and recognize your families that serve along with you. I have had the privilege of knowing Cindy Scaparrotti for many years. Thank you, Cindy. General Robinson, your father George was a career Air Force pilot. Thank you, sir. Your husband was born in Woonsocket, Rhode Island. So you have already got some momentum behind your nomination. Thank you.

[Laughter.]

Senator REED. The nominees before us today, as I have indicated, have impressive records of service. General Scaparrotti is currently Commander of the United Nations Command, the Combined Forces Command, United States Forces, Korea, previously served as Director of the Joint Staff, Commander International Security Assistance Force, on and on, including Commander of the 82nd Airborne Division. Thank you, sir, for your distinguished service.

General Robinson has been Commander now of the Air Component for the United States Pacific Command. She has been Vice Commander of Air Combat Command and a list of other important assignments, so thank you.

General Scaparrotti, if confirmed, you will be dual-hatted as the Commander of United States European Command and NATO Supreme Allied Commander. You will be asked to consider a diverse array of challenges in the European security environment, including foreign fighter flows emanating from the conflicts in the Middle East and North Africa, the ongoing refugee crisis and its potential destabilizing effects, and the specter of continued aggressive behavior from Russia, which the chairman has very accurately and thoughtfully pointed out. You will oversee a shift in United States efforts in Europe. In addition to the ongoing assurance efforts of our NATO allies and partners, we will be adding strategic investments to deter further Russian activities. The Committee looks forward to hearing your views on these and other complex issues.

You will also continue the important work EUCOM is doing with the Ukrainian Government to identify military and security shortfalls and strengthen Ukraine's capacity to defend itself. The Committee would benefit again from your views in this regard.

General Robinson, if confirmed, your responsibility as NORTHCOM Commander will comprise defending the Homeland, which ultimately is the most important mission we have, including against such threats as cruise and ballistic missiles. You will have to support civilian authorities in this mission not only in terms of potential conflict, but also natural disasters which affect the country. You will also have to maintain very close security cooperation ties with our neighbors, again as the chairman pointed out, Mexico in particular. You will also be dual-hatted as Commander of NORAD, our bi-national command with Canada which is the mission to provide aerospace warning, aerospace control, and maritime

warning at a time when the Arctic is becoming rapidly another area of operational activities for the Russians and for ourselves and for many others. We look forward to hearing your views on all these issues.

Thank you very much, Mr. Chairman.

Chairman MCCAIN. As is the custom of this Committee, we need to ask some formal questions for the witnesses, and just respond by yes or no, if you choose to.

In order to exercise its legislative and oversight responsibilities important to this Committee and other appropriate committees of Congress, we are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

General ROBINSON. Yes.

General SCAPARROTTI. I have.

Chairman MCCAIN. Do you agree, when asked, to give your personal views even if these views differ from the administration in power?

General ROBINSON. Yes.

General SCAPARROTTI. Yes.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General ROBINSON. No.

General SCAPARROTTI. No.

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

General ROBINSON. Yes.

General SCAPARROTTI. Yes, sir.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General ROBINSON. Yes.

General SCAPARROTTI. Yes.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

General ROBINSON. Yes.

General SCAPARROTTI. Yes.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify upon request before this Committee?

General ROBINSON. Yes.

General SCAPARROTTI. Yes, I do.

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communications, in a timely manner when requested by a duly constituted committee or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

General ROBINSON. Yes.

General SCAPARROTTI. Yes.

Chairman MCCAIN. General Robinson, we will begin with you. Welcome.

STATEMENT OF GENERAL LORI J. ROBINSON, USAF, FOR RE-APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES NORTHERN COMMAND/COMMANDER, NORTH AMERICAN AEROSPACE DEFENSE COMMAND

General ROBINSON. Thank you, sir. Good morning, Chairman McCain, Ranking Member Reed, and distinguished Members of the Committee. I am honored to meet with you today as the President's nominee to be Commander of United States Northern Command and North American Aerospace Defense Command. I would like to thank President Obama for nominating me, as well as Secretary Carter and Chairman Dunford, for the trust they have placed in me.

It is my privilege to be sitting next to my dear friend and colleague, Curt Scaparrotti, an incredible leader. It has been an honor to work with him in the Pacific these last 18 months.

I also wish to thank my good friend, Admiral Bill Gortney, USN, for his outstanding leadership and 39 years of dedicated service to our Nation. If confirmed, it would be a tremendous honor to build on his efforts in this extremely important position.

I would like to introduce my father, George Howard, from Jackson, New Hampshire, a 30-year Air Force veteran and R-4 pilot. He also flew RF-101s in Vietnam. I have looked up to my father my entire life.

Chairman MCCAIN. I take it that his landings match the number of takeoffs.

General ROBINSON. Sir, he is here.

[Laughter.]

General ROBINSON. Also my amazing sister Carol, an incredible nurse, mother, and wife; my full-of-energy niece Megan and her husband Brian is here. Megan works here on the Hill. Finally, the love of my life, my husband David, a retired two-star reservist, fighter pilot, Thunderbird pilot, and a retired airline pilot. I can tell this Committee without hesitation that without his constant love and support, I would not be sitting here before you today.

Today we face a rapidly evolving and growing threat environment, both in the number of those who wish to do us harm and the complexity of tools at their disposal. Our country faces many challenging threats from within and abroad, ranging from threats such as homegrown violent extremists, cyber attack, trafficking of drugs and other illicit products by transnational criminal organizations, to threats posed by nation states such as Russia, North Korea, and Iran.

In my experience as the Pacific Air Force's Commander and the Air Component for Admiral Harry Harris, USN, I am intimately aware of the tenuous situation on the peninsula and throughout the region and understand the potential threats posed to the security of our Homeland. Defense of the Homeland is a sacred responsibility, and the number one mission of the Department of Defense. If confirmed, I will work passionately to uphold the faith the American people have placed in these commands and ensure that we remain vigilant and postured to outpace any potential threat.

If confirmed, I will also continue to develop strong relationships with our Homeland partners so that we are prepared to provide de-

fense support to Federal, State, and local authorities, as requested, when the American people need it the most.

If confirmed, I will further strengthen our outstanding friendship with Canada, as well as growing our partnerships with Mexico and the Bahamas. I am deeply honored and humbled to have been nominated for this position.

If confirmed, I look forward to working with this Committee to address the many challenges we face to defend our Homeland and to provide defense support to civil authorities. I look forward to providing the Committee with my candid views on issues and challenges and pledge to provide you my best military advice. I seek to establish a trusted relationship with each member of this Committee.

In closing, I would like to thank the Members of this Committee and your staff for the unyielding support you provide the men and women in uniform and civilian service who protect our Nation. These patriots are motivated by duty, honor, and call to service and deserve the very best our Nation has to offer. Thank you for supporting them and recognizing the invaluable role they play in safeguarding our Nation and our way of life.

Mr. Chairman, thank you again for the opportunity to be here and for the Committee's consideration. I look forward to your questions.

Chairman MCCAIN. Thank you. Welcome to your family. General?

STATEMENT OF GENERAL CURTIS M. SCAPARROTTI, USA, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES EUROPEAN COMMAND AND SUPREME ALLIED COMMANDER, EUROPE

General SCAPARROTTI. Chairman McCain, Senator Reed, and other distinguished Members of the Senate Armed Services Committee, I thank you for the opportunity to appear here today, and I also want to thank you for the support that you have provided to our servicemembers, our Department of Defense civilians, and their families who selflessly serve in the defense of our great Nation and in the defense of our way of life.

I would also like to thank the Secretary of Defense and the President for their trust and confidence and for nominating me to be the next Commander of United States European Command and Supreme Allied Commander of Europe.

In particular, I would like to introduce and thank my wife Cindy who is here with me today. She has been by my side for 37 years and has been an essential part of my service. Cindy has supported me during multiple deployments, cared actively for our servicemembers and their families, and raised our children, Mike and Stephanie. Like so many other military families, they have given much so that we can serve.

I would also like to extend my sincere thanks to the Republic of Korea and the United Nations Command contributing states for their steadfast cooperation and support in confronting a serious global threat in North Korea. Without doubt, my experiences leading and working within this great alliance in the midst of the crit-

ical security concerns have prepared me for this next command, if confirmed.

Finally, I would be remiss not to acknowledge General Phil Breedlove's leadership as the present EUCOM Commander and SACEUR. His excellent leadership has been critical in meeting the many challenges in NATO and Europe and posturing the force for the future.

America's closest allies reside in Europe and uphold our shared democratic values. Additionally, transatlantic trade with Europe constitutes over half of the world's GDP [gross domestic product]. If confirmed, I will work diligently to preserve the transatlantic alliance and these vital American and allied interests.

This is a pivotal moment within the European Command area of responsibility as it faces numerous threats and strategic challenges. First, the resurgent Russia is contesting for power with increasingly aggressive behavior that challenges the international norms, often in violation of international law. Furthermore, terrorism poses an immediate threat as the world witnessed with the recent tragedies in Brussels, Paris, and Ankara. Third, the significant influx of migrants and refugees has resulted in economic, demographic, and humanitarian crises that are testing the social fabric of Europe. And finally, Israel continues to confront threats from Iran and from extremists within and along its borders.

The common thread among these threats is the attempt to weaken our NATO alliance and our European partnerships. However, I am confident that our unity will prevail. If confirmed, I will do all that I can to leverage the full spectrum of military, political, and economic capabilities of our alliance to address these critical concerns.

If confirmed, I look forward to working closely with this Committee, with Congress, with our civilian military leadership, and with our European allies to advance our national interests, defend the United States, and ensure a free and prosperous Europe.

If confirmed, I commit to servicemembers and DOD personnel in EUCOM that I will do all that I can to ensure their readiness for the mission and to provide the support that they and their families deserve.

I look forward to working with this Committee and with Congress to realize this commitment.

I am honored to appear before this Committee with General Robinson. We have been serving together in the Pacific for some time, and she is a great senior leader and friend who has supported me and our forces to maintain the security in the Republic of Korea.

I thank the Committee again for the opportunity to appear today, and I look forward to your questions.

Chairman McCAIN. Thank you.

General Robinson, Senator Shaheen and Senator Ayotte, who are here today, will talk to you more at length about this issue of the epidemic of manufactured heroin that is an emergency in their State and in other States. The incidence of manufactured heroin, drug overdoses is, in the view of some, an epidemic. That means that, obviously, our border is the transit point for much of this manufactured heroin from Mexico.

I was stunned down at Fort Huachuca that we are flying UAVs, but we are not flying them along the border. We are not coordinating with the Border Patrol. It is insane. I hope that you will look at the whole challenge of this manufactured heroin that is coming across our border and killing Americans in larger numbers to the point where I believe the Governor of New Hampshire said it is an epidemic. Is that correct, Kelly?

Senator AYOTTE. Absolutely.

Chairman MCCAIN. We have to do a lot more on the border. We all understand posse comitatus, and we are not seeking military action on the part of our Armed Services, but there are so many ways that coordination can be implemented that is not being done today. I would like for you to send a written statement to the Committee on what actions you think need to be taken to try to stem this epidemic which is killing so many Americans.

General ROBINSON. Senator, yes, sir. I will commit to you that I will do that, and I will also commit to you very early, if confirmed, that I will go down and look at the border so I understand it and put my eyes on it, just as you have on several occasions. I will send you a written statement.

[The information referred to follows:]

Senator, I believe the increase in heroin use and other drug-related death is heart-breaking, not just the tragedy of addiction, but also the effect on families. I further believe addressing this epidemic requires a whole-of-government approach to affect both the supply and demand of these drugs. I understand NORTHCOM provides operational support to lead law enforcement agencies conducting counter-drug activities. If confirmed, I will work closely with the Department of Homeland Security and other law enforcement agencies to synchronize our efforts and ensure NORTHCOM's support is optimized for its requirements.

Chairman MCCAIN. I will be glad to escort you.

General ROBINSON. Sir, I would be honored.

Chairman MCCAIN. General Scaparrotti, thank you for your great work in Korea. We are proud of what you have done, and we have every confidence in you in your new assignment.

There is a NATO force generation conference in June, NATO summit in Warsaw in July. Should we not make a decision as to what our troop strength level should be before those two conferences?

General SCAPARROTTI. Sir, I believe we should come to terms with that before we enter those conferences, and if confirmed, I will do my best to do an immediate review and present my best military advice.

Chairman MCCAIN. In Afghanistan today—I referred in my opening statement about this latest attack in Kabul. In your assessment, is the security situation getting better or worse now that we have ISIL, we have al Qaeda, and a declaration by the Taliban that the fighting season has begun?

General SCAPARROTTI. Sir, from what I have seen from my vantage point, it appears to be getting worse. If confirmed, I look forward to the opportunity to go back to Afghanistan and talk to General Nicholson who is doing a review as well and provide my advice.

Chairman MCCAIN. I thank you for that.

If we go down to 5,500, as is the present plan, will there be no coalition presence in Herat and Mazar-al-Sharif?

General SCAPARROTTI. Chairman, I am not sure about that plan at this point, but I know that at some point in time that was a part of the plan, and I think that the lack of our presence in those critical areas in the north and the west that provide assistance and training to both the Army Corps headquarters and the Afghan National Police are very important.

Chairman MCCAIN. Four of the most senior officers in our military, Generals Robert Neller, USMC, Mark Milley, USA, Paul Selva, USAF, and Joseph Dunford, USMC, testified Russia is the greatest threat to America. Do you agree?

General SCAPARROTTI. Chairman, I do agree.

Chairman MCCAIN. A "New York Times" story this morning, Russian Submarine Threaten Mediterranean and North Atlantic. Are you concerned about sea lines of communications in the Atlantic and the Suez?

General SCAPARROTTI. Chairman, I am concerned.

Chairman MCCAIN. Russian fighters made passes inside of 50 feet. You heard my opening statement. What should be our response to this gross violation of international law?

General SCAPARROTTI. Chairman, I believe that from a military perspective, we should sail and fly wherever we are allowed to by international law, and we should be strong, clear, and consistent in our message in that regard.

Chairman MCCAIN. This may sound a little tough, but should we make an announcement to the Russians that if they place the lives of our men and women onboard Navy ships in danger, that we will take appropriate action?

General SCAPARROTTI. Sir, I believe that should be known. Yes.

Chairman MCCAIN. I thank you.

General Breedlove said in March that less than 10 percent of EUCOM's intelligence, surveillance, and reconnaissance, ISR, requirements are being met. If Russia is our greatest threat, does that make any sense?

General SCAPARROTTI. Sir, the actual allocation of intelligence, surveillance, and reconnaissance assets is a complex one looking at what is going on day to day. But I would say that given the threat in Russia, it is obviously a very high priority. If confirmed, I will review that and request the appropriate assets.

Chairman MCCAIN. I thank you, General. These are very interesting and challenging times. It is the view of this member that you are obviously very well qualified, but I hope that in your present position, you will demand that decisions be made that enable you to carry out your mission, which is not the case in my view today.

Senator REED?

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

Let me begin by seconding the point that the chairman made, that the decision with respect to the force structure in Afghanistan should be made soon, not later simply because there are operational considerations that will stretch over many months once that decision is made. Based on my visit in January, it seems that a stronger force rather than a smaller force would be more appropriate. But that is a view I think that you and General Nicholson will consider and make a recommendation to the President.

The issue of Russia is obviously central, General Scaparrotti. Ukraine is an area of proxy conflict between the two, and my position is that we have to succeed there because if we succeed there, it will be the most effective way to dissuade any further, we hope, aggression or designs on other free nations in the area.

Your assessment of Ukraine right now, what we can do, what we should do, what we are not doing?

General SCAPARROTTI. Senator, as you know, we have provided both training and assistance and the defensive means to Ukraine at this part. We have supported also our allies in doing the same. If confirmed, it will be my task to, one, review the situation there. But secondly, I believe that we should continue both assistance and aid in the kinds of assets that they need in order to defend their country, their sovereignty, and their territorial integrity, and that we ought to continue building partnership capacity to help them do that on their own.

Senator REED. I think one of the other aspects that you are going to confront—there are so many and the chairman touched on many of them—is this evolving hybrid warfare, which is a combination of initial cyber activities from undisclosed or at least difficult to determine sources, together with irregular forces, together with, obviously, conventional weaponry and over the horizon, certainly traditional military forces.

I presume that as you enter your responsibilities, you are going to be able to begin to retool, if you will, NATO to be not only capable but superior in this hybrid warfare.

General SCAPARROTTI. Yes, Senator, I will. I think it is an important area, one that we are obviously challenged in today not only in Ukraine but throughout three of the four flanks basically within Europe and also globally.

Senator REED. Thank you.

General Robinson, again you have many responsibilities. One is you are responsible for the operation on the ground-based mid-course defense, our national missile defense effort. Admiral James Syring, USN, was testifying recently before the Appropriations Committee very, very thoughtfully about the need to fly before you buy, to test these vehicles, not simply to just put them up and hope they work, also to invest in additional capabilities to discern targets and the concentration being, at least initially, on the west coast. Is that something that you would support?

General ROBINSON. Yes, Senator, I would support his priorities.

Senator REED. Thank you very much.

The other issue too—and it goes to so much of what you do—is the coordination with other Federal agencies, particularly the Department of Homeland Security. One of the issues we all face will be trying to unwind sequestration. But the effects, I would presume, on your mission would be very difficult, if not only DOD but DHS was not released from the bounds on sequestration. Is that correct?

General ROBINSON. Sir, obviously, I appreciate the Committee's Bipartisan Act and having us be able to have a consistent budget. The effects of sequestration, if it came back, especially on the Department, for readiness and across the board would be concerning.

Senator REED. One other of your responsibilities, since you are dual-hatted as the NORAD Commander, is the advanced warning and the readiness to protect ourselves from any type of missile, either a high altitude or increasingly low altitude. Can you give us any preliminary sort of notion of your sense of NORAD's activities and what you intend to do to ensure that they can protect us?

General ROBINSON. Sir, as we defend with our Canadian partners to the north, I would go and continue to understand, if confirmed, where they are and what technologies and things we are thinking to the future so that we can ensure both air and maritime warning to defend the Homeland.

Senator REED. Thank you.

Thank you very much, Mr. Chairman.

Chairman MCCAIN. Senator Ernst?

Senator ERNST. Thank you very much, Mr. Chair.

Thanks to both of you for being here today as well. I want to thank your families for joining you and being supportive, and we appreciate your achievements as well. Thank you for joining us today.

General Scaparrotti, I am glad to see an enhanced effort with ERI in the President's budget request, as I do believe Russia is one of the greatest existential threats to our Nation. But I am concerned that rotating an armored brigade combat team (BCT) through Europe instead of permanently stationing one there fails to show our optimum level of commitment to our allies and to Russia as well. Furthermore, as you know, the National Commission on the Future of the Army had suggested and made the recommendation that we include a forward armored BCT in Europe.

I would like to know from you if you believe that rotating an armored brigade combat team through Europe is the right level of commitment, or do you believe that we should have one permanently stationed there? What are your thoughts on that, sir?

General SCAPARROTTI. Senator, I understand the Service's challenges in light of today's resources to provide a permanently stationed brigade at this time, but I personally believe a permanently stationed armored brigade in Europe would be best.

Senator ERNST. We have heard some differing opinions on that, but I appreciate that.

Also, we did speak yesterday, and thank you for coming by the office. I do appreciate it.

In our meeting, I stated that I am concerned that Putin and the Assad regime has been weaponizing the migrants coming out of Syria. They are being used to destabilize the European Union, and we have heard those comments from General Breedlove as well. I admire him. I think he is on to something there.

I am concerned that Turkey could do more to help stop the flow of refugees to Europe. As you know, over the past couple of years, it has been pretty easy for terrorists to negotiate. They have lines of communication through Turkey, who is a NATO partner, and to plan and conduct attacks in Europe, as well as in Iraq and Syria.

I would like your take on if you think Turkey is doing enough to stem that flow and cut those lines of communication to refugees and terrorists into Europe? Can Turkey do more, and if so, what do you believe they should be doing?

General SCAPARROTTI. Senator, Turkey, as you stated, is an important ally, a NATO member that sits on the southeastern flank, really I think at the nexus of the challenges you talked about. You have an aggressive Russia. They have encountered the escalation personally. Counterterrorism, the ISIL threat, Syria, and the refugee challenge that you talked about. It is important that they work hard to secure their borders, that they take part in the security operations that are ongoing to reduce the refugee flow. If confirmed, I will obviously make it one of my priorities to understand their challenges and what we can do to better help them in that regard.

Senator ERNST. Thank you, General.

I have been told that if the Pentagon named Operation Atlantic Resolve as an actual named operation, it could potentially enhance and make more effective the support and capabilities provided to EUCOM. If you are confirmed, then can you commit to me that you will look into whether or not naming Operation Atlantic Resolve as an actual named operation through the Joint Staff would allow EUCOM to more effectively reassure our allies and deter Russian aggression in the near and long term?

General SCAPARROTTI. Yes, Senator, I can commit to that.

Senator ERNST. Can you also commit to me that, if confirmed, you will provide feedback to us whether or not the National Guard State Partnership Program, another one of my favorite programs, could be expanded to more nations in the EUCOM AOR to enhance our mil-to-mil cooperation and partnership between the United States and our European allies?

General SCAPARROTTI. Yes, Senator. I am a great supporter of the National Guard program, and I will report back to you on that.

Senator ERNST. Thank you very much.

Finally, General Scaparrotti, do you think Russia's use of hybrid tactics is making our life more challenging, especially through NATO? Just very briefly. I am running out of time.

General SCAPARROTTI. Yes, Senator, it is. They purposely keep it below the threshold that we would normally consider conflict.

Senator ERNST. Absolutely. Thank you, General. Thank you, General Robinson.

Chairman MCCAIN. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman.

Thank you to both of you for your service and congratulations on your nomination.

General Robinson, I want to congratulate you this morning too for being named to Time's "100 Most Influential People in the World" actually. We are very proud of you in New Hampshire for your nomination for being named to Time's list, but mostly because you are a graduate of the University of New Hampshire (UNH). So congratulations.

General Scaparrotti, having had a chance to meet you in Afghanistan, I am not at all surprised to see that you have achieved what you have and very much appreciate that you are taking over at EUCOM at a very challenging time for Europe.

General Robinson, I want to begin with you. What do you think are the greatest threats that are facing the Homeland right now?

General ROBINSON. Ma'am, as General Scaparrotti said, Russia is the greatest threat facing the Homeland. But if you look inside the United States, the concern becomes with homegrown violent extremists. Those would be the things that, if confirmed, I would continue to track closely.

Senator SHAHEEN. Thank you.

Senator McCain talked about the challenge from the heroin epidemic that we are facing in New Hampshire. I had a chance to visit the southern border last year, and talking to CBP [Customs and Border Protection] agents about drugs coming across the southern border, they said those drugs are going up Interstate 35 to the middle of the country and Interstate 95 to New England.

I very much appreciate your agreeing to look at that firsthand and to make a written report to us. But can you talk about some of the things that NORTHCOM can do to address that heroin epidemic?

General ROBINSON. Yes, ma'am. The epidemic is absolutely heart-wrenching. If confirmed, I know that NORTHCOM will support Federal agencies to provide military unique capabilities to support the drug problem. As the chairman mentioned, take a look what is with Fort Hauachuca and the UAVs and can we partner there and look at that. Those would be a couple of things that early on that I would be looking at if confirmed.

Senator SHAHEEN. Thank you.

General Scaparrotti, I just want to make sure I understood how you responded to Senator Ernst. You said that you do believe it would be preferable to permanently station troops in Eastern Europe. Did I understand that correctly?

General SCAPARROTTI. Senator, if confirmed, I have to look at the Service's situation. If confirmed, I would request a force like a brigade, and they determine how that is provided. But I think if I had the option of that or a rotational brigade, I would prefer a permanently stationed brigade.

Senator SHAHEEN. I have had a chance to visit with officials from the Baltics and from Eastern Europe a number of times over the last year. Clearly, they are very anxious to see a very strong United States and NATO presence on the eastern border. Can you talk a little bit about why you think a permanent brigade would be preferable to what we are currently considering with respect to rotating troops in and out?

General SCAPARROTTI. Yes, Senator. I think a permanent brigade—I am assuming in Europe that we have the facilities that we could readily station those, care for families, et cetera. But a permanent brigade gives you a brigade that establishes relationships with the supporting elements of all forces for the United States, as well as a more permanent relationship and lasting relationship with all of our allies that they work with day to day. That can be done over time better than a rotational force can potentially do it. It also develops relationships and operating procedures with all of those allies and with the forces that are in Europe. Primarily it is one that gives you a little more substance, a little more strength in relationship building and, obviously, a trained brigade with really less turbulence in terms of you can establish it there, assuming families are with them.

Senator SHAHEEN. Thanks. I appreciate that.

My time is almost over, but as both Senators McCain and Reed have pointed out and as you know very well and said in your testimony, this is a very challenging time in Europe. They have a number of threats from Russia to the migration crisis. Can you talk about what else EUCOM can do to help reassure the Europeans and help work with them to encourage stability there?

General SCAPARROTTI. Senator, I think that EUCOM is, under Phil Breedlove, on the right track. You know, he has emphasized very close relationships, collaboration, developing better information and intelligence sharing, a close partnership with our allies where we assist each other in building capacity, building interoperability, and the exercise of forces in training. Finally, he has begun the proper planning that will reflect the change in the environment there that has taken place in the last 2 years. I think, if confirmed, I will continue all of those things.

Senator SHAHEEN. Thank you. Thank you very much.

Chairman MCCAIN. Senator Wicker?

Senator WICKER. General Scaparrotti, in an interview this month, Secretary-General Stoltenberg, the NATO Secretary-General, said that NATO has to be ready to deploy forces and to intervene again if needed. Do you agree with that statement? How likely is it going to be necessary for NATO forces to intervene? What is your assessment of the capability of NATO forces to do so?

General SCAPARROTTI. I think, first of all, Senator, the purpose of the alliance is to provide a collective defense within Europe. To do that today, it has to be agile in its movement of forces. I agree that it has to be able to deploy forces throughout Europe both to what is commonly seen today as the threat on the eastern flank with Russia, but also, where necessary, to assist allies in threats in the southern border to include terrorist threats, et cetera.

I think NATO is in a position today where we have capability, but obviously since the Wales summit, the purpose has been to develop those capabilities because we realize that there has to be change in order to meet the new environment that we see in Europe today.

Senator WICKER. We are not completely ready to meet that new environment as a NATO alliance. Are we?

General SCAPARROTTI. No, sir, we are not.

Senator WICKER. Let me also ask you. Secretary-General Stoltenberg said this with regard to Afghanistan. He said, we have been able to prevent that Afghanistan becomes a safe haven for international terrorists. Do you agree with that?

General SCAPARROTTI. Senator, I believe that we have changed the conditions in Afghanistan, but I also believe we have much work to do to realize our objective of a stable, democratic Afghanistan that is no longer a safe haven.

Senator WICKER. He said we have been able to build a national unity government. Do you agree with that?

General SCAPARROTTI. Senator, there is a national unity government. I believe personally there is much work to do there as well.

Senator WICKER. He said we have been able to build an Afghan national army and security forces of 350,000 soldiers and personnel.

General SCAPARROTTI. Yes, Senator, 350,000 taking part in the establishment of that army. I am proud of the services and the service that I have had in Afghanistan with the Afghan security forces.

Senator WICKER. He said we have enabled them to take over the security in Afghanistan themselves. To what extent do you agree with that statement? Is that another area where there is work to be done?

General SCAPARROTTI. Senator, they are responsible for the security of their nation now. There is much work to do, particularly when it comes to enablers, C2 [command and control], and logistics, and it is important that we continue that assistance to develop that capability.

Senator WICKER. Your testimony is that these accomplishments have, in fact, taken place, but there are still concerns and still real work to be done to solidify them. Is that correct?

General SCAPARROTTI. That is correct, sir.

Senator WICKER. Chairman McCain and Senator Reed have touched on this in their statements and questions. But do we risk losing these accomplishments by a further drawdown in American troops in Afghanistan?

General SCAPARROTTI. Sir, I believe strongly in the conditions that have to be met in order to meet a drawdown. I believe in conditions being the driver not time.

Senator WICKER. Are you prepared to say whether those conditions have been met? In other words, I am echoing I think what our chairman and ranking member have said. Does it make any sense with so much invested and so many accomplishments—does it make any sense for us to risk that by drawing down troops?

General SCAPARROTTI. Senator, given my experience there, all of the sacrifices that we have made to realize our objectives, I think that we need to keep those objectives in mind and work hard to achieve them. Any drawdown should be set on conditions to achieve our end states.

Senator WICKER. We want to work with you on that. It just seems to me that we risk tossing away hard-fought and hard-won gains.

Thank you very much. I look forward to your service.

Chairman MCCAIN. Senator Donnelly?

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank both of the witnesses and your families for all your sacrifice.

General Robinson, I want to recommend to you a book to read in your new job, and it is called "Dreamland". It is about the heroin epidemic that is not only sweeping our country but in particular this focuses a lot on Ohio. My home State of Indiana is right next door.

I just want to tell you a little story. We have a small county in southern Indiana, Scott County, and a small town there, Austin, 4,200 people. In a town of 4,200 people, we had 190 HIV [human immunodeficiency virus] cases that came from dirty needles that were passed around while using prescription drugs. This epidemic has basically hollowed out and destroyed all of these families. It starts with the prescription drugs, and then it goes to the heroin,

the black tar heroin that comes across from Mexico. This book, "Dreamland," helps to describe how destructive it is of these towns and of these families.

In my hometown, we lost a 20-year-old and a 19-year-old young man just from one of these parties that they were at. Going to be a sophomore at IU [Indiana University], going to be a freshman at Ball State. It happens in town after town all across New Hampshire, all across Cape Cod. People think of it as a vacation place. Cape Cod has a heroin epidemic, and it is coming up from Mexico. We desperately need you to be the point person in stopping this effort.

General ROBINSON. Senator, thank you for that advice, and I commit to you that I will read "Dreamland" independent of being confirmed.

Senator DONNELLY. It is heartbreaking.

General ROBINSON. Yes, sir. It is heart-wrenching. As Senator Shaheen mentioned, you know, the epidemic that is happening in New Hampshire, in my State of residence, I commit to you that I will do everything to understand it and to work with DHS to do just what you have asked.

Senator DONNELLY. We see more than auto crashes now, more than car crashes, automobile-related deaths, heroin and prescription drug-related deaths have rocketed past that. We lose young person after young person. When I go to high school graduations and speak to them, I basically spend half my time begging them to keep an eye out for one another because there is so much black tar heroin coming across from Mexico.

General ROBINSON. Senator, I agree with you too, not only the heart-wrenching deaths, but as you mentioned, what it does to families. Yes, sir.

Senator DONNELLY. Thank you.

General Scaparrotti, it was a privilege to be with you in Korea, and you did such an extraordinary job there. You talked about Afghanistan, and the number 5,500 has been mentioned by the chairman. The last thing I would like to see—and I know you would too—is all the efforts for so many years just kind of be thrown away because of a number as opposed to what conditions require. I know you have said it will be conditions-based. We want to make sure you give us your absolutely 100 percent unvarnished opinion of what actually needs to be done there as you take a look at it.

General SCAPARROTTI. Senator, I absolutely commit to you that, if confirmed, I will do just that.

Senator DONNELLY. Thank you very much.

As we look to what just happened with the Russians recently, you know, doing a barrel roll over one of our ships there or over one of our planes there, is there a point where this has happened time after time after time where we tell them in advance enough? The next time it does not end well for you.

General SCAPARROTTI. Senator, I think it is important that we are, as I said, strong, clear, and consistent with them. We should engage them to make clear what is acceptable operations of both of our forces in close proximity. I think once we make that known, then we have to enforce it.

Senator DONNELLY. General Robinson, what is your assessment, as you take a look, of the ballistic missile threat to our country posed by North Korea and Iran? Obviously, you are going to be significantly involved in providing answers for that and in making sure we are safe.

General ROBINSON. Yes, sir. The North Korean threat is real. Right now, it is a medium range, but they are trying very hard to be able to hit the Homeland. Iran continues to evolve its capability. If confirmed, that will be a threat that I will continue to monitor very, very closely.

Senator DONNELLY. Thank you both very, very much for your service.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ayotte?

Senator AYOTTE. Thank you, Mr. Chairman.

I want to thank both of you for your distinguished service to the country. I have to say, General Robinson, I echo Senator Shaheen's comments. We are so very proud of you in New Hampshire as a UNH grad and, obviously, as your stated residency of New Hampshire. I want to thank your family as well, and I want to thank certainly the Colonel, Colonel Howard, for his service as well as a great resident of the State of New Hampshire.

I wanted to ask you, in the meeting that we had in my office, one of the issues we talked about with your responsibility for the southern border as a Commander of NORTHCOM is this idea of the tunnels. In fact, this morning, as I am looking at the news, we discovered that there were reports that U.S. authorities discovered a half-mile tunnel under the border with Mexico into San Diego used to smuggle drugs. As we think about this heroin and also fentanyl issue, which is a very deadly synthetic drug that is really killing people in New Hampshire—I have an amendment in that focuses on cooperation with the Israelis because they have the tunnel issue with Hamas and Hezbollah. Admiral Gortney had said that was a very helpful, cooperative effort.

I would like to ask you, as you go to the southern border, will you look at this tunnel issue too and how we can develop better technologies to ensure that we are looking at not only how they are transporting the heroin and fentanyl over in traditional ways but also building these tunnels.

General ROBINSON. Yes, Senator, I will do that. I saw the article this morning, and it did remind me of our conversation and the conversation that we had about Israel and the technologies that they had. As we discussed yesterday, when I understood that, it piqued my interest. Two things. I will go down and look, understand the tunnels, see what they look like, understand the technologies that we have, and then understand the things that Israel is also teaching us what they have learned.

Senator AYOTTE. Terrific.

In terms of this fentanyl issue, this is the synthetic basically analgesic that is almost 50 times more powerful than heroin, and it is also being manufactured in Mexico. New Hampshire had last year 430 drug deaths. Actually 160 of them are attributed to fentanyl. In your role in addressing not only the border, but in dealing with Mexico, what I would like to also have you focus on

is talking to the Mexican Government, obviously, in these military-to-military relationships of how we can have them step up more on this interdiction issue.

General ROBINSON. Yes, ma'am. Early on, I do want to meet with my military counterpart, understand what they are, and also provide an assessment, as I mentioned to the chairman, back to the Committee and what we need to do together more to support them.

Senator AYOTTE. Terrific.

General ROBINSON. Yes, ma'am.

Senator AYOTTE. Thank you.

General Scaparrotti, I want to thank you for your distinguished service in Afghanistan. I would like to ask you, if confirmed for this important position, one of your roles not only serving as European Commander, you will also serve as the Supreme Allied Commander of Europe. Recently we met with the NATO Secretary-General, the Committee did. One of the issues he raised is that he believed that NATO countries and NATO as a whole should be more involved in the train, advise, and assist mission in Iraq to defeat ISIL. Do you agree with the Secretary-General that we should seek to get NATO more involved in the train, advise, and assist mission?

Obviously, we all have a part in defeating ISIL, given the threats that this group presents to not only the United States of America but also Europe with the recent attacks there.

General SCAPARROTTI. Senator, if confirmed, I will obviously discuss that with the Secretary-General. It is a matter of policy within NATO. But to give my personal opinion, I think we have very strong and capable allies, and the more allies that we have assisting us in Iraq and other places around the globe where we have the same challenges is important and we should pursue that.

Senator AYOTTE. Terrific. Thank you.

In terms of the Russian threat, one of the issues—there was a recent article I think yesterday that talked about Russian attack submarines that I believe the chairman briefly touched on that are prowling the coastline of Scandinavia and Scotland and the Mediterranean Sea and the North Atlantic. I wanted to ask you about the importance of our attack submarine fleet in terms of having the capacity with this Russian threat, but also, obviously, we know that the Chinese are another issue in the South Pacific. But yet, our requirements for attack submarines—we are not keeping up the pace of what we see the Russians doing. How important of an asset is this in terms of combating the Russians in what they are doing right now?

General SCAPARROTTI. Senator, I believe that it is critical. We presently have dominance undersea. I do not believe we should pace it. We should maintain that dominance, and it is critical to our security.

Senator AYOTTE. Great.

I want to thank you both for your leadership and distinguished service and especially your families as well. We appreciate it.

Senator COTTON [Presiding]. Senator Hirono?

Senator HIRONO. Thank you very much.

I echo the sentiments of the Members of this Committee in thanking you, General Scaparrotti and General Robinson, for your service to our country and, of course, that of your families.

Of course, General Robinson, it is good to see you. Thank you for your years of service in Hawaii and leading the Pacific air forces. Of course, we are very proud of you as being one of the "100 Most Influential People in the World".

General Robinson, in response to a question, you noted that one of the biggest concerns that you have is with homegrown violent extremists. If confirmed, what would be the steps that you would take to protect our country against homegrown violent extremists, which I share with you?

General ROBINSON. Yes, ma'am. One of the things that is incredibly important in that is sharing of intelligence across all the agencies. It would be important to understand that intelligence to share and support DHS and Federal law enforcement agencies as we watch that. It is a very difficult threat to find and pay attention to.

Senator HIRONO. Any other steps that you would take?

General ROBINSON. No, ma'am. If confirmed, that would be one of the things. It is one of my focus areas. As I look back into the southwest border and the defense of the Homeland, that is one of the things that I, if confirmed, will start looking, what are some other things that NORTHCOM, Northern Command, can do in support of all the interagency in the whole-of-government approach.

Senator HIRONO. I think that when you are dealing in this area, the State and local law enforcement communities, as well as the larger communities have to be brought in.

General ROBINSON. Yes, ma'am, and supporting them. Yes, ma'am.

Senator HIRONO. I would to continue to work with you on addressing those issues.

General ROBINSON. Yes, ma'am.

Senator HIRONO. General Scaparrotti, the capabilities of the European Phased Adaptive Approach, or EPAA, deepen our missile defense partnerships and assurances with NATO. What do you assess are the benefits of the EPAA, and how does it project strength to our allies and, of course, our strength to our adversaries?

General SCAPARROTTI. Senator, we have globally but particularly in Europe a serious threat from ballistic missiles. The phased adaptive approach is very supportive of the defense of not only our citizens and bases in Europe but also of our allies and partners in Europe. I think it is critical. I think it is an important contribution then to our allies' defense systems, and we should work for a layered interoperable defense of Europe. I believe it is the appropriate step to get that done.

Senator HIRONO. Thank you.

For General Robinson, Admiral Gortney mentioned in our last NORTHCOM hearing that China is in the process of operationalizing its first viable class of ballistic missile submarines. You were asked some questions relating to what Russia is doing, but China is moving in this direction. He testified that, if successful, they would be China's first sea-based strategic nuclear deterrent. In previous hearings, the submarine capabilities of our country have been highlighted as one of our country's most valuable assets.

What are the implications of a successful employment of this class of ballistic missile submarines by China, and for what you can talk about in this setting, how would this affect our capabilities especially in the Asia-Pacific region?

General ROBINSON. Yes, ma'am. China continues to evolve their capabilities, and they continue to be able to range further and further. The more that they can range, then the more that it becomes a threat to the Homeland, both Hawaii, Guam and then, if capable, further here to the mainland.

Senator HIRONO. Do we need more submarines?

General ROBINSON. Ma'am, they are our asymmetric advantage, and they are an asymmetric advantage in the Pacific as we speak.

Senator HIRONO. Thank you.

Thank you, Mr. Chairman.

Senator COTTON. Senator Graham?

Senator GRAHAM. Thank you.

I thank both of you.

General Scaparrotti, some are saying in America that we need to get out of NATO or limit our participation. What is your response?

Senator COTTON. Turn your mike on, Senator Graham.

Senator GRAHAM. It is on. We must not have paid the bill down here. [Laughter.]

General SCAPARROTTI. Senator, I think you asked that some have said that either we need more participation or payment into NATO.

Senator GRAHAM. That we need to get out of NATO, that it is obsolete.

General SCAPARROTTI. Senator, I personally believe that NATO is critical to our interest and our defense.

Senator GRAHAM. In 30 seconds, why?

General SCAPARROTTI. Because we have very close ties. They are our longest allies, and we have 50 percent of the GDP that goes through there, one of our most important markets.

Senator GRAHAM. You agree that other countries should contribute more to NATO's overall budget.

General SCAPARROTTI. Yes, I do. They should meet the commitments.

Senator GRAHAM. Do you believe that Russia is trying to basically fracture Europe?

General SCAPARROTTI. I do.

Senator GRAHAM. Do you believe that Putin would love nothing more than the United States to withdraw from NATO?

General SCAPARROTTI. Yes, sir.

Senator GRAHAM. Do you believe that everybody in the Baltics—that it would be a very dark day for them if America withdrew from NATO?

General SCAPARROTTI. Yes, sir.

Senator GRAHAM. Putin would be the biggest beneficiary of a breakup of NATO given the current construct?

General SCAPARROTTI. Yes, sir. I believe Putin is deliberately trying to split the alliance.

Senator GRAHAM. Do you think ISIL would benefit from the breakup of NATO?

General SCAPARROTTI. Yes, sir.

Senator GRAHAM. Do you think the Taliban would benefit from the breakup of NATO?

General SCAPARROTTI. Yes, sir.

Senator GRAHAM. All right.

If the President goes down to 5,500 United States forces in Afghanistan, do you believe NATO countries will respond in kind by reducing their commitment?

General SCAPARROTTI. Sir, I think given my experience there that they most likely follow our lead.

Senator GRAHAM. Have you known of one country to get to our right when it comes to Afghanistan?

General SCAPARROTTI. No, sir.

Senator GRAHAM. Do you agree with me that any withdrawal in Afghanistan should be conditions-based?

General SCAPARROTTI. I do, sir.

Senator GRAHAM. I just want to say for the record to the President, you ignored sound military advice when it came to Iraq to keep a residual force. The rest is history. You turned down the advice of your entire national security team to help the Free Syrian Army when it would have mattered in Syria. You drew a red line against Assad. You did not follow up when Qaddafi was taken down by his people, along with NATO's help. Please do not repeat these mistakes by reducing our forces in Afghanistan because you will get the same result, probably worse. That is just my editorial comment.

In terms of budgets, if we go back into sequestration mode, General, what would it mean to our presence in Europe?

General SCAPARROTTI. Sir, it would have an immediate impact on the forces that we have there today, and I believe it would potentially put at risk the forces that we plan to rotate today to reinforce our posture. Certainly it would impact the readiness of our remaining forces to come to Europe if deterrence should fail.

Senator GRAHAM. Would it be an encouraging sign to Russia that we are less committed to Europe?

General SCAPARROTTI. It would, sir.

Senator GRAHAM. General Robinson, what would sequestration do to your ability to defend the Nation's Homeland?

General ROBINSON. Sir, it would definitely affect the readiness of the force and our ability to invest in capabilities to defend the Homeland.

Senator GRAHAM. Can you give me some examples of what we would lose in terms of capabilities?

General ROBINSON. Depending upon where we are with sensor development or hit-to-kill development, those would be two capabilities.

Senator GRAHAM. Is the threat to the Homeland declining or increasing?

General ROBINSON. Sir, the threat to the Homeland is increasing.

Senator GRAHAM. Is the threat to our partners in Europe and to our interests in Europe declining or increasing, General Scaparrotti?

General SCAPARROTTI. It is increasing, sir.

Senator GRAHAM. Can you think of a worse time for the American Congress to cut the military's budget to historic lows, given your time in service?

General SCAPARROTTI. No, sir. This is the most challenging time I have seen, and we need to reinforce our capabilities.

Senator GRAHAM. Do you agree with that, General Robinson?

General ROBINSON. I do, sir.

Senator GRAHAM. Thank you. Thank you both for your service.

Senator COTTON. Senator King?

Senator KING. Thank you, Mr. Chairman. A meteoric rise.

[Laughter.]

Senator KING. I just want to associate myself with the comments of Senator Graham and the chairman and several others. Particularly as you go to this NATO meeting this summer that is going to be so important in Europe, it would be a grave mistake in my view to not maintain a level of force in Afghanistan that is necessary to support the Afghan security forces. The problem is this decision has to be made reasonably soon because we are not going to go from 9,800 to 5,500 in a couple of days at the end of the year. The process has to start this summer. I think it would be a mistake, particularly given the Taliban essentially served notice on us in the last few days that they do not view this struggle is over by any manner or means. I hope that as you work with the NATO allies, the message will come back from them and to the President that we need to maintain a significant force with the authorities necessary to adequately support our NATO allies and the Afghan security forces.

Secondly, I just want to associate myself with the comments that were made about the border and the drug epidemic. Since this meeting started, six people have died in the United States of drug overdose, just since we sat down here an hour and 5 minutes ago. That is a definite threat to the Homeland. We do not want to militarize the border, but to the extent we can coordinate better, utilize the resources that you will have, General, in your capabilities to work with our civilian authorities, that is I think a very high priority.

General Scaparrotti, one of the things that is concerning me about Europe is that what we are seeing in Ukraine is a new kind of hybrid war with indigenous people, some Russian troops, no necessarily identifications. We are not talking about armies and tanks coming across the border in a conventional way. Are we developing a strategy and a doctrine for dealing with what is essentially a new kind of war? Because my concern is that what we are seeing is a practice for something similar, for example, in the Baltics.

General SCAPARROTTI. Yes, Senator. I know just from personal experience that EUCOM, SOCOM [U.S. Special Operations Command], as well as the other COCOMs [Combatant Commands] have gathered, and we are studying hybrid warfare. It presents a problem because it is actually intended to be below the level that we would normally consider conflict. It challenges the norms that we have been used to.

Senator KING. What is an act of war?

General SCAPARROTTI. That is correct. It challenges those norms, and it challenges the authorities that our forces have in order to

react. We are working on how best to handle this, the authorities, the doctrine that we need and the capabilities in order to deal with this type of conflict.

Senator KING. Let me ask a question of both of you. The Chairman of the Joint Chiefs recently mentioned that he would like to see an update to Goldwater-Nichols to account for the real-time need for the COCOMs to be in communication with the President in the case of an emergency. We have been talking a lot about Goldwater-Nichols throughout this year in preparation for our National Defense Act coming up. What is your thought about the relationship of the COCOMs to the chain of command, to the presidency? What do you see, either or both of you, as potential improvements to the Goldwater-Nichols organizational structure? General? I guess "General" applies to both of you. General Scaparrotti?

General SCAPARROTTI. Senator, I would like to first say that Goldwater-Nichols has produced the officer that I am today and the magnificent military that we have today as well that works well as a joint force and is very capable. However, I do believe, given the change in our strategic environment, particularly in the last 3 or 4 years, that it is time to do a review.

With reference to your specific question, I do not know that there is a need for the change. I report to the Secretary of Defense and, if confirmed, I will report to the Secretary of Defense and the President.

But I think what we need in this environment is we also—and I think what General Dunford was suggesting is we need the ability to have agility in our decision-making and the deployment of assets. Very few of these challenges today are limited to one COCOM. They are multi-regional, multi-functional, multi-domain, and they challenge your structure that we have today and our ability to be as agile as our challenges are and our adversaries are.

Senator KING. We have to be sure that our organizational structure allows that agility.

General SCAPARROTTI. And the authorities as well.

Senator KING. General Robinson, your comment?

General ROBINSON. Sir, I agree with General Scaparrotti 100 percent. It is a great time to look at it. The Act is 30 years old and the strategic landscape has changed. The most important part out of all of this is the agility and the ability to work with each other.

Senator KING. My time is up, but I hope you will supply your thoughts perhaps in writing after the hearing because this is a topic of very active consideration by the Committee, and having people of your experience and wisdom would be very helpful to us. Thank you.

[The information referred to follows:]

General SCAPARROTTI. I believe that, given the multitude of global threats we face, threats that are multi-regional and multi-domain, it could be worthwhile that the current Goldwater Nichols construct be modified to allow the military to seamlessly operate across geographic boundaries and more efficiently apportion forces. In most cases today, the Secretary of Defense must approve the movement of forces from one COCOM to another. I believe the Chairman, JCS, should have authority to direct or approve movement of forces within specified thresholds provided by the Secretary of Defense. If confirmed, I would look forward to continuing a dialogue with the Secretary and this Committee on this important issue.

General ROBINSON. In light of today's strategic environment, I believe it is prudent the Department review the Goldwater-Nichols Act. While the current relationship of Combatant Commands in the chain of command is working well, I believe any potential reforms should address roles, missions, and organizational structure that may be needed to optimally address today's security challenges. I believe any recommended reforms should preserve the first principles of civilian control, independent military advice, and a clear distinction between civilian and military roles.

Thank you, Mr. Chairman.

Chairman MCCAIN [Presiding]. Senator Inhofe?

Senator INHOFE. Thank you, Mr. Chairman.

The questions I was going to ask were pretty much asked by Senator Graham. I would just ask you, General Scaparrotti, in your memory, in your history, in your service, have you ever seen a time when this country is more threatened than they are today?

General SCAPARROTTI. No, sir, I have not.

Senator INHOFE. General Robinson, first of all, all you have to do is repeat the performance that you gave us in Tinker, and you are going to do a great job in this new position.

I want to mention a few things here just to make sure since I was not here until just now in this Committee. I was at another Committee hearing. I want to make sure they are in the record.

First of all, due to the proliferation of technology, the number of countries possessing a ballistic missile capability continues to increase with the weapons becoming more complex with countermeasures, greater range and accuracy. General Mann testified last week, "Nearly 30 countries possess ballistic missile capability with approximately 50 different variants of ballistic missiles and currently 13 new intermediate range and 8 intercontinental ballistic missile ranges variants under development."

Since signing the Iran deal, which was a disaster, Iran has conducted at least three sets of tests of nuclear capability ballistic missiles. The latest test had, "Israel should be wiped off the earth," inscribed and had a range of up to 1,250 miles. General Votel, CENTCOM Commander, testified last month that Iran has been more aggressive since the nuclear deal. I think we all understand that.

On 9 February, James Clapper assessed, "That North Korea has already taken initial steps toward fielding the KN08 road-mobile ICBM."

Let me ask you, General Robinson. We talked about this before. Number one, do you think there should be a restructuring? Because there is some confusion as to who is in charge of Homeland security. Do you think some changes should be made?

General ROBINSON. Sir, I know if confirmed as the Commander of NORTHCOM, that I work closely with the interagency, the Department of Homeland Security. If confirmed, that would be something—

Senator INHOFE. So you would be in constant contact with them?

General ROBINSON. Yes, sir. There is a constant coordination.

Senator INHOFE. In light of everything that I just said about the threat that is out there and then the comment by General Scaparrotti, are you confident in the intelligence that we are getting on North Korea's and Iran's ballistic missile capability?

General ROBINSON. Sir, given my recent experience and time that I have spent in the Pacific and focus on North Korea, I am

confident and comfortable with the intelligence that we are getting. Sir, I would have to come back to you about Iran, because I have not been focused there, to give you an accurate answer, if confirmed.

[The information referred to follows:]

Yes, I am confident in the intelligence assessments we are receiving on North Korean and Iranian ballistic missile capabilities.

Senator INHOFE. Yes. I have never been all that confident. It is kind of a scary thing when we know all these things that I mentioned, the statements I made. That is reality. That is today.

General Scaparrotti, let me ask you a question. I have been concerned for some time about the capabilities. A lot of our friends who historically always have been at our side are now kind of in a position with Russia due to the fact that Russia and Iran, between the two of them, control the capabilities, the energy capabilities, that we have in this country. Now we have passed lifting the ban. Unfortunately, the ban was lifted at a time when the price of natural gas was down so low it did not have the results that we anticipated and we hoped would be there.

But what is your thinking right now about the capability that we are going to have? How is lifting this ban going to help us in some of these areas that would like to be working with us as opposed to Russia?

General SCAPARROTTI. Senator, I think we have talked about the hybrid warfare that Russia practices. They use all the instruments of power to influence our allies and particularly the use of energy. It is to our benefit, I believe, to assist our allies in any way that we can to relieve them of that dependence as much as possible on Russia and that ability of Russia to use that as a form of coercion.

Senator INHOFE. Do you believe that we should do everything we can—I think you just said this in a different way to sum that up—to correct the situation to be able to allow them to get their energy from us, that this is a great national security benefit we would have when that happens?

General SCAPARROTTI. Senator, I have not delved into this as a policy issue, but to me it is reasonable that if we could provide energy to them, it would both assist them and us in our security.

Senator INHOFE. I appreciate it.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Kaine?

Senator KAINE. Thank you, Mr. Chair.

Thanks to the witnesses. Many of my questions have been answered, but sort of one topic for each of you.

General Scaparrotti, Senator Ernst asked you a question about Turkey and border control. I want to get into a little bit of a different question. They are an important NATO ally, but I would like you to talk about the complexities of dealing with Turkey, given the internal politics of Turkey, especially concerns about the Kurds. The Kurds have been wonderful partners for the United States in the anti-ISIL mission in Iraq, obviously, and Kurdistan in Iraq has traditionally had a pretty good relationship with Turkey.

But we have also found strong partners in the Kurds in northern Syria, and that has created significant tensions with Turkey. We cannot abandon a strong anti-ISIL partner that has been very, very

valiant as the Kurds in northern Syria have been, but by the same token, we need to manage the relationship with Turkey so that they will step up on border control and help us in the anti-ISIL fight.

How do you see your role in EUCOM in trying to work with the Turkish relationship so that we can keep up the anti-ISIL fight, keep our partnership with the Kurds alive, and yet manage that important relationship with our NATO ally?

General SCAPAROTTI. Senator, I think you outlined the challenges there very well. They are a very important ally. If confirmed, obviously, I will build a close relationship with their military leadership and with—my intent—their civilian leadership as well.

Thank you look at counterterrorism and they look at the PKKs of the threat. When we talk counterterrorism, primarily we think about ISIL. It is those dynamics that both of us have to realize our interests and find areas that commonly we can work together. I think in Turkey's case, there are areas where we can support them and encourage them to help us in the overall effort within the southeast flank of NATO.

Senator KAINE. General Robinson, you talked about the agility and the ability to work together in response to Senator King's question on Goldwater-Nichols. I am really interested in the seam between NORTHCOM and SOUTHCOM. We talked about this a little bit in some of the other questions about drug trafficking, et cetera. There is some of that that originates in Mexico, but much of it originates in South America, transits through the Northern Triangle countries and through Mexico. Whether it is drug trafficking or human trafficking or the migrant flows that are driven by violence in Central America, that border between Mexico and the countries to the south is really important. Talk a little bit about the kind of working relationship that you would hope to form with Admiral Tidd on that border between NORTHCOM and SOUTHCOM.

General ROBINSON. Sir, that is an incredibly important border. The more that we can push everything down towards that border, Guatemala and Belize, the less the people will migrate across our southern border between us and Mexico.

Kurt Tidd and I are very good friends, and if confirmed, I know that he and I will dialogue on a very regular basis to work together to ensure that seam is as seamless as possible. It is incredibly important that we do that and that we work together to support the Mexican military in their efforts with that southern border.

Senator KAINE. Thank you very much.

Thanks, Mr. Chair.

Chairman MCCAIN. Senator Tillis?

Senator TILLIS. Thank you, Mr. Chair.

This has been a great confirmation hearing, and I appreciate both of you all's service.

General Robinson, your service of 34 years. I know you are a resident of New Hampshire. I am not rushing you to retire, but when you do, I hope you will consider North Carolina at least as winter home. I lived in New Hampshire. I guarantee you the winters are better.

[Laughter.]

But one quick question for you. I sometimes think that we lose sight of the fact of the number of victims that have been victims of narcoterrorism. We are talking about the opioid epidemic today, but we have to recognize that hundreds of thousands of people have lost their lives because of the activities that are flowing between SOUTHCOM and NORTHCOM. I am not going to go back and cover the landscape again except to say it would be very helpful for us to shed light on it.

If you were to equate this to what we are dealing with in the Middle East, we have a lot of specific targets that we could go after that we simply do not have the resources to go after. We know a lot of times where they are starting, where they are ending, and we simply do not have the resources to interdict as many as we could.

First, do you agree with that? What kinds of things can we do to really step up our game there, not at the expense of other important priorities? But this is a critical priority. It is killing more Americans than just about any other terrorist activity going on today.

General ROBINSON. Sir, if confirmed, I think it is incredibly important for me to understand the border. I think it is incredibly important for me to walk the landscape. Also, if confirmed, very early on too, as I work that, is to work with the agencies and interagency to understand the problems that you were just talking about. I know interdiction is important, and I know getting after the networks is important. Where is the interagency? Where is DHS? Where are law enforcement agencies trying to get after that? For me to understand that, and then if confirmed, to be able to support their activities.

Senator TILLIS. That is great. Within an area of your purview, I am glad that you recognize that working with the Mexican military and recognizing that much of the pressure on the northern border of Mexico can be relieved by taking care of the challenge on the southern border of Mexico. That can only come with good partner cooperation. I appreciate your commitment to looking at that. To me it is one of the most pressing things we need to do in this hemisphere.

General Scaparrotti, you mentioned earlier about stepping up our partner relationships with Europe. Can you give me just a brief synopsis of the state of our partnerships in terms of our mil-to-mil relationship, in terms of their countries? specific efforts to budget and fund the things that we need to do to make it very clear to Russia this will not end well if they continue their aggression?

Thirdly, just the general messaging within the region. Are the words that the countries are conveying to their people and to the region consistent with what you think our objectives should be in that area?

General SCAPARROTTI. Senator, first with respect to our partnerships, we have very strong allies in Europe. I have served with many of them. As you know, they provided about a third of the force in Afghanistan and suffered 1,000 casualties right alongside of us. I think that is an indication of just how good they can be and what we share.

I do believe that as a part of the alliance and as partners, we should meet our commitments and provide our fair share of the defense because we are strong—

Senator TILLIS. Do you feel like we have work to do there?

General SCAPARROTTI. We do have work to do there. As I understand it, out of the alliance of 28, there are 5 that have 2 percent or more of their GDP, and there are 9 that have increased their spending. As you know from the Wales Summit and looking forward to the Warsaw summit, that commitment is one of the things that we are focused on.

In terms of the communication, I feel confident to say that those that are on the eastern flank are communicating very seriously about the need for strength in defense in light of Russia.

Senator TILLIS. Probably because of the imminent threat.

General SCAPARROTTI. Because of the proximity. I think that is true with the remainder of our allies as well. However, to the south, you have a different but just as important a threat. I think one of the important things, if confirmed, that I need to do is to recognize all of our threats and help our allies to be unified.

Senator TILLIS. Thank you.

In closing, I want to associate myself with Senator Graham's comments and also just make the point, because people watch these hearings and take a lot from them, I do not think that there is any serious discussion among any Member of Congress that would suggest that anyone thinks that withdrawal from NATO makes sense. The rhetoric in the political circles now should not be confused with anything that we would seriously consider. I find that unimaginable.

Thank you all. I look forward to supporting your confirmation.

Chairman MCCAIN. Mr. Stoltenberg, the NATO Secretary, pointed out to us in a meeting that 9/11 was an attack on the United States of America, not a European country. They joined and over 1,000 of the young men and women that have come from those countries have been killed in action. When we talk about how much money that they have not spent and we should keep the pressure on, I do not think we should forget that over 1,000 of their young—I think all young men—have given their lives because of an action that was taken against the United States of America.

Senator MANCHIN?

Senator MANCHIN. Thank you, Mr. Chairman.

Thank both of you for your service and for being here today.

I want to follow up, General Scaparrotti, on Senator Kaine because I have been concerned also with the Kurds, our support of the Kurds. I know the Iraqi Kurds and now the northern Syrian Kurds seem to be valiant fighters. We do not seem to be second guessing are they going to turn on us, use our weapons, give our weapons to somebody else. We have not had that concern. That is the only group that I know that we have not had that concern with.

But with the concern that we have of the Turks, how they are looking at our relationship, are we not giving the support to the Kurds that we could even more? Basically do the Iraqi Kurds—are they still satisfied with a one-state solution and having everything come through Baghdad, or are they still what we understood very frustrated with that?

General SCAPARROTTI. Senator, I do not know the answer to that particular part of your question, the last part about their satisfaction. If I could take that for the record——

Senator MANCHIN. If you could take that for the record just to find out where we stand there.

[The information follows:]

The United States provides a significant amount of support to the Kurds in both Syria and Iraq. United States policy dictates that this support is provided “by, with and through” the government of Iraq so as not to undermine the role of the central government. This policy somewhat restricts the numbers and types of weapons and equipment that actually make it into the hands of the Kurds. However, the United States still supports the Kurds in other ways. For instance, Secretary Carter recently approved spending up to \$415 million in additional assistance for the Peshmerga to address priority support needs. This aid will ease some of the strain on Peshmerga and contribute to the effectiveness of the soldiers who are directly involved in confronting ISIL including units designated to participate in the liberation of Mosul.

Senator MANCHIN. I mean, they have been very cooperative. You can only take so much. If they are not getting the support and basically if they rely on the dysfunction of Baghdad right now getting the goods that they need and the arms that they need to help us defend the terrorists, I think it would be a shame not for us to make sure they get it directly.

General SCAPARROTTI. To the first part of your question, I agree. They have been a reliant and probably one of the best combatants that we have allied with in our fight in ISIL and in Syria. If confirmed, I will work closely with the combatant command, CENTCOM, and SOCOM in support of that.

Senator MANCHIN. General Robinson, I was recently—well, a year ago—down in Argentina. At that time, I think the president was Cristina Kirchner, and she has been replaced now by President Mauricio Macri, who I understand is more pro-Western, pro-United States than she. We were having trouble with a lot of meth, a lot of drugs coming from Argentina. Our officials were complaining that they got no cooperation. Do you know, has that been strengthened? Has new President Macri made a commitment to help us fight this drug trade?

General ROBINSON. Sir, I do not know the answer to that question right at the moment. But what I will commit to you is my relationship with Kurt Tidd, as we work together from SOUTHCOM and NORTHCOM, if confirmed, to watch that and again to push things down as far as we can on the southern border with Mexico.

Senator MANCHIN. You cannot go any further south than Argentina.

General ROBINSON. Yes, sir.

Senator MANCHIN. If you can get that information, it would be very helpful because our people were very frustrated, were getting no help at all, and they were just letting it come through.

General ROBINSON. Yes, sir.

[The information referred to follows:]

I believe strong partnerships with our Central and South American neighbors are fundamental to fighting the drug trade. I understand SOUTHCOM works closely with the countries in their area of responsibility, and I believe the partnership with Argentina is a critical aspect of their theater security cooperation effort. I defer to SOUTHCOM to provide a more complete assessment.

Senator MANCHIN. General Scaparrotti, Senator Kaine had asked you about NATO. I think the frustration—I think all of us agree we should all be a part of NATO. The bottom line in frustration is that we know the sacrifices they have made and they have come to the aid in defending the United States, but they still have not made a commitment of the 2 percent of their GDP. But there is no quid pro quo. There is no penalty for that. Do you believe that there is a way that we can hold them more accountable if they are not coming up to the 2 percent?

General SCAPARROTTI. Sir, I think that is a question for the alliance and North Atlantic Council to wrestle with. Obviously, if confirmed, I will have the ability to give best military advice to the Secretary- General and the Council. As I have said, I do believe that within the alliance, the commitments that we make are very important for the strength of the alliance.

Senator MANCHIN. General Robinson, on the ballistic missile defense, most importantly with Canada, I understand they are going to engage again being involved in the missile defense.

General ROBINSON. Sir, from what I read, they are in the process of talking about what they are going to do with that. If confirmed, early on I will engage with my Canadian counterparts and my Canadian chain of command and see where they are going.

Senator MANCHIN. If they do join our efforts, would that reduce our missile defense responsibilities to the north or would they only be reinforcing our current defenses? How would that play towards what we are doing right now?

General ROBINSON. Sir, I do not have that right now, but if confirmed, that is something I will look into early on.

Senator MANCHIN. I had one more I think real quick. Russia, the whole thing. I think Senator Donnelly talked to you about the Russia flyover. Were we in the right to shoot down, if we desired to do so, with their aggression?

General SCAPARROTTI. Sir, not knowing the complete circumstances, I really cannot answer that this morning.

Senator MANCHIN. As far as the justification that we could have taken—I know Turkey has taken action on Russia before, and I think Russia understands that Turkey will continue to take action. But I think there is a concern that we will not, and they were wanting to see how far we would go. I am not advocating that we should have shot the plane down, but I understood that Secretary Kerry described it as a reckless, provocative, and dangerous act. He was not wrong in saying the United States ship would have been justified to shoot down the Russian plane.

General SCAPARROTTI. Yes, sir. I just do not have the detailed information to make that call. But I would say that it is absolutely reckless. It is unjustified, and it is very dangerous when you have our operations going on.

Senator MANCHIN. Was Russia basically just pushing the envelope and the limits of confrontation to test the Western resolve or the United States? resolve?

General SCAPARROTTI. I think they are pushing the envelope in terms of our resolve. They are pushing the envelope in terms of international norms and international law purposely.

Senator MANCHIN. Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman.

Let me follow up on that line of questioning. General Scaparrotti, do you think that we need to establish, announce, and implement more robust ROEs [rules of engagement] particularly with regard to our Navy? This is not the first time that it seems that ROEs were very weak. Obviously, we had Navy sailors taken hostage by Iran in the Gulf. What do we need to do here to bolster this and send a message that we are going to act more forcefully?

General SCAPARROTTI. Sir, I am not sure the ROE that our Forces are operating under at this present time, I mean, the exact rules of engagement. But if you look at our rules of engagement generally, Joint Staff rules of engagement, they always have the right of self-defense and to act in self-defense. I am confident that they knew that, and if it was a security concern, then our commanders know they have that right and they can take that step.

I think more what I would say to you is they have to have the guidance of the chain of command in order to understand and fully have confidence that they can take steps in specific scenarios.

Senator SULLIVAN. If confirmed, will you take a look at that issue, the issue of our ROEs that are leading to some of these kind of aggressive behaviors both in the Baltic Sea and the Gulf?

General SCAPARROTTI. Yes, sir.

Senator SULLIVAN. Let me turn to another area. Both of you have enormous areas of responsibility in terms of geographic scope. One place where you actually overlap is the Arctic. As you know, we have had discussions of the much more growing strategic importance in terms of shipping lanes, in terms of resources, and in terms of Russian military buildup, snap exercises that we saw tens of thousands of Russian forces twice last year.

One of the concerns I have—and I just passed out something—it is reflected in the chart—is in order to address some of these challenges, we have COCOM operational seams in the Arctic where NORTHCOM is the advocate for the Arctic area. EUCOM contains the main threat to the Arctic region, and PACOM controls most of the forces.

[The information referred to follows:]

ARCTIC OPERATIONAL SEAM



I would like to ask just one hypothetical. You know, we talk a lot about FONOPs [freedom of navigation operations]. Hypothetically if Russia decided to deny access to vital United States international shipping in the Arctic region, which is growing tremendously, which combatant commander would respond to that threat?

General SCAPARROTTI. Sir, this gets at the issue that we talked about earlier about most of our threats today cross the boundaries of COCOMs. If it were in EUCEM's area, I would take the lead and the others would probably or primarily be in support of that.

Senator SULLIVAN. What if it were shipping like right there in the Bering Strait, which is very close to your area but not really in your area? It is kind of in your area, General Robinson, but not really. This goes to the seams issues.

In the NDAA last year, we actually had an amendment that addressed this and had the Secretary of Defense to focus on the operational seams with regard to putting together an Arctic strategy.

If confirmed, working with Admiral Harris in PACOM, will you focus on trying to address this COCOM operational seam that certainly can be worked through but seems to be a challenge?

General ROBINSON. Sir, if confirmed, I commit to you that I will focus on the Arctic. It is a complex place and it is becoming much more congested. I will focus on understanding comprehensively what that is, along with Admiral Harris, and come back to you and talk about what should we do.

Senator SULLIVAN. General Scaparrotti?

General SCAPARROTTI. Yes, sir, I agree. I will.

Senator SULLIVAN. In the NDAA last year, it focused on the Secretary of Defense, because of these issues and the growing threat,

being required to develop an Arctic strategy and new operational plans that reflect the new situation in the Arctic. If confirmed, will you work with OSD [the Office of the Secretary of Defense] to make sure that those requirements from Congress are fulfilled?

General ROBINSON. Yes, sir. I commit to you to come back and talk to you what I learn.

General SCAPARROTTI. Yes, sir, I will.

Senator SULLIVAN. Let me talk just very quickly on the European Reassurance Initiative (ERI). You know, General Scaparrotti, we have talked about that. I think a lot of us are very supportive of that. A lot of the focus, as you have mentioned, is in the east. Given what we have just talked about here, do you believe that that ERI should have a focus that is not just east but certainly in the north where some of our allies and friends have very significant concerns about Russian threats and aggression?

General SCAPARROTTI. Yes, sir. I think that ERI needs to look at the entire threat, as well as it needs to be joint in nature. There are other areas that we need to look at that, if confirmed, I will look at as I move forward.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Cotton?

Senator COTTON. Thank you.

Congratulations to you both on your nominations and, General Robinson, to your landmark nomination. I hope that we will see speedy confirmation of you both.

General Scaparrotti, I want to return to a question that a few of the Senators have addressed about Russian aircraft flying by first one of our ships and then one of our aircraft in northern Europe. I know that you are not aware of all the circumstances to specify a response, but does activity like that call for some kind of a response?

General SCAPARROTTI. Yes, sir, it does. It endangers our crew members, our ships, and does require a response of some type.

Senator COTTON. Is that because with no response, it emboldens Putin's Russia to probe even further?

General SCAPARROTTI. I think they need to understand what is acceptable. We are flying and sailing in international waters in the Baltic, for instance, and we have every right to do so.

Senator COTTON. Need that response be symmetrical? Must we fly by one of their ships or one of their aircraft, or could it be asymmetrical, for instance, Javelins showing up on the border of Ukraine and Russia?

General SCAPARROTTI. I would just say that as we look at what options, we should keep everything on the table.

Senator COTTON. Whatever the response may be, even if it is not a public response, Vladimir Putin needs to understand it is a response.

General SCAPARROTTI. Yes.

Senator COTTON. I want to turn to a topic we have discussed previously in your current role in Korea, cluster munitions and the coming ban on cluster munitions that have a dud rate below 1 percent.

What is your understanding of how many cluster munitions in the inventory today fail to comply with that Gates policy?

General SCAPARROTTI. Sir, I could not answer that accurately. I would just tell you my experience with the munitions that I have in Korea that I would lose just about all of my cluster munitions for use that I have stockpiled today.

Senator COTTON. What is the Department of Defense's current policy or plan to address this problem?

General SCAPARROTTI. Today there are studies ongoing, and some assets available that in the future with programs of purchase that could begin to replace those. Some of those munitions do not have the same lethality as those that we have today, particularly against armor. Presently for those that are not envisioned but are actually munitions we know we could build, we do not have that replaces them in the numbers that we need. I would say that is true in Korea because I am very aware of what our requirements are.

Senator COTTON. Is one of those possible solutions air-bursting traditional so-called dumb bombs and using them against targets?

General SCAPARROTTI. That is an option.

Senator COTTON. Would that be an option that lacks the kind of lethality against armor and artillery to which you—

General SCAPARROTTI. If you were to use unitary munitions to replace a cluster munition, you have to fire three to five munitions in place of one. So just logistically it creates a problem as well. We need to develop effective cluster munitions that meet the law, and my recommendation would be that in the interim we retain the cluster munitions that we have today.

Senator COTTON. Are you aware of any U.S.-produced solution to this problem?

General SCAPARROTTI. I would like to take that for the record. I am aware of some solutions we are working. When you say it is U.S.-produced, I am not exactly sure who is working on those products I am aware of, and it is probably best I take that so I can also answer it in a classified form as well.

[The information referred to follows:]

Yes, I am aware of two programs of record that are in the development stage which will provide alternative area effect munitions to replace the non-compliant cluster munitions in the U.S. inventory. The first is the Cast Ductile Iron (CDI) munition. It is a fixed-wing, air-delivered area effect munition intended to replace the Cluster Bomb Unit (CBU) munitions utilized by the U.S. Air Force, Navy and Marine Corps. The second is the Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead. It is a surface-to-surface area effect munition rocket intended to replace the cluster munition-based MLRS rockets in the U.S. Army and Marine Corps. Both munitions are not cluster munitions by definition, but alternative munitions which produce near similar effects. These alternative munitions are effective against most area effect target sets, however the biggest shortcoming is they lack the capability to defeat medium armored targets which the existing stockpile of cluster munitions are effective against.

Technical challenges have prevented the development of viable alternative area effect munitions to replace the non-compliant cannon artillery cluster munitions, the dual-purpose improved conventional munition (DPICM), M26, and M26A2 rockets in the U.S. Army and Marine Corps. Until such alternatives can be developed, U.S. ground Forces will rely on using multiple high explosive artillery rounds to compensate for the artillery DPICM loss in 2019.

As the Commander of USFK, my biggest concern with the implementation of the Cluster Munitions policy in 2019, which prohibits the use of cluster munitions with a greater than one percent unexploded ordnance rate (UXO), is that the current programs of record will not have produced the quantities United States Forces require

to conduct the extended, high-intensity conventional campaign expected in Korea. It is my understanding that the requisite campaign level quantities will require multiple years of production, and require additional funding beyond that forecasted by the services in order to replace the loss of 92 percent of the 210th Field Artillery Brigade's unit basic load. Until the alternative munition stockpile can be produced, U.S. Forces will use other less-effective unitary munitions in their place, which has a number of second and third order effects that will need to be addressed by joint forces commanders, including my successor at USFK.

Senator COTTON. Thank you.

This obviously of most famous concern on the border between North Korea and South Korea given Russia's recent probing throughout eastern Europe and the Middle East, how important is this issue for you in the new job after confirmation?

General SCAPARROTTI. It is very important. I would point out that Russia has used cluster munitions in the Ukraine themselves with great effect.

Senator COTTON. I thought so.

Vladimir Putin and many other analysts in Russia often cite historical grievances for their activity in places like the Ukraine and to bolster themselves domestically. They cite three grievances in particular: the collapse of the Warsaw Pact, the collapse and disintegration of the Soviet Union, and then NATO expansion into those historically Russian dominated territories. Do you think that that is a fair account for what has happened in the post-Cold War era?

General SCAPARROTTI. Sir, if I am following you, I would just say I think it is clear that Putin I believe—I cannot say it is clear. I believe that Putin's view is that Russia is being constrained by the international norms, international norms established by the West and predominantly the United States. It is from that view that he has I think set out deliberately to challenge those norms, to disrupt our international order globally wherever he has that opportunity.

Senator COTTON. Given that countries like Poland and Latvia and Lithuania and Estonia have all chosen freely to join NATO, do you think there is any truth to his claims that these are lands that are traditionally oriented towards the east?

General SCAPARROTTI. He certainly claims that, but as you know, we believe and many of these countries desire to be a sovereign nation and make their own choice as to the type of government they have. That is what we have traditionally supported as a part of our values and we are in support of today.

Senator COTTON. The final claim he makes about NATO expansion is that this is an aggressive action towards Russia and could threaten their territorial integrity and sovereignty. Has NATO been investing lately in large-scale rearmaments of the kind that would launch a massive land invasion of Russia?

General SCAPARROTTI. No, sir. As you know, NATO, for nearly 20 years, reached out to Russia with the idea that they could become a part of the security that NATO provides to all of Europe as a partner, and they have refused that hand at this point.

Senator COTTON. To look at his claim from the other direction, has Russia been investing in massive defensive buildup, say, building tank ditches on its border with NATO or moving in other kinds of massive defensive weaponry to forestall this supposed NATO invasion of Russia?

General SCAPARROTTI. Their modernization of their forces is significant. It is developing an incredible capability that we have seen them display with their first out-of-area deployment into Syria, for instance, and the weapon systems they deployed there. Finally, if you look at the area access or denial—those areas are A2AD [anti-access area-denial] that they have established—I think there is ample evidence of that.

Senator COTTON. I think based on the historical record, as well as their own investments, it suggests to me that Vladimir Putin's narrative about the West is maybe another classic Russian campaign of *dezinformatsiya*. Thank you.

Chairman MCCAIN. General Breedlove said that he anticipated further separatist Russian military activity in Ukraine. Do you agree with that assessment?

General SCAPARROTTI. Sir, the indications that I have seen, I believe that is true.

Chairman MCCAIN. Do you believe that we should be providing defensive weapons to Ukraine?

General SCAPARROTTI. Sir, I believe that we should provide the weaponry that we believe they need to defend their sovereignty and that they are capable of using effectively.

Chairman MCCAIN. Do you think they need and could use Javelin?

General SCAPARROTTI. Sir, I think there is a requirement for an anti-tank weapon like Javelin in their situation.

Chairman MCCAIN. Thank you.

General, I hope that you will give some urgency to the issue that you and I discussed earlier and that is concerning the troop strength numbers. All these things take planning. They take execution, and now we are looking at a couple of months from now. I hope you will make that a very high priority.

General Robinson, I am glad you are going to go down to the border. You will find that this time of year it starts getting very warm there. You will also find that it is very hard on the personnel sometimes to sit in a vehicle on the border next to a fence in 115 degree heat, that efficiency declines rather rapidly. That is why we have to emphasize technology. I hope at your first opportunity, you will go see Secretary Jeh Johnson [Secretary of DHS] so that we can better coordinate our activities on the border with Secretary Johnson.

The answer to this both whether it be the epidemic of manufactured heroin or whether it be people or whether it be the possibility of a terrorist, which increases coming across our southern border, can only be defeated by technology. We need to have the ability to detect those tunnels. The Israelis, I understand, have that capability and the capability exists. We are not going to stop the tunnels—and they are myriad, believe me, over the years—just by observing. We have to have the kind of technology which exists.

I also believe that it is very important that we understand that a lot of this manufactured heroin is coming across our ports of entry, not necessarily by the traditional ways because small amounts can be concealed. Again, that is technology.

With the rise of ISIL, we have an additional now threat on our southern border and that is the threat of terrorists coming across.

Your involvement, with full respect to posse comitatus, is dramatically increased. I hope you will understand here. We have the threat of terrorism and we also have a flood of manufactured heroin and we also have a flood of children who come from the three Central American countries and also put enormous strains on our capabilities on the border.

One program, amongst others, I hope you will look at is that Guard units from States all over America have come to Arizona to train unarmed but providing manpower and capabilities that are much needed.

I would say, obviously, you need to go to the border, but I would like to see close coordination between you and the Secretary of Homeland Security so that we can use the best talents that we have. Have no doubt that this is a crisis in the Northeast and the Midwest, the drugs alone, not to mention the threat of terrorists coming across our border. If those threats are true—and I believe they are—then your involvement is greater than it has been in the past.

Senator King, did you want to—Senator Blumenthal?

Senator BLUMENTHAL. Thank you, Senator McCain.

I want to emphasize how important Senator McCain's comments are to all of us who are engaged actively in our States in this war against an epidemic. It is a public health hurricane that is sweeping our country and affecting the quality of people who are available to you, our military, doing your job very actively and responsibly in recruiting new men and women to join your forces. This public health hurricane is undermining the recruiting effort insofar as it diminishes the quality of people who are available to fight in our military, tearing apart families, causing heartbreak and heartache. I think you used that word, General Robinson.

I released last week a call to action with 23 specific recommendations focusing on health care, on law enforcement, on over-prescribing of pain killers, on a variety of areas where I think the Nation needs to do more and do it better. In my public comments, I have talked about the interdiction challenge, and it is not within the ability of States to do but it has to be part of our national mission every bit as vital to our national defense as any of the other missions that you have.

I just want to second what my colleagues have said. I am not the first, but I want to emphasize the point that Senator McCain has just made so eloquently.

I want to go to another topic that you have also been asked about, General Scaparrotti. I am very concerned about our submarine undersea warfare capability force. I know you are very much aware of it. You have been asked about it. The continued building of our *Virginia*-class at the rate of two a year at some point will collide financially with the *Ohio* replacement program. In my view, we need to continue building those two *Virginia*-class submarines every year. The New York Times story that has been mentioned to you in the course of this morning is only the latest evidence of the increased emphasis of our adversaries on undersea warfare capability, not just the Russians but the Chinese. I think in the course of that article, one of the comments from one of our

military leaders was that we are back to, in a sense, the Cold War competition undersea.

I would like to know your views—and General Robinson, if you want to comment, you are welcome to—on whether this program continuing our building of two *Virginia*-class submarines every year with the *Ohio* replacement are important, in fact, vital to our national defense.

General SCAPAROTTI. Yes, Senator. I defer the numbers, et cetera to the Services responsible for that, but I can say personally that I think that we have dominance undersea today, that it is our asymmetric advantage, and that it is very important that we continue to maintain that advantage, particularly in light of the challenges you noted. I think that both of those improvements to our submarine classes are necessary.

General ROBINSON. Sir, I would just echo what General Scaparrotti said.

Senator BLUMENTHAL. I have heard it said from that very place from others, General Robinson, and I know that you share the view strongly that we should have an asymmetric superiority in this area. But I think the specifics are very important. It is not enough to just generalize about it. I hope that when you say you will defer, you bring, both of you, a lifelong expertise and experience to these views that I think are very, very important for our civilian leaders.

General ROBINSON. Sir, I probably misspoke and said I agree with what General Scaparrotti said. I apologize if I said I defer.

Senator BLUMENTHAL. No. I think he said he deferred.

I guess what I am asking, very bluntly, is that you not defer. I know that is also more easily said than done, but I have such respect for both of your views that I hope our civilian leaders hear them and I hope that you will emphasize that this asymmetric advantage in undersea warfare is vital to our future. I think I have talked enough and I defer to you, General Robinson and General Scaparrotti.

General SCAPAROTTI. Sir, if I could be clear, what I meant by that was it is a really Service decision, but I assure you that, if confirmed, I will be clear in my advice and needs to the CNO [Chief of Naval Operations] with respect to those programs, particularly after I have a close look, if confirmed as the EUCOM Commander of my needs there.

Senator BLUMENTHAL. I appreciate your views, and thank you very much. Thank you for your service to our Nation.

Chairman MCCAIN. Senator King?

Senator KING. Very briefly, General Scaparrotti, talking about the undersea capability and the increase in Russian submarine activity. I was in Iceland last fall and was really struck by what a strategic place. It is one of the most strategic places on earth. Keflavik—as you know, we are now putting P-8's back in there. I hope that that might be an area that you will be in active consideration of further reinvigoration of that capability, subject, of course, to working with the people of Iceland. But it sits right astride the Greenland-Iceland-U.K. gap, and it is, as I say, I cannot imagine a more strategic place. I hope we can focus some attention there. The facility is amazing, and I think it would be one that we would do well to do some concentrating on.

General SCAPARROTTI. Senator, I agree with your concern and I agree with the importance of the location and our capabilities in that gap that you described.

Senator KING. Mr. Chairman?

Chairman MCCAIN. I thank the witnesses for your service to the Nation, and we look forward to moving your nominations through the United States Senate.

This hearing is adjourned.

[Whereupon, at 11:31 a.m., the hearing was adjourned.]

[Prepared questions submitted to General Curtis M. Scaparrotti, USA, by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy in the 21st Century.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. The Goldwater Nichols Act has played a significant role in forging the best military force in the world. However, given the multitude of global threats we face, threats that are multi-regional and multi-domain, I believe we should modify the current Goldwater Nichols construct to allow the military to seamlessly operate across geographic boundaries and more efficiently apportion forces.

Goldwater-Nichols has provided me with important developmental experiences in the Joint Community, particularly as a senior officer. I would support changes that make it easier to develop Joint-qualified officers:

- Eliminate JPME II. Officers learn in the joint environment while performing their duties; the school is no longer required.
- The 24 month requirement for Joint Qualification is acceptable in peace time, but joint experience in the deployed environment is intense, and we should consider qualification in less than 24 months.
- The positions which are coded “joint” for qualification are too restrictive today.

If confirmed, I look forward to continuing a dialogue with the Secretary and this Committee on this important issue.

Question. On 29 March 2016, General Dunford said: “Today we’re regionally focused. We rely on kind of what I describe as cooperation and collaboration between combatant commanders. We have supported and supporting relationships, and that’s all worked well for decades ... And if you think about how I described the character of war, and you imagine the secretary of defense trying to make decisions in that environment, clearly I think we owe him better in terms of command and control, a better framework within which to make decisions in a timely manner based on the character of war we see today and, as importantly, a better process for the prioritization and allocation of resources in real time ...”

In your view, what modifications to the Unified Command Plan, if any, would enhance the warfighting effectiveness of the Department of Defense?

Answer. As suggested by General Dunford, the global nature of operations today requires modification to the authority of the Chairman of the Joint Chiefs of Staff and the combatant commanders to operate with agility in the multi-regional, multi-domain and multi-functional environment prevalent today.

Also, I believe that Cyber Command should join the three existing functional Commands (SOCOM, STRATCOM, & TRANSCOM). This reorganization would consolidate the mission of our cyber forces and provide it with the proper resources to operate in an increasingly important and challenging domain.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, United States European Command (EUCOM) and NATO's Supreme Allied Commander, Europe (SACEUR)?

Answer. The Commander of the United States European Command is responsible for giving authoritative direction to subordinate commands and forces necessary to carry out all United States military operations and activities across the 51 independent states in the European Command Area of Responsibility (AOR) in pursuit of United States national military objectives. This AOR includes all of Europe (including Turkey), the Caucasus Region, and Israel. The commander is also responsible for the health, welfare and security of the approximately 64,000 servicemembers forward deployed within that AOR.

The Supreme Allied Commander Europe (SACEUR) carries out roles and missions assigned by the North Atlantic Council (NAC) and directed by the Military Committee (MC).

Specific roles and duties include:

- Overall command of all NATO military operations regardless of geographic boundaries.
- Strategic planning to include military planning for the full range of Alliance missions and contributions to crisis management and effective defense of NATO territory and forces.
- Identifying and requesting forces for the full range of Alliance missions.
- Strategic Analysis: In conjunction with Supreme Allied Commander for Transformation (SAC-T), supports NATO's Defense Planning Process and conducts strategic level analysis to identify and prioritize the type and scale of NATO's critical capability shortfalls.
- Operational Leadership: Executes military measures within the capability of the command to preserve or restore the security of NATO nations.
- Transformation: Cooperates with SAC-T on integrating transformation efforts.
- Crisis Management. Continually monitors and analyzes the international environment to anticipate crises, and where appropriate, take active steps to prevent them from becoming larger conflicts.
- Strategic engagement and partnership building: Develops and participates in military-to-military exchanges and other cooperation activities with NATO partners.
- In conjunction with SAC-T, conducts combined and joint training and exercises. This role will be critical to the implementation of the NATO connected forces initiative designed to maintain interoperable forces in the post ISAF environment.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, EUCOM/NATO SACEUR, to the following:

The Secretary of Defense.

Answer. The Commander, EUCOM, reports to the Secretary of Defense through the Chairman, Joint Chiefs of Staff, and through the Secretary of Defense to the President of the United States. The Secretary of Defense exercises authority over the Armed Forces of the United States assigned to the EUCOM AOR through the EUCOM Commander. The EUCOM Commander exercises command authority over assigned forces and is directly responsible to the Secretary of Defense for the performance of assigned missions and the preparedness of the Command.

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

Answer. The Chairman functions under the authority, direction, and control of the President and Secretary of Defense. The Chairman transmits communications between the President and Secretary of Defense and the EUCOM Commander, as well as oversees the activities of the EUCOM Commander as directed by the Secretary of Defense. As the principal military advisor to the President and the Secretary of Defense, the Chairman is a key conduit between the Combatant Commander, Inter-agency, and Service Chiefs.

The EUCOM Commander keeps the Chairman informed on significant issues regarding NATO and the EUCOM theater of Operations. The Commander directly communicates with the Chairman of the Joint Chiefs of Staff on a regular basis.

Question. The Service Secretaries and Service Chiefs.

Answer. The Service Secretaries are responsible for administration and support of forces that are assigned or attached to the EUCOM Commander. The Secretaries fulfill their responsibilities by exercising administrative control (ADCON) through the Service Component Commands assigned to EUCOM.

The Service Chiefs are responsible for the organization, training, and equipping of the Services under title 10, United States Code (USC). Their support is critical to meet readiness needs. The Service Chiefs also provide military advice to the President of the United States, the National Security Council, the Homeland Security Council, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff as members of the Joint Chiefs of Staff. The EUCOM Commander coordinates with the Chiefs of Staff of the Services on matters related to manning, training, and equipping forces necessary to perform their roles and missions.

Question. Commander, United States Special Operations Command.

Answer. The Commander of United States Special Operations Command is responsible for the administration and support of special operations forces assigned or attached to the EUCOM Commander in Special Operations Command Europe.

Question. The respective United States Chiefs of Mission within the EUCOM AOR:

Answer. There is no formal relationship between the EUCOM Commander and the United States Chiefs of Mission. However, the EUCOM Commander works closely with the Chiefs of Mission, who represent the President, in their respective country, to ensure the military mission fits within the embassy's diplomatic mission.

Question. The respective United States Senior Defense Officials/Defense Attachés (SDO/DATT):

Answer. SDO/DATTs are assigned to their respective embassies and work for the embassy's Chief of Mission. However, as military officers they work closely with EUCOM and are senior rated by the EUCOM Deputy Commander.

Question. The NATO Secretary General.

Answer. The SACEUR directly communicates with the Secretary General on a regular basis while carrying out his assigned roles and missions that are appointed by the North Atlantic Council. The NATO Secretary General is appointed by the 28 Alliance Heads of State with the principal duty of chairing the North Atlantic Council, the principal decision making body of the Alliance.

Commander, North Atlantic Treaty Organization (NATO) Resolute Support, Afghanistan / Commander, United States Forces Afghanistan.

Answer. The EUCOM Commander has no formal relationship with the Commander, Resolute Support. The Supreme Allied Commander, Europe exercises command authority over the Commander Resolute Support through the Commander, Joint Forces Command Brunssum in the Netherlands.

Question. The Supreme Allied Commander for Transformation.

Answer. Both NATO's Strategic Commanders, SACEUR and Supreme Allied Commander for Transformation (SAC-T), carry out roles and missions assigned to them by the North Atlantic Council. SACEUR and SAC-T work together to ensure the transformation of NATO's military capabilities and interoperability in support of Allied Command Operations.

Question. The North Atlantic Council.

Answer. The North Atlantic Council is the principal policy and decision making body of NATO. SACEUR carries out roles and missions assigned by the North Atlantic Council.

Question. The United States Permanent Representative to the North Atlantic Council.

Answer. There is not a direct command relationship between the United States Permanent Representative to the North Atlantic Council and either the EUCOM Commander or the SACEUR. The North Atlantic Council provides direction to NATO military authorities and the United States Permanent Representative is one of 28 members of the North Atlantic Council. The EUCOM Commander works with the United States Permanent Representative on matters of mutual interest, such as EUCOM military operations and security cooperation activities that support United States objectives and military contributions to NATO.

MAJOR CHALLENGES

Question. In your view, what are the major challenges and problems you would confront if confirmed as the next Commander, EUCOM, and SACEUR?

Answer. In my view, Europe faces numerous threats, conflicts and strategic challenges to its security environment, but I would highlight four specifically.

First, in the East and North, Europe faces a resurgent, aggressive Russia seeking to reestablish a leading role on the world stage. As Secretary Carter and Members

of this Committee have emphasized, they are doing so by challenging international order when it serves their interests. Russia has, for example, used military force to violate the sovereignty and territorial integrity of Ukraine, Georgia and others, like Moldova. They have also violated the Intermediate Nuclear Forces Treaty with recent weapons development. Additionally, its military operations and increasing A2AD activities in Kaliningrad, the Black Sea, the eastern Mediterranean Sea, and in Syria aim to deny our access. And finally, Russia is seizing the initiative in the arctic with its militarization there.

Second, stemming from the Middle East and North Africa, terrorism is an immediate threat not only to NATO allies and partners but also to United States citizens. Europe has endured 27 attacks since 9–11, including the recent attacks in Paris and Brussels, with over 480 killed and 3250 wounded.

A third and related issue is the significant influx of migrants and refugees to Europe also from the Middle East and North Africa. The challenge stems from the conflicts and failed states in the Middle East and North Africa and from the terrorists, foreign fighters and criminals who exploit this crisis to undermine social cohesion and security in Europe. But there is also the economic, demographic and humanitarian aspects of this crisis which impact the social fabric of Europe.

Fourth, Israel continues to confront threats from Iran, who has recently conducted advanced missile tests, in violation of U.N. Security Council resolutions, as well as from Lebanese Hezbollah, and from the expansion of Islamic extremism on its borders with Syria and the Sinai.

Question. The President has requested approximately \$610 billion for National Defense in Fiscal Year 2017, to include \$523.9 billion in funding for the base budget for the Department of Defense and \$58.8 billion for Overseas Contingency Operations (OCO). This funding level complies with the Bipartisan Budget Agreement passed by Congress in 2015; however, it is lower than what was projected in the 2016 Future Years Defense Program.

What is your assessment of the impact of potential reductions in the Defense budget on EUCOM's operational planning, requests for forces, and operating budgets? If confirmed, how would you prioritize the use of available funds?

Answer. The Bipartisan Budget Act of 2015 provided relief in the near-term; however, sequestration reductions and the continuation of those reductions in the out years will negatively affect the Department's ability to resource European Command requirements. These reductions come as the Department and European Command face the emergence of a capable and aggressive Russia, Iran's malign influence, and an increasing terrorist threat.

Of note, I appreciate the Committee's support of the European Reassurance Initiative (ERI), which provides the funding to support the response to Russia.

With regard to prioritization, the European Command has developed a Theater Campaign Plan which organizes and aligns operations, activities and actions with resources. If confirmed, I'll review this campaign plan, its priorities for resources, and my top priority—readiness of our forces.

Question. In your opinion, does the growth of Russian military presence in the Black Sea and in the Eastern Mediterranean warrant a need for increased presence of an aircraft carrier in the Mediterranean in 2016 and beyond and if an increased presence does not occur what are the considerations or alternatives?

Answer. In my opinion, positioning an aircraft carrier in the Mediterranean would send a strategic message not only to the Russians but also to ISIS, and Iran and its proxies. An aircraft carrier in the Mediterranean could support CENTCOM and AFRICOM as well as EUCOM. I understand that there are competing global requirements for aircraft carriers, and if confirmed, I will work with the Joint Staff for the appropriate sourcing solutions.

With respect to alternatives, it is important to note that America has very strong Allies in the Black Sea Region. Our NATO Allies including Turkey, Romania, and Bulgaria play a significant role to demonstrate our presence and commitment to the region. Romania's Mikhail Kogalniceanu Air Base serves as a logistical hub and hosts United States military personnel. Also, we have rotational forces training at the Novo Selo Training complex in Bulgaria on a regular basis, and Turkey remains a stalwart regional ally in the fight against ISIS.

Question. If Future Years Defense Program requirements remain funded at current levels, what would be your assessment of the level of risk to the United States national security objectives in the EUCOM AOR?

Answer. I believe that EUCOM requires more resources to address the growing number of complex threats in the region, including a revanchist Russia. For example, I understand that EUCOM has submitted a \$3.4 billion request in OCO for fiscal year 2017, the third such request. If confirmed, I will closely review the allocation of resources across the FYDP, assess the gaps and identify risk.

READINESS OF FORCES

Question. What is your assessment of the readiness of United States Forces that have been deployed to Operation Freedom's Sentinel, Operation Atlantic Resolve, and other operations in the EUCOM area of responsibilities?

Answer. Although I haven't had the opportunity to work with the professionals deployed to the EUCOM AOR, I have confidence in the readiness of our deployed forces. If confirmed, I will make a personal assessment of the readiness of our Forces to execute the assigned missions in the EUCOM AOR.

NATO COMMITMENTS TO AFGHANISTAN

Question. At the NATO Summit in Wales in September 2014, NATO members committed to promoting a stable, sovereign, democratic and united Afghanistan and to "never again be threatened by terrorists from within Afghanistan". NATO members also reaffirmed their commitment to train, advise, and assist the Afghan National Security Forces (ANSF) after 2014 through the non-combat Resolute Support Mission, contribute to the financial sustainment of the ANSF, and to strengthen NATO's partnership with Afghanistan.

Do you agree with the goals endorsed at the NATO Wales Summit and the importance of the Resolute Support Mission?

Answer. Yes, I agree with the goals endorsed at the Wales Summit.

Question. What are the major challenges you foresee, if confirmed as the next Commander, EUCOM and SACEUR, in implementing the commitments to stability and security in Afghanistan?

Answer. If confirmed, as the Commander of EUCOM, I would have no direct role regarding commitments in Afghanistan. As SACEUR, I believe the primary challenges are to encourage the coalition partners to stay the course and to synchronize the coalition's actions with Afghan security capability.

BUILDING AND SUSTAINING THE AFGHAN NATIONAL SECURITY FORCES

Question. The goal in Afghanistan remains building the ANSF to an end strength of 352,000, consisting of 195,000 Afghan National Army soldiers and 157,000 Afghan National Police personnel. The transition to the Resolute Support Mission envisioned one central hub in Kabul and Bagram with four spokes in Mazar-e Sharif, Herat, Kandahar, and Laghman.

What is your assessment of the importance of maintaining NATO or United States presence in areas outside of Kabul and Bagram to NATO's train-advise-assist mission and the U.S. counterterrorism mission?

Answer. Based on my review, our regional presence facilitates NATO and United States mission success. Experience in 2015 demonstrated that the Afghan forces, while resilient and increasingly capable, are challenged to independently contend with a seasoned and well-resourced Taliban. Our regional presence mitigates this risk through continued training, advice, and assistance at the Afghan National Army Corps and Police Zones. Our presence also provides some oversight of our financial contributions toward Afghanistan and additional insight into the assessment of the capability and effects of Afghan Security forces.

Question. In your assessment, are the current target end strengths for the ANA and ANP sufficient for Afghan security forces to maintain security and stability in Afghanistan in 2016 and beyond?

Answer. Currently, the ANDSF are near their target end strength level of 352,000, consisting of an Afghan National Army (ANA) of 195,000 and Afghan National Police (ANP) of 157,000. Based upon my current understanding, I agree with General Nicholson that the ANA and ANP are the right size and are developing the right capabilities, with allied support, to address the security situation in Afghanistan. However, if confirmed, I will carefully monitor the security conditions and recommend adjustments accordingly.

Question. At the North Atlantic Treaty Organization (NATO) Summit in Wales in September 2014, NATO leaders declared "we are adapting our operations, including in Afghanistan, in light of progress made and remaining challenges." At the NATO Summit in Chicago in May 2012, the countries participating in the coalition discussed a model for the future size of the ANSF of around 228,000, a reduction of about one third from the current ANDSF end strength.

What is your understanding regarding current assumptions for the size of the Afghan security forces through 2016 and beyond?

Answer. My understanding is that the Secretary of Defense has publicly said that DOD will seek funding for the current authorized end strength of 352,000 personnel through at least the end of 2017, along with the funding that our coalition partners

and the Afghan Government will provide. Our coalition partners will meet at the NATO Summit in Warsaw this summer to determine the level of financial commitments towards sustaining through 2020. I concur with General Nicholson that we will continue to coordinate with the Afghans and international partners on force planning beyond that point based on a review of the anticipated security environment, ANDSF performance and capacity, and available funding.

Question. Do you agree that any future reductions in the size of the ANSF need to be based on the security conditions in Afghanistan at the time those reductions would occur?

Answer. Yes. As conditions on the ground change NATO will, in partnership with the Afghan Government, continue to assess the necessary size of the ANDSF to ensure the success of the mission, and overall security and stability in the country. For example, General Campbell and General Nicholson have testified that Afghan shortfalls in rotary-wing aviation, combined arms operations, intelligence collection and dissemination, and maintenance all remain concerns. So I agree that the security conditions need to be constantly assessed relative to capabilities, the needs of the government in conjunction with its national strategy, and available funding.

Question. What should be NATO's role in assessing the security conditions in Afghanistan for purposes of determining future force requirements for the ANSF after 2016?

Answer. If confirmed, I look forward to working closely with General Salvatore Farina, Commander of Joint Forces Command-Brunssum, which is NATO's operational level command responsible for the mission in Afghanistan, as well as LTG Nicholson, the Commander, Resolute Support (COMRS), in his role as the senior NATO uniformed officer in Afghanistan. As the in-theater operational commander, exercising operational control of all Resolute Support (RS) forces in Afghanistan, General Nicholson will have the best insight into conditions on the ground. Based on their recommendations, along with those of other key government and civilian leaders, I will work with NATO's Military Committee and give my best advice to the North Atlantic Council and NATO Secretary General on the security conditions and, in turn, the future force requirements beyond 2016.

Question. What is your assessment of the risks involved with the train, advise, and assist mission and what steps can and should be taken, in your opinion, to mitigate those risks?

Our troops and personnel, although in a non-combat role, are operating in a hostile environment. Risks are mitigated through proper training, attention to force protection procedures, especially the insider threat, appropriate ROE and ready access to joint fires and reinforcement in extremis.

EUCOM'S STRATEGIC MISSIONS

Question. In your view, what are the key strategic missions of United States European Command?

Answer. I believe EUCOM's key strategic missions are to:

- Prepare ready forces
- Ensure strategic access and enable global operations
- Deter conflict
- Enable the NATO Alliance
- Strengthen partnerships to counter transnational threats
- Protect and defend the United States and its interests

Question. In your view, what are the primary threats to United States and NATO security interests in Europe?

Answer. As I mentioned previously, I see four principal threats to United States and NATO security interests, namely, Russia, terrorism, migrant and refugee flows, and the collective threats to Israel. The common thread among them is the intent to fracture the unity of our alliance and partnerships. To paraphrase the Chairman, if we fully leveraged the political, the economic, and the military capabilities of the 28 nations in NATO together with our own, no one could threaten us. However, state and non-state actors alike seek to erode the foundation of security that supports a democratic and prosperous Europe.

NATIONAL MILITARY STRATEGY

Question. The June 2015 National Military Strategy states: "We are positioning forces where they are most needed, exemplified by our rebalance to the Asia-Pacific region as well as our evolving presence in Europe, the Middle East, Latin America, and Africa" while emphasizing "... we will press forward with the rebalance to the Asia-Pacific region..."

What impact, if any, do you anticipate this guidance will have on the operations and activities of EUCOM?

Answer. The 2015 National Military Strategy provides guidance on resource allocation and force posture to attain our strategic objectives. EUCOM is not the first priority and this may impact resourcing and force posture. If confirmed, I will communicate our requirements to meet assigned missions and the residual risk to the Chairman and to the Secretary of Defense.

Question. How would you characterize the nature of the “evolving presence in Europe”?

Answer. The evolving presence in Europe is an incremental response to the emerging challenges to European Security and United States interests. We have reversed the reduction of forces that was based on the assumption that Russia was a partner in Europe free, whole and at peace. In particular, the European Reassurance Initiative (ERI) has funded increased force posture, additional Army Prepositioned Stocks, and training to build partner capacity. If confirmed, I will assess the force posture and resources required for EUCOM’s mission.

UNITED STATES FORCE STRUCTURE IN EUROPE

Question. Since the January 2012 Defense Strategic Guidance stated that there was a strategic opportunity to “rebalance the United States military investment in Europe,” troop levels have declined with now approximately 62,000 United States military personnel stationed in the European area of responsibility. The divestment of two of the four Army Brigade Combat Teams (BCTs) stationed in Europe as well as a reduction in the number of aircraft have recently been offset by the deployment of a brigade-sized European Activity Set of equipment used by rotational forces and plans in fiscal year 2017 for an additional pre-positioned set of combat-ready equipment sufficient to support another armored brigade combat team and division-level enablers.

Do you believe that additional increases in United States forces stationed in Europe should be considered, consistent with EUCOM’s key strategic missions?

Answer. I am in complete agreement with General Breedlove’s stated position that additional forces are required to meet EUCOM’s assigned missions. I also support resourcing of the National Commission on the Future of the Army’s recommendation on enhancing the 12th Combat Aviation Brigade capabilities and the stationing of an Armored Brigade Combat Team (ABCT) in Europe.

Question. If confirmed, would you agree to undertake a review of the United States force posture in Europe to determine whether additional increases are appropriate?

Answer. If confirmed, I will undertake a review of the United States force posture in Europe to determine if additional forces are appropriate.

USE OF ROTATIONAL FORCES IN EUROPE

Question. The European Reassurance Initiative stresses the importance of a United States rotational presence for building partner capacity and promoting interoperability.

What role do you foresee for United States-based forces in maintaining a rotational presence in Europe and promoting interoperability with our NATO and other European partners?

Answer. United States-based forces will continue to play a vital role in building partner capacity and interoperability within European Command’s area of responsibility. The Command leverages the Global Force Management (GFM) process to provide forces to build partner capacity and promote interoperability with Allies and partners that cannot be addressed solely by our assigned forces. This includes a persistent presence in support of Operation Atlantic Resolve, U.S.-based Navy and Marine Corps forces for NATO exercises, and our Black Sea Rotational Force program.

United States participation in the NATO Response Force and the rotation of United States-based Armor Brigade Combat Teams and other enablers to Europe will provide additional opportunities to build partner capacity and promote interoperability.

Army training facilities in Germany are used to train our forces and the forces of numerous Allies and partners every year, significantly enhancing partner capacity. These efforts are critical to ensuring interoperability of U.S. and Allied forces to conduct collective defense as well as expeditionary operations.

Question. What are the limitations you assess are associated with “rotational presence”?

Answer. In my view, the primary limitations of rotational forces are OPTEMPO / force availability and reduced relationship and environmental awareness. A rota-

tional presence requires three units to provide one unit for deployment. One unit is on mission, one is in recovery, and one is in preparation for mission. A permanently assigned unit releases two units for other missions. Also, a permanently assigned unit can better establish and maintain strong relationships with supporting U.S. and Allied forces and attain better situational understanding of their environment.

U.S. COMMITMENT UNDER ARTICLE 5 OF THE NORTH ATLANTIC TREATY

Question. A cornerstone of the NATO alliance is the principle of collective self-defense as codified in article 5 of the North Atlantic Treaty.

In your view, how important to U.S. strategic interests is the U.S. commitment to its obligations under article 5?

Answer. I believe the U.S. commitment to the NATO article 5 obligations is critical to U.S. strategic interests.

The NATO Alliance incorporates the U.S.'s closest allies and the United States and Europe remain each other's most important markets. No other commercial artery in the world is as integrated. The transatlantic economy generates \$5.5 trillion in total commercial sales a year and employs up to 15 million workers on both sides of the Atlantic. It is the largest and wealthiest market in the world, accounting for over half of world GDP. NATO provides the essential bulwark of stability for this important set of relationships and the security of Europe free, whole and at peace.

NATO's unity and cohesion is underpinned by U.S. leadership, and the U.S. article 5 commitment to the Alliance. When the U.S. leads, NATO tends to work.

Finally, it is worth remembering that the NATO Alliance has invoked the article 5 commitment one time in its history, and that was in defense of and in solidarity with the United States on September 12, 2001.

Question. What threat do Russian snap exercises involving tens of thousands of conventional forces on the one hand and Russian hybrid tactics that are difficult to attribute pose to the process of reaching a decision under article 5 for NATO to act?

Answer. The complexity of Russian activities makes article 5 decision difficult. Due to the size and proximity of Russia's snap exercises, the NATO Intelligence architecture is pressed to provide accurate and timely indications and warning for a proper decision-making process. Additionally, the nature of hybrid tactics is ambiguous and deliberately below the level of conflict.

Question. How important to being able to meet article 5 obligations is follow through on article 3 which commits Allies to develop their "individual and collective capacity to resist armed attack"?

Answer. Article 3 is an often overlooked, but fundamental, part of the North Atlantic Treaty. It commits Allies to the principles of "mutual aid" and "self-help" in providing the capabilities required for "individual and collective capacity to resist armed attack." This reminds us that all Allies must contribute to collective defense, and that each Ally has a responsibility to maintain their capability for their own defense.

Question. How is the ability to meet obligations under article 5 and article 3 related to NATO guidelines agreed to at the NATO Wales Summit in 2014 to invest 2% of Gross Domestic Product in Defense and 20% or more of their defense budgets in equipment, research and development?

Answer. The ability of the Alliance to develop required capabilities to meet article 5 and article 3 requirements are directly related to the resources provided by nations. Alliance nations' investments in defense provide for NATO readiness today and for NATO's ability to prepare for the future.

RUSSIA

Question. The June 2015 National Military Strategy says: "While Russia has contributed in select security areas, such as counternarcotics and counterterrorism, it also has repeatedly demonstrated that it does not respect the sovereignty of its neighbors and it is willing to use force to achieve its goals. Russia's military actions are undermining regional security directly and through proxy forces."

What do you see as the most important EUCOM and NATO activities to deter Russian aggression and the threat to our NATO Allies and partners?

Answer. The activities by EUCOM and NATO forces that best deter Russia are those that reinforce Alliance solidarity and demonstrate steadfast commitment to a Europe that is free, whole and at peace. Joint, Allied, full spectrum military operations and training demonstrate capability and resolve. Activities that build partner capacity, particularly in the Baltics and the Ukraine, deter Russian aggression. Finally, the European Reassurance Initiative (ERI) and the activities it enables is a key component of deterrence as well.

Question. What aspects of United States and NATO force posture do you assess have the most deterrent effect on Russia?

Answer. A deterrent force posture must demonstrate a full spectrum, multi-domain capability, sufficient capacity, agility and readiness. In NATO, deterrence begins with each nation's defense forces and is reinforced by NATO article 5, according to which an attack on one will elicit a response by all 28 members. Recent additions to European force posture, such as the United States rotational ABCT, the enhanced NATO Response Force and the Very High Readiness Joint Task Force improve our deterrent effect on Russia.

Question. If confirmed, would you agree to undertake a review of the United States and coalition force posture in Europe to determine whether the current and planned force posture in Europe is adequate to deter, and if deterrence fails, to deny Russian objectives and defeat Russian aggression against NATO?

Answer. Yes. If confirmed, I agree to undertake a review of United States and coalition force posture in Europe.

Question. Countering Russian propaganda has proven difficult and results have been mixed at best. What do you assess as key priorities and limitations to Information Operations in the EUCOM AOR vis-à-vis Russia?

Answer. It is my opinion that EUCOM, in coordination with the Department of State, can challenge Russia in the information domain. Our strategic communications, information operations (IO), and related influence capabilities such as Military Information Support Operations (MISO) are powerful tools to counter Russian disinformation and propaganda. To successfully oppose Russia in this domain, EUCOM influence programs must be properly resourced and have the requisite authorities to conduct these activities. The information operations capacity and capabilities we need to achieve this mission are difficult to "surge". Accordingly, I believe that funding for influence operations should be increased and included in the Department's base budget.

NATO–RUSSIA AND UNITED STATES RELATIONS

Question. The NATO–Russia Council (NRC) has served as an important venue for discussions between NATO and Russia. Following Russia's illegal military intervention in Ukraine and its violation of Ukraine's sovereignty and territorial integrity, in April 2014 the Alliance suspended all practical cooperation between NATO and Russia including the NRC.

Do you believe the NATO–Russia Council has potential as a forum for NATO–Russian cooperation, and if so, under what conditions?

Answer. Yes, I believe it is possible, and it is my understanding that the NRC is meeting this week with a very limited agenda. I believe the meetings should remain limited until Russia acts in accordance with international norms.

Question. Many European nations advocate for increased dialogue with Russia. How do you see the NATO–Russia relationship evolving in the future?

Answer. The NATO–Russia dialogue could facilitate multiple areas of cooperation including combating terrorism, managing refugee flows, counter-narcotics training, crisis management, logistics, maritime search and rescue, and others. However, dialogue should remain limited until Russia acts in accordance with international law and we can re-establish a baseline of trust.

Question. What do you believe are appropriate objectives for United States–Russia security relations, and what do you believe are the areas of common interest between the United States and Russia in the security sphere?

Answer. In the past we have seen some contributions from Russia with their counter narcotics and counter terrorism efforts. However, I believe that our cooperation in the security sphere should remain limited until Russia acts in accordance with intentional norms.

MISSILE DEFENSE IN EUROPE

Question. The United States is deploying the European Phased Adaptive Approach (EPAA) as its contribution to NATO missile defense capability. As part of its decision to develop such a capability, NATO has agreed to develop and pay for a missile defense command and control network, the Active Layered Theater Ballistic Missile Defense system. Various NATO nations, including Turkey, Poland, Romania, Germany, and Spain, have agreed to host elements of NATO missile defense, and they and others are making additional national contributions to NATO missile defense.

Do you agree that this current NATO approach to missile defense contributions is reasonable and appropriate?

Answer. Yes, and, if confirmed, I will continue to support ongoing United States and NATO BMD efforts in Europe, and pursue efforts to increase Allied and partner voluntary national contributions to the BMD mission.

Question. Do you believe that EPAA will provide the capability needed to protect United States forces in Europe and our NATO Allies against existing and emerging Iranian missile threats?

Answer. EPAA ensures and enhances the protection of the territory and population of all NATO Allies in concert with their missile defense capabilities against the current and growing ballistic missile threat. U.S. Patriot and EUCOM assets add to that protection.

If confirmed, I will work with our Allies to integrate this architecture with NATO members' missile defense capabilities as well as the emerging NATO C2 network under development.

Question. In your opinion, is there a need to assess air and missile defense capabilities of the United States in Europe as well as those of NATO Allies and partners against a Russian threat?

Answer. Yes. Russia continues their long-term efforts to modernize the military and its recent actions in Ukraine and Syria demonstrate an increase in force projection and combat capabilities, including a growing range of offensive missile systems.

EUCOM ROLE IN COORDINATING MISSILE DEFENSE WITH ISRAEL

Question. United States European Command has Israel in its area of responsibility (AOR) and, among other missions, has the mission of coordinating and integrating United States missile defense capabilities and operations with those of Israel. To this end, EUCOM has sponsored a number of previous missile defense exercises with Israel. In addition, the United States has deployed a EUCOM missile defense radar (known as an AN/TPY-2 radar) to enhance defense against missiles from Iran.

Do you agree that coordinating and integrating of United States and Israeli missile defense capabilities and operations is a critical component of our security posture in the EUCOM AOR?

Answer. Yes, and if confirmed, EUCOM's mission to assist in the Defense of Israel will remain a high priority. Periodic missile defense exercises, such as JUNIPER COBRA 16, provide an excellent opportunity to train our military forces to respond to a regional crisis. This training is essential to building and maintaining defense interoperability and ensures Israel's qualitative military edge.

Question. If confirmed, would you continue to make this mission a high priority as Commander of EUCOM?

Answer. Yes. If confirmed, the defense of Israel and our bilateral relationship with the IDF will remain a high-priority mission for EUCOM.

Question. United States assets are committed to supporting the missile defense capabilities of Israel. As co-developed programs such as David's Sling and Arrow 3 become operational, do you foresee opportunities for U.S. assets to be used in missions other than missile defense?

Answer. Yes. The United States has provided more than \$3.3 billion over each of the past 10 years to support development of Israel's rocket and missile defense systems. United States military aid has helped transform Israel's armed forces into one of the most technologically sophisticated militaries in the world, maintaining Israel's "qualitative military edge". Delivering advanced radar, air, and missile defense systems to Israel will provide some relief and flexibility to utilize our high demand, low density missile defense assets for other national security interests.

NATO-LED KOSOVO FORCE

Question. Approximately 4,800 troops from 31 contributing nations, including nearly 700 United States troops, are deployed as part of the NATO-led Kosovo Force (KFOR). KFOR's mission is to assist in maintaining a safe and secure environment in Kosovo consistent with United Nations Security Council Resolution 1244 and to support the development of the Kosovo Security Force (KSF). NATO has sought to gradually draw down the KFOR presence as the security situation has improved.

What do you see as the major challenges in Kosovo, including in connection with the establishment of the Kosovo Security Force?

Answer. Kosovo faces the principle challenges of solidifying the gains of independence and continuing to build the institutions of a modern, democratic state. Despite significant progress, recent political instability demonstrates that there is more work ahead. Also, implementation of a political agreement with Belgrade resolving the impasse over northern Kosovo represents a key step moving forward. Settling the stage for successful negotiations and peaceful resolution remains a top priority.

While the Kosovo Security Force (KSF) has matured under its limited mandate, the KSF does not yet possess the capabilities to replace NATO's Kosovo Force (KFOR) as Kosovo's enduring security and defense organization. Until the legislative restrictions on the KSF are removed, the KSF will be unable to provide the level of security provided by KFOR, and KFOR's presence will continue to be an important source of stability, appreciated by both Kosovar Albanians and Kosovo Serbs. It is essential that NATO remains an active partner in shaping the future KSF with U.S. support, so that the future KSF enhances regional security and is not perceived as a threat to its neighbors.

Question. What do you see as the major challenges in the Balkans, especially given recent flows of refugees through the region?

Answer. While significant progress has been made over the last 20 years, conditions in the Balkans remain fragile. Deep ethnic divisions are a constant point of friction in both Bosnia-Herzegovina and Kosovo. The level of corruption in most Balkan Governments exceeds western norms, and political instability is a fact of life in many cases. Economically the region continues to struggle, and the defense budgets of most of our allies and partners in the region continue to decline.

The Balkans also fall along a migrant route for refugees headed to Western Europe. Balkan Governments struggle to deal with a large volume of migrants remaining within their borders, and nations along the migrant route are focused on moving refugees in and out of the country as quickly as possible. Any situation which leaves large numbers of migrants in a small Balkan nation would be a significant source of instability.

NATO ENLARGEMENT

Question. What are your views on whether NATO would benefit from further rounds of enlargement?

Answer. This is fundamentally a political decision. If confirmed, my role as SACEUR is to support those nations invited to join the Alliance to further develop and successfully integrate their military forces and capabilities into Alliance structures.

Question. What criteria should the United States apply in evaluating candidates for future NATO enlargement?

Answer. The criteria for membership is established in the Membership Action Plan mechanism. It supports stable, democratic, and reform-driven Nations who wish to contribute to security.

Question. In your view, is there a limit on the extent to which NATO can be enlarged and still be an effective military organization capable of making decisions and acting in a timely fashion?

Answer. No. Expansion will be contingent on NATO's will and capability to adjust its structure and processes to ensure agility and effective C2. NATO maintains an "Open Door" policy, based on article 10 of its founding treaty, for those nations which can further the principles of the Alliance and contribute to the security of the North Atlantic area.

Question. In your view, how should the United States and NATO proceed on the issue of NATO membership for Macedonia?

Answer. Decisions on NATO membership are outside the role and responsibilities of the EUCOM Commander and SACEUR. Article 10 of the Washington Treaty, and the agreed Open Door policy for further NATO enlargement, allow for stable, democratic and reform-driven Nations to be considered for NATO membership.

Question. In your view, how should the United States and NATO proceed on the issue of NATO membership for Georgia?

Answer. This is outside the role and responsibilities of the EUCOM Commander and SACEUR. Article 10 of the Washington Treaty, and the agreed Open Door policy for further NATO enlargement, allow for stable, democratic and reform-driven Nations to be considered for NATO membership.

That being said, I believe the United States and NATO should continue to reaffirm support for Georgia's territorial integrity, sovereignty, and the Bucharest decision regarding Georgia's eventual NATO membership. Georgia's unwavering and substantive support to RESOLUTE SUPPORT operations, and commitment to the Geneva talks and a peaceful resolution of the South Ossetia and Abkhazia territorial disputes are all encouraging signs that I commend. Likewise, Georgia continues to demonstrate itself as a strong partner of NATO.

Question. What is your assessment of current United States defense cooperation with Georgia?

Answer. The current state of United States defense cooperation with Georgia is robust, deep, and comprehensive. EUCOM participates in many areas of security co-

operation with Georgia that range from supporting their wounded warriors, to developing a comprehensive national strategic policy. Further, EUCOM synchronizes efforts with NATO in the implementation of the Substantial NATO–Georgia Package. EUCOM holds multiple annual, large-scale military exercises with Georgia which include a full range of capabilities, from cyber to combined arms. EUCOM continues to support the deployment of Georgian battalions to Afghanistan as part of NATO’s RESOLUTE SUPPORT Mission (Georgia is the second largest troop contributor after the United States), and to sponsor Georgia’s participation in the NATO Response Force.

Question. What opportunities, if any, do you see for enhanced United States defense cooperation with Georgia, including defensive arms?

Answer. The goal of United States Defense Cooperation with Georgia is to improve Georgia’s defense institutions, professionalize its military, enhance its territorial defense and support its desire to participate in Institutional peace-keeping and the NATO Response Force.

Increased allied resources for the Substantial NATO–Georgia Package and increased allied exercises in Georgia provide opportunities for additional defensive cooperation.

NATO-EUROPEAN UNION

Question. How would you characterize the NATO–EU relationship today?

Answer. In terms of NATO–EU military cooperation and coordination, it is my understanding that a strong relationship from the tactical to strategic levels exists.

Question. In your view, what should be NATO’s position with regard to European efforts to strengthen the European Security and Defense Policy and build military capacity within the European Union?

Answer. NATO’s position regarding the strengthening of European Security and Defense Policy will be decided by consensus by its 28 member nations. However, from a purely military perspective, the military capabilities within Europe are derived from a single pool of forces which are made available to either NATO or the EU. In a resource constrained environment, it makes sense to leverage the capabilities of all NATO and EU members to ensure the best return on a limited defense investment.

Question. In your opinion, what should be NATO’s role in the refugee crisis and the EU–Turkey agreement regarding refugees?

Answer. NATO’s roles and missions in support of mitigating the refugee crisis are assigned by the North Atlantic Council. With that said, lessons learned over time most likely hold true in this case. There is no short term NATO military solution in the transit zone to provide a long-term resolution of the refugee crisis.

INTERAGENCY COLLABORATION

Question. The collaboration between U.S. Special Operations Forces, general purpose forces, and other U.S. Government departments and agencies has played a significant role in the success of counterinsurgency and counterterrorism operations in recent years. However, much of this collaboration has been ad hoc in nature.

What do you believe are the most important lessons learned from the collaborative interagency efforts in Afghanistan, Iraq, and elsewhere?

Answer.

- I strongly support the collaborative interagency approach. In my experience, it takes a network, with all required agencies, to defeat a threat network.
- A collaborative interagency network requires committed and stable experts. Part time members or turbulence on the team reduces effects.
- An interagency collaborative effort requires clear senior leader interest and routine senior leader engagement to drive synchronization and results.
- A flat and fast communication process and common data access increases efforts. This is particularly difficult in allied interagency collaboration.

FORCE PROTECTION

Question. General Breedlove testified to the Senate Armed Services Committee that “the capabilities available for EUCOM force protection are not keeping pace with the number of at-risk locations and people, and the magnitude of the threats they face.”

Do you share this concern?

Answer. I have complete confidence in General Breedlove’s assessment and share his concern. Since General Breedlove’s last hearing, ISIL attacks have increased in the AOR with devastating attacks in Paris, Istanbul, and Brussels. Additionally, the continuing refugee flow masks the movement and return of some foreign fighters

to Europe, increasing the security threat. If confirmed, I'll assess our force protection in light of these threats.

Question. In your opinion, what additional steps, if any, should be taken to reduce the risk of attacks on U.S. embassies, consulates, and diplomatic personnel as well as Department of Defense personnel by terrorist organizations around the world and in the EUCOM AOR in particular?

Answer. We should continue to support DOS efforts to proactively protect embassies, consulates, and diplomatic personnel and ask DOS to continue supporting DOD efforts to engage with embassies on crisis response, training, surveys, assessments and familiarization visits. Routine risk assessments, Crisis Management Exercises, and FAST Training and Personnel Recovery Tabletops at U.S. Posts will reduce the risk.

NATO SPECIAL OPERATIONS HEADQUARTERS

Question. The NATO Special Operations Forces Headquarters (NSHQ) was created in 2007 to enhance the capabilities of and promote interoperability between the special operations forces (SOF) of NATO member nations.

What role do you believe the NSHQ should play in future contingencies involving NATO SOF?

Answer. The NSHQ provides a critical role in coordinating and synchronizing SOF operations and activities across the alliance. The Commander of the NSHQ fills an additional role as the Director of Special Operations—the principal advisor to SACEUR on the appropriate use of SOF. I have worked with NATO SOF and if confirmed, look forward to considering the use of their unique skills and experience to address the emerging threats in Europe.

Question. How do you believe the NSHQ can most effectively support NATO SOF capabilities and interoperability?

Answer. The NSHQ advocates and influences the development of Alliance SOF to achieve national and Alliance capability objectives and interoperability. NSHQ achieves this through a variety of mechanisms:

- Administration and oversight of the SOF evaluation program and process
- Development and Maintenance of NATO SOF Doctrine
- Training and Education provided by the NATO Special Operations School
- Participation in NATO exercises and Training events

Question. What do you believe are the appropriate roles for EUCOM and SOCOM in providing guidance and resources to the NSHQ?

Answer.

- SOCOM has been designated by the U.S. Secretary of Defense as the “lead component” with executive agent-like responsibilities for NSHQ.
- SOCOM provides SOF advocacy and insures that NSHQ has access to all standards, tactics, and procedures to allow NATO SOF to be interoperable with United States SOF.
- EUCOM, through the NATO Manning division, provides the necessary manpower support to ensure that NSHQ is manned at the appropriate levels.
- Additionally, the Army, via USAREUR, is the conduit for ensuring funding appropriated from Congress is provided and in line with the authorities outlined in the National Defense Authorization Act for NSHQ.

BUILDING PARTNER CAPACITY WITHIN THE EUCOM AREA OF RESPONSIBILITY (AOR)

Question. In the past several years, Congress has provided a number of new authorities requiring the Departments of Defense and State to work collaboratively to provide security assistance to partner nations. These include the global train and equip authority (“section 2282”) and the Global Security Contingency Fund.

In your view, what should be our strategic objectives in building the capacities of partner nations?

Answer. Capacity-building efforts should enable partner nations to conduct operations and activities that support U.S. national interests on their own or in concert with the U.S. This includes providing for national defense, conducting expeditionary operations in support of regional and/or global security, and countering transnational/transregional threats.

Question. How would you define our strategic objectives for building the capacity of partner nations in the European Command area of responsibility and in what ways, if any, do those objectives differ from other geographic Combatant Commands?

Answer. Capacity-building efforts in the EUCOM AOR should increase the resilience of Allies and partners for indirect action and unconventional (or “hybrid”) warfare. They should also develop conventional capabilities needed for territorial de-

fense, NATO collective defense, and expeditionary and peacekeeping operations. For many partners in EUCOM, this requires making further progress in the transition from Russian to NATO-interoperable systems and doctrine. In addition, building partner capacity has a critical role to play in enabling Allies and partners to respond to the surge in transnational/transregional threats to European security. Last but certainly not least, capacity-building efforts should support the development of the institutions needed to sustain and further enhance these capabilities.

The degree to which these objectives differ from other geographic Combatant Commands is based on two characteristics unique to the EUCOM AOR. The first is the willingness of European Allies and partners to support United States interests and operations. Europe is our partner of first resort. The second is NATO, in terms of the treaty commitments to which Allies are bound, and the formal, institutionalized framework for defense cooperation, and command and control of military operations.

Question. What is the relationship of the global train and equip authority and the Global Security Contingency Fund to other security assistance authorities, such as DOD counternarcotics assistance and foreign military financing?

Answer. The Global Train and Equip authority and Global Security Contingency Fund complement other security assistance authorities, enabling the Departments of Defense and State to respond to a broader range of security challenges.

The Global Train and Equip authority enables the Department to address emergent requirements to build the capacity of: 1) Ministry of Defense forces to support coalition military or stability operations that support U.S. interests; 2) Ministry of Defense and non-Ministry of Defense forces to conduct counterterrorism operations.

The Global Security Contingency Fund enables the Departments of Defense and State to plan and execute a sustained, comprehensive program of security sector assistance for a partner nation facing severe, unanticipated, and immediate security threats due to instability and conflict.

Question. Has the Global Security Contingency Fund authority been effective in the development of Ukrainian security forces?

Answer. The Global Security Contingency Fund (GSCF) authority has been a vital component of EUCOM's security assistance to Ukraine. It has allowed EUCOM to fill a security gap for the Government of Ukraine and demonstrate the value of United States-led security assistance during their ongoing crisis. In the weeks following the illegal occupation of Crimea and the Russian intervention in the Donbass, the government of Ukraine rapidly mobilized both its conventional Armed Forces and many separate battalions of volunteers, which were eventually incorporated into the National Guard. The GSCF allowed the Command to impart standardized and western military training to this new formation and to its leadership, which in turn led them to build their force infused with western military principles. EUCOM is still witnessing the second order effects of the original train-and-equip package that was funded with this authority.

NATO MEMBERS' SPENDING ON DEFENSE

Question. In 2015, according to General Breedlove:

- 21 Allies halted or reversed declines in defense investment as a percentage of GDP;
- 24 Allies halted or reversed declines in equipment investment;
- 5 Allies met the 2 percent of GDP guideline; and
- 8 Allies allocated the NATO guideline of 20 percent or more of defense budgeted to equipment.

Question. What is your assessment of the impact on NATO of the failure of the majority of NATO allies to meet agreed targets for defense spending?

Answer. I recognize that defense spending is a political decision made by sovereign member states, and that Alliance defense spending is moving in a positive direction. However, the members must strive to meet the Alliance target, particularly in view of the multiple emerging security challenges in Europe.

Question. If confirmed, what steps would you take to encourage NATO allies to increase their defense spending and enhance the military capabilities that they can contribute to NATO operations?

Answer. If confirmed, I will engage NATO member leadership on these defense spending levels, their plans to meet Alliance targets and the capabilities they provide in the collective defense of Europe.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. What is your assessment of the problem of sexual assaults in EUCOM?

Answer. It is my understanding that EUCOM takes sexual assault prevention seriously, that the required programs and personnel are in place, and that their trends are representative of DOD trends. If confirmed, I will emphasize healthy command climates that ensure individual dignity and respect. I will lead by example and place personal emphasis on sexual assault prevention, and I will conduct a personal assessment of EUCOM's programs and results.

Question. What is your assessment of EUCOM's sexual assault prevention and response program?

Answer. It is my understanding that EUCOM takes sexual assault prevention seriously, the required programs and personnel are in place and that their trends are representative of DOD trends.

If confirmed, I will emphasize healthy command climates that ensure individual dignity and respect. I will lead by example and place personal emphasis on sexual assault prevention, and I will conduct a personal assessment of EUCOM's programs and results.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. I support both restricted and unrestricted reporting. This provides the victim a personal choice and a much greater voice while ensuring the victim's safety and support, and providing the chain of command awareness of a crime. In units with healthy command climates, restricted reports are less frequent, reflecting the trust in the leadership.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. The chain of command, particularly the commander, is critical to enforcing the standards of support to victims of sexual assault. Their demonstrated level of concern for the victim, adherence to required and trained resources, and insistence on timely care and protection permeates a unit's environment and actions.

Question. What is your view of the adequacy of resources and programs in EUCOM to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. It is my understanding that the resources and programs in EUCOM provide appropriate medical, psychological, and legal help to victims of sexual assault. If confirmed, I will require the component commands to report on their adequacy of their programs and make my own assessment of their findings. Additionally, I will continue to promote education among our people concerning resources and reporting options available to them, to encourage the confidence that they will receive the compassionate and professional help they require if they report an allegation.

Question. What is your view of EUCOM initiatives to prevent additional sexual assaults?

Answer. It is my understanding that EUCOM and its components actively implement dynamic and engaging training. The training includes hands on interactive role-playing, drama, mentoring, and communication training. For example, EUCOM developed a policy which specifically targets temporary and deployed personnel, to emphasize bystander intervention as everyone's duty.

Question. What is your view of the adequacy of the training and resources available to EUCOM to investigate and prosecute allegations of sexual assault?

Answer. It is my understanding that EUCOM investigative and prosecutorial resources are adequate. Criminal investigative agencies prioritize sexual assault cases and thoroughly investigate all allegations of sexual assault. With increased training and specialization, both investigators and prosecutors are becoming increasingly skilled in dealing with these types of cases, which can often be complex and challenging by their nature.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. Commanders establish the culture in their unit. All leaders must be involved in changing culture for the better, and should be held accountable for climates that demonstrate a pattern of disrespect and indiscipline.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting. If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. If confirmed, I will set the example and prioritize prevention of sexual assault and the prevention of retaliation for reporting sexual assault.

If confirmed, I will ensure subordinate commanders take appropriate action with those who retaliate against one reporting sexual assault. I will ensure personnel know they are expected to report wrong doing to appropriate authorities.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. I am aware that sexual assault is significantly underreported in our society and the military.

If confirmed, I will emphasize and require proper command climates and emphasis in training the chain of command on sensitivity and privacy in their handling sexual assault incidents. Reporting is a matter of victim trust in their leadership and confidence that the incident will be handled privately and with appropriate understanding, sensitivity, and care.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. In my opinion, requiring a judge advocate to act in place of the commander would significantly undermine the overall command authority and trust in all matters. We hold commanders responsible for all aspects of mission and discipline in their unit, and we trust them with life and death decisions in combat. Our commanders are trained and provided specifically trained legal counsel and oversight and can properly determine prosecution of sexual offenses.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in EUCOM?

Answer. If confirmed, I will set the example and clearly establish prevention of sexual assault as a priority.

Additionally, if confirmed, I will emphasize and require proper command climates and emphasis in training the chain of command on proper processes, sensitivity and privacy in their handling sexual assault incidents.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of EUCOM commanders to prosecute sexual assault cases?

Answer. I can't speak directly to the effect of recent legislation concerning sexual assault on the EUCOM commanders' prosecution of sexual assault cases. This level of detail is not available to me. However, my assessment of the legislative impact in my present command is positive. Particularly the requirement for trained victim advocate counsel and counsel for commanders is positive and has clearly empowered and protected the victim and increased our prosecution in sexual assault cases. If confirmed, I will check adherence and review the effect of the recent legislation.

Question. The Armed Services Committee has received testimony about troubling allegations concerning child sexual abuse by coalition partners in Afghanistan. In your view, what is the appropriate role for a U.S. military commander who is working with coalition partners, when that U.S. officer becomes aware of allegations of child abuse by members of that coalition force?

Answer. The U.S. military takes all allegations of this nature very seriously and upon witnessing or receiving allegations, U.S. military members are required to report any incidents to their chain of command. Additionally, we notify our coalition partners and encourage them to take appropriate action.

Question. If confirmed, what direction would you give to U.S. personnel assigned to your command who become aware of such allegations?

Answer. If confirmed, I will continue to instruct U.S. personnel to report any suspected violations through their chain of command as soon as they become aware of them.

Question. Under what circumstances would you expect U.S. personnel under your command to intervene to stop such misconduct if they suspect it or observe it?

Answer. If U.S. personnel suspect or observe an incident of abuse, I expect them to report it through their chain of command, bring it to the attention of the appropriate coalition officials, and encourage the officials to address the incident through appropriate criminal justice systems.

While U.S. Forces do not have the legal authority to enforce matters of coalition domestic law, I expect our servicemembers to do what is morally correct at all times and to stop abuse on the spot, if observed. I would expect all U.S. personnel under my command to embody this responsibility and act accordingly.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes, I do.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, EUCOM?

Answer. Yes, I do.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes, I do.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NORTH KOREAN MISSILE CAPABILITIES

1. Senator INHOFE. General Scaparrotti, do you think United States European Command (EUCOM) has the capability to lead combat operations against a determined Russian foe?

General SCAPARROTTI. It is my understanding that EUCOM maintains the ability to lead combat operations against Russia, but there are some significant challenges. EUCOM currently faces challenges with the command and control capability to plan, execute, and sustain a major confrontation in multiple domains for an extended period of time. However, EUCOM's ability to lead combat operations will improve as it completes its transition back to a warfighting headquarters. The Command will require both deployed and reachback capacity from CONUS. Additionally, many of the command and control systems and structures lack both the redundancy and hardening required for resilience against the threat presented by the Russian military. Finally, EUCOM is coordinating with the Department of Defense to ensure an integrated and global response as the scope and scale of Russia's threat extends beyond the region.

2. Senator INHOFE. General Scaparrotti, do you think the current EUCOM forces could hold off the Russians until American reinforcements could deploy in support?

General SCAPARROTTI. The exact answer depends on the circumstances surrounding the crisis. For example, Russia has sufficient forces near the Baltics to launch an attack with little warning. In this scenario, Russia could seize significant Allied territory before United States-based reinforcements could arrive. In time, however, the United States and NATO would generate sufficient combat power to restore our Allies' territorial integrity. Improved warning, such as enhanced intelligence, surveillance, and reconnaissance (ISR) capabilities, and additional United States and Allied capacity in Europe, including prepositioned stocks, would help provide the additional time and space necessary to deploy American forces and repel Russian aggression early in a crisis.

UNITED STATES-NATO ALLIANCE

3. Senator INHOFE. General Scaparrotti, how do you envision integrating your military contributions to our U.S.-led or NATO [North Atlantic Treaty Organization]-led comprehensive application of all the elements of our collective power?

General SCAPARROTTI. If confirmed, in both my capacity as Commander, United States European Command and as Supreme Allied Commander Europe, I will work to implement an integrated set of steady state engagement, security cooperation, and deterrence activities. I will do this together with our Allies and partners to demonstrate U.S. Commitment to the Alliance, support the development of full spec-

trum Allied and partner military capabilities, deter aggression, and be prepared to defend against any aggressor.

TRANSNATIONAL TERRORISM IN EUROPE

4. Senator INHOFE. General Scaparrotti, as the EUCOM Commander, what steps will you take to address the transnational terrorist threats common in Europe?

General SCAPARROTTI. If confirmed, the protection of U.S. military personnel and American citizens abroad will be a priority. To that end, I will ensure installations, military members, and their families residing off our installations are protected to the maximum extent possible, and that appropriate strategies and capabilities to counter terrorist threats are in place.

If confirmed, I will support and enable United States Government agencies and country teams within Europe leading our counterterrorism efforts.

Additionally, since the actions and cooperation of our European Allies and partners are critical to this effort, if confirmed, I will put emphasis on rapid and effective intelligence- and information-sharing, continue efforts to improve Allied and partner counterterrorism operations, counter transnational organized crime, and encourage strong civil-military relationships across ministries, international organizations, and borders. We will pursue these efforts bilaterally, regionally, with the European Union, and within a NATO construct to reduce the potential for successful terrorist attacks within the EUCOM AOR and against the Homeland.

5. Senator INHOFE. General Scaparrotti, how will you engage the Europeans in this effort?

General SCAPARROTTI. If confirmed, I will work by, with, and through our U.S. Interagency partners, our Ambassadors and their country teams, and our United States Missions at our international organizations to share information with European law enforcement. We will pursue these efforts bilaterally, regionally, and within a NATO construct. I will ensure our strategic message is congruent with national leadership and delivered through multiple mediums, including personal key leader engagements. Although there is no formal command relationship between the EUCOM Commander and the United States Chiefs of Mission, I will work closely with the Chiefs of Mission, who represent the President of the United States, in their respective countries.

6. Senator INHOFE. General Scaparrotti, how will you support their leading role so that we can do everything possible to safeguard American lives in Europe?

General SCAPARROTTI. As a commander, protection of U.S. personnel is always a priority. I'm confident in our ability to implement force protection measures based on current intelligence. As to the wider threat, I believe that robust intelligence sharing and building partner capacity—both on the military and law enforcement fronts—are key to ensuring our partners are prepared to meet the threats posed by extremist groups within Europe, both now and for years to come.

7. Senator INHOFE. General Scaparrotti, what do you think would be the best use of limited resources?

General SCAPARROTTI. The best approach to maximize the use of limited resources in Europe is to operate by, with, and through our European partners. In this way we use our combined posture to anticipate and react to dynamic threats. Also, with limited personnel and resources, ISR, intelligence-sharing and building partner capacity are critical to success.

8. Senator INHOFE. General Scaparrotti, what do you think your American headquarters should do?

General SCAPARROTTI. We have an obligation to remain vigilant in the defense of the United States, NATO territory, and American interests within the European theater. If confirmed, I will work to continuously strengthen partnerships across national borders to meet transnational terrorism threats. I intend to support our interagency and partner nations with timely sharing of intelligence and information, and I will ensure that EUCOM remains well integrated with the counterterrorism efforts of AFRICOM, CENTCOM, and SOCOM.

9. Senator INHOFE. General Scaparrotti, Europeans need to step up, they need to be ready, and they need to do more in their own defense. How does your EUCOM headquarters and/or your NATO headquarters ensure that all the NATO forces, United States, Canadian, and European, are ready to meet their responsibilities on

the timelines your planners anticipate in any conflict that might occur on NATO's periphery?

General SCAPARROTTI. If confirmed, I will continue the excellent initiatives begun under General Breedlove's leadership, including the closer alignment of the NATO and EUCOM exercise programs, increased collaboration between SHAPE and the national military headquarters, of which EUCOM is one.

I will also continue to include NATO Capability Targets for nations as objectives in EUCOM's Country Cooperation Plans, the documents which provide guidance for a cooperative approach to steady-state activities within the host country. Doing so will focus our U.S. military-to-military efforts on those capabilities which NATO has already deemed most important for the defense of NATO territory.

If confirmed, I will also focus on what national capabilities may be available at any given time to ensure we have a clear understanding of the military strength NATO and/or EUCOM could employ on short notice against any adversary in the east or south who may seek to threaten NATO territory.

Furthermore, if confirmed, I will ensure NATO maintains high standards in the certifications of the Very High Readiness Joint Task Force and NATO Response Forces. Finally, I will continue to conduct crisis response exercises within EUCOM to ensure that United States Forces within Europe are prepared and ready.

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

U.S. ATTACK SUBMARINES

10. Senator AYOTTE. General Scaparrotti, the current U.S. attack submarine fleet requirement of 48 was established in 2006. The Navy is reexamining that requirement, and the Russian threat is perhaps a big part of that. Once confirmed, do you commit to ensuring that EUCOM's operational plans reflect the current reality and threat, including with respect to attack submarines, as opposed to what existed in 2006?

General SCAPARROTTI. Yes, addressing the allocation of United States attack submarines to account for Russia's increasing capability is vital to countering that threat.

11. Senator AYOTTE. General Scaparrotti, do you commit to ensuring that the Navy, the Department of Defense (DOD), and Congress understand EUCOM's current and actual real-world need for attack submarines?

General SCAPARROTTI. Yes. My experience as the UNC/CFC/USFK Commander clearly showed me the value of the capabilities that our attack submarines have to offer. They provide the Commander with multiple options and I will continue to be an advocate for these capabilities and resources.

STRATEGIC COOPERATIVE INITIATIVE PROGRAM WITH ISRAEL

12. Senator AYOTTE. General Scaparrotti, in light of the growing threats to Israel, do you agree that our military-to-military programs with Israel are incredibly important and must be fully resourced?

General SCAPARROTTI. Yes, our military programs with Israel are incredibly important, and if confirmed, I will actively participate in developing the Department of Defense's resourcing recommendations to Congress.

INTERMEDIATE-RANGE NUCLEAR FORCES TREATY VIOLATION

13. Senator AYOTTE. General Scaparrotti, the Obama administration belatedly recognized that Russia has violated the Intermediate-Range Nuclear Forces (INF) Treaty. In your responses to the advance policy questions, you acknowledged that Russia has violated the INF Treaty. What specific steps has DOD taken in EUCOM to ensure that Russia does not gain a military advantage as a result of its development of a ground-launched cruise missile (GLCM) in violation of the INF Treaty?

General SCAPARROTTI. It is my understanding that EUCOM is coordinating with the Department of Defense and the interagency to encourage Russia to come into compliance with the INF Treaty. If confirmed, I will work with DOD and our allies to posture our forces to address this threat and to develop new and innovative methods and technologies to deter and counter this threat.

14. Senator AYOTTE. General Scaparrotti, what steps do you believe DOD should take to ensure Russia does not gain a military advantage as a result of violating the treaty and developing a ground-launched cruise missile?

General SCAPARROTTI. I believe DOD should explore options that will deter Russia from continued development of INF non-compliant systems, and the options to counter this threat.

15. Senator AYOTTE. General Scaparrotti, will you keep my office informed on this issue?

General SCAPARROTTI. Yes. I look forward to providing any updates to your office, including through office calls and future testimony.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

4–25 DECISION

16. Senator SULLIVAN. General Scaparrotti, do you support General Mark A. Milley's, USA, Chief of Staff of the Army, recent announcement to retain 4–25 and, if confirmed, will you continue to support efforts to retain the 4th Brigade Combat Team (Airborne), 25th Infantry Division in Alaska, given that this unit is the Army's only Arctic-trained brigade combat team (BCT) and according to General Milley, one of the most trained and ready units in the entire United States Army?

General SCAPARROTTI. I support GEN Milley's decision, and I will work with the Department of Defense to ensure we maintain full spectrum capabilities.

SIZE OF THE ARMY

17. Senator SULLIVAN. General Scaparrotti, in your professional military opinions, given the increasingly dangerous and complex threat environment—including the realities you will both face in your respective Combatant Commands (COCOM) if confirmed—do you agree with General Milley that a 450,000 Army leaves our Nation at “high risk”?

General SCAPARROTTI. Yes, I concur with General Milley that a 450K AC Army (980K Total Army) will leave our Nation with high military risk. The multiple global challenges we face today drives high operational tempo and consumes readiness faster than we can generate it. A smaller force will accelerate these trends.

OPERATIONAL SEAMS IN THE ARCTIC

18. Senator SULLIVAN. General Scaparrotti, what main threat does EUCOM oversee with regard to the Arctic, what are the specific risks associated with that threat, and is that threat increasing or decreasing its influence in the area of responsibility (AOR)?

General SCAPARROTTI. I believe that Russia is the main potential threat to a safe, stable and free Arctic region. Russian development of military bases, its deployment of troops and A2AD systems could deny access to the Northern Sea Route and increase militarization in the Arctic.

19. Senator SULLIVAN. General Scaparrotti, hypothetically, if Russia decided to deny access to vital United States/international shipping in the Arctic region, which combatant commander would directly respond to that threat?

General SCAPARROTTI. Several combatant commanders have responsibilities that cross the Arctic, and a crisis there will require a coordinated response from multiple commands, as well as other United States Government agencies. EUCOM is ready to lead the military element of such a response should it receive the direction to do so.

20. Senator SULLIVAN. General Scaparrotti, which combatant commander would directly respond to threats along the transpolar route?

General SCAPARROTTI. In general, EUCOM would be the supported commander along Russia's Northern Sea Route, while NORTHCOM would be the supported commander if the denial is along the Northwest Passage or across the North Pole.

21. Senator SULLIVAN. General Scaparrotti, without an icebreaker, could the U.S. conduct a freedom of navigation operation (FONOP) to challenge areas of denied access?

General SCAPARROTTI. Any operations in the Arctic require thorough risk management and assessment based on the exact environment at the time of the operation. Icebreakers are required for many of those operations.

22. Senator SULLIVAN. General Scaparrotti, if confirmed, and in coordination with Admiral Harry B. Harris, Jr., USN, Commander of U.S. Pacific Command (PACOM), what will you both specifically do to address this seam in the Arctic?

General SCAPARROTTI. If confirmed, I will work closely with both PACOM and NORTHCOM, as well as the Services, the Joint Staff, and the Secretary of Defense's office to continue to identify appropriate investments in training and capabilities for the Arctic.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

COMBATANT COMMANDERS' NEED FOR INFORMATION, SURVEILLANCE AND RECONNAISSANCE

23. Senator NELSON. General Scaparrotti, in your previous commands you have acknowledged the need to sweep vast geographic areas to detect potential adversary movement in order to vector scarce information, surveillance, and reconnaissance (ISR) or strike platforms directly to potential targets. What is your assessment of the ability of systems such as the E-8C Joint Surveillance Target Attack Radar System (JSTARS) to meet this need in your respective prospective Combatant Commands?

General SCAPARROTTI. The Global Hawk Block 40 and JSTARS are critical systems in our ability to detect adversary movements. As a result, they are a high demand, low density asset. JSTARS also provides a niche capability to conduct all-weather strategic wide area surveillance and tactical battle management. No other system provides an integrated Battle Management and ISR capability.

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN III

KURDS ATTITUDE TOWARD THE IRAQI GOVERNMENT

24. Senator MANCHIN. General Scaparrotti, describe for me the current climate between the Iraqi Kurds and the Iraqi Government.

General SCAPARROTTI. This answer is best addressed by the Commander, United States CENTCOM, who has responsibility for military engagements in Iraq. It is my understanding that Iraqi Kurdistan is in dispute with the Federal Iraqi Government over issues of territorial control, export of oil, and budget distribution—and is functioning largely outside Baghdad's control. As a result, the Kurdistan Regional Government (KRG) maintains efforts to establish and improve direct relations with outside powers, including Turkey and Iran, bypassing Baghdad as it does so.

25. Senator MANCHIN. General Scaparrotti, is the Kurdish leadership satisfied with the Government of Iraq's support?

General SCAPARROTTI. This answer is best addressed by the Commander, United States CENTCOM, who has responsibility for military engagements in Iraq. It is my understanding that in response to Kurdish attempts to minimize the role of the Iraqi Government in Kurdish affairs, Baghdad has responded by blacklisting some international companies doing business with Kurdish entities, and by attempting to restrict Kurdish access to foreign funds. Kurdish officials and the Kurdish public likely continue to resent Baghdad's efforts to minimize Kurdish semi-autonomy.

26. Senator MANCHIN. General Scaparrotti, are Iraqi Kurds treated as equal Iraqi citizens?

General SCAPARROTTI. This answer is best addressed by the Commander, United States CENTCOM, who has responsibility for military engagements in Iraq. It is my understanding that as a result of geographic separation and Kurdish semi-autonomy, average Iraqi Kurds' interactions with the Iraqi central government are minimal. Additionally, current Iraqi Prime Minister Haider al Abadi has made cross-sectarian government participation much more of a priority than his predecessor, Prime Minister Nuri al Maliki, who sought to expand Shi'ite (and Shi'ite militant) influence at the expense of Sunnis and Kurds. Nonetheless, Iraqi Kurds are still likely not satisfied with their level of representation in the Iraqi Government, further driving their desire to maintain a semi-autonomous status.

CURRENT AND FUTURE RULES OF ENGAGEMENT

27. Senator MANCHIN. General Scaparrotti, can you detail EUCOM's current rules of engagement (ROE) as it applies to enemy engagement by air, land, and sea?

General SCAPARROTTI. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Although the Standing Rules of Engagement are classified, the right of self-defense is a well-established principle in international law.

28. Senator MANCHIN. General Scaparrotti, if confirmed as the EUCOM Commander what changes, if any, would you consider to the current ROE?

General SCAPARROTTI. If confirmed, I will carefully consider recommendations from unit commanders to augment the standing rules of engagement as necessary to protect our forces, to deter and, if necessary, defeat an attack on U.S. forces.

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

EUROPEAN SECURITY INITIATIVE

29. Senator HEINRICH. General Scaparrotti, I was pleased to see this year's budget request quadruple the European Security Initiative to \$3.4 billion. I am also glad to see we will be deploying several thousand additional troops to Europe and providing a more permanent presence in the Baltics. However, this troop deployment won't actually happen until 2017. What kind of force presence do we have in place today in the Baltics, and do you believe it is enough to reassure our allies that the United States will defend them against Russian aggression?

General SCAPARROTTI. As part of Operation ATLANTIC RESOLVE, EUCOM maintains a persistent rotational presence of air, land, and sea forces in the Baltics as a visible sign of our commitment to NATO's collective defense and reassuring our Allies and partners. I appreciate the priority given to the ERI in fiscal year 2016. The President's fiscal year 2017 request for funds for the European Reassurance Initiative would build upon the fiscal year 2015 and fiscal year 2016 appropriations with the introduction of deterrence measures to continue to improve the European posture in the wake of Russian aggression.

30. Senator HEINRICH. General Scaparrotti, if confirmed, what additional steps would you propose we take to create additional trip wires for Putin?

General SCAPARROTTI. If confirmed, I will continue with General Breedlove's efforts to enhance deterrence, and demonstrate the capability of the Alliance to meet its article 5 collective defense commitment. As part of that effort, President Putin must understand and respect the intrinsic right for the United States and our Allies to conduct non-aggressive and non-threatening exercises and operations in the European theater. We must provide a strong, clear, and consistent message that we will respond to any attack on our forces consistent with our inherent right of self-defense, or to any violation of NATO sovereignty in accordance with article 5.

GERMAN AIR FORCE/CO-TRAINING OPPORTUNITIES

31. Senator HEINRICH. General Scaparrotti, the German Air Force has operated a successful training center in the United States for over 20 years. Unfortunately, it recently decided to terminate its contract with the U.S. Air Force. The presence of the German Air Force in the United States supported the important alliance between our two nations and created unique and valuable training opportunities. How important are co-training opportunities, like this one, to our collective security posture as well as for joint operations?

General SCAPARROTTI. The importance of co-training cannot be overstated. Co-training opportunities are critical to building relationships, interoperability, and trust with our closest Allies. They provide a basis for a deep and intuitive understanding of each other's capabilities and ultimately lead to better and more effective combined military capability. Equally important, the connections developed between our servicemembers build long lasting personal relationships and networks which are crucial to enabling clear communications and cooperation in crisis.

32. Senator HEINRICH. General Scaparrotti, do you believe we should continue seeking opportunities to co-train with our European counterparts at locations in the United States?

General SCAPARROTTI. I believe we should seek opportunities for co-training with our European counterparts at every opportunity. This training not only produces technical skills and military interoperability, it also directly contributes to credible deterrence by demonstrating the commitment of allies and partners to work together to counter and defend against any threat.

[The nomination reference of General Curtis M. Scaparrotti, USA follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 14, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

General Curtis M. Scaparrotti, 8351.

[The biographical sketch of General Curtis M. Scaparrotti, USA, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL CURTIS M. SCAPARROTTI

Source of Commissioned Service

USMA.

Educational degrees:

United States Military Academy—BS—No Major
University of South Carolina—M.Ed—Administrative Education

Military schools attended:

Infantry Officer Basic and Advanced Courses
United States Army Command and General Staff College
United States Army War College

Foreign Language(s):

None recorded.

Promotions:

Promotions	Dates of appointment
2LT	7 June 78
1LT	7 June 80
CPT	1 January 82
MAJ	1 July 89
LTC	1 July 93
COL	1 May 99
BG	1 January 04
MG	9 July 07
LTG	15 October 10
GEN	2 October 13

Major duty assignments:

From	To	Assignment
October 2013	Present	Commander, United Nations Command/Combined Forces Command/United States Forces Korea, Republic of Korea
August 2012	October 2013	Director, Joint Staff, Washington, DC
October 2010	July 2012	Commanding General, I Corps and Joint Base Lewis-McChord, Joint Base Lewis-McChord, Washington/Commander, International Security Assistance Force Joint Command/Deputy Commander, United States Forces-Afghanistan, Operation Enduring Freedom, Afghanistan
August 2010	September 2010 ...	Special Assistant to the Commanding General, XVIII Airborne Corps
October 2008	August 2010	Commanding General, 82d Airborne Division, Fort Bragg, North Carolina/Commanding General, Combined Joint Task Force-76 and Operation Enduring Freedom, Afghanistan

From	To	Assignment
July 2006	September 2008 ...	Director of Operations, J-3, United States Central Command, MacDill Air Force Base, Florida
August 2004	June 2006	Commandant of Cadets, United States Military Academy, West Point, New York
June 2003	July 2004	Assistant Division Commander (Maneuver), 1st Armored Division, United States Army Europe and Seventh Army, Germany and Operation Iraqi Freedom, Iraq
July 2001	June 2003	Assistant Deputy Director for Joint Operations, J-3, Joint Staff, Washington, DC
June 1999	June 2001	Commander, 2d Brigade, 82d Airborne Division, Fort Bragg, North Carolina
June 1998	June 1999	Chief, Army Initiatives Group, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC
August 1997	June 1998	Student, United States Army War College, Carlisle Barracks, Pennsylvania
May 1996	July 1997	G-3 (Operations), 10th Mountain Division (Light), Fort Drum, New York
May 1994	April 1996	Commander, 3d Battalion, 325th Infantry (Airborne Combat Team), United States Army Southern European Task Force, Vicenza, Italy and Operation Support Hope, Operation Joint Endeavor, Bosnia-Herzegovina and Operation Assured Response, Liberia
February 1993	May 1994	Executive Officer to the Director of Management, Office of the Chief of Staff, Army, Washington, DC
May 1992	February 1993	Lieutenant Colonels Assignment Officer, Infantry Branch, United States Total Army Personnel Command, Alexandria, Virginia
May 1991	May 1992	Chief, Operations Branch, G-3 (Operations), 10th Mountain Division (Light), Fort Drum, New York
May 1990	May 1991	S-3 (Operations), 1st Brigade, 10th Mountain Division (Light), Fort Drum, New York
June 1989	May 1990	S-3 (Operations), 1st Battalion, 87th Infantry Regiment, 10th Mountain Division (Light), Fort Drum, New York
July 1988	June 1989	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas
May 1985	June 1988	Tactical Officer, later Aide-de-Camp to the Superintendent, United States Military Academy, West Point, New York
May 1984	May 1985	Student, University of South Carolina, Columbia, South Carolina
October 1983	May 1984	Student, Infantry Officer Advanced Course, Fort Benning, Georgia
April 1982	September 1983 ...	Commander, B Company, 3d Battalion (Airborne), 325th Infantry Regiment, 82d Airborne Division, Fort Bragg, North Carolina
November 1980	April 1982	S-3 (Air), 3d Battalion (Airborne), 325th Infantry Regiment, 82d Airborne Division, Fort Bragg, North Carolina
April 1979	October 1980	Rifle Platoon Leader, A Company, later Anti Tank Platoon Leader, Combat Support Company, 3d Battalion (Airborne), 325th Infantry Regiment, 82d Airborne Division, Fort Bragg, North Carolina

Summary of joint assignments:

	Date	Grade
Commander, United Nations Command/Combined Forces Command/United States Forces Korea, Republic of Korea.	October 2013–Present	General
Director, Joint Staff, Washington, DC	August 2012–October 2013	Lieutenant General
Director of Operations, J-3, United States Central Command, MacDill Air Force Base, Florida.	July 2006–September 2008	Brigadier General/ Major General
Assistant Deputy Director for Joint Operations, J-3, Joint Staff, Washington, DC.	July 2001–June 2003	Colonel

Summary of operational assignments:

	Date	Grade
Commanding General, I Corps/Commander, International Security Assistance Force Joint Command/Deputy Commander, United States Forces-Afghanistan, Operation Enduring Freedom, Afghanistan.	July 2011–June 2012	Lieutenant General
Commanding General, Combined Joint Task Force-76, Operation Enduring Freedom, Afghanistan.	May 2009–June 2010	Major General
Assistant Division Commander (Maneuver), 1st Armored Division, United States Army Europe and Seventh Army, Germany and Operation Iraqi Freedom, Iraq.	June 2003–July 2004	Colonel/Brigadier General
Commander, 3d Battalion, 325th Infantry (Airborne Combat Team), United States Army Southern European Task Force, Operation Support Hope, Zaire/Rwanda.	July 1994–September 1994	Lieutenant Colonel

	Date	Grade
Commander, 3d Battalion, 325th Infantry (Airborne Combat Team), United States Army Southern European Task Force, Operation Joint Endeavor, Bosnia-Herzegovina.	December 1995–March 1996	Lieutenant Colonel
Commander, 3d Battalion, 325th Infantry (Airborne Combat Team), United States Army Southern European Task Force, Operation Assured Response, Liberia.	April 1996–April 1996	Lieutenant Colonel

United States decorations and badges:

Defense Distinguished Service Medal (with Oak Leaf Cluster)
 Distinguished Service Medal (with Oak Leaf Cluster)
 Defense Superior Service Medal (with Oak Leaf Cluster)
 Legion of Merit (with 4 Oak Leaf Clusters)
 Bronze Star Medal (with 2 Oak Leaf Clusters)
 Meritorious Service Medal (with 4 Oak Leaf Clusters)
 Army Commendation Medal (with 4 Oak Leaf Clusters)
 Army Achievement Medal
 Combat Action Badge
 Expert Infantryman Badge
 Master Parachutist Badge
 Ranger Tab
 Joint Chiefs of Staff Identification Badge
 Army Staff Identification Badge

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by General Curtis M. Scaparrotti, USA in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR-228

WASHINGTON, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Curtis M. Scaparrotti.

2. **Position to which nominated:**
Commander, United States European Command and Supreme Allied Commander, Europe, Germany.

3. **Date of nomination:**
March 14, 2016.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**

March 5, 1956; Logan, Ohio.

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married to Cindy S. (Bateman) Scaparrotti.

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

None other than listed in service record.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

I am a trustee in two living trust which were created as part of our estate planning. The trusts are:

The Curtis M. Scaparrotti Living Trust.

The Cindy S. Scaparrotti Living Trust.

My wife and I are listed as trustee in both trusts. The contents of the trust are all our personal property and home furnishings. Additionally, our investments listed in the SF 278, on pages 7 thru 8 of 21, as Living Trust items 7.0 to 7.14, are in her trust. None of the contents of either trust create a potential conflict of interest.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Life Member, Association of the United States Army

Life Member, 82nd Airborne Division Association

Life Member, 1st Armored Division Association

Life Member, U.S. Army War College Alumni Association

Member, The American Legion

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

The Ellis Island Medal of Honor, 2005

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes, I do agree.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

Yes, I do agree.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

CURTIS M. SCAPARROTTI

This 21st day of December, 2015

[The nomination of General Curtis M. Scaparrotti, USA was reported to the Senate by Chairman McCain on April 26, 2016, with

the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 28, 2016.]

[Prepared questions submitted to General Lori J. Robinson, USAF by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater-Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy going forward.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. I believe the central challenge any defense reform should address is what roles, missions, authorities, and structure changes are needed to optimally organize the Department of Defense to meet current and future security challenges. This includes transregional, multi-domain and multi-functional security challenges. I believe any recommended defense reforms should preserve the first principles of civilian control, independent military advice, and a clear distinction between civilian and military roles.

The passage of the Goldwater-Nichols Act transformed our Armed Forces' ability to meet global challenges in the conduct of joint operations. In light of its 30-year anniversary this year, as well as today's strategic environment, I believe it is prudent the Department review the provisions of the Act to look for areas that may yield greater effectiveness and efficiency. If confirmed, I will continue to support the evaluation of the Goldwater-Nichols Act within U.S. Northern Command and work with the Department, the Services and the Committee to make recommendations for modifications if necessary.

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and functions of the Commander, U.S. Northern Command?

Answer. The Commander, U.S. Northern Command is responsible for detecting, deterring, and preventing attacks against the people and territory of the United States. The Commander is also responsible for planning and conducting military support to federal, tribal, state, local civil authorities in response to natural or man-made disasters. In addition, the Commander is responsible for developing security cooperation relationships and activities with Canada, Mexico, and The Bahamas.

Question. What is your understanding of the duties and functions of the Commander, North American Aerospace Defense Command?

Answer. The Commander of North American Aerospace Command is responsible to both the President of the United States and the Prime Minister of Canada to conduct aerospace warning, aerospace control, and maritime warning in defense of North America. For the aerospace warning mission, the Commander provides an integrated tactical warning and attack assessment to both governments.

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

Answer. It has been my great honor to serve over 34 years in a diverse set of positions that I believe have prepared me to command U.S. Northern Command and North American Aerospace Command, if confirmed. I have commanded an operations group, a training wing, and an air control wing, and have deployed as Vice Commander of an air expeditionary wing, leading more than 2,000 airmen flying B-1s, KC-135s, and E3s in Operations Enduring Freedom and Iraqi Freedom. I also served alongside joint and multi-national senior leadership as the Deputy Combined Forces Air Component Commander at Al Udeid Air Base. I have experience on the Joint Staff, Service staff, and interagency staff, and have worked closely with Congress on a variety of issues. In my current position as the Commander of Pacific Air Forces, I am dual-hatted as the Air Component Commander for United States Pacific Command, providing support to over 46,000 airmen serving in Japan, Korea,

Hawaii, Alaska, and Guam. Throughout my career, I have gained insight into the conduct of joint, combined and international operations; the duties of a combatant commander; the importance of interagency teamwork, particularly in response to natural disasters; and the interdependent role of the National Guard and federal Reserve forces in defending our Homeland and supporting civil authorities in times of crisis.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Northern Command and Commander, North American Aerospace Defense Command?

Answer. If confirmed as Commander of U.S. Northern Command, I will seek every opportunity to build on my knowledge and experience of Homeland defense in the commands' mission areas. Homeland defense is the number one priority for both U.S. Northern Command and North American Aerospace Defense Command, and if confirmed, I will make it my immediate focus upon taking command to ensure seamless operations. I intend to deepen my understanding of the threat posed to the United States and our neighbors by transnational criminal organizations, as well as the whole-of-government approach to defeat them. In addition, I will engage with trusted lead federal agency partners, Reserves, The Adjutants General, and state governors to provide a Total Force response to our nation's natural and man-made disasters. If confirmed as Commander of North American Aerospace Defense Command, I welcome working with the Canadian chain of command and expanding on my many years conducting aerospace missions. And, I also plan to brush up on my very rusty French language skills to facilitate future engagements with our friends and neighbors to the north, as both commands continue to protect our nations in an ever-adapting strategic environment.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Northern Command, to the following officials:

The Secretary of Defense.

Answer. The Commander is directly responsible to the Secretary of Defense for the performance of missions assigned to U.S. Northern Command and the preparedness of the command to carry out those missions. The Commander executes these missions under the authority, direction, and control of the Secretary of Defense. If confirmed, I will continue to cultivate the close working relationship the Commander of U.S. Northern Command has with the Secretary of Defense.

Question. The Deputy Secretary of Defense.

Answer. The Commander of U.S. Northern Command provides the Deputy Secretary of Defense information required to accomplish his duties and responsibilities as directed by the Secretary of Defense. The Commander of U.S. Northern Command also regularly communicates and coordinates with the Deputy Secretary of Defense on major Homeland defense and civil support issues.

Question. The Under Secretary of Defense for Policy.

Answer. The Under Secretary of Defense for Policy is the principal staff assistant to the Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives. As such, the Commander of U.S. Northern Command coordinates Homeland defense, support of civil authorities, and security cooperation priorities with the Under Secretary of Defense for Policy for use in articulating requirements and formulating planning guidance and policy.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Under Secretary of Defense for Intelligence is the Secretary's principal advisor on intelligence and counterintelligence matters. The Commander of U.S. Northern Command works closely with the Under Secretary of Defense for Intelligence to ensure the Command has predictive and actionable threat estimates and timely warning of worldwide threats to the Homeland.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. The Commander of U.S. Northern Command routinely works with the Assistant Secretary of Defense for Homeland Defense and Global Security on significant matters regarding Homeland defense, support of civil authorities, and theater security cooperation.

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

Answer. The Chairman and the Vice Chairman are not in the chain of command of the Commander of U.S. Northern Command to the President and the Secretary; however, title 10 does allow for communications from combatant commanders through both the Chairman and Vice Chairman. This keeps the Chairman informed so that he can execute responsibilities as the principal military advisor to the Secretary of Defense and the President. If confirmed, I will communicate closely with the Chairman and the Vice Chairman to enable each of them to perform their duties.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the Military Departments are responsible for organizing, training, and equipping forces for assignment to the Commander of U.S. Northern Command and other combatant commanders. The Commander of U.S. Northern Command coordinates with the Secretaries to ensure Homeland defense and civil support requirements are met. This advocacy is particularly important for ensuring the Reserve Component is ready to answer the call here at home, and for ensuring speed of response in times of crisis.

Question. The Chiefs of Staff of the Services.

Answer. The Commander of U.S. Northern Command communicates with the Chiefs of Staff of the Services to support their responsibility for organizing, training and equipping forces to accomplish Homeland defense and civil support missions. In addition, the Commander seeks the advice and judgment of the Chiefs of Staff on matters of mutual interest, and has a key relationship with the Chiefs on matters of force protection within the U.S. Northern Command area of responsibility. If confirmed, I intend to rely on the Service Chiefs as valuable sources of advice.

Question. The other combatant commanders, particularly U.S. Southern Command.

Answer. The Commander of U.S. Northern Command maintains close relationships with all the combatant commanders and especially the Commander of U.S. Southern Command in continuing efforts to close seams on the southern border of U.S. Northern Command's area of responsibility. Regular dialogue about transregional threats and multi-domain challenges to close gaps and seams are essential for defense of the Homeland. If confirmed, I intend to further strengthen U.S. Northern Command's established, vital relationships with the other combatant commanders.

Question. The Chief of the National Guard Bureau.

Answer. National Guard forces are likely to be involved in almost all Homeland defense and civil support missions. As such, close coordination between the Commander of U.S. Northern Command and the Chief of the National Guard Bureau is central to the success of these operations. If confirmed, I look forward to advancing this important relationship to strengthen our Homeland defense and disaster response capabilities.

Question. The State Governors and Adjutants General.

Answer. State governors and The Adjutants General play a critical role in U.S. Northern Command's Homeland defense and defense support of civil authorities missions. If confirmed, I look forward to maintaining and developing strong relationships with these key partners, and especially sustaining the great teamwork and trusting relationships that ADM Gortney has established.

Question. If confirmed, in carrying out your duties, how would you work with the Department of Homeland Security, the Homeland Security Council, and other federal agencies, as well as state and local authorities and representatives from the private sector?

Answer. Throughout my career, I have observed that close personal relationships are the key to operating successfully, and I know this is especially important within U.S. Northern Command, which has the most complex interagency network of any combatant command. If confirmed, I will establish my own relationships with the National Security Council; the Department of Homeland Security; the various other federal departments and agencies; state, tribal and local authorities; and the private sector to ensure U.S. Northern Command continues to work issues closely and as appropriate. I look forward to collaborating with every possible partner to defend the Homeland, while ensuring that U.S. Northern Command is fully prepared to assist civil authorities in support of the primary federal agency in accordance with the National Response Framework and as directed by the President and the Secretary of Defense.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, U.S. Northern Command?

Answer. Today there are complex threat streams that are necessitating fully integrated defense across all domains, as North America is increasingly vulnerable to an array of evolving threats, ranging from asymmetric to non-state and traditional challenges. I believe the biggest near-term challenge confronting the next Commander of U.S. Northern Command is the potential for an attack on our Homeland by violent extremists using asymmetric means. However, crises that originate elsewhere in the world can rapidly manifest themselves here at home and challenge our ability to warn and defend. Russia is growing more assertive with increased activity in the approaches to North America, and North Korea's ability to project power grows while our ability to predict its intent wanes. Iran's missile and space efforts continue to mature, and violent extremists will still seek to attack the United States. And finally, the Commander, United States Northern Command must always be prepared to respond to major natural or manmade disasters in support of the National Response Framework.

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

Answer. If confirmed, I will continue daily collaboration with our North American allies, the other Combatant Commands, the Services, our civil partners, the inter-agency, and the National Guard to develop globally integrated plans and approaches to ensure unity of effort in responding to all-domain threats to the Homeland. I believe a layered defense of the Homeland requires greater plans integration with other Combatant Commands, as well as increased information sharing with the intelligence community. It is critical that we utilize the many resources throughout the intelligence and law enforcement communities to identify and assess potential threats. If confirmed, I will also employ a robust exercise program that addresses the full spectrum of all-domain threats both Commands may face.

Question. If confirmed, what priorities would you establish as Commander, U.S. Northern Command?

Answer. If confirmed, my number one priority will be Homeland defense. I will focus on advancing and sustaining the capabilities that contribute to the defense of the United States. U.S. Northern Command plays a critical role in supporting lead federal agencies during a natural or man-made disaster and if confirmed, I will prioritize strengthening partnerships and improve the speed and quality of the U.S. Northern Command response. Finally, if confirmed, I will focus on developing U.S. Northern Command's theater security cooperation mission and the associated partner capacity building efforts that directly support the defense of the Homeland.

MISSION OF U.S. NORTHERN COMMAND

Question. What is the mission of U.S. Northern Command?

Answer. U.S. Northern Command partners to conduct Homeland defense, civil support, and security cooperation to defend and secure the United States and its interests. U.S. Northern Command is also tasked in the Unified Command Plan to serve as the Department of Defense advocate for Arctic capabilities.

Question. How does U.S. Northern Command's mission relate to the mission of the Department of Homeland Security?

Answer. The mission of the Department of Homeland Security is to ensure a Homeland that is safe, secure, and resilient against terrorism and other hazards. This mission is accomplished through managing and securing our nation's borders; administering and enforcing immigration laws; securing and safeguarding cyberspace; and ensuring resilience to disasters. U.S. Northern Command is responsible for detecting, deterring, and preventing external threats to the United States, and employing appropriate force to defend the Nation should deterrence fail. The Command also acts in support of Department of Homeland Security for defense support of civil authorities missions in accordance with direction from the Secretary of Defense or the President. The Department of Homeland Security and U.S. Northern Command complement each other, each filling an important security role that allows the United States to leverage all possible authorities to protect the Nation against all threats, internal and external, and transcend borders and exploit seams.

Question. Are there circumstances under which you would anticipate U.S. Northern Command would have the lead federal role in responding to a domestic terrorist incident or disaster consequence management response? Or do you believe NORTHCOM would operate only in support of other federal departments and agencies?

Answer. In the event of an armed terrorist attack against the United States, the President could direct the Department of Defense to be the lead for a domestic terrorist attack, with U.S. Northern Command as the supported geographic combatant command to counter and respond to such an attack. Typically, however, U.S. North-

ern Command's mission is to provide support to designated federal agencies such as the Department of Justice and Department of Homeland Security, as directed by the Secretary of Defense.

Question. What responsibility, if any, does U.S. Northern Command have with respect to the Defense Critical Infrastructure Program?

Answer. U.S. Northern Command is responsible for preventing or mitigating the loss or degradation of Department of Defense-owned defense critical infrastructure within the U.S. Northern Command area of responsibility to ensure the Department of Defense can execute its missions. U.S. Northern Command is also responsible for protecting non-Department of Defense-owned defense critical infrastructure within its area of responsibility at the direction of the Secretary of Defense. Additionally, U.S. Northern Command is responsible for the development of mission mitigation plans for all defense critical infrastructure that supports its Theater Campaign Plan.

ORGANIZATION AND AUTHORITY

Question. U.S. Northern Command has been assigned responsibility for force protection and antiterrorism within its area of responsibility.

What actions would you take, if confirmed, to mitigate force protection vulnerabilities, and what force protection challenges do you anticipate you would face within U.S. Northern Command's area of responsibility?

Answer. If confirmed, I will continue to foster strong partnerships with the Federal Bureau of Investigation, the Department of Homeland Security, and the intelligence community, as well as sustain a balanced force protection posture across the U.S. Northern Command area of responsibility. I am particularly concerned with the increased interest toward off-installation facilities by those who would do us harm and, if confirmed, will explore innovative and fiscally responsible means to protect our personnel. Assessing strategic and operational indicators of this ambiguous and unpredictable threat remains a challenge, as the Nation faces a persistent threat that will continue to test our ability to protect the force for the foreseeable future.

Question. What actions would you take, if confirmed, to ensure efficiency in the use of funding for force protection and to prevent unnecessary duplication of efforts between U.S. Northern Command, the Military Services, and the office of the Assistant Secretary of Defense for Homeland Defense and Global Security?

Answer. If confirmed, I will continue to advocate on behalf of the Services to ensure that sufficient resource requirements are considered in Military Department budget deliberations to sustain the baseline force protection posture and implement the force protection mission assigned to U.S. Northern Command in the Unified Command Plan. If confirmed, I will also coordinate with the Joint Staff, the Services, and the Office of the Secretary of Defense to unify force protection efforts, identify resource gaps, and promote fiscal responsibility.

Question. What specific forces, if any, have been assigned to U.S. Northern Command?

Answer. The specific forces assigned to U.S. Northern Command are the Headquarters Staff, as well as the following component commands and subordinates: U.S. Army North, U.S. Naval Forces Northern Command, Marine Forces North, Air Forces Northern, Alaskan Command, Special Operations Command-North, Joint Task Force North, Joint Task Force Civil Support, and Joint Force Headquarters National Capital Region. Subordinate to these organizations, U.S. Northern Command now also has assigned a number of operational and tactical level support headquarters and units. These assigned forces are a mixture from the Active Duty, Reserves, and National Guard.

Question. How has the assignment of forces to U.S. Northern Command changed since U.S. Northern Command was established on October 1, 2002?

Answer. U.S. Northern Command achieved full operational capability on 1 October 2003, with forces assigned consisting of the Service component headquarters and two standing Joint Task Force headquarters. The following year, the Command stood up a third Joint Task Force, Joint Force Headquarters National Capital Region. In 2012, Special Operations Command-North was approved for establishment and was activated the following year. U.S. Northern Command now has three assigned Joint Task Forces that provide geographic and functional tactical level forces focused on planning, commanding, and controlling the execution of the missions of Homeland defense, defense support of civil authorities, and theater security cooperation in its area of responsibility. In addition, U.S. Northern Command has Service component commands that provide forces supporting the spectrum of U.S. Northern Command mission sets. In 2014, Alaskan Command was transferred from U.S. Pa-

cific Command to U.S. Northern Command for better integration of Homeland defense and defense support of civil authorities missions in Alaska.

NORAD

Question. What is the mission of the North American Aerospace Defense Command (NORAD)?

Answer. The North American Aerospace Defense Command conducts aerospace warning, aerospace control, and maritime warning in the defense of North America. Aerospace warning provides detection, validation, and warning of attack against North America, whether by aircraft, missiles, or space vehicles. Aerospace control provides air sovereignty and air defense of the airspace of the United States and Canada. Maritime warning provides processing, assessing, and dissemination of intelligence and information related to the respective maritime areas and internal waterways of, and the maritime approaches to, the United States and Canada, and warning of maritime threats to, or attacks against North America.

Question. How has NORAD's mission evolved since the creation of U.S. Northern Command?

Answer. Since U.S. Northern Command stood up in 2002, NORAD's mission has expanded in two areas: maritime warning and ballistic missile warning. The April 2006 NORAD Agreement renewal added a maritime warning mission, which provides a shared awareness and understanding of the activities conducted in U.S. and Canadian maritime approaches, maritime areas, and inland waterways. NORAD now also provides ballistic missile warning to U.S. Northern Command in support of ground-based midcourse defense operations.

Question. How does NORAD's mission relate to U.S. Northern Command's mission?

Answer. The multi-threat, multi-domain environment that NORAD and U.S. Northern Command face requires clear command and control for complementary and interdependent missions, which is greatly enhanced by a mostly integrated headquarters staff. As the cornerstone of North American defense, NORAD's longstanding role provides integrated, binational aerospace warning and control—missions upon which U.S. Northern Command is dependent to execute its own air and space domain responsibilities, including ballistic missile defense of the United States. In the maritime domain, NORAD and U.S. Northern Command again have inseparable and reinforcing roles, with U.S. Northern Command providing intelligence to its Navy component and NORAD to ensure the security of our maritime approaches. And in the land domain, U.S. Northern Command and its Canadian equivalent, Canadian Joint Operations Command, coordinate on their unilateral national responsibilities for Homeland defense, civil support, and theater security cooperation efforts.

Question. How does NORAD's mission relate to the mission of the Department of Homeland Security?

Answer. NORAD supports the Department of Homeland Security's mission by providing detection and deterrence of aerospace and maritime threats, which complements the missions of Department of Homeland Security to ensure protection of the Homeland for both the United States and Canada in the air and maritime domains.

Question. Do you believe that NORAD should continue to have a combined operations and planning staff, and a consolidated command center, with U.S. Northern Command? Why or why not?

Answer. I understand that the Commander of U.S. Northern Command is uniquely dual-hatted as the Commander of NORAD, and the commands' organizations are integrated, with the exceptions being the two deputy commanders and operations directorates, which function separately, but coordinate closely on related issues. If confirmed, I will review the organizational structure to ensure operational effectiveness is optimized.

Question. What is the relationship of the Commander of NORAD to the Canadian component of NORAD, and what role does Canada play in NORAD operations and planning?

Answer. The United States and Canada NORAD Agreement is a formal military partnership, based upon a binding international agreement. Consistent with that agreement, I understand the Commander of NORAD reports to both the President of the United States through the Secretary of Defense, and to the Prime Minister of Canada via the Canadian Chief of Defense Staff and the Minister of National Defense. Members of the Canadian Armed Forces are integrated throughout the HQs NORAD operations and planning staff, including a three-star Canadian General Of-

ficer serving as the NORAD Deputy Commander. The Canadian NORAD Region provides command and control of forces in Canada that support NORAD's missions.

NORTHCOM JOINT TASK FORCES

Question. Since the establishment of U.S. Northern Command, several multi-service task forces, e. g., Joint Task Force-Civil Support (JTF-CS), Joint Task Force-North (JTF-North), have been placed under its authority.

What is the current status of the Joint Task Force organizations under U.S. Northern Command in terms of mission, organization, planning, personnel allocation, and capability?

Answer. U.S. Northern Command has three task forces that operate under its authority. These task forces are manned to conduct Homeland defense and defense support of civil authorities operations, as directed by the President or the Secretary of Defense.

The first joint task force, Joint Task Force Civil Support, is aligned under U.S. Army North, which is the Army Service component to U.S. Northern Command. This task force focuses on command and control of Department of Defense incident management forces responding to chemical, biological, radiological, and nuclear events.

The next joint task force, Joint Task Force North (JTF-N), is aligned under U.S. Northern Command HQs and focuses on counter-transnational organized crime. JTF-N provides operational support to law enforcement agencies in counterdrug operations in the U.S. Northern Command area of responsibility. Their focused geographic areas include the southwest border of the United States, Mexico, Puerto Rico, and The Bahamas.

Finally, U.S. Northern Command's Joint Force Headquarters National Capital Region is aligned under U.S. Northern Command HQs and provides land-based Homeland defense, civil support, and incident management in the National Capital Region.

U.S. Northern Command's Joint Task Force Alaska was disestablished when Alaska Command (ALCOM) was reassigned from U.S. Pacific Command to U.S. Northern Command. ALCOM is responsible for Homeland defense and civil support tasks in their Joint Operations Area. ALCOM also provides the Command's primary subject matter experts for Arctic matters.

U.S. SPECIAL OPERATIONS COMMAND, NORTH

Question. On December 31, 2012, the Secretary of Defense established a Theater Special Operations Command to support NORTHCOM, known as Special Operations Command North (SOCNORTH). According to the Secretary's memorandum, SOCNORTH's objective is to "enhance command and control of special operations forces throughout the NORTHCOM area of responsibility" as well as "improve support to interagency counterterrorism operations."

What is your understanding of current and planned manning, organization, and mission of SOCNORTH?

Answer. I understand SOCNORTH was formally established as a subordinate unified command of U.S. Special Operations Command under the operational control of NORTHCOM. I believe SOCNORTH's manning is projected to peak at 126 permanently assigned personnel, with military augmentees, interagency and partner nation liaisons, and contractors adding approximately 68 personnel. As the lead component for NORTHCOM's support to counter terrorist and weapons of mass destruction activities, I understand SOCNORTH provides the Commander of NORTHCOM a "single point of entry" for federal counterterrorism agencies to coordinate on area of responsibility specific operations.

Question. What is your understanding of the current requirements for special operations forces in the NORTHCOM area of responsibility?

Answer. I believe North America is increasingly vulnerable to a vast array of evolving threats, including home-grown violent extremists who undermine our national security through radicalization and violence. Prior to the 2013 activation of SOCNORTH, an operational-level gap existed in the command and control of special operations forces in the NORTHCOM area of responsibility. Today, SOCNORTH provides a dedicated special operations command and control structure matching that of the other geographical Combatant Commands, as well as the capability to integrate special operations forces into the collaborative interagency effort defending the Homeland.

Question. What is your understanding of how SOCNORTH is to "improve support to interagency counterterrorism operations"?

Answer. I understand SOCNORTH provides the conduit for NORTHCOM into a global network of special operations and international and interagency partners focused on operational counterterrorism activities. The relationships built with the multiple federal and state government agencies synchronize operations against terrorist networks.

COUNTER-DRUG AND COUNTER-TRANSNATIONAL ORGANIZED CRIME EFFORTS

Question. Each year the Department of Defense spends several hundred million dollars to counter the flow of illegal drugs into the United States, yet the availability of drugs on the street has not been significantly reduced.

What is your view of the appropriate role of the Department of Defense in countering drug trafficking and transnational organized crime and what role should U.S. Northern Command play with respect to such an effort?

Answer. In my opinion, the Department of Defense role of providing operational support to law enforcement mission partners who have the lead role in countering these threats is a good use of military-unique capabilities. I understand the detection and monitoring capability U.S. Northern Command provides to law enforcement is a key force enabler, which has had a dramatic impact on interdiction activities along the southwest border.

U.S. Northern Command, through its Joint Task Force North (JTF-N), provides DOD support of civil authorities for United States law enforcement agencies in counternarcotics operations; JTF-N also works with Mexican military and civil authorities along the border to enhance their capability. U.S. Northern Command's efforts helping Mexico build its overall capability and capacity to fight drug trafficking organizations is a key part of DOD's overall counterdrug strategy.

Question. What is your assessment of the threat posed by drug trafficking and transnational organized crime within the U.S. Northern Command area of responsibility?

Answer. I believe the demand for illicit narcotics fuels the transnational criminal organizations that exploit our vulnerabilities and undermine North American security. These organizations exploit borders and seams, create instability, and create pathways for drugs and other illicit trafficking. They undermine U.S. interests of regional security in the western hemisphere and the rule of law in many of our partner nations.

Question. What is your assessment of the effectiveness of counterdrug operations within the NORTHCOM AOR and along the geographic seam NORTHCOM shares with U.S. Southern Command (SOUTHCOM)?

Answer. The geographic boundary between NORTHCOM and SOUTHCOM is a key route for drugs to enter Mexico on their way to the United States. My understanding is that the two commands are working closely together on a regional approach in support of Mexico, Guatemala, and Belize. The Mexican Government's efforts against transnational criminal organizations have forced drug trafficking activities further south in these border countries where those governments have limited capability and capacity to fight transnational criminal organizations. If confirmed, I will work to ensure a synchronized, seamless effort across borders between the two areas of responsibility. If confirmed, I will also further strengthen the NORTHCOM's relationship between Joint Interagency Task Force-South and NORTHCOM's Headquarters and subordinate commands, and continue to facilitate coordinated efforts with interagency and host nation partners.

Question. How would you recommend the Department measure the effectiveness of its counterdrug programs in the NORTHCOM AOR?

Answer. I understand the Department of Defense counternarcotics program has a robust framework for measuring performance primarily through narcotics interdiction metrics, consistent with the National Security Strategy, the National Drug Control Strategy, and the Strategy to Combat Transnational Organized Crime. I believe consideration could also be given to include the Department's ability to support law enforcement agencies operations that disrupt or dismantle the intricate networks that support the flow of narcotics, given the expansion of transnational criminal organizations and the vast networks they control.

SECURITY RELATIONSHIPS WITH CANADA AND MEXICO

Question. What is your assessment of the current security relationship between the United States and Canada and, if confirmed, what would be your priorities for strengthening security relations with Canada?

Answer. I believe that Canada is an indispensable partner in the defense and security of North America and a strategic partner with the United States in confronting broader regional and global security challenges. I understand North Amer-

ican Aerospace Defense Command is symbolic of this close defense relationship and has served as the epitome of the unique and long-lasting security cooperation relationship between our nations for nearly 60 years. If confirmed, I will continue to seek cooperative opportunities with Canada in order to enhance our ability to act in a timely and coordinated fashion to defend both countries and to support civilian departments and agencies to ensure the safety and security of our citizens.

Question. What is your assessment of the current security relationship between the United States and Mexico and, if confirmed, what would be your priorities for strengthening security relations with Mexico?

Answer. I believe Mexico is an essential partner in the defense and security of North America and that strong partnership with a secure and prosperous Mexico is necessary to the long-term security of the United States. I understand the military-to-military relationship shared by the United States and Mexico is at an unprecedented level, based on a foundation of trust.

If confirmed, one of my top priorities as Commander of U.S. Northern Command will be to support the Mexican military's efforts to combat Transnational Criminal Organizations (TCOs), while remaining respectful of Mexican sovereignty. If confirmed, I will also focus on continuing to foster a close and personal relationship with the Mexican Secretariat of National Defense and the Mexican Secretariat of the Navy, and make it a priority for my staff to mirror my efforts with their counterparts. And finally, if confirmed, I will leverage the momentum built by ADM Gortney and continue ongoing initiatives to support Mexico's strategy implementation along their southern border and support their acquisition of U.S. equipment and training to build on interoperability between our militaries.

Question. What is your assessment of the security challenges to the United States posed by Transnational Criminal Organizations (TCOs) in Mexico?

Answer. I believe Transnational Criminal Organizations (TCOs) represent a grave security threat to the United States. TCOs are sophisticated, expansive global networks that threaten the United States' strategic interests through economic destabilization and violence. TCOs exploit borders, boundaries, and jurisdictions to enable freedom of maneuver in our country. I understand these networks move people and goods so easily that it is difficult to distinguish licit from illicit activity. I believe unity of effort is crucial to combating TCOs, and if confirmed, I will develop partnership engagement opportunities with lead United States Government agencies and Mexican military partners to align and synchronize efforts to combat TCOs.

Question. What is your assessment of the security situation along the U.S.-Mexico border?

Answer. U.S. Northern Command provides support to the Department of Homeland Security (DHS), the lead federal agency for securing the U.S.-Mexico border, so I would defer to DHS for a definitive border security assessment. However, U.S. Northern Command is an active partner with DHS, Mexican Secretariat of National Defense and the Mexican Secretariat of the Navy leadership, as well as interagency community, and if confirmed, I look forward to working with them to provide requested military support when directed by the President or the Secretary of Defense.

Question. Would you characterize NORTHCOM's efforts to protect our southern border, specifically JTF-N's countering of TCOs, as effective?

Answer. Yes, I understand NORTHCOM and its Joint Task Force North have provided critical operational support to law enforcement partners on the southern border. However, I believe we can always do more, and I understand NORTHCOM is working closely with the Department of Homeland Security as their Joint Task Forces mature. In addition, I believe transnational organized crime threatens the national security of the United States, and if confirmed, I will continue to work with law enforcement partners to provide support through Joint Task Force North.

Question. What is your understanding of NORTHCOM's support to civil authorities operating along the southern border?

Answer. I understand NORTHCOM provides support to civil authorities when requested and directed by the President or the Secretary of Defense. NORTHCOM's support is primarily to the U.S. Customs and Border Protection and other interagency partners operating on the southern border, including the Department of State, Department of the Treasury, and the Department of Justice. NORTHCOM provides Department of Defense capabilities along the southern border to the priorities of its mission partners.

Question. What improvements in border protection capability, if any, would you recommend?

Answer. I understand the Department of Homeland Security is the lead federal agency responsible for border protection capabilities. Accordingly, I would defer this question to the DHS.

UNMANNED AERIAL VEHICLES

Question. Routine access to the National Airspace System for unmanned aerial vehicle flight within the continental United States is severely restricted, including portions of the Canadian and Mexican borders. The Federal Aviation Administration, the Defense Department, and other Government agencies have been working together studying how to integrate unmanned systems into the National Airspace System.

Answer. In your view, have limitations from the lack of full integration into the National Airspace System hindered the development and evolution of unmanned aerial systems?

No. I understand the Federal Aviation Administration and the Department of Defense are working to facilitate integration of unmanned aerial systems into the National Airspace System and that development and deployment of unmanned aerial systems are at an all-time high. I don't believe airspace restrictions have hindered any development or evolution of this technology.

Question. Do you have specific recommendations for moving toward full integration of unmanned aerial systems into the National Airspace System?

Answer. I believe the Department of Defense requires safe and routine access to the National Airspace System to execute unmanned aircraft system (UAS) operational, training, and test and evaluation missions. At this time, I do not have any specific recommendation for integration of unmanned aerial systems. If confirmed, I look forward to working with the Department of Defense and other federal partners to improve airspace access.

NORTHCOM—STATE RELATIONS

Question. U.S. Northern Command has the primary military responsibility to provide defense support to civil authorities when directed by the President and the Secretary of Defense, including consequence management operations. Such military assistance would support other federal assistance to State and local emergency response units.

What is your understanding and assessment of Northern Command's awareness of and coordination for the support of the emergency response capabilities and contingency plans of the states and territories before a crisis arises?

Answer. U.S. Northern Command partners directly with the Federal Emergency Management Agency (FEMA) to conduct joint state/federal scenario-specific planning for disasters. By leveraging FEMA's refined integrated planning initiative, U.S. Northern Command directly engages with the ten FEMA regions and their respective states in catastrophic scenario planning. In addition, U.S. Northern Command directly coordinates with the National Guard Bureau to understand and identify potential state requirements and pre-identify federal military capabilities that may be requested at time of need. Further, U.S. Northern Command has direct access to FEMA's national, regional and state plans library. With these key linkages, I believe U.S. Northern Command awareness and coordination is quite strong.

Question. In your view, do Northern Command's plans, policies, and programs optimize DOD's consequence management support to civil authorities?

Answer. Yes. United States Northern Command (NORTHCOM) is fully integrated into the Federal Emergency Management Agency's (FEMA) planning process for disaster response, allowing for more complete coordination of all interagency and Department of Defense partner organizations in scenario-specific planning and exercises. This integration is documented in NORTHCOM's 'Playbooks', which are detailed supporting plans to FEMA and the states. In addition, NORTHCOM's Defense Support of Civil Authorities (DSCA) exercises now pivot off of FEMA exercise scenarios to ensure relevant and appropriate DSCA activities.

Question. If not, and if confirmed, how would you ensure that Northern Command has sufficient knowledge of State and inter-State emergency response capabilities, including capabilities of National Guard units, capabilities of title 10 regular and reserve component forces, and a good working relationship with State emergency response leaders?

Answer. If confirmed, I intend to build on the positive momentum U.S. Northern Command has fostered with the Federal Emergency Management Agency (FEMA), the National Guard Bureau other federal partners, and the states. U.S. Northern Command continues to work with FEMA and the states to better identify how Department of Defense capabilities will integrate with other federal agency, state, private sector, and non-governmental organization capabilities to provide the most effective response to major disasters.

PROCESS FOR DSCA REQUESTS AND FUNDING

Question. What is your understanding and assessment of the policies and procedures by which states and territories request, employ, and fund defense support to civil authorities, including reimbursement of DOD for operations in support of the States?

Answer. In the event of a natural or man-made disaster, it is my understanding that current policies and processes allow the Governor of a state to request federal assistance from the President. State federal assistance is then obtained through a formal disaster declaration. This declaration allows the lead federal agency to request assistance from the Department of Defense (DOD). Assistance is tailored to the response efforts in the affected area or state. In most cases, the Secretary of Defense (SECDEF) directs U.S. Northern Command to provide capabilities to fill gaps in the overall response effort. When DOD is directed to support, reimbursement of cost is authorized through the Stafford Act. DOD may also respond to a man-made or natural disaster absent a directive from the SECDEF under Immediate Response Authority. Finally, DOD may provide assistance to federal agencies as requested under the Economy Act.

Question. If confirmed, what policy or procedural changes would you propose, if any, for the processes for requesting, employing, and determining funding sources for defense support to civil authorities?

Answer. If confirmed, I will review funding source policy and processes, but at this time I do not recommend any procedural or policy changes in funding sources for the U.S. Northern Command defense support of civil authorities mission.

FORCE PROVISION FOR NORTHCOM

Question. What is your understanding and assessment of how forces are allocated or planned to be allocated to Northern Command for its full range of mission requirements?

Answer. The Department of Defense's Global Force Management process identifies forces that are globally deployable and can be provided to any combatant command through Execute Orders (EXORDs). Like most of the other geographic Combatant Commands, it is my understanding that Northern Command does not have a significant number of assigned military forces. However, through the EXORD process, many of the forces required by Northern Command are pre-identified and on short-notification timelines to move and be prepared to execute mission requirements in the Homeland. I understand almost all of NORAD and U.S. Northern Command's allocation requests have been met for fiscal year 2016, fiscal year 2017.

Question. If confirmed, how do you intend to ensure that Northern Command will have sufficient forces available to it that are properly trained and equipped to accomplish its assigned missions?

Answer. If confirmed, I will use the Secretary of Defense's established Force Allocation Process to identify Northern Command's force requirements for each of its unique Unified Command Plan assigned missions. Further, I will ensure Northern Command specifies ahead of time any unique training and equipping requirements to Joint Force providers.

Question. If confirmed, how will you monitor the personnel, equipment and training readiness of U.S. military forces (active and reserve) for Homeland defense mission-essential tasks in support of NORTHCOM's contingency plans, and for its defense support to civil authorities (DSCA) missions?

Answer. If confirmed, I will ensure that NORTHCOM coordinates with Joint Force providers to confirm that they match trained, equipped, and ready forces to meet NORTHCOM's mission requirements. Also, if confirmed, I will continue to use the Defense Readiness Reporting System to assess NORTHCOM unit readiness and training metrics of these forces.

DOD-NORTHCOM-DHS RELATIONSHIP

Question. What is your understanding of the relationship between the Department of Defense, U.S. Northern Command and the Department of Homeland Security (DHS)?

Answer. I believe U.S. Northern Command and the Department of Homeland Security enjoy a strong and close relationship. I understand U.S. Northern Command conducts planning support and synchronization with the Department of Homeland Security, most recently in support of their Southern Border and Approaches Campaign Plan. I understand U.S. Northern Command has taken steps to align Headquarters and Components activities with the Department of Homeland Security to

synchronize counter network activities and provide operational support, shared intelligence and information, and enhanced partnerships.

Question. If confirmed, what priorities would you establish to strengthen the relationship between DOD, U.S. Northern Command and DHS?

Answer. If confirmed, I will emphasize enhancing U.S. Northern Command's planning and operational support to DHS and improving unity of effort. I will focus on opportunities to synchronize, coordinate, and integrate operations and activities with DHS as U.S. Northern Command works with them toward common strategic goals and objectives.

Question. What do you consider to be the appropriate role for DOD and U.S. Northern Command vis-à-vis DHS and State authorities in identifying and validating the dual-use equipment and other requirements associated with defense and Homeland security missions?

Answer. I believe that continuation of the Department of Defense and U.S. Northern Command role to identify and validate dual-use equipment and other requirements in support of defense and Homeland security missions is appropriate and necessary.

Question. By what process should DOD define requirements for the Armed Services to train and equip forces that NORTHCOM would use to support to civil authorities?

Answer. I understand that DOD directs training and equipping requirements for NORTHCOM's defense support of civil authorities mission to the Services through the SecDef-approved Execute Order for Defense Support of Civil Authorities and the Execute Order for Chemical, Biological, Radiological, and Nuclear Response.

NATIONAL GUARD

Question. What is the current status of the relationship between U.S. Northern Command, the National Guard Bureau, and individual State National Guard headquarters?

Answer. It is my understanding Admiral Gortney has continually emphasized the importance of trusted partnerships. If confirmed, I would continue to build upon this highly cultivated environment of collaboration and cooperation with the National Guard Bureau, The Adjutants General, and individual state National Guard headquarters.

Question. If confirmed, what type of liaison relationships for planning and operational purposes would you advocate between U.S. Northern Command, the Department of Homeland Security, the National Guard Bureau, federal, state, and local first responders and National Guard units under state authority?

Answer. As I stated earlier, I believe close personal relationships are the key to operating successfully, which is especially important in U.S. Northern Command where there are so many critical, interdependent partnerships. If confirmed, I will continue to ensure these partnerships are as strong as they can be and look for opportunities to create new relationships in support of U.S. Northern Command's missions.

CBRN RESPONSE CAPABILITIES

Question. U.S. Northern Command has two primary missions: Homeland Defense and Defense Support to Civil Authorities (DSCA), including preparation for and response to an incident or attack involving Chemical, Biological, Radiological, or Nuclear (CBRN) materials or weapons, in the NORTHCOM Area of Responsibility.

If confirmed, how would you approach the challenge of ensuring adequate military forces, capabilities, and plans to respond to such incidents in support of civil authorities?

Answer. If confirmed, I will continue to build on the work ongoing throughout the Department, the Services, National Guard Bureau, and states to ensure all the forces established to provide a CBRN response are properly manned, trained, and equipped, and that response times and command and control relationships during execution of these missions are clearly understood.

Question. There are currently a variety of organizations and units intended for CBRN response and consequence management, including Joint Task Force-Civil Support (JTF-CS), the Defense Consequence Management Response Force (DCMRF), the U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF), National Guard Homeland Response Forces (HRFs), National Guard CBRNE Enhanced Response Force Package (CERFP) units, and National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CSTs).

If confirmed, how would you plan to manage this mix of capabilities to ensure the best possible response force to support civil authorities in the event of a CBRN incident, and to avoid unnecessary duplication?

Answer. It is my understanding that support provided by units of the CBRN Response Enterprise is scaled and graduated based on the deployment timeline the unit is designed to support and the capabilities required. Initial support would come from National Guard (NG) units, typically under the control of the governor and designed to deploy within 3 to 24 hours. If requested, federal forces can deploy within 24–96 hours to reinforce NG forces. Although federal forces have a longer deployment timeline, they bring an extremely robust lifesaving capability and capacity designed to either reinforce or replace the units already on the ground. If confirmed, I will continue the close relationship developed with the Office of the Secretary of Defense, Joint Staff, Services, National Guard Bureau and The Adjutants General to ensure all forces assigned to this mission are effectively manned, trained, and equipped to execute the mission, with command and control relationships that are suitable for the response scenario.

Question. What is your assessment of the ability of the revised DOD Consequence Management Response Forces (DCMRF), as currently constituted, to provide a significant capability to support federal civil authorities in the event of a CBRN incident?

Answer. It is my understanding that the Defense CBRN Response Force (DCRF), comprised of 5,200 personnel, is NORTHCOM's first federal military response force. The DCRF provides a rapid and highly trained technical response force, which is integrated with the larger combined federal title 10 and state National Guard CBRN Response Enterprise (over 18,000 personnel total). I understand the DCRF represents an extremely capable force within that Enterprise and serves as a critical federal resource in the case of a CBRN incident. It has the highest density of critical lifesaving capabilities within the Enterprise, consisting of ground search and rescue, decontamination, emergency medical triage, treatment and stabilization, and ground and air medical evacuation. If confirmed, I will assess readiness and capability of these forces and I will report to the Committee if I determine there are any significant concerns.

Question. How would you ensure the necessary level of coordination and planning between the DCMRF and National Guard Homeland Response Forces to ensure an adequate response to a CBRN incident?

Answer. It is my understanding that there is great collaboration between all mission partners to align efforts and synchronize operations during plan execution. If confirmed, I intend to further strengthen partnerships with the Federal Emergency Management Agency, National Guard Bureau, and the states to integrate other activities, such as planning, training, and readiness exercises to ensure an effective and integrated response.

Question. Do you believe that U.S. military forces providing defense support to civil authorities in the event of CBRN incidents should be under the command of the Commander, U.S. Northern Command?

Answer. Yes. I believe federal military forces conducting CBRN response missions should remain under the command of the Commander, U.S. Northern Command because of the anticipated speed and complexity of the response. For non-catastrophic defense support of civil authorities, I support the dual status commander concept. I understand this arrangement provides command and control of both federal military and non-federalized state National Guard forces and achieves unity of effort among all assigned forces.

WMD—CSTS AND CERFPS

Question. There is now at least one National Guard Weapons of Mass Destruction—Civil Support Team (WMD—CST) in each of the 54 states and territories, and there are 17 National Guard CBRNE Enhanced Response Force Package (CERFP) units. In addition, there are 10 National Guard Homeland Response Forces, one in each FEMA Region.

Do you believe the WMD—CSTs and CERFPs are appropriately organized, sized, trained, and equipped to accomplish their assigned missions?

Answer. I understand that each state has at least one Weapons of Mass Destruction—Civil Support Team (WMD—CST). In addition, there are seventeen CBRN Enhanced Response Force Packages (CERFPs) distributed throughout the United States. It is my understanding that all units are resourced to accomplish their assigned mission.

Question. If not, what changes do you believe are needed?

Answer. If confirmed, I will review the entirety of the CBRN Response Enterprise and make recommendations if needed.

CYBERSECURITY

Question. What is NORTHCOM's current role in cybersecurity within its Area of Operations, and how does it relate to the cybersecurity role of the Department of Homeland Security?

Answer. My understanding is that NORTHCOM has a defensive cyber role that provides mission assurance of assigned missions. Key enablers for this are the relationships and information sharing with mission partners such as United States Strategic Command, United States Cyber Command, Department of Homeland Security (DHS), National Security Agency, National Guard, and Canada. The DHS coordinates national protection from cyber incidents and has a unique relationship with public and private infrastructure owners. This relationship enhances NORTHCOM cyber threat awareness, given NORTHCOM's reliance on civilian infrastructure. If confirmed, I will continue to build upon these important partnerships.

Question. What should be NORTHCOM's role in cybersecurity operations?

Answer. NORTHCOM has a theater focus, defensive in nature, ensuring successful mission operations in a denied or degraded cyberspace environment. United States Strategic Command and United States Cyber Command have the overall Department of Defense cyber lead, with a global cyber responsibility. As I understand, NORTHCOM works closely with both commands to execute its theater cyberspace operations and maintain global situational awareness.

Question. What is the relationship between NORTHCOM and U.S. Cyber Command?

Answer. U.S. Cyber Command is a key partner with NORTHCOM, providing cyber forces, threat awareness, and planning support that enables the Homeland defense and defense support of civil authorities missions. If confirmed, I will continue to evolve this relationship, enhancing global situational awareness and enabling defense of key terrain in cyberspace in support of NORTHCOM's missions.

WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION

Question. The Western Hemisphere Institute for Security Cooperation (WHINSEC), which replaced the School of the Americas in 2001, has the mission of contributing to theater cooperation activities through the education and training of students in the Western Hemisphere from Canada to Chile. If confirmed, you will be a member of the WHINSEC Board of Visitors.

What is the relationship between U.S. Northern Command and WHINSEC?

Answer. The Commander of U.S. Northern Command serves on the Board of Visitors for WHINSEC, which provides timely opportunities to contribute to the curriculum and ensure compliance with U.S. laws and policy. I understand collaboration remains strong, with additional command participation in WHINSEC academic forums on defense support of civil authorities, pandemic response, human rights, and security. If confirmed, I will continue to encourage the assignment of Canadian and Mexican instructors at WHINSEC.

Question. In your view, does WHINSEC promote the national security interests of the United States in the Western Hemisphere?

Answer. Yes. I believe WHINSEC provides the next generation of military and civilian leaders in the Western Hemisphere with education and training at an operational level that promotes human rights and democratic values consistent with its mandated charter. Furthermore, WHINSEC provides meaningful training and education in the Profession of Arms that emphasizes a civilian lead military that respects the rule of law.

Question. In your view, how should U.S. Northern Command participate in command oversight and curriculum development?

Answer. I understand U.S. Northern Command oversight is provided through the annual meetings and by U.S. Northern Command staff interaction during curriculum development, participation in academic forums, and provisioning of relevant academic instruction through mobile training teams. If confirmed, I look forward to participating in this annual meeting along with Commander, U.S. Southern Command and other Secretary of Defense-appointed board members.

Question. In your view, what more, if anything, does WHINSEC need to do to emphasize human rights in its curriculum?

Answer. I understand WHINSEC embeds human rights tenets, concepts, and universally-accepted norms in all current academic offerings. In addition, I understand the Board of Visitors takes an active role in curriculum development and has on

occasion even participated in some academic sessions at WHINSEC to emphasize the importance of human rights in the curriculum.

INTELLIGENCE SHARING

Question. What is U.S. Northern Command's role and involvement in developing intelligence assessments regarding terrorist threats?

Answer. I understand U.S. Northern Command has a small cadre of experienced terrorism analysts (military personnel and Defense Intelligence Agency civilians) in its Intelligence Directorate who work with the Defense Intelligence Enterprise, the Intelligence Community, and federal law enforcement to examine foreign terrorist threat reporting affecting their area of responsibility. They pay particular attention to threats to military personnel and facilities, as well as terrorist activities that might prompt a request for Department of Defense assistance or support to lead federal agencies. I believe these terrorism analysts also tailor their work to support the operational and planning requirements of the commands and the components.

Question. What intelligence agencies are involved in providing input to U.S. NORTHCOM's staff for the development of intelligence assessments?

Answer. It is my understanding that all agencies in the U.S. Intelligence Community provide raw and finished intelligence to the intelligence team at U.S. Northern Command. In addition, the intelligence team works closely with allies, particularly Canadian partners, whose analysts are fully integrated into the Intelligence Directorate. These professionals fuse information and tailor it to support the unique mission requirements of both commands. The intelligence assessments provided to the staff and components reflect the latest information about foreign threats that may affect North America, including traditional military capabilities such as ballistic or cruise missiles as well as asymmetric threats from terrorism and cyber operations.

Question. What is the current relationship between U.S. NORTHCOM and the National Counterterrorism Center (NCTC)?

Answer. I understand U.S. NORTHCOM enjoys a very strong relationship with the NCTC. Intelligence officers for U.S. NORTHCOM are detailed to the Directorate of Analysis at NCTC Headquarters, complemented by routine interaction with the NCTC regional representative in Denver. These deep connections foster daily analytic and watch-stander interactions that facilitate timely exchanges on threats to military personnel and facilities, aviation threats, and other emerging issues.

Question. Does NORTHCOM have representatives located at the NCTC on a daily basis? If so, what are their functions and responsibilities? If not, why not?

Answer. The NORTHCOM Intelligence Directorate has a civilian intelligence officer detailed to NCTC who contributes to the daily mission of NCTC by analyzing threat reporting to identify and warn about terrorist threats. The civilian intelligence officer works on an account of direct relevance to the force protection mission and communicates Department of Defense and combatant command equities to colleagues at NCTC headquarters.

Question. Do you believe NORTHCOM representatives at NCTC have the access to intelligence needed to fully perform their functions?

Answer. Yes, it is my understanding that the NORTHCOM intelligence officer embedded in the NCTC is accorded the same full access to all terrorism intelligence and raw reporting as permanent cadre members. This officer shares relevant reporting with NORTHCOM, while continuously working with the originators of the information to balance greater information sharing and the protection of sources and methods.

Question. How do posse comitatus, privacy restrictions, and other laws and regulations concerning the collection of intelligence within the United States, affect the way NORTHCOM receives and uses intelligence?

Answer. It is my understanding that NORTHCOM conducts rigorous legal and policy oversight of its intelligence activities through a number of programs because of the unique nature of the NORTHCOM area of responsibility. If confirmed, I will ensure this rigor is maintained, and that the team continues to comply carefully with regulations and policy.

BALLISTIC MISSILE DEFENSE

Question. One of Northern Command's missions is the defense of the United States against the threat of limited ballistic missile attack from nations such as North Korea and Iran.

Answer. Do you agree that it is essential that our deployed ballistic missile defense systems are operationally effective?

Yes. I believe we must ensure that our ballistic missile defense systems remain operationally effective, especially in light of the DPRK's continued ballistic missile

capability development. If confirmed, I will continue to represent the warfighting community with the Missile Defense Agency to execute their challenging test campaign that enables the Department of Defense to continue to strengthen mission capabilities.

Question. Do you agree that it is important to conduct operationally realistic flight tests to demonstrate the operational capability and reliability of the Ground-based Midcourse Defense (GMD) system?

Answer. Yes. Operationally realistic flight testing builds warfighter confidence in the GMD system and demonstrates deterrence capability to our citizens and adversaries. Equally important, these tests allow the Missile Defense Agency to accurately evaluate overall performance against a wide-range of threats.

Question. Do you support the continued modernization and sustainment of the GMD system, including the planned re-design of the Exo-atmospheric Kill Vehicle, the development of a multiple-object kill vehicle, and continued improvements to sensor and discrimination capabilities?

Answer. Yes. I believe that continued modernization and sustainment ensures the GMD system will outpace the threat and provide long-term mission readiness. Specifically, improving sensors and the effectiveness of kill vehicles, as well as funding sustainment and testing of programs collectively enables U.S. Northern Command to better defend the Homeland from strategic ballistic missile threats.

Question. Do you support the deployment of a long-range discrimination radar or other appropriate sensor capability to support the defense of the Homeland against Iran, as directed in the Fiscal Year 2016 National Defense Authorization Act? Should the fielding of this sensor capability be a priority of Northern Command?

Answer. As Iran continues to develop its ICBM capability, I believe we must begin to address our defensive capabilities against them, as directed in the fiscal year 2016 NDAA. Today, there are two upgraded early warning radars (one located at Fylingdales, UK and the other at Thule, Greenland) providing radar coverage from any Iranian ICBM threats that may emerge. A discrimination-capable radar focused on Iran would improve U.S. capability against a more complex threat. However, in the near term, North Korea poses a more significant threat and I believe priorities should be focused on closing those discrimination gaps. The long-range discrimination radar slated for Clear, AK is a good first step in doing just that.

Question. Do you support the view expressed by Principal Deputy Under Secretary of Defense for Policy, Brian McKeon, that “as North Korea and, potentially, Iran make progress on ICBM class missile technologies, we must be prepared to address new, more complex threats in the next decade.” If so, what types of missile defense investments would you recommend that would enable us to meet the advancing threat and lower the cost of intercept?

Answer. I do agree that both North Korea and Iran are continuing to advance their ICBM programs and in the near future we must be in a position to counter a more complex threat. The current investment strategies set forth by VADM Jim Syring and the Missile Defense Agency are on course to do just that. The enhancements to discrimination, redesigned kill vehicles, and the improvements to command and control systems all play a vital role in addressing a more complex ballistic missile threat.

CRUISE MISSILE DEFENSE

Question. U.S. Northern Command and North American Aerospace Defense Command have responsibilities for warning and defending the United States against airborne threats, including cruise missiles.

Relative to cruise missile defense, what do you believe should be the relationship between the Joint Integrated Air and Missile Defense Organization (JIAMDO) of the Joint Staff and NORTHCOM and NORAD? Which organization should take the lead for developing and fielding cruise missile defenses for the protection of the Homeland?

Answer. I understand the JIAMDO is committed to exploring options for cruise missile defense and believe NORTHCOM and NORAD should continue to grow this vital partnership. If confirmed, as with previous commanders, I will establish an environment that builds on the great working relationship and collaborative culture that exists between the staffs.

I believe JIAMDO should continue to lead the developing and fielding of cruise missile defenses. They are currently chartered to plan, coordinate, and oversee joint air and missile defense requirements, joint operational concepts, and operational architectures for the Department of Defense.

Question. Relative to the full spectrum of threats to the United States, how would you assess the cruise missile threat to the United States and its territories?

Answer. Cruise missile threat capabilities are ever increasing, and I assess that a cruise missile attack is possible; however, an attack such as this is unlikely without indications and warnings as well as a significant deterioration of current relationships. If confirmed, I will continue to make every effort to ensure we have robust capabilities against cruise missile attacks.

Question. If confirmed, what capabilities would you prioritize to address this threat?

Answer. If confirmed, I will closely track progress on cruise missile defense programs and emphasize the importance of an integrated air and missile defense capability to deter, detect, and defeat this threat. If confirmed, I will also continue to ensure that monitoring all approaches to North America remains a priority for defense of the Homeland, along with the ability to detect a threat as far from North America as possible.

Question. What role do you believe the Joint Land-Attack Cruise Missile Defense Elevated Netted Sensor (JLENS) system could play in detecting and defending against evolving cruise missile threats to the Homeland? And do you think the operational exercise of this system should be continued in order to further determine its capabilities?

Answer. The JLENS operational exercise was intended to assess how well JLENS could integrate into and contribute to NORAD's air defense architecture, especially against the advanced cruise missile threat. However, the October 2015 aerostat accident resulted in suspension of the operational exercise. If confirmed, I will continue to support NORAD air defense efforts that will improve capabilities from detection through engagement to ensure we are protected from evolving threats.

I believe the operational requirement for persistent wide area surveillance that was being evaluated in the JLENS operational exercise still needs to be addressed as part of a layered cruise missile defense system for the nation. I understand Department of Defense is considering whether to proceed with the JLENS operational exercise. If confirmed, I look forward to continuing to ensure our Nation is defended again cruise missile threats.

CONTINENTAL AIR DEFENSE

Question. How has the continental air defense mission changed since the end of the Cold War and the events of September 11, 2001?

Answer. Both the mission and threat have changed significantly. Prior to the end of the Cold War, and as recently as September 11, 2001, NORAD was very much focused on looking to deter, detect, and defend against external threats approaching the United States and Canada from beyond our borders. However, since September 11, 2001, effectively executing the air defense mission now requires NORAD to look not only outward, but also within the borders of the United States and Canada to deter, detect, and defend against asymmetric threats originating from within our borders. The air defense mission has continued to evolve over the past couple of years, in part due to Russia's resurgent military, which requires NORAD to keep a strong focus on the exterior threat. With respect to the current interior threat, there has also been an evolution in potential capabilities and threats since 9/11 with the introduction of non-traditional aviation technologies such as unmanned aircraft systems and the gyrocopter event that occurred on April 15, 2015. These changes mandate that NORAD continue to look both inside and outside of our borders for potential threats.

Question. Do you believe that current U.S. continental air defense capabilities are adequate to meet national security needs?

Answer. Yes. Against the most likely threat, NORAD employs a wide array of ground-based and airborne surveillance, identification, and air defense assets to successfully defend North American critical asset areas. As adversary capabilities evolve, I understand NORAD continues to work with the government of Canada, interagency partners, and the Services to ensure the Command can outpace the threat.

Question. If confirmed, what capabilities and programs would you prioritize to address any identified deficiencies?

Answer. If confirmed, I will ensure NORAD is meeting the air defense responsibilities for the United States and Canada. Any deficiencies noted to the bi-national defense of North America involving the aerospace warning and aerospace control missions will be addressed through bilateral collaboration.

MARITIME WARNING AND MARITIME DOMAIN AWARENESS

Question. NORAD has gained the mission of Maritime Warning for North America. How does this mission fit into the larger Maritime Domain Awareness mission,

and what role do you expect NORAD and NORTHCOM to have in Maritime Domain Awareness in the near term?

Answer. It is my understanding that the NORAD maritime warning mission consists of processing and assessing intelligence and information and disseminating warning of maritime threats or attacks to the governments of the United States and Canada. Maritime threats to North America emanate from all over the globe, so this unique bi-national mission relies upon maritime domain awareness generated by agencies, organizations, and military commands from both sides of the border. Beyond the warning mission, active sharing of maritime intelligence and information feeds the development of global maritime domain awareness. If confirmed, I will continue to maintain NORAD and NORTHCOM as leaders in the growing collaborative maritime domain awareness effort.

ARCTIC REGION MISSION

Question. The 2011 Unified Command Plan realigned the boundaries of Combatant Command areas of responsibility (AOR) in the Arctic region. NORTHCOM's AOR now includes the Bering Strait and the North Pole. NORTHCOM was also tasked to become the Department of Defense's advocate for Arctic capabilities.

What is the practical effect of this assignment, and how has it changed NORTHCOM planning and operations?

Answer. I believe the realignment of combatant command responsibilities in the Arctic region in 2011 reduced some of the seams inherent to having three Combatant Commands with Arctic equities. I understand the Unified Command Plan changes focused NORTHCOM's efforts toward DOD end states for the Arctic. As a strategic approach to North America, the Arctic is a strategically significant region, one which will need to be closely monitored as human activity in the region increases.

I understand the 2011 Unified Command Plan also assigned the NORTHCOM Commander as the Department of Defense's advocate for Arctic capabilities. I believe doing this is an important step to facilitate collaboration among Arctic stakeholders and approach Arctic capability requirements from a holistic national and international partner perspective. If confirmed, I look forward to continuing NORTHCOM planning, operations, and identification of requirements.

Question. What specific programs, if any, will you put in place, if confirmed, to identify and develop capabilities to protect and defend American sovereignty and interests in the Arctic region?

Answer. If confirmed, I look forward to serving as Department's Arctic capability advocate. I will work diligently with our trusted partners to identify capability requirements and shortfalls in the areas of defense, security, and safety and to develop complementary capabilities with them. If confirmed, my initial focus would be on improving our domain awareness and communications capabilities in the region to provide strategic agility.

Question. By what process will you identify requirements for support from other government agencies, such as the Coast Guard, in fulfilling requirements for the Arctic region?

Answer. I understand the NORTHCOM Commander and United States Coast Guard Commandant jointly endorsed the Arctic Capabilities Assessment White Paper that identified common capability requirements. If confirmed, I am committed to continuing the extensive cooperative and collaborative approach to build Arctic capability that includes Arctic stakeholders within the Department of Defense, as well as our interagency partners and our most trusted Arctic international partner, Canada.

LAW OF THE SEA CONVENTION

Question. Do you support United States accession to the Law of the Sea Convention? If so, please explain why.

Answer. Yes. I believe acceding to the Law of the Sea Convention will strengthen U.S. rights instead of being dependent upon interpretation of customary international law. As a party to the Convention, the United States would be better positioned to influence application and development of the Law of the Sea in a manner that reflects U.S. status as a major maritime power.

Question. Given Northern Command's responsibilities for the Arctic region, do you believe that accession to the Law of the Sea Convention would help the United States protect its interests in the Arctic, including against competing claims from foreign nations?

Answer. Yes. I believe United States accession to the Law of the Sea Convention is a matter of geostrategic importance in the Arctic where all other Arctic nations,

including Russia, are parties and can fully secure their rights under the treaty. Accession to Law of the Sea Convention will provide the United States greater legal certainty in the Arctic and the world's oceans. The Arctic is becoming increasingly accessible to maritime traffic, resource exploitation, and other human activities. The Convention would support U.S. Northern Command's interest in the peaceful opening of the Arctic in a manner that strengthens international cooperation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, U.S. Northern Command, and Commander, NORAD?

Answer. Yes

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NORTH KOREAN MISSILE CAPABILITIES

1. Senator INHOFE. General Robinson, how do you assess North Korea's current ballistic missile capabilities?

General ROBINSON. North Korea has demonstrated significant ballistic missile capabilities at short ranges. They have also had two successful space launches, from which they can apply proven technologies and processes to longer range ballistic missiles. I assume from this that the North Koreans have ballistic missile capabilities that—theoretically—give them the ability to reach North America.

2. Senator INHOFE. General Robinson, what is the strategic impact of the KN08?

General ROBINSON. The greatest strategic impact of this system, in my opinion, is that it is in the hands of an unpredictable leader with great disdain towards the United States. Anticipating the point at which he thinks he needs to use such a system against North America is problematic.

3. Senator INHOFE. General Robinson, what is your assessment of North Korea's nuclear capabilities given recent announced test of another nuclear weapon?

General ROBINSON. I believe the North Koreans have conducted four nuclear tests, so I assume that they have at least some capability. If confirmed, this is one of the key areas where I will immediately focus.

RUSSIAN AGGRESSION

4. Senator INHOFE. General Robinson, does Russia's ability to employ long-range air and sea-launched cruise missiles present a threat to the U.S. Homeland, especially if armed with nuclear weapons?

General ROBINSON. Russia has significant military capabilities to strike the Homeland, but the question is the matter of Russian intent. I believe that Russian intent to strike the Homeland is low, though I understand that could change if the regime believes it is existentially threatened.

5. Senator INHOFE. General Robinson, do you believe that Russia is testing the readiness of our forces along the western boundary?

General ROBINSON. Yes, I believe the Russians are testing our readiness on both their western boundary (e.g., the Balkans or Ukraine) and to our West as well.

6. Senator INHOFE. General Robinson, have the Russians flown bombers in such a manner where it suggests they may be practicing to use air-launched cruise missiles against the United States?

General ROBINSON. I do not believe they are practicing such actions; however, given what we have seen with the Russian bombers employed in Syria, this is an area where I will put an immediate focus, if confirmed.

7. Senator INHOFE. General Robinson, how are you addressing this potential Russian threat? What needs to be done, and in what time-frame?

General ROBINSON. Homeland defense relies upon a layered defense strategy designed to deny, disrupt, and if necessary, defeat threats to the Homeland as far away as possible. As I understand, NORAD and the Joint Integrated Air and Missile Defense Organization have developed a multi-phased approach to improve cruise missile defense capabilities for the Homeland over the next 15 years. If confirmed, I will closely track progress on cruise missile defense programs and emphasize the importance of an integrated air and missile defense capability to secure key terrain and critical infrastructure.

8. Senator INHOFE. General Robinson, do you share Lieutenant General Vincent R. Stewart's, USMC, Director of the Defense Intelligence Agency, concerns regarding Russia's plans to use advanced digital cameras to conduct aerial surveillance flights over the United States under the 2002 Open Skies Treaty?

General ROBINSON. I understand that the Open Skies Treaty was designed to improve transparency and openness between many nations. At this time, I believe the enhancements to Russian Open Skies Treaty aircraft do not surpass the strategic benefit the United States receives from these flights.

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

CRUISE MISSILE THREAT TO OUR HOMELAND

9. Senator AYOTTE. General Robinson, can you describe the growing cruise missile threat to our Homeland?

General ROBINSON. I watched with the rest of the world last year when Russia launched cruise missiles with conventional warheads into Syria from long-range heavy bombers, both from surface ships and submarines. These longer range systems are a concern since they offer Russia more options to conduct military strikes on North America should they decide to do so. Beyond Russia, there is the potential for cruise missile technology to proliferate and for nations to achieve greater ranges, putting the Homeland at risk with more potential adversaries.

10. Senator AYOTTE. General Robinson, what must we do to better protect our Homeland, including the National Capital Region, from the growing cruise missile threat?

General ROBINSON. To protect our Homeland, we need to ensure our defenses are able to outpace the evolving cruise missile threat by improving our detection, warning, and engagement capabilities. This relies upon a layered defense strategy designed to address threats to the Homeland as far away as possible. As I understand, NORAD and the Joint Integrated Air and Missile Defense Organization have developed a multi-phased approach to improve cruise missile defense capabilities for the Homeland over the next 15 years, with the first two phases focused on defending the National Capital Region. If confirmed, I will track progress on cruise missile defense programs and emphasize the importance of a fully integrated air and missile defense capability.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

4-25 DECISION

11. Senator SULLIVAN. General Robinson, do you support General Mark A. Milley's, USA, Chief of Staff of the Army, recent announcement to retain 4-25 and, if confirmed, will you continue to support efforts to retain the 4th Brigade Combat

Team (Airborne), 25th Infantry Division in Alaska, given that this unit is the Army's only Arctic-trained brigade combat team (BCT) and according to General Milley, one of the most trained and ready units in the entire U.S. Army?

General ROBINSON. I support General Milley's decision to retain the 4–25th IBC (ABN) for another year. As the Commander of Pacific Air Forces, I am aware of the instability in the Asia-Pacific region and the need for operational flexibility. If confirmed, I will re-look at this from a combatant commander perspective over the next year.

SIZE OF THE ARMY

12. Senator SULLIVAN. General Robinson, in your professional military opinions, given the increasingly dangerous and complex threat environment—including the realities you will both face in your respective Combatant Commands (COCOM) if confirmed—do you agree with General Milley that a 450,000 Army leaves our Nation at “high risk”?

General ROBINSON. Threats to the Homeland range from the most dangerous (a resurgent Russia) to the most likely (homegrown violent extremists). The Army must have sufficient forces to support NORAD and NORTHCOM requirements, as well as those of the other Combatant Commands. In light of this, I support General Milley's assessment.

ARCTIC STRATEGY

13. Senator SULLIVAN. General Robinson, if confirmed, can you commit to me to fully inform the writing of a robust Arctic Strategy, and update or produce any operations plans (OPLAN) and/or concept of operations plans (CONPLAN) related to the emerging threats in the Arctic?

General ROBINSON. I believe the Arctic is an area of great strategic importance and I understand that Secretary Carter has directed the Department to update the DOD Arctic Strategy. If confirmed, I will work with the Department to inform the strategy and synchronize it with NORTHCOM's plans and efforts as the DOD advocate for Arctic capabilities.

14. Senator SULLIVAN. General Robinson, if confirmed, can you commit to me that you will fully adhere to the legislative intent of section 1068 of the Fiscal Year 2016 National Defense Authorization Act?

General ROBINSON. I am aware of the Report to Congress required for submission by the Secretary of Defense, as directed in section 1068 of the fiscal year 2016 National Defense Authorization Act. If confirmed, I will work closely with the Department to ensure NORTHCOM is actively involved in the process to produce the Report as set forth by section 1068.

OPERATIONAL SEAMS IN THE ARCTIC

15. Senator SULLIVAN. General Robinson, what is the role of U.S. Northern Command (NORTHCOM) with regard to the Arctic?

General ROBINSON. The number one priority of U.S. Northern Command is Homeland defense; the Arctic represents a strategic approach to the United States. In addition, I understand the Commander of U.S. Northern Command is designated as the DOD advocate for Arctic capabilities.

16. Senator SULLIVAN. General Robinson, do you believe this role needs to expand? If so, how?

General ROBINSON. At this time, I do not believe the role of U.S. Northern Command with respect to the Arctic needs to be expanded. However, if confirmed, I will assess U.S. Northern Command's ability to defend the United States in all warfighting domains and across all approaches, and I will advise this Committee accordingly.

17. Senator SULLIVAN. General Robinson, hypothetically, if Russia decided to deny access to vital U.S./international shipping in the Arctic region, which combatant commander would directly respond to that threat?

General ROBINSON. I understand U.S. Northern Command and U.S. European Command work closely to address threats and contingencies that span the boundaries of their respective area(s) of responsibility. In this hypothetical case, I believe the Commands would work together to assess the nature of the threat and determine which Command is best suited to lead the military response.

18. Senator SULLIVAN. General Robinson, which combatant commander would directly respond to threats along the transpolar route?

General ROBINSON. I believe U.S. Northern Command and U.S. European Command would coordinate a U.S., military response based on the location of the incident and the Commands' respective Unified Command Plan responsibilities.

19. Senator SULLIVAN. General Robinson, without an icebreaker, could the U.S. conduct a freedom of navigation operation (FONOP) to challenge areas of denied access?

General ROBINSON. Receding sea ice has provided increased access to the Arctic region. Although not icebreakers, I understand that some U.S. Navy surface combatants and U.S. Coast Guard cutters are able to operate in portions of the Arctic during warmer months without icebreaker support, even though they are not ice-hardened.

20. Senator SULLIVAN. General Robinson, within DOD, does NORTHCOM lead the fight to advocate on behalf of Arctic Issues and capabilities?

General ROBINSON. Yes, the 2011 Unified Campaign Plan directed the Commander, United States Northern Command to be responsible for "advocating for Arctic capabilities" for the Department of Defense.

21. Senator SULLIVAN. General Robinson, does it not hurt NORTHCOM's advocacy effort that NORTHCOM has neither the threat in the region, nor the operational control of the forces to respond to that threat?

General ROBINSON. I understand the advocacy effort is intended to improve collaboration and unity of effort among all the Combatant Commands when identifying common capability requirements, which is independent of operational control of forces. There are threats from Russia and other countries that are common to NORTHCOM, EUCOM, and PACOM, which further emphasizes the need for the collaboration that results from having a process for advocating and prioritizing emerging capability gaps and requirements.

22. Senator SULLIVAN. General Robinson, do you have any recommendations to improve advocacy of the Arctic within DOD?

General ROBINSON. At this time, I do not have any specific requirements to improve advocacy of Arctic capabilities.

23. Senator SULLIVAN. General Robinson, if confirmed, and in coordination with Admiral Harry B. Harris, Jr., USN, Commander of U.S. Pacific Command (PACOM), what will you both specifically do to address this seam in the Arctic?

General ROBINSON. If confirmed, I will work with U.S. Pacific Command and U.S. European Command to coordinate unity of effort in activities that ensure security, support safety, and promote defense cooperation across seams in the Arctic Region. If confirmed, I will also ensure U.S. Northern Command has robust procedures in place to mitigate operational seams, share intelligence, and regularly exercise our processes and procedures.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

COMBATANT COMMANDERS' NEED FOR INFORMATION, SURVEILLANCE AND RECONNAISSANCE

24. Senator NELSON. General Robinson, in your previous commands you have acknowledged the need to sweep vast geographic areas to detect potential adversary movement in order to vector scarce information, surveillance, and reconnaissance (ISR) or strike platforms directly to potential targets. What is your assessment of the ability of systems such as the E-8C Joint Surveillance Target Attack Radar System (JSTARS) to meet this need in your respective prospective Combatant Commands?

General ROBINSON. As a mission-qualified crew member on the Joint Surveillance Target Attack Radar System (JSTARS) aircraft, I observed up close the critical capability it provides to Combatant Commands across the globe. I understand that U.S. Northern Command, through its Joint Task Force North, regularly deploys JSTARS aircraft to provide aerial detection and monitoring in support of federal law enforcement agencies conducting maritime and land counterdrug activities.

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN III

ANTIDRUG CAMPAIGN WITH ARGENTINA

25. Senator MANCHIN. General Robinson, the new Argentinian presidential administration has declared that drug trafficking, and its violent effects, is one of the most severe challenges facing their society. It is my understanding that this is a new way of thinking for the Government of Argentina. Will this change in public policy result in a more positive relationship between the United States and Argentina?

General ROBINSON. I believe any positive changes in public policy towards drug trafficking are welcome and can only strengthen the partnerships fundamental to fighting the drug trade. If confirmed, I will work with my good friend, ADM Curt Tidd, at U.S. Southern Command to work on ways that build upon these positive steps to improve hemispheric security.

26. Senator MANCHIN. General Robinson, how do you plan to work with U.S. Southern Command (SOUTHCOM) to support and bolster our international partners' counter narcotic operations?

General ROBINSON. I understand staffs of U.S. Northern Command and U.S. Southern Command collaborate regularly and synchronize operations. If confirmed, I plan to continue monthly video teleconferences with Admiral Tidd and foster close coordination between the staffs. I will also encourage unity of effort with the inter-agency community and among our respective subordinate commands.

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

BORDER SECURITY: NATIONAL GUARD

27. Senator HEINRICH. General Robinson, you've heard a lot about heroin today. It is an epidemic. If confirmed, you will oversee counterdrug efforts through Joint Task Force North (JTF-N). Too often recently, I hear from New Mexican residents and Border Patrol agents along the southern border who raise concerns about border security particularly with regard to drug smuggling. Last week I sent a letter to Customs and Border Patrol urging the agency to provide additional and better placed resources and equipment to more effectively patrol the region's vast rugged terrain. But I believe DOD also is not doing enough to support our counterdrug efforts. Each year, it seems as though the Department relies on Congress to provide an increase in counterdrug funding so it doesn't have to budget for the expense. In fact, currently there is only National Guard Counter Drug funding available for about 6 months of operations in New Mexico. If confirmed, how will you advocate for a predictable and stable budget to allow the National Guard to help protect our border and prevent the trafficking of drugs into the United States?

General ROBINSON. If confirmed, I will continue U.S. Northern Command's close relationship with the National Guard Bureau for counter-drug efforts to ensure they are synchronized and coordinated.

[The nomination reference of General Lori J. Robinson, USAF follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 14, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

General Lori J. Robinson, 4018.

[The biographical sketch of General Lori J. Robinson, USAF, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL LORI J. ROBINSON, USAF

Pacific Command; and Executive Director, Pacific Air Combat Operations Staff, Joint Base Pearl Harbor-Hickam, Hawaii. PACAF is responsible for Air Force activities spread over half the globe in a command that supports more than 46,000 airmen serving principally in Japan, Korea, Hawaii, Alaska and Guam.

General Robinson entered the Air Force in 1982 through the ROTC program at the University of New Hampshire. She has served in a variety of positions as an air battle manager, including instructor and Commander of the Command and Control Operations Division at the Air Force Fighter Weapons School, as well as Chief of Tactics in the 965th Airborne Warning and Control Squadron. She has commanded an operations group, a training wing, an air control wing and has deployed as Vice Commander of the 405th Air Expeditionary Wing, leading more than 2,000 airmen flying B-1 Lancer, KC-135 Stratotanker and E-3 Sentry in operations Enduring and Iraqi Freedom. General Robinson was an Air Force Fellow at The Brookings Institution in Washington, DC, and served at the Pentagon as Director of the Secretary of the Air Force and Chief of Staff of the Air Force Executive Action Group. She has also been Deputy Director for Force Application and Support, Directorate of Force Structure, Resources and Assessment, Joint Staff, the Pentagon, Washington, DC. Following this General Robinson was Director, Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, DC. General Robinson also served as the Deputy Commander, U.S. Air Forces Central Command; Deputy, Combined Force Air Component Commander, U.S. Central Command, Southwest Asia. Prior to her current assignment, General Robinson was the Vice Commander, Air Combat Command, Langley Air Force Base, Virginia.

Education:

- 1981 Bachelor of Arts degree in English, University of New Hampshire, Durham
- 1986 Squadron Officer School, Maxwell AFB, AL
- 1986 Distinguished graduate, Air Force Fighter Weapons School, Nellis AFB, NV
- 1992 Master of Arts in education leadership and management, Troy State University, AL
- 1995 Master's degree in national security and strategic studies, College of Naval Command and Staff, Naval War College, Newport, RI
- 2001 Air War College, by correspondence
- 2002 Air Force Fellow, The Brookings Institution, Washington, DC
- 2005 Senior Executive Fellows Program, Harvard University, Cambridge, MA
- 2013 Leadership at the Peak, Center for Creative Leadership, Colorado Springs, CO

Assignments:

From	To	Assignment
January 1982	June 1982	Student, Basic Air Weapons Controller School, Tyndall AFB, FL
June 1982	January 1983	Air Weapons Controller, Homestead AFB, FL
January 1983	January 1985	Instructor Air Weapons Controller and live-fire senior director, 81st Range Control Squadron, Tyndall AFB, FL
January 1985	February 1986	Chief of Training; and Chief of Standards and Evaluations, 848th Air Control and Weapons Squadron, Wallace Air Station, the Philippines
February 1986	September 1986	Air Weapons Controller, Air Weapons Controller Division, Air Force Fighter Weapons School, Nellis AFB, NV
September 1986	December 1986	Student, Air Force Fighter Weapons School, Nellis AFB, NV
December 1986	October 1989	Instructor and Course Manager, Air Weapon Control Division, Air Force Fighter Weapons School, Nellis AFB, NV
October 1989	August 1992	Chief of Current Operations and command briefer, Headquarters Pacific Air Forces, Hickam AFB, HI
August 1992	May 1993	Air Weapons Controller, 552nd Air Control Wing, Tinker AFB, OK
June 1993	June 1994	Chief, Weapons and Tactics Branch, 965th Airborne Warning and Control Squadron, Tinker AFB, OK
July 1994	June 1995	Student, College of Naval Command and Staff, Naval War College, Newport, RI
June 1995	September 1995	Student, Armed Forces Staff College, Norfolk, VA
September 1995	December 1997	Command, Control and Communication Officer, Deputy Chief of Staff, and executive assistant to the Director, Defense Information Systems Agency, Arlington, VA
December 1997	June 1998	Student, mission crew commander training, Nellis AFB, NV

From	To	Assignment
June 1998	February 2000	Commander, Command and Control Operations Division, Air Force Weapons School, Neltis AFB, NV
February 2000	July 2001	Executive Officer to the Commander, Air Combat Command, Langley AFB, VA
July 2001	June 2002	Air Force Fellow, The Brookings Institution, Washington, DC
June 2002	August 2004	Commander, 552nd Operations Group, Tinker AFB, Okla. (March 2003–May 2003, Vice Commander, 405th Air Expeditionary Wing, Southwest Asia)
August 2004	August 2005	Commander, 17th Training Wing, Goodfellow AFB, TX
August 2005	September 2006 ...	Director, Secretary of the Air Force and Chief of Staff of the Air Force Executive Action Group, the Pentagon, Washington, DC
September 2006 ...	May 2007	Chief, Air Force House Liaison Office, Legislative Liaison, Office of the Secretary of the Air Force, Headquarters U.S. Air Force, the Pentagon, Washington, DC
May 2007	August 2008	Commander, 552nd Air Control Wing, Tinker AFB, OK
September 2008 ...	October 2010	Deputy Director for Force Application and Support, Directorate of Force Structure, Resources and Assessment, Joint Staff, the Pentagon, Washington, DC
October 2010	June 2012	Director, Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, DC
June 2012	April 2013	Deputy Commander, U.S. Air Forces Central Command; Deputy, Combined Force Air Component Commander, U.S. Central Command, Southwest Asia.
May 2013	October 2014	Vice Commander, Air Combat Command, Langley AFB, VA
October 2014	Present	Commander, Pacific Air Forces; Air Component Commander for U.S. Pacific Command; and Executive Director, Pacific Air Combat Operations Staff, Joint Base Pearl Harbor-Hickam, HI

Summary of joint assignments:

From	To	Assignment
September 1995 ...	December 1997	Command, Control and Communication Officer, Deputy Chief of Staff, and Executive Assistant to the Director, Defense Information Systems Agency, Arlington, VA, as a major
September 2008 ...	October 2010	Deputy Director for Force Application and Support, Directorate of Force Structure, Resources and Assessment, Joint Staff, the Pentagon, Washington, DC, as a brigadier general
June 2012	April 2013	Deputy Commander, United States Air Forces Central Command and Deputy Combined Forces Air Component Commander, Al Udeid Air Base, Qatar, as a major general

Flight information:

Rating: Senior air battle manager
Flight hours: more than 900 senior air battle manager
Aircraft: E-3B/C and E-8C

Major awards and decorations:

Distinguished Service Medal with one oak leaf cluster
Defense Superior Service Medal
Legion of Merit with two oak leaf clusters
Bronze Star Medal with oak leaf cluster
Defense Meritorious Service Medal
Meritorious Service Medal with three oak leaf clusters
Aerial Achievement Medal
Air Force Commendation Medal with two oak leaf clusters

Effective dates of promotion:

Second Lieutenant, May 24, 1981
First Lieutenant, September 11, 1983
Captain, September 11, 1985
Major, January 1, 1994
Lieutenant Colonel, July 1, 1998
Colonel, August 1, 2002
Brigadier General, July 22, 2008
Major General, May 1, 2011
Lieutenant General, May 20, 2013
General, October 16, 2014

(Current as of October 2014)

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by General Lori J. Robinson, USAF in connection with her nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Lori J. Robinson.

2. **Position to which nominated:**
Commander, United States Northern Command and Commander, North American Aerospace Defense Command.

3. **Date of nomination:**
15 April 2016.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**
January 27, 1959; Big Spring, Texas.

6. **Marital status:** (Include maiden name of wife or husband's name.)
Married to David A. Robinson.

7. **Names and ages of children:**
[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
Air Force Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

I agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

I agree.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

LORI J. ROBINSON

This 17th day of March 2016.

[The nomination of General Lori J. Robinson, USAF was reported to the Senate by Chairman McCain on April 26, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 28, 2016.]

**NOMINATION OF GENERAL DAVID L.
GOLDFEIN, USAF, FOR REAPPOINTMENT TO
THE GRADE OF GENERAL AND TO BE
CHIEF OF STAFF, UNITED STATES AIR
FORCE**

THURSDAY, JUNE 16, 2016

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

The Committee met, pursuant to notice, at 9:57 a.m. in Room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Wicker, Ayotte, Fischer, Cotton, Ernst, Tillis, Sullivan, Reed, McCaskill, Manchin, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. I would like to apologize to my colleagues for beginning this hearing a little late. There was a meeting called by our Republican leader of the Republican Senators, which is still going on, which I am sure our other colleagues will be joining us soon at the conclusion of those monumental discussions.

The Senate Armed Services Committee meets today to consider the nomination of General David Goldfein to be the 21st Chief of Staff of the United States Air Force.

General Goldfein, we thank you for joining us this morning. We are grateful for your many years of distinguished service to our Nation and for your continued willingness to serve. I also recognize that you are a member of the elite group of pilots whose number of landings do not equal the number of takeoffs. Congratulations on that. It is not a club that many choose to be members of.

[Laughter.]

We also welcome members of your family who are joining us this morning and thank them for supporting you and the Nation. As is our tradition, at the beginning of your testimony, we will invite you to introduce any family members that are joining us today.

Now more than ever, a strong Air Force is central to our Nation's ability to deter our adversaries, assure our allies, and defend our national interests. Global challenges continue to grow, the threat of terrorism from North Africa to the Middle East to South Asia, advanced potential adversaries like Russia and China, and rogue states such as North Korea and Iran.

Despite these growing threats, today's Air Force is the oldest, smallest, and least ready in its history, no doubt in part because of the arbitrary budget cuts that Congress and the President agreed to 5 years ago and have since failed to reverse. Even under the best of budget conditions, modern airspace and cyber capabilities are much more expensive in absolute terms than their predecessors, that is, if they even have predecessors.

That is one of the primary reasons the Air Force's inventory of warfighting weapons has steadily decreased over the past decades. In 1960, the United States Air Force had 2,000 bombers and 4,300 fighters. In 1980, that declined to 323 bombers and 3,600 fighters. Today the Air Force has 159 long-range bombers and less than 2,000 fighter aircraft. Today the Air Force is retiring aircraft faster than it procures them and will continue to do so for years to come.

While the aircraft we have today are highly capable, our adversaries are shrinking that gap or finding asymmetric ways to negate our advantage. The Air Force's global reach and global power are being tested as our adversaries invest heavily in fifth generation fighter aircraft, advanced missiles, and integrated air defense systems that expand contested airspace and exacerbate the tyranny of distance.

Meanwhile, as our Air Force shrinks, the combination of relentless operational tempo (OPTEMPO) and misguided reductions in defense spending continues to deplete readiness. The Air Force does not expect to return to full spectrum readiness for more than a decade.

General Goldfein, addressing these three challenges, capacity, capability, and readiness, will require the next Chief of Staff's strong leadership and personal engagement. One of the principal obstacles you will confront is a huge bow wave of modernization investment programs, costs that are all coming due in the next decade. Just consider the list of Air Force modernization priorities: F-35A fighters, KC-46A tankers, B-21 bombers, JSTARS [Joint Surveillance Target Attack Radar System], Compass Call, AWACS [Airborne Warning and Control System], and a new trainer aircraft, not to mention a modernized nuclear force, including the ground-based strategic deterrent, B-61 gravity bomb, and the long-range standoff weapon. There is simply no way all of these important yet expensive modernization programs will fit into the projected Air Force budget. At this point, it is by no means clear to me that the Air Force has conceived a plausible path through this tremendous budget crunch. With the future of our Air Force on the line, it will be your task, if confirmed, to chart this course in the coming years.

In any event, no matter how many dollars we spend, we will not be able to provide our military the equipment they need in a defense acquisition system that takes too long, costs too much, and innovates too little. In the last two defense authorization bills, this Committee has embarked on a major effort to reform this system, including ways to empower our Service Chiefs to manage their own programs and take on greater accountability. I will be keenly interested in hearing how you would employ these new authorities to accelerate and streamline Air Force acquisition programs, ensure our warfighters get the equipment they need when they need it, and act as a responsible steward of American taxpayer dollars.

Finally, we must acknowledge the service and sacrifice of the outstanding men and women in the United States Air Force. As you mentioned in your opening statement, General Goldfein, the Air Force has been at war for 25 years straight, and we cannot take our airmen for granted. We must recognize that high operational tempo, reduced readiness, and lucrative opportunities outside the Air Force continue to drive some of our best talent to leave the Service. I am interested in your plans to recruit and retain the best talent for our Air Force, including how best to provide a competitive and tailored compensation package that incentivizes retention especially for the United States Air Force pilots.

General Goldfein, we look forward to your testimony.
 Senator Reed?

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. Let me join you in welcoming General Goldfein to this confirmation hearing regarding his nomination to the Chief of Staff of the United States Air Force.

General Goldfein, welcome to the Armed Services Committee and thank you for your many years of service to our Nation and your willingness to continue to serve.

We are mindful that families also serve, and so we wanted to extend our thanks to the family as well. You will have an opportunity to please introduce your family.

General Goldfein is highly qualified for the position to which he has been nominated. His most recent position is Vice Chief of Staff of the Air Force, which means he is extraordinarily familiar with the challenges facing the Air Force today and into the future. General Goldfein has also had numerous senior positions of responsibility before that, including Director of the Joint Staff. With all this responsibility and all these insights, I think General Goldfein is superbly prepared to serve as Chief of Staff of the Air Force.

You will be tasked with significant responsibilities: recruiting and retaining a quality force, ensuring the force contains the necessary structure and readiness levels to meet our Nation's current challenges and future challenges, and then the posture to respond to crises that are evolving today and could evolve in the future. That is all within your responsibility.

The Air Force is facing challenges in affording all the aircraft and weapon systems that it needs. It is also facing recapitalization of its bomber fleet, the land-based missile fleet. On top of those challenges, the Air Force and the rest of the Military Services are facing the sequestration cliff next year, which I think would be devastating.

General Goldfein, I look forward to your thoughts on how you intend to take on these daunting challenges, should you be confirmed. I intend to support your confirmation, and I hope there will be early action by the Senate to confirm you. Thank you again for your service to our Nation.

Thank you, Mr. Chairman.

Chairman MCCAIN. General, as is the custom of this Committee, we have standard questions to ask the nominees, and if you will just respond appropriately to these questions.

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

General GOLDFEIN. I have, sir.

Chairman MCCAIN. Do you agree, when asked, to give your personal views even if those views differ from the administration in power?

General GOLDFEIN. I do, sir.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General GOLDFEIN. I have not, sir.

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for frequent communications, including questions for the record in hearings?

General GOLDFEIN. Yes, sir, I will.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General GOLDFEIN. Yes, sir, I will.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

General GOLDFEIN. Yes, sir, they will.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify upon request before this Committee?

General GOLDFEIN. Yes, sir, I do.

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

General GOLDFEIN. Yes, sir, I will.

Chairman MCCAIN. Thank you, General. Please proceed.

STATEMENT OF GENERAL DAVID L. GOLDFEIN, USAF, FOR RE-APPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHIEF OF STAFF, UNITED STATES AIR FORCE

General GOLDFEIN. Chairman McCain, Ranking Member Reed, distinguished Members of this Committee, let me begin by thanking you for your tireless support and advocacy for the greatest treasure in our Nation's arsenal: the young men and women who continue to join our ranks and serve their country during time of war. If confirmed, it will be my honor to lead the over 660,000 Active, Guard—

Chairman MCCAIN. General, I do not mean to interrupt, but would you care to introduce your family to the Committee?

General GOLDFEIN. Yes, sir, I would. I am thrilled to introduce my family, beginning with our youngest daughter Diana, who is a third generation first grade school teacher following in the footsteps of her Gramma Mary and her mother who are both here today.

Chairman MCCAIN. Welcome.

General GOLDFEIN. In a few months, Diana will be a published author of her first children's book. She reminds me of the very best teachers I ever had growing up, kind, caring, compassionate, but tough when she has to be.

Chairman MCCAIN. Maybe we ought to make that required reading.

[Laughter.]

General GOLDFEIN. If asked, most of us can remember our favorite teachers, but almost all of us can name our first grade teacher. Her kids are blessed to be in her class, and I could not be prouder to be her dad.

Our oldest daughter Danielle is a captain in the Air Force is on duty today, so could not attend. She is also a third generation, following in the footsteps of her Grampa Bill, a retired F-4 pilot who fought in Vietnam and is here today, and both of her uncles, her cousin, and her dad. Dani is a great officer and a combat veteran, having recently returned from a deployment to Afghanistan. She helps keep me grounded and in tune with our younger force, and I could not be a prouder father.

All that is good in our daughters comes from their mother Dawn, who I met in high school 40 years ago when both of our parents were stationed in Germany. Dawn represents the best deal our Nation gets in a military family, our spouses. 33 years, 21 moves, 3 wars, and several deployments to include a recent 2-year separation. I not only love her, I admire her strength and her courage, and I believe I am the luckiest man on the planet that she chose me.

Chairman MCCAIN. Welcome to the entire family.

General GOLDFEIN. Chairman, I would like to thank President Obama, Secretary Carter, Secretary James, and Chairman Dunford for this opportunity of a lifetime.

I would also like to thank General Mark and Betty Welsh. Not only are they concluding 40 years of distinguished service, they have led our Air Force over the past 4 years with passion, style, and unwavering commitment. It is my honor to serve as General Welsh's Vice Chief of Staff, and if confirmed, Dawn and I look forward to building on their success.

Chairman, I have seen firsthand how important a Service Chief's relationship is with Members of this Committee to help you execute your oversight responsibilities. If confirmed, I am committed to building a relationship of trust and confidence with each of you based on openness, candor, and competence. The questions you just asked form the foundation of this relationship, and I fully understand the gravity and the importance of living up to my answers.

Today's global landscape offers an equal amount of challenge and opportunity. The combination of strong states challenging world order, weak states that cannot preserve order, and under-governed spaces providing sanctuary to extremists all represent challenges we must counter simultaneously as part of a joint coalition and interagency team. From troubling Chinese military activity in the South China Sea to recent provocative actions by Russia in Crimea and Ukraine, to continued malign activity across the Middle East by Iran, to the increasingly unpredictable actions we see out of North Korea, each represents state-sponsored activity that chal-

lenges world order and the stability and predictability all civilized nations rely on for prosperity and freedom. Add to this the military campaign to deliver a lasting defeat to ISIL [the Islamic State of Iraq and the Levant] and our continued work in Afghanistan, and we have the framework Secretary Carter laid out months ago as the five global challenges the Department of Defense (DOD) must be ready to counter: China, Russia, Iran, North Korea, and violent extremism. If confirmed, I take very seriously my role as a member of the Joint Chiefs and look forward to providing an airman's voice as we deliberate military options, capabilities, and risks in formulating our best military advice.

The other hat I will wear, if confirmed, is the top officer in my Service, responsible for assisting Secretary James to properly organize, train, and equip an Air Force that can meet these challenges both today and tomorrow.

When I was commissioned in 1983, we had not fought in combat since my dad came home from Vietnam. The Cold War was in its final years, and there was no conflict on the horizon. This all changed in 1991 when we launched Operation Desert Storm. When the war ended, the Air Force stayed. From Operations Northern and Southern Watch to follow-on campaigns in the Balkans during Operations Deliberate Force and then Allied Force, to the last 15 years of Operations Enduring Freedom, Iraqi Freedom, Inherent Resolve, and Resolute Support, the Air Force has been in continuous combat for 25 years.

While we are extremely proud of our contributions to these operations, it has taken its toll on our ability to properly balance capability, capacity, and readiness. When combined with unpredictable budgets and the devastating impacts of sequestration, I am acutely aware that, if confirmed, I will be taking the reins of the smallest and oldest Air Force in our 69-year history with significant readiness challenges.

But where there is challenge, there is opportunity. I believe it is the obligation and duty of senior leaders to offer the President, the Secretary of Defense, and Congress creative solutions to our most complex challenges. We are the Service known throughout our history for innovation and breaking barriers. From the earliest days of manned flight to breaking the sound barrier, to reaching the outer limits of space, to fielding advanced stealth technology, we are the Service you rely on to push the limits of innovation. It is in our bloodline. We have faced challenging times before and overcome them with ideas.

Over 90 percent of today's Air Force joined after 9/11. They have never known a day when we were not at war. As I speak, airmen stand watch with our Nation's most destructive weapons in the nuclear enterprise. They sit alert and will scramble, when called upon, to defend our Homeland. They work side by side with their fellow SOF [Special Operations Forces] warriors in the most remote corners of the globe to build partner capacity and hunt down our enemies. They are flying global mobility missions to deliver supplies for humanitarian relief or personnel for a complex joint mission. They are flying combat over Iraq and Syria, providing top cover for the joint and coalition teams as we deliver a lasting defeat to ISIL. They are operating 12 constellations of satellites, pro-

viding everything from an uninterrupted GPS [global positioning system] signal to an unblinking eye on our adversaries. These airmen, proud members of the profession of arms, provide the oxygen the joint team breathes.

This is who we are. Your Air Force. We operate from a capsule below the surface to a combat controller or cyber warrior on the surface, to a cockpit at all altitudes above the surface, to a constellation in the outer reaches of space. We are everywhere. We know who we are, and we know what we are expected to deliver for the joint team: air power.

If confirmed, it will be my honor to work every day with Secretary James to create the environment where great ideas get a hearing, where barriers are crushed, where airmen and their families thrive, and where warfighting excellence remains our top focus.

Thank you again for this opportunity, and I look forward to your questions.

[The prepared statement of General Goldfein follows:]

PREPARED STATEMENT BY GENERAL DAVID GOLDFEIN

Chairman McCain, Ranking Member Reed, distinguished Member of the Committee. Let me begin by thanking you for your tireless support and advocacy for the greatest treasure in our Nation's arsenal ... the young men and women who continue to join our ranks and serve their country during time of war. If confirmed, it will be my honor to lead the over 660,000 Active, Guard, Reserve, and civilian airmen as the 21 st Chief of Staff of the United States Air Force. I'd like to thank President Obama, Secretary Carter, Secretary James, and Chairman Dunford for this opportunity of a lifetime.

I'd also like to thank Gen Mark and Betty Welsh. Not only are they concluding 40 years of distinguished service, they've led our Air Force over the past 4 years with passion, style, and unwavering commitment. It is my honor to serve as Gen Welsh's Vice Chief of Staff ... and if confirmed, Dawn and I look forward to building on their success.

I'm thrilled to introduce my family, beginning with our youngest daughter Diana who is a 3rd generation 1st grade school teacher following in the footsteps of her Grandma Mary and her mother who are both here today. In a few months ... Diana will be a published author of her first children's book. She reminds me of the very best teachers I ever had growing up. Kind, caring, compassionate, but tough when she has to be. If asked, most of us can remember our favorite teachers ... but almost ALL of us can name our 1st grade teacher. Her kids are blessed to be in her class ... and I could not be prouder to be her dad.

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All that is good in our daughters comes from their mother Dawn who I met in high school 40 years ago when both of our parents were stationed in Germany. Dawn represents the best deal our Nation gets in a military family ... our spouses. Thirty-three years, 21 moves, 3 wars, and several deployments to include a recent 2-year separation. I not only love her ... I admire her strength and her courage ... and believe I am the luckiest man on the planet that she chose me.

Chairman, I've seen first-hand how important a Service Chief's relationship is with Members of this Committee to help you execute your oversight responsibilities. If confirmed, I am committed to building a relationship of trust and confidence with each of you based on openness, candor, and competence. The questions you just asked form the foundation of this relationship and I fully understand the gravity and importance of living up to my answers.

Today's global landscape offers equal amount challenge and opportunity. A combination of strong states challenging world order, weak states that cannot preserve order, and under-governed spaces providing sanctuary to extremists ... all represent

challenges we must counter simultaneously as part of a joint, coalition, and inter-agency team.

From troubling Chinese military activity in the South China Sea ... to recent provocative actions by Russia in Crimea and Ukraine ... to continued malign activity across the Middle East by Iran ... to the increasingly unpredictable actions we see out of North Korea ... each represents statesponsored activity that challenges world order and the stability and predictability all civilized nations rely on for prosperity and freedom. Add to this the military campaign to deliver a lasting defeat to ISIL and our continued work in Afghanistan and we have the framework Secretary Carter laid out months ago as the five global challenges the Department of Defense must be ready to counter—China, Russia, Iran, North Korea, and Violent Extremism. If confirmed, I will take very seriously my role as a member of the joint chiefs and look forward to providing an airman's voice as we deliberate military options, capabilities, and risk in formulating our best military advice.

The other hat I will wear if confirmed is the top officer in my service, responsible for assisting Secretary James to properly organize, train, and equip an Air Force that can meet these challenges both today and tomorrow. When I was commissioned in 1983, we had not fought in combat since my Dad came home from Vietnam. The Cold War was in its' final years and there was no conflict on the horizon. This all changed in 1991 when we launched Operation Desert Storm. When the war ended, the Air Force stayed. From Operations Northern and Southern Watch, to follow-on campaigns in the Balkans during Operations Deliberate Force and then Allied Force ... through the last 15 years of Operations Enduring Freedom, Iraqi Freedom, Inherent Resolve, and Resolute Support, the Air Force has been in continuous combat for 25 years. While we're extremely proud of our contributions to these operations, it has taken its' toll on our ability to properly balance capability, capacity, and readiness. When combined with unpredictable budgets and the devastating impacts of sequestration, I am acutely aware that if confirmed, I will be taking the reins of the smallest and oldest Air Force in our 69-year history with significant readiness challenges.

But where there is challenge, there is also opportunity ... and I believe it is the obligation and duty of senior leaders to offer the President, the Secretary of Defense, and the Congress creative solutions to our most complex challenges. We are the service known throughout our history for innovation and breaking barriers. From the earliest days of manned flight ... to breaking the sound barrier ... to reaching the outer limits of space ... to fielding advanced stealth technology ... we are the service you rely on to push the limits of innovation. It's in our bloodline. We've faced challenging times before and overcome them with ideas.

Over 90 percent of today's Air Force joined after 9–11. They have never known a day when we were not at war. As I speak, airmen stand watch with our Nation's most destructive weapons in the nuclear enterprise ... they sit alert and will scramble when called upon to defend our Homeland ... they work side-by-side with their fellow SOF warriors in the most remote corners of the globe to build partner capacity and hunt down our enemies ... they're flying global mobility missions to deliver supplies for humanitarian relief efforts or personnel for a complex joint mission ... they're flying combat over Iraq and Syria, providing top cover for the joint and coalition teams as we deliver a lasting defeat to ISIL ... and they're operating 12 constellations of satellites providing everything from an uninterrupted GPS signal to an unblinking eye on our adversaries. These airmen, proud members of the Profession of Arms, provide the oxygen the joint team breathes.

This is who we are ... your Air Force. We operate from a capsule below the surface ... to a combat controller or cyber warrior on the surface ... to a cockpit at all altitudes above the surface ... to a constellation in space. We're everywhere. We know who we are ... and we know what we are expected to deliver for the joint team ... Airpower.

If confirmed, it will be my honor to work every day with Secretary James to create the environment where great ideas get a hearing ... where barriers are crushed ... where airmen and their families thrive ... and where warfighting excellence remains our top focus. Thank you again for this opportunity and I look forward to your questions.

Chairman MCCAIN. Thank you, General.

On the issue of the B–21 bomber, do you know what the independent cost estimate associated with the winning bid was, roughly? Is it \$23.5 billion?

General GOLDFEIN. Yes, sir. That is the independent cost estimate.

Chairman MCCAIN. The aircraft per unit cost associated with the winning bid was about \$556 million. Is that correct?

General GOLDFEIN. Yes, sir. That is correct.

Chairman MCCAIN. The Air Force budget request as developed is about \$1.36 billion. Is that right?

General GOLDFEIN. Yes, sir.

Chairman MCCAIN. The Air Force released an artist conception of the B-21?

General GOLDFEIN. Yes, sir.

Chairman MCCAIN. The Air Force released the top tier suppliers for the B-21?

General GOLDFEIN. Yes, sir.

Chairman MCCAIN. I am having a difficult time understanding how the public disclosure of a single contract award value funded from an unclassified budget request is going to give the enemy more information on the capabilities of a new bomber than what the Air Force has already disclosed. All I can see is that keeping it a secret deprives the American taxpayer of the transparency and accountability they deserve.

Can you explain what new information our enemies might learn from the release of the contract award value that they could not learn from the information the Air Force has already released?

General GOLDFEIN. Yes, sir. Mr. Chairman, I agree with you, and I believe that if we are not transparent with the American people on the cost of this weapon system, through its elected leadership, then we have a good chance of losing this program.

Chairman MCCAIN. I thank you for very much for that.

During the Air Force posture hearing on March 3rd, General Welsh testified in reference to long-range readiness issues that need investment. "That will take us 8 to 10 years once we have a chance to reset the force from what we are doing today, which is not going to happen."

Obviously, the issue is sequestration and what it is doing. We know what it is doing as far as acquisition is concerned because all you have to do is count.

But talk to us a little bit about the effect on the men and women that you just adequately and appropriately praised in your opening statement on how they can do their job and what effect it has on retention particularly, very frankly, on pilot retention. Maybe you could, for the record, give us your views on what I think at least in my view is almost an emergency situation given the events that are taking place in the world and the changes in the world since 2011 when in our act of incredible cowardice we enacted sequestration because we did not have the guts to make the budget cuts that were necessary.

General GOLDFEIN. Thanks, Mr. Chairman.

When I think about retention, I think about it in two areas: quality of service and quality of life. When it comes to quality of service, our airmen, when they join, are looking to be the very best they can be. Pilots who do not fly, controllers who do not control, cyber warriors who do not operate because they are not given the resources to do so, morale goes down and they vote with their feet. When we were sequestered in 2015, we grounded 13 fighter squad-

rons that stopped flying. We are still recovering from that effort, and if we are sequestered again, it will be even worse.

Chairman MCCAIN. Retention. Are you beginning to feel the effects of this lack of flying hours? I have been told that our pilots now are flying less hours than Russian and Chinese pilots are per month.

Do you agree with, I believe it was, the Chief of Staff of the Army who stated before this Committee that we are putting the lives of the men and women who are serving at greater risk?

General GOLDFEIN. Yes, sir. The reality is it is a mixed story because where we are flying a significant number of hours is where we are stationed forward. All crews in the Middle East are actually at a high standard of readiness and they are all flying a significant number of hours. The bill payers to allow that level of readiness forward is what is happening at home station. At home station, sir, you are actually correct. We are not flying the number of hours that we used to fly.

There is a number of issues that contribute to that, not the least of which is a shortage of critical skills in our maintenance force, and when you add that up to the age of the aircraft that makes them harder and harder to keep airborne, that has both contributed to a less number of flying hours we have available for training.

Chairman MCCAIN. Is it not true that a B-1 squadron just came back with something like six aircraft out of 20 that were operational? Is that not a story that I have heard?

General GOLDFEIN. Yes, sir, you have. When I was deployed forward as the air component commander, I enjoyed upwards of 95 percent, on average, mission capable rates across every fleet that was forward. That was the B-1. That was the F-16, A-10, every one. We had the parts. We had the supervision. We had the maintainers. That is what we pushed forward. I knew that if I went back to the home station, that was the bill payer to get me that level of readiness.

Back home at Dyess and those other locations that you talked about, the B-1's when they come home—they require a significant recovery time when they come back from combat operations.

Chairman MCCAIN. I do not mean to get parochial here, but we just had a vote that I was trying to fix the problem, and it was not just Democrats that voted against it. It was Republicans that voted against it as well and Members of this Committee. I think it is a very heavy burden for them to carry given the state of our military today and the situations and challenges that we face in the world, which are just epitomized by the terrible tragedy in Orlando. I hope that the voters understand that a good faith effort was made and it was turned down, four votes short, by Members, some of the Members of this Committee. I am embarrassed.

I thank you, General.

Senator REED.

Senator REED. General, you have the responsibility of modernizing the bomber and the ICBM force. Are there any particular authorities that you think are necessary to help you accomplish those tasks which you do not have?

General GOLDFEIN. Sir, actually the authorities that you pushed recently to Service Chiefs are very helpful. The way I look at those authorities, it is in both authorities but also increased accountability for a Service Chief.

In the two areas where I am focused, number one is I am the lead requirements officer for all major weapons systems. It is my responsibility to ensure that we do not have requirements creep that increases cost or increases schedule on any of our programs. That is number one.

Number two, that I now have more authority and accountability in some of the milestone decisions, specifically Milestone A and Milestone B, that allow a Service Chief to have an input on a program as it goes forward.

Senator REED. Very good. You feel, at this point, confident you have the legal authorities to bring these programs online in a very cost effective way.

General GOLDFEIN. Sir, I do, and I would highlight that many of those authorities reside with the Secretary of the Air Force. I believe it is my job to actually work with her as we keep these programs on track.

Senator REED. We have had an ongoing debate in the Committee and in Congress about the plans to retire the A-10 aircraft, which is an extraordinarily effective close air support platform. The Air Force seems, at least temporarily, to adjusting to keeping it. But longer term, this issue is going to come up again and again. It raises the issue of how do you develop and can you develop the same capabilities if at some point A-10 is retired. Can you give us some thoughts about that?

General GOLDFEIN. Yes, sir. My commitment to you, if confirmed, is that we will cover down this mission set for the joint team, and I will take ownership of that.

When it comes to the A-10, I am actually as concerned about the A-10 community as I am about the A-10 platform because the A-10 community is actually our Ph.D. force when it comes to close air support (CAS), and they set the bar for not only the joint team but for the coalition team. Anybody who does close air support—they try to reach the level that the A-10 community has been able to achieve. My focus is going to be on ensuring that I go back to the doctors of CAS, the A-10 fleet and the A-10 operators, and say what is the future of close air support. That is the conversation we need to have. We need to maintain what we have for the current fight, but where are we going in the future? Why is it that I only get a minute and a half of trigger pull on a 30 millimeter bullet? Why do I not get 10 minutes? Why is not every bullet precision guided? Why do I spend so much time having to figure out who is actually friend and foe on the ground when we have technology to be able to help us do that? Why is that I have to do all the work for collateral damage estimates when I have a machine that can help me do that? For me it is a matter of where we are going in the future, and my commitment to you is that I will take this on.

Senator REED. Thank you very much, General.

Another issue that we have been dealing with and we have seen some movement is deploying more and more enlisted pilots for remotely piloted aircraft. There are various models in history of mili-

tary warfare. The one that always has sort of some impact with me is that helicopter pilots in Vietnam, particularly Army, were mostly warrant officers with some officers, but the vast majority were warrant officers. They were extremely capable. In fact, they had more hours in that aircraft than anybody else. It seems to me that model could be applied much more vigorously. I know the Air Force is taking steps. Can you elaborate on what you are doing and what you want to do?

General GOLDFEIN. Yes, sir. So for us the remotely piloted aircraft, or RPA community, actually is the largest number of pilots that currently serve in the Air Force. We have over 1,300 RPA pilots currently serving. The next closest second of any community is the C-17 with just shy of 800. The RPA is part of the fabric of the Air Force. For me, this is a question of what is the future of this business as we go forward, and how does the professional enlisted corps that we enjoy fit into that enterprise.

We are committed to having enlisted pilots, and we are already starting on a program. We will start this fall. We will have our first class of enlisted RQ-4 pilots that will go through. They will graduate in 1 year and right behind them will be another class, followed by another class. We are focused on moving forward in the RQ-4 to ensure that our enlisted pilots are fully a part of that weapon system. I see this as one of the major growth industries in the Air Force, and I think this is the exact right path to be on.

We have a model for it that we know works. We actually started off flying satellites when we had nothing but officers, and we transitioned over a few years from officers with scientific backgrounds to officers with more political science kind of backgrounds, and then we made it into enlisted. Today 50 percent of the satellite constellations are flown and managed by the enlisted force. We are taking that same very successful model and applying it to the RPA model and we are on track.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Just to follow up, General, in other words from your comments on the A-10, at this time it is best not to retire them but to look at other options for follow-on. Is that a correct statement?

General GOLDFEIN. Sir, right now we are looking at that as an option. The challenge will be to keep a capability so that the fight that we are in today—there is no degradation to any of the soldiers, sailors, or marines or my airmen that are on the ground.

Chairman MCCAIN. So we should not be retiring them now?

General GOLDFEIN. Not in the near term, no, sir.

Chairman MCCAIN. I thank you.

Colonel Roger Wicker, United States Air Force Reserve.

Senator WICKER. Thank you, Mr. Chairman.

General, you said you are going to give us your personal views regardless of the administration's policy. Let me ask you this. Chairman McCain has repeatedly referenced the terror and carnage caused by Assad's barrel bombs that are deployed by Syrian aircraft. Our chairman has made the point—and I agree with him—that as evil as ISIL is, it is the barrel bombs and air attacks

that are causing most of the civilian casualties in Syria. Is that correct in your view?

General GOLDFEIN. Yes, sir.

Senator WICKER. Do you agree with General Petraeus who testified before us a few months ago when he said that we have the capability to take out Assad's air force?

General GOLDFEIN. I do.

Senator WICKER. Did the presence of Russian air forces in Syria impact the administration's decision not to implement a no-fly zone last year?

General GOLDFEIN. Sir, I do not know whether it had any impact on the administration's decision. I will tell you from a military standpoint as a Service Chief, if confirmed, it absolutely complicated the situation that we were facing.

Senator WICKER. Okay. It complicated the situation, and did it rule it out or was it a close call? Do you think that should be revisited?

General GOLDFEIN. Sir, whether it would be revisited or not would certainly be a decision that would be above mine. Let me tell you as an airman who has planned and executed no-fly zones, this is a capability that we retain. We know how to do it. The question is can we do it. The answer absolutely is yes. But there are three fundamental questions that I think have to be answered before I would ever recommend that as an option.

The first is I would have to have the authority to shoot down and kill anybody who violated the no-fly zone. Since ISIL does not have an air force, that would mean I would have to have the authority to shoot down and kill Russian or Syrian aircraft.

The second is I would have to have a clear understanding of exactly what the objective was on the ground below the no-fly zone. If the objective was to do humanitarian safe zone or refugee return, that would require some indigenous ground force that would be able to control that because I cannot control that from the air.

The third would be a clear-eyed decision that I would have to divert resources from the current campaign to do the no-fly zone.

But with the answer to those three questions, sir, we can do that.

Senator WICKER. Do you believe a no-fly zone would have saved lives of innocent civilians in Syria?

General GOLDFEIN. Sir, a no-fly zone alone that would have stopped aircraft that were going out to bomb civilians absolutely would have had an impact.

Senator WICKER. Thank you.

Let me ask about a replacement of the legacy Huey helicopters, some of which are nearly 40 years old. These helicopters are used to secure our nuclear weapons for Global Strike Command, as well as the Air Force District of Washington's mission to ensure continuity of government operations.

Some Members of this Committee are interested in learning more about the Air Force strategy to replace these legacy Huey helicopters. We would like to obtain a description of the Air Force helicopter requirements, including how requirements differ between Global Strike Command and other missions such as the Air Force District of Washington.

We are also interested in obtaining a lifecycle cost analysis of alternatives that includes mixed fleet versus single fleet solutions.

If confirmed, will you commit to providing this Committee with a report on the Air Force acquisition strategy for replacing these Huey helicopters?

General GOLDFEIN. Yes, sir, I will.

Senator WICKER. Do you think you could get this report to us by October 1st of this year?

General GOLDFEIN. Sir, yes, I believe we can.

Senator WICKER. Thank you very much.

I yield back the time.

Chairman MCCAIN. Senator Gillibrand?

Senator GILLIBRAND. Thank you, Mr. Chairman.

Thank you for visiting with me earlier this week. I recently visited the Niagara Air Reserve Station with my colleague, Senator Schumer, and we were pleased to see the progress underway in converting the 914th Airlift Wing to the KC-135 mission. However, as you and I discussed, there is not yet a simulator scheduled to be moved to Niagara Falls to obtain the training that is necessary, even though there is a building waiting.

Will we have your assurance that the excellent airmen of the 914th will have all the tools they need to sustain their expertise, including a KC-135 flight simulator on the grounds of the air station?

General GOLDFEIN. Yes, ma'am. I will also tell you that my mother, who was born and raised in Niagara Falls, would go after me if I did not.

[Laughter.]

Senator GILLIBRAND. Thank you.

As you know, General, the New York Air National Guard's 109th Airlift Wing operates our only fleet of LC-130 Skybirds which permit takeoff and landing on ice and snowpack. Giving the evolving terrain and increased commercial and military activity in the polar regions of the world as a result of global warming, these aircraft provide a critical capability to national security, as well as to scientific research. At the moment, however, there is no recapitalization plan in progress for these aircraft.

If confirmed, will you commit the resources to ensuring this fleet of high-demand aircraft remains operationally capable?

General GOLDFEIN. Yes, ma'am.

Senator GILLIBRAND. New York's pararescue jumpers are transported to those in need via the combat rescue helicopter, an aircraft undergoing a modernization program. I was not thrilled when I learned, however, that the combat rescue helicopters belonging to the Reserve components will not receive upgrades until the last 3 years of a 10-year cycle. For now, they will receive refurbished helicopters. I think this is unacceptable and not in line with the concept of Total Force integration that Secretary James and General Welsh have generally adopted.

Should you be confirmed, will you see to it that the combat rescue helicopters in the Reserve components receive concurrent modernization along with their Active Duty counterparts?

General GOLDFEIN. Yes, ma'am, I will. But if I could add, our current plan, because we are getting attrition Reserve helicopters

back that we have lost in combat—those attrition Reserve aircraft, which will be HH-60G models, the newest aircraft, are actually going first to the Air National Guard. We will replace the oldest in the fleet. The reason right now the Air National Guard is on the back end of the combat rescue helicopter is that as we go through that, they are actually going to have the newest helicopters that we will replace.

Senator GILLIBRAND. Okay.

According to the most recent annual report of sexual harassment and violence at the Military Service Academies for the 2014 and 2015 academic year, despite being similar in size to both the Naval Academy and the U.S. Military Academy, the Air Force Academy had almost double the number of sexual assault reports with 49 reports as compared to 17 at West Point and 25 at the Naval Academy.

Have you been able to look at this information, and do you have any explanation about the larger number of reports at the Air Force Academy compared to other academies? What measures are in place to prevent and respond to sexual assault in the Air Force Academy?

General GOLDFEIN. Thanks, ma'am. On a personal note, I want to personally thank you for your passion on this issue and keeping the pressure on. I have actually thought a lot about our conversation, and you have given me several things to think about. I actually shared that with my staff. I look forward to working with you on this issue, if confirmed.

At the Air Force Academy, the numbers you are looking at, I believe, are just the restricted reports. If you take a look at a combination of restricted and unrestricted, you actually do not see the large jumps.

But the data tells you one thing. The reality for me is what is the culture at the Air Force academy that makes this crime more and more difficult over time to actually commit so not only do we bring in cadets with the right moral background and character that would make this unacceptable in their squadron, but also that when we infuse them and work on that character and build on that character so they can be leaders of character when they come out. We are not going to stop or take our foot off the gas we are at zero.

Senator GILLIBRAND. I think the discrepancy is between unrestricted and restricted, and unrestricted are the ones where an investigation can move forward. Your unrestricted numbers would show that people are comfortable with the investigation. If your restricted numbers are higher, it means they are not comfortable. When you are reviewing your own protocols at the Air Force Academy, I would look to retaliation and perhaps investigate what the reason for not reporting is. They may fear retaliation. They may fear it will harm their careers. I would dig deep on what the climate is like within the academy to get those unrestricted numbers up.

General GOLDFEIN. Yes, ma'am. I will do that.

Senator GILLIBRAND. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Fischer?

Senator FISCHER. Thank you, Mr. Chairman.

Good morning, General.

General GOLDFEIN. Good morning, ma'am.

Senator FISCHER. General, do you believe that the current mix of capabilities in our nuclear forces—and by that, I mean the triad of our delivery vehicles, the gravity bombs, standoff weapons, the forward-deployed tactical weapons that we have. Do you believe that that will continue to be necessary for deterrence in the 21st century?

General GOLDFEIN. I do, ma'am.

Senator FISCHER. Do you believe that there are any of those capabilities that would be unnecessary?

General GOLDFEIN. I do not.

Senator FISCHER. Given the investment of Russia and China in their nuclear arsenals and in particular concerning statements by Russian officials about the limited use of nuclear weapons, would you say it is important to preserve the variety in U.S. nuclear forces to ensure the President has flexibility in his ability to respond?

General GOLDFEIN. Yes, ma'am. I would add too the nuclear command and control that we are responsible for for the Nation to ensure that we tie those three legs together.

Senator FISCHER. Aside from capabilities, do you see reductions in number of nuclear weapons as being likely in the near term? Do you believe that any reductions in nuclear forces should only be made as part of a negotiated bilateral and verifiable agreement?

General GOLDFEIN. Ma'am, I would defer to the Secretary of State and Secretary of Defense on this.

I will tell you that as a Service Chief, if confirmed, my job will be to execute according to the guidance that we are on track right now to execute against the START II treaty [Strategic Arms Reduction Treaty], and so we are making the associated changes according to that direction.

Senator FISCHER. Would you personally recommend against any unilateral reduction in U.S. nuclear forces?

General GOLDFEIN. My personal opinion is I would recommend against that. Yes, ma'am.

Senator FISCHER. Thank you.

General, when we met last month, we discussed Milestone A, that decision for the GBSD [Ground Based Strategic Deterrent]. I am also concerned that the LRSO [Long-Range Stand-Off Missile] has yet to receive its Milestone A certification as well. Both of these programs I believe are absolutely essential for the Air Force's component of our nuclear deterrent.

Do I have your commitment to resolve these two issues as soon as you possibly can?

General GOLDFEIN. Yes, ma'am, you do.

Senator FISCHER. Also, as you know, the Department has embarked on a so-called third offset initiative and the continued advancement of potential adversaries to ensure that the issue of technological superiority and innovation will be something that you confront, if confirmed.

Are there specific technologies that you believe will be key to ensuring future superiority, and how do you view the balance be-

tween investing in these current requirements such as readiness and also to be able to balance that with our future needs?

General GOLDFEIN. Yes, ma'am. As I said in my opening statement, innovation and breaking barriers are something that you would expect the Air Force to do.

As we look forward in the third offset strategy, it is about actually tying together three grids in new ways.

The first is the sensor grid which looks at six domains, air, land, sea, space, cyber, and under sea, and says how do we use all of those domains in a way that we can actually pull those sensors together and fuse that information and use machine-to-machine and autonomy to be able to produce decision quality information for a commander.

Then we have to tie that grid into an effects grid, and the effects grid is to all the members of the joint team and what we bring that is beyond platform. It goes to our special forces. It goes to what we are doing at sea. It is tying those together. What effects are we trying to create? There is some significant investment there.

But the coin of the realm and where I think the Air Force is going to be focused is on the third grid, which is command and control, because it is how we tie this all together, old and new, manned and unmanned, penetrating and standoff, through all those domains. It is the Air Force that has the core mission of command and control, and we do this with a joint team. I believe it is going to be where we are going to spend most of our time investing to pull those three grids together.

Senator FISCHER. Thank you for that very thorough answer. I appreciate it.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Kaine?

Senator KAINE. Thank you, Mr. Chair.

General, it was good to visit with you in the office, and congratulations on the nomination for this important post.

Senator Warner, my colleague, and I today did something that we do once a year, which is really fun. We have a coffee for all of the academy nominees that are about to report to all the Service Academies. I am here to tell you that we are sending some great Virginians to Colorado Springs, and they are very, very excited to report I guess on June 30 is when they are out, 2 weeks from today. Very, very excited.

A couple of questions. You and I talked a lot about readiness in my office, and you have testified and spoken briefly with the chair about this, that there is a projection, because of the readiness shortfalls, that it is going to take to the mid-to-late 2020s to return to the readiness level that is adequate.

We have just passed off the Senate floor the NDAA [National Defense Authorization Act]. Does the funding and end strength and policies contained in the NDAA that we passed—will that enable you to stay on that same track, not that that track is so great, 2020s mid or late? But does the NDAA we passed enable you to stay on that track with respect to recovering readiness?

General GOLDFEIN. Sir, it does. The number one issue for us that is the limiter for producing and increasing our readiness, beyond producing it for what we consume, is manpower and specifically

maintenance manpower. Your support for our increase in manpower is the number one issue for us.

Every Service creates and sustains readiness differently. For an Air Force, there are five key elements that we have to keep in balance, and any one of them can be a limiter.

The first is the critical skills, and it is beyond the pilot. It is the maintainers. It is the air traffic controllers. It is the munitions specialists. It is all of the folks that have fingerprints on an airplane before it takes off.

The second is weapon systems sustainment, and it is all the depot work and the required maintenance that keep that airplane sustained.

The third is the flying hour program, which is operations and maintenance to get that airplane airborne and funded for its mission.

The fourth is the critical infrastructure, the ranges, and the exercises that a lot of us have trained to full spectrum readiness.

The final is time, which is OPTEMPO relief.

Right now, the two limiting factors that keep us from being able to build readiness beyond what we are actually consuming is people and time. What you did in the NDAA to support our increase in people is critical, and then we will manage the time based on the OPTEMPO and the demands on the Air Force.

Senator KAINE. One of the points you mentioned was my next question, and that is this maintainer shortfall. You have testified to us before about that. Now, the end strength on Active that you are currently working with is 317,000. It is obviously larger when you add Guard and Reserve to it. But just because that end number might be okay, that does not mean that within the number there are not some disparities. Talk to us a little bit more about the maintainer shortfall and what are the plans that you would have as the chief to deal with that issue.

General GOLDFEIN. Sir, right now we project that we have 4,000 maintainers short of what we need, so a significant number of the additional manpower coming in is going to go into maintenance.

Senator KAINE. The maintenance is layered between Active, Guard, and Reserve?

General GOLDFEIN. It is.

Senator KAINE. I have noticed this down at Langley. You are doing a very good job. It is a real seamless operation between Active, Guard, and Reserve on maintenance billets.

General GOLDFEIN. Yes, sir. It is actually that same way across the force. I mean, if you go to the cockpit of a C-17 and ask who is Active, who is Guard and Reserve, all three hands will go up very often. We truly are one Air Force.

We are bringing those maintainers in to make sure that we bring in the right skill sets. The challenge, of course, in bringing those maintainers is all the ones that will come in will be what we call 3 levels, which is early entry that can do basic maintenance, and it will take us up to 2 years to get them fully trained. Then it will take us up to 5 years before they are supervisors. What we have to do is manage this across the Guard and Reserve and Active based on where our experience is to ensure that we can continue the mission at the OPTEMPO that we are in today, which I do not

expect is going to come down during my tenure, if confirmed, while we also advance and bring on new weapon systems for the future.

Senator Kaine. Can I ask one last question? You talked a lot about the Air Force's being a key innovator, and that is the case. A lot of the new missions that you have looking forward are space, cyber, and ISR. Talk a little bit with us about your ability to move out on new missions in those domains under the current budget realities.

General GOLDFEIN. Yes, sir. The demand signal in the Air Force over the past 15 years has actually been in four key areas, space, cyber, ISR, and the nuclear enterprise. That has been the resource growth area in the Air Force. The bill payer for those has been conventional air power and people. If you take a look at the last 15 years of strategic trade, you will see that is why we are where we are today.

I would like to focus, to answer your question, sir, on space because sometimes history placed the right individual in the right position at the right time, and General John Hyten is absolutely brilliant, and he is changing the way we think about space. He has some fairly significant initiatives that I look forward to championing, if confirmed.

One of them is the space mission force, which takes the force and actually now he has replicated what we see in the flying business as opposed to where we used to be where most space operators, the warriors, would come to work and be in the business of primarily monitoring and reporting. Now he has them thinking about operating in space. He has actually built a dwell time so that you spend some time in operations and some time in training. It has changed the culture and the thinking of space, which I think is perhaps one of the most powerful things that he has brought to the team.

The other thing he has done is he is getting us to think about space as an enterprise as opposed to individual pieces and parts because any space capability normally has three elements to it. There is a constellation. There is an integration that happens within airframes for us or for the Army or the ships. Then there is a ground control element. They always start lined up in the acquisition plan, and then one of them gets slid. We have not had a way in the past to be able to actually realign them. General Hyten is leading the way in that, and I think it is powerful.

Senator Kaine. Great. Thank you so much.

Thanks, Mr. Chair.

Chairman McCain. Senator Cotton?

Senator Cotton. Thank you.

General, congratulations on your nomination. Thank you for your many years of service and to your family for their many years of serving alongside you.

I want to continue the conversation about readiness from where Senator Kaine left off. I want to call attention to one thing you said in particular, that you, "Do not expect the OPTEMPO will come down during my tenure."

General GOLDFEIN. If confirmed, yes, sir.

Senator Cotton. Yes. So for 4 years, you expect the current OPTEMPO to remain at least as high as it is today.

General GOLDFEIN. I do, sir.

Senator COTTON. Secretary Gates in his memoir "Duty" wrote that the Department of Defense was designed to plan and prepare for war, not to wage war. Now, that is 5 years dated since he left office in December 2011. Do you believe that the Department still has that challenge today?

General GOLDFEIN. Sir, my sense would be—I do not know the context of what he was saying when he wrote it.

Senator COTTON. He meant specifically trying to acquire rapidly the capabilities needed for the fight in Iraq and Afghanistan, MRAP [mine resistant ambush protected] vehicles for ground troops, airborne ISR platforms, wounded warrior care, and so forth, the point being the Pentagon in some ways is designed to procure the weapons and capabilities for the next generation's war as opposed to fight the war it is in right now.

General GOLDFEIN. Yes, sir. I think that is an accurate statement. But I will tell you, if confirmed, just again there are certain capabilities that we bring to this fight today that, if confirmed, I am absolutely committed to ensure there is no degradation. One of those is close air support.

Senator COTTON. Good. Thank you.

Now I want to turn to a very specific question of readiness beyond the general discussion we have had this morning to the sortie effectiveness rates for deployed aircraft in the fight against the Islamic State. We discussed this in your office call last month. As I told you, I continue to hear through official and personal channels from the pilots who were flying aircraft over Iraq and Syria's territory, as well as their families that tell me some pretty harrowing stories about those effectiveness rates. You mentioned in our conversation that you thought the rates were in the 90 percent range but that you would check on that. Do you have any further information on that matter?

General GOLDFEIN. Yes, sir. I went back and checked, and that is still accurate. For aircraft that we are flying forward, we tend to average around a 90 percent mission capable rate. But the bill payer that is nowhere near that if you went to every home station that generated those aircraft and those crews and sent them forward, you would see them hovering slightly around the 60 to 70 percent rate at best.

Senator COTTON. In hearing from pilots and their families about maintenance issues that prevent aircraft from taking off, require the early return to base, require them to fly without their full spectrum of aircraft systems, or to extend missions to perhaps dangerous lengths because the relief aircraft cannot take off, I am hearing from that small, less than 10 percent of all cases?

General GOLDFEIN. Yes, sir. I think that is accurate. I could take that to get you more accurate numbers, if you would like.

Senator COTTON. I would appreciate that. Thank you.

[The information referred to follows:]

General GOLDFEIN. The availability rates of all Air Force Aircraft is around 71 percent at any given time. The Air Force is constantly working to get that rate higher and appreciate the Committee's ongoing support in this important matter.

Senator COTTON. Now I want to turn to nuclear modernization, which you discussed with Senator Fischer and some others at a specific level about some matters, but I want to speak at both a

general and even more specific level about the mindset reflected in nuclear modernization.

In February 2011 in his message to the Senate about New START, President Obama stated that, "I intend to modernize or replace the triad of strategic nuclear delivery systems, the heavy bomber, air-launched cruise missile, an ICBM, a nuclear powered ballistic missile submarine."

Since then, the Air Force has been examining alternatives to a replacement for the air-launched cruise missile called the long-range standoff missile and the Minuteman ICBM called the ground-based strategic deterrent, both systems expected a Milestone A approval earlier this year. Yet, they have both been deferred by Under Secretary of Defense Frank Kendall.

I worry that this is inconsistent with the President's commitment and could delay the fielding of these critical replacements.

First, at a general level, do you share the President's oft-stated commitment to replace the nuclear air-launched cruise missile and Minuteman ICBM, or do you believe that conditions have changed, that we might want to reconsider or delay those modernization programs?

General GOLDFEIN. No, sir. I absolutely believe they need to be modernized.

Senator COTTON. Senator Fischer asked you for your personal commitment about moving those Milestone A decisions along. You said, yes, ma'am. You do have that commitment. Could we be more precise? Could you give me a timeline in which we can expect the decisions for both the LRSO and GBSD?

General GOLDFEIN. Yes, Senator. For the GBSD, we are expecting a Milestone A decision in August of this year, and we are still on track to meet that. We are expecting to put out a request for proposal out to industry within the next 2 weeks. Also in the same time within the next 2 weeks, we should have a Milestone A decision on the long-range strike.

Senator COTTON. Thank you for both.

Finally, on June 6th in a public speech, the Deputy National Security Advisor said, "the administration has already made it plain our concerns about how the modernization budget will force difficult tradeoffs in the coming decades, and the President will continue to review these plans as he considers how to hand the baton off to his successor."

General, to your knowledge, has the Department of Defense or the Department of the Air Force been asked by the White House or National Security Council staff to examine whether changes can or should be made to propose plans for nuclear modernization?

General GOLDFEIN. No, sir, not in any of the meetings I have been in.

Senator COTTON. Thank you.

Chairman MCCAIN. Senator Hirono?

Senator HIRONO. Thank you, Mr. Chairman.

General, thank you and your family for your commitment and service.

I would like to turn to the issue of headquarters cuts. With the Pacific Air Force headquartered in Hawaii, I am very much con-

cerned with possible reductions to staff especially when the full set of requirements are not taken into consideration.

What actions will the Air Force take, should you be confirmed, in the near future to ensure that any cuts will not be made across the board and that the capabilities and necessary tasks will be taken into consideration?

General GOLDFEIN. Ma'am, when the original 20 percent reduction was given to the Department, two organizations actually took those cuts up front, the United States Air Force and the Joint Staff, and we did that to keep from delaying the pain over time. It was a bit of the "rip the band-aid off" to be able to take those cuts up front and then reorganize the Air Force accordingly to be able to ensure that we continued our mission.

One of the examples of that was we stood up an organization, installation mission support center, that now consolidates all installations in the United States Air Force. We had 1,500 airmen and civilians involved in maintaining and running our bases. By consolidating into a single center, we are down to 350. That is just one example of how we have taken the 20 percent reductions that we were given and reorganized ourselves to be more efficient.

Senator HIRONO. You will continue with that kind of an approach to any further reductions that you are going to be asked to take?

General GOLDFEIN. Yes, ma'am.

Senator HIRONO. Acquisition reform. The Air Superiority 2035 Plan introduced in May of 2016 has some insights about the way that the Air Force is responding to the current threat environment. The report stated—and I quote—"The traditional acquisition approach is not agile and results in late to need delivery of critical warfighting capabilities and technologically superior forces and voiced a concern that our acquisition system prevents the timely delivery of the capabilities that our warfighters need to succeed."

What is the top recommendation that you would suggest to improve the major system acquisition outcomes?

General GOLDFEIN. Ma'am, actually it would be to use the authorities that now are moving toward Service Chiefs to do my job to ensure that I keep requirements solid, that I do not allow any requirements creep, that I hold industry accountable for delivering on the contracts that we sign, and ensuring that I am doing my part for the Milestone A and Milestone B decisions to ensure that we are putting the right programs forward to meet the warfighter needs.

Senator HIRONO. Thank you.

In these times of budget constraints, I think that you responded to some of the questions from Senator Kaine. In Hawaii, we have Joint Base Pearl Harbor-Hickham, and we have both a strong Active Air Force presence there, as well as the Guard and Reserves. What are your guiding principles in terms of Active, Guard, and Reserve forces working together?

General GOLDFEIN. Ma'am, we are at the point in our Air Force where we actually cannot accomplish our mission without the Guard and Reserve. We talked earlier about that you can walk into a C-17 cockpit, and you are going to find one of each in a single cockpit. That is how we look across the Air Force.

We are taking a series of initiatives through high velocity analysis and looking and working with the adjutant generals of the various States who are involved in our deliberations to ensure that we optimize in each of the missions that we are required to do what is the right mix between Active, Guard, and Reserve.

One of our biggest initiatives actually this year is going to be to start up an integrated wing concept in South Carolina at Seymour Johnson. What we are doing there is we are actually combining the Reserve and the Active Duty in a single organization. We are working our way through the seams that occur and the authorities that occur to ensure that that organization can actually operate as a single wing. Perhaps the best outcome of this concept is going to be we are going to have a better understanding in each of the components of the pressures, the challenges, and the motivations that cause each one to sign up and serve and how we can work more effectively together to be able to accomplish the mission.

Senator HIRONO. You are doing this in South Carolina? Is the intent to see how this can function and be implemented, and then you would do that in other places such as in Hawaii?

General GOLDFEIN. I correct myself. I think Seymour Johnson is in North Carolina. I am geographically challenged.

Senator HIRONO. Oh, North Carolina.

General GOLDFEIN. But we are doing that, yes, ma'am. Based on expected success there as a pilot program, we will then take a look at other organizations where we can bring that same model.

Senator HIRONO. Just one more thing. Senator Gillibrand brought up sexual assault. I appreciate your commitment to influence the climate at the Air Force Academy. As you know, I am on the Air Force Academy Board of Visitors. Your commitment to prevent sexual assault, harassment, retaliation—I think that is really critical. It is an ongoing concern for many of us on this Committee. I thank you for that commitment.

General GOLDFEIN. You have it.

Senator HIRONO. Thank you, Mr. Chair.

Chairman MCCAIN. Senator Ayotte?

Senator AYOTTE. Good morning, General.

General GOLDFEIN. Good morning, ma'am.

Senator AYOTTE. Thank you for all that you do for the country.

I wanted to ask you what your viewpoint was on the performance of the Compass Call mission package and the important role that it plays with ensuring that we disrupt enemies' command and control.

General GOLDFEIN. Ma'am, it is critical, and I believe I can speak on behalf of the combatant commanders that it is critical in every one of their area of operations.

Senator AYOTTE. Thank you.

I wanted to follow up and ask you, as best as you can answer in this forum, can you explain to us why this is an urgent requirement that we actually place this mission package on a more survivable and effective aircraft.

General GOLDFEIN. Yes, ma'am. The reality is that this mission, electronic attack, is actually becoming more and more critical especially as we look to the global challenges we face, China, Russia,

Iran, North Korea especially. But it is also playing a significant role in the fight against violent extremism.

The challenge with the C-130 is that it does not operate at the altitudes primarily that we need to be able to put the footprint down on the target that we are trying to service. Our challenge is any time delay in being able to get this into an aircraft that can climb to a higher altitude is going to diminish over that same time frame our support to the combatant commanders.

Senator AYOTTE. If we fail to authorize the request that the Air Force has made to use existing rapid acquisition authorities to rehost the Compass Call mission equipment on the proper airframe, will that result in a 4- to 6-year delay in providing this vital capability to our combatant commanders in a more survivable and effective aircraft?

General GOLDFEIN. Yes, ma'am. I would add to that that if we have to do further integration of that equipment on this new aircraft, you could add even 2 more years to that.

Senator AYOTTE. Based on the request that the Air Force has made, do you continue to believe that it is important for Congress to authorize in this year's defense authorization the request to use rapid acquisition authorities to rehost the Compass Call, given the fact that this is such an important need for combatant commanders?

General GOLDFEIN. Yes, ma'am. Absolutely I do.

Senator AYOTTE. Thank you, General.

General GOLDFEIN. Yes, ma'am.

Chairman MCCAIN. General, the Compass Call rehost program is important, obviously, to our combatant commanders, and I join Senator Ayotte in urging the Air Force to field this warfighting capability as expeditiously as possible.

Senator Heinrich?

Senator HEINRICH. Thank you, Mr. Chair.

Welcome, General Goldfein. As you know from your time in New Mexico, my home State is home to the Air Force Research Laboratory (AFRL), as well as two NNSA [National Nuclear Security Administration] laboratories. I want to start by just inviting you to come visit and see the great work that goes on at both AFRL and Sandia for the Air Force specifically.

I want to ask broadly what role do you see our defense labs playing in Air Force modernization.

General GOLDFEIN. Yes, sir. I will go back to my opening statement. We are the Service, I believe, you rely on for innovation and breaking barriers, and that happens in our labs to a large extent. The technologies that they are looking at right now, whether you want to look at hypersonics or new engine technology, small satellite technology, these are all things that are going to be potential game changers in the future.

Senator HEINRICH. I would add directed energy to that list.

General GOLDFEIN. Amen.

Senator HEINRICH. You know, despite the great work that they do at those labs, this Committee has expressed its concern in the NDAA that it takes an unreasonable amount of time to hire experienced individuals at the defense labs. Sometimes it takes over a year to get somebody in place which just seems like far too long.

The result of that is that a sizable percentage of the authorized billets at those DOD labs remain vacant due to lengthy delays, as well as competition from the private sector where you can get placed in a relatively reasonable amount of time.

If confirmed, can you make speeding this hiring process a priority for our defense laboratories?

General GOLDFEIN. Yes, sir, I will.

I will tell you that I absolutely align with Secretary Carter that we are in a war on talent. One of the initiatives that is under his Force of the Future initiative allows us to actually go directly to a university and hire talent from the university. What we have done previously up till now is we have told our talented young men and women who are considering joining us to go get on USAJobs, post all their resumes, and maybe we will get back to them in 6 months. They are gone. It is unacceptable in this environment. Everything the Secretary is doing, anything I can do to make that easier I will do.

Senator HEINRICH. Great. I appreciate it. I think that focus will be incredibly important for getting the kind of talent that we need in what is becoming a very competitive environment with the private sector.

Regarding the Huey replacement discussion that Senator Wicker brought up, is the Air Force going to—obviously, that will be competed, but will you consider the same platform as the combat rescue helicopter, the HH-60 Whiskey?

General GOLDFEIN. Sir, right now, it is a different set of requirements. The question will be—you know, clearly when you can get one platform that can do multiple missions—

Senator HEINRICH. You get efficiencies.

General GOLDFEIN.—there are certainly efficiencies.

But right now, as I have looked at the requirements—and clearly, if confirmed, it is something I will get deeply involved in, making sure we keep those requirements firm. Right now, there are enough differences between what you need to be able to fight your way to rescue someone versus what you would do to provide security for the missile fields.

Senator HEINRICH. Given the dramatic improvements we have seen in laser and particular technology in microwaves as well in the last few years, what role do you see directed energy playing in the third offset?

General GOLDFEIN. Sir, I describe it as silent sabotage. Right now, when we want to place fire power on the enemy, they and everyone else in the area know we are there. What we need is the capability to create an effect and not have them know exactly where it came from or who. I think directed energy is going to provide that for us, and it is going to be especially effective in our special ops forces, but it will also have conventional effects as well. I am excited about the technology, and if confirmed, I will certainly push it.

Senator HEINRICH. I look forward to working with you. Thanks for your service.

Chairman MCCAIN. Senator Inhofe?

Senator INHOFE. Thank you, Mr. Chairman.

First of all, I have always said that General Welsh's greatest asset was Betty, and I have observed over the last few weeks that in my opinion your greatest asset is sitting behind you in green. I am observing that Dawn is going to be replacing Betty. Do you have a problem with that?

General GOLDFEIN. No, sir.

Senator INHOFE. No. Okay.

The thing was brought up by one of the questioners here just a few minutes ago that back in April of 2013 we grounded some 17 combat-coded units—squadrons. That lasted for about 4 months. I think we had some 25 percent of the pilots were uncertified during that time and had to be retrained. Of course, you know what happens with some sitting down there in terms of maintenance and all that. Have you ever calculated the cost, and have you come to the conclusion that we lost money on that deal?

General GOLDFEIN. Sir, I have not calculated the cost monetarily, but I will tell you that the cost personally for those individuals that were affected, because it was not only the pilots that stopped flying, it was the depot maintenance folks who stopped maintaining—

Senator INHOFE. Oh, I know that.

General GOLDFEIN. Air traffic controllers. It was the impact across the force. What we cannot calculate is the number of folks who decided that you know what, if this is how I am going to be treated, I am not going to stay with the company.

Senator INHOFE. I actually talked to some of those at the time, and of course, we had the first effect of that from Tinker Air Force Base.

In terms of the refueler, the KC-46, right now General McDew made the statement that our KC-135 and KC-10 refueling fleet is stressed at a point near bending, and I am concerned about our ability to flex that force to another region of the world if we need to.

Do you agree with his statement?

General GOLDFEIN. Sir, I do. I would like to, if I can, highlight the magicians in our depots. Quite frankly, there is only one reason we have aircraft still flying after 50 years. It is because of the quality individuals we have there at our depots that keep them flying.

Senator INHOFE. You know, the KC-135 is 50 years old now and the KC-10 30 years old.

But now we shift to the fighters. We have the same problem there except it is a little bit different. We are actually training now with T-6s, T-1s, and T-38s. The T-38s again are 50 years old.

General GOLDFEIN. Yes, sir.

Senator INHOFE. Now, they are projecting that before we are able to start replacing that, it is going to be 2024. Is that correct?

General GOLDFEIN. Yes, sir.

Senator INHOFE. Now, I do not know how many years it will take to rotate those around till the T-38 is finally totally replaced because I have not calculated that. But can we hold on till then?

General GOLDFEIN. Sir, we are going to have to.

Senator INHOFE. I mean, here is the problem that we have and it is using your quotes when you said—this is two revealing quotes. “The most pressing challenge for the United States Air Force is the

rise of peer competitors with advanced military capabilities and rivaling our own.” Now, we are talking about the third generation. We have already acknowledged that the training in the T-38 is not adequate to train someone for fifth generation fighters. Is that not correct?

General GOLDFEIN. Yes, sir.

Senator INHOFE. It is almost if we are sitting around saying everything is going to be happening in a vacuum when in fact it is not. If you look at even today if we are not getting adequate training for our new competitors, what is it going to be like 10 to 15 years from now? Is that one of the things that bothers you? Is it one of your greater concerns?

General GOLDFEIN. Sir, it is. This is a classic case of what a Service Chief is faced with, which is how do I with the resources given, if confirmed, get the right balance between capability, capacity, and readiness. There are trades that we make. When we look at, for instance, bringing on the new trainer aircraft, that is one of the trades that we have to make to push that to the right till 2024, and so that is going to require us to keep the T-38 flying longer. It is just one of the inevitable trades you have to make.

Senator INHOFE. Because, you know, we got spoiled over the last few decades because we did not have competitors out there that were almost equal with us or even advancing from our current status. That is one of the great concerns that I have, and I know you and I have talked about that and you are going to be addressing that.

General GOLDFEIN. Yes, sir, I will.

Senator INHOFE. I look forward to working with you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Donnelly?

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank your family for being here as well, General.

I would like to congratulate you on your nomination. In our last meeting, you and I talked a bit about the 434th Air Refueling Wing at Grissom Air Reserve Base in Indiana and the basing process for the next gen KC-46. When do you anticipate we will see another KC-46 basing opportunity for a Reserve-led unit?

General GOLDFEIN. Yes, sir. The next ones up are in what we call Mob-4, mobility base 4, which will be the next one. We expect the rollout with a candidate announcement within the next 2 weeks.

Senator DONNELLY. Thank you.

In the last basing decision, the Air Force emphasized the importance of Reserve-led associate units. That aligns with the recommendation of the Air Force Commission report in 2014. They recommended expanding the number of associate units in the Air Force.

Do you anticipate that you will be creating more Reserve-led associate wings in the future?

General GOLDFEIN. I do, Senator. Right now, we actually have very successfully, Active Duty officers that are actually commanding Guard wings, Reserve officers who are commanding Active Duty wings. We have already done this kind of a mix, and we look at every organization, then look at the mission and the deploy-to-dwell and the OPTEMPO that we can sustain there and how do

we optimize all three components to best accomplish the mission. As we do this, I expect, if confirmed, that we will see more associations of the future.

Senator DONNELLY. The ground-based strategic deterrent provides, I think, an important opportunity for cross-Service collaboration between the Air Force and the Navy on strategic missiles. I think it is an historic opportunity to leverage research and development, common parts, lessons learned from the Navy's recent Trident modernization program, which can reduce risk, enhance savings, which are critical, and field an extremely capable follow-on to Minuteman III.

Is the Air Force committed to commonality as a means to modernize and maintain the triad?

General GOLDFEIN. Yes, sir, we are.

Senator DONNELLY. What elements do you see as most applicable for commonality with the ICBM program?

General GOLDFEIN. Sir, as you know, in the ground-based strategic deterrent, the GBSD, one of the aspects of that is that is an enterprise approach. As we field that weapon system, it is actually not just the missile. It is the missile. It is the launch. It is the command and control. It is the entire enterprise approach. The Navy does the same thing when they look at the submarine force. I think there is synergy there between how the Navy approaches it and how we approach the enterprise that is required to be able to support this mission. I think there are various elements, not the least of which is nuclear command and control.

Senator DONNELLY. Will you ensure that the GBSD acquisition program—the process—prioritizes commonality as an important strategy to increase capability while reducing risk and cost?

General GOLDFEIN. Yes, sir, I will.

Senator DONNELLY. Thank you.

I want to talk to you a little bit about the 122nd fighter wing in Fort Wayne who has conducted numerous missions in support with their A-10 aircraft. We were excited to see that the Air Force has charged the 122nd to continue to wage war in the war on terror with the F-16. The Air Force's fiscal year 2017 force structure actions announcement shows Fort Wayne transitioning to F-16s in fiscal year 2018. Due to concerns raised by this Committee and others, these plans may shift a little bit. I was wondering your assessment of how the Senate and House versions of NDAA impact your ability to carry out force structure changes involving the A-10.

General GOLDFEIN. Sir, anything that allows us more funding stability and flexibility to make the kind of key decisions we need to make are helpful for a Service Chief. Any restrictions we have on being able to move forward obviously hurt us because as we look at balancing capability, capacity, and readiness, we need that kind of flexibility.

When it comes to Fort Wayne, as we put forward our options for the Secretary of Defense in the 18 POM, as we have talked about, we may ask your support to delay that transition in order to make sure that we can continue to fight against ISIL.

Senator DONNELLY. How do you think it is going to impact your timing as things currently stand?

General GOLDFEIN. Sir, I think we are looking at probably 1 year.

Senator DONNELLY. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan?

Senator SULLIVAN. Thank you, Mr. Chairman.

General, welcome. Congratulations to you and your family.

I want to begin by paying a little compliment to Secretary Carter, President Obama. I think that they have been doing a very good job in terms of their selection of their top military generals. Whether it is General Milley or General Dunford or your nomination, it fits into a category of incredible experience. But also what we have seen is frankness where they have come to the Committee and they have been very upfront with the Committee. I think it is well respected, well appreciated. If you are confirmed, I certainly hope you will continue in that vein.

Let me just mention, General Milley was here a couple months ago, and he stated that given the President's budget, given the force levels of the Army would put the Army at, "high military risk." Pretty dramatic. It did not get any news, but I thought it was pretty dramatic that the Chief of Staff of the Army was saying that to do their mission on the current budget.

You have an incredible diverse mission set, which I think most people do not even recognize how broad it is, how important it is. Do you also see high military risk, given the current budget and Air Force numbers that are I think at all-time lows right now in terms of what you need to do in terms of your mission? High military risk. That would be pretty remarkable that two Service Chiefs—one incoming, yourself, one current—state that. We need to do something about it. I have no doubt.

General GOLDFEIN. Sir, I would characterize it as significant trending to high, which has been the previous assessment of—

Senator SULLIVAN. You do not think it is high right now? You are at the lowest levels. You have F-35 maintainers who are now being contractors. You do not think it is high risk?

General GOLDFEIN. Sir, the challenge in readiness really, when we have this discussion, I find is that you have to start the discussion with ready for what because if you were to ask me what is the state of the readiness of the United States Air Force to fight violent extremism in the Middle East, I will tell you it is extremely high. Every airmen I send down range is ready to execute the fight. If that was all we were asked to do for the next decade, I would tell you that we could sustain that.

But if you tell me that I need to be simultaneously ready for the other global challenges that Secretary Carter has laid out, which I believe we need to be ready for, which is China, Russia, Iran, and North Korea, state-on-state actors, I believe that we are at high risk.

Senator SULLIVAN. Thank you.

Let me turn to follow up on a topic that Senator Donnelly was talking about, and that is the bed-down of the KC-46. I know you are making decisions here. You are going to be making some OCONUS [outside the continental United States] decisions relatively soon. When do you plan on making those decisions?

General GOLDFEIN. Sir, on the KC-46, the next decision will be Mob-4, and we will be doing that in the next several months.

Senator SULLIVAN. Would that include OCONUS locations?

General GOLDFEIN. Yes, sir. As a matter of fact, we have 11 locations that we will be bedding down, two of those that we are planning for OCONUS. The next two I do not believe are OCONUS.

Senator SULLIVAN. What do you look at in terms of characteristics for basing OCONUS KC-46s?

General GOLDFEIN. Sir, we have a set criteria and a basing process that first lays out that criteria. We share that criteria with the delegations, and then we score bases against that criteria that then produces a preferred candidate list. The preferred candidate list is where we actually then begin our site surveys and—

Senator SULLIVAN. I will throw out a couple characteristics that I think are important: strategic location, hub or air combat power for the Asia-Pacific, world-class training areas, 24/7 NORAD [North American Aerospace Defense Command] mission hat routinely intercepts Russian bombers, three Red Flag exercises a year over 100 fifth generation fighters located there, C-17, C-130s, F-16s. Do those sound like important characteristics?

General GOLDFEIN. Yes, sir.

Senator SULLIVAN. Do you know what place I am describing?

General GOLDFEIN. Yes, sir. I think Billy Mitchell was right. It is strategic. Alaska is strategic.

Senator SULLIVAN. He called it the most strategic place in the world. Is that important in terms of KC-46 basing?

General GOLDFEIN. Sir, it is actually important across all the mission sets of the United States Air Force.

Senator SULLIVAN. Can I get your commitment to take a very serious look—when you are making the OCONUS decision, to take a look at Bill Mitchell's place that he called the most strategic place in the world as part of that?

General GOLDFEIN. Yes, sir. You have it.

Senator SULLIVAN. Can I ask one other question? Are you concerned about recent unprofessional behavior by both the Chinese and Russian aircrafts during intercepts in international airspace? What should we be doing about it? Some of us think that maybe we need to draw a line and then just tell them not to cross the line, kind of like what Turkey did. What is your recommendation on that? How dangerous are those? How more frequent are those?

General GOLDFEIN. Sir, they are dangerous, and it has been more frequent.

Here is my concern. When we do an intercept, which is one I have been personally involved in, you close on an aircraft that cannot defend itself with lethal weapons well inside of a lethal range, and very often in the back end of that aircraft are people that cannot defend themselves. One would ask why would we allow each other to be able to close at that range. The reason is that for 50 years, we have been doing this, three very professional air forces, the United States, China, and Russia who have a fairly professional air force. Our pilots can do this with predictability and professionalism.

When that breaks down, two potential things can occur. One is a miscalculation by either side, and the second is that we find, as

we did with the Chinese situation when that aircraft violated the number one rule of aviation, which is do not hit another aircraft with your aircraft, and when he actually hit the EP-3.

The other concern I have is when you have an incompetent pilot that then takes that aggressive behavior and is not actually capable of being able to perform in that kind of an intercept. That troubles me.

If confirmed, my message to my counterparts in both China and Russia is we have professional air forces. Let us hold our airmen accountable.

Senator SULLIVAN. What should we be doing?

Chairman MCCAIN. The Senator's time has expired. Go ahead.

General GOLDFEIN. Sir, what we should be doing is messaging them through mil-to-mil channels, through State Department channels to ensure that they know this is unacceptable behavior.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Some of us believe that Billy Mitchell was not always right, General.

Senator SULLIVAN. His court martial was an injustice.

Senator KING. I was going to mention that there was a court martial involved, as I recall.

Chairman MCCAIN. It could happen to anybody.

Senator KING. I was waiting for the Senator to say north of the 54th parallel is also one of the criteria.

Senator SULLIVAN. Well, the closest to Korea. But he was vindicated I think later—Billy Mitchell.

Chairman MCCAIN. Senator King?

Senator KING. General, thank you very much for being here.

You and I discussed this a week or so ago. We have recently had testimony a week or so ago. We have recently had testimony that over 80 percent of the current members of the military of the United States come from military bloodlines. You yourself, I believe your father, brother. Your daughter is a captain in the Air Force. That certainly is good in terms of esprit and commitment.

But two problems suggest itself. One is a narrowing base of people to populate the military, as we go from the Vietnam generation down to a much smaller base and, secondly, the development of a separate sort of military caste in our country. Talk to me about these two issues.

General GOLDFEIN. Yes, sir. If you look at where the Active Duty Air Force is actually located, we tend to be on the eastern seaboard, somewhat along the south, certainly in the northern tier, and on the western seaboard. But we are not everywhere. As we have gotten smaller and smaller, it is harder to connect the American people with their Active Duty Air Force.

Senator KING. Do you see this as a concern?

General GOLDFEIN. It is an absolute concern.

But where we actually are in every State is in our Air National Guard. I think the closer connections that we have as one Air Force between all three components—it is our Air National guardsmen that actually are most connected to the citizens, the people, the political leadership in each State, which is where I think we need to leverage.

But I am concerned about exactly what you are talking about, which is the lack of a connection, which is further concerning the more and more we have second, third, and fourth generation.

Senator KING. Let me talk about math for a minute. We are talking about maintaining operations, significant tempo. We do not see conflicts resolving, disappearing, going away. We do not see the world getting more calm and easy to deal with. Yet, we are talking about these significant upgrades. You are talking about the B-21, KC-46, deployment of the F-35, in the Navy the *Ohio*-class replacement, ICBM. We are talking about major capital expenditures, and I do not know anybody that is talking about additional funds.

One of the things that bothers me is that we are now operating under budgetary decisions made in 2011 before Syria, before Ukraine, before South China Sea, before ISIL, and yet we are trying to pack 10 pounds of capacity into an 8-pound sack. I just see this really as a looming huge problem for this country if we do not somehow account for increased threats and the necessity of the capital upgrades that we are facing.

General GOLDFEIN. Yes, sir. I agree.

Senator KING. Is there any way you could maintain your capabilities and meet your responsibilities in a world were the sequester to return next year?

General GOLDFEIN. No, sir.

Senator KING. It could not be done.

General GOLDFEIN. No, sir. If we are sequestered again, I cannot give you a better example of what sequester did to the United States Air Force than the A-10 discussion because in fact it was sequester that brought us the A-10 retirement. If we get sequestered again—because we had an \$8 billion math problem to solve in a single year in 2015. If we are sequestered again, we will have a \$10 billion math problem to solve in 2018.

Senator KING. Will that have a direct measurable effect on the national security of this Nation?

General GOLDFEIN. Yes, sir. Others have testified and I will add to that. We will be unable to execute the Defense Strategic Guidance if we are sequestered again.

Senator KING. I just hope people in this building and across the way are also listening to your testimony because I think it is very important.

You helped develop, as Vice Chief, the budgetary recommendations that turned into the authorizations that are in the bill that we just passed a few days ago. Are you comfortable with where the Committee came out as far as the Air Force's budgetary needs are concerned?

General GOLDFEIN. Sir, I am generally comfortable. I know there are continued issues that we will have to work, and if confirmed, I will ensure that I work them with you.

Senator KING. KC-46. A missed deadline apparently for delivery next year. It is unusual to have a deadline missed a year in advance. What is that going to do to the whole schedule for the deployment of the KC-46? Are you concerned about what is happening with that contract?

General GOLDFEIN. Sir, I am absolutely disappointed that we missed this milestone. What will happen now with the program and having been out there and walked the line and sat down and looked the company leadership in the eye in Seattle with Boeing, I am confident they have a good plan to be able to overcome the developmental challenges we are finding right now primarily in the refueling boom, and they are working those right now. But the unfortunate reality is that we are going to delay now up to a year receiving those airplanes.

We still believe that we can absorb the impact of that 1-year delay in the first two bed-downs, which will be in Altus for the training unit and then McConnell, which will be the first option. After that, we think we will be back on track when we go to Pease and other bases after that.

Senator KING. I commend to you, as you make your future decisions, the 101st out of Bangor, known as the MAINEiacs. That is a very skilled and a very important facility. I joined my colleague from Alaska, but now I am talking about a base that is right around the 45th parallel.

Thank you very much, General, for your testimony.

General GOLDFEIN. Yes, sir. Thank you.

Senator SULLIVAN [Presiding]. General, just a few more follow-ups. The Committee had a lot of concern—and there are provisions in the current bill of the NDAA that was just recently passed—on the F-35 maintainer issue. Can you speak to that a little bit and what you see as the best path forward, how important it is to address that issue?

General GOLDFEIN. Yes, sir. This is a challenge for all Services who are trying to sustain and modernize at the same time because none of us have maintainers that we are currently operating in a weapon system that we can then shift because when you bring on a new weapon system, the first thing you do is train the maintenance force that is going to receive that aircraft.

Our challenge is the more we are told to keep the old aircraft, it is going to further delay bringing on the F-35. Those maintainers that we are counting on—we are working through a lot of different options. We have already done a number of things. We have transitioned to contract logistics at all of our non-deploying locations. As you know, sir, we did this in the Aggressors up there in Alaska as well, and we appreciate your support for that.

We are doing everything we can right now to be able to bring the F-35 on, but the more we are delayed in terms of bringing on new manpower and holding manpower in existing weapon systems, it can have a significant impact on the F-35.

Senator SULLIVAN. Is the best solution to increase the end strength of the Air Force to make sure we have airmen working those issues as opposed to contractors?

General GOLDFEIN. Yes, sir, absolutely.

Senator SULLIVAN. Has that been mentioned in the budget discussions in terms of your future end strength?

General GOLDFEIN. Yes, sir. As a matter of fact, in the fiscal year 2016 NDAA, we are actually authorized to 321,000, and so we have put all the resources in place both from a recruiting and from a pipeline training to be able to bring in the number of airmen. If

we are successful this year at getting to 317,000 and we see the kind of recruiting numbers we are looking for, we will likely come back to this Committee and ask you to reprogram money to allow us to get to our authorization of 321,000. The bulk of those airmen that we are going to bring on are going to be maintainers.

Senator SULLIVAN. Thank you.

Just back to the C-46 issue, I mentioned a lot of the characteristics that I think are very powerful in terms of the strategic necessity of looking at Alaska. I would like to get your commitment during your first year, if you are confirmed, to come on up to Alaska and see those issues and strategic strengths for yourself.

General GOLDFEIN. Yes, sir, I will.

Senator SULLIVAN. Great.

Thank you again, General. Thank you to your family. Thank you for your years, decades really, of service to our country.

This hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

[Prepared questions submitted to General David L. Goldfein, USAF by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders, among other things, in joint training and education and in the execution of military operations.

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

Answer. The Goldwater-Nichols Act has been of tremendous benefit to the Department and Nation. After 30 years of operating under the Goldwater-Nichols Act, helpful adjustments are warranted. The Secretary of Defense is carefully examining this issue and related provisions in the National Defense Authorization Act. If confirmed I will identify areas that merit reform and support the efforts of the Secretary of Defense and this Committee to assess and act upon needed modifications.

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

Answer. I believe modifications that are appropriate to address are already being considered by the Secretary of Defense and this Committee. They include improving staff integration within the Department, streamlining strategic planning and improved agility in planning, elevating Cyber Command to a full unified command, and other modifications under consideration.

Question. Do you believe that the role of the Service Chiefs under the Goldwater-Nichols legislation is appropriate and the policies and processes in existence allow that role to be fulfilled?

Answer. Yes, I believe the role of Service Chiefs is appropriate and policies and process allow that role to be fulfilled.

Question. Do you see a need for any change in those roles, with regard to the resource allocation process or otherwise?

Answer. At this time I do not see a need for a change in roles of the Service Chiefs with regard to resource allocation process or other fundamental changes. If confirmed and I see a need for change I will propose those changes through the appropriate established process.

RELATIONSHIPS

Question. Section 8033 of title 10, United States Code, discusses the responsibilities and authority of the Chief of Staff of the Air Force. Section 151 of title 10, United States Code, discusses the composition and functions of the Joint Chiefs of Staff, including the authority of the Chief of Staff of the Air Force, as a member of the Joint Chiefs of Staff, to submit advice and opinions to the President, the National Security Council, or the Secretary of Defense. Other sections of law and traditional practice, also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Chief of Staff of the Air Force to the following officials:

The Secretary of Defense.

Answer. The Secretary of Defense serves as the principal assistant to the President on all Department of Defense matters. Senior Air Force leadership operates subject to the authority, direction, and control of the Secretary of Defense. If confirmed as Chief of Staff of the Air Force and a member of the Joint Chiefs of Staff, I will work closely with the Chairman and the other members of the Joint Chiefs to provide the best possible military advice to the Secretary of Defense, particularly with regard to matters of air, space, and cyberspace operations, policy and strategy.

Question. The Secretary of the Air Force.

Answer. The Chief of Staff of the Air Force is directly responsible to the Secretary of the Air Force and performs duties subject to the Secretary's authority, direction, and control. For the Secretary of the Air Force, the Chief of Staff is responsible for providing properly organized, trained, and equipped forces to support the Combatant Commanders in their mission accomplishment. The Chief of Staff oversees members and organizations across the Air Force, advising the Secretary on plans and recommendations, and, acting as an agent of the Secretary, implementing plans upon approval. If confirmed as the Chief of Staff of the Air Force, I will work very closely with the Secretary to ensure our ability to rapidly provide forces tailored to meet the needs and objectives of our Combatant Commanders.

Question. The Under Secretary of the Air Force.

Answer. The Under Secretary of the Air Force is authorized, subject to the Secretary of the Air Force's direction and control, to act for and with the authority of the Secretary of the Air Force on all matters for which the Secretary is responsible; that is, to conduct the affairs of the Department of the Air Force. If confirmed, I will continue to foster a close working relationship Ms. Disbrow, the current Under Secretary of the Air Force.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, I will work with and through the Chairman in formulating military advice as a member of the Joint Chiefs of Staff by advising him on Air Force capabilities and our preparations to support the Combatant Commanders in the conduct of military operations. I look forward to performing the duties assigned by law to the Chief of Staff to provide properly organized, trained, and equipped forces as needed by the Combatant Commanders and to provide military advice on matters within my expertise, as required.

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

Answer. The Vice Chairman has the same statutory authorities and obligations of other members of the Joint Chiefs of Staff. When performing duties as the Acting Chairman, the Vice Chairman's relationship with the Combatant Commanders is exactly the same as that of the Chairman. If confirmed, I will assist the Vice Chairman to execute the duties prescribed by law or otherwise directed by the Secretary of Defense or the Chairman of the Joint Chiefs of Staff.

Question. The Chiefs of the other services.

Answer. If confirmed, I will work closely with the Chiefs of the other Services to capitalize on our individual strengths, complement our capabilities and enhance mutually beneficial relationships as we carry out our responsibilities as members of the Joint Chiefs of Staff. My goal will be to work with each of them to enhance joint interoperability and other joint warfighting capabilities in order to provide the force mix desired by the Combatant Commanders.

Question. The Commander, U.S. Transportation Command (TRANSCOM).

Answer. I am keenly aware of the importance of a strong close working relationship between Transportation Command and the Air Force, its primary source of airlift. The Air Force remains a key contributor to TRANSCOM's success in meeting national military requirements. If confirmed, I will work to further enhance the Air Force's support to the TRANSCOM commander.

Question. The Commander, U.S. Strategic Command (STRATCOM).

Answer. A very close working relationship with the STRATCOM commander will be essential to identifying and implementing effective and enduring solutions to any issues with the Air Force's ability to support our Nation's nuclear deterrent capabilities. If confirmed, I will ensure the STRATCOM commander is constantly apprised on readiness of the Air Force air, space, and cyberspace forces required to support STRATCOM's missions. I will strive, in particular, to, keep a clear focus on Service efforts to maintain the highest standards of performance in the nuclear arena, as well as the intelligence, surveillance and reconnaissance (ISR) mission and cyberspace mission areas.

Question. The other combatant commanders.

Answer. If confirmed as the Chief of Staff, I will work with the Secretary of the Air Force to ensure that the Air Force is properly organized, trained, and equipped to provide the capabilities the Combatant Commanders need to execute their missions. That requires a clear understanding of their requirements. I will personally engage in a forthright and direct dialogue with the Combatant Commanders to ensure that I maintain that understanding.

Question. The Assistant Secretary of the Air Force for Acquisition.

Answer. The Assistant Secretary of the Air Force for Acquisition plays an integral role in Air Force acquisition efforts, including serving as the Air Force's Senior Acquisition Executive. If confirmed, I will work closely with the Secretary of the Air Force and the Assistant Secretary on matters affecting the acquisition of the resources needed to train and equip the Air Force. I'll also ensure military expertise is readily available to assist them in accomplishing their acquisition-related responsibilities.

Question. The General Counsel of the Air Force.

Answer. The General Counsel (GC) is the senior civilian legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force. The GC serves as the chief ethics official of the Air Force. If confirmed, I will continue the strong working relationship I have with Mr. Tanner and his staff.

Question. The Judge Advocate General of the Air Force.

Answer. The Judge Advocate General (TJAG) is the senior uniformed legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force and provides professional supervision to The Judge Advocate General's Corps in the performance of their duties. If confirmed, I look forward to continuing my strong working relationship with Lieutenant General Burne and the TJAG staff.

Question. The Superintendent of the U.S. Air Force Academy.

Answer. I have a strong affinity for the United States Air Force Academy as a graduate of the Class of 1983. It is a bedrock institution in the development of tomorrow's Air Force leaders. If confirmed, I will work closely with the Superintendent to address issues faced by the Academy and to promote the Academy's sustained commitment to excellence and fulfillment of its very important character building mission.

DUTIES

Question. What is your understanding of the duties and functions of the Chief of Staff of the Air Force?

Answer. The Chief of Staff of the Air Force is directly responsible to the Secretary of the Air Force and performs duties subject to her authority, direction, and control. For the Secretary of the Air Force, the Chief of Staff is responsible for providing properly organized, trained, and equipped forces to support the Combatant Commanders in their mission accomplishment. The Chief of Staff oversees members and organizations across the Air Force, advising the Secretary on plans and recommendations, and, acting as an agent of the Secretary, implementing plans upon approval.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. If confirmed as the Chief of Staff of the Air Force, I would expect the Secretary of the Air Force to assign me duties consistent with the responsibilities outlined above to ensure that the Air Force is appropriately organized, trained, and equipped to meet its institutional obligations and force provider responsibilities. If confirmed, I would foster a close working relationship with the Secretary to ensure that policies and resources are appropriate to meet the needs of the Air Force.

Question. What changes, if any, would you recommend to section 8034 of title 10, United States Code, relating to the Air Staff and its composition and functions?

Answer. None at this time, although if I develop a different view after I have observed Air Staff performance and am able to make an assessment from the vantage point of a Service Chief I will make that view known.

Question. What do you believe are your qualifications to assume this office?

Answer. During my 33 years on Active Duty in the Air Force, I have served in a range of positions and have enjoyed a variety of opportunities and experiences which have helped prepare me to fulfill the duties and responsibilities commensurate with appointment as the Air Force Chief of Staff. Throughout my tenure in the Air Force, I have been privileged to serve with and learn from a host of exceptional servicemen and women, including members of our sister Services, many in Joint positions of trust and leadership.

For the last eleven months, I have been privileged to serve as the Vice Chief of Staff of the Air Force. In that role I preside over the Air Staff and serve as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. I assist the Chief of Staff with organizing, training, and equipping of the Air Force's 660,000 active-duty, Guard, Reserve and civilian forces serving in the United States and overseas.

Prior to assuming my current position, I served as the Director of the Joint Staff in the Pentagon. In that role I assisted the Chairman of the Joint Chiefs of Staff in fulfilling his responsibilities as the principal military adviser to the President and Secretary of Defense by developing and providing strategic direction, policy guidance and planning focus to the Joint Staff and by fostering clear communication among the President, Secretary of Defense, unified commands, and services.

I received my commission from the U.S. Air Force Academy in 1983. I am a graduate of the U.S. Air Force Weapons School and am a command pilot with more than 4,200 flying hours in the T-37, T-38, F-16C/D, F-117A, MQ-9 and MC-12W. I have flown combat missions in operations Desert Shield, Desert Storm, Allied Force and Enduring Freedom.

These assignments have provided me with the breadth of experience that makes me qualified for the Chief of Staff position.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Chief of Staff of the Air Force?

Answer. If confirmed as the Chief of Staff of the Air Force, I will work closely with the Secretary of the Air Force to identify, assess, and address all challenges. I will ensure the readiness and relevance of our Air Force along with the safety and well-being of our people.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Chief of Staff of the Air Force?

Answer. The most pressing challenge for the United States Air Force is the rise of peer competitors with advanced military capabilities rivaling our own. Adversary advances are challenging our control of the Air. Space, long considered a sanctuary, is an increasingly contested environment. Airpower contributions to the rise of revisionist states will compete for resources with the ongoing demands of intractable conflicts and continued fiscal uncertainty. The next Chief of Staff, in support of the Secretary, must enable the innovation and agility of our airmen, preserve the Air Force's competitive advantages, find solutions for readiness and modernize force structure and capabilities.

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

Answer. The Air Force is taking a number of steps to position us to fly, fight and win against a peer competitor with advanced capabilities. It starts with the continued development of airmen and then we have to address a number of important modernization programs—including new platforms such as the F-35 and B-21, which will ensure a qualitative edge against likely adversaries. We also have a number of upgrades to existing platforms, which will extend their life and ensure their survivability in all but the most denied environments. But more importantly than platforms, we have a detailed, multi-year strategy to become a multi-domain force that integrates air, space and cyberspace capabilities to accomplish Air Force missions. This is a new way of thinking about the application of airpower, where once separate and distinct mission areas will operate synergistically to offer the Joint Force Commander multi-domain solutions.

Question. What do you consider to be the most serious problems in the performance of the functions of the Chief of Staff of the Air Force?

Answer. Balancing the demands of Combatant Commanders for the capabilities the Air Force provides today, against the requirement for a healthy, ready Air Force that is prepared for contingencies against peer adversaries with advanced capabilities tomorrow. This is the central challenge for all Service Chiefs. In our role as members of the Joint Chiefs of Staff, we work closely with the Secretary and Chair-

man to articulate and manage the needs of the present day against the requirement to preserve readiness and modernize our aging fleet to be prepared for future threats.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. The first step is to acknowledge that the Air Force will almost assuredly be engaged in continuous combat operations for the foreseeable future. So the central question is how to conduct persistent combat operations while also recovering readiness and modernizing the force under the current budgetary constraints. We must continue to find more efficient ways to present forces to forward combatant commanders with less cost and footprint. And we must also continue, in line with Secretary James' priorities, to make every acquisition dollar count. And finally, we must recognize that we're not going to buy our way to a more capable Air Force. Tomorrow's Air Force will be built on the new concepts, developed by airmen and enabled by technology. If confirmed, I'll focus on harnessing the innovative spirit of our airmen to find opportunity in the challenges we face.

PRIORITIES

Question. If confirmed, what broad priorities will you establish within your role as Chief of Staff?

Answer. If confirmed, I will fully support SECAF's priorities of (1) taking care of people, (2) balancing readiness and modernization, and (3) making every dollar count. Foundational to these priorities will be to revitalize the most critical organizational level in the Air Force—Squadrons.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Air Force to execute its assigned missions?

Answer. The U.S. Air Force is the oldest and busiest we've ever been. We find ourselves in a fiscal and global environment that forces us to prioritize training and funding for assigned/counterinsurgency missions at the expense of our training for high-end operations. As a result, we cannot recover surge capacity for major OPLAN contingencies and meet all the global demand with ready combat forces.

Question. What do you view as the major readiness challenges that will have to be addressed by the Air Force over the next 4 years, and, if confirmed, how will you approach these issues?

Answer. Decades of constant deployment and focus on counterinsurgency operations have reduced the Air Force's overall readiness. These issues along with critical skills shortages and an aging aircraft fleet and training infrastructure that need recapitalization to ensure viability and readiness against a near-peer adversary continue to provide challenges for the Air Force. I will address these issues by balancing our effort between top acquisition programs, sustaining our current force, modestly growing end-strength, and investing in our full spectrum training and exercise programs. Sequestration in fiscal year 2018 would further exacerbate these challenges and limit the AF's ability to recover readiness.

AIR FORCE ABILITY TO RESPOND TO WORLDWIDE CONTINGENCIES

Question. What impact, if any, do you see on the Air Force's ability to respond to worldwide contingencies as a consequence of the demands of current operations in the United States European Command, United States Central Command, and United States Pacific Command areas of operations?

Answer. The Air Force must be able to provide the preponderance of our Total Force in support of a conflict within the first 15 days; 80 percent or more of the force is required to be full-spectrum ready to fully accomplish the Defense Strategic Guidance (DSG). Continuous combat operations and reduced budgets over the past quarter century have driven readiness levels to historically low levels.

Question. How much additional risk, if any, is the United States assuming in this regard?

Answer. In order to regain readiness sufficient to meet DSG, the AF must limit our force presentation to support current operations. The AF can recover readiness across all core functions at a 1-to-4 deploy-to-dwell for the Active-duty. This means one unit deployed and four units in various stages of redeployment or preparation for deployment to meet a single requirement. Approximately 2/3 of AF fighter squadrons are currently engaged on a day-to-day basis. This includes forces deployed/allocated to the Central Command, Pacific Command, and European Command areas of responsibility, forces forward stationed in European Command and Pacific Command, Air National Guard units supporting Operation NOBLE EAGLE

requirements, and forces sitting in Prepare To Deploy Order status in support of the Global Response Force.

If required, the AF is postured to provide nearly 100 percent of its combat force in response to a major contingency; however surging to that contingency may involve disengaging from existing steady-state operations. While less than 50 percent of Air Force units are full spectrum ready, the Air Force can surge forces at less than full-spectrum readiness however this will impact their ability to conduct all assigned mission essential tasks.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the Air Force's relationship with the Senate Armed Services Committee in particular, and with Congress in general?

Answer. I agree that a certain amount of tension between the different branches of government can be healthy and is consistent with what our framers envisioned. During my tenure as the Vice Chief and during my recent office visits with the Members of this Committee, I have heard concerns with our responsiveness to your requests for information, frustration with a lack of prompt access to senior Air Force leaders, and perceptions of a tendency to bring solutions to problems without a willingness to seek counsel and input. I now have a good sight picture of this and if confirmed, I will make every effort to address and ease those concerns, frustrations, and perceptions. You can be assured that I place high value on a strong relationship with the Congress, and this Committee in particular.

Question. If confirmed, what actions would you take to improve the overall relationship between the Congress and the Air Force?

Answer. If confirmed, my interactions (and the interactions of my staff) with this Committee and the Congress in general will be guided by the principles of transparency, responsiveness, and collaboration. As I mentioned during my recent office visits, I plan to be proactive in my communications with members—whether that is through visits to Capitol Hill or telephone calls to keep them abreast of, and seek their counsel on, Air Force issues that are of significance to them and their constituents. The news I deliver will not always be good, but I will make every effort to ensure that you are not caught off guard or otherwise found in a position of surprise.

Question. The Committee has experienced frustration with the timeliness of responses from the Air Force on requests for information, questions and inserts for the record, and reports required by law.

If confirmed, what actions would you take to ensure such requests from the Committee are met in a timelier manner, with comprehensive responses and detailed information?

Answer. Providing timely and accurate information to Congress is central to our role in providing the best military advice to the Legislative Branch. We will continue to examine how our processes can be improved to increase responsiveness, and we are particularly interested in consolidating the number of offices involved in coordination and reducing cycle time from initial inquiry to final response. As an example, the Office of the Deputy Under Secretary of the Air Force, Management is concluding a process improvement activity that will streamline and improve the timeliness of our Congressional Reports. Moving forward, we will continue to seek opportunities to optimize our review and coordination processes to deliver responses in a timely manner.

AIR FORCE MILITARY END STRENGTH

Question. Senior Air Force leaders have stated on many recent occasions that the Air Force is the smallest size in its history, that it cannot get any smaller, and has numerous manpower shortfalls, particularly in the maintenance and fighter pilot career fields. While the Air Force's fiscal year 2017 budget submission did not request any increases in military end strength, the current Chief of Staff did request end strength increases in his unfunded requirements list.

What are your views on the current state of Air Force military end strength in relation to the missions the Nation requests its Air Force to perform?

Answer. The Fiscal Year 2017 budget request fully funded Active component end strength at 317,000 and continued our concentrated effort to "right the force" by stabilizing the force size and assessing critical capabilities to meet today's air, space, and cyber demands. However, during our budget build, we also recognized requirements in excess of 317,000 as supported by the fiscal year 2016 NDAA authorization level of 321,000. The Air Force only requested dollars for 317,000 because the personnel system could not responsibly grow the force to 321,000 until late fiscal year 2017. However, achieving this higher force level enables the mitigation of under

manned units caused by force structure buy-backs, addresses maintenance manpower stressors associated with standing up F-35 units, and expands capacity to "right-size" the training pipeline. Furthermore, it also postures the Service to incrementally increase our total force beyond the current levels as we judiciously find ways to address top priorities including ISR, cyber, nuclear, and pilot production shortfalls.

Question. Do you believe end strength increase requests should be in your base budget request, or prioritized below modernization and recapitalization investment funding requests in an unfunded requirements list?

Answer. Projected end strength increases reflect enduring mission demands. These increases should be incorporated into our base budget.

AIR NATIONAL GUARD AND AIR FORCE RESERVE

Question. What is your vision for the roles and missions of the Air National Guard and Air Force Reserve, and, if confirmed, what objectives would you seek to achieve with respect to the organization, end strength, and force structure of the Air National Guard and Air Force Reserve?

Answer. Inclusion across all three components of the Air Force is vital to create the strategic agility required to meet the challenges emerging from strategic uncertainty, fiscal constraints, and rapidly evolving threats. The contributions of the *Air National Guard and Air Force Reserve* span all core missions of the Air Force. If I am confirmed, this will not change. We have an increasing appetite for airpower combined with 30 percent fewer people overall, 37 percent less aircraft, and 59 percent fewer combat fighter squadrons now than since Desert Storm. We must rely on our Reserve component to meet the demands of the Nation. I support the National Commission on the Structure of the Air Force's recommendations to increase integration of Reserve, Guard, and Active component airmen. We will continue to monitor the progress of our I-Wing pilot program at Seymour Johnson and integrate lessons learned in future integration efforts. As we continue to modernize, we will concurrently field all new weapon systems in all three components from the start. This concurrent fielding strategy gives us the ability to effectively manage our new weapon systems and leverage the experience of our Reserve components. Additionally, we seek to continue to increase reserve mission share in command and control, mobility, cyber, and space missions.

It is very important to note that all of our models and analysis show we cannot accomplish our required missions with our current end strength. As you know, the Budget Control Act has taken a significant toll on our airmen and readiness; damage which will take time to undo. We need to grow across all three components if we are to remain the world's most capable and ready Air Force. We maintain the requirement for 321,000 Active component airmen and proportional growth in the Reserve component.

Question. What is your understanding and assessment of the Air National Guard and Air Force Reserve as an operational reserve, as opposed to its long standing traditional role as a strategic reserve?

Answer. Over the past 15 years, the Air Force Reserve and Air National Guard have further validated their ability to operate and deploy side by side with Active component counterparts. The Air Reserve component is a more seasoned and capable force than at any time in history, and we must work hard to retain and recruit that talented pool of citizen airmen.

The Air Reserve component has an indispensable role as both an Operational Reserve and a Strategic Reserve. There is no question the Air Reserve component of today has a significant operational impact. They train to the same standards and maintain the same level of readiness as our Active component. In fiscal year 2015, the Air Reserve component contributed over 15,000 man-years supporting the Air Force mission.

As a Strategic Reserve, the Air National Guard and Air Force Reserve can collectively bring over 950,000 selective reserve, individual ready reserve, standby reserve, and retired reserve back to active service when called upon by our Nation. As an Air Force, we will continue to rely on this deep bench to provide surge capacity and strategic depth as needed.

Question. In your view, what are the major challenges to maintaining and enhancing the *Air National Guard and Air Force Reserve* as a relevant and capable operational reserve?

Answer. The Air Force Reserve and Air National Guard face significant modernization and readiness challenges. To remain a relevant and capable operational reserve, we must work with Congress to pursue modernization options to ensure the viability of some legacy systems in order to adapt to budget realities, while con-

tinuing to provide a hedge against uncertainty. We need to secure support and funding for Air Force Reserve and Air National Guard modernization initiatives in Air Force appropriations as well as the National Guard and Reserve Equipment Appropriation. We rely on our Reserve component to maintain an operational capability, so it is critical the resources are available to establish full-spectrum readiness. This will ensure our legacy systems and people are able to operationally integrate with the newest Air Force systems and remain viable well into the future.

Question. What are your views about the optimal role for the Reserve component forces in meeting combat missions?

Answer. The Reserve components supply critical combat capabilities and maintain the readiness needed to meet mission demand. When deployed, members of the Reserve components are operationally-indistinguishable from Active component airmen. When mission demand increases, the Total Force will be needed to meet requirement. To that end, resourcing the Reserve component to maintain required readiness levels across the enterprise is essential.

Question. In your view, should the Department of Defense assign Homeland defense or any other global or domestic civil support missions exclusively to the Reserves?

Answer. No. The strength of the Total Force is commonality across mission areas. If confirmed as the Chief of Staff, I will ensure that the Reserve components should be actively involved in every mission area of the Department. Specifically for the Air Force, the reserve components are currently engaged in all five AF Core Missions and possess a wealth of experience and capacity that provides both steady state rotational and surge capability. Continuing to ensure concurrent and balanced mission equity between the components will be critical to support the global and domestic requirements of the Combatant Commands.

RECRUITING AND RETENTION

Question. What do you consider to be the key to the Air Force's success in recruiting the highest caliber American youth for service and retaining the best personnel for leadership responsibilities?

Answer. The Air Force is known as a technological force. It is also known as a force that values its personnel and their individual and collective contributions. We are meeting our recruiting targets both in numbers and quality, however the size of the youth market, propensity to serve, and market competition (especially for highly-skilled areas such as aviation/remotely piloted aviation, cyber, engineers and special operators) are all growing concerns. As such, it is important that we continue to offer a competitive compensation package, give individuals challenging opportunities to lead, and have a talent management system designed to extract the most productivity and value from an organization's greatest asset – its people – to meet mission objectives.

Deliberate development of our officers and enlisted give them the skills, knowledge, and experience when the Air Force needs them as future leaders of our force.

Question. What steps, if any, do you feel should be taken to ensure that current operational requirements and tempo do not adversely impact the overall readiness, recruiting, retention, and morale of Air Force personnel?

Answer. The Air Force recognizes that the evolving geopolitical situation continues to place significant demands on the force and we recognize the increased strain this places on our airmen. The Air Force's capacity to reach the Secretary of Defense's goal is dependent on both its end strength and the number of airmen the Air Force must deploy (operational tempo). As a result, the Air Force has embarked on a growth strategy to address key capability gaps in the nuclear, maintenance, cyber, intelligence, surveillance and reconnaissance and support career fields, adding roughly 4,000 Active component personnel across these enterprises. As warfighter demands persist, the fiscal year 2017 budget cycle sought to carry forward fiscal year 2016 end strength levels of 317,000 to stabilize the force and posture for future manpower increases in order to address maintenance capacity shortfalls, additive F-35 beddowns, expanded training capacity requirements and systemic unit under-manning.

The Air Force is also retaining experience through robust and expanded incentive programs, like Selective Reenlistment Bonuses (increased from 40 specialties in fiscal year 2015 to 117 in fiscal year 2016/2017); bringing on prior service accessions; utilizing Reserve Active Duty tour opportunities; and implementing High Year of Tenure extensions (increased from 38 specialties in fiscal year 2015 to 122 in fiscal year 2016/2017). These programs target our shortfalls across the board with specific emphasis on battlefield airmen, maintenance, Intelligence, Surveillance and Recon-

naissance, support, nuclear, Air Liaison Officer, Intel, Remotely Piloted Aircraft, pilots and Cyber career fields.

With our current manning levels, projected growth, and retention efforts, we are working to address operational tempo concerns and other stressors.

Question. What impact, if any, do you believe the Department's proposals aimed at slowing the growth of personnel and health care costs will have on recruiting and retention in the Air Force?

Answer. We won't know the full scope of any potential impacts associated with the Blended Retirement System, changes to military compensation, and potential changes to health care on recruiting and retention until we have airmen living with those new rules. The cumulative effects are difficult to estimate and actual data will be needed to quantify and measure the actual impacts. These changes also come as the market for youth who are qualified and propensed to serve has diminished. This creates a challenge, but one I think we'll be able to continue meeting. I remain optimistic that we'll be able to attract and retain talented youth to serve in our Air Force as our benefit package continues to be very competitive with those packages young Americans will find in careers outside of Military Service. The promise of education, training, and job experience will continue to be a critical recruiting tool, and in conjunction with career benefits such as retirement and health care as well as other benefits such as competitive pay, leave and other quality of life initiatives all influence an individual's decision to serve and continue to serve.

AVIATION RETENTION BONUSES

Question. The Air Force has long taken the view that maximum aviation retention bonuses should be offered to all pilots regardless of platform. Over the years, it appears this practice has led to the perception of these bonuses within the Air Force as an entitlement. By refusing to differentiate by platform, the Air Force has denied itself a valuable tool to right size pilot communities relative to each other. This is an especially ineffective and wasteful practice when such bonuses are offered at the 18 years of service point, as the Committee has been told happens, when no right-minded airman would leave the service. Now, the Air Force is asking for another increase in the maximum aviation retention bonus, for all platforms, even as it experiences overages in some areas and shortages in others, like remotely piloted aircraft operators, for which the higher amount has already been authorized by Congress.

Do you agree with the basic premise that special and incentive pays are designed to induce desired retention behavior?

Answer. I do. For the Air Force, the competition for our pilots is the airline industry. As noted, increases in major airline pilot hiring and increases in private sector wages have a large impact on Air Force pilot retention; job availability has a much larger (negative) impact on pilot retention than changes in civilian pilot wage increases.

That is why we are asking Congress to increase the current aviation incentive bonus of \$25,000/year.

Question. Do you agree, if confirmed, to reevaluate the Air Force's practice of offering the aviation retention bonus equally to all platforms, as a way to better shape and manage the Air Force's pilot force across disciplines?

Answer. We will tailor any potential bonus based upon specific platform and overall Air Force requirements. The requested increase is not a set amount. If approved, this will give us the flexibility to tailor bonus amounts and contract terms by platform.

MILITARY COMPENSATION

Question. What is your assessment of the adequacy of military compensation?

Answer. As a Service, we greatly appreciate Congressional support of military compensation. I would note that military compensation for our airmen is so much more than pay and allowances. Non-monetary benefits such as the Commissary, education assistance, and other on-base support activities provide unique benefits that help build a sense of community and contribute to mission readiness, as does maintaining a sustainable operational tempo and ensuring that our airmen have the best equipment we can provide. That said, the overall compensation package will continue to be a fundamental aspect to attracting, recruiting and retaining the most talented airmen in the world's greatest Air Force. From deployment entitlements to retirement reform, airmen and their families are at the forefront. As we move to the future, we must continue to balance all requirements, and ensure adequate compensation. We are supportive of efforts that continue to modernize and reform in ways that are mindful of potential impacts to the force.

Question. What recommendations would you have for controlling the rising cost of personnel?

Answer. Military compensation is, and must remain, competitive in order to sustain recruitment and retention of high caliber men and women in order to meet readiness requirements and accomplish our national security mission. However, we must continue to remain cognizant of rising personnel costs and ensure efficiency, as well as look to new ideas and keep them manageable in order to provide for force structure and modernization that are also critical in defense of our Nation. If confirmed, I will ensure that the Air Force continues to make difficult, but fiscally responsible decisions, and pursues continued efficiency in force utilization as has been accomplished with the Total Force Enterprise. As we continue to modernize our personnel system, I believe there are opportunities available where we can increase efficiency and provide for world class support to our airmen.

Question. Do you support the Administration's compensation and health care proposals?

Answer. Yes, the TRICARE reform proposal adds choice for beneficiaries, encourages the use of military treatment facilities, and modernizes health care cost sharing through reforms that are designed to provide greater value and address beneficiary concerns, while balancing requirements to maintain military medical readiness.

EDUCATION FOR AIRMEN

Question. An important feature of the Post-9/11 GI Bill is the ability of career-oriented servicemembers to transfer their earned benefits to spouses and dependents.

What is your assessment of the effect of the Post-9/11 GI Bill on recruiting and retention of airmen?

Answer. The Post-9/11 and GI Bills are critical programs for recruiting high caliber Americans and retaining our talented airmen. According to 2015 Air Force Retention Survey,

Enlisted airmen rank GI Bill and Tuition Assistance programs within the Top 5 influences to stay in the Air Force. Specifically, 75 percent of airmen intending to stay indicate that the GI Bill was an influence to stay, and 62 percent of airmen who are undecided on whether they will remain in the Air Force indicated that the GI Bill was an influence to stay.

Question. In your view, what has been the effect of the transferability option on retention and career satisfaction of airmen?

Answer. According to 2015 Air Force Retention Survey, the vast majority of our enlisted airmen indicated that transferability is an influence to remain in the Air Force. Specifically, 72 percent of airmen intending to stay indicate that transferability of the GI Bill was an influence to stay, and 59 percent of airmen who are undecided on whether they will remain in the Air Force indicated that GI Bill transferability was an influence to stay.

Question. How important do you believe tuition assistance benefits are to young airmen, and what trends do you see in the Air Force's ability to pay for such programs at current levels over the FYDP?

Answer. At any one point in time, one-third of our airmen are taking advantage of the tuition assistance benefit. Education is a pillar of Air Force readiness and retention and it keeps faith with our airmen as they transition out of the service and into civilian employment. Higher education develops skills such as critical thinking and the ability for life-long learning. Military tuition assistance has been funded at 95 percent of the requirements, which shows the emphasis the Air Force places on higher education.

Question. What changes, if any, would you recommend to current eligibility criteria for tuition assistance?

Answer. Recently, the Air Force looked at the eligibility requirements to ensure the right education is instituted for the right airman. We believe we have achieved that goal and do not see a need for further changes.

Question. Do you believe that tuition assistance should be used to enhance an airman's career while he or she is in the Air Force?

Answer. I do. Tuition assistance benefits combined with the Community College of the Air Force (CCAF) program brings together the best of higher education, namely the development of critical thinking skills, the ability for life-long learning, and the development of technical expertise.

Question. Do you agree with the Military Compensation and Retirement Modernization Commission that tuition assistance should be limited to courses and education that contribute to an airman's professional growth?

Answer. Absolutely not. We educate airmen and send out citizens. The Air Force supports a position that educational pursuits conducted off-duty utilizing Tuition Assistance directly contribute to maintaining future readiness of the force and thus are innately considered "professional development." Education prepares individuals to think critically, develop leadership skills, and acquire other tools that are crucial to 21st century readiness.

SUICIDE PREVENTION

Question. The numbers of suicides in each of the Services continues to concern the Committee.

What is your assessment of the Air Force's suicide prevention program?

Answer. Our suicide prevention program is comprehensive and robust. As validated by our 2015 Suicide Prevention Summit, good prevention starts with good leadership. We support our Commanders from the Squadron level up through training, tools and initiatives to promote resilience and reduce risk. Squadron Commanders and First Sergeants set the tone and establish the environment for our airmen to thrive. Commanders and First Sergeants who know their people and set clear expectations and limits, inspire trust and confidence within their organizations, support resilience and deter destructive behaviors. Analog leadership is critical to our success, which is why we instituted face to face, small group suicide prevention training for the total force in 2015. We in the Air Force are committed to optimizing Airman Culture. It is the personal engagement, the social connection and the sense of purpose that comes from being part of something greater than ourselves which sustains us in the face of adversity. We have exceptional support programs in the Air Force, phenomenal medical and mental health care, and research which are state of the art. These are essential elements, however, without strong leadership as the foundation our efforts will falter. We have strengthened our leadership oversight structures and redoubled our prevention efforts since our 2015 Suicide Prevention Summit. The Air Force has also increased our focus on culture in conjunction with the stand-up of our Profession of Arms Center of Excellence. Ultimately, initiatives that respect the central role of leadership in prevention will continue to produce the greatest effects and we are committed to ensuring a sustained focus on the role of our Commanders in our ongoing efforts.

Question. In your view, what role should the Chief of Staff of the Air Force play in shaping policies to help prevent suicides both at home and in theater and to increase the resiliency of all servicemembers and their families?

Answer. In the Air Force we see suicide prevention as a leadership issue first and foremost. The Chief of Staff sets the tone and the priorities that decisively shape the policies which promote resilience and deter destructive behaviors, including suicide. This establishes an environment in which airmen cope effectively, succeed and thrive both downrange and at home station.

Question. If confirmed, what actions will you take to ensure that sufficient mental health resources are available to servicemembers in theater, and to the servicemembers and their families upon return to home station?

Answer. The Air Force has incrementally increased our mental health provider staffing by 25 percent since 2012. However, despite this increase, nationwide there is a shortage in the field of psychiatry. To combat this, we are developing a plan to ensure that we have the right specialties at the right locations. We will continue to expand our utilization of technology such as telemental health to ensure needed resources are available to beneficiaries. We also utilize embedded mental health consultants in each of our primary care clinics under our Behavioral Health Optimization Program (BHOP) to ensure available and accessible mental health care to airmen and families. As Chief of Staff, I would sustain the focus on mental health manning and ensure adequate resources both in theater and at home station with flexible options to reduce stigma. I would meet these goals by expanding key initiatives including telemental health and our embedded mental health providers in primary care and in operational units and by leveraging our Military Family Life Counselors to promote and sustain resilience in Air Force Communities.

PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS

Question. The Fiscal Year 2015 Department of Defense Annual Report on Sexual Assault in the Military reflects that total reports of sexual assault in the Air Force decreased by 3 percent from 406 reports in fiscal year 2014 to 381 reports in fiscal year 2015. The Academic Program Year 2014–2015 Annual Report on Sexual Harassment and Violence at the Military Service Academies reflects that the number of sexual assault reports at the Air Force Academy increased by 24 reports from 25

reports in Academic Program Year 2013–2014 to 49 reports in Academic Program Year 2014–2015.

What is your assessment of these reports?

Answer. The numbers for the fiscal year 2014 and 2015 DOD Annual Reports referenced above reflect only the restricted reports for the Air Force. The total number of sexual assault reports for the Air Force also decreased slightly from 1350 in fiscal year 2014 to 1312 in fiscal year 2015. We'll know the true significance of that number after we complete the DOD Workplace and Gender Relations Survey this year and can compare the results to see if we've made progress on closing the gap between prevalence and reports. We know sexual assault is an underreported crime, so the Workplace and Gender Relations Survey is our best tool to understand the actual prevalence of the crime in our force. The survey provides us two important ways to measure progress: first, a decrease in prevalence rates as compared to previous years and second, a decrease in the gap.

At the Air Force Academy, the trend over the last 4 years suggests the 49 reports in this most recent academic year 2014–2015 report is more consistent with 51 in academic year 2011–2012 and 44 in 2012–2013. The 25 reports in 2013–2014 appear to be an outlier that we will continue to examine against future data.

The bottom line for both reports is that we still have work ahead of us to eliminate this crime from our force. We must continue to provide the best support possible to victims, but we also need to prevent this crime from happening in the first place. We must leverage scientifically proven prevention approaches.

Question. What is your assessment of the problem of sexual assaults in the Air Force?

Answer. Until we completely end sexual assault in our ranks, any reported crimes are unacceptable. We will continue to look at our accession screening instruments to ensure we assess the right airmen, as our airmen come from all walks of life to join the Air Force. We will also continue to train our airmen on Air Force values and give them the necessary education and tools to complete the mission. Over the past 10 years, we've made progress in ensuring sexual assault awareness and prevention are part of our airmen's training and education, but the need for continued effort is evidenced by the fact that the crime still exists in our ranks. This is why we are increasing our emphasis on scientifically proven, evidence based prevention programs. We must work to stop the violence before it occurs. The vision is underscored in our Strategic Master Plan, to "move beyond ad-hoc or reactive measures as we work to address the underlying causes." This describes the recent efforts we have undertaken in sexual assault prevention. As part of this effort, we are in the process of hiring a prevention specialist at nearly every installation who will be responsible for implementing evidence-based sexual assault and violence prevention interventions.

Question. What is your assessment of the Air Force sexual assault prevention and response program?

Answer. While we have seen a steady increase in reporting, reflecting an increase in trust, we have not seen a sufficient decrease in prevalence. We appreciate funding and support from Congress, but we still have work ahead of us. We received 38 fewer reports of sexual assault in fiscal year 2015 than we did in fiscal year 2014, which is only a slight decrease. We'll know the true significance of that number after we complete the DOD Workplace and Gender Relations Survey this year and can compare the results to see if we've made progress on closing the gap between prevalence and reports. Our next step forward is focused on violence before it begins by implementing a scientifically proven prevention program, Green Dot, which is now underway across the Air Force. By using Green Dot and other evidence-based prevention programming, we hope to see a decline in prevalence in the coming years. We must not stop until we eradicate this crime from our ranks.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. Our first priority upon receiving a report of sexual assault, whether restricted or unrestricted, is to care for the victim by providing necessary support services and empowering them with choice and control so they can become resilient survivors. Giving victims the ability to file restricted reports empowers them to access services and support that are unmatched in the civilian community, without fear of impacting their privacy, reputation or any other personal concern. Although it limits our ability to hold perpetrators accountable, it allows the Air Force to preserve evidence collected during a sexual assault forensic exam if the victim elects to have one. The restricted reporting option is a valuable method to help our airmen.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. Commanders are responsible and accountable for establishing and maintaining good order and discipline required to accomplish the mission. As such, the chain of command is deeply and directly involved in providing support to victims of sexual assault. Even before a specific allegation arises, commanders are responsible for ensuring all airmen are educated on sexual assault prevention and response. When a commander is notified of a sexual assault allegation, he or she takes immediate steps to ensure the victim's safety and well-being as well as the safety of the accused. Specifically, the commander makes sure that the victim is physically safe, emotionally stable, and being provided assistance from all available resources and agencies, including the Sexual Assault Response Coordinator, legal office, medical, and chaplain. The commander is also directly involved in decisions such as victim's requests for an expedited transfer to another location; the issuance of a no-contact order or a military protective order; and is specifically responsible for keeping the victim informed on actions being taken on the case. Furthermore, the commander stays informed about the victim's well-being and the status of the case and, in turn, informs the multi-disciplinary Case Management Group (CMG) to ensure the victim is fully supported. The CMG addresses emotional, physical, and spiritual care of a victim in a collaborative environment with the collective goal of supporting the victim's well-being. The CMG convenes monthly to review each case, direct system coordination, assess victim access to services, and tracks the case until final disposition. In conjunction with the legal office, the chain of command obtains input from the victim as the case is processed for disposition and adjudication.

Question. What is your understanding of the adequacy of Air Force resources and programs to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. The Air Force provides a multitude of legal resources to assist victims of sexual assault. To meet increasing and evolving mission requirements and to enhance the Air Force's capability to provide legal representation to victims of sexual assault, last year Air Force senior leaders allocated additional manpower authorizations to the JAG Corps. This marks a permanent investment in the long-term sustainability of the Special Victims' Counsel (SVC) program, including establishing mid-level leadership positions, called senior special victims' counsel, while also facilitating an expansion of our senior prosecutors, senior defense counsel, and military judges. In all, the JAG Corps gained 58 officer positions (from the grades of O3 to O5) and 15 paralegal slots. With this expansion, the Air Force currently has six senior special victims' counsel positions, 50 special victims' counsel positions, and 25 senior prosecutor positions. These additional resources have directly benefited the Air Force's capability to provide first-class legal representation to victims and to prosecute serious criminal offenses. Additionally, the Air Force has implemented the Special Victims Investigation and Prosecution (SVIP) capability to ensure that victims are getting multi-disciplinary support as they work through the legal process. The Air Force's SVIP capability is made up of specially trained Air Force Office of Special Investigation (AFOSI) agents, judge advocates (including trial counsel), paralegals, and victim liaisons. Air Force personnel who constitute the SVIP capability are a group of highly trained and qualified individuals assigned on a case-by-case basis. Victims also have a variety of medical and psychological resources available to them. The Air Force Medical Service has trained Sexual Assault Nurse Examiners at every Military Treatment Facility to serve as the medical point of contact post-assault when medical care for the purposes of collecting forensic evidence or assessing and treating medically-related injuries is necessary. Victims are also offered mental health support by providers who are expertly trained to deliver both crisis-counseling services and ongoing care often needed when overcoming trauma events.

Question. What is your view of the steps the Air Force has taken to prevent additional sexual assaults both at home station and deployed locations?

Answer. The decrease in prevalence between 2012 and 2014 is a positive indicator that the Air Force is making progress. We have built a robust response system unmatched in the civilian community. However, we must build on that foundation, and I believe our 5-year prevention strategy, coupled with our focus on Squadron Commander's responsibility and accountability to establish and maintain the requisite good order and discipline, will help us continue our progress in eliminating sexual assault in the Air Force. In addition, working together with other Air Force agencies to address the factors that underlie multiple forms of violence, such as domestic violence and suicide, we will implement more robust and effective prevention interventions that address the multiple forms of violence that our airmen experience.

Question. What is your view of the adequacy of the training and resources available to the Air Force to investigate and prosecute allegations of sexual assault?

Answer. All members of the Special Victims Investigation and Prosecution (SVIP) capability receive comprehensive training and outstanding resources to meet the demanding and important mission of investigating and prosecuting sexual assault. AFOSI special agents are trained and credentialed at the Federal Law Enforcement Training Center to conduct felony-level investigations, including sexual assaults. Air Force judge advocates receive specialized training to partner with AFOSI agents on sexual assault investigations and to prosecute sexual assault cases. In addition, the Air Force added 23 civilian criminal AFOSI investigators, positioned at 17 specific Air Force installations around the world, dedicated to sexual assault investigations. AFOSI selected the 17 installations based on the higher annual average number of adult victim sexual assault incidents at those installations. The Air Force also has 25 senior trial counsel (STC) who assist local trial counsel in prosecuting sexual assault cases. All STCs receive additional training in prosecuting sexual assault cases and have the opportunity to attend civilian courses and conferences pertaining to prosecuting crimes, including sexual assault. The Air Force has funded 9 examiners at the United States Army Criminal Investigations Laboratory (USACIL) who work exclusively on testing DNA samples for Air Force sexual assault cases. Even given this current status regarding training for investigators and prosecutors, we risk serious jeopardy to the integrity of our military justice process if we don't focus equally on the resourcing and training of Air Force defense counsel. If military members and the American public begin to believe that our system has lost balance, they will lose faith in the fairness of the system. The Air Force employs a robust selection criteria for military defense attorneys or Area Defense Counsel (ADC) to ensure the best qualified judge advocates are selected as ADCs.

All current Special Victims' Counsel (SVC) and Special Victims' Prosecutors (SVP) have received training from Air Force Judge Advocate General School (AFJAGS) SVC courses, civilian educators, and bi-weekly CLSV web-based distance learning training. The SVC Course at AFJAGS is an eight-day formal course covering representation of servicemembers, DOD civilians and dependent child victims. To complement this training with additional focus on litigation skills, SVCs attend the Intermediate Sexual Assault Litigation Course and Advanced Sexual Assault Litigation Course. Additionally, SVCs receive supplemental training with civilian courses with expertise provided by national subject matter experts.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. The chain of command has, and should retain, ultimate responsibility for the morale, welfare, good order, discipline, and effectiveness of military units. In the past, commanders have effectively dealt with issues including racial integration, illegal drug use during the Vietnam War, and the repeal of "Don't Ask-Don't Tell". We are ensuring commanders place the same focus and emphasis on sexual assault prevention and response and we hold commanders accountable for the professionalism of the airmen they command. Every airman must be treated with dignity and respect, and commanders must have both the incentives and the tools to do so.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting. If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. We must start by increasing airmen's knowledge at all levels about what constitutes retaliation and reprisal. We're making progress by tracking reports of retaliation, but we need to understand what types of incidents airmen experience as retaliation. Reprisal is a specific subset of retaliation where unfair personnel actions are taken, withheld, or threatened against the victim in response to making, preparing to make, or being perceived as making a report of sexual assault or harassment. Retaliation is an umbrella term that encompasses ostracism and maltreatment. If confirmed, I will focus on training members and first-line supervisors on avoiding, recognizing and reporting retaliation as well as the reporting options for members if they perceive professional or social retaliation. The Air Force Sexual Assault Prevention and Response Office (AF SAPRO) is the lead organization training leaders and servicemembers about retaliation against victims of sexual assault. This training is amplified at the highest levels of senior leadership including SecAF, my office, and the commanders of the Major Commands, all of whom convey the message that addressing the issue of retaliation is critical to the success of fighting sexual assault. If confirmed, I will continue to find actionable ways to use the data we have and guarantee that the Air Force will continue to train airmen at all levels about retaliation and the responsibility to ensure peers and subordinates do not retaliate against victims or other military members who report a criminal offense.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. Thanks to Congressional funding and support, we have developed a robust response system and ensured that airmen at all levels know where to find help if they have been sexually assaulted. Our airmen are trained on the resources available to them beginning at basic training and throughout their career. However, support to victims is not simply a job for our Sexual Assault Response Coordinators and other helping agencies; it's a responsibility for all airmen and leaders. If confirmed, I will ensure we fulfill the words in the Air Force's Strategic Master Plan ... that *we move beyond ad-hoc or reactive measures* as we work to address the underlying causes. In addition to *credible and effective response measures*, we will seek to proactively support a broad range of programs and communication activities to demonstrate Service-wide commitment to Air Force Core Values and promote an AF culture of professionalism." Commanders at all levels must continue to know their role in responding to sexual assaults and supporting survivors, and we will hold commanders accountable for the climate they create in their units not just for survivors, but for all airmen.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. I am not convinced that victims will be better served if we make this change. Removing commanders from military justice decision making sends the confusing message to airmen that you can trust your commander to send you into battle, where your commander's decisions may require your ultimate sacrifice, but you cannot trust your commander to hold an airman accountable for committing a crime. This message is more than just confusing; it degrades airmen's trust and confidence in their commanders and, in turn, degrades the military discipline necessary to accomplish the mission of national defense. Commanders need to retain this critical command and control authority while still getting unvarnished, independent legal advice from judge advocates.

Neither military nor civilian communities can prosecute their way out of a sexual assault crisis. Prosecution is just one component of our holistic, multi-functional response strategy. Making the institutional changes required to succeed in our battle against sexual assault requires the continued involvement of commanders in every aspect—including the decision to send cases to court. Our commanders make their decisions based on specific legal training and only with the dedicated advice of their staff judge advocates. Only rarely is there a difference between the advice and the decision, and when there is, the law requires review at the Secretarial level.

The Congressionally chartered Response Systems to Adult Sexual Assault Crimes Panel (RSP) specifically addressed whether commanders should be removed from the prosecution decision. The RSP concluded, "The evidence does not support a conclusion that removing authority to convene courts-martial from senior commanders will reduce the incidence of sexual assault or increase reporting of sexual assaults in the Armed Forces." (p.22)

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in the Air Force?

Answer. The true key to defeating this crime is to effectively prevent perpetration of it, rather than having to continue to respond to victims of it. I believe we're on the right path with the scientific evidence-based approach to prevention we will take over the next 5 years, the hiring of prevention specialists dedicated to implementing this approach, and our commitment to holding Commander's responsible and accountable to establish and maintain the requisite good order and discipline. I will ensure we continue to properly resource both our prevention and response efforts with money and the right manpower.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of Air Force commanders to prosecute sexual assault cases, including cases where prosecution is declined by civilian prosecutors?

Answer. It is the Air Force's policy to maximize jurisdiction over our airmen. In accordance with our regulations, when a member is subject to both the UCMJ and state or foreign jurisdiction for substantially the same act or omission, the determination of which sovereign shall exercise jurisdiction is made through consultation or prior agreement between appropriate Air Force and civilian authorities. Convening authorities and SJAs foster relationships with local civilian authorities with a view toward maximizing Air Force jurisdiction. For cases where the Air Force is given jurisdiction, Air Force commanders, in conjunction with their SJAs, assess each individual sexual assault investigation and decide on the best course of action. In addition to reviewing every report of investigation, commanders are soliciting victim input before making any disposition decisions. Our commanders will continue

to ensure that good order and discipline is upheld in their units regardless of the decisions of outside law enforcement agencies.

RELIGIOUS ACTIVITY IN THE ARMED FORCES

Question. What is your understanding of current policies and programs of the Department of Defense and the Military Services regarding religious practices in the military?

Answer. The U.S. Constitution provides the foundation for religious freedoms. The Constitution also guarantees religious freedom without government interference. Federal law, consistent with the constitutional guarantee of religious freedom, provides specific rules to ensure that right is achieved to the greatest extent possible. The Department of Defense and the Air Force have developed instructions, consistent with the Constitution and Federal law, to ensure mission success and to provide for the religious freedom of military members within the constraints of military necessity.

Question. In your view, do policies concerning religious accommodation in the military appropriately accommodate the free exercise of religion and other beliefs, including individual expressions of belief, without impinging on those who have different beliefs, including no religious belief?

Answer. Yes. Air Force leaders are responsible for protecting the free exercise of religion for all airmen and avoiding the appearance of an official endorsement of any particular religion. By promoting free exercise of religion in a manner that is respectful to other individuals' rights to follow their own belief systems, the Air Force creates a climate conducive to good order and discipline and maximum mission accomplishment. Supporting the right of free expression relates directly to the Air Force core values and the ability to maintain an effective team. All airmen are able to choose to practice their particular religion or subscribe to no religious belief at all.

Question. In your view, do requirements for individuals being accessed into the military, to first comply with military grooming and appearance standards that conflict with their sincerely held religious beliefs before being considered for a waiver of those military standards, constitute a constitutionally valid restraint on religious expression?

Answer. We continue to review the complexities in balancing the need to compose, train, and equip the Air Force while protecting the civil liberties of its members and the public to the fullest extent. I am confident we can strike the proper balance in a manner consistent with religious accommodation principles.

Question. Under current law and policy, are individual expressions of belief accommodated so long as they do not impact unit cohesion and good order and discipline?

Answer. Yes. Air Force Instruction 1-1 clearly states, "Every airman has the right to individual expressions of sincerely held beliefs, to include conscience, moral principles or religious beliefs, unless those expressions would have an adverse impact on military readiness, unit cohesion, good order, discipline, health and safety, or mission accomplishment." The Air Force protects the civil liberties of its personnel to the greatest extent possible and fully complies with the law and DOD policy respecting religious expression and accommodation requests. We also specifically instruct our commanders to consult with their installation chaplain and staff judge advocate on requests for religious accommodation.

Question. In your opinion, do existing policies and practices regarding public prayers offered by military chaplains in a variety of formal and informal settings strike the proper balance between a chaplain's ability to pray in accordance with his or her religious beliefs and the rights of other servicemembers with different beliefs, including no religious belief?

Answer. I do believe the Air Force has the proper balance. Within the performance of a chaplain's primary, official duties with regard to spiritual or religious matters, there are no restrictions. With regard to public prayer, Air Force policy is that public prayer should not imply government endorsement of a particular religion and should not usually be a part of routine, official business. Mutual respect and common sense should always be applied, including consideration of unusual circumstances and the needs of command. Further, non-denominational, inclusive prayer or a moment of silence may be appropriate for military ceremonies or events of special importance when its primary purpose is not the advancement of religious beliefs.

Question. The Religious Freedom Restoration Act provides very broad protection for religious liberty, and provides that the Government [which includes the military] may not substantially burden a person's exercise of religion unless it furthers a com-

elling government interest, and that any such burden must be the least restrictive means of furthering that interest.

Do you believe that uniformity of appearance in the military constitutes a compelling government interest?

Answer. DOD has determined that the military departments have a compelling government interest in mission accomplishment, including the elements of mission accomplishment such as military readiness, unit cohesion, good order, discipline, health, and safety, on both the individual and unit levels. A key part of unit cohesion is establishing and maintaining uniform military grooming and appearance standards. While uniformity is important, it is only one factor evaluated when considering an accommodation request.

Question. If so, do you believe that denying certain faith groups the ability to deviate from uniform and grooming standards, e.g., in maintaining an unshorn beard, in observation of their sincerely held religious belief, is the least restrictive means of furthering that interest?

Answer. We review each request on the individual facts. The Air Force has granted dress and grooming religious accommodation requests in the past. Such requests will continue to be carefully evaluated and accommodations granted unless doing so adversely impacts military readiness.

Question. How does the practice of allowing waivers for tattoos, including for religious themed tattoos, and medical shaving profiles for servicemembers both home and deployed, affect your analysis?

Answer. Once again, we evaluate each case on the individual facts. Accommodation requests in the military's specialized community involve a complex analysis of multiple considerations. Whether the Air Force's compelling interests in any individual case are impacted involves a careful fact-specific analysis. Prior waivers, and any potential impacts from those waivers, are part of the analysis.

NUCLEAR FORCE MODERNIZATION

Question. In his message to the U.S. Senate of February 2, 2011, the President stated his intention to "modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM."

Do you support plans to replace the Minuteman III ICBM with the Ground-based Strategic Deterrent (GBSD) program?

Answer. Yes. Consistent with the President's commitment to maintaining the strategic Triad, I believe fielding GBSD is vital to ensuring the U.S.'s land-based nuclear deterrent remains credible and effective in the coming decades. Despite numerous upgrades to Minuteman III since it was first deployed in 1970, significant obsolescence and sustainment challenges require development of a follow-on ICBM capability. GBSD will resolve MM III sustainment and aging issues, reduce total life-cycle costs, and extend the US's ICBM capability out to 2075.

Question. Do you support plans to replace the Air-launched Cruise Missile (ALCM) with the Long-range Standoff (LRSO) missile?

Answer. Yes. Consistent with the President's commitment, I believe fielding LRSO is vital to sustaining the credibility and effectiveness of the air-delivered leg of the Triad in the coming decades. The current ALCM entered service in 1982 and was designed for a 10-year service life. Growing reliability and sustainment challenges, combined with advances in enemy air defenses that will degrade ALCMs effectiveness in near future, necessitate fielding a follow-on capability.

Question. What should be the priority of GBSD and LRSO with respect to all Air Force modernization efforts?

Answer. The Air Force fully supports the President's commitment to maintaining a credible and effective nuclear Triad—both GBSD and LRSO are essential to that effort. In addition to the ground and air-legs of the Triad, the Air Force is also responsible for providing the Nation and Joint Force with a range of multi-domain conventional capabilities. Together, I believe these nuclear and conventional capabilities are foundational components of effective 21st Century strategic deterrence. However, the Air Force will be unable to fully meet these demands in the coming years without additional topline investment.

B-21 LONG RANGE STRIKE BOMBER

Question. On October 27, 2015, the Air Force announced the award of the engineering, manufacturing, and development (EMD) contract for the new B-21 bomber.

If confirmed as Chief of Staff of the Air Force, what will be your role in the management of the B-21 bomber program?

Answer. As the Chief of Staff of the Air Force, my role for the B-21 Long Range Strike Bomber program will be focused on owning and managing the requirements. It will be my job to ensure the program requirements remain stable, achievable and affordable.

Question. The Air Force has already publicly released the adjusted average procurement unit cost (APUC) of \$511 million in fiscal year 2010 constant dollars, and \$3.5 billion FYDP funding reduction, both of which were adjusted downward due to the independent cost estimate based on the winning bid.

In your view, why would it be necessary for the Air Force to keep classified the total value of the B-21 EMD program contract award, despite the fact that the Air Force budget has included an unclassified request for the EMD phase each year since fiscal year 2012?

Answer. The Air Force is fully committed to transparency with Congress on the B-21 program to include continuing our frequent discussions with the Congressional Defense Committees at the appropriate classification level. We are committed to controlling the program's cost through rigorous oversight of the prime contractor's performance and an annual update of the Air Force's independent cost estimate.

Maintaining the classification of the B-21 program Engineering and Manufacturing Development (EMD) contract value is critical in order to protect vital information and capabilities of the aircraft that could be exploited by our adversaries. There is a strong correlation between the cost of an air vehicle and its total weight, thus making it decisively easier for our adversaries to calculate the aircraft capabilities and develop countermeasures.

In October 2015 we publicly released the Air Force's independent cost estimate of \$23.5 billion in base year 2016, which characterizes the total estimated B-21 development costs. This independent estimate, required by the *Weapons Systems Acquisition Reform Act of 2009*, is based on historical costs associated with this class of weapon system and includes average level of program risks. Additionally the independent estimate represents the service cost position, which is used to develop the Air Force Fiscal Years Defense Program budget.

SPACE AND SPACE LAUNCH

Question. Section 802 of the fiscal year 2016 NDAA adds to the acquisition responsibilities of the Service Chiefs by inserting into chapter 149 of title X, USC, "Decisions regarding the balancing of resources and priorities, and associated trade-offs among cost, schedule, technical feasibility, and performance on major defense acquisition programs." In the context of space launch acquisition:

Do you agree that it is technically feasible to meet assured access to space requirements without the use of Russian rocket engines?

Answer. Ending the use of Russian rocket engines today would reduce our assured access to space and would incur substantial cost increase and schedule delays to our launch manifest. The Air Force is currently executing a strategy to transition off the Russian engine and is working with industry in public-private-partnerships to develop launch service capabilities that meet all of our launch requirements using domestically developed and procured propulsion systems. The development of new propulsion and associated launch systems will require about 5 years and remains one of the most challenging design and development activities the Nation pursues, as flawless technical performance is paramount. During the transition period, the Air Force's position is that 18 RD-180 engines are needed to best maintain the Nation's assured access to space and control cost. The Air Force remains committed to transitioning from, and ending the use of the RD-180 engine as soon as possible and we plan on doing this in the most prudent but expeditious manner possible.

Question. If confirmed, and if directed by Congress to meet assured access to space without Russian rocket engines, are you committed to doing so?

Answer. Yes.

Question. Do you believe that dependence on Russia for space propulsion is a vulnerability given Russian efforts to target national security space systems?

Answer. There are no indications that the use of Russian engine components in this program have impacted or impaired national security. These components are not connected electronically to any payload and do not contain software encoding or the ability to retrieve, store, or transmit information from the launch vehicle computer to any outside party. Russian citizens supporting the United States-based program are limited to monitoring preflight and real time data streams from basic engine-based sensors and are escorted at all times by authorized security personnel in strict compliance with Defense Technology Security Administration regulations. The engine itself only operates for approximately 4 minutes, at which time first

stage separation occurs and the booster falls back to the earth ending the limited data stream from the basic sensors.

With that being said, I am committed to transitioning to two or more commercially—viable launch service providers using domestically produced propulsion systems to meet our assured access to space requirement.

COMBAT AIR FORCES CAPACITY

Question. According to the force sizing construct in the 2012 Defense Strategic Guidance and the 2014 QDR, U.S. forces should be able to “defeat a regional adversary in a large-scale multi-phased campaign, and deny the objectives of—or impose unacceptable costs on—another aggressor in another region.”

In your opinion, is OSD’s force sizing construct an adequate approach for the Air Force given the dynamics of the current and projected geostrategic and fiscal environments?

Answer. Yes, the force sizing construct, which includes Homeland defense and support for global counter-terror operations, adequately addresses the challenges of the current and projected environment. The OSD-led capability based process leads to the initial determination of a required force structure independent of fiscal constraints. The insights from this process are essential to determine the best available force structure, balancing readiness, capability, and capacity within the actual fiscal limitations.

Question. In your view is the Air Force accepting higher risk with the current strategy; can it execute the strategy with acceptable risk, or are increased resources required by the Air Force with regard to airpower capability and capacity?

Answer. The Air Force continues to accept additional warfighting risk since the implementation of the Budget Control Act (BCA). We depend on our airmen to deliver combat airpower to the best of their ability but today we face significant challenges to support the national strategies. The Joint Force is dependent on the Air Force to provide air superiority, airborne ISR, precision strike, space-based navigation and surveillance, cyberspace operations, rapid global mobility, and the command and control that integrates Joint Force airpower. Current operations tempo and fiscal limitations are a significant impact on full-spectrum readiness, and are forcing us to reduce capacity while slowing the growth of new capabilities in order to meet the BCA. The fiscal year 2017 budget begins to address these issues but significant additional long-term investment is required to ensure successful execution of the Air Force mission.

Question. Based on the current defense strategy, defense planning scenarios, and force-sizing construct, what are your views on the ability of the Air Force to meet current and future combatant commander requirements with acceptable risk in regard to combat fighter, bomber, preferred weapons, and joint enabler force structure capacity?

Answer. In the 25 years since Operation DESERT STORM, the Air Force has been globally engaged in sustained combat operations across all mission areas, placing a significant strain on our airmen and resources. In the interim, our potential adversaries have made unprecedented strides to advance their capabilities in order to minimize our advantage. The current fiscal environment makes it increasingly difficult to adequately invest in fighter, bomber and preferred munitions programs and complete necessary modifications to legacy systems. The fiscal year 2017 budget begins to address these shortcomings, however, additional and sustained investments are required to meet future combatant commander requirements.

Question. The 2012 Defense Strategic Guidance also directed that “the U.S. military will invest as required to ensure its ability to operate effectively in anti-access and area denial (A2/AD) environments.”

In your view, how has the Air Force adapted to anti-access challenges, and what do you see as the most critical next steps for the Air Force to take to better prepare for operations in anti-access environments?

Answer. Integrated air defense systems are rapidly advancing in capability, complexity, and lethality, and are currently being proliferated world-wide. The Air Force recognizes the significant challenges Anti-Access / Area Denial environments place on our ability to provide the joint warfighter air superiority. The F-22, F-35, B-21, RQ-170 and LRSO programs are examples of our efforts to adapt to these Anti-Access / Area Denial environments and out-pace our potential adversaries. It is critical for the Air Force to continue to invest in agile and responsive air, electronic warfare, cyber, and space-based intelligence, surveillance, and reconnaissance capabilities, while also providing weapon systems capable of projecting power and achieving mission requirements in anti-access and area denial environments. The

F-22, F-35, B-21, RQ-170 and LRSO will provide the ability to penetrate modern integrated air defenses to accomplish mission objectives.

Question. Do you believe the Air Force's current and planned force mix of weapons, short-range fighters, and long-range strike aircraft is sufficient to meet current and future threats around the globe with acceptable risk, particularly in the Asia-Pacific Theater of operations where the "tyranny of distance" is such a major factor?

Answer. The Air Force is committed to balancing long and short range capabilities in order to meet warfighter requirements in various scenarios. In these scenarios, we find that developing a mix of long range, increased payload, and highly survivable fighters and bombers suitable for operations in a highly contested theater will provide the essential capabilities to enable the Joint Force.

In the short term, we prefer to have more penetrating long range capacity to ensure persistent air operations in long range scenarios. For this reason, the B-21 is an operational imperative, and we must ensure it remains an affordable program in order to augment and eventually replace our legacy bomber fleet. The B-21 is just one part of our commitment to long range capabilities. In order to maintain acceptable levels of risk for the Asia-Pacific Theater of operations, the Air Force is looking at options to enhance the range of our fighter forces, increase capacity and capability of survivable stand-off weapons, and improve the capabilities of our legacy bombers. Increased resources are required to develop these capabilities without taking unacceptable risk in other mission areas. Without consistent investment and improvement, continued U.S. dominance of the battlespace is in doubt.

Question. In future operating environments U.S. communications architectures could come under attack, which could result in degraded or denied communications capabilities. In your view, how could the Air Force better prepare for such disruption?

Answer. It is likely that our adversaries will attack our communication architectures. The Air Force is preparing for this likelihood by leveraging a combination of low-probability of intercept, low-probability of detection, and multi-layer communication networks that are robust and resilient. Further, we are fielding units to focus on assuring our missions across all domains to include a contested cyber domain. The ability to communicate effectively and fight through enemy anti-access and area-denial tactics will require a force that can rapidly flex between multiple communications options thereby increasing our operational agility and warfighting effectiveness.

F-35 JOINT STRIKE FIGHTER

Question. The F-35 Joint Strike Fighter Program, the largest and most expensive acquisition program in Department of Defense history, was formally initiated as a program of record in 2001, and subsequently adjusted to a total planned buy of 2,443 aircraft for the U.S. The program has not yet completed the System Development and Demonstration (SDD) phase, and is not due to enter full rate production until 2019, 18 years after its inception. At projected procurement rates, the aircraft would be procured by the Department with the last delivery of an F-35 now planned for the year 2040.

The Senate Armed Services Committee report accompanying S. 1376, the National Defense Authorization Act for Fiscal Year 2016, requires the Secretary of Defense to assess the current requirement for the F-35 Joint Strike Fighter total program of record quantity, and then revalidate that quantity or identify a new requirement for the total number of F-35 aircraft the Department would ultimately procure.

What will be your role in assisting the Secretary of the Air Force to revalidate the Air Force's F-35A total program quantity, currently established at 1,763 aircraft?

Answer. As the Secretary of the Air Force revalidates the Air Force's F-35A total program quantity, if confirmed, I will provide insight and advice on shaping our current and future fighter force structure in order to ensure we maintain a robust fighter force capable of meeting all current and future operational requirements. This requires careful planning as we balance NDAA-directed capacity levels with the operational capabilities required to meet Defense Planning Guidance, Operational Plans, and Global Force Management Allocation Plan mission requirements. Once revalidated, the F-35A total program quantity will provide us sufficient capacity to recapitalize our aging legacy fleet with 5th generation capability, which is required to successfully accomplish the joint warfighter's mission objectives against the current and emerging advanced threat.

Question. If the Air Force were to revalidate their original 1,763 F-35A requirement, and reach a procurement rate of 80 aircraft per year, it will take until the year 2040 to receive all F-35As.

In your opinion, can the Air Force afford this effort at the same time as the Air Force needs to invest in KC-46A, B-21, JSTARS, T-X, nuclear enterprise modernization, and myriad other modernization programs all anticipated to be required simultaneously in the decade of the 2020s?

Answer. Air Force investment plans, to include the F-35 at 60 aircraft per year, are affordable across long range planning horizons for the KC-46A, B-21, JSTARS, T-X, nuclear enterprise modernization and other modernization programs. The scope and schedule for these FYDP and post-FYDP investments, along with all other force structure and resource plans are consistent with Air Force funding levels in the fiscal year 2017 President's Budget; however, F-35 procurement beyond 60 aircraft per year or any reduction in funding below Fiscal Year 2017 President's Budget levels requires a reevaluation of these investments and other force structure plans.

Question. After completion of the SDD and commencement of full rate production, the F-35 will require a robust Follow-On Modernization program to ensure the aircraft capabilities continue to outpace our potential adversaries' technological advancements.

In your opinion, should the F-35 follow-on modernization program be designated as a separate Major Defense Acquisition Program from the current F-35 program of record?

Answer. The F-35 follow-on development program, now known as the follow-on modernization program, is a continuation of the existing program rather than a new stand-alone program and does not need to be designated as a separate Major Defense Acquisition Program. The existing management and oversight structure in place for the F-35 Program will be used to manage the follow-on modernization effort.

Question. The different variants of the F-35 for each Service have specific follow-on capabilities required for each, and these common capabilities are prioritized in different ways between the Services depending upon their assigned warfighting requirements.

Do you believe the Joint Program Office should be disbanded following the full rate production decision and each Service stand up their own F-35 program offices to better accommodate their needs with respect to required follow-on capabilities and overall management of their respective F-35 variants?

Answer. The F-35 Joint Program Office should not be disbanded. Retaining the current program structure for the follow-on modernization program, with its existing oversight mechanisms, is the most prudent approach. In addition, a single program office provides one voice to the contractor and allows the Air Force to share development costs with the Navy and our international Partners.

Question. Other have argued that the major differences in the F-35 variants are in the airframes, and that the software development could remain common among the different variants of F-35.

Do you believe the Department could achieve economies by keeping the software modernization effort for F-35 as a joint program effort?

Answer. Yes, keeping the software modernization effort as a joint/international program effort will allow the Department to achieve economies. A single program office provides one voice to the contractor and allows the Air Force to share development costs with the Navy and our international Partners.

REMOTELY PILOTED AIRCRAFT (RPA) ENTERPRISE MANAGEMENT

Question. The Air Force has struggled for nearly a decade to assimilate and normalize the medium altitude ISR mission and its MQ-1 and MQ-9 fleets into the Air Force capabilities portfolio, resulting in severe manning shortages due to insufficient training pipelines, and causing low retention and poor morale across the enterprise.

In your view, what steps should the Air Force take to remedy these issues?

Answer. The Air Force should complete the Deputy Secretary of Defense-directed RPA Get Well Plan to repair and grow the RPA training pipeline. In addition, we should focus on pipeline stability and resources (manpower) to grow (when directed) with a disciplined, programmatic approach.

Question. The U.S. Army operates some of the same medium altitude ISR platforms as the Air Force, uses warrant officers and enlisted personnel to supervise and conduct ISR and strike operations, and are led by very few officers.

What are your views on the Air Force reintroducing a warrant officer program or using enlisted personnel to operate its RPA fleets to increase manning and reduce costs, as well as relieve manning level stress on other rated career fields?

Answer. The Air Force considered reinstituting WOs in 2008, 2012 & 2015. An additional category of serving members does not align well with AF Culture and our enlisted force development objectives. AF enlisted corps has the technological and leadership capabilities to perform at the same level of a WO corps without instituting a fundamental change in our NCO developmental and progression. Thus, in Dec 2015, the Secretary of the Air Force announced an initiative to enhance the Intelligence, Surveillance and Reconnaissance (ISR) mission by integrating enlisted operators into the RQ-4 Global Hawk. The Air Force has determined that a deliberate, methodical transition in the RQ-4 Global Hawk enterprise, similar to a previous transition in AF Space Command (AFSPC), will present the Air Force with future posturing opportunities.

Question. How do you see the Air Force integrating the medium altitude ISR mission into its future operating concepts?

Answer. Nearly two decades of extremely successful operations in permissive Counterinsurgency ISR environments have proven that unmanned aircraft are an “enduring source of U.S. Advantage” that our Future Operating Concept supports through development and integration efforts in air, space and cyberspace. To adequately address future ISR needs across the full spectrum of conflict, we anticipate future unmanned systems will require increased levels of automation and endurance, resilient and survivable networks, and robust and anti-jam communications paths to improve performance and real-time access to multi-domain decision-quality data.

We envision a more survivable, cost effective, and manpower efficient medium altitude ISR enterprise of the future. As such, we are not limiting future innovations to the medium altitude architecture seen today. Our recently published *Small Unmanned Aircraft Systems Flight Plan* outlines innovative approaches that can “increase our joint force capability from the tactical to the strategic level.” These disruptive innovations coupled with expanded concepts of operations point to a new use for small UAS in anti-access and area denial environments while offering efficiencies in meeting the growing ISR capacity needs of combatant commanders.

INDEPENDENCE OF THE JUDGE ADVOCATE GENERAL

Question. What are your views about the responsibility of the Judge Advocate General of the Air Force to provide independent legal advice to the Chief of Staff and the Air Staff, particularly in the areas of military justice and operational law?

Answer. I value the independence of The Judge Advocate General (TJAG) and The Judge Advocate General's Corps. Independent legal advice is crucial to allow commanders at all levels to make properly informed decisions on all matters, including military justice and operational law, affecting their command.

I have no concerns regarding the independence of the advice I would receive from TJAG, as I respect the professionalism of the JAG Corps and know that sufficient safeguards exist to ensure that TJAG is independent in the performance of his or her duties. The position of TJAG is established by statute (10 U.S.C. § 8037) and is appointed by the President with the advice and consent of the Senate.

In accordance with current law and doctrine, all operations and planning of future operations are carried out by the Combatant Commands. Accordingly, TJAG does not provide legal advice regarding the conduct or planning of those operations. That advice is provided by the legal staff of the relevant Combatant Command. However, outside of those operations there are circumstances in which the Air Force has an equity where TJAG provides advice on operational law matters to the Chief of Staff and the Air Staff. Air Force instructions dictate that TJAG provides advice to the Secretary of the Air Force, Chief of Staff and Air Staff on matters involving international law, including the law of war and space law (Air Force Instruction 51-102, paragraph 3.6).

The right to provide independent legal advice to the Secretary of the Air Force and the Chief of Staff, free from interference from any officer in the DOD, is protected by statute (10 U.S.C. § 8037(f)). TJAG is also required to be a licensed attorney, member of the bar of a Federal court or the highest court of a State and is thus also subject to the commensurate professional regulatory regime (which includes a responsibility to provide independent legal advice). TJAG has issued relevant direction to the JAG Corps on fulfilling their duties as attorneys, to include certifying annually that they have reviewed the attorney rules of professional conduct of the Air Force and their State bar.

Question. What are your views about the responsibility of staff judge advocates throughout the Air Force to provide independent legal advice to military commanders in the field and throughout the Air Force establishment?

Answer. Staff judge advocates (SJAs) are essential to the proper functioning of both operational and support missions. SJAs have a major responsibility to promote the interests of a command by providing relevant, timely, and independent advice to commanders, and this independence is reflected in statute (10 U.S.C. § 8037(f)(2)).

Convening authorities are required by statute (10 U.S.C. § 806) to communicate with their SJAs on issues related to military justice matters, which is critical to disciplined mission execution. In addition, commanders and other leaders rely on their SJAs for advice on all types of legal and policy matters. SJAs offer legal advice independent of any particular agenda. I believe it is very important for commanders to continue to receive uniformed legal advice.

Question. What are your views about the respective roles of the Judge Advocate General and the General Counsel of the Air Force?

Answer. The Judge Advocate General (TJAG) is the senior uniformed legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force and provides professional supervision to The Judge Advocate General's Corps in the performance of their duties. The General Counsel (GC) is the chief legal officer and senior civilian legal advisor to Air Force senior leaders and all officers and agencies of the Department of the Air Force.

The relationship between TJAG and the GC is based on the complementary roles that Congress intended for these offices when it established the GC as part of the Office of the Secretary of the Air Force and TJAG as part of the Air Staff. Both are legal advisors to the Secretary of the Air Force and the Chief of Staff, with right of direct access and the ability to provide independent legal advice to those officials. TJAG and GC are independent of each other for the purposes of rating, reporting, and the accomplishment of their responsibilities. They perform their missions in an environment of collaboration and information sharing.

FAMILY SUPPORT

Question. What do you consider to be the most important family readiness issues in the Air Force, and, if confirmed, what role would you play to ensure that family readiness needs are addressed and adequately resourced?

Answer. The most important family readiness issue is ensuring adequate support during deployments and for those carrying the burden at home. Twenty-five years of continuous combat combined with unpredictable budgets has placed strains on families and the programs they rely on for support. If confirmed, I will focus on aligning our programs to best serve families so their servicemembers can focus on the mission.

Question. How would you address these family readiness needs in light of global rebasing and lengthy deployments?

Answer. If confirmed, I will ensure airman and Family Readiness programs deliver community-based resources for airmen and their families. This means high-quality, accessible and what our airmen and families actually require.

Question. If confirmed, how would you ensure support of reserve component families related to mobilization, deployment and family readiness, as well as active-duty families who do not reside near a military installation?

Answer. Ensuring military families are provided with the resources and support during military deployments is one of our top priorities. We've put in place a number of programs designed to support all personnel prior to, during and following deployments. This is especially important to our Reserve component and Active Duty families who may not be assigned near a military installation. One of our most effective tools is Military One Source which provides 24/7 access to a wealth of information for military families. Our Reserve components and Active Duty members can also leverage the Wingman Toolkit. This provides airmen and families with quick and easy access to vital resources (such as the National Suicide Prevention Lifeline and SAFE Helpline) through a variety of methods—by telephone, mobile app, websites, and social media—regardless of geographic location or status. Also critical is the Yellow Ribbon Reintegration Program (YRRP), which sponsors informational events and activities for members and their families. YRRP provides services for health and well-being throughout all phases of deployment. Direct feedback from Yellow Ribbon event attendees reflects a positive impact on communication, stress and financial management, and the willingness to continue their Military Service. If confirmed, I would continue to build on the great foundation already in place to ensure the needs of our military families continue to receive the attention and care they so rightly deserve. Air National Guard Family Readiness Programs are designed to maintain and support mission readiness by assisting servicemembers and families with adaptations to the challenges of the military lifestyle. Airman & Fam-

ily Readiness Program Managers align family support capabilities with the Joint Family Program in the States to provide support to all servicemembers and their families, providing direct sustainment and support to their Wings.

Air National Guard Warrior and Survivor Care works in concert with the Air Force Wounded Warrior Program and Recovery Care Program to provide needs-based assistance to all wounded, ill and injured servicemembers and their families.

BASE REALIGNMENT AND CLOSURE (BRAC)

Question. The Department continually asks for BRAC authorities based on claims of excess infrastructure that unnecessarily wastes precious defense dollars.

Do you believe additional rounds of BRAC are warranted at this time?

Answer. Yes. Drawdowns in force structure have greatly outpaced reductions in infrastructure. As a consequence, we pay to maintain and sustain installations that we don't need. Closing unneeded bases is one of the few ways we can achieve significant savings and use that money to recapitalize and sustain our weapons systems, enhance our readiness training, and invest in the quality of life of our airmen.

Question. If so, how do you quantify the Air Force's excess capacity driving your decision?

Answer. The Air Force estimated excess capacity through parametric analysis of force structure to quantity of infrastructure. DOD's April 2016 report to Congress stated the AF had 32 percent excess infrastructure capacity based on the projected fiscal year 2019 force structure. In the last round of BRAC, the Air Force reduced its infrastructure by less than one percent, and since then we've reduced our size by hundreds of aircraft and thousands of personnel. Reductions in force structure have greatly outpaced reductions in infrastructure.

Question. The Air Force has claimed an excess infrastructure capacity of approximately 30 percent. How much excess capacity do you believe the Air Force should maintain to preserve strategic depth and expansion capacity during a potential national emergency requiring a national mobilization?

Answer. The Air Force has no intention to close infrastructure that may support future needs. Through five previous rounds of BRAC and numerous force structure changes, we've always left room for future maneuvering. Going back to the 1990s, the Air Force has never dipped below 20 percent excess infrastructure capacity, and in previous rounds of BRAC we've never closed more than 5 percent of our installations.

AIR FORCE SCIENCE AND TECHNOLOGY

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Air Force missions?

Answer. Providing *Global Vigilance, Global Reach, and Global Power* for the security of our Nation is the enduring purpose of the U.S. Air Force. We recognize the pace of change has quickened substantially since the Air Force's inception and that it has accelerated dramatically over the last two decades. If confirmed, I will provide direction which keeps us on our path to strategic agility in capability development. Drawing from the Air Force Strategy and the Strategic Master Plan and in concert with the Air Force Science and Technology Executive, I will provide direction which focuses our Science and Technology Program on developing technologies to provide options across all mission areas for our forces of tomorrow and ensuring needed technologies are delivered to our warfighters today.

Question. Do you believe the current balance between short- and long-term research is appropriate to meet current and future Air Force needs?

Answer. Our Air Force *Future Operating Concept* highlights that no military advantage will go unchallenged by adversaries seeking to achieve their objectives. As such, we invest in a broad portfolio that is balanced across the warfighter's need for near-term, rapid-reaction solutions; mid-term technology development; and revolutionary, far-term capabilities. I believe the Air Force's current Science and Technology investment strategy is well-balanced and appropriate to meet current and future warfighter needs.

Question. If confirmed, what role would you play in ensuring research priorities that will meet the needs of the Air Force in the future?

Answer. The Air Force continues to make great strides in transforming how we envision the future and the capabilities needed to meet any threat. We must be strategically agile in how we conceptualize future capability needs, how we leverage game-changing technologies, prototyping, and experimentation, and how we recruit and develop our people. If confirmed, I will lead Air Force capability development activities and processes to focus on agility (emphasizing speed and flexibility), inclu-

siveness (leveraging the entire Air Force enterprise), and transparency (developing shared awareness and understanding to enable unity of purpose and effort).

Question. In the face of rising acquisition costs for a multitude of expensive programs such as the F-35, KC-46A, B-21, JSTARS, T-X, and programs to support space operations, if confirmed, how would you plan to ensure the protection of funding for long-term science and technology investments?

Answer. Development and maturation of revolutionary, relevant, and responsive technologies through our Air Force Science and Technology Program is vital to maintaining—and even growing—our advantage in the dynamic global environment. As such, if confirmed, I will provide direction that focuses and protects Science and Technology investments that mature and advance the state-of-the-art in areas critical to continued U.S. dominance of air, space, and cyberspace.

GENERAL OFFICER MANAGEMENT ISSUES

Question. Incidents of misconduct or substandard performance and findings of inspectors general and other command-directed investigations are documented in various ways in each of the services. Procedures for including and forwarding adverse and alleged adverse information in connection with the promotion selection process are set forth in title 10, United States Code, and in DOD Instruction 1320.4.

How is the Air Force ensuring compliance with requirements of law and regulation regarding review of adverse information?

Answer. We are required by law and DOD policy to present all adverse information of a credible nature to general officer promotion and Federal recognition boards. The Air Force Inspector General initiates a review of Air Force, DOD, and other government investigative files for potential adverse information on everyone meeting these boards.

If substantiated adverse information is discovered, a summary of the information, plus any written comments from the officer, are placed in a senior officer unfavorable information file and attached to the officer's selection record. If the officer is selected for promotion or Federal recognition, this file stays with the officer's nomination package through its coordination with the Office of the Secretary of Defense, the White House, and the Senate. If substantiated adverse information is discovered about an officer after selection for promotion or Federal recognition, this information will be presented to a promotion review board.

The promotion review board will consider the adverse information and make a recommendation to the Secretary of the Air Force whether to continue to support the officer for appointment to the next higher grade. If the Secretary continues to support the officer, the information will be added to the nomination package.

Question. What standards and procedures are in place in the Air Force to ensure that allegations of adverse information relating to a nominee for promotion are brought to the attention of the Department and the Committee in a timely manner?

Answer. As stated earlier, any substantiated adverse information accompanies an officer's nomination through the Office of the Secretary of Defense, the White House, and the Senate. We perform additional checks for adverse information following the selection board, and every 60 days throughout the nomination process. If allegations of adverse information arise after the board is complete the Air Force typically will separate the officer's name from the promotion list until the investigation is complete. If the allegations are substantiated, the Secretary will convene a promotion review board to determine if the individual should continue to be nominated for (or, if after confirmation, appointed to) the next higher grade.

The Air Force always includes substantiated adverse information with its nomination packages through the Office of the Secretary of Defense to the Senate. For three- and four-star nominations, substantiated adverse information is included in the nomination packages and the Air Force performs adverse information checks every 60 days throughout the nomination process.

JOINT OFFICER MANAGEMENT

Question. What is your assessment of the effectiveness of the Goldwater-Nichols-required Joint Qualification System?

Answer. The Goldwater-Nichols required Joint Qualification System has been extremely successful over the last 30 years, but as with all systems over time, there are adjustments needed to bring legislation in line to meet current wartime demands of the Department. The Services have made great strides to meet the intent of the original legislation and are working with the Joint Staff and Office of the Secretary of Defense on future initiatives, such as reviewing joint positions within the COCOMs and Joint Staff and better developing joint officers to meet today's demands. The joint qualification system must be updated to better reflect the current

organization of the Department, adapt to the changes in joint operations and provide Services additional flexibility in how we support joint organizations.

Question. Do you think additional changes in law or regulation are needed to respond to the unique career-progression needs of Air Force officers?

Answer. Yes. We recommended the following modifications to the Joint Officer Management program:

Change the 36 month tour length requirement to 24 months

- to better align with many officer rotations, especially for our HPOs
- to ensure the AF continues to send its best officers to key positions
- to better assist our services critical specialties to support war time missions, without negatively impacting critical manning requirements within individual services—especially for our operators.
- **This does not mean members can't stay in joint positions for 36 months or longer, depending on their Services assignment requirements and available budget.
- Remove the requirement to maintain a tour length average
- A modified definition of Joint Matters to ensure more clarity and allowances for members to gain joint credit
- Modify the JPME II requirement to increase flexibility in the administration of the program.

Question. In your view, are the requirements associated with becoming a Joint Qualified Officer, including links to promotion to general and flag officer rank, consistent with the operational and professional demands of Air Force officers?

Answer. We believe our recommendations to modify our joint officer program's requirements will better align with the operational and professional demands of our Air Force officers and our current wartime requirements. We also believe the requirements are necessary, as it ensures our officers get what they need developmentally as they attain training and experience in joint matters that will be key to a well-rounded, joint trained and qualified officer.

Question. If not, what modifications, if any, to the requirements for joint officer qualifications are necessary to ensure that military officers are able to attain meaningful joint and service-specific leadership experience and professional development?

Answer. These modifications will support our current service and department's needs.

Question. In your view, what is the impact of joint qualification requirements on the ability of the services to select the best qualified officers for promotion and to enable officer assignments that will satisfy service-specific officer professional development requirements?

Answer. With the modifications, we will be able to better align assignments for all officers whether to or from joint assignments. We will continue to develop a joint qualified officer that has the training/education/ experience we need in our General and Flag Officer leaders.

Question. Do you think a tour with a Combatant Command staff should count toward the Joint tour requirement?

Answer. Yes. However, not all positions at a COCOM deal with joint matters. We need to take a better look at designated joint positions, as there are some positions within these organizations that may not provide for the best joint development as compared to other positions in other organizations that are not considered.

ACQUISITION REFORM

Question. The National Defense Authorization Act for Fiscal Year 2016 emplaced myriad changes to defense acquisition processes, including reinserting Service Chief influence and accountability into acquisition processes.

If confirmed, what role do you expect to play in the major defense acquisition programs of the Department of the Air Force?

Answer. I expect to continue the critical role of the position given by 10 U.S.C., §2547 to be the sole authority and responsibility for the Air Force requirements. Through my involvement in the Selected Acquisition Report, I would certify that program requirements are stable and funding is adequate to meet cost, schedule, and performance objectives for a major defense acquisition program and identify any increased risk. Further, under the new authorities granted by the fiscal year 2016 NDAA 2366a and 2366b determinations, I expect to be actively involved in Milestone A and B approvals and trade-off decisions between cost, schedule, performance requirements, and operational risk for our major defense acquisition programs.

Question. What are your views on the use of cost plus versus fixed price contract structures for Air Force programs?

Answer. Cost-type contracts are most appropriate when the Air Force is not able to fully define its requirements or the contractor is unable to sufficiently determine costs. Cost plus contracts are used most frequently during the Research and Development phase of acquisition when there are uncertainties in contract performance. Specifically, the use of cost plus contracts for the Engineering and Manufacturing Development (EMD) phase is typically appropriate given the level of risk inherent in that stage of development and the need to accommodate changes driven by technical developments and affordability trades. The Air Force would pay a price premium to the contractor for assuming the cost risk for a fixed price development contract.

Fixed price contracts are appropriate when the requirement is well defined (commercial item/services); the contractor can reasonably estimate the price; the contractor is willing to accept risk; and, the government can determine the fixed-price to be fair and reasonable.

Limiting contract types would restrict the Air Force's ability to execute the most appropriate cost and effective business arrangements and could impact Industry's willingness to contract with the Air Force.

Question. How would you support the Secretary of the Air Force in your new role regarding major defense acquisition programs?

Answer. If confirmed, I will work with the Secretary of the Air Force, whose acquisition authorities originate from 10 U.S.C. §8013, to ensure we can fulfill our 10 U.S.C. §§2366a and 2366b responsibilities for major defense acquisition programs. I would continue to consult with the Secretary on proposed changes in program requirements or operational risk acceptance decisions affecting or affected by program cost or schedule decisions.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Staff of the Air Force?

Answer. Yes

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes

Question. Do you agree to provide documents, including copies of electronic communications, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

HAVEN WELL

1. Senator AYOTTE. General Goldfein, we have seen a perfluorochemicals (PFC) contamination of groundwater in Portsmouth, New Hampshire due to the Air Force's use of fire-fighting foam at the base. Research has associated exposure to these chemicals with certain types of cancer. In your current position and in anticipation of the hearing, have you reviewed the language in the Senate Armed Services Committee Report on the Fiscal Year 2017 National Defense Authorization Act (NDAA) [S. Report 114-255] related to the water contamination in New Hampshire?

General GOLDFEIN. Yes, I have reviewed the SASC Committee Report on the Fiscal Year 2017 National Defense Authorization Act. We have developed effective

partnerships with State/Federal Agencies and local communities to address environmental contamination and public health concerns. No later than September 1, 2016, I will provide the Committee with an update on the Haven Well cleanup; an update on the Air Force's efforts to identify and notify all affected or impacted by the contamination; provide an assessment of the Air Forces' role, if any, in the new contaminations; and a summary of the Air Forces' support, where appropriate, for New Hampshire Department of Environmental Services (NHDES) and the EPA with respect to the latest contaminations.

2. Senator AYOTTE. General Goldfein, once you are confirmed, will you ensure that the Air Force continues to be responsive to me and my office to ensure this cleanup is seen through to completion and that the Air Force fulfills its associated responsibilities?

General GOLDFEIN. Yes, I will.

A-10

3. Senator AYOTTE. General Goldfein, does the Air Force still expect up to 13 A-10s to be grounded for wings in fiscal year 2018?

General GOLDFEIN. No. Using A-10C wings from the 309th Aerospace Maintenance and Regeneration Group will result in one (1) A-10 grounding in fiscal year 2018.

4. Senator AYOTTE. General Goldfein, as you may know, the Air Force has been examining wings in the boneyard to determine how many wings there could be used to prevent any A-10s from being grounded for unserviceable wings. The Air Force has told my office there are as many as 23 wings in the boneyard that could be used. Please provide an update.

General GOLDFEIN. The A-10 System Program Office has evaluated A-10 wings at the 309th Aerospace Maintenance and Regeneration Group, and estimate that there are 19 serviceable A-10C wings that can be reclaimed to replace unserviceable wings.

5. Senator AYOTTE. General Goldfein, what is the current number of A-10 wings in the boneyard that the Air Force believes are serviceable?

General GOLDFEIN. There are 19 serviceable A-10C wings at the 309th Aerospace Maintenance and Regeneration Group that can be reclaimed to replace unserviceable wings.

6. Senator AYOTTE. General Goldfein, what is the Air Force's plan to use those wings to prevent any A-10s from being grounded in fiscal year 2018 due to unserviceable wings?

General GOLDFEIN. The Air Force is planning to reclaim 19 A-10 wings from 309th Aerospace Maintenance and Regeneration Group to minimize A-10 groundings in fiscal year 18.

7. Senator AYOTTE. General Goldfein, during your testimony you said that you would not support retiring A-10s in the "near-term" so that there is "no degradation to any of the soldiers, sailors, or marines, or my airmen that are on the ground." Please define what you mean by "near-term".

General GOLDFEIN. The Air Force will continue to retain the A-10 fleet as long as current operational requirements dictate and in accordance with congressional direction. We are looking at options to ensure we retain the Close Air Support (CAS) capability the A-10 performs prior to retirement, to include a potential off-the-shelf replacement and a follow-on CAS platform. We will work closely with fellow members of the Joint Chiefs of Staff, the Combatant Commanders, and Congress to coordinate any and all options to ensure all warfighter needs are met.

KC-46A

8. Senator AYOTTE. General Goldfein, please provide an update regarding the KC-46A testing issues and the efforts to resolve these issues without delay.

General GOLDFEIN. During Milestone C (MS C) Aerial Refueling (AR) demonstration flights with the C-17A and F-16C, the AR boom instrumentation recorded unexpectedly high boom axial loads. After three failed attempts at resolving the boom axial load issue using a software only solution, Boeing decided on 31 May 16 to change course and pursue a hardware (with a small software component) fix. Ground testing of the hardware fix began 6 Jun 16 and is on-going. Flight testing of the hardware fix is expected to occur in Jul 16. To allow Boeing the additional

time they need to implement the boom axial loads solution, the Air Force moved the MS C production decision from Jun to Aug 16. The Air Force remains prepared to award production Lots 1 and 2 shortly after a successful milestone decision meeting, and Lot 3 in Jan 17.

9. Senator AYOTTE. General Goldfein, last month, the Air Force confirmed that the delivery of the first KC-46A to Pease Air Force Base remains scheduled for spring 2018. Is that still the case?

General GOLDFEIN. Yes, the Air Force is projecting deliveries to Pease ANGB in Spring 2018.

LEGAL RIGHT OF SERVICEMEMBERS TO COMMUNICATE WITH CONGRESS

10. Senator AYOTTE. General Goldfein, title 10 U.S. Code, section 1034 prohibits anyone from restricting “a member of the armed forces in communicating with a Member of Congress”. In the past, there have been some issues with the Air Force preventing or discouraging its airmen from communicating with Congress, including a senior officer comparing airmen exercising their legal right to communicate with Congress about the A-10 to treason. Do you support the right of members of the Air Force to communicate lawfully with Congress about the A-10 or any other issue, and do you commit that the Air Force will take no punitive action against airmen who are exercising their lawful right to communicate with Congress?

General GOLDFEIN. Yes, I strongly support the right of members of the Air Force to communicate lawfully with congress on any issue, including the A-10, and I commit that the Air Force will take no punitive action against airmen who exercise their lawful right to communicate with Congress.

CONDITIONS AT AL UDEID

11. Senator AYOTTE. General Goldfein, in January, I learned that approximately 100 New Hampshire Air National Guard members had experienced unacceptable living conditions at al Udeid Air Base in Qatar. My constituents reported black mold in showers, bathrooms, curtains, and wall-unit air conditioners. Brigadier General Darren V. James, USAF, the Commander of the 379th Air Expeditionary Wing, has worked hard to improve conditions there. He has made significant progress, and I sincerely appreciate his efforts. I want to ensure the Air Force continues to provide him the resources he needs to fix unacceptable conditions there for our troops without delay. On June 15, 2016, Assistant Secretary Miranda A.A. Ballentine, Assistant Secretary of the Air Force for Installations, Environment, and Energy, sent me a letter, which I appreciated receiving, updating me on the Air Force’s efforts to improve the conditions for our airmen at al Udeid Air Base at Qatar. Once you are confirmed, do you commit to working with me and my office to ensure our airmen have the safe and healthy living conditions they deserve?

General GOLDFEIN. Yes, if confirmed, I commit to working with you and your office to ensure that our airmen have the safe and healthy living conditions that they deserve.

QUESTIONS SUBMITTED BY SENATOR MIKE LEE

AIR LOGISTICS

12. Senator LEE. General Goldfein, as you are aware, a major focus of this Committee in recent years has been reforming the acquisitions process to ensure that taxpayers’ funds are being used in the most efficient and effective way when developing and purchasing new weapons systems. While this is a top priority, sometimes nearly 70 percent of a weapons system’s total costs are spent on lifecycle management and sustainment, which occurs after acquisition. When officials state that the F-35 is a trillion dollar aircraft, they aren’t just talking about the price tag on a new jet, they are referring to the costs to keep it mission ready over its decades-long lifecycle.

In your experience as Vice Chief and previously as the Director of Operations for Air Combat Command, you have witnessed significant changes in how the Air Force handles sustainment and logistics over the past decade. What do you believe the Air Force needs to be doing differently to continue making improvements, and if confirmed, how would you prioritize these issues when looking across the full spectrum of Air Force missions?

General GOLDFEIN. The Air Force has made great strides in improving the planning and execution of sustainment and logistics.

First, roles and responsibilities for acquisition and sustainment of our weapons systems have been better aligned at all levels. The Assistant Secretary of the Air Force for Acquisition now has a Deputy Assistant Secretary for Logistics and Product Support who is responsible for ensuring that acquisition programs appropriately plan for the long-term sustainment of our systems. Also, the five-center reorganization within Air Force Materiel Command reinforced that our Program Executive Officers and Program Managers are responsible for not only for acquiring systems, but also for sustaining them. Finally, the Air Force is assigning Product Support Managers to its program offices, ensuring that a senior life cycle logistician is available to ensure effective sustainment planning is accomplished.

Second, we are continuing to leverage our strong organic industrial base. Our Air Logistics Complexes provide not only core logistics capabilities, but they are also extremely cost effective providers of product support in the areas of depot maintenance, supply chain management, and sustaining engineering. Taking advantage of these capabilities is a key component to addressing our sustainment challenges in the future.

13. Senator LEE. General Goldfein, as we discussed in my office, Air Force facilities like the Ogden Air Logistics Complex are critical to Air Force readiness and they rely heavily on highly skilled civilian technicians and engineers for a majority of their work. Such facilities are currently dealing with employment gaps, in part due to the extremely long length of time it takes to get through bureaucratic hurdles to make hiring decisions. We've heard stories of the hiring process, including the acquisition of security clearances, taking up to an entire year. This is something that would not stand in the private sector, so if confirmed, how will you address this hiring situation, especially given the new authorities included in the NDAA?

General GOLDFEIN. Ogden and other ALCs are part of an ongoing aggressive joint partnership with HQ AFMC and AFPC focused on improving hiring timelines at Ogden and our other ALCs/depots.

At Hill AFB, the following process improvements have been taken: 1) Weekly stakeholder meetings on eliminating constraints and excessive time between job offers and onboarding process; 2) Streamlined classification process and smartly shifting certain staffing responsibilities back into the Civilian Personnel Office to ensure forward momentum on hiring; 3) Tracking and analyzing requirements and RPA Flow Days on a weekly basis with stakeholders; 4) Instituted one-stop stop to schedule job requirements (drug testing, physicals and fingerprinting) in one-day turn-arounds; 5) Streamlined approval process for requirements to fill vacancies; 6) With process improvements already in full swing at Hill/Ogden ALC, the AF expects to meet the 80-day hiring goal, identified vacancy to entry on duty, by Oct 2016.

F-35 INTEGRATION

14. Senator LEE. General Goldfein, Congress's prohibition on the retirement of the A-10 Warthog has caused a shortage in experienced uniformed maintainers for Air Force fighter units standing up new weapons systems, like the F-35. I am pleased that the Air Force has worked with Congress to address near-term maintainer shortages to keep the F-35 initial operational capability (IOC) on track; however, longer-term problems still exist. If confirmed, how will you address the long-term maintainer shortage that could inhibit F-35 IOC and further integration of the aircraft into the Air Force?

General GOLDFEIN. In the near term, to help keep up with the F-35 program growth we will cross-train approximately 1,000 experienced maintainers from several legacy training units and move most of them to F-35 units. We are simultaneously working to hire contracted labor to perform the maintenance at the training units. Our fiscal year 2017 budget submission includes end-strength growth, some of which will be applied to maintenance. We will add approximately 2,000 airmen per year over traditional accession numbers to fill our shortage of maintainers in legacy and F-35 fleets. In the long-term, the Air Force plans to request an increase to end strength to solve this and other manpower problems plaguing us.

15. Senator LEE. General Goldfein, what obstacles do you see impacting the Air Force's ability to reach IOC on the F-35 on schedule?

General GOLDFEIN. We have made a lot of progress in order to reach IOC in the window between August and December. Hill AFB has steadily worked through building block logistic, deployment and employment exercises which will ultimately lead to a COMACC IOC declaration. Aircraft mission software stability has improved dramatically. Deployable ALIS hardware has been successfully utilized on a recent deployment from Hill to Mountain Home AFB and software continues to ma-

ture. Support equipment and spares are available and there are procedures in place to enable deployment sustainment. Verified technical manuals and training programs are in place. Hill currently has 12 aircraft and continues to accept additional F-35s. Hill AFB maintenance personnel and pilots are manned per the plan and continue to generate training sorties to reach full mission ready status. We are confident that COMACC will be able to declare IOC on schedule, with the planned capabilities.

16. Senator LEE. General Goldfein, how is the Air Force working with the contractor to address problems in the Autonomic Logistics Information System (ALIS) maintenance system, and if confirmed, what will do you to make sure that the integration of the system into the Air Force does not experience the level of delays and cost overruns that plagued its acquisition phase?

General GOLDFEIN. Air Force leadership at all levels is engaged with the Joint Program Office and Lockheed Martin regarding ALIS capability. Air Force Subject Matter Experts (SMEs) are working throughout the development and improvement process to ensure ALIS will meet our capability requirements. Moving forward, the contractor will deliver software service packs each quarter for continuous improvement of ALIS capabilities. I receive regular updates from my F-35A Integration Office and will continue to engage, as necessary, to ensure ALIS meets Air Force requirements without undue delay.

RELIGIOUS FREEDOM

17. Senator LEE. General Goldfein, an issue that this Committee has attempted to address in recent years is the concern of many servicemembers that their ability to freely express and live out their religious beliefs while serving their country is being threatened by political correctness and attention-seeking lawsuits. Unfortunately, incidents where the services bow to this political pressure from the “squeaky wheels”, like the Air Force Academy white board issues several years ago, are harmful to military morale and recruitment and retention efforts.

What is your understanding of current law and Department regulation regarding the religious expression of servicemembers, and if confirmed, how will you work to ensure that the very rights that our airmen are fighting to protect are preserved within their own ranks?

General GOLDFEIN.

Current Understanding of the Law

Senator LEE. AFI 1-1 states, “Every airman has the right to individual expressions of sincerely held beliefs, to include conscience, moral principles or religious beliefs, unless those expressions would have an adverse impact on military readiness, unit cohesion, good order, discipline, health and safety, or mission accomplishment.” AFI 1-1 contains a deliberative process that balances the rights of airmen to practice their religion against the appearance of government endorsement.

Protecting the Religious Rights of Airmen

To ensure the rights of airmen to express their sincerely held beliefs are preserved, the Air Force provides training to all members on the proper expression and respect of these beliefs. Additionally, a group of HAF-level subject matter experts (to include HC, GC, JA, PA, and LL) are always on call to provide advice and guidance to the field as needed.

USE OF RESERVES AND NATIONAL GUARD

18. Senator LEE. General Goldfein, senior Air Force officials in recent years have warned about the difficulty of recruiting and retaining pilots due to budget cuts and increased competition from the commercial passenger industry. The National Commission on the Structure of the Air Force recommended in 2014 that the Air Force should “maintain operational capacity and capability and reduce stress on the Active component by maintaining or increasing the end strength of the Reserve components, particularly in traditional part-time Reservists and Guardsmen, while increasing regular, periodic, and predictable use of the Air Force Reserve and the Air National Guard.”

What is your assessment of how the Air Force has implemented this recommendation, and could the Air Force increase its reliance and use of the Reserve and Guard components to retain pilots who want to take advantage of opportunities in the private sector?

General GOLDFEIN. The Air Force recognizes the importance of integrating the Reserve components and in response to the National Commission on the Structure of

the Air Force, we established two offices to focus on Total Force integration. The “Total Force Continuum” office is conducting “High Velocity” Analysis to develop the best Active component/Reserve component mix consistent with Secretary of the Air Force direction and Combatant Commander requirements. Last December we completed analysis of all Air Force primary mission areas. Based on this analysis we are moving capacity from the Active component into the Guard and Reserve where it makes sense to do so.

The Air Force also stood up the Total Force Aircrew Management (TFAM) office to look specifically at aircrew related issues. TFAM has initiated a collaborative effort with industry under the National Pilot Sourcing Forum to examine ways to enhance our ability to use pilots as a “national asset”. We are exploring ways to streamline the use of Guard and Reserve rated officers to maximize the utility of the individual pilots to meet Air Force needs while fulfilling the needs of the civilian sector.

Additionally, we have initiated a Fighter Force Structure Study evaluating current and future fighter force capacity requirements. As a result, we increased the number of aircraft at our F-16 Training Unit at Kelly Field (an Air National Guard Unit) and are looking at other opportunities to increase pilot production.

The Air Force appreciates Congressional support in advancing our efforts to increase Reserve component participation. Section 514 of the fiscal year 2016 National Defense Authorization Act provides the Air Force additional, although limited, flexibility to utilize 50 Active Guard/Reserve and military technician (dual status) instructor pilots to train Active component and foreign forces as primary duty for 1 year. Pursuant to this section, the Secretary of the Air Force submitted a report outlining the Air Force’s plan to eliminate instructor pilot shortages, using authorities available under current law. We look forward to working with Congress over the coming year to discuss this report and negotiate the provisions of permanent relief.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

MAUI SPACE SURVEILLANCE SYSTEM

19. Senator HIRONO. General Goldfein, the Maui Space Surveillance System (MSSS) is a national treasure in terms of capabilities. It provides data on both near and deep space objects through tracking and imaging. It contributes to our space situational awareness capacity, provides accurate characterization of space objects and is vital to our space operations, today and into the future. Can you comment on the importance of our knowledge and insight into space and how a facility such as the MSSS plays a vital role in Air Force operations?

General GOLDFEIN. MSSS is comprised of a 3.6-meter, 75-ton Advanced Electro-Optical System telescope, a 1.6-meter telescope, and a 0.4-meter AFRL-developed Raven telescope, all supported by the Maui High Performance Computing Center (MHPCC). This state-of-the-art electro-optical facility’s primary mission is research and development, however, it also provides daily support to the Joint Space Operations Center (JSpOC) and National Air and Space Intelligence Center (NASIC). In support of these organizations, MSSS uses its visible and infrared sensors, adaptive optics, and telescopes to collect imaging and signature data on near-Earth and deep-space objects. It is uniquely situated in the Pacific with outstanding seeing conditions and enhanced western coverage.

EAGLE VISION

20. Senator HIRONO. General Goldfein, Eagle Vision provides outstanding value and utility to Homeland defense, domestic emergency relief, as well as for disaster relief operations working with our friends and allies. Unfortunately, this program, despite proving its value over and over continues to struggle regularly in terms of resources allocated. Earlier this year we were very surprised to hear that funding was about to end for maintenance and service requirements. Senator Graham and I decided to intervene and following this action, the issue was resolved.

If confirmed, I ask that you monitor this program and work with the Chief of the National Guard Bureau to develop solutions to bring about stability and capable program management at the headquarters level for this system. Given the importance of the Eagle Vision System, I ask that you keep me updated on any issues related to the program.

General GOLDFEIN. I commit to keeping you updated and will look in to this important program, if confirmed.

BUDGET UNCERTAINTY

21. Senator HIRONO. General Goldfein, budget uncertainty has significant impacts on morale, recruitment, retention, and also the ability of the Air Force to balance readiness with modernization. What is your vision for the Air Force as we deal with budget uncertainty? If confirmed, what areas will you focus on?

General GOLDFEIN. If confirmed, I will ensure the Air Force supports the Defense Strategy by formulating our budget using Secretary James' priorities as the foundation—Taking Care of People, Striking the Right Balance Between Readiness and Modernization, and Making Every Dollar Count. The Air Force is one of the smallest and oldest in our history while being engaged in 25 consecutive years of combat operations. In order to fund our most critical requirements, we will continue to seek the right balance between capability, capacity, and readiness. However, The Budget Control Act (BCA) simply does not afford us the resources needed to fund all Air Force requirements. We need stable and predictable budgets above BCA topline in order to make the necessary decisions to balance capability, capacity, and readiness and provide our Nation the Air Force it expects and deserves.

ENERGY SECURITY

22. Senator HIRONO. General Goldfein, energy security is one of my priorities and I know that the amount of operational energy the Air Force needs to carry out its missions is significant. It is important to look ahead and anticipate possible fuel spikes and other cost increases in resources we rely on for energy. If confirmed, how will you prioritize the Air Force's long-term energy needs and what efforts will you concentrate on in terms of energy efficiency?

General GOLDFEIN. My overarching energy priority is ensuring our airmen have the energy they need to accomplish our critical missions. Strategically my energy goals are to improve resiliency, optimize demand, and assure supply. From an installation energy perspective, we prioritize our energy efforts based on three factors—resiliency, cost, and cleanliness of power—and our future energy projects must meet at least two of those characteristics. To ensure we have secure and resilient energy to power the fight, the Air Force recently stood up the Office of Energy Assurance, in partnership with the Army and Navy. Along the operational energy vector, we are focused on integrating energy efficiencies into our processes, policies, and platforms, while training our people to embed those efficiencies and enhance mission effectiveness. This includes incorporating energy into our acquisition processes and, through our modeling and simulation efforts, identifying the impacts energy can have on how we conduct operations.

MANNING LEVELS

23. Senator HIRONO. General Goldfein, Air Force leadership has been warning against the currently low manpower levels of our United States airmen. In the Air Force Times, General Mark A. Welsh III, USAF, current Chief of Staff of the Air Force, advised that the Air Force requires 40,000 to 60,000 more airmen in order to get to 100 percent manning levels. He cited that manpower deficits result in lack of modernization and mission capability. Do you agree with the General's assessment?

General GOLDFEIN. Yes, we recognize requirements in excess of our current funded programmed threshold of 317,000. Increasing the end strength (1) mitigates the impact of units undermanned as a result of force structure buy-backs; (2) addresses maintenance manpower stressors associated with standing up F-35 units; and (3) expands capacity to "right-size" the training pipeline. Furthermore, the new authorization level postures the Service to incrementally increase our total force beyond the current levels as we judiciously find ways to address top priorities including ISR, cyber, nuclear, and pilot production shortfalls.

24. Senator HIRONO. General Goldfein, how will the Air Force be affected if we continue down this path of an overworked and undermanned force in this high operational tempo environment?

General GOLDFEIN. The Air Force has recognized that the evolving geopolitical situation continues to place significant demands on the force and we recognize the increased strain this places on our airmen. The Air Force's capacity to reach the SECDEF's goal of 1:2 deploy-to-dwell is dependent on both its End Strength and the number of airmen the Air Force must deploy (Operational Tempo). As a result, the Air Force has embarked on a growth strategy to address key capability gaps in the nuclear, maintenance, cyber, intelligence, surveillance and reconnaissance and support career fields adding roughly 4,000 in end strength across these enterprises. As

warfighter demands persist, the fiscal year 2017 budget cycle sought to carry forward fiscal year 2016 end strength levels of 317,000 to stabilize the force and posture for future manpower increases in order to address maintenance capacity shortfalls, additive F-35 beddowns, expanded training capacity requirements and systemic unit under-manning. However, we also recognize requirements in excess of 317,000 as supported by the fiscal year 2016 NDAA authorization level of 321,000.

25. Senator HIRONO. General Goldfein, there appears to be a shortage of aircraft maintenance professionals across the inventory. F-22 units are experiencing shortages in this area as well. Given the current budget situation and end strength numbers, if confirmed, what would you do to improve this situation?

General GOLDFEIN. The Air Force is currently undermanned by 4,000 active-duty maintainers. Our fiscal year 2017 budget submission includes end-strength growth which will be applied to maintenance in legacy and fifth generation fleets, and we will add approximately 2,000 airmen per year over traditional accession numbers to fill our shortage of maintainers.

26. Senator HIRONO. General Goldfein, what is the magnitude of this shortage in aircraft maintenance personnel?

General GOLDFEIN. The Air Force is currently undermanned by 4,000 active-duty maintainers. The problem becomes tougher each month as our new F-35 fleet grows and we must find the manpower to maintain the new aircraft. We've taken many steps to maximize the use of current manpower to address this problem, but we're running out of options without adding manpower. Our fiscal year 2017 budget requests an end strength growth to help address the maintenance problem. While the Air Force plans to increase maintenance accessions through this growth, these accessions will take 5 to 7 years to develop the requisite experiences to maintain our complex weapons systems.

ASIA-PACIFIC

27. Senator HIRONO. General Goldfein, I'm very interested in the rebalance to the Asia-Pacific especially when it comes to moving the most capable systems and operators to the region. The Air Force plays a vital role in promoting stability in the Asia-Pacific. For example, in March the Air Force deployed three B-2 stealth bombers to the Asia-Pacific theater for training operations. Can you share your thoughts on the importance of forward basing capabilities such as this in the region as well as the importance of mil-to-mil engagements with our friends and allies in the region?

General GOLDFEIN. The Asia-Pacific Rebalance is first and foremost an economic and diplomatic rebalance, with profound strategic impacts on the United States. There is a Defense component to the rebalance, aimed at creating a "principled and inclusive" security network. The Air Force has been supporting this DOD priority with "Presence, Partnerships, and Power Projection."

The following are examples of Air Force activities that support the importance of forward basing capabilities and mil-to-mil engagements:

- PACAF flying hours have climbed despite cuts to CONUS units, demonstrating U.S. Air Force commitment to the region (even during sequestration, no PACAF units were stood down).

- Partnerships: The Air Force has increased rotations in Northern Australia as part of the United States-Australia Force Posture Initiative, deployed a Rotational Air Contingent-Philippines to Clark Air Force Base and worked with the Office of the Secretary of Defense on basing in the Philippines as part of the Enhanced Defense Cooperation Agreement. PACAF engages in more than 40 exercises and more than 185 regional engagements each year, maximizing multilateral exercises and engagements.

- Power Projection: The Air Force has deployed new advanced capabilities to the region, including fifth generation fighter capability and deployments of B-52 and B-2 strategic bombers. The Air Force's CONUS-based forces can be rapidly transitioned to support operations in the Asia-Pacific within hours, whether that is conducting Global Power movements with bombers, continued and persistent space-based ISR & communications, or providing a ground-based nuclear deterrent.

AIR FORCE ACADEMY

28. Senator HIRONO. General Goldfein, as you know, I serve on the Board of Visitors at the Air Force Academy and I had the pleasure of visiting and attending the March meeting in Colorado Springs. The education and training of the future lead-

ers of our Air Force is of utmost importance. If confirmed, what would you like to see in terms of what the Academy is doing in preparing our future leaders?

General GOLDFEIN. I want to see that the Academy continues to inspire commitment to the Air Force's core values and alignment with the AF's future operating concept. The unique, immersive culture at the Academy that combines a STEM technical focus with an understanding of leadership, the humanities, and military culture is unparalleled.

The Academy is also finding new and innovative ways to deliver the rich curriculum and traditional mission of a Military Service academy. Through its renewed focus on interdisciplinary learning, emphasis on cyber, remotely piloted aircraft and space, the Academy is on track to develop the next generation of leaders for the Air Force of the future. I want to ensure the Academy has the resources to provide an immersive experience for our cadets in the Air Force ethos and the profession of arms, to enable them to graduate with the technical, social, and emotional intelligence necessary to lead in a complex, challenging, technically sophisticated and ever-changing geopolitical environment.

ADVERSARY AIR

29. Senator HIRONO. General Goldfein, adversary air appears to be a difficult issue to solve for the F-22s based at Joint Base Pearl Harbor Hickam (JBPHH). At Langley, Tyndall, and Elmendorf the units there have F-16s and T-38s collocated to provide this support. In Hawaii, we have periodic Sentry Aloha exercises two or three times annually which brings dissimilar air combat training for our F-22s. What is the latest thinking on this issue? If confirmed, will you continue to work on this situation and keep me posted on the alternatives considered and the ultimate solution you decide to implement?

General GOLDFEIN. The Air Force continues to look at new ways to improve both the quality and affordability of training for our operational forces. We recognize that contract adversary air support is one way to provide lower cost training opportunities for our 5th Gen forces. Headquarters PACAF is currently working to develop contracting options for units based at Joint Base Pearl Harbor Hickam (JBPHH). In fiscal year 2016 PACAF allocated an additional \$2 million to fund adversary training for the F-22 squadrons at JBPHH. In addition to the possibility of executing contract adversary air, PACAF is considering options for short-term deployments to conduct air-to-air training. Finally, Headquarters Air Force will work with the Air National Guard Bureau to consider options similar to other F-22 bases to enhance 5th Gen training at JBPHH.

CYBER CAPABILITIES

30. Senator HIRONO. General Goldfein, with the need for cyber capabilities becoming more and more important and given the strong private sector skills many Air National Guard airmen can bring to the force, what solutions is the Air Force considering to increase its access to Air National Guard personnel for cyber missions?

General GOLDFEIN. Solutions such as partnering with Congress on Total Force Constructive Credit (accession of experienced cyber professionals at higher grade) authority (fiscal year 2017 OLC); identification and utilization of Total Force special pays and bonuses to recruit and retain cyber professionals; and Public Private partnership engagement through the Air Force Cyber Innovation Center with leading cyber academic institutions are all in varying degrees of implementation.

31. Senator HIRONO. General Goldfein, if confirmed, how would you improve Total Force Integration while building Air Force and Air National Guard cyber capabilities, particularly near National Security Agency (NSA) nodes?

General GOLDFEIN. Air Force Reserve cyber units are classic association models co-located with their RegAF counterparts, designed specifically to incorporate at the squadron (lowest) level facilitating warfighting integration. The Air National Guard cyber mission squadrons build towards service-aligned and component command-aligned requirements; these requirements then influence the locations of ANG cyber forces. This construct enables operation from home station, similar to other reach-back missions such as Remotely Piloted Aircraft and Distributed Ground System and reduces the overall cost. Additionally, the implementation of Communication Squadron Next will broaden cyber capabilities across the entire country.

[The nomination reference of General David L. Goldfein, USAF follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 25, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment as the Chief of Staff, United States Air Force, and appointment in the United States Air Force, and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8033:

To Be General

General David L. Goldfein, 0354.

[The biographical sketch of General David L. Goldfein, USAF, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL DAVID L. GOLDFEIN

General David L. Goldfein is Vice Chief of Staff of the U.S. Air Force, Washington, DC. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. He assists the Chief of Staff with organizing, training, and equipping of 664,000 Active Duty, Guard, Reserve and civilian forces serving in the United States and overseas.

Prior to assuming his current position, General Goldfein was the Director, Joint Staff, the Pentagon, Washington, DC. He assisted the Chairman of the Joint Chiefs of Staff in fulfilling his responsibilities as the principal military adviser to the President and Secretary of Defense by developing and providing strategic direction, policy guidance and planning focus to the Joint Staff and by fostering clear communication among the President, Secretary of Defense, unified commands, and services.

General Goldfein received his commission from the U.S. Air Force Academy in 1983. He is a graduate of the U.S. Air Force Weapons School and is a command pilot with more than 4,200 flying hours in the T-37, T-38, F-16C/D, F-117A, MQ-9 and MC-12W. He has flown combat missions in operations Desert Shield, Desert Storm, Allied Force and Enduring Freedom.

Education

- 1983 Bachelor of Science degree in philosophy, U.S. Air Force Academy, Colorado Springs, CO
- 1986 Squadron Officer School, by correspondence
- 1987 Master's degree in business administration, Oklahoma City University, OK
- 1992 Fighter Weapons Instructor Course, Nellis AFB, NV
- 1995 Air Command and Staff College, Maxwell AFB, AL
- 1998 Air War College, by correspondence
- 2001 National Defense Fellowship, State Department Senior Seminar, Arlington, VA

Assignments

From	To	Assignment
October 1983	October 1984	Student, undergraduate pilot training, Sheppard AFB, Texas
October 1984	February 1988	T-38 instructor pilot, 90th Flying Training Squadron, Sheppard AFB, Texas
February 1988	January 1992	F-16 instructor pilot and flight commander, 17th Tactical Fighter Squadron, Shaw AFB, SC
January 1992	June 1992	Student, USAF Fighter Weapons Instructor Course, Nellis AFB, NV
June 1992	July 1994	Squadron weapons officer and Chief, Wing Weapons and Tactics, 366th Composite Wing, Mountain Home AFB, Idaho
July 1994	June 1995	Student, Air Command and Staff College, Maxwell AFB, AL
June 1995	May 1996	Special assistant to the Commander, Allied Air Forces Southern Europe and 16th Air Force, Naples, Italy
May 1996	August 1997	Executive officer to the Commander, U.S. Air Forces in Europe, Ramstein Air Base, Germany
August 1997	June 1998	Operations officer, 555th Fighter Squadron, Aviano AB, Italy

From	To	Assignment
June 1998	July 2000	Commander, 555th Fighter Squadron, Aviano AB, Italy
July 2000	June 2001	Student, National Defense Fellow, State Department Senior Seminar, Arlington, VA
July 2001	July 2002	Deputy Division Chief, Combat Forces, Headquarters U.S. Air Force, Washington, DC
August 2002	July 2004	Commander, 366th Operations Group, Mountain Home AFB, Idaho
July 2004	June 2006	Commander 52nd Fighter Wing, Spangdahlem AB, Germany
June 2006	January 2008	Commander, 49th Fighter Wing, Holloman AFB, NM
January 2008	August 2009	Deputy Director of Programs, Office of the Deputy Chief of Staff for Strategic Plans and Programs, Headquarters U.S. Air Force, Washington DC
August 2009	August 2011	Director of Operations, Air Combat Command, Joint Base Langley-Eustis, VA
August 2011	July 2013	Commander, U.S. Air Forces Central Command, Southwest Asia
August 2013	August 2015	Director, Joint Staff, the Pentagon, Washington, DC
August 2015	Present	Vice Chief of Staff of the U.S. Air Force, Washington, DC

Summary of joint assignments

From	To	Assignment
June 1995	May 1996	Special assistant to the Commander, Allied Air Forces Southern Europe and 16th Air Force, Naples, Italy, as a major
May 1996	August 1997	Executive officer to the Commander, Allied Air Forces Europe, Ramstein Air Base, Germany, as a major
August 2013	August 2015	Director, Joint Staff, the Pentagon, Washington, DC, as a lieutenant general

Flight Information

Rating: command pilot

Flight hours: more than 4,200

Aircraft flown: T-37, T-38, F-16C/D, F-117A, MQ-9, and MC-12W

Major awards and decorations

Defense Distinguished Service Medal with oak leaf cluster

Legion of Merit with oak leaf clusters

Distinguished Flying Cross with Valor device and oak leaf cluster

Meritorious Service Medal with oak leaf clusters

Air Medal with silver and bronze oak leaf clusters

Aerial Achievement Medal with oak leaf cluster

Joint Service Commendation Medal

Air Force Commendation Medal with oak leaf cluster

Air Force Achievement Medal

Publications

“Sharing Success, Owning Failure: Preparing to Command in the Twenty-First Century Air Force,” Air University Press, October 2001

Effective dates of promotion

Second Lieutenant, June 1, 1983

First Lieutenant, June 1, 1985

Captain, June 1, 1987

Major, November 1, 1994

Lieutenant Colonel, January 1, 1998

Colonel, April 1, 2001

Brigadier General, October 1, 2007

Major General, July 3, 2010

Lieutenant General, August 3, 2011

General, August 17, 2015

(Current as of October 2015)

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details

the biographical, financial, and other information of the nominee. The form executed by General David L. Goldfein, USAF in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
David L. Goldfein
2. **Position to which nominated:**
Chief of Staff, United States Air Force.
3. **Date of nomination:**
25 April 2016.
4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]
5. **Date and place of birth:**
December 21, 1959; Laon AFB, France (father stationed overseas).
6. **Marital status:** (Include maiden name of wife or husband's name.)
Married to Dawn A. Goldfein (maiden name: Duncan).
7. **Names and ages of children:**
[Nominee responded and the information is contained in the Committee's executive files.]
8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.
None.
9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.
None.
10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
Air Force Association.
Order of the Daedalians.
USAF Academy Association of Graduates
Red River Valley Fighter Pilots Association.
11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

Yes.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DAVID L. GOLDFEIN

This 18th day of March 2016.

[The nomination of General David L. Goldfein, USAF was reported to the Senate by Chairman McCain on June 28, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 29, 2016.]

**NOMINATIONS OF LIEUTENANT GENERAL
THOMAS D. WALDHAUSER, USMC, TO BE
GENERAL AND COMMANDER, UNITED
STATES AFRICA COMMAND; AND LIEUTEN-
ANT GENERAL JOSEPH L. LENGYEL, ANG,
TO BE GENERAL AND CHIEF OF THE NA-
TIONAL GUARD BUREAU**

TUESDAY, JUNE 21, 2016

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

The Committee met, pursuant to notice, at 9:34 a.m. in Room SD-G50, Dirksen Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Donnelly, Hirono, Kaine, King, and Heinrich.

Also present: Senator Cornyn.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning. The Senate Armed Services Committee meets this morning to consider the nominations of Lieutenant General Thomas Waldhauser to be Commander of U.S. Africa Command (AFRICOM) and Lieutenant General Joseph Lengyel to be Chief of the National Guard Bureau.

I welcome both of our nominees and thank them for their continued willingness to serve our Nation.

General Waldhauser, Africa has reemerged as an active front in the global war on terror with ISIL [the Islamic State of Iraq and the Levant], al Qaeda, Boko Haram, and al Shabaab, commanding territory and launching successful attacks throughout the continent, and threatening our interests and those of our allies. Of particular concern is the rise of ISIL in Libya, where the terrorist group commands an army of over 5,000 fighters. While recent advances by militia forces against ISIL's stronghold in Sirte are encouraging, the country remains mired by internal divisions, its national unity government is unable to exercise control outside of Libya, outside of Tripoli, and, to date, has failed to secure the support of important blocs within the population. The failure of the United States and the international community to put forth a comprehensive strategy for Libya following the fall of Qaddafi in 2011

has contributed directly to the current crisis. ISIL's ability to strategically lash out and rapidly expand in Libya is a troubling warning about the price of the administration's reactive, indirect approach to fighting this enemy. Until this changes, I fear Libya will continue to deteriorate.

Compounding the rising terrorist threat across the continent, Africa remains plagued by longstanding conflicts and weak governance that drive large displacements of people, and so instability. While the threat in Africa continues to metastasize, our military commanders are being forced to do more with less, starved for resources and denied timely and flexible authorities to take advantage of battlefield opportunities and halt the advance of extremism and other drivers of instability.

General Waldhauser, I look forward to your thoughts today on how you intend to approach both the enormous challenges and opportunities within the AFRICOM area of responsibility (AOR).

General Lengyel, the role of the Chief of the National Guard Bureau has evolved over the last 10 years. The Chief of the National Guard Bureau now sits on the Joint Chiefs of Staff, serves as an advisor to the President on policy and security matters involving nonfederalized National Guard Forces, and manages a relationship with the 54 adjutant generals. This role can be very challenging and requires patient, determined leadership to put the mission first amid competing demands.

This Committee has followed closely the recommendations of both the National Commission on the Structure of the Air Force and the National Commission on the Future of the Army. Both Commissions reported out recommendations for reinventing the total force. I hope you will address the Commission recommendations in your testimony here today.

Another area we are watching is the mobilization and demobilization cycle and procedures for the National Guard. Guard members and their families write to me often to discuss the stresses of these cycles on employment and family stability. I hope that you've given serious thought to how you intend to promote family readiness in the National Guard. Particularly, this Committee is interested in working with the next Chief of the National Guard Bureau on reforms to the defense health system, especially reforms to address the unique needs of our National Guard and Reserve servicemembers and their families.

As is our tradition, before proceeding with their opening statements, I would invite both our nominees to invite any family members joining them this morning.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. Let me join you in welcoming our nominees. The positions to which these individuals have been nominated involve significant challenging duties, as you have outlined in your statement.

Both nominees today are, in my view, eminently qualified for the positions for which they have been nominated.

Lieutenant General Waldhauser, who has been nominated to be the next Commander of United States Africa Command, currently

serves as the J-7, Director of Joint Force Development. He has served in a number of operational joint positions that have prepared him to serve as Commander, AFRICOM, including as Commanding General, 1st Marine Division and as the Commander, United States Marine Corps Forces, Central Command (CENTCOM). Notably, I'd be remiss if I did not point out also that he has the qualification that probably makes him, without doubt, eminently qualified for this position. He's a United States Army Ranger School graduate. Congratulations.

Lieutenant General Lengyel, who has been nominated to be Chief, National Guard Bureau, also comes to us with many qualifications. He has served the past 4 years as Vice Chairman of the National Guard Bureau, and has vast experience as an Air Force pilot, with significant joint experience. The Chief of the National Guard Bureau is a member of the Joint Chiefs of Staff and is a principal advisor to the Secretary of Defense, through the Chairman, on matters involving the nonfederalized National Guard Forces in support of Homeland defense and civil support missions. In this role, the Chief of National Guard Bureau plays a critical role of facilitating and mediating the interests of the States with the corporate mission and programs of the Department of Defense (DOD). As we've seen several times over the years in hearings before this Committee, this is a tough job, and it takes a talented individual to fill it.

I have every confidence that both Lieutenant General Waldhauser, as AFRICOM Commander, and Lieutenant General Lengyel will fulfill these difficult jobs.

Finally, I want to extend a special thanks to your families. I understand, Lieutenant General Waldhauser, that your wife, Gail, and son, Mark, who I met, have joined you today, and, Lieutenant General Lengyel, your wife, Sally, and your daughter, Katie, have joined you. We all know how important families have been to your careers. Without them, you wouldn't be here today, literally.

Again, thank you, Mr. Chairman.

Chairman MCCAIN. Before we proceed, I note the presence of distinguished Senator from Texas, who I know would provide some important words of wisdom and instruction to all Members of the Committee.

Senator CORNYN.

STATEMENT OF SENATOR JOHN CORNYN

Senator CORNYN. Thank you, Chairman McCain and Ranking Member Reed, and colleagues.

I'm honored to be here today to introduce one of the nominees, a fellow Texan, Lieutenant General Joseph Lengyel, as the nominee to serve as the next Chief of the National Guard Bureau.

Citizen soldiers, of course, have been part of our country's fabric since the beginning. In the 21st century, their role continues to evolve to help safeguard our Nation. In addition to ensuring that our National Guardsmen are able and ready to do their job, the Chief of the National Guard Bureau must be able to provide sage military advice to the Chairman of the Joint Chiefs of Staff, the Secretary of Defense (SECDEF), and the President of the United States.

General Lengyel is the right man for this critical position. The depth and breadth of his experience make him exceptionally well qualified. After graduating from the University of North Texas and completing his undergraduate pilot training at Laughlin Air Force Base, General Lengyel cut his teeth in the cockpit of an F-16. His 34 years of distinguished Military Service include an array of operational, staff, and command assignments, as well as service in Operations Desert Storm, Provide Comfort, Southern Watch, and Enduring Freedom. He's also served overseas as a defense attache.

As you can imagine, today is a special day, as both of you have noted, both the Chairman and the Ranking Member, not only for General Lengyel, but also his family. His wife of 24 years, Sally, and his daughter, Katie, are both here, as has already been pointed out. But, I'd also like to mention General Lengyel's two sons, who could not be here today: Michael, because he's following in his dad's footsteps as one of the Air Force's newest F-16 pilots, and Joe, who's attending college.

General Lengyel hails from a proud military family, and knows firsthand what it means to serve and sacrifice. His father, Lieutenant Colonel Lauren Lengyel, and mother, Marge, couldn't be here today, but certainly are watching on TV. General Lengyel's dad was also an Air Force pilot, and he shares some history with our distinguished Chairman, Senator McCain. Lieutenant Colonel Lengyel was shot down while flying over Vietnam in August of 1967 and was held as a prisoner of war in North Vietnam until March of 1973. In 1975, he returned to Vietnam to fly missions during the fall of Saigon, being one of only two former POW [prisoner of war] pilots to return to Vietnam after 1973 to fly missions.

During his dad's captivity, his mother raised him, along with his brothers, Greg and Dan, and his sister, Toddy. General Lengyel's younger brother, Greg, also carried the family tradition of Military Service, and he currently serves as a major general in the Air Force.

Once confirmed, General Lengyel's experience and leadership will be instrumental in guiding the National Guard as it faces a myriad of challenges both at home and abroad.

Mr. Chairman, thank you for giving me a few minutes to introduce General Lengyel. I'm pleased to introduce him to the Committee and recommend his confirmation.

[The information referred to follows:]

INTRODUCTION OF LIEUTENANT GENERAL JOSEPH LENGYEL

Chairman McCain, Ranking Member Reed, and colleagues: I am proud to be here today to introduce my friend and fellow Texan, Lieutenant General Joseph Lengyel, as the nominee to serve as the next Chief of the National Guard Bureau.

Citizen-soldiers have been a part of our country's fabric since the very beginning, and in the 21st Century, their role continues to evolve to help safeguard the nation. In addition to ensuring that our National Guardsmen are able and ready to do their job, the Chief of the National Guard Bureau must also be able to provide sage military advice to the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President.

General Lengyel is the right man for this critical position, and the depth and breadth of his experience make him exceptionally well qualified for it. After graduating from the University of North Texas and completing his undergraduate pilot training at Laughlin AFB, Texas, General Lengyel cut his teeth in the cockpit of an F-16. His 34 years of distinguished Military Service include an array of oper-

ational, staff, and command assignments, as well as service in Operations Desert Storm, Provide Comfort, Southern Watch, and Enduring Freedom. He has also served overseas as a Defense Attaché.

As you can imagine, today is a very special day for General Lengyel and his family. With him today is his wife of 24 years, Sally, and his daughter, Katie.

I also want to acknowledge General Lengyel's two sons, who could not be here today: Michael, who is following in his dad's footsteps as one of the Air Force's newest F-16 pilots, and Joe, who is attending college.

General Lengyel hails from a proud Texas military family that knows firsthand what it means to serve and sacrifice. His father, Lt. Col. (retired) Lauren Lengyel, and mother Marge could not be here with us today, but are almost certainly watching on TV back in Texas. General Lengyel's dad was also an Air Force pilot, and he shares some history with our distinguished Chairman, Senator McCain. Lt. Col. Lengyel was shot down while flying over Vietnam in August of 1967 and was held as a Prisoner of War in North Vietnam until March of 1973.

In 1975, he returned to Vietnam to fly missions during the fall of Saigon, being one of only two former POW pilots to return to Vietnam after 1973 to fly missions.

During his father's captivity, his mother raised him, along with his brothers, Greg and Dan, and his sister Toddy. General Lengyel's younger brother Greg also carried on the family tradition of Military Service, and currently serves as a Major General in the Air Force.

Once he is confirmed, General Lengyel's experience and leadership will be instrumental in guiding the National Guard as it faces a myriad of challenges both at home and abroad.

Mr. Chairman, thank you again for allowing me this opportunity today. I am pleased to introduce Lieutenant General Joe Lengyel, an outstanding Texan and a great American patriot.

Chairman MCCAIN. Thank you, Senator Cornyn. I know that you have important obligations, but I thank you for being here to introduce this highly qualified General Lengyel. Thank you.

General Lengyel, I hope that, unlike your father and me, that the number of landings you have matched the number of takeoffs.

I have standard questions for the nominees that need to be answered, and then we will proceed.

Just answer yes or no to the following questions—in order to exercise its legislative and oversight responsibility, it's important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

[Both witnesses answered in the negative.]

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Will those briefings be protected from reprisal for their testimony or briefings?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify, upon request, before this Committee?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly-constituted committee, or to consult with the Committee regarding the basis for any good-faith delay or denial in providing such documents?

[Both witnesses answered in the affirmative.]

Chairman MCCAIN. General Waldhauser, we will begin with you. As I mentioned, if you'd like to introduce your family to the Committee Members that are here, please proceed.

STATEMENT OF LIEUTENANT GENERAL THOMAS D. WALDHAUSER, USMC, NOMINEE TO BE GENERAL AND COMMANDER, UNITED STATES AFRICA COMMAND

General WALDHAUSER. Thank you, Senator.

Chairman McCain, Ranking Member Reed, and distinguished Members of the Committee, good morning, and thank you for the opportunity to appear before you today.

I am truly honored to be nominated as the Commander, U.S. Africa Command. I want to thank the President and the Secretary of Defense for their confidence in me. I want to recognize the current U.S. Africa Commander, General Dave Rodriguez, and his wife Ginny, for their dedicated service to our country and the men and women in uniform.

Joining me today is my wife, Gail, and our son, Mark. Our two daughters, Amy and Katherine, were not able to be here this morning. Gail has been a great mother and a superb advocate for military families over the years. Moreover, she taught middle school for many years where a large number of students were from military families in the communities where we were stationed.

Since the standup of AFRICOM nearly a decade ago, the Command has made many contributions to our national security interests on the continent. Today, there are numerous complex challenges in the African area of responsibility. Terrorist organizations and terrorist activities conducted by groups such as the Islamic State in Libya and al Shabaab in Somalia are present and active across the continent. Additionally, ethnic strife, poverty, mass atrocities, and illicit trafficking threaten stability and economic growth, particularly in nations with weak governments. Consequently, AFRICOM must continue to work with national and international partners to disrupt these transnational threats and prevent the export of terror on the continent, in the region, and ultimately to our Homeland. Additionally, AFRICOM must continue to work with African partners to create an environment where these partners are willing and capable to address their security concerns.

If confirmed, I will work with not only the U.S. military components of AFRICOM, but with my fellow combatant commanders, as well, in order to foster an environment where our challenges are viewed from a transregional perspective and not just from a particular geographic area of responsibility. Also if confirmed, I will provide my best military advice to this Committee, when requested.

Finally, and most importantly, I will do everything I can to properly lead, respect, and keep the faith with those in uniform and the civilian workforce who voluntarily serve our Nation.

Thank you again for allowing me to appear before this Committee this morning, and I am prepared to answer your questions.

Chairman MCCAIN. Thank you.

General Lengyel.

**STATEMENT OF LIEUTENANT GENERAL JOSEPH L. LENGYEL,
ANG, NOMINEE TO BE GENERAL AND CHIEF OF THE NA-
TIONAL GUARD BUREAU**

General LENGYEL. Chairman McCain, Ranking Member Reed, distinguished Members of this Committee, it is a pleasure to be here today.

I'd like to thank Senator Cornyn for his opening remarks and my introduction.

Senator Cornyn mentioned my wife, Sally, and daughter, Katie, are here with me today. Sally served 7 years as an officer in the Air Force and grew up in an Air Force family. She remains my most trusted advisor and the love of my life. Katie is a rising high school senior who is spending her summer interning at the Peace Corps, here in Washington, DC. We are very proud of all three of our children, Joe, Mike, and Katie. Without their love and support, I certainly would not be here today.

Chairman MCCAIN. Welcome.

General LENGYEL. Thank you.

I would also like to acknowledge my fellow nominee, Lieutenant General Thom Waldhauser, and his distinguished service. It's a privilege to be here today with him.

I am humbled by my nomination to be the 28th Chief of the National Guard Bureau, humbled by both the great leaders who have served in this position in the past, and, if confirmed, by the incredible leaders I will join on the Joint Chiefs of Staff.

Over the past 4 years, I have been honored to serve as the Vice Chief and witness firsthand the visionary leadership of General Frank Grass. He, along with his predecessors, have left an indelible mark, resulting in the finest National Guard in our Nation's history. I am grateful to serve with the 453,000 citizen soldiers and airmen, a proud force that has been helping secure our Nation for nearly 380 years.

We are living in extraordinary times with incredible advances in technology, globalization, and commerce that give great cause for optimism and hope for the future. Yet, this optimism is tempered by unprecedented challenges in our global security environment. Transregional, multidomain, multifunctional threats, including near-peer competitors, regional actors, and violent extremist organizations, require a greater agility and inclusion of all elements of national power.

Since 9/11, the operational National Guard has mobilized roughly 780,000 times in support of the warfight. As the combat Reserve of the Army and the Air Force, if confirmed, I will ensure that we continue to work seamlessly as part of the joint force to help bring security around the globe.

Our experience overseas enables us to protect the Homeland and work with our governors and our adjutant generals to answer the call when disaster strikes here at home. On any given day, we have anywhere between 3,000 to 4,000 guardsmen conducting domestic operations, and the National Guard remains at the forefront of building enduring partnerships with local, State, Federal, and global partners.

Although we are proud of our heritage and our past, I am more excited about our future. The Guard's evolution as an operational force is a chapter in our Nation's security at home and abroad that is written through the incredible skill and devotion of America's citizen soldiers and airmen. The development of our most important asset, our people, will be our foremost task. If confirmed, I will strive to grow and train leaders who innovate and motivate the force. We must ensure that ethical behavior goes from the top down. Acts that demoralize units and degrade readiness, such as sexual assault and discrimination, can never be tolerated. In short, if I am confirmed, the National Guard will strive to be ready and to be the most diverse and inclusive force we can be.

Thank you again for allowing me to be here today. I look forward to working with Congress, the Department of Defense, the inter-agency, the governors, the adjutant generals, and all stakeholders to ensure that we maintain the most capable, accessible, and ready National Guard possible. I look forward to your questions.

Chairman MCCAIN. Thank you, General.

General Waldhauser, there's an old saying about "chickens come home to roost". As a person who's been to Libya on numerous occasions, including in Benghazi, when Chris Stevens was living there in a hotel, we watched Qaddafi being taken out without the loss of a single American aircraft or person, and then walked away. We walked away when, despite the repeated pleas of those of us who saw the situation deteriorating, we did nothing to help the Libyans, not to treat their wounded, not to secure weapons caches, not to help them with border security, and, most of all, help a nation that had never known democracy to achieve it. Now we're paying the price for it. Now we're paying a heavy price. We have American troops in Libya, according to a published report. Is that true?

General WALDHAUSER. We have a small number of troops on the ground, that is true.

Chairman MCCAIN. We have American troops on the ground, which never would have been required if we had done the things necessary that we did after Korea, after World War II, after Bosnia, instead of walking away from it. An abject, total disgraceful failure on the part of this administration and this President. Now you're handed, frankly, a can of worms, because I don't have a lot of confidence in the Misratans. I've seen them in action before. I don't have a lot of confidence in General Haftar, who has his own agenda, obviously. Of course, ISIS has established approximately, according to published reports, about 5,000 people in Libya. Not to mention Boko Haram, not to mention the other challenges in AFRICOM. How are you going to make chicken salad out of this situation, General?

General WALDHAUSER. Senator McCain, the situation today in Libya is very complex. We have two significant objectives for the

United States. One is to get the Government of National Accord (GNA) up and running, and the second is to disrupt ISIL inside Libya. The Government of National Accord has been on station in Tripoli since March. It's got a long way to go, but it has shown some very basic progress. Moreover, in the last——

Chairman MCCAIN. Does that government include General Haftar?

General WALDHAUSER. It does not. General Haftar is in charge of the Libyan National Army.

Chairman MCCAIN. Does it include the Misratans?

General WALDHAUSER. The Misratans have pledged their allegiance to the GNA.

Chairman MCCAIN. Does the government include them, or is it they've just pledged their allegiance?

General WALDHAUSER. They've pledged their allegiance with regards to their inclusion. I don't have a lot of knowledge in that particular topic. They are carrying out the mission of trying to take on ISIL inside Sirte.

Chairman MCCAIN. Please go ahead. I interrupted you.

General WALDHAUSER. Thank you, Senator.

Again, a very complex situation. So, the Government, the GNA, is making very small progress. It's going to take a lot of time.

With regards to the ISIL situation, the Misratans along with the Petroleum Guard Force have surrounded the city of Sirte. They've gained some territory in the last week, but they have not gone into the city. You could say there has been some progress. But, the bottom line is, with regards to tribal allegiances, these things come and go. Right now, the Misratans, at least they've pledged their allegiance to the GNA.

Chairman MCCAIN. Are you confident that we have sufficient military presence and activity in Libya to take care of ISIL and somehow restore or form up some kind of consensus government?

General WALDHAUSER. At the present, our assistance has been advisory, and it has been to provide guidance. The Misratans and the Petroleum Guard has made progress, however one of the things we need to watch in the next few weeks is, if there is success in Sirte, if ISIL does get routed and perhaps leave, we need to have a plan for success at that point.

Chairman MCCAIN. Right now you don't think we need additional U.S. military presence?

General WALDHAUSER. At the moment, no.

Chairman MCCAIN. "At the moment" means, to me, we don't have a strategy. I don't know what "at the moment"—unfortunately, this administration has reacted "at the moment" with incrementalism, mission creep, a gradual escalation in Iraq and Syria. I don't want to see the same thing in Libya, but I'm beginning to see the same thing. Do we have a strategy for Libya, or are we just acting in an ad hoc fashion, which has been the case as we have watched ISIL establish, metastasize, and grow in Libya?

General WALDHAUSER. As indicated, the two strategic objectives that we do have for Libya is to assist the——

Chairman MCCAIN. I know the objectives. Do we have a strategy?

General WALDHAUSER. To continue to support that right—at this point in time. I am not aware of any overall grand strategy at this point.

Chairman MCCAIN. Are you aware of a need for sufficient military engagement to see that the mission is accomplished, which it seems to me, as you mentioned, is twofold:—one, take care of ISIL, and the other, establish a stable government in Libya?

General WALDHAUSER. One of the things we have to be very careful about is the complex relationships of these various militias, and so on. If the government, meaning Mr. Saraj, and the GNA requests our support, then we should very much consider doing that. I think we've been able to tell him what we could offer at this point in time.

Chairman MCCAIN. I would just, finally, say you're inheriting a very difficult and complex situation, which didn't have to be. We walked away from Libya. Senator Lieberman, Senator Graham, and I, after that—and we were there at their elections, where they were full of hope, and we walked away from them. It's another disgraceful chapter in the history of this administration's national security policies.

Senator Reed.

Senator REED. Mr. Chairman, I have to go to the Banking Committee. Could I yield to Senator Gillibrand?

Chairman MCCAIN. Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman.

I'll address National Guard issues first. General, I've been a long advocate of including the National Guard in our cyber efforts. Can you tell me about how you see the National Guard engaging in the cyber mission? One of the challenges has been a shortage of training seats for guardsmen, which is the status of the Professional Educational Center. What needs to be done to ensure that it is available to provide additional cyber training capacity?

General LENGYEL. Senator, I thank you for that question.

The National Guard is building robust capacity in the cyberdomain. There is a cyber capacity in all 54 States, territories, and the District, at a basic level. We have 15 cyber units in the Air National Guard and another 11 cyber protection teams in the Army National Guard. Those are only partially built. We do need training. Training slots in schools is a problem. We have begun to address that by creating additional school slots down in Little Rock, Arkansas, has created a separate school slot to work the extra surge required for cyber growth. I obviously think cyber is a great mission for the Guard, great connectivity with the community, with the cyber expertise and in the IT [information technology] world. If confirmed, I'll continue to do everything I can to keep building that cyber enterprise.

Senator GILLIBRAND. Just as followup, what will Army Guard CPT's relationship be to CYBERCOM's [U.S. Cyber Command] cyber mission force?

General LENGYEL. Senator, currently they are not included as part of our cyber mission force. If confirmed, I'll work with our cyber and Chief of Staff of the Army and U.S. Cyber Command—I think they should be part of the cyber mission force.

Senator GILLIBRAND. I do, too.

General LENGYEL. I think they think that, too. That'll make school slots easier for us to get, solidify the requirements, and should be better for the cyber enterprise.

Senator GILLIBRAND. Thank you, General.

With regard to AFRICOM, General Waldhauser, although Boko Haram is considered a regional threat, you have said that Boko Haram now identifies as ISIL of West Africa. I'm very concerned that groups like Boko Haram, by aligning with ISIL or al Qaeda, may morph regional threats into transnational threats. Years before al Qaeda attacked New York and Washington, it hit our embassies in Tanzania and Kenya. I brought a CODEL [congressional delegation] of a group of Senators to really assess growing terrorism threats throughout Africa, and this was a constant in our conversation. How concerned are you that Boko Haram and groups like it will become transnational threats that will endanger lives in Europe or even America? What should we be doing to prevent that possibility?

General WALDHAUSER. Senator, I'm very concerned that Boko Haram will ultimately move out of the region—on the continent, and perhaps ultimately to the Homeland. That's the ISIL brand. However, at this time, the Lake Chad Basin region, which has a multinational task force headed by Nigeria, Chad, Cameroon, and those countries, we work with them to provide assistance, training so that they can take on Boko Haram. Boko Haram, although called now, you know, ISIL-West Africa, is a regional threat and one of the things we need to continue to watch.

Senator GILLIBRAND. When we were there, we met with a number of the governments that you referenced. We were in Chad, and we met with some Nigerians, as well. Each of those military components, and each of the countries we visited, asked for greater cooperation with intelligence-sharing, specifically. How do you assess the current state of our intelligence-gathering and -sharing with African countries? Is it possible to increase that? What do you think is the best way to improve our intelligence, surveillance, and reconnaissance (ISR) capabilities in Africa? If you can't answer that in this session, I'd ask you to provide details in a closed session.

General WALDHAUSER. Thank you, Senator. What I can tell you in this session is that we have contributed ISR support, we have contributed training to the multinational joint task force. This has assisted the Nigerians, for example, in locating Boko Haram on several occasions.

Senator GILLIBRAND. Do you think that's something we could enhance? Because they were grateful for everything we'd done to date, but they did ask for more.

General WALDHAUSER. Yes, Senator. As you know, AFRICOM is an economy-of-force theater, and we always would ask for more. If confirmed, I would advocate for more, if that were deemed to be my determination. However, at this time, it appears that we are giving them enough intelligence that they can conduct operations to contain Boko Haram or ISIL-West Africa in northern Nigeria.

Senator GILLIBRAND. One of the other conversations we had on this CODEL was that many of the youth that are joining terrorist groups in Africa start out being lured by the promise of steady money, especially those who may not have seen their basic neces-

sities being met—food, clothing, housing. In Kenya, al Shabaab was paying new recruits \$100 a week, with a \$500 bonus for joining. What role do you think economic development plays in countering terrorism in Africa? What do you think the U.S. Government can be doing to assist with that will create alternative options for young Africans susceptible to joining terrorist groups?

General WALDHAUSER. Ultimately, a secure and a stable and a prosperous Africa are in our national interests. You know, it's interesting, of the youth bulge inside Africa, a significant number of children under the age of 14—eventually, if you want to get at the conditions of radicalism, you have to provide a strong economic status so they can have jobs and so forth. It is a huge part of the overall effort, and it's in our interest to have economic growth on the continent that will allow jobs and allow a different path for many of these youth who get swayed by money and jobs and so forth by joining groups such as Boko Haram.

Senator GILLIBRAND. Thank you.

Chairman MCCAIN. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I'm not very alert today after staying up very late last night watching Oklahoma State University devastate Arizona in the final four.

[Laughter.]

Chairman MCCAIN. The Senator is out of order.

[Laughter.]

Senator INHOFE. The Chairman brought up—some of the problems in Libya. I was glad that Senator Gillibrand talked about some of the sub-Sahara Africa problems with Boko Haram in Nigeria and al Shabaab in Somalia. My concern is this. When AFRICOM was set up, AFRICOM wasn't really dedicated the resources other commands are. You're dependent upon CENTCOM, EUCOM [U.S. European Command], and others in order to take care of the problems you had. Now, with all of these things coming up now that we didn't anticipate, how are you handling that part? How are you handling your resources, your manpower?

General WALDHAUSER. Senator, if confirmed, I think one of my big responsibilities is to evaluate situations such as in Nigeria and Boko Haram, where we are with al Shabaab, what's going on with AQIM [al Queda in the Islamic Maghreb] in Mali, is to evaluate those situations and then advocate for the resources necessary to contribute to whatever the mission may be for them. As I said, AFRICOM is an economy-of-force effort, but it's my job to advocate when I have a clear—

Senator INHOFE. You can advocate all you want, but the resources are not there as we've learned to expect in the past. That's the big problem that we have with this happening all over the world. My question, I guess, is, have you found there's enough left over for you when you do advocate for them?

General WALDHAUSER. If confirmed—and I'll have to look into what is—what we still have to do. We have some shortages in ISR.

Senator INHOFE. Okay.

General WALDHAUSER. We have shortages in personnel recovery aircraft and the like, because of other size of the continent. I know those two are definite places where we need to—

Senator INHOFE. As I mentioned to you before, two of the things that I think are very successful in Africa are, number one, the train-and-equip program, and, number two, the IMET [International Military Education and Training] program. Now we're looking in the future, when we talk about the IMET program, anticipating that if we don't do it, we know who is going to be doing it. Are they still going along with those two programs, in spite of the competition that's out there?

General WALDHAUSER. It's my understanding that the programs you mentioned, along with others, such as the 1208 program, are going well.

Senator INHOFE. Yeah. Thank you.

General Lengyel, the concern that we have—and we've heard it in this—we've had several hearings talking about the Active Air Force. During the readiness hearing in March, they talked about the manning shortfalls in the critical career field, including Air Force pilots. The fact that we're currently over 640 pilots short of their requirement—now, we're talking about Active now—and all these things that they're talking about, they cost some \$9 million, we determined, to take someone off the street and train them to the F-22 level, while we're talking about retention bonuses around \$225,000. Now, these are serious problems with the Active component. How do you rank these with the Reserve component?

General LENGYEL. Senator, it's cyclical. When airlines begin to hire, it begins to be more difficult to retain pilots. The good news for the National Guard is, you can be an airline pilot and a pilot in the unit. What's important for us is to watch and maintain the frequency and the predictability of our rotational deployments. If we do that, you know, we're going to be able to be just fine. It is a problem. It's particularly a problem in our full-time force. To retain the full-time instructor pilot cadres is challenging for us. But, it's something that we have to work on constantly.

Senator INHOFE. Yeah. What percentage of your pilots come from Active?

General LENGYEL. Sir, if I told you, I'd be guessing. I mean, I'm guessing probably half, maybe a little more than that. I was a former Active Duty pilot, myself. A lot of pilots come from the Active component when they transition to the commercial airlines and then follow on with—

Senator INHOFE. Now, see, that is a problem, too, because that exacerbates the problem of the Active units. That's something that we're very much concerned about.

The last thing I wanted to mention was the activity of the Chinese in Africa, General Waldhauser. We have observed for a long period of time what China is doing there. They come in, they do huge projects. They're even talking about that long railroad project that goes all the way from south to north. But, when they do this, they don't hire Africans, they're bringing their own people in. It appears to me, from my activity down there, the saying in Africa is that United States tells them what they need, and then China gives them what they need, but they're not doing this out of the kindness of their heart. Do you see that threat continuing as it has in the last 10 years that I know of?

General WALDHAUSER. Senator, I do. China's interests are markets and minerals. We hire locals, for example, in Djibouti at our facility there. We hire Djiboutians, but the Chinese do not.

Senator INHOFE. Yeah. That's correct.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Reed.

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

I apologize, gentlemen, for leaving briefly.

General Waldhauser, the issue in Libya is critical. There are two elements that have been discussed publicly as part of an overall approach. One would be a targeted air campaign against ISIL and its infrastructure. We've conducted sporadic air operations against them. The second would be an international training program in order to provide these militias with basic skills and also impress upon them the need to be supportive of the government, not destructive. Can you comment on these two approaches?

General WALDHAUSER. Senator, I can say two things. First, as you indicated, we have struck in Libya in the past—I believe, three times in the last year—if the target was imminent and against our interests. We've done that.

With regards to the militias, one of the significant challenges is, in some way, to unite all those militias under the GNA. That's a significant problem. I know, at the present time, working with our partners and allies in the region, the Libyan International Assist Mission, for example, with Italy and the U.K. [United Kingdom], those discussions are ongoing. If confirmed, I will certainly become more aware of what's going on there and work with those individuals to help try to train these militias and, in some way, try to unify them behind then GNA.

Senator REED. This is one area of the world where some of our allies have much longer contacts, both personal, economic—I think of the Italians, who basically occupied the area for a number of years. Do you find that they're in a position to be more proactive, effective, or in a leadership role because of these historic connections?

General WALDHAUSER. Senator, from my studying for this appointment, it appears to me that the Italians are involved. They're involved in Operation Sophie, which is on the Mediterranean Sea, to try to intercept weapons as well as refugees moving from the coast into the Mediterranean. Additionally, they have indicated to be a key player, if not the lead, in the Libyan International Assist Mission, where, once requested by the government, that they would come in and do training and advising in that capacity. They would be the leader in that, and provide the bulk of forces.

Senator REED. General, in response to both, I think, Senator Inhofe, Senator Gillibrand, you underscore a point that I would raise, which is, of all the COCOMs [Combatant Commands], you're the one who determines the most on non-DOD resources to accomplish a mission. Maybe SOCOM would be in the same category. State, AID, CDC, economic entities that are making investments. Is that your perspective as you go into this job?

General WALDHAUSER. Senator, building capacity with the militaries and the governments inside the continent is a huge part of what we do. I would say that the terrorism issues that we've talked

about here this morning are certainly number one. But, meanwhile, have to continue to build partnership capacity, bring these militaries up to a level not only of tactical competence, but ethics on the battlefield, respect for the rule of law. That needs to be part of the training, as well. Yes, partnerships and capacity-building are a big part of what AFRICOM does.

Senator REED. Is the direct capacity-building with military-to-military, but then trying to reach out to the population with a positive message to dissuade young people from embracing some of this radicalism, that's a State Department function, AID function, but that's something that's critical to your mission?

General WALDHAUSER. Yes, Senator, it is. In fact, we have a program that we work with our National Guard partners. It's called the State Partnership Program. I think there's about a dozen States who have partnerships with Africa. For example, in Djibouti, the State of Kentucky has a relationship with them. They have all kind of engagements, where, not only military activity is certainly on the skyline, but just the ability to—for government and just educational exchanges—things like that are a big part of what we do, and they will get at these conditions that will hopefully in the future assuage people from trying to become radicalized.

Senator REED. Thank you.

General Lengyel, again, I commend you for your service and for your commitment. You're superbly prepared, since you've been doing a lot of this work for the last several years. One of the issues is the constant sort of coordination between Department of Defense and 54 adjutant generals. You might have the job with the most forces in Washington, I don't know, but you're probably close to the top. Can you comment upon your approach and what are some of the issues you think are most significant between this group of State officers and DOD?

General LENGYEL. Yes, sir. I think the 54 adjutant generals do amazing things in their States. They organize, train, and equip their forces to be ready for the warfight. We have proven, for the past 15 years, they are doing a fantastic job. Last year, they had half a million man days of guardsmen doing things in their States for their governors. We need to make sure that they are equipped and ready to do that. All of that readiness flows from their warfight business.

My job, as the conduit of communication to the Department, to this body, is to know what they think, know what they need, kind of blend all of that together with the lens of the national picture of the whole National Guard, and make my best military advice to my bosses and to this Committee. Constant communication, a full awareness of their requirements and their needs, and then blending that together to solidify the advice to both the Service Secretaries and to this body.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Ernst.

Senator ERNST. Thank you, Mr. Chair.

Gentlemen, thank you for being here today. I want to especially thank your families, as well, for your love and support through your wonderful careers.

I'm going to start with you, General Lengyel, and thank you so much. I enjoyed sitting down with you and visiting, the other day, and excited about the opportunities that you have ahead of you.

As you know, over the past year, there have been a number of States—I know this is something that Senator Cotton has wrestled with, as well, in Iowa, as well—who are facing issues in maintaining our nominal lease rates with our civilian airports that house Air National Guard units. Currently in Des Moines, at their airport, their 24-month conditional compliance period is coming to an end this August. If we don't have this issue resolved by then, the 193rd Iowa Air National Guard Wing, they may be faced with paying the full lease for the area that they occupy, which would severely disrupt their ISR mission and would further strain our DOD budget. Can you commit to me today that you will personally look into this issue and do all you can to resolve it in order to end the disruption to our Air National Guard units?

General LENGYEL. Yes, Senator. If confirmed, I commit to do that.

Senator ERNST. Thank you very much.

On a totally different topic, but one that is very, very important to us, in April, the Army Times reported that the National Guard, over the past year, has seen a 23 percent increase in suicide rates amongst its members. Can you give your perspective on why we are maybe seeing the increase in suicides amongst our members?

General LENGYEL. Senator, I wish I could give you a solution to stop this. So far, just this year, we've had 54 suicides, and we're on track to be over 100 again for another year. This is a problem that I don't think any glossy is going to solve, any program. This is a human interaction issue. We have put a lot of effort and resources into behavioral health to get the resources to the States, to the 54, in both the Air and the Army National Guard. We had a Health of the Force Initiative in October, where we made an effort to contact every single member of the Guard and find out if we could identify some of the risk factors—financial or drug abuse—jobs is an issue, where it increases stress on our guardsmen—men and women in the National Guard.

We continue to work this very hard. If confirmed, Senator, I'll continue to make it among my highest priorities to have a culture inside the National Guard where these men and women who are having these issues, who choose, you know, suicide, we can identify it, that reach out is a sign of strength, that we can get the resources to them, both in our communities and those offered by the Department, and things like the Jason Sexton Act that gives them a yearly psychological health evaluation—all of these things come together to help us combat this. But, it's a problem, not just in the Army Guard; it is in the Air Guard and in society, as well.

Senator ERNST. Correct. We lose 22 veterans—from the VA's [Department of Veterans Affairs] numbers, 22 veterans every day to suicide. That's unacceptable. Thank you for your commitment in that area. I look forward to working with you on those issues, as well.

Finally, for both of you gentlemen, we were visiting about the State Partnership Program a little bit earlier, General, and this is something that is extremely important to me. Iowa is partnered with the Republic of Kosovo. We have a very strong partnership there. I've engaged with a number of exchanges in Iowa with our Kosovar brothers and sisters. If you could, please, talk a little bit more about the State Partnership Program. We currently have 76 nations around the globe that are engaged in the Partnership Program. If we could start with you, General, please, and just talk a little bit about the importance and significance of this.

General LENGUEL. Yes, Senator. It is a fabulous program, really coming into its own as seen for the strategy tool that it is. It is a tool for the long game. It is a tool that builds relationships, trust, and the ability to have interaction with these countries for the long term. It's relatively low cost. It's a program that does five to seven events with five to seven people five to seven times a year. These people can go from major to major to general over the course of 20 years and still know each other and still trust each other and still be able to communicate. In many, many cases, we have seen that pay off in spades, over the last year, particularly, with our older partnerships in Europe. Kosovo is a great example of that. The trust and ability to assure and to tour forces in the region is something the State Partnership, too, can contribute to immensely.

Senator ERNST. Outstanding.

General Waldhauser, do you have any parting comments?

General WALDHAUSER. Senator, just briefly to add. The State Partnership Program in AFRICOM, which is a economy-of-force theater, is a huge combat multiplier. The impact of what goes on goes far beyond the military piece. Those individuals are usually leaders within those countries and so on, so they will be able to touch many people in those countries. In sum, it's a very, very important part, for us. It helps us significantly.

Senator ERNST. Thank you, gentlemen, very much. Again, thanks to your families for being here, as well.

Thank you, Mr. Chair.

Chairman MCCAIN. Senator Shaheen.

Senator SHAHEEN. Thank you both for being here this morning, for your service to this country, and for your willingness to take on these new responsibilities. Thank you, to your families, for being here, as well.

General Lengyel, I would like to begin with you, because, as you know, the National Guard is very important, not just to the overall force structure of our military, but to individual States. In the State of New Hampshire, it's very important to help us address, not just storms and emergencies when they happen, but also ongoing challenges that we face. In New Hampshire, we have a huge epidemic from heroin and opioid abuse. One of the areas that the Guard has been helpful with is the National Guard Counter-Drug Program, where they have provided military analysis to our local law enforcement. I know one of the challenges that they've experienced and that we would like to address is consistent funding for that program, and being able to rely on consistent funding for the program. I had General Reddel tell me that it takes 2 years to train an analyst, and yet the funding is only there, at least in the

last several years, for 1 year. Can you talk about how important that consistent funding is to programs like the National Guard's Counter-Drug Program?

General LENGYEL. Yes, Senator. We have, in the National Guard today, a little over 3,000 soldiers and airmen who are participating with law enforcement as partners with our communities using their unique military skillsets in concert with law enforcement to deter and detect and disrupt the flow of illicit drugs in the country. Every State has a need for this. It costs us about \$200 million a year to provide this current level of support, and another \$20 million on top of that to provide the five schools, where we provide training for combating counterdrugs, that we have some unique law enforcement skillsets that we actually train in five separate schoolhouses.

When the funding is unstable, it disrupts our ability to commit these forces to local communities, to law enforcement partners, and, more importantly than that, to me, is, it disrupts our ability to take care of the people who are doing these missions. These people have lives to live, and they need to know, "Hey, do I need to go find another job, or is this important counterdrug activity going to continue, going forward?" Stability in funding, I would just say, is important for the warfight readiness, it's important for the Homeland readiness, but it's very important to the people and to the mission of the Counter-Drug Program.

Senator SHAHEEN. Thank you. I know everybody on this Committee appreciates that, and hopefully we will be able to be more effective in making sure that funding can be counted on. I cannot overestimate how important that Counter-Drug Program is in helping us in New Hampshire and in other States address the drug challenges that we face. So, kudos to the Guard. Hopefully it will continue in a very robust way.

General Waldhauser, according to information that just came out yesterday from the United Nations Refugee Agency, the number of refugees worldwide is at an alltime high, over 65 million. About 1.1 million of those were people who have fled from Somalia, which is third behind Syria and Afghanistan. Many of those refugees are in Africa. Can you talk about how this displacement is affecting the role that you have and that you see you will have as head of AFRICOM?

General WALDHAUSER. Thank you, Senator.

Specifically in Somalia, there has been a large number of refugees that have crossed over the border into Kenya. That obviously puts a strain on their economy and their ability to provide services for those large numbers of people. Recently, Kenya has indicated they were going to release those back to Somalia. This is a significant issue, because, right now in Somalia, al Shabaab still continues to press. AMISOM [African Union Mission to Somalia], the United Nations mission inside Africa, continues to battle al Shabaab. In the past 6 months or so, there's been a little bit of a slowdown, so to speak, on the initiative from the forces that are provided to AMISOM. Countries such as Uganda, Burundi, Ethiopia, who provide these forces, they've taken a little bit of a backslide. Moreover, I guess the point I'm trying to get to is that, inside Somalia, the government needs to move in a positive direction, and

the armed forces of Somalia, which is what AMISOM is to transition to, needs to move forward, as well.

If confirmed, one of the first things I will do is take a look at the situation inside Somalia so we can get that movement back on track. Because the refugee problem that you indicated will only compound the issues inside that country.

Senator SHAHEEN. My time is up, but can I just ask, is there any way to get Kenya to delay their effort to shut down those refugee camps immediately?

General WALDHAUSER. Senator, I'm not aware of that, but there certainly would be some assistance required from our government—State Department, for example—to assist that. That certainly would be a big positive.

Senator SHAHEEN. Thank you.

Chairman MCCAIN. Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thanks, to both of you, for your willingness to serve in these difficult positions. I'm grateful to you for your families and the support they've provided you. I'm also grateful that both of you have taken the time to meet with me prior to this meeting.

General LENGUEL, I'd like to start with you. As we previously discussed, earlier this year the National Commission on the Future of the Army made some recommendations to Congress and to the Pentagon. Among those recommendations was a suggestion that the Army retain four Apache battalions in the National Guard for the purpose of retaining greater wartime capacity and adding to the depth that we have. Then the National Commission on the Structure of the Air Force recommended, in 2014, that the Air Force should, "Maintain operational capacity and capability and reduce stress on the Active component by maintaining or increasing the end strength of the Reserve components, particularly in traditional part-time reservists and guardsmen, while increasing regular, periodic, and predictable use of the Air Force Reserve and Air National Guard."

These reports and these suggestions seem to indicate that there is a greater role for the National Guard to play in peacetime missions and in wartime missions, especially as the Department of Defense is trying to cope with budget constraints. What's your assessment of how the National Guard has integrated and associated with Active Services over the last 15 years? How have you seen that change? How do you think the Guard can be used in the near future to help mitigate against the difficult budgetary conditions in which the Department of Defense is operating?

General LENGUEL. Senator, I would start by saying, I'm a huge proponent for the operational use of the National Guard. On the Air Force side, I would tell you that we are embedded routinely, regularly deployed. The Air Force simply can't really do anything, continuous operations around the world or fight its war plans, without integrating Air National Guard force structure across all of their MDSs in any mission set that they do.

On the Army, the last 15 years of fighting wars has—American people have spent billions of dollars buying them good equipment, making them ready, making them training, giving the discipline of the force generation model, now the sustained readiness model that

is—got the Army National Guard a very capable force that I believe has excess capacity to provide more regular and routine deployments. As I have heard General Milley testify and discuss recently in past, his associating constructs of his Active components and Reserve components, in my view, is a very good thing that's going to increase the readiness of the force and the availability of the force. Right now, we have about 10,000 Army National Guard soldiers deployed around the world. For 10 years of war, we had, routinely, 60,000 forces deployed around the world.

In my view, there's excess capacity now to take formations and deploy them regularly, in concert with the Army, their requirements, the combatant commanders, that they could, one, build a more ready and robust force in the Army National Guard, and, two, perhaps take some pressure off the Army to help them build readiness, as the Air Force has used in there. I'm optimistic that the operational use of the National Guard is a good thing.

Senator LEE. Thank you. I tend to agree with that assessment.

General Waldhauser, tragically, practically every day, it seems, we hear about various tragedies around the world attributed to the work of terrorists, whether the horrific news of what happened in Orlando, Florida, on June 12th, or the violence of Boko Haram that seems incessant in Nigeria, Cameroon, and Niger. What do you believe are the actual threats to our national security interests emanating from Africa? How will you work to differentiate between actual threats to our national security and unfortunate situations that all too often happen on that continent, but perhaps could be said, realistically, not to have a direct impact on our national security?

General WALDHAUSER. Senator, it's important for our national security interests that we have a secure, a safe, and a prosperous Africa. For example, although Boko Haram would be considered, in my view, a regional threat, just like AQIM in Mali, they have shown signs of going after Western interests in other countries in the western part of Africa. For example, on the Ivory Coast, this past summer, shooting up of about a dozen or so people who were on the beach, the hotel inside Mali. They do go and try to make spectacular attacks, where Western interests are on the continent, because their objective, certainly Boko Haram's objective, is to have their own state inside Nigeria.

The bottom line is, it's important for us to disrupt those activities, to make sure we contain those in the countries they're in so they don't spread throughout the continent, don't spread, for example, from Libya up into the Mediterranean and into the southern Europe, and ultimately don't spread to our Homeland. We have a significant interest in making sure we keep it that way.

Senator LEE. Thank you, General.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator King.

Senator KING. Thank you, Mr. Chairman.

General Lengyel, I want to pick up on some of the comments that you've just made, and also in your introductory comment about an integrated force structure, more regular and routine deployments. I think you gave a figure in your opening statement, of a-thousand-and-some deployments in recent years. Are we reaching a point

where there's going to be a strain on the relationship between the Guard and private employers if—if the Guard—I mean, clearly, our strategy has changed over recent years—if the Guard is really, as you say, an integrated part of the force structure, do we create a potential problem of diminishing support from the employer community around the country as we see more and more and more frequent deployments?

General LENGYEL. Senator, our business model in the National Guard doesn't work without the employers and our members, where the preponderance of their compensation comes from some other source besides the government. It absolutely is crucial that that works.

Employers have been remarkably supportive since we've been at war more than 15 years. The key to that, I've found, I think, is, we have to keep the deployments predictable. We have to make the deployments work in accordance—and I'll give you an example. For airline pilots, for instance, and which I was one, we were able to shorten deployments to such a length that they didn't lose training qualifications when they came back and had to be paid for to re-qualify. When it makes sense, we allow the deployments to work, unless there's an operational need, which obviously would take precedence.

Senator KING. You're sensitive to this issue of trying to work with employers?

General LENGYEL. Very sensitive. We are very sensitive to this issue, sir. We're concerned. For instance, in the Air Force, the tanker bases—and you have one in your State—

Senator KING. I was going to mention—I was going to get to that.

General LENGYEL.—that has a—an extremely—I mean, that is one of the highest—currently, most highly utilized MBSs in the Air Force. It is less than 1-to-4 deployment-to-dwell ratio. We have to be very careful when we use that. We look for volunteers and cross-leveling unit-to-unit. The Air Force has allowed us flexibility to maintain that so that it does work for the members and for the employers.

Senator KING. With regard to the 101st in Bangor, will you have a role in the recapitalization in the KC-46 allocations? What's your role in that?

General LENGYEL. Sir, the process to do the basing is an Air Force process with which the National Guard obviously is a full and transparent participant in the process.

Senator KING. General Waldhauser, you mentioned, early on, a key word: stability. We had a meeting recently with a high-ranking official from one of the Middle Eastern countries who said the same thing, that the best bulwark against terrorism is stability. But, it seems to me, in Africa, what you're really talking about is an all-of-government kind of approach, because you're really talking about trying to build stability as a national security concern, but that can't simply be the role of the military. How do you see your role in coordinating with other areas of the Government and other governments in trying to build that essential bulwark against terrorism?

General WALDHAUSER. Senator, it's important that AFRICOM works with State Department, USAID [U.S. Agency for Inter-

national Development], and our international partners to create an environment where we can have a stable Africa. Some people say that, as the planet is getting smaller, AFRICOM is getting larger. There are some studies out there that show, by 2050, one in four people on the planet will be in Africa. The scale and the scope of some of the issues that we see today certainly could be magnified significantly.

Senator KING. The seeds of a catastrophe are in place, in terms of corruption, lack of economic growth, all of those kinds of elements. That's why, it seems to me, prevention should be a big part of the mission.

General WALDHAUSER. You're right, Senator. One of the things that we do, on the military side, for training is not only emphasize the tactical competence of the forces that we train with, but the respect for the rule of law, ethics on the battlefield, and the like, to try to have more of a larger effect than just the tactical training.

Senator KING. I think our mil-to-mil training, which I've seen in other parts of the world, is one of the best things that we do, in terms of not only the training, itself, but the inculcation of those values that you just mentioned. I hope that's going to be an important part of your mission.

General WALDHAUSER. It is a big, important part, Senator, not only for Special Operations Forces, but for general-purpose forces, as well, who can contribute in that mission.

Senator KING. Couple of quick questions about Libya. Does the GNA have popular support? Big question.

General WALDHAUSER. Senator, in my view, it's too early to tell. I mean, that's the whole purpose, right now, of the GNA, to try to rally support, to try to get these coalitions to pledge allegiance to the government. But, at the moment, it's too early to tell.

Senator KING. Does the GNA control the military and the police forces?

General WALDHAUSER. Senator, to my knowledge, I would not use the word "control". I think, at the moment, these militias, it seems to me, appear to be working in the direction that Saraj would like to go. But, I would, at this point and with my—and, if confirmed, I'll look into this—but, I would not use the word "control" for the GNA over the militias.

Senator KING. But, ultimately, that's going to have to happen if they're going to control the territory.

General WALDHAUSER. Ultimately, it will have to happen, because you won't have a secure and working government unless they have control of a military, and, in this case, numerous militias across that country.

Senator KING. Thank you, General.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chair.

Gentlemen, thank you both for being here. Congratulations to your family and for you all being recognized for your past service and leadership. I look forward to supporting your nominations.

I have a couple of questions. General Lengyel, I think I'll start with you. Back when I was in the State House in North Carolina, I spent a lot of time with our National Guard and went to a lot

of locations where their facilities were in serious need of upfit. We started a process about 3 years ago, 2 years ago, that ultimately culminated in a \$75 million bond that was passed by the voters of North Carolina to start correcting things. Is that a pervasive problem among the States? What, in your new role, can you do to encourage the States to step in to make sure that these men and women who serve in the Reserve and Guards have the best facilities they can possibly have so they're ready to go?

General LENGUEL. Yes, sir, it is a problem. It's pervasive. As we've hit these tough fiscal times, we have taken risk in—one of the things we've done that is in infrastructure. Many of the States have armories and readiness centers that are old—50 years old, and they need to be relooked at. If confirmed, I'll work with States and with the National Guard to make sure, one, that we have them properly located and we can, you know, respond in the Homeland as we need to. It's important that we are dispersed—that's part of what we do here in the Homeland for the adjutants general—and use the funds we have wisely to fix them up.

Senator TILLIS. When you're confirmed, I look forward to working with you to at least do my part to work with the State leaders. I think that the vote on behalf of the North Carolinian voters is a real testament to how important we think the Guard is in North Carolina and to completing our overall mission for the country.

General Waldhauser, do you think, over the next 2 or 3 years, your part of the world is going to be safer or filled with more threats?

General WALDHAUSER. Senator, it's my job to try to make it more safer, but the threats there are significant. We've outlined them this morning. It's our effort, it's our job, to disrupt those terrorist networks. It's our job to make sure that we provide training so the countries—for example, Boko Haram, that we've talked about—that those countries have the capability and capacity to go after those security threats. That's the ultimate goal.

Senator TILLIS. But, even with your good work with your neighbor, CENTCOM, with us not really doing a good job of reducing the threats and activity there, and then the movement of ISIL into places like the Sinai, which I know is in CENTCOM, but it's in your backyard, isn't it logical to assume that you're probably going to deal with more threats if we don't get to a winning strategy, where the highest number of threats are today?

General WALDHAUSER. Senator, simply put, yes.

Senator TILLIS. Okay. I was recently on a CODEL—we talked about this briefly in the office, but I thought it's worth bringing up here—I was recently in a CODEL, stopped through in Spain, spoke with some folks down there that are basically the alternative to a MEU in your neck of the woods, to help you with any sort of crisis situation. I'm hearing now that they're going to cut some of their capacity to about half of what it is today. They're actually talking about bringing them back to North Carolina. If I was just advocating for something good for North Carolina, maybe I should be saying that's a good thing. But, I think they need to be out there to provide you with the capabilities you need in a time of crisis. Do you think, with the threat curve moving in this direction, that it makes sense for our capability curve to move in that direction?

General WALDHAUSER. Senator, the answer is no. However, I believe Chairman Dunford addressed that issue before this Committee, and there is some risk involved, but the reduction in those aircraft from 12 to 6 is something that has been looked at, and something that we think we can live with the risk, based on the mission set that that particular force has.

Senator TILLIS. That's what I love about you guys, because you're always going to try and complete the mission, even when we make it more difficult for you.

The last question, for both of you—and I think, General Lengyel, you were the one who was talking about needing certainty in funding streams—does sequestration represent any element of certainty whatsoever, or is it probably the single greatest threat to you being able to provide certainty?

General LENGYEL. Sir, sequestration would devastate the ability to generate forces and maintain readiness across the force.

Senator TILLIS. Thank you.

General Waldhauser?

General WALDHAUSER. Sir, I'd second the same, nothing additional to add.

Senator TILLIS. Thank you.

Look forward to supporting your nominations.

Chairman MCCAIN. Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank your families for all you have done for the country, as well, and to both of you.

I know Senator Ernst talked about this a little bit, but, General Lengyel, what kind of work did you do to improve mental health support and to reduce suicides during your time as Vice Chief of the National Guard?

General LENGYEL. Senator, I think, you know, we have raised this level of issue at every event that we have with senior leaders. It's a tragedy that we need to continue to work. I want to thank this Committee and you for the Jacob Sexton Act to give our ability to get the psychological health evaluations, to provide more psychological health providers in the States, to get the help to the people that we need. There's a lot of programs. The problem is making people aware and giving them access to all of the programs that exist. That has been an ongoing effort. If confirmed, I'll continue it.

Senator DONNELLY. Is the ability to make them aware of the programs they have, is that one of the top priorities that you have? How would you go about that?

General LENGYEL. We do it by making sure that the adjutant generals are aware, by getting the advocacy and the actual providers to actually go to the units. During when we have gatherings for the National Guard Association or large events, we have them come and provide awareness. It's a continual effort, Senator, to make sure that people are aware and they have access. We have some unique issues with the National Guard. We don't see people every day. We're dispersed all over the place. Some people are under-insured, some people have, you know, difficulty getting to places where TRICARE is accepted. TRICARE Reserve Select is a great benefit, but it's not accepted readily every place around the

country. All of those issues we continue to work, day in, day out, to get people the care they need. Overall, to stress that getting people to declare, and let them know that reaching out is a sign of strength. That's a continued theme throughout the National Guard.

Senator DONNELLY. As you look at this, are there other things on this end we can do? You know, as you look at this, you go, "Hey, I need help with this," or "I need help with that" to try to move the ball forward more in the area of mental health. Is there anything in particular that you can think of right now, or will you share that with us when you're in the office, that, after you take it, you don't hesitate to come back to us on?

General LENGYEL. Senator, if confirmed and if I become aware of something that I think this Committee can do to help, I'll raise it to you immediately.

Senator DONNELLY. Thank you.

I also want to ask you, how do you ensure that the opinions of the adjutant generals are heard and considered within the Joint Chiefs?

General LENGYEL. Senator, I think that's probably the most important thing I do as the Chief of the National Guard Bureau, is draw from them their needs, their requirements, their issues from the 54 States, realizing that they are interested and charged with the readiness of their National Guard inside their State. Then, as we do that and we participate inside the processes inside the Pentagon, I synthesize that into what I think is my best military advice to the Secretary of Defense on what to do with that. I think it's important that I talk to them all the time, assess their requirements, and convey them to the Department. I convey directly what they believe.

Senator DONNELLY. Thank you.

General Waldhauser, given the incredibly difficult situation in Libya and the spread of violent extremism throughout East and West Africa, what do you think is the biggest shortcoming we have in AFRICOM right now in dealing with this? What are the kind of things you're lining up to try to make sure we have more success?

General WALDHAUSER. Senator, I think one of the shortcomings we have at the moment is adequate ISR inside AFRICOM to help do things such as develop targets. As you know, a lot of the ISR is devoted to CENTCOM, and rightfully so. But, if we wanted to strike at various times, and we want to provide intelligence to the partner nations and let them do their job, then ISR would be something that would be a valuable addition.

Additionally, because of the size of the continent, the ability to have rescue of personnel and be able to pick up personnel is a difficult task. We talked earlier about the Special Purpose MAGTF in Spain, which has responsibilities on the western side of Africa. We also have a response force out of Djibouti, in eastern Africa, which does that there. It's better than it was, and we certainly have a capability, but, make no mistake, there are some risks there with regards to time and space.

Senator DONNELLY. What are the connections between ISIL and existing terror groups around the African region, such as Boko Haram, al Qaeda in the Islamic Maghreb, and al Shabaab?

General WALDHAUSER. Senator Boko Haram is interesting, in that about a year ago Boko Haram pledged its support to ISIL, but, over that time—you have different opinions as to how much influence ISIL has had on Boko Haram. They certainly have not given them a lot of financial assistance. The point being is that perhaps an improvement in tradecraft, in training, and the like.

Recently, this spring, several months ago, about half of Boko Haram broke off to a separate group because they were not happy with the amount of buy-in, if you will, from Boko Haram into the ISIL brand. Right now you have ISIL, who is trying to have Boko Haram reconcile those two groups. But, the point being is that Shekau, who is the original leader of Boko Haram, has not really fallen into line with what ISIL would like him to do. For example, he uses children as suicide bombers, he attacks other Muslims. He's been told by ISIL to stop doing that, but he has not done so. That's one of the reasons why this splinter group has broken off.

These relationships are very, very complex. Why ISIL wanted to, you know, sponsor, if you will, Boko Haram, there's interests on both sides of that. But, the bottom line for Boko Haram is, it's still questionable as to how much influence exactly they've had both back and forth with ISIL.

Senator DONNELLY. Thank you. Thank you both.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

Thank you, gentlemen, for your years of service, decades of service. Congratulations to you and your family on the nomination.

General Lengyel, I want to talk about the National Guard's role in the Arctic. You may have seen a report, over the weekend, that the Russians launched, with much fanfare, one of their newest massive icebreakers, nuclear-powered. They have 40. They're building 13 more. Even the Secretary of Defense said this is a very strategic region of the Nation for the United States, because of transportation, commerce, natural resources, but we're late to the game. What role do you see the National Guard playing to help defend U.S. interests in this part of the world where we're way behind some of the potential adversaries that we see in the region?

General LENGYEL. Senator, I think the National Guard, the Army and the Air, will play the same role inside their Services, inside the Air Force and inside the Army, that we do in all the rest of the U.S. Northern Command [NORTHCOM] AOR.

Senator SULLIVAN. Do you see that as a strategically important region?

General LENGYEL. I do. I do. There's lots of National Guard folks doing very important missions up there. We have, obviously, the rescue operation for the Alaska Air National Guard, which can be critical in the Arctic when they start using that transportation corridor more often. Ballistic missile defense and ballistic early warning radar systems at Greeley and Clear, Alaska, hugely important National Guard missions directly related to national security.

Senator SULLIVAN. Let me turn to the issue that General Goldfein was talking about during his confirmation hearing last week, and that's the F-35 maintainer shortage. Senator Heinrich and I actually had an amendment in the NDAA that had the Air

Force looking at how to address that shortage. What role do you see the Guard or the Reserves playing with regard to try and have Active or Reserve or Guard personnel addressing that, as opposed to contractors?

General LENGYEL. Sir, the Air National Guard is so integrated with the United States Air Force, we're in every issue. I mean, in every platform, we're being recapitalized. We have all the same issues to train our maintainers to fly our airplanes. We've actually moved the upgrade of the—for Burlington, Vermont, unit up a little bit to assist the Air Force with maintainer issues that they're trying to grow. I think that we're fully integrated with the Air Force. If we can help them do maintainers, maintenance is a skillset in the National Guard that is strong. We have experienced maintainers maintain platforms for a long time. If we can help the Air Force with the F-35 or any other platform, we'll do it.

Senator SULLIVAN. Let me just turn to the issue—in Alaska, the Guard is obviously very integrated into all our Active and Reserve military operations. We are becoming, rapidly, the hub air combat power for the Asia-Pacific, with 100 fifth-generation fighters that are going to be located in Alaska. Over 100. C-17s, C-130s, KC-135s, three red-flag exercises, 24/7 alert missions, intercepting Russian bombers, you know, on a weekly basis now. A lot of this, as you know, General, is integrated Guard, Reserve, and Active forces.

Senator King mentioned the KC-46. We think there's a lot of strategic value of giving a hard look at Alaska with regard to that base, and given that we are the hub air combat power in so many ways. Can I get your commitment, if confirmed, to come to Alaska and take a hard look at these issues and how they might relate to the basing decision of the KC-46?

General LENGYEL. Absolutely, Senator.

Senator SULLIVAN. And then, finally, I wanted to just mention—

Chairman MCCAIN. That be in the summer, hopefully?

[Laughter.]

Senator SULLIVAN. You can go to Arizona in the summer.

In the NDAA, we had an amendment that talked about giving the Guard leadership the discretion to lift, on a case-by-case basis, the reimbursement cap for travel of Guard members in rural areas to be able to travel to their destination for training. As you know, right now the cap is \$300, and, for a lot of different Reserve and Guard members in different States, that can be just a fraction of the costs they actually have to incur just to go train. I just was wondering if you'd seen that amendment, and how you think that could help with regard to recruitment and training in different rural parts of the country, particularly as it relates to getting some of these young men and women who are in rural areas, who are great, great members of the military, but often can't afford to go do the Reserve duty because the costs are so prohibitive. Do you see that as a positive development, where your leadership will have that discretion on a case-by-case basis to lift that, in terms of recruitment and retention?

General LENGYEL. Yes, Senator, I do. I see the Alaska environment as distinctly unique. I mean, it is absolutely—

Senator SULLIVAN. It's not just Alaska, though. This is the—

General LENGYEL. Right. Right.

Senator SULLIVAN.—this is California—

General LENGYEL. I know. But, you have places where they don't have roads, and you have people who want to serve, and so, yes, I do see it as a very positive development, which I would support.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

Thank you both, you and your families, for your service.

General Lengyel, I wanted to express my continued support for Eagle Vision. I have been working with Senator Graham to ensure that the Air Force continues to keep the system updated and operating. As you know, we have a unit with the Hawaii Air National Guard. Should you be confirmed, I hope that you will work with the Chief of Staff of the Air Force and the Air Force leadership to also continue to support the system which provides invaluable support in domestic disaster relief operations as well as for international efforts with our friends and allies. I would like to see more stability with this program so that, year after year, we're not worrying about moving this out of Hawaii as one of the places where Eagle Vision operates.

I wanted to turn to cyber. Some other of my colleagues have asked questions relating to this area. General Lengyel, the cyber capabilities of our country are more important than ever. I know the National Guard Bureau is working to stand up new cyber units or teams in the future. With the rebalance to the Indo-Asia-Pacific, with the State's critical infrastructure on Oahu supporting PACOM [U.S. Pacific Command], Pacific PACAF [Pacific Air Forces], as well as the National Guard and NSA [the National Security Agency], which has a really big presence on Oahu, I hope that, as you consider new locations for cyber protection teams, that Hawaii be given full consideration with the assets that need to be protected against growing cyberthreats.

With this big focus on cyber and the deep private-sector skills current and future Air National Guard airmen can bring to this field, what is the Air National Guard Air Force team doing, in terms of recruiting new personnel as well as to get our more technically capable Air National Guard airmen into cyber missions? How are you integrating cyber throughout the total force and increasing Air Force and Air National Guard cyber capabilities?

General LENGYEL. Yes, Senator. With respect to the Air National Guard, as I mentioned, we have 15 units, and we are in the process—we have about half of those built, actually manned and trained and operating, and the remainder to be finished and operational by the end of fiscal year 2018. That's currently the plan.

How do we get these people? We get them from various different places. We actually have become, like the Reserve component is for all missions, a receptacle to capture the people who are actually leaving the Active component who still want to serve. We can't compete with military salaries with what these people can make on the outside, but many still want to serve, and they can do that in the Guard and Reserve. We're getting some there. We're also looking to try and find equivalency so that we can bring people in who

have civilian skillsets that are already trained in the IT enterprise, to use them to come in and bring them quicker and save training slots to get the school.

As I say, we're working hard to continue to build this enterprise. I understand Hawaii has a lot of cyber mission and capacity out there. As we look to build more, perhaps after 2018, once the current cyber mission force is built, we'll look to do that.

Senator HIRONO. I iterate the programs and entities that we have in Hawaii because, as you continue to set up more of these cyber teams with all of the assets we have there, not to mention Pacific Command there, and NSA, I'd really like to ensure that Hawaii be given every consideration for a team.

For both of you, I'm glad that a number of my colleagues have talked about the importance of the State Partnership Program. I just want to iterate my support for that program.

For General Waldhauser, I want to turn to China and Russia in Africa. In his testimony in March, General Rodriguez mentioned that both China and Russia were seeking to expand their influence in Africa. In your advance policy questions, you addressed China's increasing influence and economic interests in Africa, as well. In your opinion, what is China's goal? How will the influence of China in the region impact our peacekeeping efforts? How concerned should we be with China's activities in Africa?

General WALDHAUSER. Senator, China's concerns in Africa are markets and minerals. I think, in the long term, from an economic perspective, as the African continent continues to grow, as we've described several times this morning, markets are very important to China. Some will call the class that will eventually take hold inside Africa as a consumer class. China is interested in those markets.

With regards to peacekeeping, China does have peacekeepers inside the continent. South Sudan, for example. Moreover, China is building a facility in Djibouti. They're not in competition for us militarily, but economically is where they're trying to go.

The Russians sell a lot of arms. The Chinese sell a lot of arms inside of Africa, because no strings attached and the prices are usually very small. It's Russia who probably supplies the most weapons. China is the second. Sometimes that may or may—and certainly with the Chinese, they don't come with any strings. There's no, you know, human rights issues or training and whatnot. That makes some of these countries—it makes China an attractive seller of weapons to them.

Senator HIRONO. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Graham.

Senator GRAHAM. Thank you both. I think you're great choices by the President. Congratulations.

General Lengyel, there are 105,000, I think, members of the Air Guard, and 335,000 members in the Army Guard. Is that enough?

General LENGYEL. Sir, at the end of this year, we'll have 342,000 in the Army National Guard and about 105,500 in the Air National Guard. Doing only enough to do—what is the question? And I mean the—

Senator GRAHAM. To deal with the threats we face as a Nation.

General LENGYEL. As you aggregate the threats, it becomes difficult to fight Korea and fight Russia and fight counterterrorism. The risk is high.

Senator GRAHAM. It's a high-risk number?

General LENGYEL. It is.

Senator GRAHAM. Okay. Let's say in 2021 sequestration hits. What will the numbers be? They go down or they go up?

General LENGYEL. They go down.

Senator GRAHAM. Is that even a higher risk?

General LENGYEL. Yes, sir.

Senator GRAHAM. Okay. Is the 105-day voluntary mobilization limitation statute—does that impede your ability to recruit, retain, and defend the Nation?

General LENGYEL. So, 1095 rule, Senator, is the rule there. If you have somebody who volunteers to be mobilized, they can do that for 1,095 days. Then you need a waiver.

Senator GRAHAM. 105 day—1,095—

General LENGYEL. 1,000—

Senator GRAHAM. Gotcha.

General LENGYEL. It's 3 years, essentially.

Senator GRAHAM. Yeah.

General LENGYEL. And so, yeah—

Senator GRAHAM. Do you need a waiver?

General LENGYEL. It is a problem because we have places where, in some of our higher-demand missions, like RPAs [remotely piloted aircraft] or the intelligence missions or those kinds of things—

Senator GRAHAM. Right.

General LENGYEL.—these are citizen soldiers who have volunteered to do these missions, as opposed to be involuntarily mobilized.

Senator GRAHAM. Could you send over a recommendation how to change that?

General LENGYEL. I would.

Senator GRAHAM. Okay, thank you.

General WALDHAUSER, Libya. Do we fly in Libya?

General WALDHAUSER. The answer is yes, if there is a target that is of imminent threat to the United States.

Senator GRAHAM. Okay. Is ISIL an imminent threat to the United States?

General WALDHAUSER. Yes.

Senator GRAHAM. Is ISIL in Libya?

General WALDHAUSER. Yes.

Senator GRAHAM. How many sorties have we flown in Libya?

General WALDHAUSER. To my knowledge, none at this time.

Senator GRAHAM. That makes no sense, then, does it?

General WALDHAUSER. It does not. What I can say, Senator, at this time, is there are targets that are being developed, but there have not been flights flown.

Senator GRAHAM. How many people do we have on the ground in Libya?

General WALDHAUSER. I don't have that answer. It's not a large number.

Senator GRAHAM. Do we need people on the ground in Libya?

General WALDHAUSER. Yes, we do.

Senator GRAHAM. Okay. Do you see any change in policy anytime in the near future?

General WALDHAUSER. I'm not aware of any of those discussions, Senator.

Senator GRAHAM. Does the buildup of ISIL and other related al Qaeda-type groups present a threat to our European allies?

General WALDHAUSER. Eventually, they could, yes.

Senator GRAHAM. Thank you. When it comes to Africa, what are the rules of engagement, in terms of targeting ISIL in Africa?

General WALDHAUSER. Senator, I believe the rules of engagement have to do with the presidential policy guidance. That's when these targets pop up, the three that I've mentioned that were hit in Libya this year, they fall under that criteria.

Senator GRAHAM. Okay. But, you don't have the authority to—without presidential direction, to go and find ISIL members in Africa and kill them?

General WALDHAUSER. Well, sir, if the question is, Do we have authority to take out targets? The AFRICOM Commander has some authority for various targets in Somalia, for example, with al Shabaab, but I'm not familiar with the details.

Senator GRAHAM. Do you have authority, as AFRICOM Commander, to go after ISIL targets in Africa on your own?

General WALDHAUSER. I do not.

Senator GRAHAM. Do you think that would be wise to have that authority?

General WALDHAUSER. It would be wise. It would certainly contribute to what we're trying to do inside Libya.

Senator GRAHAM. Is the war moving to Africa over time, do you think?

General WALDHAUSER. It could. It's possible. I mean, that's why ISIL is taking hold inside Sirte, to be kind of a backup if Iraq and Syria fail.

Senator GRAHAM. The ungoverned spaces in Africa are likely places for ISIL to flee to if we dislodge them from the traditional MidEast?

General WALDHAUSER. They're very likely. That's why instability inside Africa is to ISIL's advantage.

Senator GRAHAM. When you come to, say, ISR shortages, how severe is that for your command?

General WALDHAUSER. Senator, if confirmed, I'd have to look into that to be specific. I think, in the main, it goes without saying. I think it's common knowledge that AFRICOM's economy of theater, I think it's common knowledge that Africa could use more ISR. But, beyond that, I don't have the specifics.

Senator GRAHAM. Is it a fair statement, when it comes to radical Islamic threats emanating from Africa, we have a long way to go in upping our game?

General WALDHAUSER. We do. I mean, that's an away game. I know that you've mentioned before, we are fighting an away game in Africa to contain it on that continent.

Senator GRAHAM. I can't thank you enough. That's about as direct testimony as ever heard from this Committee. I look forward to supporting you both.

Thank you.

Chairman MCCAIN. Senator Heinrich.

Senator HEINRICH. Thank you, Mr. Chairman.

Lieutenant General Lengyel, in 2013 an estimated 26 pure metric tons of heroin were produced in Mexico. Most of that came into the United States directly across the southwestern border. I think the Chair can probably attest to that, as well. Tragically, in that same year, over 8,000 people died in the U.S. due to heroin overdose. Unfortunately, my home State of New Mexico had the second-highest rate of drug overdose deaths in the country that year.

New Mexico shares a 179-mile border with Mexico, and yet it is only provided enough funding for five National Guard personnel in the budget request to fight this epidemic, due to what I would call a failed resourcing model.

Do you think that the National Guard is prioritizing its counterdrug resources effectively? If confirmed, will you take a hard look at the resource allocations nationwide, particularly those along the southwest border, and consider adjustments to that model so that we can stop these drugs before they actually enter the country?

General LENGYEL. Senator, I can tell you that the counterdrug funding is dispersed through the threat-based resource model. I would tell you I'm 100 percent sure it's probably not 100 percent right. But, I think it is a process agreed upon by all of the 54 States, territories, and the District of Columbia, all of which, I think, also have a requirement for counterdrug funding. I can tell you that, if confirmed, I will look at this system and look at this process, and make my own personal determination as to whether or not it's the absolute best system that we have.

Senator HEINRICH. I would just urge you to do that. I think if you look at the hard numbers for all of the States, the reality is, if you can stop that influx before it gets to the States, it's much easier then to track it down once it's in the interior of the United States. I have real heartburn over the fact that, while we're dedicating enormous resources to the border in New Mexico, we are not even in the top half, and yet we have 179 miles of border. That is a very difficult thing to justify, I think.

I want to switch gears to the CV-22. The unique ability of the CV-22 to blend the vertical flight capabilities of a helicopter with speed and range and altitude and the endurance of a fixed-wing turboprop plane have made it an incredibly valuable asset to Air Force Special Operations Command (AFSOC). While AFSOC continues to utilize this capability, I think that the National Guard can equally benefit from this multimission aircraft. What value could the CV-22 bring to the Guard and its role, in particular, in things like natural disaster relief and emergency response?

General LENGYEL. Senator, I think the CV-22 is a great platform, for a multitude of reasons, and it has huge application in, not just the warfight, but for the National Guard here in the Homeland. It can go places far, quickly, carry people. I think there's a lot of good things about considering putting that platform in the National Guard.

Senator HEINRICH. You would support the Air Force's consideration of procuring additional CV-22s for attrition Reserve to supplement AFSOC's current fleet?

General LENGYEL. I absolutely would.

Senator HEINRICH. Great.

Lieutenant General Waldhauser, I want to shift gears to you for just a minute. You mentioned ISR. A couple of folks brought that up. If you could, knowing what you know now, and obviously not knowing all the details, but if you had more ISR resources, do you have thoughts for what would give you the most bang for the buck for the AFRICOM region?

General WALDHAUSER. I think what would give most bang for the buck would certainly be ISIL in Libya, and then also Boko Haram, to assist those countries from the Lake Chad Basin region and that multinational joint task force to taking on Boko Haram at this time.

Senator HEINRICH. You mentioned the splintering that seems to be going on in West Africa right now with those groups. Are there opportunities to use that splintering within Boko Haram or ISIL of West Africa, whatever you want to call it? Does that present any opportunities, in terms of pushing back the terrorist threat in West Africa?

General WALDHAUSER. Senator, I think there are opportunities, but there's also limitations. It appears that Shekau, who's the leader of the core Boko Haram group.

Senator HEINRICH. Right.

General WALDHAUSER.—he's not shown any significant interest to attack Western targets, certainly outside that region. So, that, in a sense, is good. Not that we should keep him there, but that's been his tendency.

Senator HEINRICH. Sure.

General WALDHAUSER. What concerns me is the breakoff group of Boko Haram who wants to be more ISIL-like, and, consequently, buy into the ISIL brand of attacking Western interests. That would concern me.

Senator HEINRICH. My time's expired. Thank you very much.

Chairman MCCAIN. Senator Kaine.

Senator KAINE. Thank you, Mr. Chair.

Thanks, to the witnesses. Congratulations on your nominations and your great service.

General Waldhauser, I want to ask you a couple of aspects about AFRICOM. First, Senator King talked to you about the value of our military training. I have felt, just as he has, that the training we do of foreign militaries, whether it's in their country or bringing foreign military leaders here, is one of the best bangs for the buck we get, in terms of building up strong relationships. I've been very interested in the extent of the mil-to-mil training that we do in AFRICOM. Could you just describe a little bit to the Committee some of the training that is currently taking place with the Special Purpose MAGTVs and others, and your thought about the value of that mil-to-mil training on the continent?

General WALDHAUSER. Senator, I think it's important, when we talk about mil-to-mil training, to think about it in terms of three levels. The tactical training probably is the easiest, so to speak—

how to shoot a weapon, how to conduct a patrol, how to issue an order. We can do that, and we can do that well. Moreover, our partners can do that, and do that well. Where we, as the United States, and where we, as the U.S. military, can make significant differences is at what I would call at the executive or operational level. For example, take a Service-level headquarters, those who would train, organize, and equip, and budget for forces are all part of this military training. Thirdly, I would say that, at the highly executive level, call it the OSD [Office of the Secretary of Defense]-Secretary of Defense level, we need to make sure that government understands what their role is, and how that military supports the government.

It's really three levels. It's the tactical level, which is the one that we all tend to think about, and the one that we do very well, but we also have to consider those other two levels, because that's all part of building an army in these countries.

Senator KAINE. I'm on the Foreign Relations Committee, and we often are interacting with our key diplomats who are posted abroad, including in Africa. They will often tell us that the demand by our African partners to have the U.S. engaged in training is huge. That speaks well, not only of the kind of training we do, but of the desire of these countries to really have the U.S. as a partner. Has that been your experience?

General WALDHAUSER. Senator, that's a great point, because there are many areas on the continent where the United States is welcome, they want us to come and train. We have to leverage that. Yes, we provide, I'm sure, the best military training, certainly at the tactical level, in the world. But, at the same time, it's a large continent, and we have other priorities. We need to help our partner nations be part of this overall effort. That's a big part of what we need to do, from the diplomatic perspective, is to get other nations to contribute. We can certainly lead and coordinate, but we need help from others, because the size and the scope and the scale on Africa is something that's sometimes difficult to imagine.

Senator KAINE. You also were in an interchange with Senator King about the countering violent extremism challenge before us, which is not purely a military challenge. You talked about the need to have strong partnership with organizations like USAID. I know this is a nomination hearing, you are not currently in the position, but I'd like you to talk a little bit more about your views of the value of USAID in anti-radicalization and countering violent extremism activities in Africa.

General WALDHAUSER. Senator, USAID is a combat multiplier, certainly on the continent of Africa. We have to be able to establish programs, educational programs that give the youth of the continent, which is, again, a youth bulge in the demographics of that continent—we have to give them a way ahead, a path, something to look forward to. That's something that we need to work closely with USAID, because that's a combat multiplier to what AFRICOM can bring to that continent.

And again, it's not only what we're doing today, but it's the future inside Africa. When you look at these population demographics, 25 years from now, 15 to 25 years from now, they are going to be multiplied significantly.

We are welcomed on the continent. These programs are well received. We have got to foster and advocate for them, because they will play, in my view, a huge part at getting at the conditions that will deal with the radicalization of these young men.

Senator Kaine. General Waldhauser, I attempted, in the markup of the NDAA, to offer an amendment that would have allowed DOD, upon approval by the SECDEF, to do some flexible transfer of funds to USAID to accomplish CVE [countering violent extremism] goals that the DOD viewed as more likely to be achieved by USAID than an internal DOD program. I was not able to get that pilot program added to the NDAA, but, it has gained the support of a number of folks—General Allen, Admiral Stavridis. I think the HASC Chairman on the other side, Representative Thornberry, saw its merit. I'm going to continue to advocate for it.

I think that one of the great aspects of AFRICOM, really since its formation, was the desire that it operate in kind of a whole-of-government approach, not a stovepiped approach. The CVE mission, we would all agree, is absolutely critical. We see the need for it every day. We ought to be using the funds that we devote to it in the manner that is most likely to be effective. I'm going to keep advocating for that.

Again, I appreciate both of you being here, and wish you the best.

General Waldhauser. Thank you.

Chairman McCain. There are many of us who think that funding should come out of the proper function, according to the appropriations process, rather than again dipping into what is clearly argued for defense. USAID is clearly a State Department program, not a Pentagon program. One of the biggest problems we have is the Willie Sutton syndrome that if you need money, just go into the defense account, because it's the largest.

General Lengyel, we've had very great success, in coordination on the border with the National Guard, carefully observing posse comitatus. But, there are many functions that the Guard, from all over America, has had on the Arizona border for training, for observation, for many ways of assistance. Frankly, in some ways, I see it kind of dying out. What's your view on that?

General Lengyel. Senator, we have done, in the past, a more robust training effort and more robust direct activity in support of—

Chairman McCain. Do you think, given the flood of manufactured heroin that's coming across our southern border, that we should make use of the talents that exist, the National Guard? And isn't it excellent training experience for them especially when the temperature is 120 on the border?

General Lengyel. Yes, sir. In many cases, it is excellent training. I would offer that, if confirmed, I could talk to the NORTHCOM Commander and Department of Homeland Security and see how we could best integrate our training activities into their plans to secure the border. I think there is more we could do, and I would be absolutely willing to do that.

Chairman McCain. Would you, for the purposes of the record, submit to the Committee a list of the areas that you think where the Guard could be utilized, again, with careful observation of the

posse comitatus, that we don't put armed National Guard on the border—whether we should or not is a subject of different discussion—but, for those measures that could be taken—for example, regular rotation out on the border amongst various State National Guard so we can supplement—we are short of Border Patrol, we are short of Customs agents. I'd appreciate it if you would submit, for the record, areas that the Committee could emphasize in our legislative efforts.

General LENGYEL. Yes, Senator.

[The information referred to follows:]

General LENGYEL.

BORDER SECURITY

- The National Guard continues to support the mission of the Department of Homeland Security along the Southwest Border (SWB), and is able to provide a broad range of capabilities to meet their requirements. The Southwest Border mission provides valuable training opportunities for the National Guard, which can be utilized to provide operational support to lead federal agencies in the following specific areas:
 - o Augment Border Patrol along the SWB with ground-based detection and monitoring, such as ground-based aerial surveillance radar and listening post/observation post missions
 - o Supplement Customs and Border Patrol (CBP) with Port of Entry
 - o Aerial detection and monitoring throughout the United States (air?to? ground surveillance in support of law enforcement counterdrug interdiction operations)
 - o Intelligence analysts and criminal analysts to High Intensity Drug Trafficking Areas (HIDTAs) in the U.S.
 - o Linguists
 - o Engineering, Logistics, and Maintenance technical skills

Chairman MCCAIN. Finally, General, I want to say that it's pretty obvious that the apple didn't fall very far from the tree. Your father and my other comrades that had the honor of serving have a very close and warm and loving relationship, as you know. I hope you'll give my best to your father and thank him for his service. I know that this is a very proud moment for him, to have you assuming this position of great responsibility. Please give him my best regards.

General LENGYEL. Yes, sir, I will, and he passes you his.

Chairman MCCAIN. Thank you.

There may be some questions for the record—for example, what I just said—but, we will try to move the nominations as quickly as possible so that we don't go into the July recess without acting on your nominations.

General Waldhauser, I want to thank you for your candor before the Committee. We look forward to working with you. I think that Senator Graham's questions clearly indicated that, at least as far as ISIL is concerned, Africa is their next target of opportunity. I think you're going to need a lot of help. We'll look forward to working closely with you as you assume these added responsibilities.

This hearing is adjourned.

[Whereupon, at 11:20 a.m., the hearing was adjourned.]

[Prepared questions submitted to Lieutenant General Thomas D. Waldhauser, USMC by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. First, The pace of global operations demand increased inter-agency synchronization, unity of command and an agile, responsive processes. Today's Joint Force can be better organized to meet the 21st Century spectrum of threats and integrate or execute operations to address global, transregional, and multi-domain threats. Second, we need to institutionalize practices that will facilitate the ability of the CJCS to offer best military advice to the Secretary of Defense and the President. Finally, while the Joint Officer Development process has been successful in producing quality leaders for the past three decades, refinement of the program is now needed. If confirmed, I look forward to continuing the discussion of this topic and other defense reforms with the Secretary and this Committee on these important considerations.

Question. In your view, what modifications to the Unified Command Plan, if any, would enhance the warfighting effectiveness of the Department of Defense?

Answer. Like the Secretary of Defense, I believe the Unified Command Plan's current alignment of geographic Combatant Commands is sound. I support the Secretary's recommendations to seek greater efficiencies by integrating functions across the Joint Staff, Combatant Commands and subordinate commands and eliminate redundancies wherever possible without losing capability. Any changes to the Unified Command Plan need to speed the strategic decision-making processes, but not to the detriment of our ability to work with our friends and allies or command and control our own forces.

DUTIES

Question. What is your understanding of the duties and functions of the Commander of U.S. Africa Command?

Answer. In my view, the most important requirement is to detect, deter and prevent attacks against the United States, its territories, possessions and bases and to employ appropriate force to defend the Nation should deterrence fail.

If confirmed, I take responsibility for carrying out AFRICOM's mission to, along with partners, disrupt and neutralize transnational threats, protect U.S. personnel and facilities, prevent and mitigate conflict, and build African partner defense capability and capacity in order to promote regional security, stability, and prosperity. The AFRICOM Commander is also responsible for the health, welfare and security of those 2,000 personnel stationed at AFRICOM's headquarters as well the over 6,600 servicemembers forward deployed in the AFRICOM area of responsibility.

If confirmed, I will ensure our approach is synchronized and focused, capitalizing on regional cooperation and close coordination with a host of partners. AFRICOM, along with our diplomatic, defense, and development partners will continue to help build African institutions capable of deterring the spread of extremism, protecting their populations, enabling economic prosperity, and expanding the rule of law and human rights.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. In my years of Military Service, I have served in numerous positions that have prepared me for this opportunity. For the greater part of my career I have focused on the training and readiness of marines in order to prepare them for the challenge and chaos of combat. Moreover, I have worked hard to build and foster command climates that value trust and respect. Having served in combat with our Joint and coalition partners I know firsthand what it takes to build teamwork and competence with military units from other services and nations. Serving in the dual-hatted position of Commanding General, I Marine Expeditionary Force and the Commander, U.S. Marine Corps Forces, Central Command I came to appreciate the value and challenge of training and working with coalition partners, numerous interagency elements, and non-governmental organizations. Recently as a member of the staff of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, I have gained experience and understanding on the ends, ways and means with regard to our National Security Strategy and how combatant commanders interact with the Secretary of Defense and Chairman of the Joint Chiefs of Staff. If confirmed I will draw on this knowledge and experience to ensure the missions

and tasks assigned to AFRICOM are accomplished in an efficient and professional manner.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Africa Command to the following offices:

The Secretary of Defense.

Answer. The Commander of AFRICOM is directly responsible to the Secretary of Defense and reports to the Secretary of Defense through the Chairman, Joint Chiefs of Staff.

Question. The Under Secretaries of Defense.

Answer. The Under Secretaries of Defense serve as principal staff assistants and advisors to the Secretary of Defense on all matters concerning their portfolios. As such, they are a valuable consul to combatant commanders and part of the overall decision-making process within the Department of Defense.

Question. The Assistant Secretary of Defense for International Security Affairs.

Answer. The Assistant Secretary of Defense for International Security Affairs is the principal advisor to the Undersecretary of Defense for Policy, providing advice on international security strategy and Department of Defense policy issues relating to the Europe, the Middle East, and African. If confirmed, I anticipate coordination between the Assistant Secretary's Office and the elements of the AFRICOM staff involved in security cooperation.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities.

Answer. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is the principal civilian advisor to the Secretary of Defense on special operations and low-intensity conflict matters. In addition to policy oversight, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict has policy oversight for strategic capabilities and force transformation and resources. If confirmed, I anticipate coordinating with this office on policy issues related to resourcing strategic capabilities.

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

Answer. The Chairman functions under the authority, direction, and control of the National Command Authority. The Chairman will transmit communications between the National Command Authority and AFRICOM Commander as well as oversee the activities of the commander as directed by the Secretary of Defense. As the principal military advisor to the President, the National Security Council, and the Secretary of Defense, the Chairman is a key conduit between a combatant commander, interagency organizations and the Service Chiefs.

The Vice Chairman serves on several councils and boards whose decisions affect AFRICOM including the Joint Requirements Oversight Council, the Defense Acquisition Board, the Defense Advisory Working Group, and the Senior Readiness Oversight Council. Interaction between the Commander of AFRICOM and Vice Chairman of the Joint Chiefs of Staff is important to ensure these boards and councils make informed choices on matters affecting the command.

The AFRICOM Commander keeps the Chairman informed on significant issues regarding the AFRICOM area of operations. The Commander communicates directly with the Chairman and Vice Chairman on a regular basis.

Question. The Service Secretaries and Service Chiefs.

Answer. The Service Secretaries are responsible for all affairs of their respective Services including the administration of and support for forces employed by AFRICOM. The Secretaries exercise administrative control through the Service Component Commands assigned to AFRICOM.

The Service Chiefs are responsible for ensuring the readiness of their Service branch. The Service Chiefs are also members of the Joint Chiefs of Staff and serve as advisers to the President, National Security Council, the Homeland Security Council and the Secretary of Defense. AFRICOM's Commander relies on the Service Chiefs to provide properly trained and equipped forces to accomplish AFRICOM's mission. If confirmed, I anticipate regular communications between AFRICOM and the Service Chiefs.

Question. Commander U.S. Special Operations Command & other Combatant Commands.

Answer. The Commander of the U.S. Special Operations Command is responsible for the administration and support of special operations forces assigned or attached to the AFRICOM Commander in Special Operations Command Africa. The AFRICOM Commander maintains a close relationship with the Commander, United States Special Operations Command on issues of mutual interest.

Question. Other combatant commanders.

Answer. The relationship among combatant commanders is characterized by coordinating mutual support, and close communication. These relationships are critical to the execution of the National Military Strategy. combatant commanders coordinate as necessary to accomplish all assigned missions. The AFRICOM Commander has a close relationship with the Commander, U.S. European Command and Commander, U.S. Central Command.

The relationship among combatant commanders is characterized by coordination and communication. Each Commander leads a Combatant Command and has a mission to accomplish, but all are on the same team. U.S. strategic priorities are not evenly divided among us, therefore neither are resources. The AFRICOM Commander has an especially close relationship with the Commander of U.S. European Command as some forces and assets are shared between the two.

Question. The respective U.S. Chiefs of Mission within the AFRICOM area of responsibility (AOR):

Answer. AFRICOM currently enjoys a very positive relationship with the Chiefs of Mission in the AFRICOM area of responsibility. As the President's representative, they have the weighty task of carrying out overarching U.S. foreign policy goals and strategic objectives. I recognize their scope of authority and if confirmed, would ensure all AFRICOM partner engagement compliments the Ambassador's priorities and diplomatic mission.

Question. The respective U.S. Senior Defense Officials/Defense Attachés (SDO/DATT):

Answer. The respective U.S. Senior Defense Officials/Defense Attachés are the combatant commanders senior representatives in a country and represent the Command's perspective on the Country Team. They are assigned to their respective embassies and work for the Chief of Mission. There is a supervisory relationship between the AFRICOM Commander and the U.S. Senior Defense Officials/Defense Attachés. The U.S. Senior Defense Officials/Defense Attachés are formally evaluated by the AFRICOM Commander. This relationship ensures the Senior Defense Officials/Defense Attachés maintain close coordination with AFRICOM on all matters involving U.S. military forces in the country. If confirmed, I will maintain a close working relationship with the U.S. Senior Defense Official in each country in order to coordinate activities between the command and the respective country's military, as well as between the Command and the State Department Country Teams led by the Ambassador to each country.

MAJOR CHALLENGES AND OPPORTUNITIES

Question. If confirmed, you will be responsible for all military operations in the region. In your view, what are the major challenges and opportunities that you would confront if you are confirmed?

Answer. A major challenge is effectively countering violent extremist organizations, especially the growth of al-Qaeda in the Islamic Maghreb, Boko Haram in Nigeria, al-Shabab in Somalia and ISIL in Libya.

Challenges in Africa include the underdeveloped governments and security forces across much of the continent, creating conditions which lead to endemic violence, mass migration, political instability, illicit trafficking, resource depletion, and the expansion of violent extremism.

Africa is a continent with huge potential for continued growth and development. If confirmed, I will pursue objectives that strengthen and professionalize African security institutions in order to reduce the risks of destabilization, radicalization, and persistent conflict to support our partners' aim to realize their potential as stable and prosperous members of the global community.

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

Answer. I understand AFRICOM's Theater Campaign Plan and, if confirmed, believe it will provide the basis for my plan to address challenges and opportunities in Africa. In the East, al Shabaab must be neutralized and operations to counter them transferred from the African Union Mission in Somalia to a Somalia-led operation. We must degrade violent extremism, such as IS-Libya, in the Sahel-Maghreb and contain instability in Libya. We must contain and degrade Boko Haram. In the Gulf of Guinea and Central Africa, AFRICOM is working to interdict illicit activity.

We must also work to build the peace-keeping and humanitarian and disaster-relief capacity of our African partners.

To do this, we must build defense institutions. AFRICOM strengthens partner capacity through Security Force Assistance which is the primary way to achieve success over time. AFRICOM will also continue to use multinational exercises, operations, engagements, and posture, presence and agreements to achieve our goals.

Question. What is your understanding of U.S. Strategic Objectives in Africa and what role do you believe AFRICOM should play in supporting these objectives?

Answer. AFRICOM's mission supports overall U.S. strategic objectives to (1) strengthen democratic institutions; (2) spur economic growth; (3) advance peace and security; and (4) promote opportunity and development.

AFRICOM's mission is to, along with partners, disrupt and neutralize transnational threats, protect U.S. personnel and facilities, prevent and mitigate conflict, and build African partner defense capability and capacity in order to promote regional security, stability, and prosperity.

AFRICOM's security force assistance efforts support the U.S. strategic objective to strengthen democratic institutions by promoting accountability, transparency, and responsiveness in security institutions. AFRICOM's efforts to build our partners' defense capabilities and increase maritime security promotes stability and helps create an environment for economic growth, a major U.S. strategic objective in Africa.

In support of the U.S. strategic objective to advance peace and security in Africa, AFRICOM conducts counter-violent extremist organizations operations and multinational training exercises with our partners to bolster the security sector. Building the peace-keeping and Humanitarian Assistance and Disaster Relief capacity of our partners is a stated major line of effort for AFRICOM which directly supports U.S. strategic objectives.

COUNTERTERRORISM PRIORITIES

Question. Within AFRICOM AOR, what do you consider the highest counterterrorism priorities?

Answer. AFRICOM's top counterterrorism priorities are neutralizing al-Shabaab and transitioning the campaign from the African Union Mission in Somalia to a Somali-led operation, degrading violent extremist organizations in the Sahel-Maghreb, such as IS-Libya, containing and degrading Boko Haram, and interdicting illicit trafficking that resources violent extremism. While each has not specifically targeted the United States, they have successfully carried out attacks on western interests and engaged in kidnapping.

Question. Given your current knowledge of AFRICOM programs, do you believe that Command's resource are aligned in a manner consistent with these counterterrorism priorities?

Answer. Yes. AFRICOM's Theater Campaign Plan identifies countering violent extremism as its number one key task and alignment of resources reflect its importance.

AL QAEDA IN THE LANDS OF THE ISLAMIC MAGHREB (AQIM)

Question. What is your assessment of the threat posed by al Qaeda in the Lands of the Islamic Maghreb (AQIM) to the region, the United States, and broader western interests?

Answer. Al Qaeda in the Lands of the Islamic Maghreb and its affiliates have the capability and intent to conduct attacks on western targets and pose a significant threat to U.S./western interests and regional stability. Notable recent western-frequented hotel attacks include: 20 November 2015 attack on Radisson Blu hotel in Bamako, Mali, killing 21, including one American citizen; 15 January 2016 attack on Hotel Splendid in Ouagadougou, Burkina Faso, killing 28, including one American citizen; and, 13 March 2016 attack multiple hotels and restaurants in Grand Bassam, Cote D'Ivoire, killing 16. Al Qaeda in the Lands of the Islamic Maghreb also conducts kidnappings against western and international targets. The group's ability to conduct attacks in Algeria and Tunisia has been degraded, but attacks in Mali and bordering countries will likely continue.

Question. In your view, does AQIM pose a threat to the United States and/or western interests outside of its immediate operational area? What capacity has AQIM demonstrated to plan and carry out actions threatening U.S. interests?

Answer. At this time, al Qaeda in the Lands of the Islamic Maghreb does not pose a threat to the U.S. Homeland, but al Qaeda in the Lands of the Islamic Maghreb will continue to conduct attacks and kidnappings against western and local interests in North and West Africa. Al Qaeda in the Lands of the Islamic Maghreb and its

affiliates have demonstrated the ability to attack outside of Mali, its primary operational area of focus, to include the attack in Ouagadougou in January 2016 and an attack on hotels in Cote D'Ivoire in March 2016. Al Qaeda in the Lands of the Islamic Maghreb's proposed next targets are Ghana and Togo, raising security concerns in those countries.

Question. What is your understanding of the extent to which AQIM has benefitted from the flow of arms from Libyan stockpiles since mid-2011—either in terms of arming itself or profiting from regional arms sales?

Answer. Al Qaeda in the Lands of the Islamic Maghreb's operational capability and regional influence benefitted from the outflow of Libyan weapons starting in mid-2011. Mali-based al Qaeda in the Lands of the Islamic Maghreb elements leveraged weapon outflows after the collapse of the Qaddahfi regime and through its contacts with smuggling networks across the Sahel. This acquisition of arms enabled it to seize and control northern Mali prior to the French counter-offensive in January 2012. In northern Africa, al Qaeda in the Lands of the Islamic Maghreb was less successful in using Libyan weapons to reinvigorate its capabilities due to consistent and effective Algerian security efforts.

Question. If confirmed, what efforts, if any, would you undertake to prevent and/or counter the spread of AQIM operations, fundraising activities, and ideology in North and West Africa?

Answer. AFRICOM is and will continue to work to degrade violent extremist organizations across the Sahel-Maghreb. Crucially, AFRICOM supports Operation BARKHANE, France's 3,000 person effort to stabilize the region. In Mali, Niger, and Chad, AFRICOM will continue to provide Security Force Assistance in concert with Department of State Security Sector Assistance.

Question. What risks, if any, do you see accompanying greater potential AFRICOM engagement in regional efforts to expand government control and dismantle AQIM?

Current levels of AFRICOM resourcing provide adequate support to effective French efforts against al Qaeda in the Lands of the Islamic Maghreb. Expanding U.S. resource contributions against al Qaeda in the Lands of the Islamic Maghreb would come at the expense of other priority AFRICOM efforts—many of which do not benefit from the same level of commitment and resourcing from a major European ally.

Question. Do you believe current legal authorities, including the 2001 Authorization for Use of Military Force (AUMF), are sufficient to enable you to carry out counterterrorism operations and activities against AQIM at the level you believe to be necessary?

Answer. Yes. AFRICOM currently possesses the authorities required to execute the Secretary of Defense-directed efforts in the Sahel-Maghreb.

SOMALIA AND AL SHABAAB

Question. What is your assessment of the threat posed by al-Shabaab to the region, the United States, and broader western interests?

Answer. Despite losses of territory, influence, and conflict among their senior leaders, al Shabaab remains a threat to U.S. persons and Western interests in East Africa, and retains the capability to effectively attack members of AMISOM, the Somali National Army (SNA) and the Somali Federal Government. Additionally, al-Shabaab propaganda, which consistently singles out U.S. and other Western targets, further demonstrates the group's intent to target western interests throughout the region as evident in the Westgate Siege video of 2015 and the Path to Paradise video of 2013.

In 2016 we expect activity to increase across the region during the Ramadan period. Al Shabaab seeks to conduct high profile attacks similar to the one on Kenyan Defense Force Forward Operating Base, El Adde.

Al Shabaab continues to pose a threat to aviation as demonstrated by attacks against Daalo airlines and the Improvised Explosive Device attack at Beledweyne Airport.

Question. How would you evaluate the effectiveness of the African Union Mission in Somalia (AMISOM) efforts to counter al-Shabaab and the prospects for longer term stability in Somalia?

Answer. Modest and sustained U.S. assistance has contributed to AMISOM's increased effectiveness. AMISOM forces liberated large portions of southern Somalia. AMISOM's gains against al-Shabaab have increased opportunities for progress in governance and development. However, as demonstrated by recent al-Shabaab offensives, AMISOM successes are fragile and will require continued U.S. and international assistance. The Somali Federal Government's ability to govern justly, pro-

vide economic opportunities, and deliver services to the population will be critical to stabilizing the country in the long term.

Question. What role, if any, do you see for AFRICOM in building the capacity of the Somali National Army (SNA) and what should the objectives of such efforts be in the near, mid, and long-term?

Answer. The international community is working to train the Somali National Army (SNA). AFRICOM can best assist in the effort by helping to coordinate the international efforts and by focusing United States efforts on developing the SNA's force generation (those institutions which man, train, equip, and sustain the tactical forces) and the agencies charged with the Executive Direction of the Army (primarily the Ministry of Defense). This will allow other international partners to focus on the development of the SNA's tactical units. Near term efforts with the SNA should focus on the development of effective tactical units, while mid-term efforts should focus on building a national army and long-term efforts should focus on developing self-sustaining military institutions.

Question. Do you believe current legal authorities, including the 2001 AUMF are sufficient to enable you to carry out counterterrorism operations and activities against al Shabaab at the level you believe to be necessary?

Answer. Yes, AFRICOM currently possesses the authorities required to execute the Secretary of Defense directed counter-Al Shabaab approach with its African partners.

Question. What role, if any, do you see for AFRICOM in preventing further deterioration of the humanitarian crisis in Somalia, which according to experts remains among the worst anywhere in the world?

Answer. AFRICOM's primary role in preventing and mitigating humanitarian disasters, in Somalia and elsewhere across the continent, lies in building the capacity of our African nations to respond to emerging crises themselves. While some United States assistance, particularly in logistics and communications, is almost always needed, our African partners are increasingly capable of addressing emerging humanitarian crises through national and regional efforts. For example, since the Ebola crisis the nations of West Africa have, with United States assistance, significantly expanded their ability to identify, contain, and treat outbreaks of infectious disease. The scale and scope of African humanitarian crises make it likely that AFRICOM will be called upon to provide airlift and other capabilities to assist in addressing human suffering for many years to come. It is our investment in indigenous capability which will have the greatest positive impact in the long term.

NIGERIA AND BOKO HARAM (ISLAMIC STATE-WEST AFRICA (IS-WA))

Question. What is your assessment of the threat posed by Boko Haram to Nigeria, the region, the United States, and broader western interests?

Answer. Traditionally, Boko Haram has focused the vast majority of its operations on local national and host nation targets; however, the group is avowedly anti-Western. Boko Haram has issued public calls for attacks against Western/international targets, but has only conducted one mass-casualty anti-Western attack—the August 2011 suicide bombing of the United Nations building in Abuja, Nigeria. At this time, there are no indications Boko Haram has shifted its targeting strategies away from regional targets to Western interests. Boko Haram will likely focus on soft targets in the region, given the group would probably conclude security at hard targets like U.S./Western embassies would prevent a successful attack.

Question. How would you characterize the ties between Boko Haram and other terrorist groups in Africa, particularly the Islamic State?

Answer. Boko Haram is a recognized branch of the Islamic State of Iraq and the Levant, and calls itself the "Islamic State—West Africa." This link provides Boko Haram greater legitimacy; the Islamic State of Iraq and the Levant has also provided guidance and support to propaganda efforts and has likely helped enhance some Boko Haram tactical tradecraft. In the future, this could expand to limited provision of fighters and materiel.

Question. What is your assessment of the Nigerian government's efforts to combat Boko Haram?

Answer. President of Nigeria, Muhammadu Buhari, appears to be fulfilling anti-corruption promises made during his campaign. Early indications are that appointees to senior military positions will be willing partners in United States security force assistance activities and are attempting to improve the effectiveness and professionalism of the security forces.

Question. If confirmed, what role would you recommend for AFRICOM in building the capacity of the Nigerian and other regional security forces to respond to the Boko Haram threat?

Answer. AFRICOM should play a supporting role in the efforts of the nations of the Lake Chad Basin to counter Boko Haram. Building capacity and enabling regional cooperation should form the centerpiece of our support.

Question. What risks, if any, do you see accompanying greater potential AFRICOM engagement in regional efforts to expand government control and dismantle Boko Haram?

Answer. With the establishment of the Multi-National Joint Task Force (MNJTF), the nations of the Lake Chad Basin have made significant progress in their efforts to use coordinated military activities to counter the regional threat posed by Boko Haram. The MNJTF and the increasing regional cooperation which it has encouraged are positive indicators of the region's ability to counter Boko Haram using its own resources, although much work remains to be done. United States efforts to support regional militaries should be within the context of the growing regional cooperation, and should seek to enable and empower the region's nations to degrade Boko Haram and restore regional stability through their own collective efforts. While providing the region with inadequate support will undoubtedly endanger our objectives in West Africa, providing too much support risks replacing the growing will of region's nations with our own capability.

Question. Do you believe current legal authorities, including the 2001 AUMF are sufficient to enable you to carry out counterterrorism operations and activities against Boko Haram at the level you believe to be necessary?

Answer. Yes, AFRICOM currently possesses the authorities required to execute the Secretary of Defense-directed counter-Boko Haram approach with its African partners.

Question. Violent incidents, reportedly including indiscriminate killing of civilians, committed by Nigerian police and Military Services during operations intended to be against Boko Haram have risen significantly in recent months. In your view, what measures should the United States incorporate into current and future military-to-military engagements to help address allegations of violent incidents by the Nigerian police and Military Services against civilians during operations intended to be against Boko Haram?

Answer. Nigeria is one of several African nations in which allegations have been made of indiscriminate killings and atrocities regarding the nation's security forces. Such predatory practices undermine the faith of the people in those institutions charged with protecting the people, and often produce conditions ripe for the spread of extremism. Our work in Nigeria includes efforts to prevent such activities and incentives compliance with the rule of law. For example, AFRICOM conducts regular professional interaction with Nigerian forces, and those of our allies, including formal training and education, joint exercises, and military-to-military engagements thereby increasing their professionalism, competence, and commitment to conducting military operations in accordance with the rule of law.

Those militaries which fail to comply with international norms may be restricted from receiving assistance, for example restrictions imposed in accordance with the United States Leahy Law. Under the Leahy Law, assistance may be withheld from a unit of a security force when there is credible evidence the unit has committed a gross violation of human rights. The impact of this legal requirement is significant and incentivizes compliance with the rule of law. The potential loss of United States support can act as a deterrent to improper behavior, although the record is clear that it is not always sufficient in and of itself. The combination of regular professional interaction and incentives offers the best approach to addressing military practices which fall outside international norms.

LIBYA

Question. What is your assessment of the security situation in Libya, to include the size and operational capabilities of the Islamic State?

Answer. Libya's precarious political situation coupled with IS-Libya's destabilizing influence could push the country toward civil war, threatening U.S. interests in Africa, Europe, and the Middle East. IS-Libya's current estimated strength now in question after Libyan forces cordoned and advanced into Surt. We previously assessed IS-Libya had 4,500–6,500 fighters with a majority of the group being comprised of foreign fighters from Tunisia and the Sahel region. This number is likely in flux as fighters have left Surt and the surrounding area, possibly seeking an alternate safe haven to the south or west. Whether Libyan forces can clear and hold Surt remains unknown.

Before the Surt offensive, IS-Libya was considered the most proficient Islamic State branch outside of Iraq and Syria in terms of its ability to project force and govern territory. As conditions rapidly evolve, we believe IS-Libya will adapt a more

asymmetric approach seeking to slow and disrupt further gains made by Libyan forces. We expect IS–Libya to use its enduring presence in the west near Sabratha to facilitate attacks in Tunisia as a way to export instability.

There are few ground forces that are exclusively loyal to the Government of National Accord. Misratan militia forces and the Petroleum Facilities Guard Central Branch aligned with the Government of National Accord primarily because the GNA is the foremost political counter-weight to their eastern Libyan adversaries: the Libyan National Army and the House of Representatives.

Utilizing approximately 3,000–4,000 fighters, Misratan and Petroleum Facilities Guard forces are currently engaged in fighting against IS–Libya in Surt. In the event of a crisis that threatened the city of Misrata, Misratan militias could probably augment their expeditionary forces to over 10,000 fighters.

Question. What is your assessment of the threat posed by the Islamic State in Libya to the region, the United States, and broader western interests?

Answer. IS–Libya is a transregional threat affecting the security and interests of our North African partners, European allies, and the U.S. in an already unstable North Africa and Sahel environment. An unchecked IS–Libya could become an external operations hub threatening Algeria, Egypt, Tunisia, shipping in the Mediterranean, and our European allies. ISIL Core in Iraq and Syria would also be able to use IS–Libya as a means to support further expansion into the Sahel, supporting ISIL adherents in Mali, Nigeria, and elsewhere by taking advantage of existing illicit trafficking networks to move weapons, funds, and personnel. The current unprecedented migrant crisis coupled with IS–Libya’s long-term intent to strike United States and European interests poses a growing threat to Europe’s southern flank. The ability to infiltrate IS–Libya operatives into Europe provides many more attack venues against Westerners as well as United States persons and property, though we have yet to see clear evidence of IS–Libya exploiting the cross-Mediterranean refugee flow for operations into Europe. The immense propaganda value of external operations in Europe helps feed and validate ISIL’s extremist narrative.

Question. What role, if any, do you envision the United States playing in helping Libya build capable security institutions?

Answer. While the U.S. has a number of capabilities which can help in building capable Libyan security institutions, the desires of the Libyans themselves will be the most critical factor in determining the U.S. role. In cooperation with such multinational efforts as the Libyan International Assistance Mission, the U.S. could employ such tools as our 12-series security assistance programs, the Global Security Contingency Fund (GSCF), the Ministry of Defense Advisors (MoDA) Program, the Defense Institutional Reform Initiative (DIRI), and other such capabilities to assist the Libyans in building lasting professional security institutions. Finally, our efforts must match the requests of the Libyan government and be synchronized with our international partners.

Question. What is your assessment of the risks associated with the paramilitary forces that continue to have control of large swaths of Libya?

Answer. The greatest risks associated paramilitary forces in Libya is the lack of centralized control. These groups and subordinate elements are administered by transactional relationship and shifting allegiances driven by tribal ties, religious beliefs, political agendas, and material gain. These variables make the paramilitary forces a dynamic factor in the stability and security of Libya; allegiances can change without notice, possibly effecting access, degrading security, and ultimately complicating efforts to build political unity.

The unpredictable nature of paramilitary group patronage will most likely remain a significant obstacle to the GNA’s efforts to establish sovereignty. Powerful paramilitary groups would probably capitalize on weak facets of the GNA, such as its unsteady legal standing and internal divisions, to exert their own power and agendas if the GNA remains in a politically depressed state.

Question. What is your assessment of the impact of the proliferation of weaponry from Libyan military stockpiles into neighboring countries?

Answer. Following the collapse of the Qadhafi regime, the proliferation of weapons from Libyan military stockpiles via illicit trafficking networks reinforced the military capacity of VEOs in Africa and the Levant, including Algeria, Egypt, Mali, and Tunisia. AQIM’s operational capability and regional influence benefitted from the outflow of Libyan weapons starting in mid-2011. Mali-based AQIM elements leveraged the weapon outflows through contacts with Sahelian smuggling networks. The group’s rapid acquisition of small arms, heavy machine guns, rocket propelled grenades, indirect fire weapons, and military explosives enabled its seizure of northern Mali prior to the French counter-offensive in January 2012. Robust trafficking networks directly challenge the security forces in the region.

Question. In your view, what role, if any, should AFRICOM play in assisting the Libyans with addressing the threat to stability posed by paramilitary forces?

Answer. The widely held Libyan bias against active foreign assistance would most likely hinder or preclude any direct assistance by AFRICOM. Paramilitary forces represent substantial security structure in Libya, in addition to a limited number of police forces that have maintained their security role since 2011. Paramilitary groups are often better armed and paid than the official security forces. AFRICOM's role in addressing these challenges will depend upon U.S. policy.

Question. What do you view as the most significant challenges to the Libyan government in building capable and sustainable security institutions?

Answer. From a U.S. perspective, mitigating the risk associated with regionally oriented power blocs rests primarily on our continued support to the Government of National Accord, encouraging our partners outside of Libya to expand international support to the GNA and to the extent possible, limiting external military support to those armed groups not aligned with the GNA. The GNA has and continues to make progress in unifying Libya against the threat posed by IS-Libya and continued support to the GNA will be important in establishing a unified, stable Libya.

Question. In what ways can the United States be most effective in assisting the Libyan government in building capable and sustainable security institutions?

Answer. The reconstitution of Libyan security apparatus will require significant resourcing and development of national-level institutions. The U.S. can potentially contribute to these efforts working as part of an international effort based on Libyan requests for assistance and U.S. policy.

BUILDING PARTNER CAPACITY AND SECURITY ASSISTANCE

Question. In your view, what should be our strategic objectives in building the capacities of partner nations in the AFRICOM AOR?

Answer. AFRICOM, along with our diplomatic, defense, and development partners, is helping to build African capacity and institutions capable of deterring the spread of extremism, protecting their populations, enabling economic prosperity, and expanding the rule of law and human rights.

Building Partnership Capacity is a decisive effort within the AFRICOM Theater Campaign Plan. The intent is to enable African partners to develop the defense capabilities necessary to achieve our shared objectives. Our command approach is synchronized and focused, relying upon regional cooperation and close coordination with a host of partners. Along with our diplomatic, defense, and development partners, AFRICOM's strategic objectives are helping to build African institutions capable of deterring the spread of extremism, protecting their populations, enabling economic prosperity, and expanding the rule of law and human rights.

AFRICOM efforts account for what our partner nations can absorb, with the complementary objective of aligning resources to our strategy.

Question. Are there ways in which existing authorities could be reformed to more effectively and efficiently respond to requirements in the AFRICOM AOR?

Answer. As Building Partner Capacity and Security Force Assistance proposals run on an annual cycle, often proposals focused on long-term projects cannot be fully vetted and scrutinized within the bureaucracy to meet submission deadlines. This causes long-term proposals to be broken down into smaller proposals that lose sight of its long-term capacity building and security assistance objectives. By expanding the authorities' timeline, proposals can be evaluated as whole-effort proposal that provide the most effective and efficient way to response to AFRICOM requirements.

Development programs that complement Security Force Assistance are essential to promote long-term stability in fragile or conflict affected states, to effectively and sufficiently counter violent extremism and radicalization

Question. In your view, what is the appropriate balance between efforts to build partnership capacity at the tactical and operational level and at the institutional and ministerial-level?

Answer. The balance of efforts to build capacity within the Operational Force (comprised of the nation's tactical and operational units), the Generating Force (those institutions charged with manning, training, equipping, and sustaining the Operational Force), and the agencies charged with the Executive Direction of Operational and Generating Forces (normally the Ministries of Defense and Interior) is a matter of considerable concern within Africa. Our historic tendency has been to focus heavily on the Operational Force, at times producing capable military formations which lacked the institutions necessary to sustain them once our development efforts concluded. AFRICOM is working hard to correct this tendency, and has been working with the Services to find those entities within our own force which are best

equipped to help our African partners develop and expand their own Generating and Executive Direction capabilities. We are beginning to see some encouraging signs in this regard.

The correct balance is not universal, however, and must be tailored to each partner individually and to the strategic environment in which each partner operates. The absorptive capacity of our partners varies widely, and not all are capable of making use of our assistance in all areas. AFRICOM works closely with each African partner, in coordination with the Ambassador-led country team, in seeking to strike the right balance.

Question. Do you believe the ability of a partner nation to sustain U.S.-provided equipment and capabilities should be a key factor in determining the level and type of assistance to be provided?

Answer. Yes. Our partner nations' absorptive capacity and their ability to sustain capabilities procured through the various Security Force Assistance programs are evaluated during the proposal writing and submission process. Consultations and assessments are conducted between AFRICOM, our components, the country teams, and the host nation. If any of these stakeholders believe that a capability proposal will exceed partner nation's absorptive capacity and sustainment capability, the proposal is either scaled back, rewritten, or in some cases, pulled from the AFRICOM proposal submission.

LORD'S RESISTANCE ARMY (LRA)

Question. In your view, what is the objective of Operation Observant Compass?

Answer. Operation Observant Compass provides support to the African Union Regional Task Force to mitigate and eliminate regional threats posed by the Lord's Resistance Army. Operation Observant Compass is one component of the multifaceted U.S. Government strategy to support regional efforts to reduce the threat to civilian populations posed by the Lord's Resistance Army.

Question. In your view, what is the appropriate level of priority to be accorded to AFRICOM's efforts to counter the Lord's Resistance Army in central Africa, compared to other AFRICOM objectives?

Answer. U.S. counter-Lord's Resistance Army efforts have been largely successful, with most of the Lord's Resistance Army degraded. The Lord's Resistance Army poses a much reduced threat to regional security and does not currently threaten U.S. or western interests in the region. Nevertheless, AFRICOM continues to work with regional partners to counter illicit activities that support the Lord's Resistance Army and other destabilizing influencers in the region.

Question. If confirmed, will you promptly review and report back to the Committee on your assessment of this mission?

Answer. Yes. AFRICOM closely monitors and regularly assesses the effectiveness of our missions. If asked, I will report back to the Committee, accordingly.

Question. Each of the countries affected by the LRA face other security threats viewed by their governments as more serious to their national well-being and, as a result, these countries place a lower priority on addressing the LRA problem.

If confirmed, how would you seek to strengthen the impact of Operation Observant Compass while recognizing those competing national priorities of our partners in the counter-LRA fight?

Answer. Despite competing priorities, the Democratic Republic of the Congo, South Sudan, and Central African Republic remain committed to participating in the African Union Regional Task Force—though their force capabilities are limited. Uganda, the largest troop contributor to the African Union Regional Task Force, has announced its intention to withdraw its forces. AFRICOM has a longstanding relationship with the Ugandan People's Defense Force, and if confirmed, AFRICOM would continue close coordination with the U.S. Country Team to ensure our engagement with the Ugandan government and security forces is in support of regional stability.

Regardless of force composition, AFRICOM remains committed to building the capability of the African Union Regional Task Force until a change in U.S. policy dictates otherwise. In addition to working with our African partners to counter the Lord's Resistance Army directly, AFRICOM is also working with regional partners to counter illicit activities that support the Lord's Resistance and other destabilizing influencers in the region.

SUPPORT TO UNITED NATIONS PEACEKEEPING MISSION IN AFRICA

Question. In your view, should the United States increase the number of personnel it contributes in the form of staff positions and military observers to UN peacekeeping missions and other international peace operations?

Answer. United Nations peacekeeping operations play a critical role in advancing peace, stability, and security throughout Africa. The role of the U.S. in these operations, whether providing civilian police, staff officers, or military observers, offers the U.S. a cost-effective way to advance our mission and interests. Of course, expanding the number of United States personnel or contributions to United Nations peacekeeping missions requires a policy decision from the administration. All else being equal, more United States personnel contributions would benefit peacekeeping missions and long-term efforts to promote stability and security in Africa.

Question. In your view, what are the advantages and disadvantages of contributing additional military personnel to UN operations in the form of staff positions and military observers' positions?

Answer. United Nations-led peacekeeping operations can be cost effective, especially in comparison to unilateral operations. Sharing the manpower and financial burden across donor organizations and countries expands the international community's ability to contribute to stability and security in more places. Contributing additional United States military personnel to United Nations operations adds value to those operations and affords our troops a unique opportunity to build relationships and trust with other United Nations members' military personnel—relationships that could be of future benefit. Working in partnership with and sharing a sense of purpose with other militaries also affords our troops invaluable cultural, regional, and international experience which helps further our national interests.

Determining the relative value of additional contributions relative to other investments of military personnel is a policy decision, one requiring careful thought and planning.

AFRICOM MILITARY SERVICE COMPONENT COMMANDS

Question. Given the Department's focus on the greater Middle East and Asia-Pacific, do you believe the AFRICOM Commander will be able to secure the necessary personnel to accomplish its partnering and engagement mission within its AOR? If not, how would you assess the risk to U.S. strategic interests in the region?

Answer. AFRICOM has only a small pool of U.S. Forces but is adept at combining our efforts with those of our partners to achieve our common objectives. In an effort to produce the greatest impact with the available resources, AFRICOM employs security force assistance and exercises as decisive efforts to build partner capacity. The use of military operations to create the conditions for African partners to develop the capacity they need and the use of engagements across the continent as well as posture, presence, and agreements are sufficient to sustain current efforts in Africa. These efforts expose our African partners to U.S. values and capabilities, model military professionalism and proficiency, and inspire them to pursue excellence in their own institutions.

REGIONAL ALIGNMENT AND ROTATIONAL DEPLOYMENTS OF U.S. UNITS

Question. What is your understanding and assessment of the Army's capability and capacity to align combat brigades or other units with regional Combatant Commands?

Answer. The Army has the capability and capacity to align combat brigades and other units to Combatant Commands using a combination of CONUS and forward basing including Active component, Reserve component, and National Guard forces. Most Army units are allocated to AFRICOM on an annual rotational basis.

The Army's objective is to enhance its support of combatant commanders. Regionally aligned Brigades receive training in culture, geography, and language. This type of training and education promotes an understanding of the militaries they will engage during their mission assignment.

Question. What are your views, if any, on the use of general purpose forces for missions providing security force assistance to other nations' militaries?

Answer. Security Force Assistance is a major tool in building partner capacity. General Purpose Forces (GPF) are well suited to meet requirements across exercises, and military-to-military activities at battalion level and below. In the AFRICOM Area of Operations, U.S. general purpose and Special Operations Forces closely coordinate to integrate appropriate skill sets to various missions.

Although there are key missions that require Special Forces training, the level of training required for the majority of Security Force Assistance provided by AFRICOM can be and is provided by general purpose forces. AFRICOM's use of GPF for SFA enhances GPF skill sets and contributes to multi-mission readiness in our Forces, while satisfying critical SFA requirements in support of AFRICOM's Theater Campaign Plan.

Question. In your view, how should, if at all, a unit's regional alignment determine the assignment of personnel, selection of unit commanders, priority for cultural and language training compared to core combat training, and identification and acquisition of special equipment?

Answer. A unit's regional alignment should not determine the assignment of personnel or the selection of unit commanders. Decisive Action, or core combat training that the U.S. Army conducts for its units, is foundational training and sufficient for the majority of missions Army forces will execute for AFRICOM. Beyond core training, there are additional skillsets leaders need in order to successfully interact with and provide Security Force Assistance to foreign partners. Once identified for future alignment to AFRICOM, unit training plans must include cultural and regional awareness, and some basic language training. If future units to AFRICOM are habitually allocated to AFRICOM, I believe we will reap an increased return to our investments in cultural, regional, and language training.

Question. If confirmed, how would you propose to implement the use of regionally aligned forces in support of your theater assistance and engagement strategies?

Answer. Regionally aligned forces are currently used to shape the security environment and set the theater. The theater campaign plan addresses SFA across the executive direction, generating force, and operating force functions. We will find opportunities across the continent and within planning efforts to incorporate the expanded capabilities and capacity of the Regionally Aligned Forces within these authorities.

Question. In your view, how should funding responsibility be consolidated or distributed between the military departments and the Combatant Commands for training and employment of regionally aligned forces?

Answer. The U.S. military is without peer at mobilizing and deploying forces worldwide. Our services are responsible for manning, training, and equipping these forces to support the combatant commanders as directed by the Department of Defense using funds allocated and distributed for this purpose. The funding for missions related to the employment of the Regionally Aligned Forces (RAF) should also remain allocated to and distributed by the service component designated as the Financial Management Executive Agent.

Question. In your view, is it feasible and suitable to satisfy theater engagement and assistance strategies completely with rotational forces? If not, why not?

Answer. Currently, SFA on the continent is done with rotational forces. Consequently it is feasible to conduct assistance with rotational forces. A mix of rotational and permanent forces would allow for more efficient and continuous SFA across all 3 SFA functions, with permanent subject matter experts building capacity at the Executive Direction and Generating Force levels instead of just at the Operating Force level. Assigned forces allow for long term SFA that can assess the sustaining institutions of an African partner and provide a better enduring cycle of assistance and evaluation. If a permanent force is not available, at least having the same forces, particularly enablers such as command and control, sustainment, communications, and intelligence habitually allocated would improve our SFA execution.

MASS ATROCITIES PREVENTION

Question. President Obama identified the prevention of mass atrocities and genocide as a core U.S. national security interest, as well as a core moral interest, in August 2011 under Presidential Study Directive 10.

Among interagency partners, what is AFRICOM's role in addressing atrocity threats, and what tools does AFRICOM have for preventing or responding to atrocities in its AOR?

Answer. AFRICOM is committed to preventing mass atrocities.

AFRICOM plays an important role in support of and in coordination with the Department of State to address atrocity risks across Africa. AFRICOM engages with African militaries to foster their professionalism, political and ethnic neutrality, and respect for human rights. AFRICOM also leads contingency planning efforts aimed at developing requirements to support a mass atrocity response effort.

The Department of Defense sits on the interagency Atrocity Prevention Board alongside the Office of the Director of National Intelligence, Central Intelligence Agency, State Department, and others. The Board works to identify atrocities risks and implement policy options before situations escalate to the point of possible U.S. military intervention. AFRICOM regularly coordinates on intelligence assessments that are presented to the Board and AFRICOM staff monitor the area of responsibility for indicators that mass atrocity risk is rising. These efforts are supplemented by initiatives that forecast the risk of violent and political instability in Africa, including partnership with the National Intelligence Council and Central Intelligence

Agency to produce a biannual instability outlook and leveraging tools that monitor social media activity for indications of mass violence.

Question. Has AFRICOM developed planning processes toward this effort so that it will be able to respond quickly in emergency situations? In your assessment, what country or countries are the most at risk for mass atrocities in Africa?

Answer. AFRICOM has emphasized the requirements for responding to mass atrocities across its planning efforts. The Theater Campaign Plan focuses on building the capacity of African militaries to enable responses to crises, including mass atrocities. AFRICOM is in the process of developing scalable contingency requirements to meet the potential demands of a mass atrocity response.

The Atrocities Prevention Board lists the Democratic Republic of Congo, South Sudan, and Sudan as countries where they are “currently engaged to prevent or stop genocide or mass atrocities.” According to the Board, Libya has “significant potential for widespread attacks on civilians” and is included on their Watch List. Based on a number of indicators, including the Fund for Peace’s annual Fragile State Index and intelligence community reports, we would also highlight Somalia, Central African Republic, Nigeria, and Burundi as additional countries at elevated risk of mass atrocities.

SPECIAL OPERATIONS FORCES

SPECIAL OPERATIONS COMMAND AFRICA (SOCAFRICA)

Question. What special operations capabilities are in highest demand by AFRICOM?

Answer. AFRICOM relies heavily on the needs of our partner forces and the priorities of the U.S. Country Teams to make decisions on providing special operations capabilities. Capabilities in highest demand include: (1) special operations forces teams deployed on a persistent basis to advise, assist, train and equip host nation units countering violent extremist organizations; (2) Military Information Support and Civil Affairs Teams provide greater access within the countries and enhance both military and diplomatic objectives; (3) AFRICOM also maintains a Special Operations Crisis Response Force, a continued priority is the ability to deploy this highly trained force in a timely manner to respond to a crisis threatening United States lives and interests; and (4) AFRICOM SOF requires intelligence collection capabilities, medical surgical treatment, non-standard rotary and fixed wing aviation, personnel recovery, and close air support capabilities to accomplish their assigned missions.

Question. Which countries in the AFRICOM AOR do you believe have the greatest need for increased engagement with U.S. Special Operations Forces?

Answer. U.S. Special Operations Command Africa is currently engaged with partners from 20 countries in the AFRICOM area of responsibility. SOCAFRICA is regionally aligned, threat-focused, working with African partner countries to overcome challenges they face from violent extremist organizations. SOCAFRICA’s approach, nests with the AFRICOM Theater Campaign Plan, is promoting stability through two approaches. We focus on working with those counties where the threat survives in ungoverned and under-governed safe havens and sanctuaries enabled by the countries’ limited security apparatus or fractured governance. These include, but are not limited to Cameroon, the Central African Republic, Chad, Libya, Mali, Niger, and Somalia.

The second approach is to engage with emerging countries where the threat can have effects, but the country has the ability to eventually export security through their respective regions, the ability to synchronize regional security efforts, and a demonstrated resiliency needed to overcome challenges they face from violent extremist organizations. These regional influencers include but not limited to Kenya, Uganda, Nigeria, Senegal, Morocco, and Tunisia.

SPECIAL OPERATIONS PERSONNEL IN EMBASSIES

Question. U.S. Special Operations Command (SOCOM) deploys personnel to work with country teams in a number of high priority countries where the United States is not engaged in direct action operations, but rather trying to train host nation security forces. Their mission is to support the priorities of the Ambassador and the combatant commander’s theater campaign plan. At times, Ambassadors have complained that they have not been adequately informed of activities by special operations forces in their country.

If confirmed, what do you intend to do to make sure the goals of special operations personnel deployed to these countries are aligned closely to those of the Ambassadors with whom they are working?

Answer. Special Operations Command Africa's command and control construct sets AFRICOM up to achieve our military goals and be effective. Plans are closely aligned with and account for every Ambassador's Integrated Country Strategy. Engagements support both bilateral and regional relationships to address regional problems, and emphasize U.S. Embassy Chiefs of Mission in the critical roles they play in strengthening military-to-military relationships.

CRISIS RESPONSE CAPABILITIES IN THE AFRICOM AOR

Question. What is your understanding of the crisis response capabilities available to AFRICOM?

Answer. AFRICOM has two specific crisis response forces designated: the Special Purpose Marine Air Ground Task Force—Crisis Response Africa and the East Africa Response Force. These forces are deployable throughout a specific region (North West Africa and East Africa, respectively), and operate in permissive and uncertain environments to provide embassy reinforcement or military assisted departure of DOS-designated personnel.

AFRICOM also has a Commander's Crisis Response Force, designed to provide military counterterrorism capabilities and resolve terrorist acts against U.S. personnel and interests. The Fleet Antiterrorism Security Team (FAST) provides rapid response anti-terrorism and security capabilities suited for deliberate contingency response based on indications and warnings of emerging threats.

Question. Do you believe that the mechanisms and availability of appropriate capabilities are sufficient to meet the crisis response requirements within the AFRICOM AOR?

Answer. AFRICOM currently is short personnel recovery aircraft, impacting its ability to deploy response forces. This will be compounded with additional Air Command Element degradations pending in the next fiscal year. AFRICOM is engaged with the Joint Staff to mitigate these shortfalls.

Question. In light of increasing threats to U.S. diplomatic personnel by terrorists throughout the world, do you believe modifications to the Marine Security Guard Program's mission and protocols are warranted?

Answer. The Marine Security Guard Detachments are key stakeholders in the protection of United States persons and facilities. I would refer to the Department of State and the Diplomatic Security Service for any questions on modifications to their program.

Question. In your opinion, what additional steps, if any, should be taken to reduce the risk of attacks on U.S. embassies and consulates and diplomatic personnel by terrorist organizations throughout the region?

Answer. Flexible posture through cooperative security locations and contingency locations, complemented by the Special Purpose Marine Air Ground Task Force-Crisis Response (SPMAGTF-CR) at Moron Air Base, Spain and the East Africa Standby Force in Djibouti are strategically positioned to enable U.S. and partner operations to respond both to crisis and terrorist threats. Completion of our Cooperative Security Locations, coupled with accurate indications and warnings, will ensure swift crisis response to all fifteen high threat/high risk embassy locations in Africa.

INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES

Question. Demand for intelligence, surveillance, and reconnaissance capabilities of every kind has grown exponentially in recent years largely due to the enhanced situational awareness and targeting capabilities they bring to our commanders. Almost all of the geographic Combatant Commands have validated ISR requirements that are not being met.

What is your understanding of the support AFRICOM is currently receiving to respond to its ISR requirements?

Answer. Intelligence, surveillance and reconnaissance collection is critical to situational understanding, indications, and warnings of threats to U.S. personnel and facilities throughout the continent, and violent extremist organizations in East and North Africa are the command's top priorities. Currently, approximately 20 percent of intelligence, surveillance and reconnaissance requirements are met: an increase from 13 percent last year.

Question. Do you believe the growth in threats emanating from the AFRICOM AOR should warrant additional resources from within DOD? If so, how do you intend to advocate for additional ISR assets?

Answer. AFRICOM has the following capability shortfalls: flexible, sea-based intelligence, surveillance and reconnaissance; long-range, long-endurance intelligence, surveillance and reconnaissance; flexible-manned intelligence, surveillance and reconnaissance; and platform and collected intelligence support such as processing, ex-

ploitation, and dissemination. AFRICOM is mitigating these and other intelligence capability shortfalls by leveraging allied and partner capabilities (intelligence, surveillance and reconnaissance and human intelligence) and building partner intelligence capacities.

MARITIME SECURITY

Question. Maritime security has proven to be a significant issue on the coasts of West and East Africa. What is your assessment of AFRICOM's ongoing maritime security initiatives?

Answer. AFRICOM has seen some success in its maritime security initiatives. The challenges have global implications and include piracy, trafficking in persons, narcotics, and weaponry, armed robbery and kidnapping, illegal migration, and illegal fishing. These transnational threats are best addressed with regional solutions. AFRICOM-sponsored maritime exercises, partner training events, and regional maritime Operation Coordination Centers contribute to our partners' abilities to perform maritime security for themselves.

Through United States Naval Forces Africa, AFRICOM supports regional maritime security activities and complements civilian initiatives that address root causes of maritime crime by strengthening governance and promoting economic development. In the Gulf of Guinea, our cooperation with Benin, Ghana, Nigeria, and Togo has led to the regional enforcement of the Yaoundé Code of Conduct, an information sharing and maritime security agreement that has increased our partners' capacity to counter illicit trafficking and piracy.

Question. Very few African countries have the capacity to project naval forces beyond their coastal waters; as a result, the economic exclusion zones of many coastal African countries are exploited by a variety of international actors. What opportunities, if any, do you see for expanded U.S. engagement on maritime security in the AFRICOM AOR?

Answer. There are many opportunities to expand AFRICOM's maritime engagement. Illicit maritime trafficking has global reach and impact and requires a globally coordinated response. AFRICOM's operations, exercises and engagement focus on increasing regional cooperation, further integrating national maritime strategies and leveraging the expertise of global partners and allies to build capacity.

From a regional standpoint, the Economic Community of West African States, the Economic Community of Central African States, and the Gulf of Guinea Commission are leading the way in the Gulf of Guinea. In the Gulf of Aden, the European Union's Operation Atlanta has proven a powerful example of regional coordination and has significantly reduced incidents of piracy and rates of maritime crime. In the Mediterranean Sea, the European Union's Operation Sophia is addressing the surge of migrants crossing the Mediterranean Sea from Libya and combatting human smuggling and trafficking networks in north Africa. AFRICOM also seeks to include more North and South American partners and North Atlantic Treaty Organization allies in exercises and maritime security efforts with the goal of expanding the pool of expertise available to our African partners.

AFRICOM also supports efforts to integrate regional frameworks to facilitate the sharing of maritime information between neighboring states, develop pursuit-and-entry protocols to operate in the territorial seas of another state, establish cooperative ship-rider agreements for combined operations, and establish Multi-National Maritime Operations Coordination Centers. The African Union's 2050 Integrated Maritime Strategy is a good example of long-term, regional planning and focus. These strategies foster rule of law, emphasize good governance and support economic development.

CHINA

Question. In your view, do China and the United States share common security objectives in the AFRICOM AOR?

Answer. China's security interests are ensuring access to valuable resources and markets while enhancing its political influence. The United States and more closely aligned western nations have broader interests that include stability, humanitarian concerns, and improved governance. Nevertheless, China and the United States should cooperate on issues of mutual interest such as counterterrorism, and on other projects that satisfy both countries objectives.

Question. In your opinion, what effect has China's engagement with African militaries had on those militaries and on U.S. security interests?

Answer. While China seeks influence, it has yet to yield significant impacts on African militaries and United States interests. China's engagement with African militaries will allow them to increasingly gain favor among African military elites

to further arms sales and mil-to-mil engagement opportunities. China does provide limited training for military leaders and has engaged in arms sales or military training with two thirds of all countries in Africa. China currently has approximately 2,600 troops and advisors involved in seven peace operations across Africa who are interacting and learning from militaries on the continent. However, China does not have as extensive of an advising and training program as many Western countries, to include the U.S.

In regard to arms sales to Sub-Saharan African countries, China is a leading supplier of military equipment to include small arms and heavier weapons such as armor and artillery. China may be a preferred vendor by providing customer incentives such as lower pricing on equipment and weaponry or other types of assistance bundled with arms sales.

Importantly, Chinese security cooperation programs and arms sales are untied to demands for political or social reforms. This fact has been very enticing to many African governments who often resent or are frustrated with U.S. and other Western countries' insurances on political and governmental reforms tied to receiving economic or security assistance. Many African leaders view this approach as a threat to sovereignty, which is contrasted with the Chinese policies that do not include social changes or restrictions on use as conditions.

Question. To what extent do you view China's activities on the continent as a threat/challenge to U.S. national security interests?

Answer. China's interests overall in Africa are primarily economic and they are competing with the rest of the world for Africa's markets and abundant natural resources. At this time, China's activities on the African continent do not pose a direct threat or challenge to U.S. National security interests. However, Chinese influence on the continent is increasing. This influence may exclude U.S. economic and military influence and reduce U.S. leverage over democratic changes on the continent. Support from African countries, which make up over a quarter of the voting bloc in the United Nations General Assembly, is important for China as they continue to pursue increased global influence.

China's construction of a naval logistics facility in Djibouti, its first overseas logistics facility, to resupply their ships supporting UN anti-piracy operations in the Horn of Africa illustrates its desire to be seen as a global maritime power. This facility, although geographically located close to U.S. facilities in the region poses minimal threat to our security interests. Chinese dedication to ongoing peace operations shows their willingness to seek influence among African and other peace-keeping nations to improve global perceptions and to support China's global agenda.

Question. Are United States policies in Africa sufficient to counter China's influence when that is appropriate, or are there additional measures we should be considering? What role should AFRICOM play in this regard?

Answer. Current U.S. policies are sufficient to counter existing levels of Chinese influence in the AOR as China is primarily engaged in economic, not military competition. As China endeavors to expand influence in Africa and strengthen influence in international organizations, the United States will increasingly have to compete for influence on the continent but this is a by-product of, not the main objective, of China's policies on the continent. China's focus will likely remain increasing its political influence and maintaining access to African markets and resources. Chinese activities on the continent are not a zero-sum game in regard to competition with the United States. China's recent offer to provide a \$60 million grant intended to improve the capability of the African Standby Force and their crisis response capacity highlights China's willingness to increase its involvement in African security and engage African militaries. China does provide limited training for military leaders and often engages militaries without restrictions due to previous human rights violations. China has arms sales or military training with approximately two-thirds of all countries in Africa, and has engaged economically with almost all. Chinese assistance has built much needed infrastructure to include rail lines, roads, buildings, and airports.

Question. Do you foresee China's growing energy and resource demands affecting security developments in Africa?

Answer. China seeks to gain expanded access to Africa's natural resources to meet the Chinese economy's needs and support China's economic health. China has limited concerns about how its acquisition of resources may affect the security and development situations on the continent. However, China's involvement in several peacekeeping and development missions on the continent demonstrates that China can play a direct role in helping promote African stability.

China may inadvertently undermine U.S. efforts to encourage the professionalism of African militaries through its substantial arms sales on the continent. While U.S. equipment is generally superior, Chinese equipment is adequate for the needs of

most African nations and comes without end use verification requirements normally associated with U.S. arms sales. This makes Chinese arms an attractive alternative to governments which might seek to use their military forces in a manner not aligned with U.S. expectations.

SECTION 1208 FUNDING

Question. Section 1208 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as amended, gave U.S. Special Operations Command the authority to provide support (including training, funding, and equipment) to regular forces, irregular forces, and individuals supporting or facilitating military operations by U.S. Special Operations Forces to combat terrorism. What is your assessment of this authority?

Answer. Section 1208, within the context of its authority, has proved to be one of the most responsive and flexible tools to meet AFRICOM security challenges. This authority allows AFRICOM to enable partner nations who share the common goal of countering the violent extremist organizations threat in the region.

Section 1208 is not a capacity building authority. The purpose of the funding is to better enable those units that are legitimate representatives of our partner nation. AFRICOM identifies and engages with a partner unit capable and willing to conduct counter terrorism operations against violent extremist organizations threats. To do this requires close coordination with both the regional Country Teams as well as the host-nation civilian and military officials. It is essential that all parties understand and agree to the common threat picture and have a displayed willingness to act against those threats.

U.S. assistance is having positive effects on strengthening the counterterrorism capabilities and willingness of our regional partners to maintain pressure on terrorist organizations. 1208s, especially when coupled with United States enabling support such as C2, intelligence, tactical mobility, near real-time situational awareness through ISR, and extended-range robust communications, are high payoff with low risk to United States Forces.

Question. Do you believe this authority has been appropriately utilized in Africa?

Answer. Yes, this authority has been appropriately utilized in Africa. The Secretary of Defense with Country Team(s) concurrence has approved ten Section 1208s in the AFRICOM area of responsibility that effectively leverage partner forces to prosecute the fight against terrorism.

In Somalia for example, 1208 operations have degraded al-Shabaab and reduced al-Shabaab strongholds, while expanding the territory held by African Union Mission in Somalia and Somalia National Army forces. This capability was instrumental in recent operations to remove senior al-Shabaab leadership. These actions will help to disrupt al-Shabaab planning and potentially save many innocent lives. Additionally, increased presence patrols and civil-military engagements in the region have improved the local populace perception of the Somalia National Army, while expanding friendly force space, and potentially contribute to the security and early warning network against al-Shabaab.

Question. If confirmed, how would you seek to have this authority used in Africa?

Answer. I will seek to continue to provide the foundation on which to build, shape, and pursue our shared interests of combating terrorism across Africa. I will seek to increase the scope of AFRICOM Section 1208s, where appropriate, ensuring end states are in line with and achieve National Security Strategy objectives.

AFRICA HEALTH RELATED ISSUES

Question. Health issues are a significant concern in many African nations and in their militaries and the U.S. Government's engagement strategy in Africa includes an emphasis on health-related issues.

To what extent should AFRICOM be involved in broader U.S. Government "health diplomacy" efforts in Africa?

Answer. I believe AFRICOM should be heavily involved. Healthcare and engineering are foundational components of stable governments. Force Health Protection within our partner nation's militaries crucial to their success. We must be cognizant of building sustainable health care solutions based on African solutions for African problems.

Question. In your view, should AFRICOM's engagement strategy, perhaps more than other combatant command engagement strategies, include an emphasis on military health engagement?

Answer. Nowhere are global public health challenges more acute than in sub-Saharan Africa. With just 13 percent of the world's population, the region carries 24 percent of the global burden of disease. Africa is home to 60 percent of the world's

HIV/AIDS-afflicted population, more than two million tuberculosis cases every year, and 90 percent of the world's malaria cases. African militaries must be trained to respond and perform in health crises.

Question. How much success has DOD had in efforts to support prevention and treatment of HIV/AIDS in African militaries?

Answer. The Department of Defense's HIV/AIDS Prevention Program (DHAPP), which is a complimentary effort to the President's Emergency Plan for AIDS Relief (PEPFAR), has enhanced and supported HIV programming and readiness. Thirty-three African countries have active DHAPP programs, and according to the most recent DHAPP Annual Report (2014), success has varied by country. Many African nations have noted a significant increase in the institutional capacity of their militaries to develop effective HIV-related policies and legal frameworks to support the implementation. With the intent of eliminating HIV/AIDS as a threat to the theater stability, AFRICOM, with DHAPP, focuses on prevention, supporting sustainable care and treatment programs, capacity building, and development of national HIV policies. Overall, the DOD has had major successes in the fight against HIV in African militaries, and the trend for HIV testing, counseling, and outreach is positive among the African militaries.

Question. If confirmed, how, if at all, would you like to see such efforts increased or programmatically altered?

Answer. If confirmed, in our current resource restricted environment our programs must be results-oriented. If confirmed, I would place a strong emphasis on ensuring that Department of Defense health programming is delivering the impact we expect while also being well-coordinated with other ongoing efforts, both by United States government agencies and other organizations.

Question. In your view, what should DOD's role be in the program relative to other elements of the U.S. Government?

Answer. Since Department of Defense's focus is on military health systems, we target a population that other United States government agencies are not easily able to work with. Our efforts are vital to ensuring that military health systems are capable of responding to the needs of host nation populations. We do so in close coordination with other agencies, in particularly under the auspices of the Global Health Security Agenda.

SEXUAL ASSAULT PREVENTION AND RESPONSE IN AFRICOM

Question. What is your assessment of the problem of sexual assaults in AFRICOM?

Answer. It is my understanding that AFRICOM has the required programs and personnel in place to set the conditions for the prevention of sexual assault both at our home base in Stuttgart and in the Offices of Security Cooperation on the African Continent. AFRICOM's Sexual Harassment/Assault Response and Prevention (SHARP) personnel identify cases of sexual assault in the Command are limited. This is reflective of a Headquarters that is staffed with senior military and civilian personnel.

Question. What is your assessment of AFRICOM's sexual assault prevention and response program?

Answer. If confirmed, I will personally evaluate of the effectiveness of AFRICOM's sexual assault prevention and response programs and make any required adjustments. I am also supportive of a comprehensive review of the sexual harassment policies and procedures to ensure that all individuals work in an environment free from sexual harassment.

Question. What is your view of the provision for restricted and unrestricted reporting of sexual assaults?

Answer. The provision for victims to make either a restricted or unrestricted report of sexual assault appropriately, in my estimation, balances the following priorities: protections for victims of sexual assault; a recognition of the victims' right to make elections as to how this most personal type of assault is handled; and the necessity for good order and discipline in military organizations.

Question. What is your view about the role of the chain of command in providing necessary support to victims of sexual assault?

Answer. Unequivocally, it is the Commander's responsibility to ensure a victim's safety and support after a sexual assault occurs. It is the chain of command's duty to actively comply with these Department of Defense and Service standards of support to victims of sexual assault, demonstrate concern for the individual victim, and insist on timely, gender-responsive, culturally-competent and recovery-oriented care and protection for the victim.

Question. What is your view of the adequacy of resources and programs in AFRICOM to provide victims of sexual assault the medical, psychological, and legal help they need?

Answer. It is my understanding that the resources and programs at AFRICOM provide appropriate medical, psychological and legal help to victims of sexual assault. U.S. Army Garrison Stuttgart is the lead agent to provide assistance for AFRICOM personnel in Stuttgart, Germany. It is my understanding that the garrison collaborates with AFRICOM to ensure necessary services are available to assist victims of sexual assault, to include 24/7 hotline response and credentialed AFRICOM Victim Advocates.

Question. What is your view of AFRICOM initiatives to prevent additional sexual assaults?

Answer. It is my understanding that AFRICOM and its components actively implement, support and engage in dynamic training to prevent sexual assaults. Additionally, it is my understanding that AFRICOM took the initiative to establish a full time Sexual Harassment/Assault Response and Prevention (SHARP) Program Coordinator to ensure the command was leaning forward in engagement on sexual assault prevention, education, response and partnership.

Question. What is your view of the adequacy of the training and resources available to AFRICOM to investigate and prosecute allegations of sexual assault?

Answer. It is my understanding that AFRICOM investigative and prosecutorial resources are adequate. Criminal investigative agencies, from each of the Services prioritize sexual assault cases and thoroughly investigate all allegations of sexual assault. The Office of Legal Counsel for AFRICOM maintains a close working relationship with the senior Judge Advocates of each of the Service Components to ensure sexual assaults are thoroughly reviewed, and, if appropriate, prosecuted.

Question. What is your view about the role of the chain of command in changing the military culture in which these sexual assaults occur?

Answer. First and foremost, Commanders must establish a positive culture within their units that will eliminate sexual harassment and sexual assault. This includes focusing on not just prevention, but ensuring that there is a climate of empowerment to take the appropriate action when confronted with a situation which could lead to a sexual assault as well as ensure individuals are not afraid of retaliation or stigma for reporting a crime.

Question. Surveys report that up to 62 percent of victims who report a sexual assault perceive professional or social retaliation for reporting. If confirmed, what will you do to address the issue of retaliation for reporting a sexual assault?

Answer. If confirmed, I will republish, as my personal command policy, the Department's directives on the prevention of sexual assault and the prevention of retaliation for reporting sexual assault. This includes the social retaliation which may be conducted on private social media sites. In any case of sexual assault occurring within my command responsibility, I will take the necessary measures to preclude personal or institutional retaliation, ensure victims understand the protections accorded to them, and take appropriate steps within the provisions of Departmental directives and the Uniformed Code of Military Justice to first, prevent any service-member from being ostracized or retaliated in any way, and second, to respond appropriately to any allegations of either personal or institutional retaliation.

Question. Sexual assault is a significantly underreported crime in our society and in the military. If confirmed, what will you do to increase reporting of sexual assaults by military victims?

Answer. If confirmed, I will emphasize development of positive command climates that foster trust in the reporting process and ensures a thorough understanding of responsibilities to victims of sexual assault. Ultimately, reporting of sexual assaults will occur when victims trust their leaders to handle their reports of sexual assault consistent with the manner of reporting— restricted versus unrestricted reporting—and with appropriate understanding, sensitivity, and care.

Question. In your view, what would be the impact of requiring a judge advocate outside the chain of command, instead of a military commander in the grade of O-6 or above as is currently the Department's policy, to determine whether allegations of sexual assault should be prosecuted?

Answer. In my opinion, requiring a Judge Advocate to act in place of the Commander would significantly undermine the concepts of Command authority and responsibility. The military holds commanders responsible for all aspects of mission accomplishment and discipline in their unit. The Commander is trusted with life and death decisions in combat, they should be also trusted with all aspects of unit discipline—to include the response to allegations of sexual assault.

Question. What additional steps would you take, if confirmed, to address the problem of sexual assaults in AFRICOM?

Answer. If confirmed, I will personally meet with leaders and subject matter experts within my Command to gauge the effectiveness of our sexual assault prevention and response programs. I will apply my personal experience and judgment in evaluating whether there are avenues for improving the Command's emphasis on prevention, our processes for response to allegations, and our systems to protect those who make reports of sexual assault from personal or institutional retaliation. If I identify improvements needed in any aspect of the Command's programs, I will take all necessary steps to do so.

Question. What is your assessment of the effect, if any, of recent legislation concerning sexual assault on the capability of AFRICOM commanders to prosecute sexual assault cases?

Answer. At this time, I cannot evaluate the effect of recent legislation concerning sexual assault on the prosecution of sexual assault cases in AFRICOM or its Service Components. However, my assessment of the impact of this legislation is positive. I am particularly impressed with the requirement for trained special victim counsel and the additional specialized sexual assault prosecution training provided to the counsel who advise Commanders.

The Armed Services Committee has received testimony about troubling allegations concerning child sexual abuse by coalition partners in Afghanistan. In your view, what is the appropriate role for a U.S. military commander who is working with coalition partners, when that U.S. officer becomes aware of allegations of child abuse by members of that coalition force?

The U.S. military takes all allegations of this nature very seriously and upon witnessing or receiving allegations, U.S. military members are required to report any incidents to their chain of command. I will evaluate, if confirmed, the necessity for specialized training in the reporting and responding to observed child sexual abuse for units and individual servicemembers supporting the operations of AFRICOM.

Question. If confirmed, what direction would you give to U.S. personnel assigned to your command who become aware of such allegations?

Answer. As previously noted, if confirmed, I will evaluate the adequacy of established tactics, techniques, and procedures for the reporting and response to observed child sexual abuse. I will also examine the guidance established with AFRICOM for the notification of my Headquarters (e.g., establishing observed child sexual abuse as a Commander's Critical Information Requirement), our partner nations, and the Department of Defense of such allegations.

Question. Under what circumstances would you expect U.S. personnel under your command to intervene to stop such misconduct if they suspect it or observe it?

Answer. If U.S. personnel suspect or observe an incident of abuse, I expect them to report it through their chain of command, bring it to the attention of the appropriate partner nation officials, and encourage those officials to address the incident through appropriate criminal justice systems.

Question. While U.S. Forces do not have the legal authority to enforce matters of partner nation domestic law, I expect our servicemembers to do what is morally correct at all times and, within the imperatives of mission accomplishment and force protection, to stop abuse on the spot, if observed. I would expect all U.S. personnel under my command to embody this responsibility and act accordingly.

QUALITY-OF-LIFE CHALLENGES IN AFRICOM

Question. What quality-of-life challenges are unique for personnel and their families assigned to the AFRICOM area of responsibility?

Answer. The AFRICOM Headquarters works closely with the Ambassadors and Embassy staffs for each country to ensure they receive the quality of life they deserve. The quality of life challenges for personnel and families assigned to the Embassies include lack of medical, dental and recreational facilities, language barrier, cultural differences, changing force protection levels, and limited education opportunities in remote locations. Currently, AFRICOM supports 800 families to include 53 families on the African continent.

Question. If confirmed, how would you address these theater-wide challenges to help improve the quality-of-life for these personnel and their families?

Answer. Continued support for the AFRICOM Family Forward Program will be key to ensuring we are addressing the quality of life issues unique to the AFRICOM AOR. The program is to prepare families for mission requirements, travel, culture, and operational considerations before traveling to their assignment in Africa. It helps manage expectations before the family pushes forward to their duty location. Lastly, we will continue to conduct surveys and working groups to analyze the feedback we receive from our servicemembers and families. We will continue to visit lo-

cations of concern and continue to grow and strengthen our AFRICOM Family Forward Program.

MENTAL HEALTH OF SERVICEMEMBERS AND STRESS ON THE FORCE

Question. The Committee is concerned about the stress on military personnel resulting from lengthy and repeated deployments and their access to mental health care to deal with this increased stress. The suicide rates in each of the Services are clear reminders that servicemembers, particularly those who have been deployed multiple times, are under tremendous stress and need access to mental health care.

In your view, are there sufficient mental health assets in AFRICOM to address the mental health needs of the military personnel and their families?

Answer. Military families stationed at African embassies rely predominantly on tele-behavioral health through TriCare and Military One Source, as well as the embassy's health unit's primary care providers.

AFRICOM uses its limited resources at deployment locations wisely and leverages telehealth capabilities for our personnel and their families serving in our embassies. Resources have thus far been adequate, but we always look to improve.

Due to limited resources, AFRICOM prioritizes mitigation of the risk. Efforts include pre- and post-deployment behavioral health support provided through European and United States based facilities. AFRICOM conducts redeployment screening with strict adherence to deployment criteria and there is a strong command emphasis on seeking assistance during deployment and the post-deployment period.

Question. If confirmed, what actions will you take to address the mental health needs of military personnel and their families in AFRICOM?

Answer. If confirmed, I will continue to foster a culture in which military personnel and families seek assistance for mental health needs (i.e. reduce the stigma). Engaged leadership, education, and accessibility of services are all key components of that culture.

Focus on prevention and early recognition should include resiliency training, compassionate outreach by the chain of command, medical providers, and the chaplaincy. Additionally, we must adhere to both service and family member screening and execution of the Exceptional Family Member Program (EFMP) as designed and intended as a means to ensure families are not put in a position where known medical issues are beyond local medical capabilities. Then, we must review and monitor compliance with our deployments and EFMP criteria. Treatment can be augmented through increased availability of tele-behavioral health and home station provider support before and after deployments. We will work with Tricare to enhance the tele-behavioral health resources available to servicemembers and families on the continent.

Question. Do you have any views on how to reduce the stigma, real or perceived, for seeking mental health care?

Answer. The primary reasons servicemembers do not seek mental health assistance are concerns they will be treated differently by their units, they will be perceived as weak, or it will harm their career. The best methods for overcoming this stigma is for leadership to engage, honestly and openly, with all levels of personnel. I also believe that direct supervisors, friends and family have the greatest influence on a person's decision to seek help.

I and my subordinate leaders will support those seeking help and encourage family and friends to do the same, while consistently messaging that it is okay to seek help. We will continue to explore education efforts and new programs to assist families, friends, and supervisors in early recognition of those struggling with mental health issues.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes, I will.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes, I will.

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, AFRICOM?

Answer. Yes, I will.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes, I will.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes, I will.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CLAIRE McCASKILL

AFRICAN SECURITY INSTITUTION DEVELOPMENT

1. Senator MCCASKILL. Lieutenant General Waldhauser, the U.S. taxpayers deserve transparency on how their money is being spent and the assurance that it is being done so efficiently and effectively. If confirmed, will you commit to ensuring train and equip projects for our partners in Africa will appropriately consider the needs of the host nation, the host nation's ability to absorb the necessary funding, and the sustainability of the projects?

Lieutenant General WALDHAUSER. Yes. These are and will continue to be critical factors we consider when designing projects.

[The nomination reference of Lieutenant General Thomas D. Waldhauser, USMC follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 26, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

To Be General

Lt. Gen. Thomas D. Waldhauser, 4358.

[The biographical sketch of Lieutenant General Thomas D. Waldhauser, USMC, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LIEUTENANT GENERAL THOMAS D. WALDHAUSER, USMC

Source of commission

Platoon Leaders Class

Educational degrees

Bemidji State University, BS, 1976.

National War College, MS, 1996.

Military schools

The Basic School, Quantico, 1977

Ranger School, 1977

Airborne School, 1977

Jump Master School, 1979.

Scuba Diver School, 1980.

Amphibious Warfare School, 1985.

Marine Corps Command and Staff College, 1992.

National War College, 1996.

Capstone, 2005.
 Joint Flag Officer Warfighting Course, 2008.
 Senior Executive EEO Seminar, 2010.
 Pinnacle, 2010.
 Pinnacle—United Kingdom Course, 2014.

Joint Qualified Officer

Foreign language

N/A

Promotions

Promotions	Dates of appointment
2nd Lt.	2 June 76
1st Lt.	2 June 78
Capt.	1 Jan. 81
Maj.	1 Jan. 88
Lt. Col.	1 Sept. 93
Col.	1 Nov. 98
Brig. Gen.	1 Sept. 04
Maj. Gen.	21 July 08
Lt. Gen.	25 Sept. 09

Summary of assignments:

From	To	Assignment
Nov. 13 ...	Present	Director of Operational Plans and Joint Force Development, J-7, Joint Staff (Lt. Gen.)
Oct. 12	Nov. 13	Senior Military Advisor to the Secretary of Defense (Lt. Gen.)
Oct. 10	Sept. 12	Commanding General, I Marine Expeditionary Force / Commander, U.S. Marine Corps Forces Central Command (Lt. Gen.)
Sept. 09 ...	Oct. 10	Deputy Commandant, Plans, Policies, and Operations (Lt. Gen.)
Aug. 09 ...	Sept. 09	Assistant Deputy Commandant for Plans, Policies and Operations (Maj. Gen.)
July 07	July 09	Commanding General, 1st Marine Division (Maj. Gen./Brig. Gen.)
July 06	July 07	Chief of Staff, U.S. Special Operations Command (Brig. Gen.)
July 05	July 06	Deputy Commanding General, Marine Corps Combat Development Command (Brig. Gen.)
Aug. 03 ...	July 05	Commanding General, Marine Corps Warfighting Lab (Brig. Gen./Col.)
July 00	July 03	Commanding Officer, 15th Marine Expeditionary Unit (SOC) (Col.)
May 98	June 00	Chief, Programs and Resources Division; Assistant Deputy Director for Operations, J-34, Joint Staff (Col.)
June 96 ...	May 98	Ground Lieutenant Colonel Monitor, Personnel Management Division (Lt. Col.)
Nov. 93 ...	May 95	Commanding Officer, 3d Battalion, 2d Marine Regiment, 2d Marine Division (Lt. Col.)
July 92	Oct. 93	Tactical Deception Officer, G-3, II Marine Expeditionary Force (Lt. Col.)
July 88	Aug. 91	Instructor, Amphibious Warfare School (Maj.)
Aug. 87 ...	July 88	Commanding Officer, 2d Remotely Piloted Vehicle Company, 2d Marine Division (Maj.)
May 85	Aug. 87	Company Commander; Operations Officer, 3d Battalion, 2d Marine Division (Maj./Capt.)
Dec. 81 ...	Aug. 84	Combat Cargo Officer, Amphibious Squadron (PHIBRON) 7, Pacific Command (Capt.)
Aug. 80 ...	Dec. 81	Commanding Officer, Marine Detachment, USS Long Beach (Capt./1st Lt.)
May 77	Aug. 80	Reconnaissance Platoon Commander, Deep Reconnaissance Platoon Commander, and Executive Officer, Reconnaissance Company, 1st Marine Division (1st Lt./2nd Lt.)
Oct. 76	April 77	Student, The Basic School, Quantico, VA (2nd Lt.)

Summary of joint assignments:

	Date	Grade
Director of Operational Plans and Joint Force Development J-7, Joint Staff	Nov. 13–Present	Lt. Gen.
Senior Military Advisor to the Secretary of Defense	Oct. 12–Nov. 13	Lt. Gen.
Chief of Staff, U.S. Special Operations Command	July 06–July 07	Brig. Gen.
Chief, Programs and Resources Division; Assistant Deputy Director for Operations, J-34, Joint Staff.	May 98–June 00	Col.

Summary of operational assignments

	Date	Grade
Commanding Officer, 15th Marine Expeditionary Unit (SOC) Operation Iraqi Freedom ..	Jan. 03–July 03	Col.
Commanding Officer, 15th Marine Expeditionary Unit (SOC) Operation Iraqi Freedom ..	Sept. 01–Jan. 02	Col.

United States Decorations and Badges

Defense Distinguished Service Medal
 Defense Superior Service Medal
 Legion of Merit
 Bronze Star Medal
 Meritorious Service Medal
 Navy Marine Corps Commendation Medal
 Combat Action Ribbon
 Presidential Unit Citation-Navy
 Joint Meritorious Unit Award
 Navy Unit Commendation
 Navy Meritorious Unit Commendation
 National Defense Service Medal
 Armed Forces Expeditionary Medal
 Southwest Asia Service Medal
 Afghanistan Campaign Medal
 Global War on Terrorism Service Medal
 Armed Forces Service Medal
 Humanitarian Service Medal
 Sea Service Deployment Ribbon
 Kuwait Liberation Medal (Saudi Arabia)
 Kuwait Liberation Medal (Kuwait)

The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lieutenant General Thomas D. Waldhauser, USMC in connection with his nomination follows:

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Thomas David Waldhauser.

2. **Position to which nominated:**
Senior Military Assistant to the Secretary of Defense.

3. **Date of nomination:**
April 26, 2016.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**
December 16, 1953; St. Paul, Minnesota.

6. **Marital status:** (Include maiden name of wife or husband's name.)
Married to Gail Blasing Waldhauser.

7. **Names and ages of children:**
[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
Marine Corps Association.

[The nominee responded to Parts B-E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-E are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

THOMAS D. WALDHAUSER

[The nomination of Lieutenant General Thomas D. Waldhauser, USMC was reported to the Senate by Chairman McCain on June 28, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 29, 2016.]

[Prepared questions submitted to Lieutenant General Joseph L. Lengyel, ANG by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy in the 21st Century.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capabilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. In the 30 years since the enactment of the Goldwater-Nichols Act, the Department of Defense and the Active and the Reserve Components of the Services have been able to meet global security challenges with unity in effort and resources. However, the strategic and fiscal environment in which we operate has changed significantly. I believe re-evaluating the major aspects of Goldwater-Nichols is sensible in order to achieve greater efficacy in responding to current and future threats. If confirmed, I will work closely with the Department, Joint Chiefs of Staff, and the Committee to review and identify areas in need of modification.

Question. In your view, how should the forces of the Reserve Component generally, and the National Guard, specifically, be viewed as part of the long term warfighting effectiveness of the Department of Defense?

Answer. The Reserve Components are an integral part of each Service and should be viewed as an equally important part of the Nation's total military. The Reserve Components are a cost-effective force that allows the parent Service to surge personnel, capability, and capacity when the Nation needs without paying for a large standing force. The National Guard, specifically, should be viewed not just as a combat Reserve Component to the parent Services, but also as the military first-responder in the Homeland. I support regular, predictable utilization of National Guard force structure.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you for the position of Chief of the National Guard Bureau?

Answer. I have served in both the Active component of the United States Air Force and the Texas Air National Guard for over 34 years of combined service in a variety of operational, command and staff positions. I have exceptional experience and knowledge of National Guard missions in both non-Federal and Federal capacity. Most recently, I have served for 4 years as the Vice Chief of the National Guard Bureau; assisting the Chief in ensuring the nearly 453,000 Air and Army National Guard servicemembers are accessible, capable, and ready to fight our nation's wars and to protect our Homeland. During my time as the Vice Chief, I was involved in numerous consequential issues affecting the National Guard to include: readiness, modernization, budgeting, manning, acquisition, and family programs. Finally, as the Vice Chief of the National Guard Bureau, I had direct and frequent exchange with all members of the Joint Chiefs of Staff.

Prior to my current position, I gained valuable foreign policy and multinational security experience serving as the senior United States defense official and Defense Attaché for United States Central Command in Cairo, Egypt. Prior to that, I served as the Military Assistant to the Deputy Chief of Staff for Strategic Plans and Requirements, Headquarters, United States Air Force. I assisted with development and integration of Air Force strategy, long-range plans and operational capabilities-based requirements as well as ensuring the Air Force built effective forces to achieve national defense objectives.

I am an F-16 Command Pilot with service spanning multiple conflicts and theaters including operations Desert Storm, Provide Comfort, Southern Watch and Enduring Freedom. Additionally, I have commanded at the Fighter Squadron, Operations Group, Air Expeditionary Operations Group, and the Air National Guard Readiness Center. I also served as the Deputy Director of the Air National Guard and as Vice Commander, First Air Force.

My leadership and management experiences combined with technical and tactical expertise employed throughout my career will serve as a solid preparation for service as the Chief of the National Guard Bureau.

VISION FOR THE FUTURE

Question. What is your vision for the National Guard of today and the future?

Answer. My vision for the National Guard of today and in the future is a ready, all-volunteer, operational force of citizen-soldiers and airmen, ready to meet our nation's challenges during this turbulent period in our history. My vision includes strong partnerships with the Adjutants General, our parent Services, Federal and State partners across 54 States and Territories to provide a force which fights our Nation's wars as part of the joint force, responds rapidly in the Homeland, and builds enduring partnerships with international, national, State and local stakeholders.

Question. What roles do you believe the National Guard should play in combat, humanitarian, and stability operations?

Answer. In combat, the National Guard should augment the Active component across the full spectrum of operations. With respect to humanitarian operations, National Guard forces provide a uniquely-qualified force of citizen-soldiers and airmen capable of bringing our vast experience to humanitarian and disaster relief operations. Combined with our many partnerships around the globe, the National Guard should be a force of first choice to provide humanitarian and disaster relief. Regarding stability operations, National Guard forces should play a prominent role in any stability operation for many of the same reasons we excel at humanitarian and disaster relief.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Chief of the National Guard Bureau?

Answer. The next Chief of the National Guard Bureau will be challenged with maintaining a ready force while facing an increasingly diverse and complex range of threats at home and abroad in a constrained fiscal environment. The next Chief of the National Guard Bureau will have to strike the right balance between readiness and modernization, and meet today's requirements while preparing for future threats.

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

Answer. If confirmed, I will work to maintain a ready, operational force through proper training, manning, and equipping; nurturing and sustaining current legacy fleets while leveraging current equipment and investing smartly in modernization with sound fiscal stewardship of resources; and ensuring the health and well-being of our soldiers, airmen, and their families. Collaboration, coordination, and communication with Congress, the Adjutants General, the Department, and the Services will be key in managing these challenges, and I look forward to fully developing these partnerships.

ROLE OF THE CHIEF OF THE NATIONAL GUARD BUREAU AS A MEMBER OF THE JOINT CHIEFS OF STAFF

Question. What is your view on the role of the Chief of the National Guard Bureau in representing the position of the National Guard Bureau on matters involving nonFederalized National Guard forces in support of Homeland defense and civil support missions and representing the position of the State adjutants general on these matters?

Answer. The Chief of the National Guard Bureau is uniquely situated to provide the viewpoint and insights of the Adjutants General on these matters as the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff; as principal advisor to the Secretaries of the Army and Air Force and their Chiefs of Staff; and as a full member of the Joint Chiefs of Staff with the specific additional responsibility for addressing matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions. Homeland defense and civil support are core missions of the National Guard, and members of the National Guard are our first military responders in time of national or regional emergencies. The Chief of the National Guard Bureau communicates constantly with the Adjutants General of the 54 States and Territories to maintain real-time awareness on the capabilities and readiness of their non-Federalized National Guard forces to support Homeland defense and civil support missions.

Question. Do you believe that it is the role of the Chief of the National Guard Bureau to represent the final National Guard position on matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions and to defend that position?

Answer. The Chief of the National Guard Bureau is the senior uniformed Department of Defense official with real-time knowledge of the capabilities of non-Federalized National Guard forces available to support Homeland defense and civil support missions. As the channel of communication between the Adjutants General and Department officials, the Chief of the National Guard Bureau is uniquely postured to represent the National Guard position on matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions.

Question. What do you believe is the proper role of the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff?

Answer. I believe current statute has prescribed and codified the proper role of the Chief, National Guard Bureau. As with the other Joint Chiefs of Staff, the Chief of the National Guard Bureau functions as a military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. The Chief of the National Guard Bureau also has the specific additional responsibility as a member of the Joint Chiefs of Staff for addressing matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions.

Question. Is it the role of the Chief of the National Guard Bureau to argue his position on matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions to the other members of the Joint Chiefs of Staff?

Answer. Yes. Section 10502 of title 10, United States Code assigns the Chief of the National Guard Bureau with the specific additional responsibility, as a member of the Joint Chiefs of Staff, of addressing matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions.

Question. Is it the role Chief of the National Guard Bureau, as it is the role of the other members of the Joint Chiefs of Staff, to represent and defend the final decision from the Joint Chiefs of Staff? Why or why not?

Answer. Yes. As a full member of Joint Chiefs of Staff under section 151 of title 10, United States Code, the Chief of the National Guard Bureau has the same roles and obligations as the other members of the Joint Chiefs of Staff.

COORDINATION WITH STATE ADJUTANTS GENERAL

Question. What is your view concerning the role of the CNGB in creating defense policy and funding allocations?

Answer. The Chief, National Guard Bureau's (CNGB's) role is to provide the best military advice and judgment as a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, and as the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard. To that end, the CNGB is responsible for creating defense-related policy pertaining to the National Guard and in particular the non-Federalized National Guard. The CNGB should also ensure, normally through the Directors of the Air and Army National Guard, that the budgeting processes within the respective Services take into account the unique domestic roles and responsibilities of the National Guard.

Question. If confirmed, what will you do, specifically, in your role as the next Chief of the National Guard Bureau to work with the State adjutants general to ensure that their voices are heard in the defense budgeting process?

Answer. If confirmed, I will participate in the State-Federal Consultative Process for Programming and Budgetary Proposals affecting the National Guard, alongside the States' Adjutants General through the Council of Governors. I will consistently and constantly seek the input of the Adjutants General through established processes to ensure that State-level inputs related to the National Guard are communicated to the Department of Defense for inclusion in plans, programs, analysis, and budget processes.

Question. If confirmed, what will you do, specifically, to create one overarching National Guard Bureau position on matters important to national defense?

Answer. If confirmed as the next Chief of the National Guard Bureau, I will work inclusively with all stakeholders to ensure the Bureau moves forward with one position on matters important to national defense.

Question. In your view, should the Chief of the National Guard Bureau have any authority over State adjutants general? Over what resources and troops does the Chief of the National Guard Bureau exercise authority?

Answer. Command authority over non-Federalized National Guard forces is always reserved to the States' Governors by the Constitution. The Chief of the National Guard Bureau and other Federal military officials exercise regulatory authority regarding the ways and means by which non-Federalized National Guard forces are organized, administered, recruited, trained, and equipped.

DUTIES

Question. Section 10502 of title 10, United States Code, provides that the Chief of the National Guard Bureau is (1) a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and (2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

If confirmed, how do you plan to carry out these responsibilities?

Answer. If confirmed, I will provide my best military advice and judgment as a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, and as the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard. I will ensure the responsibilities and capabilities of the National Guard are considered in a planned and deliberate manner that is firmly rooted in law and national strategy. I will also ensure the domestic mission of the National Guard is taken into account, from the inception of planning through advising the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council on strategies and contingencies. In order to accomplish this, I will continuously engage with our Federal and State partners, the Adjutants Generals, and the Services to ensure all defense requirements are readily met by the men and women of the National Guard.

Question. What will be the role of the Director of the Army National Guard and the Director of the Air National Guard in the performance of these duties?

Answer. If confirmed, I will rely upon the Directors of the Army National Guard and Air National Guard to provide their leadership and expertise in their respective Services to further the mission of the National Guard Bureau and the Services.

Question. What do you consider to be the most serious problems in the performance of the functions of the Chief of the National Guard Bureau?

Answer. I see no serious problems. I see some challenges as evolutionary and naturally associated with any major change within an organization as significant as the Department of Defense. If confirmed, I will raise any concerns to the Committee.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will make it my priority during my tenure to continue to institutionally mature the National Guard Bureau to support a member of the Joint Chiefs of Staff. I will also continually review the structure of the National Guard Bureau to ensure resources are properly aligned to provide effective and efficient support to the 54 States and Territories and the Department of Defense.

Question. If confirmed, what broad priorities will you establish?

Answer. If confirmed, my first broad priority will be to maintain the readiness and utilization of the operational Army and Air National Guard in support of combatant commanders' warfighting requirements and to always be ready and always be there to respond to Governors' needs in responding to emergencies in the Homeland.

My second broad priority will be to take care of our most important asset—the tremendous citizen-soldiers and airmen of the National Guard and their families. I will strive to grow and train leaders who innovate and motivate our force. We will create a culture where ethical behavior goes from the top down and where acts that demoralize units and degrade readiness such as sexual assault and discrimination will never be tolerated, and where diversity and inclusion are the norm.

Question. Sections 151(a) and 10502(d) of title 10, United States Code, includes the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff with the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions. If confirmed, how do you plan to carry out these responsibilities?

Answer. If confirmed, I will carry out these responsibilities through close coordination with the Office of the Secretary of Defense, Joint Staff, the Services, Combatant Commands and the Interagency; especially in regard to Federal matters. Regarding matters involving non-Federalized forces, the National Guard Bureau will coordinate and collaborate with the Adjutants General of the 54 States and Territories, and other Federal and State partners, in providing real-time situational awareness on the capabilities and readiness of National Guard forces in support of Homeland defense and civil support missions.

Question. In carrying out these duties, what would be your relationship with the following officials?

The Secretary of Defense.

Answer. The Secretary of Defense is the principal advisor to the President on all defense-related matters and has authority and control over the Department of Defense. If confirmed, I will advise the Secretary of Defense on all military matters as a member of the Joint Chiefs of Staff. Regarding non-Federalized National Guard matters, I will provide this advice to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff. I remain an advisor to the Army and Air Force on all matters involving the National Guard.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman plans the strategic direction and contingency operations of the Armed Forces; advises the Secretary of Defense on requirements, programs, and budgets that the Combatant Command commanders identify; develops doctrine for the joint employment of the Armed Forces; reports on assignment of functions (or roles and missions) to the Armed Forces; provides for representation of the United States on the Military Staff Committee of the United Nations; and performs such other duties as the law or the President or Secretary of Defense may prescribe. In conjunction with the other members of the Joint Chiefs, the Chief of the National Guard Bureau assists the Chairman in providing military advice to the President, the National Security Council, and the Secretary of Defense. If confirmed, it would be my duty as a member of the Joint Chiefs to provide frank and timely advice and opinions to the Chairman to assist him in his performance of these responsibilities. I would also have the specific additional responsibility of addressing matters involving non-Federalized National Guard forces in support of Homeland defense and civil support missions. I will establish and maintain a close and professional relationship with the Chairman, and I will communicate directly and openly with him on any policy matters impacting the National Guard and the Armed Forces as a whole.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs the duties and exercises power as the Secretary of Defense prescribes, to include acting in accordance with the law on the Secretary's behalf. If confirmed, I will be responsible to the Deputy Secretary of Defense for the operation of the National Guard Bureau, the implementation of his policies, and for providing advice as appropriate or authorized by law.

Question. The Under Secretary of Defense for Personnel and Readiness

Answer. Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve components, and health affairs. The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the Armed Forces. The Under Secretary shall establish, to the extent practicable, uniform

standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments. If confirmed, I will coordinate with the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Manpower and Reserve Affairs, and the Secretaries of the Army and the Air Force to ensure the effective integration of National Guard capabilities into a cohesive Total Force. I will also coordinate with the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Reserve Affairs, and the Secretaries of the Army and the Air Force in developing statutory changes, policies, and procedures affecting the National Guard.

Question. The Assistant Secretary of Defense for Manpower and Reserve Affairs. Answer. The Assistant Secretary of Defense for Manpower and Reserve Affairs is the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness for Reserve component matters. If confirmed, I will coordinate closely with the Assistant Secretary of Defense for Manpower and Reserve Affairs, in consultation with the Secretaries of the Army and the Air Force, to ensure the effective integration of National Guard capabilities into a cohesive Total Force. I will also coordinate closely with the Assistant Secretary of Defense for Manpower and Reserve Affairs and the Assistant Secretary of Defense for Homeland Defense and Global Security, in consultation with the Secretaries of the Army and the Air Force, in developing statutory changes, policies, and procedures affecting Federally-funded National Guard forces under State Governor command.

Question. The Assistant Secretary of Defense for Homeland Defense and Global Security.

Answer. The Assistant Secretary of Defense for Homeland Defense and Global Security is responsible for advising the Secretary of Defense and Under Secretary of Defense for Policy on policy, strategy, and implementation guidance across a diverse portfolio of national and global security issues. These issues include countering weapons of mass destruction, cyber operations, Homeland defense activities, antiterrorism, continuity of government and mission assurance, defense support to civil authorities and space-related matters. If confirmed, I will coordinate closely with the Assistant Secretary of Defense for Homeland Defense and Global Security, in consultation with the Secretaries of the Army and the Air Force, regarding the use of National Guard personnel and resources for operations conducted under title 32, United States Code, or in support of State missions. I will assist the Assistant Secretary of Defense for Homeland Defense and Global Security in carrying out his responsibilities of incorporating the roles and responsibilities of the NGB and the National Guard pertaining to the use of National Guard forces under both Federal and non-Federal control in DOD policy and of representing the Department of Defense in interagency, national, and international forums concerning policy for those same matters.

Question. The General Counsel of the Department of Defense

Answer. The General Counsel of the Department of Defense is the chief legal officer in the Department in accordance with title 10 United States Code, section 140. If confirmed, I will ensure the officials and personnel of the National Guard Bureau fully comply with legal opinions, the Department of Defense Standards of Conduct Program, and relevant policies of the General Counsel. I will consult and coordinate with the General Counsel on legal issues or any other matters required by law or policy.

Question. The combatant commanders, particularly the Commander of U.S. Northern Command.

Answer. As established by the Unified Command Plan, and subject to the direction of the President, the combatant commanders perform their assigned duties under the direct authority, direction, and control of the Secretary of Defense. If confirmed, I will build close relationships with the combatant commanders and provide advice, coordination, and support as required. I will communicate regularly and openly with the combatant commanders of United States Northern Command and Pacific Command in regards to coordinating non-Federalized National Guard domestic operations.

Question. The Assistant Secretaries in the Military Departments responsible for Reserve matters.

Answer. The Assistant Secretaries in the Military Departments responsible for Reserve matters shall have as their principal duty the overall supervision of manpower and Reserve component affairs of their respective Military Departments. If confirmed, I will establish a close working partnership with the Assistant Secretaries. As directed by the Secretary of Defense and the Service Secretaries, I will

coordinate with the Assistant Secretaries those matters requiring Service action or coordination that have been assigned or delegated to the Assistant Secretaries in law or policy.

Question. The Directors of the Army National Guard and Air National Guard

Answer. The Director of the Army National Guard and the Director of the Air National Guard assist the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to their respective branches. The Directors will provide their leadership and expertise in their respective Services to further the mission of the National Guard Bureau and the Services.

Question. The Assistants to the Chairman of the Joint Chiefs of Staff for Guard and Reserve Matters.

Answer. Established by law in 1998, the Assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters serve the Chairman and coordinate with the Joint Staff. The Assistant to the Chairman for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman. The Assistant to the Chairman for Reserve Matters is an adviser to the Chairman on matters relating to the Reserves and performs the duties prescribed for that position by the Chairman. If confirmed, and in coordination with the Chairman of the Joint Chiefs of Staff, I will closely coordinate with the Assistants to ensure they are fully informed and able to provide the best advice based on the most current information. In the National Guard and Reserve Matters (NGRM) role, the Assistants are in unique positions to interface both with the Chairman's staff and Guard and Reserve staffs. Their access enables them to identify and advise when issues are diverging or potential misunderstandings have or are about to arise. They are valuable liaisons who contribute insights and provide timely subject matter expertise on Reserve component issues. If confirmed, I envision no change to the current collaborative relationship with them.

Question. The Chiefs of the Reserves of each of the Services.

Answer. The Chiefs of the Service Reserves are the principal advisors to the Service Secretaries on Reserve matters. If confirmed, I will communicate and coordinate regularly with the Chiefs on matters concerning or affecting the National Guard which have implications across all Reserve components.

Question. The Reserve Forces Policy Board.

Answer. The Reserve Forces Policy Board serves as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve components. If confirmed, and at the request of the Service Secretaries, I will nominate officers or retired officers of the Army and Air National Guard for recommendation by the Service Secretaries to the Secretary of Defense for appointment to the Board. Upon request of the Secretary of Defense, I will nominate officers of the Army and Air National Guard to serve as Board members or as Board staff. Upon the request of the Board, I will make members of the National Guard Bureau or of the National Guard available as witnesses or subject matter experts to assist the Board in performing its functions.

Question. The State and Territorial Governors.

Answer. Although a matter of State or Territorial law, generally, the Governor acts as Commander-in-Chief of the National Guard of that jurisdiction. If confirmed, one of the most critical responsibilities I have is to act as the channel of communication between the State National Guards and the Department of Defense on all National Guard related issues. I will assist the Governors at their request regarding specific National Guard matters of concern. I will also participate as a Federal official in the meetings of the Council of Governors and exchange views regarding the matters delineated in Executive Order 13528.

Question. The Adjutants General of the States and Territories.

Answer. The Adjutants General in each of the 54 States and Territories are a foundation on which the National Guard is built. It is essential for the Chief of the National Guard Bureau to support the Adjutants General as commanders of their National Guard forces. If confirmed, I will wholeheartedly embrace a policy of constant, robust twoway communication with the Adjutants General in order to proactively seek their opinions, concerns, and advice on important matters impacting the National Guard.

Question. Do you believe that the statutory designation of the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff has materially changed how the Chief participates, or should participate, in major force structure decisions by the Department of Defense, including decisions relating to the disposition of military personnel or property? If so, please explain.

Answer. Yes. The statutory designation of the Chief of the National Guard Bureau as a member of the Joint Chiefs has ensured the full capabilities of the National Guard, non-Federalized and Federalized, are fully and seamlessly integrated into Department of Defense/Service planning, programing, and budgeting. The Chief of the National Guard Bureau participates in Joint Chiefs of Staff advisory and assessment processes, including those related to resource requirements and priorities. If confirmed, I look forward to working with the members of the Joint Chiefs of Staff, the Joint Staff, and the State Adjutants General in these joint processes.

ROLES AND MISSIONS

Question. Some have expressed concern about the use of the Reserve component as an operational Reserve and the regular mobilizations of National Guard members. Do you believe that the use of the Reserve component as an operational Reserve and regularly mobilizing the National Guard is an appropriate use of these forces?

Answer. Yes. With the current fiscal and security environment, it is my belief that an operational National Guard is needed now more than ever.

An operational Reserve requires regular and predictable utilization to achieve and maintain readiness and allow our airmen and soldiers to grow through operational leadership development experiences. Although we try to utilize the force as predictably as possible, we understand that some National Guard units may mobilize more frequently than others due to high-demand, low-density specialties.

I receive constant feedback that, on the whole, National Guard members want to be deployed and remain an operational force.

Question. Do you think the role of the Reserve component should change, and, if so, how?

Answer. I think the National Guard should remain an operational Reserve that includes regular deployments and rotations. I think we should continue to grow and develop leaders and capabilities across the full spectrum of operations.

Question. Are you concerned that such use will have an adverse effect on recruiting and retention in the National Guard, or on employers' willingness to hire National Guard members in civilian occupations?

Answer. No. As an operational Reserve, the National Guard has never been stronger. Our retention rates remains strong, and soldiers and airmen across the force tell me that they want to remain the operational force we are today. Certainly, there are some stressed career fields as we strive to support the wartime demands and our parent Services, but the majority of our force has joined to be part of a relevant and operational force both at home and abroad.

The key to successfully leveraging the operational use of 447,500 airmen and soldiers is sufficient funding to maintain readiness and predictability in the deployment cycles. This predictability will allow employers to best prepare for and support using the National Guard to defend our Nation.

Question. If confirmed, what actions will you take to enhance recruiting and retention of experienced members of the National Guard?

Answer. If confirmed, I will continue the programs that incentivize the recruiting and retention of qualified, trained, and experienced airmen and soldiers. An important focus area is our interaction with the Air Force and Army to maximize the opportunities for Active component airmen and soldiers to serve in the National Guard. Finally, I will review the recruiting force in the Air and Army Guard to ensure they have the personnel and resources to effectively perform their mission.

ADDITIONAL NATIONAL GUARD PROGRAMS

Question. The National Guard participates in programs such as the Youth Challenge Program, STARBASE, and the State Partnership Program. In times of limited resources, what is the added value of these programs to our national defense?

Answer. The Youth Challenge and STARBASE programs are funded by the Office of the Secretary of Defense and the National Guard is the executive agent. These programs enhance community linkage between the National Guard and local populations, building partnerships at the local level.

The State Partnership Program is an invaluable, cost-effective tool to build enduring relationships with other countries, which has transformed security consumers into security providers and is directly responsible for generating partner participation in coalition operations. For 23 years, the National Guard has cultivated relationships with 76 partner countries in every geographic Combatant Command. In addition to military-to-military engagements, the State Partnership Program leverages whole-of-society relationships and capabilities which facilitate broader

interagency and whole-of-government activities, meeting Department of Defense and partner country security objectives.

Question. The National Guard participates in programs such as the Youth Challenge Program, STARBASE, and the State Partnership Program. Have these programs been successful, in your view, in improving propensity to serve in the military among youth?

Answer. The Youth ChalleNGe Program was created to focus on at-risk youth, not with the goal of recruiting its graduates or increasing their propensity to serve in the military. According to the fiscal year 2015 annual report, the Youth ChalleNGe Program currently averaged approximately 6 percent of graduates entering into some type of Military Service.

The STARBASE Program was created to focus on children, primarily fifth graders, and therefore it is difficult to assess the propensity of students towards Military Service. The program centers around a Science, Technology, Engineering and Mathematics (STEM) curriculum, providing students a hands-on experience by leveraging the use of military bases, and utilizing military STEM examples.

The State Partnership Program (SPP), in contrast, is a strategic engagement program working with our partner nations' military and security forces in a cooperative, mutually beneficial relationship. There is no correlation between the SPP and a propensity to serve in the military, however, I believe the SPP has a positive impact on National Guard retention.

Question. How many Youth Challenge participants join the military after completion of the program?

Answer. The Youth ChalleNGe program focuses on rescuing at-risk youths. It was not created or administered with the goal of recruiting its graduates or increasing their propensity to serve in the military. According to the fiscal year 2015 annual report, approximately 6 percent go on to some type of Military Service.

Question. Do you believe it is the role of the Chief of the National Guard Bureau to make manpower allocations based on the national security and Homeland defense missions first?

Answer. Yes.

DEFENSE BUDGETING PROCESS

Question. What are your views on the relative balance required between the Air National Guard and Active Air Force end strength levels?

Answer. Over the past several years, all three Air Force components (Active, Guard and Reserve) have been fully engaged in every region of the world, in every mission area and across the full spectrum of operations. While the dynamic, trans-regional, multi-domain and multi-functional threats to our Nation and national security interests grow day-by-day, the downsizing of Total Force end-strength has increased the risk that our combatant commanders won't have the ready resources to meet national security objectives. The Air Force continues to rely on the Air Guard for growth into emergent and critical missions such as cyber, ISR, command and control, and space. If confirmed, I will continue to fully support the Secretary of the Air Force's goal of judiciously growing Total Force end-strength to meet our Nation's security needs.

Question. What are your views on the relative balance between the Army National Guard and Active Army end strength levels?

Answer. I believe the Total Army must retain a force size and mix across all of its components sufficient to meet the demands of our National Defense Strategy. It is my opinion that a ready force of 980,000 Total Army (450,000 Active; 335,000 Army National Guard; 195,000 Army Reserve) is the minimally sufficient number needed to meet current and anticipated missions. Should global threats continue to emerge, the risk of meeting the national security objectives with a 980,000 soldier Army would increase.

Question. What level of input should the Chief of the National Guard Bureau have on force structure or resource allocations within the military departments, and how should those recommendations be made?

Answer. The Chief of the National Guard Bureau should be fully integrated in all matters pertaining to force structure and resource allocation. The Chief of the National Guard Bureau provides input through the established Department of Defense and Service processes.

ENHANCED RESERVE MOBILIZATION AUTHORITIES

Question. What is your assessment of the Department's use to date and planned use in the future of the mobilization authority provided in 10 USC 12304b?

Answer. I support the use of section 12304b mobilization authority, designed to facilitate the preplanned operational use of the National Guard through normal planning and programming processes. While the Services have increased the funding to access the National Guard via section 12304b, we can still do more to alleviate the stress on the Active component. If confirmed, I will work with the Department to increase the use of the National Guard via section 12304b, as well as advocate to bring member benefits in line with involuntary mobilization and other Active Duty authorities.

Question. What is your assessment of the Reserve component in general, and the National Guard in particular, as an operational Reserve and how it will fit into this new paradigm of forces rotating into and out of multiple locations of strategic interest? Do you see a role for National Guard units as rotational forces using this new authority? If so, what is your understanding and assessment of that role?

Answer. The last 14 years of war have fundamentally transformed the Reserve component, particularly the National Guard, for the better. The Reserve component, to include the National Guard, should continue to be an essential part of an operational Reserve providing rotating forces. As a combat Reserve of the Air Force and Army, the National Guard seamlessly integrates into the rotation of forces to ease the stress on the Active components and increase options available to the combatant commander. The key to recurring deployments for the National Guard is predictability.

Question. In light of the current defense strategy, do you believe the size and the makeup of the National Guard are appropriate?

Answer. Broadly speaking the force structure composition of both the Army National Guard and Air National Guard is appropriate, and we continue to partner with the Army and Air Force in exploring ways to best balance the Active component/Reserve component mix.

Further reductions in the National Guard end strength will increase risk in meeting the requirements of the current defense strategy, as well as in the Homeland response. A larger National Guard would decrease risk in meeting current requirements, allow for increased depth, and provide an additional hedge for unforeseen and emergent threats. However, any increases in end strength must be accompanied by funding to maintain its readiness as well as adequate full time support requirements.

Question. If confirmed, what will you do to improve the readiness of National Guard units to ensure timely and effective mobilization of National Guard personnel in order to maximize available time for operational missions?

Answer. If confirmed, I will work closely with the Congress, the Army and the Air Force to ensure appropriate resourcing to maintain foundational levels of readiness throughout the force.

The past 14 years of conflict have taught us that the key to timely and effective mobilization is ensuring the National Guard maintains at least a foundational level of readiness prior to mobilization. In general, this means that the units are filled with the right number of people, they are trained and utilized in their jobs, and have the right equipment. This is a fundamental tenet in maintaining the operational National Guard. Both the Army and Air Force support the Total Force and Active-Reserve associations, review of overall training model, and a more effective employment of our assets.

Question. Are National Guard aviation units successfully executing their flight hour programs to maintain adequate skill proficiencies for air crews and maintainers? If not, how would you improve and provide better oversight?

Answer. Yes, our unit commanders have done an outstanding job executing and maximizing National Guard flight hours to maintain minimum levels of aircrew flight proficiency. We continue to be funded at a level that enables us to meet mission requirements; however, our aviators have to prioritize resources as available flight hours typically have not been resourced to train all pilots to the same level. I will continue to work closely with the Services, based on future potential demands for our aviation assets, to ensure we request funding levels that will provide the flying hours necessary to achieve optimal proficiency levels.

Question. What recommendations made by the National Commission on the Future of the United States Army, if implemented, would, if implemented, improve National Guard readiness? What would be the costs?

Answer. The recommendations to increase 12304b utilization, continue with multi-component approaches and training partnerships, and continuing to treat readiness as the most important funding priority, if implemented, will all enhance National Guard readiness. The total cost will vary depending on which combination of recommendations are implemented. If confirmed I will continue to work with the

Army and the Department to assess and implement recommendations of the Commission as a Total Force.

Question. Congress also authorized the Secretary of Defense to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve units and members not assigned to units to Active Duty for up to 120 days in response to a Governor's request for Federal assistance in responding to a major disaster or emergency. The legislation provides that when these Forces, Active Duty Forces, and the National Guard are employed simultaneously in support of civil authorities, appointment of a dual-status commander should be the usual and customary command and control arrangement. What is your view of this authority?

Answer. I fully support the authority granted by Congress for the Secretary of Defense to have this option to respond to a Governor's request for Federal assistance. The designation of a dual-status commander provides an effective command and control construct for achieving unity of effort among Federal military forces and the non-Federalized National Guard when responding to a major disaster or emergency in the Homeland, while respecting the authority of the Federal and State executives to command and control their respective military forces. The dual-status commander arrangement has been used successfully and, if confirmed, I look forward to continuing our work with the Office of the Secretary of Defense, United States Northern Command, the States, and other stakeholders to refine policies and procedures for designating and employing dual-status commanders.

Question. In your view, can a single officer serve in both a State and Federal capacity and effectively exercise both State and Federal responsibilities?

Answer. Yes. Although used sparingly, the "dual status" command authority provided in sections 315 and 325 of title 32, United States Code has provided operational flexibility to coordinate Federal military forces and non-Federalized National Guard forces under a single officer, thereby maintaining unity of effort through the officer's ability to simultaneously exercise both State and Federal responsibilities. Examples of successful use of this authority include the response to Super Storm Sandy and joint task forces that have been used during presidential inaugurations and other national special security events.

Question. In your view, what are the advantages and risks of such an arrangement?

Answer. The primary advantage is that the dual status officer may simultaneously exercise both State and Federal command authorities, thereby achieving synergy and increased unity of effort across Federalized and non-Federalized forces. For example, under the authority of a single commander, Federalized forces within a joint task force may perform diverse Active Duty support missions, but only non-Federalized forces within the joint task force could perform law enforcement functions. The greatest challenge for the dual status commander is resolving conflicting orders from the State and Federal chains of command. Despite the inevitable learning curve, dual status commanders have worked well to date with the support of both the States and United States Northern Command. I am confident we can continue to build on lessons learned and refine our procedures and training for even greater effectiveness in the future.

Question. If confirmed, what actions will you take to minimize the risk?

Answer. If confirmed, I will continue to work with the Governors, the Adjutants General, the combatant commanders, the Services, the Joint Staff, and the Office of the Secretary of Defense to ensure that the dual status commander arrangement is fully understood by all military forces. I will also minimize the risk posed by dual status officers receiving conflicting orders by providing close coordination between the State and Federal military staffs, and by ensuring State and Federal officials execute detailed agreements and plans on how to de-conflict contradictory orders should they arise during dual status operations. The Department of Defense is also preparing an instruction to formalize policy for dual status commanders to provide additional clarity for future dual status operations.

HOMELAND DEFENSE AND CIVIL SUPPORT

Question. What do you see as the appropriate role of the National Guard in Homeland defense and civil support activities?

Answer. The National Guard is the Governors' military first responder to Homeland crises. The need to coordinate and integrate the response planning of Federal and non-Federalized military forces, as well as the planning efforts of the inter-organizational community at Federal, State, tribal, and local level, is a vital responsibility of the National Guard.

In a Federal Homeland defense situation, if needed by the combatant commander, National Guard forces will mobilize in support of United States Northern Command and United States Pacific Command.

Question. Do you agree with the recommendation of the Commission on the National Guard and Reserves to rebalance the capabilities of the National Guard, shifting some capabilities to the Federal Reserve components or to the Active Duty military?

Answer. I believe the force structure is appropriately balanced to support both the Homeland and warfight missions.

Question. What capabilities, if any, should receive increased emphasis in the National Guard?

Answer. If confirmed, I look forward to continuing the close partnership that exists with the Army and Air Force to evaluate Total Force capabilities. In general, National Guard capabilities should closely mirror those of the Active component. Currently, there is increased emphasis in the Army and Air Force to grow the cyber enterprise which requires careful management and resource allocation.

Question. What capabilities currently resident in the National Guard can we afford to trade for increasing emphasis on higher priority missions?

Answer. Maintaining a balanced force structure with combat and enabling forces best prepares the National Guard to meet both combatant commander and Governors' requirements and provides cost-effective depth to both the Army and Air Force. As part of the Army and Air Force processes, we continually re-evaluate Total Force requirements to ensure they meet the broad spectrum of missions. If confirmed, I will continue this close partnership to ensure National Guard capabilities best reflect the needs of the Nation.

RELATIONSHIP BETWEEN NATIONAL GUARD AND U.S. NORTHERN COMMAND

Question. If confirmed, how would you seek to maintain and improve the relationship between the National Guard Bureau and NORTHCOM, particularly the planning, coordination, and collaboration among NORTHCOM, the National Guard Bureau and the state National Guard forces?

Answer. If confirmed, I will continue to work closely with NORTHCOM to meet requirements for the defense of the Homeland. In addition to our many efforts at integrated planning, training and exercising, the National Guard will continue to stay engaged with NORTHCOM to advise and assist them in their development of plans and requirements to protect United States citizens and property from attack, and to ensure that our forces are trained, equipped and ready to succeed.

WEAPONS OF MASS DESTRUCTION AND CIVIL SUPPORT TEAMS

Question. What is the current role of the Chief of the National Guard Bureau with respect to oversight of the WMD-CSTs?

Answer. Even though the Army is the Executive Agent for the National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CSTs), the Chief of the National Guard Bureau has the responsibility to organize, train, equip and sustain this capability for the Department of Defense and the Governors. The Chief also oversees WMD-CST program management, which includes policy, programming, budgeting, developing planning and training guidance, as well as maintaining readiness in coordination with the Adjutants General, combatant commanders and other Department of Defense stakeholders.

DUTY STATUS REFORM

Question. What is your view on the need to reduce the number of duty statuses in which National Guard personnel serve?

Answer. If confirmed, I will ensure the National Guard Bureau continues to participate in the Department's working group to "right size" the current duty statuses to an appropriate number that will enable the National Guard to successfully execute our assigned missions. My concern is for ease of mission accomplishment, ease of transition from citizen to soldier or airman, and equivalency of pay and benefits among any given set of statuses.

Question. Are you concerned about the ability of the Service's personnel and pay systems to handle significant changes to the number of duty statuses related to National Guard?

Answer. Yes. I am always concerned about pay and benefits for our servicemembers. Major system changes always pose a risk during transition. If confirmed, I will ensure we watch any transition closely and protect pay and benefits of servicemembers.

Question. If you agree that the number of duty statuses should be reduced, do you support the recommendation of the Commission on the National Guard and Reserves to reduce the number of duty statuses to 2, the recommendation of the Military Compensation and Retirement Modernization Commission and the Eleventh Quadrennial Review of Military Compensation to reduce the number of duty statuses to 6, or do you recommend some other number of duty statuses?

Answer. I agree there may be efficiencies in streamlining the duty statuses that currently exist within law. The National Guard Bureau is working with the Department of Defense's working group to analyze the different duty statuses and determine where it makes sense to remove or combine statuses. It is important that this effort ensures our commanders have the flexibility to meet assigned mission requirements both at home and abroad, while ensuring appropriate pay and benefits for servicemembers.

MOBILIZATION AND DEMOBILIZATION OF THE NATIONAL GUARD AND RESERVE

Question. What is your assessment of advances made in improving Reserve component mobilization and demobilization procedures over the past decade, and where do problems still exist?

Answer. I support any appropriate means of improving our National Guard mobilization and demobilization procedures. It is critically important that our Guard servicemembers are trained, equipped and ready to deploy alongside our Active component counterparts on a predictable and consistent basis. Improvements in Army National Guard pre-mobilization timelines have resulted in post-mobilization timelines that are 90 days or less in most types of formations. Additionally, the force generation model now allows for better synchronization of manning, equipping and training functions and resources. Similar improvements have been made to streamline and synchronize our preparation efforts in the Air National Guard. Finally, by focusing on demobilization procedures and support, the National Guard has been able to ensure that Guard servicemembers are provided the benefits, holistic medical support and family support they require. The changes to mobilization and demobilization procedures for our soldiers and airmen have directly improved their lives by increasing predictability and reducing training timelines.

A well-oiled mobilization and demobilization machine is critical to national security, and another good reason to continue utilizing the National Guard as an operational Reserve.

Question. What do you consider to be the most significant enduring changes to the administration of the Army National Guard and the Air National Guard aimed at ensuring their readiness for future mobilization requirements?

Answer. It is my opinion that the three most enduring and important changes to the organization of the National Guard are: the Militia Act of 1903; the National Guard Empowerment Act of 2007; and, provisions contained in the National Defense Authorization Act for Fiscal Year 2012. The first, also known as the Dick Act, codified the circumstances by which the National Guard could be Federalized, and provided Federal funds to the Guard to pay for equipment and training. The second, the National Guard Empowerment Act of 2007, contained within the National Defense Authorization Act for 2008, established the National Guard Bureau as a Joint Activity of the Department of Defense with enhanced functions, elevating the position of the Chief of the National Guard Bureau to the grade of general. The third, provisions in the National Defense Authorization Act for Fiscal Year 2012, codified the position of the Chief of the National Guard Bureau as a full member of the Joint Chiefs of Staff with specific responsibility of addressing matters involving non-Federalized National Guard Forces in support of Homeland defense and civil support missions. These three pieces of legislation, accompanied by resourcing necessary to maintain an operational posture, will ensure that the National Guard is ready to meet its mobilization requirements at home and in the warfight.

Question. What recommendations made by the National Commission on the Future of the United States Army, if implemented, would improve mobilization of Army and Air National Guard personnel and units?

Answer. In general, the Air and Army National Guard mobilize their personnel differently, so broadly applying recommendations from the Army Commission would be difficult. I believe readiness is the key component to mobilization. Therefore, Commission recommendations that improve readiness will inherently improve our mobilization capability. A specific example of a Commission recommendation that improves mobilization is Recommendation 46, which increases annual Combat Training Center (CTC) rotations for Army National Guard Brigade Combat Teams. Increasing CTC opportunities enhances our unit readiness and subsequently hones our mobilization practices.

Question. Do you see a need to modify current statutory authorities for the mobilization of members of the Army and Air National Guard beyond the new mobilization authorities in the National Defense Authorization Act for Fiscal Year 2012?

Answer. No. I do not see a need to modify current statutory authorities for the mobilization of members of the National Guard. The current mobilization authorities provide access to the National Guard for operational missions ranging from full mobilization to supporting Combatant Command pre-planned missions.

Question. Invisible wounds, such as Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), may not be manifest until months after demobilization. If confirmed, what steps if any would you take to improve consistency of identification and referral for care for PTSD and TBI for member of the Army and Air National Guard?

Answer. If confirmed, I will work to ensure airmen and soldiers have access to the care they need at the point of identification, regardless of duty status, so that they can utilize all the tools necessary for holistic care. The invisible wounds of war, unlike physical injuries, are more difficult to diagnose and often have a stigma associated with them that hampers effective identification and referral. For our part-time force, identifying these illnesses soon after deployment is further challenged by the lack of consistent observation and assessment. As our National Guard servicemembers transition from one duty status to the next, we also have unique challenges to eligibility for treatment, which impacts access to care once the need for treatment is identified.

Question. What, in your view, are the unique challenges faced by the National Guard in the Disability Evaluation Process, and if confirmed, what steps if any would you recommend to mitigate these challenges?

Answer. Care of our Wounded Warriors will remain one of my highest priorities. As a Nation, we owe our Wounded Warriors a debt that cannot be repaid. In the National Guard, once members reach the point in their injury or illness where they need a medical board, there are long administrative delays, often years. They also face many obstacles to actual entry into the Integrated Disability Evaluation System, followed by a prolonged processing period. If confirmed, I will work tirelessly to ensure that National Guard members receive timely processing and disability evaluation priority, and I will work toward establishing a more efficient process to minimize disruption to their civilian jobs. I will also support the current efforts to streamline the Disability Evaluation Process.

LESSONS LEARNED

Question. What do you believe are the major personnel lessons learned from Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), and Operation New Dawn that you would seek to address if confirmed?

Answer. We have learned that it all starts with foundational levels of personnel readiness. The main elements include medical and dental readiness, adequate levels of full-time support, family readiness, and predictability of utilization. Foundational readiness prior to mobilization reduces the number of non-deployable airmen and soldiers and maximizes availability. If confirmed, I will focus on applying these lessons learned to ensure the National Guard is prepared to meet combatant commander requirements.

OPERATIONAL AND PERSONNEL TEMPO

Question. Current Department of Defense policy is that Reserve component members should have 5 years of dwell time for each year they are mobilized.

What is your understanding and assessment of the current dwell time status of National Guard personnel?

Answer. The National Guard works closely with the Army and Air Force to develop force generation cycles to best meet combatant commander requirements, allocate resources, and maintain a healthy force. The Army National Guard aims to operate at a 1:4 mobilization-to-dwell cycle and the Air National Guard aims for a 1:5 cycle. The actual average dwell time for individual guardsmen varies across capabilities and units. If confirmed, I will continue monitor the mobilization-to-dwell ratios to ensure we are not overly-stressing the force.

Question. What is your view of the achievability of this goal? If confirmed, what measures would you take to achieve this goal within 5 years?

Answer. These goals are achievable. If confirmed, I will work closely with the Army and Air Force to develop force generation cycles to best meet combatant commander requirements and maintain a healthy force.

Question. In your view, is a 1:5 dwell time ratio for National Guard personnel adequate to sustain favorable employer relationships?

Answer. Yes. I believe predictability and consistency are the keys to maintaining good relations with the stakeholders that support our National Guard airmen and soldiers.

Question. What is your understanding and assessment of measures taken to respond to operational requirements for low-density, high-demand units and personnel whose skills are found in the Army and Air National Guard?

Answer. The National Guard works closely with the Services and the combatant commanders to determine the best and most equitable way to utilize low-density, high-demand units and personnel. In the current constrained fiscal environment, we are prioritizing use of these critical assets to minimize stress on these units and personnel.

STRESS ON THE FAMILIES

Question. In your view, what are the key indicators of the stress on National Guard families at this time?

Answer. Financial readiness, relationships and behavioral health continue to be the top stressors on National Guard members and their families. Financial assistance and communication assistance have been top issues highlighted by our Family Assistance Centers over the past 5 years. Additionally, we recognize that unemployment can negatively exacerbate the other factors, and so is a major focus area as well.

Question. If confirmed, what will you do to address these key indicators?

Answer. If confirmed, taking care of National Guard airmen, soldiers, and their families will continue to be a priority for the National Guard. I will work with the Department of Defense and the Services to ensure proper resourcing and support for the programs designed to help our servicemembers and their families.

Question. What do you consider to be the most important family readiness issues in the National Guard?

Answer. I consider the most important family readiness issues to be predictability of deployments, continuity of care, employment security in both military and civilian sectors, proper resources and support programs for families and competitive pay and benefits. If confirmed, I will focus on bolstering our support for family readiness across the National Guard.

Question. If confirmed, how would you manage costs and at the same time ensure support for National Guard families, particularly those who do not reside near an Active Duty military installation, related to mobilization, deployment, and family readiness?

Answer. If confirmed I will work to best maintain critical capabilities where we can maximize servicemember and family engagement where they are, within the communities where they live. To find efficiencies, the National Guard Bureau has shifted to a new outreach model that better integrates community and military resources, known as Joining Community Forces. This program is intended to better connect military and community resource networks to foster a sustainable network of local support through governmental, non-governmental, non-profit, corporate partnerships, and local citizen collaboration.

Question. If confirmed, what additional steps would you take to ensure that family readiness needs, including child care, are addressed and adequately resourced, and that costs are managed?

Answer. If confirmed, I will work with the Adjutants General to improve upon the Guard's partnerships with communities and leverage local resources and services in conjunction with National Guard programs funded by the Services. In particular, child care programs supporting our full-time force and those who are deployed or mobilized will be maintained as a priority. Additionally, I will review our programs, continue to develop and refine metrics of effectiveness, and ensure the programs are adequately resourced and managed.

NATIONAL GUARD UNEMPLOYMENT AND TRANSITION ASSISTANCE

Question. The Committee continues to be concerned about reports that National Guard members return from deployment and cannot find employment or are underemployed.

Answer. I share your concern with regard to employment of our National Guard members post deployment. It is a part of our business model to mitigate the unemployment and underemployment of National Guard members, including those members who have yet to deploy. The National Guard utilizes major programs such as Department of Defense Transition Goals, Plans, Success (GPS), Employer Support of the Guard and Reserve, Military One Source, Veterans Employment Service Office, Department of Labor's American Jobs Centers, and the National Guard's Job

Connection Education Program. The National Guard leverages these programs to help servicemembers and their families efficiently find employment. Geographic dispersion of our National Guard members remains a challenge, and if confirmed I will work with Congress and the Services to empower our leaders with all available resources to reduce National Guard unemployment rates.

Question. What is your understanding of the current employment situation for transitioning members of the National Guard?

Answer. Surveys show that up to 40 percent of deployed airmen and soldiers will be looking for employment when they return home. The National Guard Bureau monitors transitioning members of the Air and Army National Guard through the National Guard Bureau Employment Support Division. Additionally, several States such as South Carolina, Indiana and New Hampshire have developed programs in coordination with the United States Department of Labor, the Department of Veteran Affairs, and various State agencies to craft unique plans to assist newly returned veterans in finding employment. The National Guard Bureau continues to share these State best practices across the National Guard to improve employment opportunities for our servicemembers.

Question. What programs are currently showing the greatest promise to improving reemployment opportunities for members of the National Guard?

Answer. Overall, the National Guard Pilot Employment Program has placed over 9,700 servicemembers and their families over the last 5 years at an average wage of \$17.67 an hour. The National Guard Employment Support initiative, consisting of 56 employment support specialists across the Nation, combines the innovative work of the States with national level government and private organizations.

Question. What are the biggest challenges remaining?

Answer. The biggest unemployment challenge facing National Guard members relates to underemployment. There are National Guard members that would like to have stable civilian careers; however, some servicemembers are forced to work numerous part-time jobs to generate enough income to support themselves and their families. This remains an issue that requires attention.

Question. If confirmed, how will you address unemployment issues of National Guard members returning from deployment?

Answer. We are already working in multiple ways to attack the issue of National Guard servicemember unemployment, and if confirmed I will continue to focus on this issue. We will work on continuing and growing partnerships with those agencies and organizations that can help us in the employment and career arenas. Programs such as Department of Defense Transition Goals, Plans, Success (GPS), Employer Support of the Guard and Reserve, Military One Source, Veterans Employment Service Office, Department of Labor's American Jobs Centers, and the National Guard's Job Connection Education Program help servicemembers and their families efficiently find employment.

Internally, we are conducting an ongoing analysis to find the right number and distribution of employment specialists, case managers, and facilitators to reduce duplication and more tightly focus limited resources. Our goal is to support the States with robust and meaningful member employment opportunities and career options, while staying within our available resources.

MEDICAL AND DENTAL READINESS OF NATIONAL GUARD PERSONNEL

Question. What is your view of the medical and dental readiness of the National Guard?

Answer. Consistently, the Air and Army National Guard achieves or exceeds the Department's goal of 80 percent medically ready. Medical and dental readiness directly impact unit readiness and availability. Resourcing the National Guard to achieve and maintain the Department of Defense goal of 80 percent medically ready reduces the number of nondeployable airmen and soldiers in our formations, and reduces the amount of time spent at mobilization stations prior to deployment.

Question. Medical and dental readiness of Reserve component personnel remains an issue of significant concern to the Committee, and shortfalls that have been identified have indicated a need for improved policy oversight and accountability.

If confirmed, how would you seek to clarify and coordinate reporting on the medical and dental readiness of the National Guard?

Answer. Individual medical readiness (IMR) statistics in both the Army and Air National Guard have consistently met or exceeded the Department of Defense's goal of 80 percent. However, despite these successes, timely reporting remains a concern. Streamlining the flow of medical and dental readiness information, in order to optimize real-time decision making, demands a concerted effort to reduce inefficiencies in the reporting process. If confirmed, I will continue to strive to maintain high

medical and dental readiness as a key indicator of overall force readiness. I will review the current reporting system to ensure that the 54 States and Territories are reporting accurate medical and dental readiness information in a timely manner. I will also review existing policies to ensure mechanisms are in place to perform the oversight and accountability of the medical and dental readiness programs, and make appropriate recommendations where improvement is needed.

Question. How would you improve on the ability to produce a healthy and fit National Guard?

Answer. Medical readiness is the first step in ensuring a healthy and fit force. A central tenet to medical readiness is that airmen and soldiers receive annual health assessments and dental screenings, which ensures regular counseling for preventive health services and the early identification and treatment of disease. If confirmed, the health of the force will continue to be a leadership priority. I will promote programs and policies which provide a seamless, continuous health care benefit for those who are serving and for those injured while serving, and foster a culture of mental, physical, spiritual, and emotional health and fitness.

HEALTH CARE AND NATIONAL GUARD PERSONNEL

Question. Members of the National Guard who are ordered to Active Duty for more than 30 days are eligible for the same health care and dental benefits under TRICARE as other Active Duty servicemembers.

What is your view of the adequacy of health care for National Guard personnel?

Answer. If confirmed, I will prioritize and work closely with this Committee and the Department to improve access to quality healthcare, including behavioral health services and continuity of care. The healthcare provided by TRICARE while on Active Duty, and the TRICARE Reserve Select option for traditional National Guard members, has been vital to the readiness, health and well-being of the force and their families. However, challenges remain to ensuring access to care for our geographically dispersed, often rural members. In addition, TRICARE is not widely accepted by civilian mental health providers.

Question. What are your suggestions for improving continuity of care for members of the National Guard and their families?

Answer. I appreciate Congress' support in assisting the Department in making great strides in improving continuity of care through TRICARE Reserve Select and psychological health programs. If confirmed, I will work closely with medical professionals, servicemembers and their families, the Services and the States to find ways to improve access to dental and health care for our National Guard members and their families.

Question. TRICARE Reserve Select authorizes members of the Selected Reserve and their families to use TRICARE Standard at a subsidized rate when they are not on Active Duty. What is your assessment of TRICARE Reserve Select and its level of utilization in the National Guard?

Answer. The TRICARE Reserve Select program is vital to the readiness of our National Guard soldiers and airmen and the health of their families. This benefit is among the top reasons that soldiers and airmen choose to stay in the National Guard, and directly contributes to our high retention rates. This program continues to be a popular and valuable program across the National Guard.

Question. What impact has TRICARE Reserve Select had on recruiting for the National Guard?

Answer. In speaking with servicemembers, I've received very positive feedback on the TRICARE Reserve Select program and its impact on recruiting and retention.

Question. One of the major concerns for military family members is access to health care. Military spouses tell us that the health care system is inundated, and those stationed in more remote areas may not have access to adequate care, a particular concern for members of the Reserve components.

If confirmed, what steps would you take to ensure complete access to health care for the families of members of the National Guard?

Answer. I appreciate Congress' support for TRICARE, which has made significant improvement in access to health care for members and their families.

Question. However, access to health care remains a major concern and readiness issue for National Guard airmen, soldiers, and their families. The National Guard has geographically dispersed servicemembers across 54 States and Territories with many in rural areas. I fully support increasing access to care for all National Guard members. If confirmed, I will work with the Department and this Committee to determine a cost-effective method to ensure that all servicemembers and their families have access to quality health care.

NATIONAL GUARD EQUIPMENT AND READINESS

Question. In your view, how will the reduced pace of operations in Afghanistan affect the Active and Reserve component mix and capabilities and National Guard readiness?

Answer. In my view, a reduced pace of operations in Afghanistan will not affect the Active and Reserve component mix or the National Guard's readiness. The current security threats at home and abroad requires a National Guard that is utilized and maintains its operational readiness and capabilities.

Question. In your view, should the missions of the National Guard change to meet these new priorities?

Answer. No. The National Guard is a cost-effective, operational force capable of supporting domestic and warfight missions across the full spectrum of operations when properly resourced, trained and equipped.

Question. What are your views on the allocation of force capabilities between the National Guard and Active components of the Army and Air Force? Should Reserve components be more composed of support and enabling forces that could be more readily used for dual Federal-State purposes, and combat forces allocated to the Active components?

Answer. The National Guard is an operationally engaged Reserve Force that has consistently, without fail, provided surge capacity ready to support the parent Services in times of crisis or increased operations tempo, and should remain included in all force capabilities. Combat forces, especially through their organic mission command capabilities, play an invaluable role in domestic emergencies. The same skills that enable combat forces to lead and execute complex wartime missions are leveraged to manage Homeland responses. Maintaining a balanced force structure with combat and enabling forces best enables the National Guard to meet both combatant commander and Governors' requirements and provides cost-effective depth to both the Army and Air Force.

Question. The National Commission on the Future of the United States Army made many recommendations in regard the total Army's Aviation Restructuring Initiative (ARI). One of which was a recommendation to maintain AH-64 Apache helicopter battalions in the National Guard to maintain a strategic depth in the total Army. If implemented, how will you ensure standards for combat training, safety and maintenance are being achieved and enforced for these critical resources? How will you provide oversight?

Answer. I support the Commission's recommendation to maintain AH-64 Apache helicopter battalions in the Army National Guard. The National Guard will ensure training, safety and maintenance standards are at the highest levels possible throughout all Army National Guard aviation units including AH-64 battalions. We will ensure these standards are met in the same way the Army applies them to all Apache battalions regardless of component.

The Army National Guard's AH-64 Battalions have a history of successful operations and support, especially over the last 12 years of heavy rotations, and I have no doubt that the Army National Guard will carry that success forward.

Question. If confirmed, what steps if any would you take to ensure improvement in continuity of care and consistency of health and mental health support for member of the National Guard?

Answer. If confirmed, I will make caring for our airmen and soldiers a top priority. I will review the programs available to ensure we are not duplicating programs, and that our airmen and soldiers understand where they can go to get the care they need, when they need it.

Question. What unique challenges if any are faced by redeploying members of the National Guard who need care for conditions including Post-Traumatic Stress Disorder and Traumatic Brain Injury that are incurred during these members' Military Service? How, if confirmed, would you help ensure that these unique challenges are addressed?

Answer. If confirmed, I will ensure that outreach remains a top priority of the National Guard, and that the National Guard Bureau continues to work to remove barriers soldiers and airmen may face in seeking treatment. The National Guard faces the challenge of a being a very geographically dispersed force. Injuries both visible and hidden may go unnoticed and untreated as National Guard members transition between Military Service and civilian life. While in civilian life, National Guard members may not seek the treatment they need for any number of reasons. Those injuries, especially Post-Traumatic Stress Disorder, may go undiagnosed and lead to more serious complications.

READINESS REPORTING

Question. What is your understanding of the readiness reporting systems currently being used by the Services?

Answer. The Defense Readiness Reporting System (DRRS) is the over-arching family of systems for defense readiness reporting. This system includes both traditional metrics-based “SORTS” reporting as well as capabilities-based reporting to capture the readiness of forces.

Question. If confirmed, what improvements or changes to the readiness reporting system, if any, would you recommend?

Answer. Other than routine continuing upgrades and improvements, I do not believe significant changes are needed to the readiness reporting system. The National Guard Bureau is a partner in the Department of Defense’s efforts to continually assess the state of our readiness reporting processes and systems and we will continue to be engaged on this important matter.

Question. In your view, to what extent has the overall readiness of the Army and Air National Guard’s improved since Congress first started appropriating money for the National Guard and Reserve Equipment Account (NGREA)?

Answer. Today’s National Guard is better equipped than at any other time in my career, due in large measure to National Guard and Reserve Equipment Account (NGREA) funding. As a result of Congressional support, our soldiers and airmen are able to seamlessly integrate with our Active Duty counterparts in training and on the battlefield. NGREA funding has been a key element in the improvement of the National Guard’s interoperability, capability, and overall equipment posture in support of both contingency and domestic operations. NGREA has been instrumental in increasing the Army National Guard’s equipment on-hand, and has facilitated procurement of combat simulators, engineering equipment and ambulances. The Air National Guard has utilized NGREA to increase combat and domestic response readiness through operational testing, evaluation and fielding of off-the-shelf technologies such as helmet-mounted queuing systems, defensive counter-measures, advanced communications and surveillance equipment.

DOD EFFICIENCY INITIATIVES AND BUDGET TOP LINE REDUCTIONS

Question. What is your understanding and assessment of the DOD efficiency initiatives and the role of the National Guard to reduce costs of administration and operations?

Answer. In a time of declining budgets, the National Guard has worked with the Services and the Department of Defense to find efficiencies in administrative overhead, to include the restructuring of headquarters management, the implementation of better business practices, to include energy consumption, and to take a hard look at how we prioritize and execute our funding in a time of budgetary constraint. If confirmed, I will work with the Services and the Department to ensure that the National Guard—from headquarters to the unit level—is as efficient as possible in meeting our mission requirements. These efforts to find efficiencies are and will continue to reduce costs while sustaining effectiveness to meet State and Federal mission requirements.

Question. In your view what are the major risks for the National Guard associated with efficiencies related reductions and, if confirmed, how would you propose to manage those risks?

Answer. Efficiency-related reductions can negatively impact readiness. While I believe every organization should strive for efficiencies, to include the National Guard, the National Guard operates a different business model than the Active component. With only 30 percent full time in the Air National Guard and 16 percent full time in the Army National Guard, further reductions are likely to have a disproportionately negative impact on National Guard readiness, and accordingly must be carefully managed.

Question. Harvesting savings through process improvements and efficiencies has a mixed record of success in DOD. In your view, how likely is it that savings will be achieved in the National Guard?

Answer. In this fiscal environment, finding efficiencies and generating savings whenever possible is paramount. Every organization, to include the National Guard Bureau, is not perfectly efficient and is capable of generating some level of savings. The National Guard Bureau has instituted a Fiscal Stewardship Comprehensive Plan, which includes the Adjutants General, with the intent of creating a culture of fiscal stewardship from the strategic level down to the individual airman and soldier. Through this and other process improvement efforts, the National Guard is committed to saving taxpayer dollars whenever possible.

MILITARY CONSTRUCTION BUDGETING

Question. If confirmed, how will you manage the National Guard's infrastructure requirements in light of these funding reductions?

Answer. If confirmed, I will work with Congress and the Adjutants General to ensure that the National Guard maintains adequate infrastructure across the country that is tailored to meet mission requirements at minimal cost. Due to the decline in funding across the Department, I will continue to prioritize the most critical National Guard requirements with the resources available.

NATIONAL GUARD BUDGETING

Question. If confirmed, what role would you play, if any, in the Department's budget formation process for the National Guard?

Answer. If confirmed, I will ensure the Federal and State requirements of the National Guard are considered in the Department of Defense's budget formation process.

Question. What is your understanding and assessment of the Department of Defense's annual budget process and the documentation of the priorities and proposed funding levels for equipment procurement for the National Guard?

What changes, if any, would you recommend to the process or documentation of the equipment-related funding request for the National Guard?

Answer. The Department of Defense continues to provide transparency in the prioritization and procurement of the National Guard equipment-related funding. The annual budget process identifies the equipment required across the Reserve components and is documented in both Active component and Reserve component justification and procurement books. This is further detailed in the annual National Guard and Reserve Equipment Report which provides a review of the status of Reserve component equipment and requirement shortfalls.

I am currently unaware of changes needed at this time. However, if confirmed I will review this process to determine if changes are necessary to provide better advocacy and transparency in the equipment procurement process.

Question. What is your understanding and assessment of the oversight of National Guard budget execution by the National Guard Bureau, the Department of Defense, the Department of the Army, and the Department of the Air Force, particularly with respect to the transparency of the execution of annual appropriations for personnel, operations, and procurement? If confirmed, what actions, if any, would you take to improve this oversight?

Answer. The Chief of the National Guard Bureau provides oversight for the Army and Air National Guard Personnel, Operations and Maintenance, Military Construction, and National Guard and Reserve Equipment accounts. The Departments of the Army and Air Force are responsible for National Guard procurement within their respective accounts, and our Air and Army National Guard staffs work within service processes to identify resourcing requirements each year during budget planning. The Department of Defense retains responsibility to oversee various accounts that impact the National Guard, such as the Central Transfer Account. In my role as Vice Chief, National Guard Bureau, I review and improve our oversight and visibility of the full National Guard portfolio. If I am confirmed, I will continue to look for ways to improve the process, our participation with the Services, and will insist upon accountability across the National Guard.

EVOLVING ROLES OF THE NATIONAL GUARD AND RESERVE IN THE DEFENSE ESTABLISHMENT

Question. What is your understanding and assessment of the changes, if any, over the past 20 years in the required levels of readiness of the National Guard prior to mobilization?

Answer. My assessment is that we are in a much better place than we were on 9/11, and we continue to improve our readiness for the dual mission at home and abroad. The Nation has made a tremendous investment in today's operational National Guard. Additionally, our full-time support personnel are critical to achieving and sustaining the necessary readiness levels in support of the warfight, and civil support and Homeland defense. Increased readiness yields increased availability for "boots on the ground."

Question. In your view, how do, or should, these changes affect the manning, equipping, training, and budgeting for the National Guard as an "operational" Reserve as opposed to its historical role as a "strategic" Reserve?

Answer. An operational Reserve must maintain higher levels of manning, superior and disciplined training, and sustained levels of equipment. We require adequate

levels of resources to achieve this higher level of readiness and operational responsiveness.

Question. Does the National Guard have all the needed capabilities and capacities to meet requirements as outlined in published time-phased force and deployment lists to support our most critical contingency plans?

Answer. Yes. The National Guard, if we continue to receive operational Reserve levels of funding, can meet the current published time-phased force and deployment lists to support contingency plans. However, further reductions in full-time support and other critical aspects of foundational readiness may risk the National Guard's ability to meet deployment timelines in the future.

Question. In your view, what changes, if any, are required to DOD or military department policies or programs to meet the Defense Strategic Guidance for the Reserve component as an "operational" Reserve at acceptable levels of risk as established by the Department of Defense?

Answer. As stated in Department of Defense Directive 1200.17, the Reserve components as an operational force participate in a full range of missions according to their Services' force generation plans. Units and individuals participate in missions in an established cyclic or periodic manner that provides predictability for the Combatant Commands, the Services, servicemembers, their families, and employers. Given the sweeping potential impacts of the National Commission on the Future of the Army recommendations, and the continuing work of the Air Force in implementing recommendations from the National Commission on the Structure of the Air Force, if confirmed, I will need to review this matter in some detail. As possible changes in policies or programs are identified, I will raise the concerns to the Services, the Department, and this Committee as appropriate.

ARMY NATIONAL GUARD MARKETING

Question. What is your understanding and assessment of the Army National Guard's modularity transformation strategy?

Answer. The modular transformation strategy reorganized the Operational Army from large division-size formations designed to defeat traditional threats in conventional campaigns to more versatile and deployable brigade-size units designed to support joint force requirements for full-spectrum operations. I believe the strategy implemented by the Army National Guard was successful. The Army initiated modular transformation of the Total Force in 2003, and Army National Guard formations completed the modular transformation by 2011.

Question. If confirmed, what actions or changes, if any, would you propose relative to the Army National Guard's modular transformation strategy?

Answer. I do not believe any change to the Army National Guard modular transformation strategy is required. The Army National Guard's strategy was successfully implemented and executed with all formations completing modular conversion by 2011.

Question. What changes, if any, would you propose to the modular design, the mix of National Guard combat and supporting brigades, or modular unit employment to improve performance or reduce risk?

Answer. I see no need for changes at this time. However, if confirmed, I will ensure the Army National Guard continues to work with the Active Army and the Army Reserve to assess the Total Force mix. In general, National Guard capabilities should closely mirror those of the Active component and should be part of any emerging mission sets that can be accomplished by an operational Reserve.

Question. The National Commission on the Future of the United States Army made many recommendations to improve the readiness and accessibility of the National Guard. Would partnering between Regular Army units and National Guard units be an effective way of improving National Guard readiness? Might it make mobilization more efficient?

Answer. Yes. In my opinion, increased readiness and more efficient mobilization is a likely outcome for units participating in associated unit or multi-component configurations.

Question. If confirmed, how would you propose to implement a decision to add a third maneuver battalion to the National Guard's armored and infantry brigades? What National Guard force structure or capabilities would you propose to reduce in order to increase maneuver forces within the combat brigades and stay within the end strength authorization?

Answer. The Army National Guard is currently implementing force structure changes that provide a third maneuver battalion to the Army National Guard's Brigade Combat Teams (BCTs) and we will be complete in fiscal year 2018. These third maneuver battalion alignments are consistent with Army structure. Currently, the

Army National Guard's Stryker BCTs are organized with three maneuver battalions mirroring the Army's structure. No additional reductions are necessary for the implementation of the third battalions given the already planned Army National Guard BCT inactivation, which allow for battalion realignment consistent with this strategy.

RESERVE FORCES POLICY BOARD

Question. What is your understanding and assessment of the appropriate role, function, and membership of the Reserve Forces Policy Board?

Answer. By statute the Reserve Forces Policy Board is composed of members with significant experience in national security and Reserve component matters. The collective voice of the Board provides the President and Congress, through the Secretary of Defense, an independent view of strategies, policies, and practices to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve components. I believe today's board represents a well-informed and highly respected independent voice, providing our Nation's leaders with a very useful perspective on key Reserve component issues.

Question. Based on your experience as the Vice Chief of the National Guard Bureau, what is your assessment of the utility of the Reserve Forces Policy Board with respect to the issues facing members of the National Guard and their families?

Answer. Because of the Reserve Forces Policy Board, the Department of Defense gets more out of the Reserve components. I believe the members of the National Guard, and their families, are well-served by the Reserve Forces Policy Board. If confirmed, I will work with the Board to support those actions that address the needs of the National Guard servicemembers and their families.

Question. If confirmed, what changes, if any, would you recommend concerning the Reserve Forces Policy Board?

Answer. I believe the Board serves effectively as prescribed in statute, and no revision to its current role, function, or membership is required. If confirmed, and at the request of the Service Secretaries, I will nominate highly qualified officers and retired officers of the

Army and Air National Guard for recommendation by the Service Secretaries to the Secretary of Defense for appointment to the Board, in order to sustain its valuable contributions. Upon the request of the Board, I will make available members of the National Guard Bureau as witnesses or subject matter experts to assist it in performing Board functions.

EMPLOYMENT OF FULL-TIME SUPPORT PERSONNEL

Question. Do you think, as a matter of policy, AGR members should be authorized in limited circumstances to perform limited state Active Duty missions?

Answer. Yes, I believe there are circumstances in which AGR personnel should be authorized to support State Active Duty missions as a matter of policy to ensure that our AGRs can serve their States and communities alongside other National Guard members. If confirmed, I will work to review and develop policies to identify the appropriate circumstances for the employment of AGRs to support State Active Duty missions in response to domestic emergencies.

Question. Under what circumstances, if any, do you believe such use should be authorized?

Answer. AGRs are responsible for organizing, administering, recruiting, instructing, and training of National Guard units to ensure their readiness. Under certain circumstances, AGR personnel are available to support an immediate response situation at the request of civil support authorities. If confirmed, I would explore options suggested, and changes to policy and law, to use AGR personnel in additional roles for State Active Duty missions.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. In the context of the National Guard, do you consider the current sexual assault policies and procedures to be effective?

Answer. If confirmed, I will continue to work with the Department of Defense and the Services to confront sexual assault. There is no place for sexual assault in the National Guard. While the Department's policies and procedures continue to make progress in combating sexual assault, more work needs to be done. I will do what is necessary to create an environment that is safe for victims of sexual assault to come forward and seek support. We will continue to train and educate all military members to prevent and respond to this crime. We will leverage the Office of Complex Investigations, Special Victims Counsel program, and Defense Sexual Assault

Advocate Certification Program. The ultimate goal is to eliminate sexual assault from our ranks.

Question. What is your assessment of the adequacy of support systems and processes for victims of sexual assault in the National Guard?

Answer. Supporting victims of sexual assault and ensuring a command culture built on trust and confidence is essential—we can never do enough in this area. The National Guard's unique structure and geographic dispersion presents some challenges, but also many opportunities. With our strong community base, we have established partnerships across the Nation to help provide support and assistance to victims. Additionally, the National Guard Bureau's Office of Complex Investigations gives the Adjutants General a neutral investigative tool to ensure reports of sexual assault receive thorough investigations. Lastly, our Special Victims' Counsel Program gives the victim a voice throughout the military justice process and administrative processes.

Question. What is your assessment of the authorities available to National Guard commanders to hold assailants accountable for sexual assault?

Answer. National Guard commanders have a range of options available to hold accused members appropriately accountable when allegations are substantiated by military or civilian authorities. These authorities include investigation and criminal prosecution under the Uniformed Code of Military Justice when members are on Active Duty; State military codes of justice, where available; referral to civilian law enforcement authorities for criminal prosecution under State or local laws; referral to the NGB for investigation by the Office of Complex Investigations; and, pursuing appropriate administrative actions to include formal reprimands, bars to reenlistment, or separations from Military Service under less than honorable conditions.

SUICIDE PREVENTION

Question. The number of suicides in the military, including in the National Guard, continues to be of concern to the Committee.

If confirmed, what role would you play in shaping suicide prevention programs and policies for the National Guard to help prevent suicides and to increase the resiliency of guardsmen and their families?

Answer. I also concur this is a tragedy that needs to be confronted. If confirmed, I will support a holistic approach to caring for our airmen and soldiers across a geographically-dispersed force. My three priorities for suicide prevention are: 1) raise awareness across the National Guard and ensure everyone is aware of and has access to the programs available to help them; 2) ensure first-line leaders are involved in checking on the wellness of their airmen and soldiers; and 3) align resources within the National Guard Bureau to ensure the right programs are available at the right time.

TRANSGENDER POLICY

Question. What is your assessment of the effect in the National Guard if the Secretary of Defense authorizes transgender individuals to serve in the Armed Forces?

Answer. This matter is currently under review within the Department. If the Secretary of Defense authorizes transgender individuals to serve in the Armed Forces, I will fully implement his decision, if confirmed. Due to the dual State and Federal nature of the National Guard, unique challenges may arise that have yet to be identified.

YELLOW RIBBON REINTEGRATION PROGRAM

Question. What is the role of the National Guard Bureau in implementing the changes to the Yellow Ribbon Reintegration Program?

Answer. The National Guard Bureau's role is to update policies and procedures consistent with changes in regulation and statute. Recent changes to the Yellow Ribbon Reintegration Program have included expanding the program to personnel who have been activated but not deployed, including those who support border security initiatives, and providing pre-, during, and post-mobilization events without a 30–60–90 day restriction. Updates to policies and procedures must be done in a manner that ensures compliance while also providing the Adjutants General the flexibility in implementation of the Yellow Ribbon Program. Much of the success of the Yellow Ribbon Program is due to the continued support of Congress.

Question. What is your understanding and assessment of the Yellow Ribbon Reintegration Program resources and how available resources are allocated among needed services, including counseling, substance abuse and behavioral health support, all of which are provided to members of the National Guard upon return from deployment?

Answer. The Yellow Ribbon Reintegration Program is vital to our soldiers and airmen returning from deployments. As part of the continuum of support throughout a servicemember's career, the Yellow Ribbon Program is a venue to present information about available military and community programs that are available to assist servicemembers and their families. When conducting Yellow Ribbon events and activities, we coordinate the use of service support and community based resources such as Employer Support of the Guard and Reserve, Warrior Support, Family Programs, Directors of Psychological Health and Sexual Assault Response Coordinators, as well as State and local departments and various public and private organizations. Resources are allocated among the Services by the States according to the local needs and requirements of their members.

Question. If confirmed, what changes, if any, would you propose to redistribute resources to best provide for the range of services intended by the Yellow Ribbon Program?

Answer. I am unaware of any necessary changes at this point. However, if confirmed, I will review the current distribution of resources to the Yellow Ribbon Program to assess whether or not the current structure of the program is optimized to provide for the range of services intended.

Question. Does the National Guard require legislative authority to provide members of the National Guard flexibility to plan and schedule participating in transition programs when they perform multiple short-term Federal Active service periods?

Answer. No. I do not currently see any need for additional legislative authority related to Yellow Ribbon events. National Guard members who perform multiple short-term Federal Active service periods are free to attend and obtain the same services provided to servicemembers who serve on extended Federal Active service periods.

CONGRESSIONAL OVERSIGHT

Question. Do you agree, if confirmed for this high position, to appear before this Committee and other appropriates of the Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of the National Guard Bureau?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

READINESS CENTER TRANSFORMATION MASTER PLAN

1. Senator AYOTTE, Lieutenant General Lengyel, as Chair of the Readiness Subcommittee, I was pleased to include authorizations in the Senate Armed Services Committee (SASC) and Senate-passed bills for two much-needed New Hampshire Army National Guard vehicle maintenance shops in Rochester and Hooksett for fiscal year 2007. Despite these important projects, as we discussed when we met, the New Hampshire Army National Guard continues to need significant investments in its readiness centers. The average condition index (CI) of New Hampshire Army National Guard readiness centers is Poor (64 out of a 100 scale), ranking New Hampshire 51 out of 54 states and territories evaluated nationwide. Once confirmed, will

you work with me to ensure that the States with the worst readiness center conditions receive the funding they need?

Lieutenant General LENGUEL. Yes. Aging facilities are a problem across the National Guard. The current fiscal environment has forced us to make hard choices to maintain readiness. If confirmed, I will commit to working with you to ensure that readiness centers receive the attention they need.

NEW HAMPSHIRE NATIONAL GUARD

2. Senator AYOTTE. Lieutenant General Lengyel, as you know, the National Guard has seen a dramatic increase in its operational tempo in the last decade. The Air National Guard continues to rely on steady State resourcing of 39 days per year and variable amounts of man-day authorizations to meet readiness and operational readiness. Once confirmed, will you examine whether we should undertake a change to resourcing the Reserve component to account for the increased operational demands placed on airmen?

Lieutenant General LENGUEL. Yes. Maintaining an operational Reserve within budgetary constraints is one of our biggest challenges. If confirmed, I assure you I will work with this Committee and across the Department of Defense to ensure the National Guard is properly resourced to meet current challenges and that we are wisely utilizing the resources provided by Congress.

3. Senator AYOTTE. Lieutenant General Lengyel, will you specifically examine what the correct allocation is and whether a steady state account of man-days should be allocated to the Chief of the National Guard Bureau to meet increased operational requirements?

Lieutenant General LENGUEL. Yes. If confirmed, I will commit to reviewing the current allocation of man-days as well as other management options, such as a separate man-day apportionment to the Chief of the National Guard Bureau, to ensure we can meet our operational requirements.

QUESTIONS SUBMITTED BY SENATOR TOM COTTON

FORT SMITH AIR NATIONAL GUARD UNIT FIREFIGHTERS

4. Senator COTTON. Lieutenant General Lengyel, as we've discussed before, there's a situation at the Fort Smith Air National Guard (ANG) unit where local fire departments are unable to meet critical response times for facility/structure fires and there is no indigenous ANG firefighting capability. The men and women of the 188th Wing, who are executing combat operations 24 hours a day, 7 days a week, need adequate fire and rescue response. As it has been explained by your staff, there is an ANG supplement to an Air Force instruction that needs to be updated in order to place ANG firefighters on guard bases for facility response, specifically, when local fire departments cannot meet required response times. Can you provide a timeline for when the ANG supplement is to be updated and subsequently when you expect ANG firefighters will be in place at the 188th, ensuring the safety of our airmen and solidifying their critical 24/7 combat mission?

Lieutenant General LENGUEL. The Air National Guard (ANG) is currently working with the Ft. Smith Airport administrator on an Airfield Joint Use Agreement (AJUA). The ANG is proposing the inclusion of the structural fire requirement within the Ft. Smith AJUA and we are not aware of any regulatory obstacle as we support similar services at other airports via Joint Use Agreements. Currently the timeline for resolution of this matter is difficult to ascertain because of a number of external issues, which include costing factors being researched by the airport authority. If confirmed, and once the AJUA is complete, I will work as quickly as possible to resolve this matter and expedite efforts to meet the requirement.

QUESTIONS SUBMITTED BY SENATOR CLAIRE McCASKILL

139TH AIRLIFT WING/C-130H AIRCRAFT

5. Senator McCASKILL. Lieutenant General Lengyel, as you know, the Air National Guard 139th Airlift Wing in St. Joseph, Missouri, is home to the Advanced Airlift Tactics and Training Course. With such a critical training mission, I will continue to push to bring the C-130J to St. Joe. Given the important role the 139th Airlift Wing plays in training the Total Force, what steps are being taken to ensure it and other ANG wings are being provided the most modern and relevant weapons systems like the C-130J?

Lieutenant General LENGYEL. Recapitalization and modernization are essential to meet training and operational requirements of the Total Force. The Air National Guard is a full partner in the Air Force's strategic decision-making processes. If confirmed, I will ensure we continue to work with the Air Force to recapitalize the Air National Guard's weapon systems, such as C-130s, in a concurrent and balanced manner.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

EAGLE VISION

6. Senator HIRONO. Lieutenant General Lengyel, the Eagle Vision system is incredibly important and provides invaluable support for disaster relief programs, as well as for international efforts with our partners and allies. The Hawaii Air National Guard is fortunate to have this capability for Hawaii and the surrounding region and it has proved to be an instrumental tool in providing near real-time satellite imagery for natural disasters, mission planning, and time-critical targeting. If you are confirmed, will you commit to working with the Chief of Staff of the Air Force and other Department of Defense (DOD) leaders to try to ensure the program receives the resources and program support it needs for continued success in the future?

Lieutenant General LENGYEL. Yes. If confirmed, I will work with the Air Force and other offices to ensure appropriate resourcing and program support for Air National Guard satellite imagery systems.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

NATIONAL GUARD ROLE IN THE ARCTIC

7. Senator SULLIVAN. Lieutenant General Lengyel, what current and future role does the National Guard have to play in the Arctic to defend U.S. interests, persons, and property in this highly strategic region?

Lieutenant General LENGYEL. The Arctic region will only continue to grow in strategic importance with the opening of the Northern Passage, a resurgent Russia and the growing nuclear capability of North Korea. Currently, the Alaska National Guard plays an integral role in search-and-rescue, mobility, missile defense and air sovereignty, and will continue to provide critical capability to the U.S. Northern Command and Pacific Command in order to secure this strategically valuable region. If confirmed, I will continue to work with the Services, the Combatant Commands, the Department, the State of Alaska and this Committee to ensure that the National Guard is resourced and equipped to provide the security the Nation requires.

AIR FORCE PERSONNEL SHORTAGES

8. Senator SULLIVAN. Lieutenant General Lengyel, given the current maintainer and pilot shortage in the U.S. Air Force—leading to the need for contract maintainers and pilot bonuses—what can the National Guard do to help the Air Force bridge this critical gap and potentially overcome these shortages?

Lieutenant General LENGYEL. The Air National Guard will continue to work with the Air Force to provide experienced personnel to address Total Force maintainer and pilot shortages, where possible. As an example, the Vermont Air National Guard agreed to accelerate the acceptance of the F-35 mission in Burlington to allow the Air Force additional time to recruit and train additional personnel for the Alaska F-35 mission. If confirmed, I will continue to look for ways to assist the Air Force in addressing this shortfall.

REMOTE REIMBURSEMENT CAP

9. Senator SULLIVAN. Lieutenant General Lengyel, how might lifting the current reimbursement cap for remote Guard and Reserve members remove barriers to participation and improve National Guard recruitment and retention in rural areas across the United States?

Lieutenant General LENGYEL. In our larger States, many of which have expansive remote or rural areas, it may be expensive for Guard members to travel to and from our units for monthly and annual training. Consequently, we are challenged to recruit from those areas. By increasing the amount our National Guard members can

be reimbursed for travel, we may be better able to recruit, train and retain citizens from remote regions within our states.

[The nomination reference of Lieutenant General Joseph L. Lengyel, ANG follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 4, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment as the Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 601 and 10502:

To Be General

Lt. Gen. Joseph L. Lengyel, 6443.

[The biographical sketch of Lieutenant General Joseph L. Lengyel, ANG, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LIEUTENANT GENERAL JOSEPH L. LENGYEL

Lt. Gen Joseph L. Lengyel serves as the Vice Chief, National Guard Bureau. As Vice Chief, he assists the Chief, National Guard Bureau in ensuring nearly 470,000 Army and Air National Guard personnel are accessible, capable and ready to protect the Homeland and to provide combat resources to the Army and the Air Force.

Prior to his current assignment, General Lengyel served as the Senior United States Defense Official; Chief, Office of Military Cooperation; and Defense Attaché, Cairo, United States Central Command, Cairo, Egypt.

General Lengyel was commissioned in 1981 through the Reserve Officer Training Corps program at University of North Texas. He served in various operational and staff assignments, primarily as an F-16 Instructor Pilot and Weapons Officer. His experience in the F-16 includes tours in Air Combat Command, Pacific Air Forces, United States Air Forces in Europe and the Texas Air National Guard. He has commanded a fighter squadron, operations group, air expeditionary group and the Air National Guard Readiness Center. General Lengyel is a command pilot with more than 3,000 flying hours primarily in the F-16.

Education:

1981 Bachelor's degree in chemistry, University of North Texas, Denton
1984 Squadron Officer School, Maxwell Air Force Base, AL
1988 Air Force Fighter Weapons Instructor Course, Nellis AFB, NV
1994 Air Command and Staff College, by seminar
2001 Air War College, by correspondence
2008 National Security Management Course, Maxwell School of Citizenship and Public Affairs, Syracuse University, NY
2009 Capstone General and Flag Officer Course, National Defense University, Fort Lesley J. McNair, Washington, DC
2010 Combined Force Air Component Commander Course, Maxwell AFB, AL
2010 Harvard John F. Kennedy School of Government, Program for Senior Executives in National and International Security, Cambridge, MA
2011 University of Tennessee, Master of Business Administration, Knoxville

Summary of assignments:

From	To	Assignment
March 1982	March 1983	Student, undergraduate pilot training, Laughlin AFB, Texas
March 1983	May 1983	Student, fighter lead-in training, Holloman AFB, NM
May 1983	January 1984	Student, F-16 upgrade training, MacDill AFB, FL
January 1984	April 1986	Instructor Pilot, Nellis AFB, NV
April 1986	April 1987	Instructor Pilot Flight Examiner, Kunsan Air Base, South Korea

From	To	Assignment
April 1987	June 1987	F-16C conversion training, Luke AFB, AZ
June 1987	September 1991	Instructor Pilot, and Chief of Weapons, 512th Tactical Fighter Squadron, Ramstein Air Base, Germany
September 1991	September 1995	Instructor Pilot Flight Examiner and Weapons Officer, 182nd Fighter Squadron, Texas Air National Guard, Kelly AFB, Texas
September 1996	June 1997	Commander 149th Operations Support Flight, 149th Operations Group, Kelly AFB, Texas
June 1997	October 1998	Operations Officer, 182nd Fighter Squadron, Kelly AFB, Texas
October 1998	October 1999	Commander, 182nd Fighter Squadron, Kelly AFB, Texas
October 1999	February 2002	Commander, 149th Operations Group, Lackland Air Force Base, Texas
February 2002	June 2004	Vice Commander, 149th Fighter Wing, Lackland Air Force Base, Texas
June 2004	September 2004	Commander, 455th Expeditionary Operations Group, Bagram Air Base, Afghanistan
September 2004	September 2006	Air National Guard Advisor to Commander, United States Air Force in Europe
September 2006	September 2008	Commander, Air National Guard Readiness Center, Andrews AFB, MD
September 2008	June 2009	Deputy Director, Air National Guard, Arlington, VA, and Commander, Air National Guard Readiness Center, Andrews AFB, MD
June 2009	July 2010	Military Assistant Deputy Chief of Staff for Strategic Plans and Programs, Headquarters U.S. Air Force, Washington, DC
July 2010	June 2011	Vice Commander, 1st Air Force (Air Forces Northern), Tyndall Air Force Base, FL
June 2011	August 2012	Senior U.S. Defense Official; Chief, Office of Military Cooperation and Defense Attaché, Cairo, U.S. Central Command, Cairo, Egypt
August 2012	present	Vice Chief, National Guard Bureau, Washington, DC

Summary of joint assignments:

	Date	Grade
Senior United States Defense Official; Chief, Office of Military Cooperation and Defense Attaché, Cairo, U.S. Central Command, Cairo Egypt	June 2011–August 2012	Major General
Vice Chief, National Guard Bureau, Washington, District of Columbia	August 2012–present	Lieutenant General

Flight Information

Rating: command pilot
Flight hours: more than 3,000
Aircraft flown: T-37, T-38 and F-16

United States Decorations and Badges

Defense Superior Service Medal
Legion of Merit with two oak leaf clusters
Bronze Star Medal
Air Force Meritorious Service Medal with oak leaf cluster
Air Force Air Medal
Aerial Achievement Medal
Air Force Commendation Medal with three oak leaf clusters
Joint Service Achievement Medal
Air Force Achievement Medal
Air Force Outstanding Unit Award with one oak leaf cluster
Combat Readiness Medal with three oak leaf clusters
National Defense Service Medal with bronze star
Armed Forces Expeditionary Medal
Afghanistan Campaign Medal
Global War on Terrorism Service Medal
Korean Defense Service Medal
Air Force Overseas Ribbon (Short)
Air Force Overseas Ribbon (Long) with oak leaf cluster
Air Force Longevity Service Award Ribbon (with seven oak leaf clusters)
Air Force Expeditionary Service Ribbon with gold border
Armed Forces Reserve Medal (with 1 Silver Hourglass)
Small Arms Expert Marksmanship Ribbon with bronze star
Air Force Training Ribbon

Other Achievements

1983 Distinguished graduate, undergraduate pilot training
 2009 Maj. Gen. I.G. Brown Command Excellence Award
 Multiple civilian pilot ratings, including Airline Transport Pilot

Effective Dates of Promotion

Second Lieutenant, Dec. 21, 1981
 First Lieutenant, Dec. 21, 1983
 Captain, Dec. 21, 1985
 Major, Dec. 13, 1994
 Lieutenant Colonel, Dec. 23, 1998
 Colonel, Sept. 18, 2002
 Brigadier General, Sept. 26, 2008
 Major General, April 1, 2011
 Lieutenant General, Aug. 18, 2012
 (Current as of September 2015)

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lieutenant General Joseph L. Lengyel, ANG in connection with his nomination follows:]

UNITED STATES SENATE
 COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
 NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
 Joseph L. Lengyel.

2. **Position to which nominated:**
 Chief, National Guard Bureau.

3. **Date of nomination:**
 April 4, 2016.

4. **Address:** (List current place of residence and office addresses.)
 [Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**
 October 1, 1959, Lynn, MA.

6. **Marital status:** (Include maiden name of wife or husband's name.)
 Married to Sally Ann Lengyel (maiden name: Doherty).

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Member: Air Force Association, National Guard Association, National Guard Association of Texas, Air Line Pilots Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

Yes.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the Committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOSEPH L. LENGYEL

This 1st day of February, 2016

[The nomination of Lieutenant General Joseph L. Lengyel, ANG was reported to the Senate by Chairman McCain on June 28, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 29, 2016.]

BUSINESS MEETING TO CONSIDER 3 CIVILIAN AND 141 MILITARY NOMINATIONS

TUESDAY, July 12, 2016

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

The Committee met, pursuant to notice, at 10:08 a.m. in Room SVC-217, Senate Visitors Center, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Sessions, Ayotte, Fischer, Ernst, Tillis, Reed, Manchin, Gillibrand, Donnelly, Hirono, Kaine, King, and Heinrich.

PROCEEDINGS

Chairman MCCAIN. Since a quorum is now present, I ask the Committee to consider three civilian nominations and a list of 141 pending military nominations. First I ask the Committee to consider the nomination of Ms. Susan S. Gibson to be Inspector General of the National Reconnaissance Office; Dr. Dimitri F. Kusnezov to be Deputy Administrator for Defense Programs, National Nuclear Security Administration; and Dr. Gail H. Marcus to be a member of the Defense Nuclear Facilities Safety Board.

Is there a motion to favorably report these three nominations?

Senator REED. So moved.

Chairman MCCAIN. Is there a second?

Senator MANCHIN. Second.

Chairman MCCAIN. All in favor say aye.

[Chorus of ayes.]

Chairman MCCAIN. The motion carries.

Finally, I ask the Committee to consider a list of 141 pending military nominations. Of these nominations, nine nominations are 2 days short of the Committee's requirement that nominations be in Committee for 7 days before we report them out. No objection has been raised to these nominations. I recommend the Committee waive the 7-day rule in order to permit the confirmation of the nomination of these officers before the Senate goes out for the summer recess.

Is there a motion to favorably report these 141?

Senator REED. So moved.

Chairman MCCAIN. Is there a second?

Senator MANCHIN. Second.

Chairman MCCAIN. All in favor say aye.

[Chorus of ayes.]

Chairman MCCAIN. The motion carries.

[Whereupon, at 10:10 a.m., the business meeting was adjourned.]

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE
WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON JULY 12, 2016.

1. **RADM(lh) William J. Galinis, USN to be rear admiral** (Reference No. 1235)
2. **RADM(lh) Christian D. Becker, USN to be rear admiral** (Reference No. 1236)
3. **RADM(lh) Bruce L. Gillingham, USN to be rear admiral** (Reference No. 1238)
4. **Capt. Troy M. McClelland, USNR to be rear admiral (lower half)** (Reference No. 1240)
5. In the Army there is 1 appointment to the grade of colonel (Joshua D. Wright) (Reference No. 1321)
6. In the Army there is 1 appointment to the grade of lieutenant colonel (Phillip W. Neal) (Reference No. 1339)
7. **Capt. Ronny L. Jackson, USN to be rear admiral (lower half)** (Reference No. 1465)
8. In the Air Force there are 6 appointments to the grade of colonel (list begins with Walter W. Bean) (Reference No. 1469)
9. In the Air Force there are 53 appointments to the grade of lieutenant colonel (list begins with Jennifer D. Bankston) (Reference No. 1470)
10. **RADM Luke M. McCollum, USNR to be vice admiral and Chief of Navy Reserve** (Reference No. 1521)
11. In the Air Force there are 18 appointments to the grade of major (list begins with Richard D. Betzold) (Reference No. 1579)
12. In the Air Force there are 2 appointments to the grade of lieutenant colonel and below (list begins with Stefanie L. Shaver) (Reference No. 1580)
13. In the Army there is 1 appointment to the grade of major (Nathan D. Schroeder) (Reference No. 1581)
14. In the Army there is 1 appointment to the grade of major (Renee V. Scott) (Reference No. 1582)
15. In the Army Reserve there is 1 appointment to the grade of colonel (Keith D. Blodgett) (Reference No. 1583)
16. In the Army Reserve there are 10 appointments to the grade of colonel (list begins with Jeffrey M. Alston) (Reference No. 1584)
17. In the Army there is 1 appointment to the grade of major (Steven C. Loos) (Reference No. 1585)
18. In the Army there is 1 appointment to the grade of colonel (Daniel W.M. Mackle) (Reference No. 1586)
19. **MG Steven M. Shepro, USAF to be lieutenant general and Deputy Chairman, North Atlantic Treaty Organization Military Committee** (Reference No. 1590)
20. **BG Tammy S. Smith, USAR to be major general** (Reference No. 1591)
21. **BG Brian E. Alvin, USAR to be major general** (Reference No. 1592)
22. **Col. Richard J. Heitkamp, USAR to be brigadier general** (Reference No. 1593)
23. **Col. Miles A. Davis, USAR to be brigadier general** (Reference No. 1594)
24. **Col. Fletcher V. Washington, USAR to be brigadier general** (Reference No. 1595)
25. **Col. Nikki L. Griffin Olive, USAR to be brigadier general** (Reference No. 1596)
26. **Capt. Darius Banaji, USN to be rear admiral (lower half)** (Reference No. 1597)
27. **Capt. Tina A. Davidson, USN to be rear admiral (lower half)** (Reference No. 1598)
28. **Capt. Gayle D. Shaffer, USN to be rear admiral (lower half)** (Reference No. 1599)
29. **Capt. Frank D. Whitworth, USN to be rear admiral (lower half)** (Reference No. 1600)
30. **Capt. Stephanie T. Keck, USN to be rear admiral (lower half)** (Reference No. 1601)
31. **In the Navy there are 2 appointments to the grade of rear admiral (lower half)** (list begins with David A. Goggins) (Reference No. 1602)
32. **In the Navy there are 2 appointments to the grade of rear admiral (lower half)** (list begins with Richard D. Heinz) (Reference No. 1603)

33. **In the Navy there are 15 appointments to the grade of rear admiral (lower half) (list begins with Carl P. Chebi)** (Reference No. 1604)
 34. In the Army there is 1 appointment to the grade of major (Michael P. Lindsay) (Reference No. 1609)
 35. In the Army there is 1 appointment to the grade of major (Brando S. Jobity) (Reference No. 1610)
 36. In the Army there is 1 appointment to the grade of major (David C. Martin) (Reference No. 1611)
 37. In the Navy there are 5 appointments to the grade of commander and below (list begins with Gregory A. Verlinde) (Reference No. 1612)
 38. In the Air Force there is 1 appointment to the grade of lieutenant colonel (Erol Agi) (Reference No. 1613)
- TOTAL: 141

**NOMINATION OF GENERAL JOHN E. HYTEN,
USAF, FOR REAPPOINTMENT TO THE GRADE
OF GENERAL AND TO BE COMMANDER,
UNITED STATES STRATEGIC COMMAND**

TUESDAY, SEPTEMBER 20, 2016

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

The Committee met, pursuant to notice, at 9:31 a.m. in Room SH-216, Hart Senate Office Building, Senator John McCain (Chairman of the Committee) presiding.

Committee Members present: Senators McCain, Inhofe, Wicker, Ayotte, Fischer, Ernst, Tillis, Sullivan, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, King, and Heinrich.

OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN

Chairman MCCAIN. Good morning. The Senate Armed Services Committee meets this morning to consider the nomination of General John E. Hyten to be commander of the United States Strategic Command (STRATCOM).

We congratulate you on your nomination. We thank you for your decades of distinguished service to our Nation and for your willingness to serve once again.

Of course, we know today would not be possible without the support and sacrifice of your family and friends, some of whom are with us this morning. As is our tradition, we hope you'll take the opportunity to introduce your family joining you today.

General Hyten, threats to the United States and our allies have increased significantly in recent years. We confront national security challenges not just in every region of the world, but threatens in every domain, including nuclear, cyber, and space. This new strategic challenge has major implications for STRATCOM.

Many leading scholars and strategists have warned, for years, that we have entered a "second nuclear age". This is not something the United States has chosen; and, indeed, there are still those deride nuclear weapons as relics of the Cold War only to be discussed in the context of reducing and eventually eliminating them. But, the reality is that, from the Middle East and Southeast Asia to Europe and East Asia, there are nations that increasingly believe nuclear weapons are essential to their survival. Others are enhancing the role of nuclear weapons in their military doctrine and actively considering their use on the battlefield.

Pakistan has rapidly expanded its nuclear arsenal and reportedly developed new tactical nuclear weapons. Not to be outdone, India continues to modernize its nuclear triad. Even under the best of circumstances, the Iran nuclear deal gives Iran a free hand to develop nuclear weapons in a decade. North Korea's fifth nuclear test earlier this month is the latest reminder that its corpulent boy dictator remains intent on developing the capability to strike our Homeland with nuclear weapons. Then there is China, which continues to modernize its nuclear forces while placing a new emphasis on mobile missiles and submarines.

Perhaps the most pressing challenge you would face if confirmed, General Hyten, is Russia. Russia's aggression in Ukraine and destabilizing actions in Syria take place under a nuclear shadow. Russia is threatening our NATO [North Atlantic Treaty Organization] allies with nuclear strikes, modernizing its strategic nuclear forces, developing a new nuclear ground-launch cruise missile capable of ranging most of Europe, and has fired air- and sea-launch cruise missiles against targets in Syria, missiles that could be armed with nuclear warheads and flown against European and United States targets.

We have to face the world as it is, not as we wish it to be. That's why, no matter what President Obama may have hoped for when he came to office, the United States cannot seek to reduce the role of nuclear weapons on our national security strategy. Providing a modern, credible deterrent is more vital than ever. But, Strategic Command faces significant near- and long-term challenges to that goal. In the next 2 decades, U.S. nuclear submarines, ICBMs [Intercontinental Ballistic Missiles], air-launch cruise missiles, heavy bombers, and nuclear-capable tactical fighters will have to be withdrawn from operational service, having been extended well beyond their original service lives. Modernization programs are in place to replace these systems, but there's no slack left in the schedule, and a considerable bill to pay.

According to official figures, the Department of Defense (DOD) plans to devote about \$234 billion over the next 10 years to operate and modernize our nuclear forces. This amounts to just 3 to 4 percent of the entire budget each year, but any investment of this size must be subject to the most rigorous oversight from this Committee. Today's Congress supports the modernization of the U.S. nuclear deterrent, but I'm concerned that future reductions in funding could delay or harm the development of these replacement systems, increasing strategic risk at a time when Russia and other countries continue to modernize their nuclear capabilities.

Just as the nuclear threat continues to change, so, too, have threats in space. Indeed, America's superiority in space is increasingly at risk. As the Director of National Intelligence (DNI) told the Committee earlier this year, "Threats to our use of military, civil, and commercial space systems will increase in the next few years as Russia and China progress in developing counterspace weapon systems to deny, degrade, or disrupt U.S. space systems."

Director Clapper stated that Russia and China seek to exploit our dependence on space to achieve asymmetric effects. They are investing significant resources in developing a full range of capa-

bilities, including anti-satellite missiles, co-orbital weapons jamming, and cyber capabilities.

Fortunately, in recent years, the Defense Department experienced a “counterspace awakening”. After years of prodding from this Committee to enhance its focus, I’m pleased with the Department’s efforts to respond to Russian and Chinese threats in space. One of your top priorities, General Hyten, would be to put Strategic Command on a war footing for space, because if our adversaries choose to extend war into space, we must be capable of defending ourselves there.

Finally, beyond space and nuclear forces, the third component of Strategic Command, at present, is cyber. This Committee has been extremely focused on the whole complicated issue of cyber, and I think many of us agree with your assessment from your advance policy questions, General Hyten, that the growing importance of cyber warrants the elevation of U.S. Cyber Command to a unified combatant command. We would be interested in your views on timing and the importance of continued coordination between a future unified Cyber Command and Strategic Command.

I congratulate you once again on your nomination.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you very much, Mr. Chairman. I want to join you in welcoming General Hyten.

Thank you very much, General, for your extraordinary service to the Nation. Shortly, you’ll introduce your family. They are a big part of your success, so I would like to welcome Laura, your children, Katie and Chris; and know your brother, Scott, wanted to be here, so pass on my regards to Scott. They have sacrificed and supported you throughout your career, and we all appreciate that.

General Hyten, you have an impressive record of service to our Nation and are well qualified for this nomination. The Commander of U.S. Strategic Command serves as the principal military officer who advises the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff on our nuclear deterrent, our space and cyber capabilities, and our global missile defense requirements. As is often said, our nuclear deterrent must be safe, secure, and effective. There is one additional facet that you must be ready to ensure, and that is, it must be ready. You will be responsible for articulating and managing the readiness of our nuclear triad and its command-and-control protocols to deter threats that are existential to our Nation.

Integral to readiness is the upcoming modernization of our triad, which must be executed in a cost-effective and timely fashion. Once confirmed, I’ll want to hear your thoughts on this issue in much more detail.

Strategic Command also deploys our space assets and mitigates threats to them. Given your background, General Hyten, you are superbly qualified for this task, but there are other areas you will also have to lead that include missile defense, electronic warfare, cyber warfare, ISR [intelligence, surveillance, and reconnaissance], and long-range precision strike. A daunting responsibility is to integrate the capabilities and systems supporting these complicated

missions so that they mutually reinforce each other and define and fix gaps that exist between them. I look forward to hearing your views on these issues and working with you in the future.

I must apologize. There's a Banking Committee hearing that is going on in a few moments, and my departure will be simply to go there, nothing else.

Thank you.

Chairman MCCAIN. General Hyten, we have to ask standard questions of all military nominees. If you'd just respond, I'll go through this rather quickly.

In order to exercise its legislative and oversight responsibilities, it's important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Have you adhered to applicable laws and regulations governing conflicts of interest?

General HYTEN. I have, sir.

Chairman MCCAIN. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

General HYTEN. I do, sir.

Chairman MCCAIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General HYTEN. No, sir.

Chairman MCCAIN. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in hearings?

General HYTEN. Yes, sir.

Chairman MCCAIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General HYTEN. Yes, sir.

Chairman MCCAIN. Will those witnesses be protected from reprisal for their testimony or briefings?

General HYTEN. Yes, sir, they will.

Chairman MCCAIN. Do you agree, if confirmed, to appear and testify, upon request, before this Committee?

General HYTEN. I do, sir.

Chairman MCCAIN. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly-constituted committee, or to consult with the Committee regarding the basis for any good-faith delay or denial in providing such documents?

General HYTEN. I do, sir.

Chairman MCCAIN. Thank you, General. Welcome.

General HYTEN. Thank you, sir.

Chairman MCCAIN. Please proceed.

General HYTEN. Thank you, sir.

**STATEMENT OF GENERAL JOHN E. HYTEN, USAF, NOMINEE
FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO
BE COMMANDER, UNITED STATES STRATEGIC COMMAND**

General HYTEN. Mr. Chairman, Senator Reed, distinguished Members of the Committee, thanks for the opportunity to come be-

fore you today. It really is an honor to be nominated by the President to lead U.S. Strategic Command.

Mr. Chairman, thank you most for allowing me the opportunity to introduce my family. My family is truly special to me. They are, as Senator Reed said, the reason that I'm here. Starting with the most significant of them all, sitting behind me, over my left shoulder, is my partner in life, my wife of 29 years, Laura. Not only is she amazingly beautiful, but she's quite simply the finest person I've ever known.

Chairman MCCAIN. Welcome.

General HYTEN. If confirmed, this would be our 15th move in the United States Air Force. Everyplace we go, she works diligently to support our airmen and their families. If I'm confirmed and we get the opportunity to go back to Nebraska, the soldiers, sailors, airmen, and marines of U.S. Strategic Command will be very lucky, as will the people of Omaha and the surrounding communities, because of Laura.

In spite of the deployments and the four separations, and in spite of the challenges of a military life, we—well, mostly she—also managed to raise two incredible children, who are with us here today.

Sitting left of their mom, first is our daughter, Katie, who flew down from Boston late last night. She's a graduate of Pepperdine University, magna cum laude, and, more recently, graduated from the Fletcher School at Tufts University with a Master of Arts in Law and Diplomacy. She currently works for a nonprofit firm in Cambridge in conflict resolution and mediation.

Chairman MCCAIN. At least you didn't go to Harvard.

[Laughter.]

General HYTEN. I tried, sir, but she—

[Laughter.]

General HYTEN.—she didn't—she did not like—she went to the West Coast, and she never wanted to go to Boston.

Chairman MCCAIN. She's smarter than her father.

[Laughter.]

General HYTEN. Yes, sir. There's no doubt about that.

Senator REED. You're in trouble now, General.

[Laughter.]

General HYTEN. Senator, I've been in trouble a long time.

[Laughter.]

General HYTEN. Next is our—

Senator REED. Twenty-seven years.

[Laughter.]

General HYTEN. Yes, sir.

Next is our son, Chris, who flew in from Colorado early this morning. He just arrived at 3:00 o'clock this morning. He has his degree from Texas Lutheran University in physics and math, but he's also a college All American in golf. He's currently living his dream as a golf professional in Colorado. He does pretty much live a dream life, there's no doubt.

[Laughter.]

General HYTEN. Each of them have grown into fine citizens, and their mother and I are very proud of them.

Finally, one minor disappointment. Senator Reed mentioned my little brother, Scott, from my home town of Huntsville, Alabama.

He had hoped to be here, but he was delayed en route. He wanted to represent all our family and friends, especially the family and friends that we have in Alabama; specifically, my parents, Sherwin and Barbara, still living in Huntsville; my sister, Catherine, who now lives in Scottsdale, Arizona. My parents and my sister could not travel today, but I know they're watching, along with Laura's mom and family in California.

Thank you, Mr. Chairman. Thank you, to the Committee, for allowing me to introduce these very, very special people.

Chairman MCCAIN. Thank you.

General HYTEN. Now, on to the business of the day.

First of all, I, again, need to thank the President and the Secretary of Defense for nominating me for this position. I also want to thank the Chairman of the Joint Chiefs of Staff, General Joseph Dunford, USMC, for expressing his confidence in my ability to serve as a combatant commander.

If confirmed, I look forward to working closely with this Committee, closely with Congress, to address the strategic challenges that face our Nation. I truly believe that the significant problems that we face can only be worked through open, honest, and timely communications. You can expect that from me.

First and foremost in today's complex, volatile security environment, we must never lose sight of the fundamental advantage of that our strategic forces provide. Our Nation's nuclear deterrent force must always remain safe, secure, effective, ready, and reliable. As our potential adversaries upgrade their own capabilities, it's essential that we move forward to update and modernize the three elements of the nuclear triad and also ensure our plans are fully integrated with the other Combatant Commands.

We also face significant challenges in space and cyberspace.

In space, threats continue to grow, as Senator McCain described, as potential adversaries attempt to counter what has become a critical advantage for our Nation and our allies. We must not only be ready to respond, but we must move to build a more resilient national security space enterprise.

In cyberspace, intensive and extensive cooperation across the whole-of-government and with our allies, partners, and friends is required to prepare for, defend against, and respond to cyberattacks. It's also essential we work to fully integrate cyber with the other Combatant Commands, as well.

U.S. Strategic Command has many other significant global responsibilities: missile defense, intelligence, surveillance, and reconnaissance, joint electronic warfare, to name a few. If confirmed, I pledge to focus my best efforts ensuring STRATCOM, working in sync with the entire joint force, can provide the Department and the Nation comprehensive strategic deterrence, assurance, and escalation-control options from a multidomain perspective in support of U.S. national interests.

Throughout a 35-year Air Force career that's well beyond anything I ever expected, I've gained invaluable operational and command experience that aligns with U.S. Strategic Command's many diverse missions. I have a deep knowledge in many of those missions, lesser knowledge in a few, but I promise, if confirmed, to

learn and understand all the STRATCOM missions and to lead, every day, to the very best of my abilities.

If confirmed, I also hope to live up to the expectations of the men and women of U.S. Strategic Command as well as the leaders who came before me; in particular, my current boss, Admiral Cecil Haney, USN. He has been a truly remarkable leader and commander. He's been a great boss. He's taught me a lot. It's very important to me that I publicly thank him for what he has done. It's quite humbling to be even considered for a position with such an amazing legacy in history.

Mr. Chairman, let me close my remarks with a quote from a great American who reminds me frequently what is really important. That would be our son, Christopher. A few years ago, he said, and he said it loud enough for a lot of people to hear, "Dad, I've been watching you ever since you made General, and I've noticed, you don't do any real work anymore."

[Laughter.]

General HYTEN. "You just have people." You know what? I have to be honest, it upset me quite a bit when he said it, because I feel like I have a pretty difficult job, I work pretty hard, I have to deal with some really difficult decisions in today's crazy world. But, the more I thought about it, the truer it is. The real work is done by our people, the sons and daughters of this great Nation, the soldiers, sailors, airmen, and marines who stand the watch every night, the amazing warriors who deploy into harm's way every day. They are the true heroes. If confirmed, I'll simply be lucky enough to have the opportunity to lead, serve, and work with them a little bit longer.

Mr. Chairman, Senator Reed, Members of the Committee, thank you again. I look forward to your questions.

Chairman MCCAIN. Thank you very much, General.

Yesterday, you and I had, in a classified setting, a conversation that I've been thinking about ever since. I know there are a lot of things that you can't say in an open hearing, but, is it correct to assume that our adversaries, specifically the Russians, but also the Chinese, are attempting to, or have achieved, an ability to cripple our operations in space?

General HYTEN. Senator, I believe that they are building those capabilities today. We have an amazing force structure in space, and both the Chinese and the Russians, in particular, have been watching those capabilities be employed on the battlefield for the last 20 years. In response to that, they're building counterspace capabilities to deny us those capabilities in conflict.

Chairman MCCAIN. They are developing capabilities specifically designed to cripple our capabilities in space?

General HYTEN. Yes, sir, they are.

Chairman MCCAIN. Which is certainly not something the United States of America is doing.

General HYTEN. We are not going down that path, Senator.

Chairman MCCAIN. Again, I understand that this is an open hearing, but shouldn't we be really concerned about, especially in the last few years, the increase in capabilities that both Russia and China have displayed, have demonstrated, that, if used in a certain way, could literally cripple a lot of our activities in space? I'm very

aware that there is certainly sensitivity to some of your answers, but I'm not sure that the American people, and even Members of this Committee, are as aware as they should be of this emerging challenge.

General HYTEN. Senator, it is an emerging challenge. I believe, as you said in your opening statement, in the last few years, the United States, the Department of Defense has aggressively moved out to develop responses to the threats that we see coming from China and Russia. I believe it's essential that we go faster in our responses.

We've worked with the National Reconnaissance Office (NRO) and all our joint space forces and developed what we call a Space Enterprise Vision that looks out at the future and says, "This is the kind of capability we need to operate in a world where conflict extends into space." I think it's a good vision. The vision will always change. We'll continue to share that information with your Committee, sir, and we'll continue to work with Congress to make sure we can build those capabilities that we need to respond.

Chairman MCCAIN. I'm not one who enjoys these classified briefings, but I'm seriously considering, when we come back, having a classified briefing in our Committee, because the information is deeply disturbing. I say, with some immodesty, I keep up with what's going on in the world, but I was not aware of the significance and the depth of the challenge, until our conversation yesterday. Do you think that we have a cohesive strategy to counter this challenge, or do we need to do a lot more?

General HYTEN. Senator, I think we have a cohesive strategy of what that end state looks like for the United States that will allow us to continue, as we can today, to defeat any adversary that would want to threaten us in any domain, as well as space. I do have some concerns of our ability to move fast enough to build those capabilities that we need to respond to the specific threats I shared with you yesterday, sir.

Chairman MCCAIN. In other words, what they're developing in a relatively short period of time—months and a few years—is now taking us immeasurably longer time.

General HYTEN. We are moving much slower in certain areas than our adversaries. We need our industry and our acquisition process to move faster, sir.

Chairman MCCAIN. The Russians modernized each leg of their strategic triad. By 2020, 70 percent of their nuclear forces will be replaced with new systems. Russians violated the INF Treaty by developing a nuclear ground-launch cruise missile, expanded their deployment of air- and sea-launch cruise missiles that are not limited by the New START Treaty and which can target the U.S. in concert with their invasion of Crimea, they threaten our allies with nuclear attacks while exercising their nuclear forces near allied territory, and are developing an underwater nuclear drone designed to cause maximum damage to the United States coastal targets.

What does this suggest about the role of nuclear weapons in Russia's national security strategy? What should the U.S.—and STRATCOM, in particular—do in response?

General HYTEN. Senator, I think there's two elements in the response to that question. The first element is, if you look at what

Russia has been doing over the last number of years, I think it's in direct response to what we've been doing as a Nation over the last 20 years. They are modernizing the capabilities they see. They've watched the amazing conventional force that we have developed, that can significantly dominate any battlefield on the world today, and I believe that they're concerned about their ability to respond in a conventional arena. Therefore, I think it's logical, from their perspective, to make sure that they continue to modernize all their forces, including their nuclear forces, in all areas.

I think the second piece of the answer to the question is, they've also watched the power of our alliances, the power of our partnerships. They're challenging the status quo across Europe, in Crimea, in a number of areas, pushing and creating tension within our partnerships and alliances, which is another significant advantage that the United States has built over the last 20 years, sir.

Chairman MCCAIN. I thank you, General.

Senator Reed.

General HYTEN. Thank you, Senator.

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

I'd like to ask just a very few questions, maybe one, before I must leave.

General Hyten, Strategic Command is responsible for synchronizing our electronic warfare efforts. Years ago, those were jamming, radar, and now cyber is a big part of this domain. Can you give us your thoughts on the interaction between electronic warfare, the traditional, as I suggested, cyber, and also the role of Cyber Command? Just your thoughts.

General HYTEN. Yes, sir.

I look at the problem in the following construct. I see cyber as a domain. Cyber is a place where we conduct missions. One of those missions we conduct in the cyberdomain is electronic warfare. Electronic warfare is, basically, trying to control the electromagnetic spectrum to your advantage. We have some significant capabilities in the electromagnetic spectrum, but those capabilities have also had less focus than they probably should have over the last number of years.

I look at it in my own service, where the electronic warfare missions in the United States Air Force have not had as significant a priority as many of the other areas as we've gone, especially, the last 15 years of conflict in the Middle East.

If I'm confirmed as Commander, U.S. STRATCOM, I can pledge to you that I'll continue to look across the entire Department of Defense, all our capabilities, to make sure that we understand electromagnetic warfare, the role in cyberspace, and how we control the electromagnetic spectrum.

Senator REED. Thank you very much, General. I look forward to working with you. Again, I apologize for my departure.

General HYTEN. Thank you, Senator.

Chairman MCCAIN. If I might take a minute of your time.

North Korea. Are they developing capability to strike the United States of America?

General HYTEN. From my perspective, Senator, I believe that they are developing that capability. I think Kim Jong-un has made it clear that's the development. In the news this morning, there

was a news of a test of a new, very large rocket engine, a rocket engine that he said would be capable of going to the geosynchronous orbit in space. If it has that capability, it has the ability to reach the United States.

I'm very concerned about that. I haven't seen the intelligence report. I'm just commenting on what I saw on the news this morning, Senator.

Chairman MCCAIN. Senator Inhofe.

Senator INHOFE. General, I think there's going to be a lot of redundancy in the questions that are going to be asked up here. Everyone's concerned. We've had people come in and testify to us as to the fact that we're not keeping up, where we should; we're not advancing far enough ahead. James Clapper, several years ago, talked about what we're looking at. Admiral Haney testified before this Committee, talking about how we're not meeting the critical investment timelines to ensure that our aging platforms and weapons can maintain their superiority. We heard from Admiral Winnifeld. That was actually last year before the House committee, when he talked about any remaining margin we have for investing our nuclear deterrent has been steadily whittled away. We hear this all the time. Then, when we have our nonpublic meetings, we hear a lot worse things. The Chairman referred to that.

I just look at this, and I know that we're concerned when we talk about China and Russia. But, I personally get more concerned on something that the Chairman just touched on, that's North Korea and Iran. I mean, these people, they want to kill everyone in this room. In the case of North Korea, it's run by a guy who's mentally deranged. This is really scary. You're getting the toughest job in the United States of America right now. I'm very much concerned about it. We know that Russia and China are actively modernizing their nuclear weapons and delivery systems. North Korea continues to develop its submarine, land, and launched ballistic missiles, and conducted its fifth and largest nuke test just 2 weeks ago, on the 9th of September.

I think it would probably be a good thing for you to give us as much of a detailed assessment in this setting as you can on North Korea and Iran.

General HYTEN. The way I look at the threats across the world, Senator Inhofe, is, I think that Russia is the most dangerous threat, China is a close second, but the most likely threats and the most concerning are North Korea—

Senator INHOFE. Yeah.

General HYTEN.—and then Iran, because North Korea is very unpredictable. It's hard to tell exactly what they're going to do.

But, I do want to caveat the unpredictability of North Korea a little bit, because if you look at what they're doing with their missile programs as well as the nuclear testing programs, and you compare it to where we are today, it looks very "beginning". But, if you look at it, when you think back to where we were when we started flying missiles and we started building those capabilities, we had failure after failure after failure, and we ended up getting there. What concerns me most is, they will get there.

Senator INHOFE. Yeah.

General HYTEN. They're going to get there. Then, once they have those capabilities, what are they going to do with them? That's my biggest concern. If I'm concerned as Commander of STRATCOM, that will be at the top of my list, to figure out how we best respond to that threat.

Senator INHOFE. I'm glad that's your biggest concern, because it's mine, too.

Back when this administration first went in, I was critical when they cut the—this is the fiscal year 2009 budget—they cut the missile defense by \$1.4 billion, and then delayed and then later terminated the third missile defense site, in the Czech Republic and Poland. I can remember being over there and talking to the President of the Czech Republic, which I have a lot of respect for, and he made the statement to me, he said, "You know, if we do what we're talking about doing here in Poland and the Czech Republic, where it's going to enrage the Russians to the point, they're going to—and so, we're taking a risk. Are you sure that you're not going to pull the rug out from under us if we start?" Obviously, we pulled the rug out from under them.

Now, I've talked to a lot of people in private, they'll talk about that that wasn't a good idea. I'm not even going to bring that up now. I'm just saying that I didn't like the way we were headed, back there at the beginning of this administration. Then we went from 44 of the sites, from Alaska down to California, down to 30, and I think now we're—and aren't we going back up now to the—

General HYTEN. Forty-four.

Senator INHOFE.—to the 44? Where we started. Was that a necessary drop and then increase? I won't ask you the question, but I think it was.

I just would just say that it's a tough job you've got. I'm very much concerned about it. I'm hoping that we'll have an opportunity, Members of this Committee and other members who really care in the United States Senate, to hear from you on the versions, so we'll know exactly where we are. The Chairman mentioned that, and I wanted to reemphasize the importance of that, that that be shared with all of us.

General HYTEN. Senator, I'll just say that if the Chairman asks, if any of the Senators ask, you'll have my top attention, and you'll have a rapid response and my honest opinion all the time.

Senator INHOFE. That's great. Thank you.

General HYTEN. Yes, sir.

Chairman MCCAIN. Senator Heinrich.

Senator HEINRICH. General Hyten, first off, congratulations on your nomination. It's an incredibly important post, and I want to thank you for your continued service and also your thoughtfulness in your answers to our questions.

I want to start with the nuclear deterrent. Obviously, last year DOD spent about \$15.4 billion on nuclear weapons modernization. At the same time, the NNSA [National Nuclear Security Administration] spent about \$8 and a half billion to service the stockpile and support our nuclear labs. In total, that's roughly about \$24 billion, or about 4 percent of the base defense budget. Another way of looking at that is, we invest about 4 cents out of every defense dollar in our nuclear deterrent, which has effectively served as an

insurance policy and prevented another world war for over 70 years.

I want to just get your perspective on how you intend to pursue the continued modernization of the nuclear arsenal and infrastructure, and ask: In your opinion, what will be your biggest challenges to maintain that stockpile as safe, secure, and reliable, as well as ready, as Senator Reed mentioned?

General HYTEN. Senator, I think it's essential that we always maintain a fully ready nuclear deterrent capability. There should be no doubt that the Nation needs that capability as the backstop for everything that we do as a military.

If I'm confirmed, one of the duties that I would have as Commander of STRATCOM is as a member of the Nuclear Weapons Council chaired by the Under Secretary of Defense for Acquisition, Technology, and Logistics. The NNSA is also on that committee, as well as the Vice Chairman, Under Secretary for Policy. Through that committee, we will look at the nuclear weapon stockpile and make sure that it is always safe, secure, and reliable.

In the last year, I've got to visit the three big National Labs—Livermore, Los Alamos, Sandia.

Senator HEINRICH. Right.

General HYTEN. I go there for space reasons in my current position. But, when I'm there, just because I'm curious, intellectually, I ask about the nuclear stockpile, and they explain how they're certifying the nuclear stockpile every year. If I'm confirmed, it'll become much more important to me, and I'll look at it a lot deeper.

Senator HEINRICH. Right.

Sort of a related question. Obviously, a number of the members have brought up how much the nuclear landscape has changed in recent years, the proliferation we've seen over the course of the last couple of decades. As that nuclear landscape changes, how should that generally inform or potentially change our nuclear posture in the world?

General HYTEN. I think it's important that as we look at the international situation concerning nuclear weapons, that we don't get too focused on just the strategic nuclear weapons. We need to take a hard look at the tactical nuclear weapons. I think the Chairman mentioned the tactical nuclear weapons in his statement. We need to look at the nonstrategic nuclear weapons, and look at it as a total. Because I think a nuclear weapon is significant. It doesn't matter how it's employed—tactical, nonstrategic, strategic—that's a significant event in the history of the world, and we should look at them together, Senator.

Senator HEINRICH. Okay. Thank you.

General HYTEN. Thank you.

Senator HEINRICH. In your written response to the Committee, you state that the operationally responsive space program has been a successful pathfinder to responsiveness, and that, in quoting you, "We must infuse this thinking across our entire enterprise and into the broader space industry". I agree with that estimation. I'd love to ask you to expand a little bit on how you would pursue that goal. As emerging commercial capabilities for the small-launch market become operational, how would you intend to leverage

those kinds of services to enhance the DOD's access to space, as well?

General HYTEN. In many ways, it goes back to the Chairman's comment in his opening statement and my response about the need to go fast. The need to go fast is so important in today's world. Many of our traditional processes are very slow. In many ways, I don't like the term "operationally responsive space," because I think we're operationally responsive in everything that we do. But, the thing about operationally responsive space, or ORS, is, it goes fast, and it goes much faster than other processes. Those are the processes that we need to transition into the broader space community.

Then if you look at the commercial sector, the commercial sector has been on the verge of something special for a long time, but I think they're about there, both on the launch side as well as the satellite side. I think, in the not too distant future, we'll have, perhaps, ubiquitous communications, ubiquitous imagery. If that is the case—and that's in the commercial side—we, as a Nation, need to be able to take advantage of that. Because the most important thing for us, in many cases, is persistence. We may be able to achieve a lot of that persistence, even though we don't get as high a resolution, from those commercial capabilities.

Senator HEINRICH. Thank you. I couldn't agree more. I look forward to, if you're confirmed, working with you on that, because I think that really encapsulates much of what we have to do now, in terms of reacting quickly.

The last issue I'll bring up real quickly is trusted supply of strategic/trusted microelectronics. Obviously, NSA requires a trusted supply of strategic radiation-hardened microsystems for our nuclear stockpile. Those are produced at Sandia. I think you visited last year. Our military weapon systems and platforms, however, do not have a trusted supply of microelectronics for the future. I know this is an issue that the Secretary is aware of. What are your thoughts on maintaining a trusted microelectronics—or, microsystems capability in government to meet the specific requirements of both the military and the Nation's nuclear stockpile? Do you see opportunities there to partner with the private sector to achieve that goal?

General HYTEN. I think anytime you're talking about part supplies, you have to be partner with the private sector. They're going to generate the supplies, one way or the other. I am concerned about the depth of our industry, in terms of how many suppliers we have, how are they certified, how are the parts controlled. We have very significant concerns in space.

As the Commander of Strategic Command, I'll be a demanding customer of the Services that support U.S. Strategic Command, if I'm confirmed, to make sure that we continue to look at that problem across the board. But, Senator, I agree, that's a concern we need to monitor.

Senator HEINRICH. Thank you, General.

Chairman MCCAIN. Senator Fischer.

Senator FISCHER. Welcome, General. It's nice to see you and your family here today. I appreciate the visit that we had in my office

earlier last week, and your candor and the information that you provided.

In 2011, the President committed to modernize the triad of strategic nuclear delivery systems, including the air-launch cruise missile. To its credit in recent years, the Department has generally proposed budgets supporting nuclear modernization. Senior leaders, such as the Secretary, have referred to that deterrent as the bedrock of our national security. I believe that that has correctly stressed the importance that we follow through with these plans.

Do you agree that we must modernize all three legs of the triad, including the air-launch cruise missile? Or do you think these plans need to be reconsidered?

General HYTEN. Ma'am, I agree we have to modernize all three elements of the nuclear triad. I can't state my support any stronger. I'll continue to, if I'm confirmed, state that in all forums.

Senator FISCHER. Thank you. Some observers have argued that a penetrating bomber armed with nuclear gravity bombs obviates the need for a standoff weapon, such as a cruise missile. Do you think that those weapon systems are duplicative?

General HYTEN. If I'm confirmed as Commander of STRATCOM, I'll look into it a lot more depth; but, from my 35 years in the military, I believe you need the flexibility that an air-launch cruise missile with a long-range strike option can provide you. There's always a challenge to a bomber. It doesn't matter how stealthy that bomber is, it doesn't matter how capable that bomber is. I believe a long-range strike option—advanced cruise missiles—gives the President of the United States flexibility in the air arm that is essential as part of the triad. I would recommend strongly that we pursue that option.

Senator FISCHER. When we were in my office, I told you that, when I was visiting with General Kehler, a previous Commander at STRATCOM, that he gave such a really great definition and explanation of why we need a triad, and the importance of each leg of that triad. You've just touched on that. Would you like to expand on it?

General HYTEN. General Kehler used to be my boss, so, after we talked, I contacted General Kehler, saying, "Hey, Senator Fischer said you had something brilliant about the triad."

Senator FISCHER. Did he remember?

General HYTEN. He said, "Well, I'm sure it was brilliant, but I don't remember what it was."

[Laughter.]

General HYTEN. No, he did send me a couple of speeches. Basically, the fundamental piece of his words, I think, that are very powerful, is that each element provides such a significant different attribute that is so important to the security of our Nation in the triad. The bombers are the most flexible. The submarines are the most survivable. The ICBMers are the most ready and responsive. Each of those is essential to the security of our Nation. That's why the triad is so important.

Senator FISCHER. Thank you.

Admiral Haney testified before this Committee, earlier this year, that the 2017 budget supported his mission requirements, but he

also said, "There is no margin to absorb risk." Do you agree with that assessment?

General HYTEN. I agree with that assessment on the Air Force side, certainly, Senator, but let me just say that I'm not as fully versed on the Navy programs as on the Air Force programs. As a four-star general in the Air Force, I sit in the corporate process. I'm very concerned about the just-in-time nature of our strategic modernization program on the Air Force side. If I'm confirmed, I'll certainly look hard on the Navy side. But, I've talked with the Navy leadership, I've talked to many people in the business the last week, and they're all concerned on the Navy side, as well.

Senator FISCHER. Okay, thank you.

Your predecessor and other senior commanders have also stated that further reduction in our nuclear forces should come only as a result of bilateral, negotiated, and verifiable agreements. Do you agree with that position?

General HYTEN. Yes, ma'am, I do.

Senator FISCHER. Can you discuss the relationship between modernization and nuclear reductions? It seems to me that the more modern and responsive our nuclear enterprise is, the less need there would be to retain those legacy systems. But yet, on the other hand, failure to modernize could give us no other option than that we retain significant stockpiles. What is your view on that?

General HYTEN. There's been five terms that various senators, including the Chairman, have talked about today, and that is "safe, secure, effective, ready, reliable." If you look at those five terms, that describes what we have to do in order to modernize our capabilities to make sure that those five terms are always there. What you can't have is one element drop off. You can't have the weapons readiness drop off. The weapons have to be ready, the delivery platforms have to be ready, they have to be safe and secure all the way. I think the United States and any nation that has nuclear weapons is responsible for making sure they're all safe and secure and they're always under political control. I think that applies to any nation. That's one of the reasons we need to modernize, so we can make sure that that is always the case.

Senator FISCHER. Thank you, General. Thank you for your service and your willingness to continue to serve in a very important position as Commander of STRATCOM.

Thank you.

General HYTEN. Thank you, Senator.

Chairman MCCAIN. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Thank you for being here, and thank you for your long and distinguished service, along with your family's. I am here as a father of two sons who also went to Harvard and also became military officers, neither in the Air Force, and one is out now, one is still in the military. It's a rather unusual career choice for Harvard graduates, I know, and I congratulate you on making your choice and serving our country with such dedication and ability. Thank you.

I want to ask about one of the legs of the nuclear triad, the *Ohio* replacement program. You have mentioned, very correctly, the survivability of our submarine force as a means of delivering and defending our Nation, delivering a profoundly important deterrent.

Let me ask you, are you committed, and will you commit, to fully supporting the *Ohio* replacement program?

General HYTEN. Yes, sir, I will.

Senator BLUMENTHAL. Will you commit to being an advocate of it? Because I think it will take advocates in a time of increasingly threatened fiscal resources and a very expensive commitment that is necessary to being an advocate of it.

General HYTEN. I will advocate for all of the elements of the nuclear triad, all three.

Senator BLUMENTHAL. Maybe you can describe for Americans why the *Ohio* replacement program is so fundamentally important to our nuclear defense.

General HYTEN. Again, from my background, I'm not as deeply versed in the Navy's nuclear capability as I am the Air Force's. Nonetheless, I've looked at that recently, to some level, and I'll share my thoughts with you, Senator.

My concern is, is that we'll reach a point in the not-too-distant future where the existing Navy submarines will not be able to effectively and safely conduct their operations because of the age of both the reactor and the ship. We can never reach that point. That's why the *Ohio*-class replacement program is so essential, because, by the time we reach that point, it is essential that we have a new submarine to replace it.

Senator BLUMENTHAL. Thank you.

I want to shift to the cybersecurity area, which is related to our capabilities in space, is it not?

General HYTEN. Yes.

Senator BLUMENTHAL. There was a column, recently, written by David Ignatius, entitled "The Cold War Is Over, The Cyber War Has Begun." I think it reflects a growing sense that one of the great challenges, if not the biggest, ahead in the immediate future is our increasing confrontation with other powers, notably the Chinese and the Russians, most recently—and dramatically, the Russians, in recent hacking—over their capabilities in cyber and their apparent willingness to use them against us. Do you have any thoughts about how we can work to improve our response to cyber attacks with a coordinated reaction from our entire Government? How can domestic agencies best work with the Department of Defense to shore up our security system, both in space and here?

I might add that the Chairman and I recently, in a hearing, confronted a number of our security leaders—Admiral Rogers among them—with this kind of question. I left, frankly, somewhat worried about the ability of this country to respond.

General HYTEN. Much of that question is best discussed in a classified forum, but I'll share my top-level thoughts with you, Senator.

Senator BLUMENTHAL. Thank you.

General HYTEN. From a big-picture perspective, if you look at space and cyber—and, in my current job, we have space and cyber in the same command, in the United States Air Force—and a lot of the effects we create are exactly the same. It's to provide pathways for information, deny adversaries information in times of conflict. That's what we do in space. That's what we do in cyber. But, the difference is, the cost of entry into cyberspace is very low. That's the attractiveness for potential adversaries, because the cost

of access is so low. To respond to it—you hit the most important thing—it has to be a whole-of-government response all the way through.

From a military perspective, I would like to get to the point in cyberspace where we treat it just as a domain where we conduct operations. We tend to contaminate that discussion with a lot of legal implications, which are extremely important, that usually are worked through either the FBI [Federal Bureau of Investigation], Department of Homeland Security, a number of elements. That's why it has to be a whole-of-government response.

But, from a military perspective, I think it's essential that we look at cyberspace as a place where bad actors are. We need to be able to identify them, and, if they are threatening the United States, we need to be able to eliminate that actor from cyberspace. It's the same as any other domain.

It's going to be a very complicated process, though, because it is important. As an American citizen, my privacy is just as important to me as I think it is to every other citizen. But, nonetheless, we have to figure out how to treat cyberspace as an operation domain. I think you're right to be worried, because we're, in many cases, not fully embracing the military aspects of it.

Senator BLUMENTHAL. Thank you very much. Thank you, again, for your service. I welcome that answer. I'd like to pursue it in another setting.

My time is expired, but this is an important topic.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chair.

General, welcome.

In your opening comments you made, you quoted your son, who I think you said graduated with a degree in physics. My son graduated with a degree in physics and said almost exactly the same thing about me: I just have people now. But, I welcome you and congratulate your family on being here today.

I have maybe some ground-level questions to ask. One is on the current status of the GPS OCX project. It's about 5 years—looks it's, right now, 61 months, 5 years or so past due. Could you talk a little bit about your position on the significance and the importance of that project?

General HYTEN. I was quoted in the press, Senator, of calling that program a disaster. I think any program that's 5 years late and a billion dollars over budget meets the definition of "disaster". It's horrible. It's embarrassing to me that we find ourselves in that kind of position in today's day and age. We should not have that kind of program. But, we do.

The concern I have is, the legacy program we have right now has significant information assurance vulnerabilities. Basically, we're plugging those holes as fast as we can, and the best way to do that is with people. As you were talking about, people are our most valuable resource. We have to divert a lot of people to secure that critical capability for the United States and the world.

The OCX program would fix those problems. I have told the Under Secretary of Defense for Acquisition, Technology, and Logistics that if he thinks that program will succeed, I will support it,

because we need that capability desperately. If he thinks it will fail, I'll support the termination of that program. It's up to him. Right now, he believes that program will succeed, and they're doing 3-month deep dives into that program to make sure that it will. But, we're going to watch it very closely all the way through.

Senator TILLIS. I think that the people involved in it, to the extent that the people who were involved in what is now a billion-dollar overrun and 5-year delay, that we need to make sure we have other sets of eyes looking at that to make sure that the decision to move forward or to cancel the project is one that has independent, objective input.

I have a question about the current arsenal. This discussion came up in last year's NDAA [National Defense Authorization Act]. We have some weapons that I understand are reaching a point to where they wouldn't be used, and that they need to be decommissioned. There are others that, if we decommission them, some think that we would be unilaterally disarming. Could you talk a little bit about that issue and where you are on it?

General HYTEN. I'm not as deeply versed in that area as I would be if I'm confirmed and I become the Commander of Strategic Command. I can guarantee, if I'm confirmed, I'm going to get into that in a significant depth. But, looking at a number of the capabilities that we have, we have issues on the weapons delivery platforms, whether that's the submarine we were just talking about, whether it's the ICBM, whether it's the bomber, whether it's the long-range strike capability with the new cruise missile. We have issues with our nuclear weapons that we have to continue to look at and figure out how to modernize. If I'm confirmed, I'll work closely with the National Labs and the National Nuclear Security Administration to make sure that we watch those capabilities closely.

I have some concerns on our nuclear command-and-control capabilities aging out, as well. I think we need to watch closely those capabilities and make sure we modernize those capabilities along with the rest of the enterprise.

Senator TILLIS. Thank you.

I have a question about unity of command. I think you lean more towards unity of effort. I'd like to have you talk a little bit about why you do that, in the context of, maybe, something along the lines of one of our satellites get damaged by an adversary. Who's in charge in reacting to that threat? That would be one part of the context I'd like you to answer in the question. The other one, I think you were part of a war game, Shriver 15. I'd be kind of curious to see if there were any challenges exposed concerning that coordination in command, in the context of unity of effort versus unity of command.

General HYTEN. Senator, I'm probably one of the biggest believers in unity of command in the world. When we started down this project to figure out how we command and control space capabilities, I have to admit that I was a very vocal opponent to the unity-of-effort construct. I honestly didn't think it would work.

But, you know, we all have a process, we all have bosses, and we decided we would pursue the unity-of-effort construct in real experimentation, with the Intelligence Community, the National Reconnaissance Office (NRO), and see if it would work. To my sur-

prise, it actually did work. It worked effectively, because the Director of the NRO and the Director of National Intelligence made sure that, if we had to make a decision quickly, that decision process would work very effectively through an operational center, and the Commander of Strategic Command would be the one to explain it to the President of the United States if we had to go down that path. We ended up in a very good place. I have to admit, I was a little surprised as we went through that.

Senator TILLIS. Thank you.

Thank you, Mr. Chair.

Chairman MCCAIN. Senator King.

Senator KING. Thank you, Mr. Chairman.

General, I'd like to put a finer point on your son Chris's observation. I worked here 40 years ago as a staff member and was once called upon to set up a hearing, and called the Office of Management and Budget for a witness from the administration. The fellow said, "We're going to send you the Deputy Under Secretary of Such and Such," and I said, "Well, I don't really understand these titles. Can you tell me who this guy is?" His answer, if I ever write a book about Washington, will be the title. He said, "He's at the highest level where they still know anything." I think the bad news is, you and I are now above that level.

[Laughter.]

Senator KING. Deterrence has been a theory and a doctrine that has served this Nation well for 70 years. It's really, I think, been a hugely successful theoretical construct. But, the problem is, it seems to me, in the modern day, is it rests upon a premise of rationality on both sides. Does the theory of deterrence work against a madman or a suicidal fanatic? Do we need to be thinking about Deterrence 2.0 because of that potential lack of rationality on the other side that wouldn't be concerned about the destruction of their country? Or perhaps they're possessing nuclear weapons and don't have a country to destroy.

General HYTEN. Senator, I think we need to look at Deterrence 2.0, 3.0, 4.0. The deterrence in the 21st century, I think, is fundamentally different than it was in the 20th century. I think deterrence in the 21st century involves all elements of national power. Not just our nuclear deterrent. It involves space, it involves cyber, it involves our conventional forces, it involves offense and defense on the strategic side of the house. I think you have to look at the integrated defensive capabilities if you're talking about responding to North Korea or Iran, and that defensive capability becomes an essential element of our deterrent posture.

Senator KING. But, we also have to think about who we're deterring and what works, what would be the—again, deterrence is an idea of mutually assured destruction, but you have tailor it to the other side.

General HYTEN. You do. I think, if you look at North Korea, for example, the unpredictability is the hardest thing to deter. How do you deter somebody or something that is unpredictable? That's very difficult. That's why you have to have a defensive mechanism that will assure that, if they wanted to attack the United States, it will fail and then leave the President all the response options with the rest of the capabilities that we have in order to respond to it.

Senator KING. And they have to know that.

General HYTEN. And they have to know that. We have to make sure that it's readily transparent to all the world and all our adversaries.

Senator KING. That we have both the means and the will.

General HYTEN. To defend ourselves and to respond if we need to.

Senator KING. A few months ago, a group of us went on the NAOC, National Airborne Operation Center. The thing that struck me as we went through a nuclear attack scenario simulation was that, in that situation, (a) there's a very limited amount of time for decisionmaking, and (b) only one person makes the decision: the President. There's no check and balance, there's no Congress, there's no required consultation. Is that correct?

General HYTEN. That is correct, sir. That's the Constitution.

Senator KING. The responsibility of that person, who will be making that decision in a matter of minutes. I think the exercise we were in, there was 28 minutes. If it was a missile coming from offshore, it would be 5 or 10 minutes. Is that correct?

General HYTEN. Yes, sir, like I said, I love the Constitution. I swore an oath to defend the Constitution every day. Article II, Section 2 of the Constitution is one of the reasons I'm here, is because the advice-and-consent clause in the Constitution requires me to appear before the Senate to be confirmed before I move on, but it also establishes the President of the United States as the Commander in Chief, the sole Commander in Chief of our Armed Forces.

Senator KING. There's no advice and consent on that decision that could hold in the hands of the President the future of civilization.

General HYTEN. There are two big elements in that clause in the Constitution, one to establish the President as Commander in Chief, and the other is advice and consent of the Senate.

Senator KING. But, advice and consent doesn't apply in this situation.

General HYTEN. The Commander in Chief is the Commander in Chief.

Chairman MCCAIN. There's also provisions in the Constitution for navies and armed forces, et cetera, and the

role of the United States Congress. We are three coequal branches of government. Okay? Executive, legislative, and judicial. The President proposes and the Congress disposes. I understand your point about the Commander in Chief. This administration has done more to ignore the Congress of the United States than any administration that I have been associated with.

Senator KING. Going back to the NAOC, controlling the communication, when we're talking about modernization, the focus is almost always on the triad. It seems to me that's an area that also needs modernization and strong consideration.

General HYTEN. Yes, sir, it does. The big challenge as we look at modernizing the nuclear command-and-control capabilities of the United States will be the cyberthreat, which will be much different than it was when we created the current nuclear command-and-control environment.

Senator KING. My time's just about over. This is a one-word question. Should Cyber Command be elevated to a separate combatant command?

General HYTEN. Yes, I believe it's time to elevate Cyber Command to a separate combatant command.

Senator KING. Thank you. Thank you, General.

Mr. Chairman.

Chairman MCCAIN. Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I want to thank you, General, and thank your family, for your service to our country.

I wanted to follow up on one of the answers to your advance policy questions. You were asked, what are the most serious strategic threats facing the United States today? Among your answers, you mentioned the increasingly provocative and destabilizing behavior by potential adversaries like Iran. What I wanted to ask you is, why do you believe that there is significant concern about the adversary of Iran? I also wanted to hear your opinion about the impact of their pursuit of their ballistic missile program, which they have done quite aggressively, even post-JCPOA [Joint Comprehensive Plan of Action].

General HYTEN. Yes, Senator. I think you provided part of the answer when you started talking about the ballistic missile program. But, I think there's three elements that concern me about Iran in the last year. Element number one is, they continue to be the foremost state sponsor of terrorism in the world. That should be enough to cause the Nation concern. Second is their continuing pursuit of new ballistic missile program and testing ballistic missiles over the last couple of years. Third, a statement, after one of the tests early in March this year, by a member of the Iranian military that said, "We're building this capability to threaten Israel." You put those three statements together, and you look at the technology they're pursuing, that's why I'm concerned about Iran.

Senator AYOTTE. Their ballistic missile program, from what I hear from your testimony, you believe this is a real threat to Israel. Is that true?

General HYTEN. They stated that it's a threat to Israel.

Senator AYOTTE. What about, though, also, even our forward-deployed troops in the European area and also our European allies? I assume it represents a threat to us, as well.

General HYTEN. It does.

Senator AYOTTE. Would you agree with what DNI [Director of National Intelligence James] Clapper has said, when he's repeatedly testified, that Tehran would choose ballistic missiles as its preferred method of delivering nuclear weapons?

General HYTEN. I agree with that.

Senator AYOTTE. I think we also need to focus on making our own Homeland safe, when it comes to their testing and development of ballistic missiles. Would you agree with that?

General HYTEN. I believe that's the missile defense architecture in the Pacific, and it needs to be in the Atlantic, as well.

Senator AYOTTE. When we look at their even most—I mean, they've been, even post-JCPOA agreement, testing ballistic missiles on multiple occasions. Do you believe that their activities are incon-

sistent with the U.N. Security Resolution 2231, which calls upon Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches, using such ballistic missile technology?

General HYTEN. That's more a policy question, but, from a military perspective, I find that kind of behavior extremely destabilizing and threatening.

Senator AYOTTE. How are we going to address their testing issue? What do you see your role in your command and ways that we should be more aggressively pushing back on Iran on something of deep concern to us and our allies?

General HYTEN. Again, Senator, I think a lot of that question is for the political realm. My job is to, if I'm confirmed as Commander of STRATCOM, will be to provide military advice to the President, military advice, if asked by this Congress.

I think you're asking for my military advice. My military advice is that we always have to make sure that our capabilities to respond to an Iranian threat are visible, powerful, and ensure—to the deterrent discussion we had a while ago—that no adversary that would want to take us on will—at least they will think twice and reconsider their actions before they do that. That's the job of the Commander, U.S. Strategic Command. If confirmed, I'll take that very seriously.

Senator AYOTTE. Thank you, General.

In the political realm, I've introduced legislation to impose real sanctions on Iran for their ballistic missile program. I've been very disappointed that the administration is, from my perspective, pretty much ignoring their testing of ballistic missiles.

I wanted to follow up with you—would love to have you come, if confirmed, to visit New Hampshire, because we have the 23rd Space Operations Squadron at New Boston Air Force Station. New Boston operates the largest Air Force satellite-control network remote tracking station, and they provide STRATCOM with very important satellite command-and-control capability. I wanted to extend that invitation, and I hope you'll take me up on it.

General HYTEN. Thank you, ma'am. I've been to New Boston many times. It's one of the most beautiful bases in our country. It's a hidden treasure. But, they do incredibly important mission for the Nation, as well. My wife has been up to New Boston, as well. There's pretty amazing airmen that do some awesome work up there.

Senator AYOTTE. We're glad you're very familiar with New Boston. They're going to be an important asset to you in this new position.

Thank you.

General HYTEN. Thank you.

Chairman MCCAIN. Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank your family, General. Thank you, to all of you.

General, STRATCOM recently provided a requirements letter to the DOD leadership related to hypersonic weapon systems, and specifically conventional prompt strike (CPS). Are you familiar with that?

General HYTEN. I'm familiar with the broad topic.

Senator DONNELLY. I know some of this information is sensitive, but, to the degree it is possible, what are your thoughts on the importance of making progress on conventional prompt strike?

General HYTEN. I think that, from my position today as Air Force Space Command, I think that that has a role to play in the future. If I'm confirmed as Strategic Command, I think that I'll need to work with all the combatant commanders to make sure we get the requirements right. Because I see a significant role for conventional prompt global strike, in terms of our ability to hold any target on the planet at risk at any time without having to move into the nuclear realm. I think there is a powerful requirement there. But, it's just not a STRATCOM requirement, it is a requirement that I think all combatant commanders will have to be involved with developing to make sure we get it right before we start going down that path.

Senator DONNELLY. The sooner CPS transitions from a DOD risk-reduction project to a Navy program of record, I think the sooner that system will reach its initial operational capability. What is your view on the ideal timing for CPS, from STRATCOM's standpoint?

General HYTEN. From the Commander STRATCOM perspective, I think "yesterday" would be a good answer. If we had a capability to provide prompt global strike, just think how it would fundamentally change the equation, to go back to Senator King's question about what deterrence is, because now you have a conventional capability that can deter, as well as a nuclear capability that can deter. From a Commander STRATCOM perspective, I would like to see that answer being "yesterday".

Senator DONNELLY. The Air Force, General, I think, has an historic opportunity to leverage research and development, common parts, and lessons learned from the Navy's recent Trident modernization program to reduce risk, enhance savings, and field an extremely capable follow-on to Minuteman III. There's been some difficult back-and-forth on how best to leverage commonality across the two Services. But, when I go back to my home State of Indiana, Naval Surface Warfare Center Crane, our Navy and Air Force personnel are working very closely on this. We're doing incredible work for the Air Force, particularly in the area of radiation-hardened electronic parts.

I know collaboration between Navy and Air Force is happening on a daily basis at the staff level. If confirmed, will you work to maximize commonality in collaboration across the Air Force and Navy strategic missile programs to reduce cost and risk?

General HYTEN. If confirmed, I will advocate for that. The Commander of STRATCOM is not in the direct acquisition realm. That would be the Service Chiefs, for the most part. But, I'm a huge believer—as we build things for the future—to make sure we can leverage commonality across those capabilities. I'm not a big believer in trying to go back and insert commonality in retrofitting, because almost always that costs us an enormous amount of money. But, every time we modernize, whether it's a component, subcomponent, or the entire weapon system, we should look at commonality as much as possible.

Senator DONNELLY. Do you have any idea, at this point, where you see the greatest potential for commonality and collaboration?

General HYTEN. I think the greatest potential will be in the missile technology of the future, especially the microelectronic side of the missile technology that will go into the future ground-based strategic deterrent element that the Air Force is pursuing now to leverage capabilities from Navy missile programs.

Senator DONNELLY. Let me ask you this. I think we're coming on a bow wave of cost in nuclear modernization in around 2025 to 2035, which is a ways off, but I also think we have an obligation to try to help, at this point.

Last year, Admiral Haney said the nuclear enterprise currently represents 3 percent of DOD's budget, and the figure could go to 6 percent in out years under current plans. How do you see the defense budget flexing to accommodate the things we need to do and how to prepare the next administration for success in this effort?

General HYTEN. Senator, I think the nuclear triad is affordable as we go forward in the future, but it should not be looked at as a blank check. I don't like when I see the numbers that show up in the paper of a trillion dollars or \$85 billion or \$500 billion. I don't like to see those numbers, because they tend to be self-fulfilling prophecies. If we say it's going to cost that much, it ends up costing that much. We need to define our requirements specifically, figure out what we need to build. Then, I think, within the defense budget, because it is the backbone of what we do, it is everything that our Defense Department is based on, and we have to modernize the triad, and I think the money will be there to do that, but we still need to do it smartly.

Senator DONNELLY. Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Wicker.

Senator WICKER. General, thank you for the effort you made in very thoroughly answering some advance questions, which I've had a chance to review. On page 24 of your answers with regard to electronic warfare and spectrum operations, you say, among other things, Russia and China have each committed significant resources to both electronic warfare capabilities and dedicated military operators. Then you talk about their "layered advantage" that each of these countries has attained. Would you explain what their "layered advantage" is and enlighten the Committee a little bit with regard to China and Russia in this regard?

General HYTEN. Senator, if you look at what China and Russia have been looking at, themselves, for the last 20 years, they've been looking at the United States develop an incredibly powerful conventional military that, without a doubt, can dominate any battlefield in the world. They have taken those lessons and started building capabilities to respond to that. One of those lessons is in the electromagnetic spectrum. They see us dominating the electromagnetic spectrum. They see us using GPS, satellite communications. They see us, basically, conducting Information Age warfare, where, in the not-too-distant past, it was Industrial Age warfare. They're developing layers of capabilities, in the electromagnetic spectrum, in cyber, in space, to try to gain a strategic advantage in those areas.

Our job is to make sure they never get an advantage in those areas. But, it's clear that that's what they're trying to do, from my perspective, Senator.

Senator WICKER. You further say, "With our increasing spectrum dependence, assuring access to, and freedom of, maneuver within the electromagnetic spectrum can no longer be guaranteed, this is an area where we must improve." What suggestions will you have for us in that regard?

General HYTEN. I will continue to advocate, if confirmed, for improved capabilities in each of the domains I just described: space, cyber, as well as the electromagnetic spectrum. I think we have to build resilient capabilities in those areas to be able to fight through and respond to threats.

It's no different than a threat to an airplane, a threat to a ground system, a threat to a ship. The Navy has a layered approach in how they respond to a threat to the fleet. We need a layered approach in how we respond to threats in space, threats in cyber, or threats in the electromagnetic spectrum.

Senator WICKER. And that resilience needs redundancy. Is that correct?

General HYTEN. It can be achieved through redundancy, through disaggregation of capabilities, through proliferation of capabilities. It can be achieved through defensive systems that can defend you against, such as anti-jam capabilities, to allow you fight through a jamming scenario, which is an electromagnetic spectrum operation.

Senator WICKER. Sir, I read a novel a while back—I think it was published in 2009—entitled "One Second After," by William Forstchen. I wonder how fanciful that is. I don't know if you've read that novel, but the concept is that there's an electromagnetic pulse which basically shuts down our entire GPS grid and our electric grid and renders this country pretty much defenseless. How big of a layered approach would Russia or China have to have to accomplish that? Is this just fanciful science fiction that could never happen, or is it something we need to be prepared for?

General HYTEN. I haven't read that book, Senator, but the—

Senator WICKER. But, I've described it.

General HYTEN. Yes, sir, you did, very well. The concern is an electromagnetic pulse that goes off in space. That's the concern. It is the most dangerous threat that a space officer, which I am right now, is concerned about, because it is the most threatening and the most damaging. But, if a nation in the world does that, they've now reached a very significant threshold, and the response of the United States could be broad and varied and more likely not a response in kind, but a response in another domain.

Senator WICKER. It would be more damaging than a nuclear bomb, would it not?

General HYTEN. It is a nuclear bomb, basically. It is a nuclear bomb in space. That's what creates the electromagnetic pulse.

Senator WICKER. Who has the capability of doing such a thing now if they were mad enough to do it?

General HYTEN. Anybody with a nuclear weapons capability and a launch capability into space.

Senator WICKER. How prepared are we to respond—to prevent—not to respond in a mutually-assured-destruction manner, but to defend against such a thing?

General HYTEN. Our nuclear command-and-control architecture, including the space elements of missile warning and satellite communications, is very well positioned to respond and operate through that scenario. We've built that into our scenario. The rest of our infrastructure is not as well prepared to respond.

Now, the good news about GPS, for example, is, it is a global architecture, and we can go, in another forum, into the details, but there would be a slight degradation if a single electromagnetic pulse went off, it would potentially take out certain elements of the GPS constellation, but it heals itself as it comes over. I don't want to get into too much technical detail, but it's fairly resilient, because of numbers. Our missile warning and protect at SATCOM are very resilient because of the defensive mechanisms we've built on them. Together, they will allow the United States to continue to fly and fight. But, the concern is, what does it do to our civilian infrastructure?

Senator WICKER. Thank you, sir.

General HYTEN. Thank you, sir.

Chairman MCCAIN. Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Congratulations, General. I would just say that your upcoming new position, if you're as successful as you've been in selecting your wife and raising two fine children, you're going to do great.

General HYTEN. Thank you, sir.

Senator MANCHIN. With that being said, sir, the whole procurement system—the B-52 we put it in operation in 1952—it developed in 1952 and came into operation in 1955. We built 744. Still in operation. Okay? We did total upgrades for \$1.1 billion over that period of time, maybe a little bit more. Then we come along and someone makes a decision we need an F-35. We're on track to spend \$1.5 trillion. We had the F-15, F-16, and F-18. How come all of a sudden—who makes that decision? We're trying to get rid of the A-10 Warthog, which has ground support. The other ones do what they do. But, all of a sudden we spend \$1.5 trillion. It makes you think if President Eisenhower's same view would be aware, be very concerned about the industrial. As you know, his comments, as far as on what we do in procurement in defense.

How do we explain that? Why is the F-15, F-16, and F-18 not able to be upgraded in continued service?

General HYTEN. Senator, that's really not a question for me, it's a question for the Commander of Air Combat Command but, as an Air Force officer, I do have some opinions.

Senator MANCHIN. I'd love to hear them.

General HYTEN. I'll be glad to share those opinions with you.

The F-15, the F-16, and the F-18 are fourth-generation aircraft. Going up against a modern 21st century threat, they cannot penetrate many of the threat scenarios that we are going to have to be able to penetrate.

Senator MANCHIN. What generation is the B-52?

General HYTEN. The B-52 is at least a third-generation weapon system.

Senator MANCHIN. Still the most efficient and most cost-effective.

General HYTEN. It is. It is because of the cruise missile that it carries, as well, because it can't penetrate, either. But, we're going to need to penetrate with fighters, and we need a fifth-generation fighter. We need the F-22 and the F-35 to penetrate those threat environments. We have to have it for our airmen to be able to fight and win in any conflict in the future. One of the reasons we need a B-21 is because the B-52 cannot penetrate. We will need a penetrating capability out of a bomber. We'll need penetrating capabilities in fighters. We need to be able to handle any threat scenario.

As for the cost, it should not have cost that much. I think any American who looks at the cost and is proud of that cost has not seen the big picture. It cost too much. But, that capability is critical. It will be awesome on the battlefield. It'll create an advantage for the United States for decades to come.

Senator MANCHIN. I have a question that's being asked by West Virginians every day. Does the President of the United States have the absolute ability and the power to call for a nuclear strike without any input from Congress, legislators, any input from generals whatsoever to negate that? He or she alone can call for that strike.

General HYTEN. My job as a military officer is to follow orders of the Commander in Chief.

Senator MANCHIN. So, there's no checks and balances. You don't check with someone else to make sure. But, if you get that order from the President, then it's a go order.

General HYTEN. The President of the United States will ask me for my military advice. I will give it as strongly and powerfully as I can, if I'm confirmed as Commander of Strategic Command; but he is the Commander in Chief, or she is the Commander in Chief, and their orders will be followed.

Senator MANCHIN. That person, whoever the President may be, has the sole ability to call for a nuclear strike?

General HYTEN. They are the Commander in Chief.

Senator MANCHIN. Also, I'm very supportive of the National Guard, as you might know, in the versatile role in supporting national security. I would like to know how you see your assessment of the National Guard's performance in space, missile defense, and cyber operations, how they could be more effective.

General HYTEN. Spectacular, but, in many ways, we've just scratched the surface. If you think about many of the missions that we do in space and cyberspace, they're stateside missions. It's perfect for the Guard and Reserve. Some of our most impressive cyber units are Guard units, because they can leverage the civilian workforce and the civilian population. The Guard and Reserve are stepping up into the space mission area in new and exciting ways. I just met with the head of the Air National Guard and the head of the Air Force Reserve, and we're looking at new ways to expand both space and cyber in Space Command.

If I'm confirmed as the Commander of Strategic Command, it is a total-force problem in everything that we do, and we'll leverage the total force in every way possible.

Senator MANCHIN. Thank you, General.

Now, the only thing I would say on that, do you think that we're exercising every option and opportunity we have to enhance that with the Guard, or there's more needs to be done?

General HYTEN. I think there's always more needs to be done. I'm not sure exactly what that is right now, because we meet with them frequently, but I just look at the potential that's out there, and realize that I think there's even more that can be done, but we're doing a tremendous amount.

Senator MANCHIN. Thank you, General.

General HYTEN. Yes, sir.

Chairman MCCAIN. I think, General, you ought to read the Constitution. Nuclear strike, depending on the circumstances, would require a declaration of war. Only the Congress can approve of a declaration of war.

General HYTEN. Yes, sir.

Chairman MCCAIN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

General, congratulations, and thank you for being willing to take on this task. Thank you, to your family, for being here, and for all of the service they've also provided.

There was discussion earlier about North Korea and the erratic behavior of North Korea's leader. We saw, as you pointed out, just this morning, that they tested a new rocket engine to launch satellites. It's the latest in a succession of nuclear weapons tests and ballistic missile launches as they steadily increase their nuclear stockpile. Can you discuss what you see as STRATCOM's mission and operations to, as we look at what we can do to deter what's happening in North Korea, if anything?

General HYTEN. I think we have two roles, if I'm confirmed as Strategic Command Commander, that we have to play. Role number one is the strategic deterrence and assurance mission for our allies. I kind of lump those both together. The ability to deter our adversaries and assure our allies that they are defended by the capabilities of the United States, I think is extremely important.

The second piece of that puzzle is to make sure we provide the right kind of ready forces that can allow the United States, in concert with the other joint combatant commanders, to respond to those capabilities across the board.

Senator SHAHEEN. Senator Inhofe earlier talked about the missile defense system in Eastern Europe as being one of the actions that might have contributed to Russia's aggressive behavior. Do we see that the THAAD missile system in South Korea has the potential to produce that kind of a response from North Korea and from China, for that matter?

General HYTEN. I'm not sure, ma'am, if I can properly assess how China or North Korea would look at that, but, from my military perspective, the THAAD missile battery does not change the strategic deterrence equation, because it provides a point defense capability against a close-in threat, it doesn't impact the ability of a strategic force to effectively operate.

Senator SHAHEEN. Do you think that's clear to China and North Korea?

General HYTEN. I think we've done everything in our power to make it clear. How they perceive what we've said and what they believe, I don't think I can comment on that, ma'am.

Senator SHAHEEN. There was a very interesting segment of 60 Minutes on Sunday night. I don't know if you saw it, or not. But, it was talking about the nuclear deterrent. One of the people they interviewed was former Secretary of Defense William Perry, they were asking him if there had ever been a close call, in terms of someone launching a nuclear weapon from the United States. He pointed to an incident in 1977, where someone had put in a training tape that was misinterpreted.

As you look at—and the reason I think that is so—has so much resonance right now is because I think this campaign for President probably has had more discussion of nuclear weapons and who should control nuclear weapons than any campaign I remember since 1984. As you look at the current nuclear command-and-control structure and architecture, are there any concerns that you have about the potential for something unforeseen to happen, for somebody to make the wrong call and a weapon to be launched inadvertently?

General HYTEN. I believe that our nuclear command-and-control architecture is the most resilient, robust command-and-control architecture that can be created by man. I think there are multiple checks and balances through the system, that you have men and women in the loop that can respond to those kind of anomalies and make sure that, if it is an anomaly, that they can report that up. Nonetheless, if you heard what I said, it was created by man. If it's created by man, there's no way to create perfection, but that's why we put so many checks and balances in the system, all the way up, to make sure that, if we do have to give a recommendation to the President of the United States, that recommendation is clear and then based on solid data.

Senator SHAHEEN. One of the concerns that I've heard from folks in the foreign policy arena is that, unlike during the Cuban missile crisis, since much of the other periods of our history, we don't have the same kind of communication channels between our military leaders and the military leaders in Russia. They didn't suggest that China was in that category, as well, but certainly said that that was true of the United States and Russia. Do you share that concern?

General HYTEN. I don't have enough information to really comment on it, except to say that I'm a big believer in military-to-military relationships. I think that if we have military-to-military relationships with allies, friends, and potential adversaries, we're in a better posture to defuse a situation if something should happen.

If I'm confirmed as the Commander of STRATCOM, I'll find out the details of what relationships there are right now, and then I'll advocate for improving those relationships in the future.

Senator SHAHEEN. Thank you.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

General, congratulations on your nomination. I think you're highly qualified. As we talked about, I appreciate your example at our

alma mater, and what you did there, and what you stand for. I think sometimes our universities in this country need to see and respect the military and ROTC [Reserve Officer Training Corps]. I think you're a great example of that.

I want to just continue on. I know the discussion has been a lot about missile defense. I want to kind of continue on what Senator Shaheen was talking about, and Senator Inhofe.

Do you believe that it's part of our job, both your job, if you're confirmed as a combatant commander, and the Senate's job, to anticipate threats to our Nation and then be able to address them?

General HYTEN. Sir, I think it's the responsibility of any public servant to look at that, always. My primary job if I'm confirmed as a combatant commander, will be to make sure our forces are ready to respond today, but I'll have a secondary job, is to advocate for capabilities to respond to future threats in the future. If confirmed, I'll take both of those jobs very seriously.

Senator SULLIVAN. It's my sense that we talk a lot about North Korea here, and the threat. It's definitely a growing threat. But, I think that the American people probably continue, in general, to see that—maybe most Members of Congress—as a regional threat—to Japan, to Korea, to the region. There was a Wall Street Journal piece today that, “North Korea Successfully Tested a High-Powered Engine for Launching Satellites and Intercontinental Ballistic Missiles.” Do you believe that, in 2 to 3 years, the leader of North Korea is going to have the ability to range the continental United States with nuclear weapons? You think that's just a matter of time, maybe not 2 to 3, maybe 3 to 4. But, don't you think the American people soon, maybe within your tenure, if you're confirmed, are going to wake up to the fact that this is not a regional threat, this is a direct threat that a crazy dictator from North Korea has the capability to range our country with intercontinental ballistic nuclear weapons? Do you think that's going to happen within 5 years?

General HYTEN. Sir, I can't put a date on it. I've talked extensively to the Intelligence Community over the last couple of weeks. I don't have a confident date. But, what I can say and what concerns me—

Senator SULLIVAN. But, you think it's going to happen.

General HYTEN. It's a matter of if, not when.

Senator SULLIVAN. Right.

General HYTEN. It will happen.

Senator SULLIVAN. Shouldn't we start preparing for that now?

General HYTEN. We need to start preparing for that.

Senator SULLIVAN. When that happens, the American people aren't going to wake up and go, “Oh, my gosh, nobody's even thought about this”?

General HYTEN. I think we are thinking about that, and we have to be prepared for it.

Senator SULLIVAN. I think that we're not doing enough, in terms of missile defense, to prepare for this inevitability. Can you give me your sense right now, with 40 ground-based missile interceptors in Alaska, a couple in California, a new LRDR radar system being deployed, do you think we're doing enough, in terms of missile defense, to be able to anticipate a threat that we know is coming, lit-

erally, from a dictator who has no stability in his mind, being able to range our country with nuclear weapons? Are we doing enough?

General HYTEN. I'm a big believer in missile defense. I think we're doing a lot, but I think we need to do more. I think that the number of interceptors we have, we have to constantly look at that ability of that force to respond to the size of the threat that would be in North Korea in the future. I think the force is sized correctly today. I have some concerns about the size of that force in the future. We need to always be able to monitor that. If I'm confirmed to Strategic Command, I'll pledge to you to take a hard look at that, along with the Commander of Pacific Command, to make sure we understand what that response option is, sir.

Senator SULLIVAN. General, I'd like to work with you on that issue, because I think it's a critical issue for the defense of our Nation. I think a lot of Senators are very interested in it. To be honest, I don't think we're doing enough to be ready for a threat that we know is coming. If we're not in that position, to tell the American people, "Hey, we knew this was coming, and we took decisive action to create a strong missile defense," I think that's not what we should be doing, any of us.

Can you just describe, in terms of the technical aspects, how important the LRDR is? We often talk about ground-based missile interceptors, but the radar systems, themselves, that we're now trying to deploy.

General HYTEN. The sensor elements are extremely important. Number one, you can't target a weapon without the sensor, so you need the sensor to be able to do that. That starts with the old infrared capabilities that we have in orbit today hands off to radars today. The radars we have are old. They need to be modernized. One of the most critical radars that we're building now is the long-range discrimination radar at Clear, in Alaska, to be able to respond to that threat. That's a critical element of any future architecture, especially in that part of the world. We also need to look at a space-based element. We need to be able to broadly use the global nature of space to be able to add a global tracking capability, because it not only allows us to track, but allows us to operate weapon systems more efficiently than just firing many at one time.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

General, I think you're highly qualified. I look forward to voting in favor of your confirmation.

Chairman MCCAIN. Senator McCaskill.

Senator MCCASKILL. Thank you, General. Thank you for your service. Thank you, to your family.

I want to start with a little bit about the B-2. In August of this year, we deployed the B-2 from Whiteman to Guam, at least the second time this year that we have deployed these aircraft to the United States Pacific Command area of responsibility. In March 2013, two B-2 Spirit bombers conducted a long-range precision strike by flying more than 6,500 miles to the Korean Peninsula and returning to the continental United States in a single continuous mission. I know that you understand how important missions like this are to demonstrating our commitment and our capabilities,

and what an important role they have in deterrence, particularly as we look at the actions of North Korea.

Our adversaries continue to develop advanced systems, which it eventually could hold even our Homeland at risk. I know there's been a lot of discussion regarding the affordability of upgrading nuclear triad. There are some improvements to the communication systems of the B-2 Spirit which will extend the viability of this flexible dual-use platform. What would be the consequences of a delay in completing the communication upgrades to the B-2?

General HYTEN. Senator, I think we have to look at the communication upgrades of the B-2 in concert with the entire bomber force. Right now, it's probably the most important element of our bomber capability. That capability is extremely important to maintain the viability now and into the future. But, I think the best answer that we owe to this Committee and to the Congress is an answer that looks across the entire bomber force. I think that's a question that the Air Force should answer. But, as the Commander of Strategic Command, what I will advocate for is an effective bomber force to handle all the threats that we have in the future. Then it's the Air Force's job to say, "Well, then we have to upgrade the B-2 or we can wait til the B-21." Right now, I think the B-21 is a little bit too far off to respond to that. But, I think the answer has to be across the entire bomber force.

Senator MCCASKILL. Yeah. I want to make sure we don't make the same mistake with the B-21 that we made with the F-35. That was, we started pulling back on the F/A-18s and the Hornets because of the anticipation of a system that clearly was way over budget and way out of time. As a result, we have vulnerabilities on our aircraft carriers that we shouldn't have. We're continuing to scramble to make sure that we don't have those. I want to make sure that I make that point.

In addition, I'm really proud of the 131st Bomb Wing at Whiteman of the Missouri National Guard was the first National Guard unit to be certified to conduct a nuclear mission. This took a tremendous amount of work at Whiteman and a tremendous amount of commitment on the part of the Active Air Force at that base along with the Missouri National Guard. Can I get your commitment today to continue this integration and continue to allow the Guard to play this important role, going forward?

General HYTEN. Senator, I'm a huge fan of the total force. The Guard and the Reserve provide a huge capability to our forces worldwide. I pledge to constantly advocate for full integration of the Guard into all our military forces across the board. If I'm confirmed at STRATCOM, it'll be inside STRATCOM.

Senator MCCASKILL. I also want to talk about missile defense as it relates to North Korea. The first ballistic missile defense test against an ICBM missile range target will be conducted in this fall. First time this has happened since 1984. A second ground-based interceptor was scheduled for fiscal year 2017, but, due to budgetary constraints, it will have to slip, it was scheduled for 2017, it's going to have to slip to 2018. A GAO [Government Accountability Office] report found that the agency charged with developing this system, the Missile Defense Agency, delayed or removed 40 percent of its

planned flight tests and reprioritized the testing plan because of the fiscal constraints that we have placed upon the military.

If we don't stop playing games with what we need to invest in our military as it relates to OCO [overseas contingency operations] and, you know, spending money off budget, what is going to be the result, in terms of our capability, in terms of ballistic missile defense, particularly in light of what North Korea is up to?

General HYTEN. Senator, I think we desperately need a missile defense capability. It's got to be robust, tested. Our adversaries—North Korea, in this case—have to be concerned that it will work if they operate against it; if it's not, it's not there. Therefore, just like in every other element of our Defense Department, I think we need stable funding, close working relationships with the entire Congress, especially this Committee, to make sure we understand exactly where we're going.

I'm concerned, though, if we go back—and I know you had a hearing last week on readiness—that if we go back into a Budget Control Act level, that many of those decisions that we'll make will be bad decisions for the security of the United States.

Senator McCASKILL. Thank you very much, General. Congratulations.

General HYTEN. Thank you, Senator.

Chairman MCCAIN. Senator Nelson.

Senator NELSON. General, you are an outstanding choice for STRATCOM. You have done an outstanding job as the head of Air Force Space Command, a subject that I understand a little bit about. I just want to say that for the record. We thank you. I look forward to you being our combatant commander.

Would you characterize your thoughts on the need for modernization of our nuclear arsenal as well as our nuclear command and control?

General HYTEN. Senator, I think all three elements of the triad are essential to the security of the Nation. I think it is the foundation of what we built our entire defense posture on. Each of those elements of the triad are aging out at a similar time. In order for us to have an effective triad in the future, we're going to have to modernize each element. We're going to have to modernize the capabilities for ICBM, which will be the ground-based strategic deterrent. We need an *Ohio*-class replacement program on the sea leg of the triad. We need the new bomber. I also believe we need an advanced cruise missile, the long-range strike option.

I think each of those has to be pursued. I think they have to be pursued in an integrated manner. Then we have to pursue the nuclear command-and-control piece on top of that. The nuclear command and control, I think, is the most important piece of the puzzle. As we continue to focus on the delivery platforms, which are essential, we just can't take our eyes off the nuclear command-and-control capability, because, without those, we can't effectively execute a nuclear deterrent option.

Senator NELSON. Specifically, do you have any thoughts on the modernization of—I said “the nuclear arsenal,” meaning the nuclear weapons.

General HYTEN. I think, as we look at the nuclear weapons, we have to consider the environment that we're going to operate in.

We have to consider how many nuclear weapons that we need. I think we need to take a whole approach to looking at the existing nuclear stockpile as well as what we need in the future nuclear stockpile.

Ideally, if I'm confirmed as Commander of STRATCOM, I'd like to have some flexibility across platforms with those nuclear weapons. It's really a conversation meant for a different classification forum. But, at this classification, I'll just say that, if I'm confirmed, I'll work closely with the National Labs as well as the other elements of the nuclear weapons environment to make sure that we have a solid plan going into the future, especially given the test environment that we're in.

Senator NELSON. Thank you, Mr. Chairman.

General HYTEN. Thank you, Senator.

Chairman MCCAIN. General, thank you. I just had one more issue. As I mentioned in my opening remarks having to do with your assessment from your advance policy questions that the growing importance of cyber warrants the elevation of U.S. Cyber Command to a unified combatant command, is it also your professional military judgment that maintaining the dual-hat relationship where the Commander of Cyber Command is also the Director of NSA is in our best national security interest?

General HYTEN. That is my belief, sir. I strongly believe that right now. There may be a day in the future where that is not the case, but today is not that case.

Chairman MCCAIN. I thank you. That discussion continues.

I was going to talk with Senator Reed and other Members of the Committee, but I think we may ask you to come back, perhaps maybe not this week, but later on, to brief us on the information that you provided me with yesterday. It's quite—"disturbing" isn't the word—compelling, I think is a better one.

Jack?

Senator REED. No, sir.

Again, General, thank you for your service. I look forward to voting for your confirmation, and doing it expeditiously so that you can get out there and lead.

General HYTEN. Thank you.

Chairman MCCAIN. Thank you.

The hearing is adjourned.

[Whereupon, at 11:19 a.m., the hearing was adjourned.]

[Prepared questions submitted to General John E. Hyten, USAF by Chairman McCain prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Senate Armed Services Committee has initiated an intensive review of the organization of the Department of Defense—both military and civilian, including the elements created by the Goldwater Nichols Department of Defense Reorganization Act of 1986, in order to enhance the effectiveness of the Department of Defense to execute the National Military Strategy in the 21st century.

Based on your experiences as a senior officer, what challenges have you observed with the current organizational structure, with particular focus on warfighting capa-

bilities, and what modifications, if any, do you think are necessary to the current organizational structure including any Goldwater Nichols Act provisions?

Answer. Goldwater Nichols has served this Nation well for the last 30 years. It greatly improved joint operations and established much more effective command and control of joint forces. The law helped generate and accelerate an amazing, positive transformation in our military. In reality, the organization created by this law, is the only military organization and structure I have ever known. Nonetheless, I believe we should always look for improvement—in everything that we do—and Goldwater Nichols is no exception. Now is a good time to take a fresh look. The most significant challenge I see with the current structure is with global, multi-domain integration. In other words, how do we effectively integrate our forces to fight seamlessly on the land, at sea, in air, in space, and in cyberspace. Many domains, space and cyberspace in particular, create both global and theater effects and must be fully integrated in the execution of any conflict. I won't get ahead of Chairman Dunford's on-going, current assessment but my sense is the time is right to move beyond jointness towards a more complete goal of integration. If confirmed, I pledge to work closely with Congress to ensure that any changes build upon the strengths of Goldwater Nichols and improve our ability to operate effectively in any multi-domain, global conflict.

Question. On 29 March 2016, General Dunford said: "Today we're regionally focused. We rely on kind of what I describe as cooperation and collaboration between combatant commanders. We have supported and supporting relationships, and that's all worked well for decades . . . And if you think about how I described the character of war, and you imagine the secretary of defense trying to make decisions in that environment, clearly I think we owe him better in terms of command and control, a better framework within which to make decisions in a timely manner based on the character of war we see today and, as importantly, a better process for the prioritization and allocation of resources in real time . . ."

In your view, what modifications to the Unified Command Plan, if any, would enhance the warfighting effectiveness of the Department of Defense and the combatant commanders?

Answer. I agree completely with General Dunford. We need a better process for the prioritization and allocation of resources in real time. I think it is essential that we remain properly organized for a changing complex strategic environment. The Unified Command Plan (UCP) has been, and will continue to be, a living document which has reflected the changing nature of military challenges from the standup of new Commands (e.g., AFRICOM, NORTHCOM, etc.) to the elevation of new missions (e.g., Ballistic Missile Defense) to the recognition of new domains (e.g. space and cyberspace). It's premature to suggest specific changes to the UCP, but I am convinced that it's imperative the UCP remain linked with our evolving understanding of the threat, our national military strategy to address that threat and our best understanding how best to organize to meet the strategy. The UCP will enable how we intend to create the integrated, joint force of the future. Again, as I stated above, if confirmed, I pledge to work closely with Congress to ensure we are organized properly to operate effectively in any multi-domain, global conflict.

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and functions of the commander, U.S. Strategic Command?

Answer. The commander, U.S. Strategic Command creates plans and conducts operations to detect and deter strategic attacks against the U.S. and our allies; and, in concert with the joint force, defeat those who attack us when deterrence fails. STRATCOM is currently assigned nine, soon to be eight, distinct responsibilities: Strategic Deterrence; Space Operations; Cyberspace Operations; Global Strike; Joint Electronic Warfare; Missile Defense; Intelligence, Surveillance and Reconnaissance; Countering Weapons of Mass Destruction; and Analysis and Targeting. Of these nine, the President has authorized the Secretary to transfer the responsibility for synchronizing planning for Countering Weapons of Mass Destruction from STRATCOM to SOCOM. These diverse responsibilities are strategic in nature, global in scope and intertwined with Joint Force capabilities, the interagency process, and a whole-of-government approach.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. My 35 years of service has been primarily in two of STRATCOM's three main mission areas. I began my career in what we now term the cyberspace domain and transitioned as a company grade officer into space, first in engineering and acquisition, then in operations. In addition to my primary areas of expertise, I have

also been responsible for testing our nations ICBMs—Minuteman and Peacekeeper at the time. I have been in the nuclear command and control chain of command as a Mission Director in the North American Aerospace Defense Command (NORAD) Command Center. I have served in multiple capacities within the Pentagon on the Joint and at the Service Secretary level staffs. Throughout my career in the Air Force I have commanded at all levels from the tactical to the strategic. My work, especially in two key domains (space and cyberspace), gives me a unique perspective for the challenges ahead—how to enable the Joint Force; thinking globally and holistically; and driving integration, relevance and resiliency.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the commander, U.S. Strategic Command?

Answer. I am not an expert in all nine of the STRATCOM responsibilities I described above. They are extraordinarily diverse. If confirmed, I will work diligently to enhance my expertise in STRATCOM's broad range of missions. If confirmed, I look forward to working with STRATCOM commanders and staff, as well as the other combatant commanders and the many organizations STRATCOM partners with for mission success.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the Combatant Commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the commander, U.S. Strategic Command, to the following officials:

The Secretary of Defense.

Answer. Pursuant to title 10, U.S. Code, section 164, subject to the direction of the President, the commander, STRATCOM performs duties under the authority, direction and control of the Secretary of Defense and is directly responsible to the Secretary for the preparedness of the command to carry out assigned missions.

Question. The Deputy Secretary of Defense.

Answer. In accordance with title 10, U.S. Code, section 132, the Deputy Secretary of Defense will perform such duties and exercise powers prescribed by the Secretary of Defense. The Deputy Secretary of Defense will act for and exercise the powers of the Secretary of Defense when the Secretary is disabled or the office is vacant. If confirmed, I will work closely with the Deputy Secretary on appropriate matters.

Question. The Under Secretary of Defense for Policy.

Answer. As the Principal Staff Assistant (PSA) and advisor to the Secretary and Deputy Secretary of Defense, the Under Secretary for Policy formulates national security and defense policy, integrates DOD policy and plans and performs oversight of defense policy goals to achieve national security objectives. These policies guide STRATCOM strategic planning and operations.

Question. The Under Secretary of Defense for Intelligence.

Answer. The Under Secretary for Intelligence is the advisor and PSA to the Secretary and Deputy Secretary of Defense for all intelligence, counterintelligence, security, sensitive activities and other intelligence-related matters. Intelligence assessments and products related to the global environment are profoundly important to STRATCOM.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. The Under Secretary for Acquisition, Technology and Logistics is the advisor and PSA to the Secretary and Deputy Secretary of Defense for DOD Acquisition; research and development; modeling and simulation; systems integration; logistics; installation management; military construction; procurement; environment; services; and nuclear, chemical and biological programs. STRATCOM works closely with AT&L to sustain current and advocate/field future capabilities. The Under Secretary for Acquisition, Technology and Logistics also chairs the Nuclear Weapons Council and the Commander, STRATCOM is a member. If confirmed, I look forward to working with the The Under Secretary for Acquisition, Technology and Logistics on all these matters specific to STRATCOM.

Question. The Assistant Secretary of Defense for Global Strategic Affairs.

Answer. Responsibilities resident within the office of the Assistant Secretary of Defense for Global Strategic Affairs (ASD/GSA) were reorganized under the Assistant Secretary of Defense for Homeland Defense and Global Security. If confirmed, I look forward to working with the Assistant Secretary of Defense for Homeland De-

fense in coordination with the Under Secretary of Defense for Policy on matters specific to U.S. Strategic Command.

Question. The Assistant Secretary of Defense for Homeland Defense and Global Security.

Answer. The Assistant Secretary of Defense for Homeland Defense and Global Security under the authority, direction and control of the Under Secretary of Defense for Policy, is responsible for advising the Secretary of Defense and Under Secretary of Defense for Policy on policy, strategy, and implementation guidance across a diverse portfolio of national and global security issues. These issues include countering weapons of mass destruction, cyber operations, Homeland defense activities, antiterrorism, continuity of government and mission assurance, defense support to civil authorities and space-related matters. If confirmed, I look forward to working with the Assistant Secretary of Defense for Homeland Defense in coordination with the Under Secretary of Defense for Policy on matters specific to U.S. Strategic Command.

Question. The Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs.

Answer. The Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs under the authority, direction and control of the Under Secretary for Acquisition, Technology and Logistics advises the Secretary of Defense on matters concerning nuclear, chemical and biological defense programs; develops policies, provides advice, makes recommendations on nuclear weapons, chemical, biological, radiological, and nuclear (CBRN) defense; serves as the Nuclear Weapons Council Staff Director; and performs such additional duties as the Secretary may prescribe. If confirmed, I will work closely with this office and the Nuclear Weapons Council in support of the strategic deterrence mission.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, the Homeland Security Council and the Secretary of Defense as established in title 10, U.S. Code, Section 163. By law and as directed by the Secretary of Defense, the Chairman consults with the combatant commanders, evaluates and assists in achieving their requirements and plans. The Chairman provides a vital link between the combatant commanders and other elements of the DOD. In this role, he is the most senior ranking member of the armed forces but does not exercise command over any military forces or serve in the Chain of Command between the President and Secretary of Defense and combatant commanders, although the President may transmit communications through the Chairman. If confirmed, I will keep the Chairman and the Secretary of Defense informed without delay on matters for which I am personally accountable as Commander, STRATCOM.

Question. The Secretaries of the Military Departments.

Answer. Under title 10, U.S. Code, section 165, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the Secretaries of the Military Departments are responsible for administration and support of forces that are assigned to unified and specified commands. The authority exercised by a combatant commander over assigned forces is clear, but requires close coordination with each Secretary to ensure there is no infringement upon those lawful responsibilities which a Secretary alone may discharge. If confirmed, I look forward to building a strong and productive relationship with each of the Secretaries of the Military Departments.

Question. The Chiefs of Staff of the Services.

Answer. The Service Chiefs serve to provide organized, trained and equipped forces to be employed by combatant commanders in accomplishing their assigned missions. While they no longer serve in the operational chain of command, they are members of the Joint Chiefs of Staff and have a lawful obligation to provide military advice. If confirmed, I will work closely and confer regularly with the Service Chiefs as they are individually and collectively, a tremendous source of experience and judgment.

Question. The Director of the National Reconnaissance Office.

Answer. The National Reconnaissance Office (NRO) is a DOD organization engaged in the research and development, acquisition, launch and operation of overhead reconnaissance systems necessary to meet the needs of the Intelligence Community and of the DOD.

The Unified Command Plan assigns STRATCOM responsibilities for both space operations and for planning, integrating and coordinating intelligence, surveillance and reconnaissance in support of strategic and global operations, as directed.

If confirmed as the commander, STRATCOM I will maintain a close working relationship and continue the work both Admiral Haney and I have conducted with the

Director of the NRO on space mission area requirements, to include the Joint Inter-agency Combined Space Operation Center (JICSpOC). The benefits of this teamwork over the last few years demonstrate the importance of bringing shared interests together to successfully address truly complex national security challenges.

The combatant commanders, particularly commander, U.S. Northern Command, and Air Force Global Strike Command and U.S. Cyber Command

The commander, STRATCOM has both supported and supporting relationships with other combatant commanders, largely identified within the Unified Command Plan (UCP), the Forces for Unified Commands Memorandum, the Joint Strategic Capabilities Plan, specific command arrangement agreements, Operations Plans and Concept Plans

U.S. Cyber Command is a STRATCOM subordinate unified command, which plans, coordinates, integrates, synchronizes and conducts activities to direct the operations and defense of specified DOD information networks. Air Force Global Strike Command is an Air Force major command that provides combat ready forces to STRATCOM to conduct nuclear deterrence and global strike operations as directed. STRATCOM supports U.S. Northern Command's mission to conduct Homeland defense to secure and defend the United States and its interests.

If confirmed, I look forward to working with other combatant commanders to broaden and enhance the level and range of these relationships.

Question. The Administrator of the National Nuclear Security Administration.

Answer. Title 50, U.S. Code, section 2402, appoints the Department of Energy's Under Secretary for Nuclear Security as Administrator of the National Nuclear Security Administration. All Department of Energy programs and activities related to nuclear weapons, including the stockpile stewardship program are the Administrator's responsibility. Additionally, the Administrator serves on the Nuclear Weapons Council and executes duties that closely concern and support STRATCOM, but remain separate from DOD's operational control. If confirmed, I will work closely and confer regularly with the Administrator.

Question. The Director of the Missile Defense Agency.

Answer. The Unified Command Plan charges STRATCOM with synchronizing planning for global missile defense including coordinating global missile defense operations support, and developing and advocating for missile defense and warning capabilities.

The Missile Defense Agency (MDA) provides the research, development, testing and evaluation of the missile defense and associated systems that would be employed by combatant commanders. Given these closely aligned responsibilities, both the commander, STRATCOM, and the Joint Functional Component Command for Integrated Missile Defense must continue their close working relationship with MDA, the missile defense systems engineering and development organization for the DOD.

If confirmed, I will work closely with combatant commanders and the Director of MDA to ensure required ballistic missile defense and warning capabilities are developed and fielded.

Question. The Director of Operational Test and Evaluation.

Answer. The Director, Operational Test & Evaluation (DOT&E) is the principal staff assistant and senior advisor to the Secretary of Defense on operational test and evaluation (OT&E) in the Department of Defense (DOD). DOT&E is responsible for issuing DOD OT&E policy and procedures; reviewing and analyzing the results of OT&E conducted for each major DOD acquisition program; providing independent assessments to SecDef, the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)), and Congress; making budgetary and financial recommendations to the SecDef regarding OT&E; and overseeing major DOD acquisition programs to ensure OT&E is adequate to confirm operational effectiveness and suitability of the defense system in combat use. If confirmed, I will work closely with and seek the advice of the DOT&E in assessing the progress of command programs of interest.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next commander, U.S. Strategic Command?

Answer. Having been assigned to units assigned to STRATCOM for many years, I am confident in saying that the command has a highly trained and motivated strategic force. I have direct insight our nations space and cyberspace capabilities and we are on a good path, though much remains to be done. It seems clear to me that the big challenges facing STRATCOM mirror those across our joint force. Stability in order to recruit and retain a well-trained and motivated military and civilian

work force is essential. I have been impressed monitoring the work accomplished to mitigate the well-documented decline in our strategic nuclear capabilities across delivery systems (e.g., the triad); their supporting stockpile and infrastructure; Nuclear Command, Control and Communications (NC3) and Indications and Warning/Attack Assessment (ITWAA). I am close enough to the budget process to realize however, that many of these modernization/ recapitalization efforts are just in time with little margin for slippage. If confirmed, I pledge to look closely across the many joint missions under STRATCOM and continue to work these challenges and others. If I identify any concerns, I pledge to share them and work them with the Congress.

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

Answer. As stated above, if confirmed, I pledge to look closely across the many joint missions under STRATCOM and continue to work these challenges and others. If I identify any concerns, I pledge to share them and work them with the Congress. Specifically I plan to be a strong and objective advocate for the resources the command needs to succeed. I support the need to modernize our nuclear triad. I support the continued development of capabilities to deal with the threatened domains of space and cyberspace. I will continue on the path set by Admiral Haney with the Joint Space Doctrine and Tactics Forum, which he co-chairs with Ms. Betty Sapp, the Director of the NRO. This forum's goals are to ensure U.S. space policy, doctrine, operational concepts, strategies and planning scenarios reflect that space is a contested domain, populated by dynamic actors. We have already made significant progress in partnering and shared learning. I am sure the other STRATCOM missions have challenges as well and I pledge to work them all to the best of my ability, if confirmed.

Question. What are your priorities for the U.S. Strategic Command?

Answer. I am sure that my priorities will evolve if I am confirmed and assume command, but it should be clear that first and foremost, my highest priority must be to deter strategic attack against the United States and provide assurance to our allies. A safe, secure, and effective nuclear deterrent force is critical to the security of our Nation. High on my priority list will also be the need to address challenges in space and cyberspace with capability, capacity, and resilience. I will focus on integrating our capabilities as greater than the sum of their parts by building, sustaining and supporting partnerships across the Department, the U.S. Government and with our allies. I will work hard to create an environment that rewards innovative thinking and a culture of integration and effectiveness.

STRATEGIC THREATS

Question. In your view, what are the most serious strategic threats facing the United States today?

Answer. The threats are many and complicated—here are a few that cause me significant concern; the continued propagation of asymmetric methods, the unprecedented proliferation of advanced technologies, including advances in ballistic missiles, challenges and threats in space and cyberspace, the deployment of other new and advanced weapons systems, and most concerning, the increasingly provocative and destabilizing behavior by potential adversaries like Russia, China, North Korea and Iran.

In addition, as noted in the National Security Strategy, the potential proliferation of weapons of mass destruction, the pursuit of nuclear weapons by violent extremist groups and the proliferation of nuclear weapons technology to additional states clearly represent strategic threats to the United States.

Question. What future strategic threats should the United States prepare for?

Answer. Our potential adversaries have studied the U.S. way of warfare and are actively developing asymmetric responses. The development of advanced ballistic and cruise missiles; counter-space capabilities; hypersonic weapons; unmanned aerial vehicles; and autonomous underwater vehicles are all examples of potential future strategic threats. I am also concerned about the growing cyber capabilities of advanced state actors, such as Russia and China, as well as non-state actors. The growing sophistication and availability of information technology that can be used for nefarious purposes means we face an increasing future cyber threat both in terms of speed and scope of impact.

These threat trends suggest a much more integrated approach to deterrence and warfighting and will challenge not only our operational tempo but our ability to decide in the presence of ambiguity and multiple, competing priorities across a forward fight, escalation control and Homeland defense/consequence management in unprecedented ways.

Question. What are your views of Russia's strategic and tactical nuclear capabilities?

Answer. Although I am not as close to this issue as I will be if confirmed, it seems clear that Russia has been making large investments in its nuclear weapon programs as well as modernizing both its strategic and non-strategic nuclear weapons. In addition to advancing nuclear capabilities, Russia is emphasizing new regional and strategic approaches, and declaring and demonstrating its ability to escalate if required. Collectively, Russian development of advancing weapons capabilities and its evolving warfighting doctrine is concerning.

Question. What are your views on China's nuclear capabilities?

Answer. Again, I am not as informed on this subject as I will be if confirmed, but I am fully aware that China continues to modernize its nuclear missile force and is striving for a secure, second-strike capability. Although it continues to profess a "no first use" doctrine, China is re-engineering its long-range ballistic missiles to carry multiple nuclear warheads and continues to develop and test hyper-glide vehicle technologies. These developments—coupled with a lack of transparency on nuclear issues such as force disposition and size—may impact regional and strategic stability and are cause for continued vigilance and concern.

Question. What are your views on North Korea's nuclear capabilities?

Answer. Again, my expertise here is top-level only and will expand if confirmed, but from my perspective, North Korea does not yet represent an existential threat to the United States, however, it remains the most dangerous and unpredictable actor in the Asia Pacific Region. Pyongyang's evolving ballistic missile and nuclear weapons program underscore the growing threat. Kim Jong-un continues to defy international norms and resolutions, as demonstrated by a number of provocative actions this year, including the DPRK's fourth and fifth nuclear test. North Korea appears committed to diversifying its missile forces and nuclear delivery options, while strengthening missile force survivability. North Korea also continues efforts to expand its stockpile of weapons grade fissile material. All of this is extremely concerning.

U.S. STRATEGIC COMMAND MISSIONS

Question. In an overarching sense, how do you define the U.S. Strategic Command mission?

Answer. STRATCOM conducts military operations globally in support of national objectives, other combatant commanders and the command's strategic deterrence, assurance, and functional objectives. Capabilities and associated operations are functional and distinct, but are interconnected and require synchronization within the command and integration with other Combatant Commands, U.S. Government elements, allies and partners.

STRATCOM supports our Nation's security throughout the spectrum of conflict, by delivering comprehensive warfighting solutions focused on deterring strategic attack, understanding escalation, preventing miscalculation, providing assurance to our allies, anticipating change and confronting uncertainty with agility and innovation.

Question. U.S. Strategic Command has absorbed multiple new missions since its creation, with the most recent addition being the establishment of the Cyber Command, as a sub-unified command of the Strategic Command.

How successful has U.S. Strategic Command been at integrating these new missions and acquiring the expertise needed to perform them?

Answer. I have not been assigned directly to HQs STRATCOM so my observations come from the point of view of a service component. Nonetheless, it seems clear to me that STRATCOM has been effective at integrating the expanded missions. However, our ability to recruit, train and retain personnel with the right expertise required to execute these specialized missions remains a challenge.

Question. What organizational challenges remain at U.S. Strategic Command related to these new missions? Specifically, what additional work, if any, remains to be done and what expertise, if any, needs to be acquired for these new missions?

Answer. Expertise and excellence in nuclear operations will always be a challenge due to its critical importance to the security of the Nation. We must also permeate an operational space culture throughout the national security space enterprise. Additionally, cyberspace capabilities and capacity are still maturing and require continued support from the services to organize, train and equip the right cyber experts to meet established priorities. If confirmed, I pledge to assess the status of capabilities and determine the proper course of action to align personnel and resources to address the issues.

Question. If confirmed, would you recommend or support any changes in the missions currently assigned to U.S. Strategic Command? If so, what changes would you recommend?

Answer. If confirmed, I would only recommend changes in assigned missions after I have a chance to thoroughly evaluate and assess the command's mission effectiveness in the context of an evolving global security environment. It is too soon for me to make any such recommendations now.

Question. Are you aware of any additional new missions that are being contemplated for the Strategic Command?

Answer. No. I am not aware of any new missions being considered for Strategic Command.

Question. Strategic Command has transferred the combatting weapons of mass destruction mission to SOCOM. What are the major challenges in transferring this mission?

Answer. I have not been directly involved in this discussion, but it is my understanding the STRATCOM and SOCOM staffs are still working through the details of mission and resource transfers. However it turns out, if confirmed, I pledge to remain partnered with SOCOM before, during and after transition to ensure this critical mission remains on track.

ORGANIZATION

Question. In addition to Cyber Command, the Command is organized into a series of joint functional component commands that correspond to the mission areas of Strategic Command.

Answer. If confirmed, would you anticipate maintaining or modifying this structure?

If confirmed, I will ensure our organizational structure remains synchronized with other pending efforts such as the National Military Strategy, the Unified Command Plan, the Goldwater-Nichols review and more. I am not wedded to the current structure for its own sake, but rather will ensure we innovate, exercise and experiment in a manner that confirms the best organizational structure to meet the evolving threat. The world is changing rapidly and if confirmed, I pledge to ensure STRATCOM is organized to respond to these changes with people, policies and organizational structures that value agility, objectivity and innovation.

BALLISTIC MISSILE DEFENSE

Question. How do you view the roles and responsibilities of the commander, U.S. Strategic Command, related to ballistic missile defense?

Answer. This mission area has shown an incredible degree of maturation over the years with significant advances in synchronized planning for global missile defense across multiple Combatant Commands and their Areas of Responsibility as well as joint missile defense training. This progress was enabled in large part with the work done by the Joint Functional Component Command for Integrated Missile Defense (JFCC-IMD) in partnership with the Joint Staff, Missile Defense Agency, Services and Combatant Commands. The challenge going forward is to work even more holistically in support of Missile Defeat concepts to provide the most resilient and cost effective options to the President and SECDEF.

Question. What do you believe is the appropriate function of the Joint Functional Component Command for Integrated Missile Defense?

Answer. I am not completely current on all the details regarding the functions of JFCC IMD, but I am aware that their missions are to synchronize missile defense planning, conduct ballistic missile defense operations support, advocate for missile defense capabilities, recommend allocation of missile defense forces, and execute joint ballistic missile defense training and education in support of STRATCOM, other Combatant Commands, the Services, and appropriate U.S. Government agencies, to deter adversaries, assure allies, and defend the U.S., deployed forces, allies and partners against missile attacks. In addition, JFCC IMD serves as the primary warfighter interface to the Missile Defense Agency representing warfighter equities in the BMD development and test process. If confirmed, I will certainly dig deeper into their functions.

Question. If confirmed, would you recommend or support any changes in the authorities of commander, U.S. Strategic Command, as they relate to ballistic missile defense?

Answer. Not at this time (based on my current understanding of the STRATCOM authorities). I am aware of a growing desire within the Department to address the missile threat from a broader Missile Defeat perspective. If confirmed, I will become engaged in this review, but in any case, plan to maintain the existing strong rela-

tionships with the geographic combatant commanders, Services and the Missile Defense Agency (MDA).

Question. If confirmed, what role would you anticipate playing in the assessment of the military utility of U.S. ballistic missile defenses against short-, medium-, intermediate-, and long-range ballistic missiles?

Answer. I know that STRATCOM is assigned responsibility to conduct and report military utility assessments during Ballistic Missile Defense System (BMDS) development and transition of capabilities to the services in coordination with the Director, MDA and the Chairman of the Joint Chiefs of Staff. If confirmed, I plan to continue conducting military utility assessments during Ballistic Missile Defense System (BMDS) development in coordination with the MDA, Chairman of the Joint Chiefs of Staff, and Services.

Question. If confirmed, what role would you anticipate playing in representing and advocating for the views and needs of the combatant commanders for missile defense capabilities, and how do you believe the warfighter perspective should inform our missile defense program?

Answer. I am aware that U.S. Strategic Command leads the Integrated Air and Missile Defense (IAMD) Warfighter Involvement Process to capture and articulate warfighter capability needs to inform both MDA and Service program development. I am also aware that U.S. Strategic Command develops an annual GIAMDA to articulate combatant commanders' IAMD risks that require remedy via acquisition, procurement, Global Force Management, and allied integration. These efforts raise the level of warfighter awareness and engagement such that they now forcefully advocate for their own needs without dependence on STRATCOM alone. If confirmed, I will continue close consultations with the combatant commanders to fully understand their needs, ensure they have the tools to assess their risk and fully partner with them to collectively advocate for missile defense capabilities.

Question. Please describe your view of the appropriate roles for the Joint Staff and the Missile Defense Executive Board in guiding decisions on the development, acquisition, and deployment of effective missile defense capabilities.

Answer. The Joint Staff J8/Joint Integrated Air and Missile Defense Organization (JIAMDO) is responsible for defining required Service IAMD systems requirements through the normal Joint Capabilities Integration and Development System (JCIDS); they are also heavily involved in defining interoperability and operational architectures while validating joint regional IAMD capabilities via simulation and technology demonstrations.

Question. The Missile Defense Executive Board (MDEB), under the USD (AT&L), provides oversight and guidance for all missile defense stakeholders in the DOD and other agencies and departments. The MDEB also validates Warfighter Involvement Process-developed BMD requirements for MDA, which works outside the JCIDS process. JIAMDO and the MDEB work collaboratively (along with the Services) to transition tested systems from MDA to a Service in order to be organized, trained, and equipped for combatant commander employment, supported by STRATCOM and our JFCC-IMD.

I am aware much has changed since MDA received acquisition and requirements process exemptions that led to the oversight/governance structure outlined above. If confirmed, I will be prepared to support any future review of the continued efficacy of these processes.

Do you agree that any ballistic missile defense systems that are to be deployed must be operationally effective and cost-effective?

Answer. Yes.

Question. Do you agree that ballistic missile defense flight tests need to be operationally realistic, and that operational testing is necessary in order to demonstrate the capabilities of our systems and provide confidence that they will work effectively?

Answer. Yes.

Question. What are your views on the relationship between ballistic missile defenses (BMD) and nuclear deterrence?

Answer. I fundamentally believe that deterrence is created via the total, integrated capabilities of the United States, never one single element. Specifically, in response to this question, nuclear deterrence is heavily impacted through the integration of offense (nuclear deterrence) and defense (BMD) . . . they cannot be looked at separately. Nonetheless, our missile defenses by themselves will not defeat any but the most limited missile threats. Still, effective missile defense is an essential element of the U.S. commitment to strengthen strategic and regional deterrence against actors of concern. Through deployment of limited Homeland defenses, the U.S. seeks to dissuade such states from developing an Intercontinental Ballistic Missile (ICBM), deter them from using an ICBM if they develop or acquire such a capa-

bility, and defeat an ICBM attack by such states should deterrence fail. Currently, missile defenses are not intended to offset the strategic balance with Russian or Chinese strategic forces and are not designed to protect the United States Homeland against large scale nuclear ballistic missile strikes. The U.S. strategic nuclear deterrent force of ICBMs, bombers and ballistic missile submarines (the triad) will remain the primary deterrent of major nuclear attacks against the United States, our allies and partners, by nuclear powers such as Russia and China.

Question. Do you support the policies and priorities stated in the Ballistic Missile Defense Review report of February 2010? Has the passage of time changed any of the underlying assumptions, such that policy updates may be required?

Answer. I have only recently reviewed this report and have not had time to fully evaluate the findings. If confirmed, I will certainly do this. Nonetheless, I believe the policies and priorities laid out in the 2010 Ballistic Missile Defense Review (BMDR) are still valid. The defense of the Homeland, followed by partners and allies against ballistic missile attack are still national imperatives. The Chairman provided the Department with his Joint Integrated Air and Missile Defense Vision 2020, which calls for the deeper integration of capabilities to defeat the growing set of air and missile threats, including cruise missile and unmanned aerial vehicles (UAVs). The next logical step, at a minimum, is to evolve the Chairman's vision into a broader Missile Defeat framework to improve resilience and cost effectiveness.

Question. Do you support the Homeland ballistic missile defense initiatives announced by Secretary Hagel on March 15, 2013, including the planned deployment of 14 additional Ground-Based Interceptors (GBIs) in Alaska?

Answer. Yes, I support this program. The additional 14 GBIs in Alaska are adding capacity to U.S. Homeland defense against limited long range threats. We must also remain focused on ensuring this increased capacity is employed in the most effective manner possible with discriminating sensors, complete tracking and robust command and control.

Question. Do you agree with the Chairman and Vice Chairman of the Joint Chiefs of Staff that additional analysis is needed, including analysis of the missile threat from Iran, before making a decision on whether to deploy such an additional missile defense site in the future?

Answer. Yes. Moreover, as we continue to monitor and evaluate potential/emerging long-range missile threats to the Homeland we will remain mindful of the entire package of capability that may be needed from additional interceptors to supporting sensors and command/control.

Question. Do you agree with the Director of the Missile Defense Agency and the commander of the Joint Functional component command for Integrated Missile Defense on the importance of enhancing our missile defense sensor capabilities to improve discrimination and kill assessment for Homeland ballistic missile defense?

Answer. Yes. Discrimination (coupled with associated Battle Space Awareness) is the critical component to improving the effectiveness of our deployed interceptors as well as providing multiple response options especially as potential adversaries embark on improving countermeasures against our systems. In addition, I believe a space-based element will be critical to this future.

Question. Do you support the Phased Adaptive Approach to missile defense in Europe (EPAA), and do you believe this approach will provide a timely and effective capability to address existing and emerging Iranian ballistic missile threats to Europe?

Answer. Yes, the initial operational capability declaration of Phase II of the EPAA has been a great success. Phase III will provide in-depth coverage and far superior capability to protect our forward forces, allies, and partners.

The Government of Iran continues to pursue ballistic missile testing, production and deployment; therefore if confirmed, I will continue to assess our progress and make appropriate recommendations to the Secretary of Defense.

Question. What role do you believe Strategic Command should play in the development and implementation of the Phased Adaptive Approach to missile defense in Europe and other regions?

Answer. STRATCOM is synchronizer of global missile defense plans, coordinator of global missile defense operations support, and Joint Functional Manager for global force management of missile defense capabilities.

STRATCOM ensures the geographic combatant commanders have the capability to: (1) effectively utilize our limited air and missile defense forces, (2) share warning and defense sensor data from one region to another, and (3) as directed, plan and conduct transregional attacks on missile threats before they launch.

CYBER SECURITY

Question. What are your priorities for the U.S. Cyber Command?

Answer. If confirmed, I will have further discussions with the commander of U.S. Cyber Command, ADM Mike Rogers, but from my perspective today, assuring our warfighting missions and defending our information networks and are the top priorities for U.S. Cyber Command. This requires strengthening and expanding partnerships in the domain as well as building the capacity and capability to conduct full-spectrum cyberspace operations. Integrating cyberspace capabilities into Combatant Command plans and operations across the DOD will also bring additional flexibility needed to simultaneously address competitors and others who are preparing to challenge our advantages in cyberspace.

Question. In your view, what are the most important unmet priorities for the development and deployment of cyber security tools and capabilities?

Answer. I really only have detailed knowledge from an AF perspective at this point, but I know that CYBERCOM is working through Department processes to accelerate resourcing of immediate needs. From my perspective today, some immediate needs include:

- enhanced abilities to defend critical infrastructure and DOD weapon systems,
- improved capabilities to counter violent extremist organizations
- robust command and control (C2) of cyberspace forces
- a unified platform for military cyberspace operations
- additional options to strategically deter adversary aggression in and through cyberspace

If confirmed I will work closely with ADM Rogers to advocate for and pursue these critical capabilities.

Question. If confirmed, what role will you play in establishing policy for U.S. Cyber Command?

Answer. If confirmed, as authorized with my combatant command authority, and in collaboration with commander U.S. Cyber Command, I will actively support the establishment of new policy and the revision of current policy to carry out my Unified Command Plan-assigned responsibilities. Additionally, I will engage with leaders across the Department of Defense, the interagency, and Congress to ensure the joint force has adequate and appropriate strategies for cyberspace operations.

Question. What are your views on the issue of elevating U.S. Cyber Command to a full unified command, including the timetable for elevating the Command?

Answer. The evolution of the threat suggests to me it is simply a matter of when, not if, U.S. Cyber Command is elevated into a full unified command. If confirmed, I will continue to enhance the capability and partnership between STRATCOM, U.S. Cyber Command and the National Security Agency until the decision is made to elevate—and then, if the decision is made, I will support their elevation to rapidly achieve unified command status without loss of any momentum or current cyberspace operational capability. I have only one concern—and it can be mitigated with the proper attention. I was a part of a Combatant Command earlier in my career that was a single domain combatant command—U.S. Space Command. Many members of that command (not the leadership) tended to focus on the challenges in their own domain, and placed less focus on their critical support to theater operations (geographic Combatant Commands). If confirmed, I will work hard to ensure U.S. Cyber Command maintains a proper focus on the theater as they also focus on the other challenges in cyber—however the decision on elevation resolves.

SPACE

Question. What is your view on the responsiveness of current space systems to meet warfighter needs and what are the opportunities for the Operationally Responsive Space program to meet military and other space requirements such as space based environmental monitoring?

Answer. In my current role as commander, Air Force Space Command I have been concerned with and focused on the issue of responsiveness in the face of adversary advances. Responsiveness is interconnected with resilience and was a key attribute behind our Space Enterprise Vision developed in collaboration with the National Reconnaissance Office and the other Services. The pace of commercial innovation and quickly accelerating threat trends suggest it is no longer sufficient to field systems with extremely long durations and inflexible development and replenishment. While the Operationally Responsive Space (ORS) program has been a successful pathfinder to responsiveness—and it will continue this superb service in the future—we must also infuse this thinking across our entire enterprise and into the broader space industry. I will continue this focus if confirmed as commander, U.S. Strategic Command.

Question. What is your view of the ability of the DOD to develop and deploy space systems in a cost-effective and timely manner?

Answer. We have not had a good track record but we have improved significantly over the last decade. We are finally building and delivering capabilities in a time-certain and price-certain manner. Although there are still exceptions (e.g., GPS III and the next generation Operational Control Segment (OCX), we have created some very good processes. We know if we focus on requirements, make sure they are achievable, and avoid requirements growth inside our programs, we can deliver. These are critical fundamentals of the Space Enterprise Vision and we must have the discipline to follow through. We must also explore options to the current paradigm within the DOD of only developing large, complex satellite systems. Heretofore, we have delivered some highly capable systems with long on-orbit endurance that were appropriate for a benign space environment. While there will certainly continue to be many cases where this approach is essential, we must also be able to deliver smaller systems within much shorter timelines. We should be able to field a new satellite design on a timeline closer to private industry (3 to 5 years). In my view resilience is enabled by cost-effective responsiveness. In addition to satellites, these fundamentals also apply to our ground systems and launch. We must move on to an Enterprise Ground Architecture in the future and we must continue to maintain assured access to space while driving launch costs further down. The challenges are difficult but essential to the future viability of the space enterprise.

Question. What steps, if any, do you believe might be necessary to improve the responsiveness of current space systems?

Answer. There are a few key components; we must continue our efforts to improve the partnership between the DOD and the IC, continue to improve both the systems and tactics, techniques, and procedures (TTPs) associated with space battle management command and control (BMC2), and improve the way we move and share data. In addition, we must pursue different architectures and integrated defensive capabilities to ensure we can respond to any future threat.

Question. In your view, what are the most important unmet requirements for space systems?

Answer. We've outlined an integrated approach to future space capabilities and resilience in the joint Air Force Space Command/National Reconnaissance Office Space Enterprise Vision. The vision focuses on continued support to terrestrial operations along with new initiatives for space control, battle management/command and control and a responsive ground architecture. An integrated ground architecture is perhaps the most important unmet requirement today. All our legacy capabilities were developed separately, in stovepipes. They work perfectly in a benign environment. In a threat environment, however, we need to integrate across the enterprise. We are pursuing this with renewed vigor and I will continue to advocate for this capability if confirmed.

Question. Do you believe any urgent needs or capability gaps exist? If so, please specify in detail.

Answer. A specific urgent need was recently identified and validated in the form of a Joint Emergent Operational Need (JEON) for space battle management/command and control. This will support our ability to change the warfighting culture of our space cadre as well as ensuring we have the ability to fully plan and employ our space control capabilities.

Question. What do you believe should be done to meet those requirements, and what space programs should be accorded highest priority?

Answer. Again, the priorities are laid out in our Space Enterprise Vision with a focus on space control, battle management/command and control and a responsive ground architecture supported by a cadre of well-trained space warfighters focused on a contested domain.

Question. How important, in your view, is persistent surveillance, and what programs do you believe are best able to provide this capability?

Answer. Persistent surveillance is an enduring priority needed to detect, collect, disseminate, and characterize activity across the battlespace. This applies to all domains. While space, airborne, maritime, and terrestrial programs all contribute to ISR, it's the integration of sensors spanning multiple platforms that will be most critical in increasing persistent surveillance.

Question. What is your view on the effectiveness of efforts to cooperate with the commercial space sector to improve space situational awareness and how could this effort be expanded and made more successful?

Answer. Our initial interactions are promising but much work remains to be done. We should have made more progress by now but have been slowed mostly by our own inability to integrate disparate data sources in a modern, integrated, command and control architecture. We are working hard to correct that deficiency, and are

committed to exploring incorporation of both commercial and foreign partners to provide a more comprehensive space picture.

Question. What are your views on disaggregation of space sensors systems, particularly for the Advanced Extremely High Frequency and the Space Based Infrared Systems?

Answer. Disaggregation is just one of many options we are evaluating to improve the resilience of our space capabilities. Disaggregation shows promise as one means to achieve some of the objectives for our future space systems. What are really looking for are more resilient warfighting constellations and capabilities that can operate through any future postulated threat. This includes building new architectures (some disaggregated) and integrating them with other options (e.g., defensive capabilities). Disaggregation for its own sake, however, is not a goal. Disaggregated architectures will be evaluated against the metrics of cost, schedule, performance, survivability, and resilience.

Question. In the National Defense Authorization Act for Fiscal Year 2004, Congress approved a national policy to support two space launch vehicles, or families of launch vehicles, capable of launching national security payloads into space. The two launch vehicles have been combined into one company to provide launch services to the U.S. Government with the expectation that this would improve both the efficiency of space launch and reduce the cost.

What are your expectations with respect to future space launch efficiencies and cost savings?

Answer. I expect the cost of launch to continue to follow the downward trend we have already seen with the introduction of additional commercial launch providers. Driving down the cost of launch is an important component of all our future space architectures and it must also be more nimble and responsive.

Question. In the next several years the rate of space launches is expected to increase, what new approaches to space launch, in your view, should be implemented to handle this increased rate of launch?

Answer. We should continue to improve the way we manage the assignment of payloads to lift vehicles. Ultimately, a space program manager should be able to predictably schedule his lift to space based on a planned and published lift schedule. Commercial providers offer both a model for this approach and additional capacity to help handle the increased demand. It is important for a number of reasons that when a satellite is ready to launch, we launch it. This stabilizes the launch manifest, drives down costs, prevents us from storing satellites on the ground (expensive and risky to the satellite), and adds resilience to our on orbit constellations. In addition, we must consider to modernize and automate our ranges. We are pursuing the integration of Autonomous Flight Safety Systems (AFSS) on our ranges that will improve throughput and reliability. It will also allow us to continue to take advantage of the expanding commercial sector who are pursuing AFSS in many ways.

Question. What, in your view, should the United States do in the future, and what steps would you take if confirmed, to ensure continued reliable access to space?

Answer. The United States must continue to work closely the entire launch industry as well as with commercial providers to encourage a robust space lift industry. I believe the future challenges we face can only be conquered through a robust public, private partnership. If confirmed, I will advocate for continued development of critical technologies, further development of the commercial launch sector, and improvement of our range operations and lift manifest management in coordination with the Services, the NRO, and National Aeronautics and Space Administration (NASA).

Question. Do you believe that the Nation should sustain redundant space launch capabilities?

Answer. Yes. Redundant launch capabilities are necessary to assure access to space. We cannot allow our access to space and the ability to quickly and reliably place critical systems on orbit to be subject to a single point of failure.

Question. What do you see as the greatest problem implementing a new entrant strategy?

Answer. The highest hurdle is certification. We must maintain a robust certification standard given the national security implications of losing a satellite during launch. We will be demanding customers of all new entrants and continue to employ a robust mission assurance policy.

Question. What are your views regarding the phase out of the Delta IV Lift vehicle?

Answer. It's been National policy for many years to maintain assured access to space through multiple commercially viable launch service providers. Given the lack of the price competitiveness of the Delta IV vehicle and anticipated fielding of several new launch vehicle families, I support the eventual phase out of the Delta IV

launch vehicle family—but only when other capabilities are reliably available that can provide the assured access. The additional Atlas V RD-180 engines under consideration in the Fiscal Year 2017 NDAA and current Falcon 9 Upgrade capability provide a bridge to these next generation launch vehicles. Nonetheless, we must all monitor these capabilities carefully. If confirmed or not, whether as commander AF Space Command or commander U.S. Strategic Command, I pledge to continue to work with the Congress to make sure this Nation ceases our reliance on the Russian RD-180 as soon as possible and never loses assured access to space. This is primarily an AF responsibility, but I believe STRATCOM must be a demanding customer due to the criticality of space launch to our national security.

Question. Recent decisions, and probably future decisions, about launch capabilities made by the National Aeronautics and Space Administration will impact national security space launch cost and capacity.

What, in your view, should the Strategic Command do to coordinate civil and national security space launch?

Answer. This is primarily an AF, NASA, and NRO responsibility. However, U.S. Strategic Command is intimately connected with all aspects of the U.S. space launch enterprise through the Joint Functional Component Command for Space (JFCC SPACE). If confirmed I will be a very demanding customer of the U.S. Air Force and monitor closely our ability to maintain assured access to space. If I am confirmed, and I am concerned in any way, I will not hesitate to share my concerns with the Congress.

Question. In your view, what are the most significant challenges that the U.S. faces in military and national security space programs and policy?

Answer. Our challenges are rooted in the increasingly congested, contested and competitive nature of the space domain. If confirmed, I'll continue to address the following top challenges: (1) threats to U.S. space capabilities, (2) threats from adversary space capabilities to U.S. military forces and (3) maintaining our national security space programs in a difficult budget environment.

Question. Training of U.S. military personnel to understand and to incorporate space assets into all aspects of operations is critically important to future military success.

While much has been done to incorporate space assets into all aspects of military operations, in your view are there additional steps that should be taken to address this challenge?

Answer. U.S. Strategic Command, in partnership with other DOD components and interagency partners, has already started taking steps in the right direction. The recent addition last year of over \$5 billion of additional funding in military space was a good start, but we have a long journey to get to where we need to be. The Space Enterprise Vision was designed to act as a roadmap along the way for the materiel acquisition piece. In terms of investing in human capital, the Joint Space Doctrine and Tactics Forum and Space Mission Force construct are working to evolve our culture to prepare for a conflict that extends into space. Furthermore, STRATCOM is heavily invested in integrated planning with its fellow commands to integrate space's contributions to multi-domain military operations. If confirmed, I will continue to work with our joint partners and across the National Security Space community in order to fully address this challenge.

Question. What role does the National Security Space Institute play in the training process, and how could their training programs be improved?

Answer. The National Security Space Institute (NSSI) currently provides crucial training and education for our joint space professionals. We need to continue to explore and expand the curriculum to improve the thinking of the joint force to meet the demands of an increasingly contested, dynamic and operationally limited space domain.

Question. What, in your view, are the priorities for improving space situational awareness?

Answer. While we continue to more efficiently manage the current space situational awareness (SSA) network, field new capabilities such as the Geosynchronous Space Situational Awareness Program (GSSAP) and the Space Fence, and work with Allied and commercial entities to expand the data pool, the main limiting factor going forward is our ability to fuse, integrate, exploit and share these sources of information. This is the top priority and we must come up with improved capabilities quickly in this area.

Question. What programs and policies, in your view, should be changed or added to ensure adequate space situational awareness?

Answer. Current programs such as Space Fence and Geosynchronous Space Situational Awareness Program (GSSAP) must continue along existing paths to full oper-

ational capability. While these programs develop, we should look for opportunities to incorporate new technologies into the enterprise.

The Joint Space Doctrine and Tactics Forum (JSDTF) is focusing on this very issue and is making progress on information sharing between DOD and IC across the classification divide. The Joint Interagency Combined Space Operations Center (JICSpOC) JEON work will also ensure we are better organized to support the growth in SSA data from new systems and new allied and commercial sources by ensuring a command center focused on directing, optimizing and exploiting SSA sensors and data while offloading day-to-day execution to an independent squadron.

Question. What are your views on how military and national security space should and could be better integrated?

Answer. First, I believe the integration between military and national security space is excellent today and continues to advance with improved collaboration and interaction, primarily through the Joint Space Training and Doctrine Forum co-chaired by the commander of STRATCOM and the Director of the National Reconnaissance Office. However, there is always room for improvement and I see possibilities in three primary areas. The first is in following our shared vision (the Space Enterprise Vision) for architectures that develop and complement one another. The second is an operational approach, which encompasses planning, training, and exercises. The third pertains to execution; specifically, along the line of improved BMC2. The JICSpOC is an excellent example of how U.S. Strategic Command is working with national security space entities to improve BMC2.

Question. In your view, what role should the Defense Space Council play in integrating military and national security space?

Answer. The Defense Space Council should continue to provide oversight to the military space enterprise, integrate all elements of national security space where appropriate, provide a forum to resolve the different positions from across the Department, support the Principal DOD Space advisor in her duties (see 65 below), and provide consolidated space resource recommendations to the Deputy Secretary of Defense and the Secretary of Defense.

Question. In your view, should the role of the Defense Space Council be modified or expanded in any way?

Answer. No, the Defense Space Council has evolved into a collaborative forum across key space stakeholders. In particular, U.S. Strategic Command is a voting member and key contributor to the Defense Space Council.

Question. The General Accountability Office published GAO Report 16-592R "Too Early to Determine If Recent Changes Will Resolve Persistent Fragmentation in Management and Oversight"—do you agree with its principal findings on fragmentation?

Answer. Yes, especially the "too early" characterization. The national security space leadership responsibilities are fragmented across approximately 60 stakeholder organizations within the Department of Defense (DOD), the Executive Office of the President, the Intelligence Community, and civilian agencies. However, the Deputy Secretary of Defense designated the Secretary of the Air Force as the Principal DOD Space Advisor (PDSA) [to the Secretary of Defense] with responsibilities that include: promoting a unified approach to space issues; overseeing the entire DOD space portfolio; and serving as an independent advisor on all space matters to top DOD officials. It is working so far, but the real test will be how it continues over the change of administration.

Question. Do you believe that in a time of conflict in space there should unity of command for title 10 and title 50 space systems?

Answer. I now believe that in time of conflict we can effectively respond to any threat with unity of effort between title 10 and title 50. This was not my opinion 1 year ago. Last year, I was a strong believer that we required unity of command. However, we have now accomplished a series of high fidelity and challenging experiments as part of our evolving Joint Interagency Combined Space Operations Center (JICSpOC) aimed at addressing the question of unity of command versus unity of effort between title 10 and title 50. To date, those vignettes clearly show that unity of effort is appropriate to meet space threats and execute space control missions. If desired, I can share the specific reasons why I believe this now in a classified discussion with either members of Congress or cleared staff.

Question. What do you see as the greatest challenges in the area of counter space?

Answer. I think our greatest challenge will be how fast we need to move. We are currently well ahead of any potential adversary but we must move fast to keep it that way. Our processes tend to move very deliberately. We like to analyze threats and challenges for years. We do not have time anymore. We must move fast. This applies to our acquisition processes and our personnel. We must create space warriors capable of operating in a contested, congested and competitive space environ-

ment. Continuing pursuit of protection measures for our critical national space assets and evolution of our Battle Management Command and Control capability are key enablers for this change.

Question. What is the long term mission of the Joint Interagency Center for Combined Space Operations and how will it interface with the Joint Space Operations Center to ensure complimentary capabilities?

Answer. The JICSpOC is currently an experimental environment where we are exploring our ability to effectively respond if a war extends into space. In the future, we expect it to develop in to a real, integrated operational capability that can fight the enterprise effectively. Our vision is that the JICSpOC, will become responsible for defense of the space Joint Operating Area (JOA) and will leverage an organic IC presence to aid on-orbit activity characterization and provide enhanced Indications and Warning (I&W). A capable Battle Management Command and Control system is being designed to allow effective and timely command and control of space forces in the JICSpOC for both the DOD and the NRO. Through continued experimentation and exercises the JICSpOC will operationalize and develop Tactics, Techniques and Procedures (TTPs) which will enable it to detect, track and if required, defeat threats posed to our critical space systems. The JICSpOC is dependent on and fully leverages the JSpOC to execute, coordinate and/or synchronize space activities with other Combatant Commands, allies and partners. The JSPOC will be focused on the support to the terrestrial fight—but it is envisioned that the two centers will be able to integrate effectively along with the rest of the National Security Space Community. The JSpOC is fully occupied today with the terrestrial fight—space is critical to every military operation around the world...and many civilian activities as well. They must retain that focus. The JICSpOC is fully occupied figuring out how to prepare to effectively fight conflict that extends into the space domain. If we tried to integrate either with the other, both would be at significant risk of failure. For the foreseeable future, they need to focus on their unique, full time requirements.

Question. What do you see as the largest hurdles to fully developing CONPLAN 8035 for space operations?

Answer. CONPLAN 8035 has been completed and provided to all STRATCOM Components as well as other Combatant Commands for reference and employment.

However, it is not enough to develop a plan focused solely on space operations. It is also critical for STRATCOM to work closely with OSD, Joint Staff, and combatant commanders to integrate space into all OPLANs, just as any other war fighting domain with both unique capabilities and limitations that must be factored into adversary-specific contingency plans. If confirmed, I pledge to continue this work.

Question. What do you see as the most significant issue of the space element of the Integrated Threat Warning and Attack Assessment (ITWAA) and if confirmed how will you advocate for this system?

Answer. The linchpin of our Integrated Tactical Warning and Attack Assessment (ITW/AA) system remains our Overhead Persistent Infrared (OPIR) Spaced Based Infrared Systems (SBIRS) satellites. Maintaining a viable capability mandates continued investment with the aim of increasing resiliency in light of continued advancements in adversary threats. Therefore, if confirmed, I will continue to advocate for global OPIR coverage, including the Polar Regions, as we continue to replace aging systems with newer technology.

Question. Please specific elements of the space element of the ITWAA system that most concern you?

Answer. My top two priorities are preserving mission assurance and ensuring our on orbit systems maintain pace with adversary advancements and capable of detecting and reporting emerging threats.

CRUISE MISSILE DEFENSE

Question. In your view, how serious is the vulnerability of our Nation and deployed military forces to the cruise missile threat?

Answer. I agree with the Director of DIA world-wide assessment that a growing cruise missile threat is real and credible.

Question. What role do you believe U.S. Strategic Command should play in the cruise missile defense of our Nation and our deployed military forces?

Answer. Although I am not fully up to speed on the issue of cruise missile defense, I know that STRATCOM is continuing (in coordination with MDA, JIAMD, NORTHCOM, and other Combatant Commands) to pursue means to detect and track cruise missiles in operationally relevant timeframes, to include integration of STRATCOM assigned assets. If confirmed I will become better informed on this issue and pledge to work with the other combatant commanders and the Congress

to ensure we can respond to this, and any threat, to our Homeland, allies, and deployed forces.

PROMPT GLOBAL STRIKE

Question. In your view, how adequate are current efforts to establish requirements and develop a prompt global strike capability?

Answer. I have not been directly involved in these efforts, but know that several Combatant Commands are involved in establishing conventional prompt strike requirements. I am encouraged by the Department's continuing efforts and progress in developing capabilities able to defeat time-sensitive, high value targets in anti-access / area denial (A2AD) environments. The ability to rapidly strike defended targets at long range is an important capability that a number of combatant commanders require. If confirmed, I will become more involved in this issue and will share my thoughts with the Congress in the future.

Question. Do you believe that adequate analysis is being conducted to determine whether a prompt global strike capability should be launched from air, land, maritime surface or subsurface platforms, or a combination thereof?

Answer. I know significant work has been done and I have seen some of the initial analysis, but I am not well enough informed to make any meaningful assessment of its adequacy at this time. If confirmed, I pledge to fully evaluate the analysis so I can provide a full assessment to the Congress if so requested.

ELECTRONIC WARFARE AND SPECTRUM OPERATIONS

Question. Strategic Command is the designated combatant command for synchronizing electronic warfare as well as ensuring the warfighting has adequate spectrum resources to conduct operations.

How capable do you believe Russia and China are in electronic warfare?

Answer. I have only basic knowledge in this area but will have more if confirmed. I know that Russia and China have each committed significant resources to both electronic warfare capabilities and dedicated military operators. The recent Crimean and South China Sea operations are excellent examples of the layered advantage each country has attained. Each realizes that controlling the battle within the electromagnetic spectrum is a key precondition in order to achieve operational success.

Question. What are the major issues associated with joint electronics warfare operations?

Answer. Joint electronic warfare is in a rebuilding phase—both in capability and forces. The Department is also engaged to ensure these efforts are integrated in such a manner that fosters Service interoperability. With our increasing spectrum dependence, assuring access to and freedom of maneuver within the electromagnetic spectrum can no longer be guaranteed. This is an area where we must improve.

Question. Do you believe the Department has adequate simulation capability to test joint electronic warfare operations?

Answer. Not today. The Department's modeling and simulation test capabilities are in need of continued and sustained modernization. Due to the congested nature of the electromagnetic spectrum, the ability to conduct open-air testing is increasingly constrained. There are few ranges where advanced electronic warfare testing can take place; often these locations are forced to cease testing due to unintended interference. These challenges also affect the manner by which the joint force trains.

Question. Do you believe the Department should develop a Concept of Operations Plan for electronic warfare?

Answer. Yes. A detailed Department-wide roadmap is crucial to the future success of joint electronic warfare and spectrum superiority.

Question. What are the major spectrum issues facing the military in its ability to conduct operations?

Answer. The Department is actively seeking solutions to provide situational awareness across the electromagnetic spectrum (EMS) and for command and control of offensive and defensive EMS operations across all domains and mission areas.

Additionally, the spectrum continues to be constrained by increased commercial use, limiting the availability for operational, training, and testing purposes. We need to ensure that we achieve a balance—where possible—to advance new virtual approaches enhancing joint electronic warfare capabilities and training without dependence on spectrum access.

NUCLEAR DETERRENCE

Question. If confirmed as commander of the U.S. Strategic Command, you would be involved in implementing the new Nuclear Posture Review and the reductions under the New START Treaty.

Do you support the New START Treaty? Would you support a 5-year extension at this time?

Answer. Yes, I support the New START Treaty. New START has been an important transparency mechanism for maintaining United States-Russian stability. The verification regime permits key insights into the Russian strategic triad which significantly contributes to our understanding of their force posture. New START is the most recent in a decades long, bipartisan effort by the United States and Russia to advance strategic nuclear arms control via transparency and an effective verification regime. However, I believe that further analysis and dialogue within the interagency is necessary prior to making a final determination on a 5-year extension.

Question. Do you support the 2013 revision to our nuclear employment strategy?

Answer. Yes, our nuclear employment strategy supports our global strategic stability and national security objectives by deterring potential adversaries and assuring our allies and partners.

Question. Do you believe we need a fleet of 12 ballistic submarines to replace the *Ohio*-class submarines?

Answer. Yes. I have looked at our current & expected future strategic deterrence requirements, and strongly believe that 12 *Ohio*-class Replacement submarines are the minimum number of ballistic missile submarines (SSBNs) required to meet STRATCOM's mission. It is essential that this program remain on schedule to prevent a future capability gap as *Ohio*-class SSBNs retire.

Question. What in your view are the most pressing modernization requirements for the Minuteman III ICBM, following completion of the current upgrades?

Answer. As directed by Congress, the Air Force is taking the necessary measures to ensure the current MM III ICBM fleet is sustained through 2030.

In addition, the Air Force is enhancing its security systems to include a new Payload Transport vehicle and a UH-1N Replacement helicopter which will span both MM and GBSD.

Question. Do you support the development and fielding of a follow-on program to the Minuteman III ICBM?

Answer. Yes. I have looked at our current & expected future strategic deterrence requirements and I fully support the Ground Based Strategic Deterrent (GBSD) program as the follow on to the MM III. GBSD is a complex weapon system & the program must deliver on schedule to maintain an effective, land based nuclear deterrent capability.

Question. Do you support and intend to advocate for the modernization of all legs of the triad of nuclear delivery vehicles?

Answer. Yes. Strongly.

Question. Do you support the development of the Long Range Standoff Weapon and why?

Answer. Yes, the development & deployment of the Long Range Standoff (LRSO) cruise missile is essential to maintaining an effective & credible air-delivered nuclear deterrent, especially as adversaries deploy advanced air-defense systems. It is a critical capability to ensure the long term viability of the bomber element of the triad. The LRSO cruise missile's ability to continue to hold global high value targets at risk is critical to provide the President flexible response options & assure allies & partners as part of our extended deterrence commitments.

Question. In your view, is there a relationship between U.S. nuclear deterrence policy and nonproliferation policy? If so, please describe the relationship.

Answer. Yes, United States nuclear deterrence and nonproliferation policies both serve to advance regional and strategic stability. Extending the U.S. nuclear deterrent reaffirms our commitment to the security of our allies and partners, thereby dissuading them from developing their own acquisition programs. Further, it works to convince potential adversaries that there is little benefit to be gained by seeking nuclear weapons.

Question. What are your views on nuclear command and control readiness in terms of personnel, material and operations?

Answer. Although we have made significant improvements recently, particularly within the AF, I remain somewhat concerned. The ability to command and control nuclear forces across the spectrum of conflict is an essential element of nuclear deterrence, equal in import to the strategic delivery platforms. And like the platforms, many aspects of the NC2 enterprise are operating well beyond planned service life and must be recapitalized and/or sustained until replacement systems are fielded. There have been many recent improvements however. We have improved our readiness reporting and assessment programs so that we now have visibility into issues impacting our operations in real-time and have the insight required to make corrective actions and programmatic adjustments. STRATCOM also conducts quarterly

nuclear force readiness reviews focused on critical resources required for this vital mission. As a service component to STRATCOM, I have seen these improvements, but our equipment is very old.

Question. If confirmed will you commit to this Committee to actively participate in the Council on Oversight of the National Leadership Command, Control and Communications System?

Answer. Yes, I will actively participate as a chartered Council member.

Question. Have you read the report "National Leadership Capability and Nuclear Command, Control and Communications Enterprise Review Report, May 2015 and if not, then if confirmed will you commit to this Committee to be briefed on it and at a later date give this Committee your view on it?

Answer. Only recently so I have some knowledge of the findings and recommendations. If confirmed, however, I pledge to give the Committee my specific views at a later date.

Question. If confirmed will you commit to this Committee to advocate that the Mobile Ground System and its capabilities are upgraded for its nuclear detection, space based infrared signal collection and support of its capability to conduct remote and enduring support are maintained?

Answer. Yes. The MGS, as currently fielded and envisioned for upgrades, is a top priority for STRATCOM and must be maintained and sustained. If confirmed, I will also conduct a detailed study of the mission as a whole and provide any findings and recommendations to Congress.

Question. What is the significance of non-strategic nuclear weapons in the nuclear balance between the United States and Russia?

Answer. When considering the broader nuclear balance there are a number of factors to consider including, but not limited to, strategic nuclear weapon systems, non-strategic nuclear weapons capabilities, and associated infrastructure. While strict numerical parity is not required, large disparities could raise concerns and may not be conducive to a long term stable relationship. I believe the goal quoted in the 2010 Nuclear Posture Review (NPR) "Address non-strategic nuclear weapons, together with the non-deployed nuclear weapons of both sides, in any post-New START negotiations with Russia," remains valid though problematic given the lack of interest from Russia. Thus, continued examination of the issue is prudent.

Question. Do you believe the U.S. Government understands today how to verify reductions in non-strategic nuclear weapons?

Answer. I am not fully aware of our capabilities in this area, but if confirmed, I pledge to study the issue and provide my assessment at a future date.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed you would become a member of the Nuclear Weapons Council.

Answer. Yes, per title 10, section 179 of the United States Code (10 USC 179).

Question. What would your priorities be for the Nuclear Weapons Council (NWC)?

Answer. If confirmed, my top priority would be to ensure we maintain a safe, secure, effective and ready nuclear deterrence force to meet strategic deterrence employment guidance. This includes sustaining a robust weapon stockpile and developing a responsive, capable supporting infrastructure that can respond to future uncertainty.

Question. What changes if any would you recommend to the organization, structure, or function of the NWC?

Answer. As I have yet to participate in a NWC executive session, it would be premature for me to recommend any changes at this time.

Question. What role is the NWC playing or should it play in the discussion with respect to any future nuclear arms control treaties?

Answer. The NWC principals will continue to provide policy, military & technical advice as required to support future treaty efforts.

MAINTAINING A SAFE, SECURE AND RELIABLE STOCKPILE

Question. If confirmed you would play a major role, in conjunction with the National Nuclear Security Administration, to maintain the safety, security, and reliability of the U.S stockpile of nuclear weapons.

What are your priorities for implementing that responsibility?

Answer. My first priority is ensuring stockpile surveillance activities provide the necessary confidence in weapon reliability and that ongoing weapon life extension programs remain on track.

Additionally, I will continue to provide my perspective on the stockpile's military effectiveness through my annual assessment and provide advice regarding imple-

menting the long term stockpile sustainment strategy, including the need for a modern, responsive industrial complex.

The Strategic Command is an integral part of the annual certification process for nuclear weapons.

Question. Would you recommend any changes in the Strategic Command's role in the annual process or the process generally?

Answer. Not at this time, however, if confirmed, I will assess the process and provide recommended changes as necessary.

STOCKPILE STEWARDSHIP PROGRAM

Question. What is your view of how well the Stockpile Stewardship Program is proceeding towards its goal of being able to continuously assess and annually certify the U.S. enduring nuclear weapons stockpile as safe, secure, and reliable, without the need for underground nuclear testing?

Answer. The Stockpile Stewardship Program continues to meet its goal in effectively and continuously assessing the stockpile to ensure we maintain a safe, secure, and effective nuclear arsenal without returning to underground nuclear testing.

To ensure we maintain confidence in a 'no test' environment, we require modern facilities, improved modeling and simulation, and advanced computing capabilities.

Question. In your opinion, what are the biggest challenges for the Stockpile Stewardship Program?

Answer. Maintaining confidence in the stockpile's readiness is challenged by the age of our nuclear arsenal (weapons now averaging over 28 years old), coupled with the loss of the intellectual capital associated with an aging workforce. Sustained funding is required to ensure we maintain the capacity to fully understand and respond to technical issues as they are identified. In addition, a concerted effort must be made to recruit, rebuild and retain required expertise.

Question. Do you believe that all nuclear weapon life extension methods, refurbishment, reuse, and replacement, should be given equal consideration?

Answer. As described in the 2010 Nuclear Posture Review (NPR), I believe we should consider the full range of options with a strong preference to refurbishment and reuse where applicable. Again, I have only cursory knowledge in this area, but if confirmed, I will assess this issue and provide recommendations as necessary.

Question. The Administration is proposing overhauls of the B-61 gravity bomb, and an interoperable warhead to provide for hedging between different legs of the triad.

What are your greatest concerns with the B-61 life extension program?

Answer. From an AF perspective I am aware that stable and sustained funding is required to ensure the Air Force's tail kit assembly program and NNSA's warhead efforts remain aligned to deliver the

B61-12 on time. I am not technically informed as to the specific design but if confirmed, commit to informing Congress of any concerns I find.

Question. Do you support giving the weapons design laboratories the ability to work on new capabilities to exercise their design skills?

Answer. Yes, I support the congressionally-mandated stockpile responsiveness program. While the Department does not require any new nuclear weapon capabilities at this time, adversary advancements may necessitate developing advanced capabilities in the future. Given the highly skilled, unique work required and long lead time to develop and deploy nuclear weapon systems, I fully support our national laboratories efforts to recruit & retain qualified people to conduct the necessary weapons design work our Nation requires.

MILITARY-TO-MILITARY COOPERATION PROGRAMS

Question. The United States Strategic Command has a long history of conducting military-to-military exchanges and discussions with its counterparts in Russia, but in recent years these exchanges and discussion have stopped for the most part.

If confirmed, would you seek to continue or expand this dialogue?

Answer. If confirmed, I would consult extensively with the Secretary of Defense, the State Department and the commander, United States European Command to see what steps would be appropriate to engage Russia. In general, however, I am a big believer in the value of mil-to-mil exchanges and will advocate for future dialogue.

Question. Would you seek to establish military-to-military programs to include other countries, such as China?

Answer. If confirmed, I would consult extensively with the Secretary of Defense, the State Department and the commander, United States Pacific Command to see

what steps would be appropriate to engage China. In general, however, I am a big believer in the value of mil-to-mil exchanges and will advocate for future dialogue.

STRATEGIC FORCES AND MISSIONS

Question. During the Cold War, the primary mission for strategic forces was to deter the Soviet Union from using its nuclear weapons and, more broadly, to contribute to United States efforts to contain the Soviet Union. Strategic forces were therefore synonymous with nuclear forces. This isn't the case today, as the wide-ranging missions assigned to U.S. Strategic Command make clear.

What, in your view, is the primary mission for U.S. Strategic Forces today and in the future?

Answer. Detecting, deterring, and preventing attacks against the U.S., its territories, possessions, and bases, and employing appropriate force to defend the Nation should deterrence fail.

Question. With the decline in numbers of United States and Russian strategic nuclear weapons, is it now more important to take into account non-strategic nuclear weapons?

Answer. Yes. I believe the position of the 2010 NPR "Address non-strategic nuclear weapons, together with the non-deployed nuclear weapons of both sides, in any post-New START negotiations with Russia," remains valid though problematic given the lack of interest from Russia. Thus, continued examination of the issue is prudent. Likewise, improving dialogue and transparency with respect to non-strategic nuclear weapons is one element among a wide array of items that can advance stability.

Question. Should we think differently about the use of strategic forces today?

Answer. No. The fundamental purpose of our strategic forces remains today—deterring adversaries from strategic attacks on the U.S. and its allies.

Question. Given the mission for strategic forces, as you define it, what capabilities are still needed to carry out that mission?

Answer. Our current Triad of intercontinental ballistic missiles (ICBMs), ballistic missile submarines (SSBNs), and air delivered weapons provide both unique and complementary capabilities that are critical to deterring adversaries and assuring our allies and partners around the globe.

The Triad provides the President with flexible options to respond appropriately to a wide range of scenarios. This combination of assured, rapid, and global nuclear strike capabilities enhances strategic stability by ensuring no adversary could defeat or coerce the U.S. with their nuclear capabilities. In order to maintain a credible and effective nuclear deterrent, the U.S. must sustain and modernize the triad; provide an assured and reliable NC3 capability; and field requisite intelligence to deliver timely, relevant indications and warning.

Question. The nuclear weapons in Europe are under the command of the commander of European Command.

How would you plan to work with that command with respect to nuclear weapons security, and policy?

Answer. STRATCOM and its personnel possess significant experience and expertise in nuclear policy, strategy, planning, and operations. If confirmed, I will ensure that commander, U.S. European Command has my full support. I fully intend to discuss and understand his challenges and I will work with him to advocate for safe, secure and reliable nuclear weapons to meet his needs.

Question. How will you work with the combatant commanders to enable theater nuclear planning capabilities?

Answer. If confirmed, I fully intend to continue the Secretary of Defense and Chairman's efforts to integrate nuclear planning into all appropriate combatant command OPLANs. I intend to work closely with fellow combatant commanders to ensure STRATCOM integrates our planning efforts and synchronizes actions with all of the Combatant Command.

Question. How will you work with NATO in their planning capabilities?

Answer. STRATCOM and its personnel possess significant experience and expertise in nuclear policy, strategy, planning, and operations. I fully intend to explore areas to improve our valued relationship with the alliance. I believe there is already a close relationship with STRATCOM and our NATO partners. If confirmed, I will seek opportunities to improve planning and cooperation in support of this critical alliance.

NUCLEAR WEAPONS SECURITY AND HANDLING

Question. What in your view are the most challenging aspects of maintaining security in the handling of nuclear weapons?

Answer. Assuring our allies and deterring strategic attack are predicated on preventing unauthorized access, physical damage, theft or misuse of nuclear weapons and materials. If confirmed, I will ensure all of the forces that work with and secure our Nation's most lethal weapons understand the grave importance of what they do every day. It is the responsibility of every commander to foster a culture that is motivated, vigilant, and committed to the protection of our nuclear deterrent.

Emerging threats such as unmanned aerial vehicles and violent extremist organization threats require us to adapt and evolve our tactics, techniques, and procedures. Ensuring continued security of our nuclear forces will require us to advocate for, develop, and procure new defensive technologies, such as the replacement for the aging UH-1N helicopter. Likewise, fielding the Ground Based Strategic Deterrent and the enhanced features inherent in stockpile life extension programs will further improve nuclear security and surety.

Question. What role do you think the Strategic Command should play in ensuring that nuclear weapons are securely stored, transported, and handled when in control of the Military Services?

Answer. As the Combatant Command responsible for our Nation's strategic forces, STRATCOM has an obligation to ensure the safety and security of our nuclear assets. If confirmed, I will aggressively advocate for the infrastructure and equipment necessary for the Services to safely and securely handle, transport, and store our weapons. STRATCOM will continue to cooperate with the Services, Joint Staff and Office of the Secretary of Defense, and provide policy recommendations that are adequate and executable to ensure the safety and security of those weapons.

SCIENCE AND TECHNOLOGY

Question. In the past, STRATCOM had a stand-alone science and technology (S&T) advisor—as other CCOMS currently have, but that role has been subsumed into other staff positions.

Answer. If confirmed, what would be your views on reconstituting a STRATCOM Science and Technology advisor and if that is not necessary, what priorities would be assigned to that individual?

I am aware that upon taking command the current STRATCOM commander reviewed the Command approach for handling the S&T advisory role and found it sufficient to support his needs. If confirmed, I plan to conduct a similar review of the situation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this Committee, or designated Members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as commander, U.S. Strategic Command?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer. Yes.

Question. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted Committee, or to consult with the Committee regarding the basis for any good faith delay or denial in providing such documents?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NUCLEAR DETERRENCE

1. Senator INHOFE. General Hyten, can we accept further delays or cuts in funding to our nuclear arsenal and infrastructure and still maintain a credible nuclear deterrence?

General HYTEN. No, our nuclear triad and the supporting infrastructure is safe, secure and effective today, but it is also aged and needs to be modernized to remain so in the future. Any program delays or reductions in funding will increase the risk to strategic and extended deterrence mission requirements, negatively impacting global stability and our national security.

2. Senator INHOFE. General Hyten, has our nuclear deterrence capability been challenged by inadequate modernization funding and modernization by other nuclear powers?

General HYTEN. The Department continues to make sustaining and modernizing the nuclear enterprise a top priority. Previous decisions to defer or delay modernization efforts increased cost and schedule challenges and continued budget uncertainty hampers our ability to execute critical programs on time. This situation is further exacerbated by the expansive and rapid strategic force modernization witnessed from other nuclear armed and emerging states. In order to meet our global stability and national security objectives, the U.S. must continue to field and demonstrate the capabilities and readiness of our nuclear forces.

3. Senator INHOFE. General Hyten, what do you assess as our current state of nuclear readiness in relation to today's threats to include cyber—weapons platforms, weapons, command and control, and our personnel?

General HYTEN. Although I have not been deeply immersed in our nuclear programs in recent years, it is my belief today that our nuclear deterrent force is safe, secure, effective & ready to accomplish their assigned missions. If confirmed I will explore this area in much more depth. However, I do know that we assess threats and vulnerabilities on a recurring basis and take appropriate measures to ensure our forces remain ready. I have seen improvement in our readiness reporting and assessments programs so we now have visibility of issues impacting our operations in near real-time. The Nuclear Enterprise Review and Force Improvement Program provided a great deal of insight required to make corrective actions and programmatic adjustments. Moving forward, we must maintain the right balance between sustaining proven legacy systems and simultaneously modernizing our nuclear command and control infrastructure and capabilities, to include the required manpower needed to operate and maintain the enterprise.

4. Senator INHOFE. General Hyten, what is your assessment of Iran's and North Korea's nuclear capability and developing a delivery platform to hit the United States?

General HYTEN. Iran: The Joint Comprehensive Plan of Action (JCPOA) provides us greater transparency into Iran's fissile material production. It increases the time the Iranians would need to produce enough highly enriched uranium for a nuclear weapon—from a few months to about a year. We will need to continue to watch Iran closely and monitor indications and warning that can tip us to any effort by Iran to depart from the JCPOA and develop a break out nuclear capability. Over the long term, Iranian economic growth could support its development of military capabilities such as ballistic missiles. We are going to have to continue to monitor those developmental efforts very closely. Iran's current ballistic missiles are capable of striking targets throughout the region, ranging as far as southeastern Europe. Iran is likely to continue developing more sophisticated missiles, with improved accuracy, range, and lethality, irrespective of JCPOA implementation.

North Korea: Pyongyang's nuclear weapons program and evolving ballistic missile programs underscore a growing threat. On 9 Sep 2016, North Korea carried out its fifth nuclear test, likely as part of ongoing efforts to develop new or improve existing nuclear warheads. Meanwhile, Pyongyang continues to produce fissile material. North Korea is committed to developing a long-range, nuclear-armed, ballistic missile that is capable of posing a direct threat to the United States, although the system has not been flight-tested. The DPRK's display of a new or modified road mobile ICBM during a parade last year and its ongoing testing of a new submarine-launched ballistic missile capability highlight its commitment to diversifying its missile forces and nuclear delivery options, while strengthening missile force survivability. The combination of a North Korean ballistic missile capabilities that can

range the United States combined with ongoing development of nuclear weapons is of deep concern.

5. Senator INHOFE. General Hyten, do you believe Russia is violating New Strategic Arms Reduction Treaty (START)? Why or why not?

General HYTEN. I have no personal knowledge in this area today. I do know that the United States Department of State (DOS) is the Agency responsible for making the determination whether or not Russia has violated the NST and I am unaware of any DOS announcement or reporting, or of any other indications Russia is violating the NST.

6. Senator INHOFE. General Hyten, do we have enough Ground Based Interceptors (GBI) given the growing threat? If not, will development of the Multiple Object Kill Vehicle mitigate any shortage or do we need more GBIs?

General HYTEN. As ballistic missile threats grow in numbers and sophistication, I believe the Department is on the correct path by increasing the number of GBIs from 30 to 44 by the end of 2017. I support development of the Multiple Object Kill Vehicle for its potential to revolutionize missile defense, dramatically lowering the cost curve by reducing GBI inventory required to defeat the enemy. As the threat grows we must continue to evaluate our capabilities and ensure they are always sufficient and properly sized to respond to the threat.

7. Senator INHOFE. General Hyten, if you were given additional funding for missile defense, what would be your priorities?

General HYTEN. I agree with the Department's initiatives to date aimed at optimizing the missile defense investments, to include improving GBI performance and reliability, fielding advanced discriminating sensors and enhancing C2 capabilities. However, we need to continue improve our research and development to make our intercepts more effective. I also believe that we will need to field space based mid-course sensors in the next decade to ensure we can deal with the coming threats.

8. Senator INHOFE. General Hyten, are our missile defense capabilities adequately protected against a cyber-attack?

General HYTEN. I have limited detailed knowledge of all of our current missile defense capabilities and vulnerabilities today. If confirmed, I will get such information. The elements of the systems I am familiar with are adequately defended. Our missile defense capabilities are protected by both service and Joint cybersecurity providers employing a layered approach to cyber-security that starts with individual servicemembers making sound decisions, backed by specially trained, mission-specific cybersecurity professionals to monitor, detect, and defend systems that are, by design, resilient under cyber-attack who must remain. With the low cost of entrance to cyberspace our cybersecurity professionals must remain vigilant to maintain our cyber security as the threats evolve.

9. Senator INHOFE. General Hyten, what is the importance of long-range discrimination radars and other sensor capabilities, to include space based sensors?

General HYTEN. Discriminating radars are essential to pacing countermeasures as well as to make the most effective and efficient use of a finite number of interceptors. Longer range matters because it gives the most complete picture from birth to death in order to more accurately assist with discrimination and finding the best intercept solution. The challenge is how best to close any remaining gaps in track coverage and I believe that space based sensors will be required to do this in the next decade.

10. Senator INHOFE. General Hyten, how do long-range discrimination radars and other sensor capabilities improve our missile defense capabilities?

General HYTEN. Fielding advanced sensors (to include LRDR) is essential to maximize the effectiveness of our GBI inventory by providing the capability to discriminate the lethal threat from clutter and decoys in a timely manner.

11. Senator INHOFE. General Hyten, Secretary Hagel, former Secretary of Defense testified, "American dominance on the seas, in the skies, and in space can no longer be taken for granted." Do you agree with former Secretary Hagel's comment?

General HYTEN. I agree, but I would also add that it's rarely prudent for military leaders or planners to take anything for granted. The competitive advantage of our military is found in our people and their ingenuity and resilience to create sound

plans but with the agility and flexibility of thought to out-adapt an adversary as conditions change.

12. Senator INHOFE. General Hyten, what/who do you see as the greatest challenge/threat to the United States' ability to operate in space—or dominate space?

General HYTEN. China and Russia are developing capabilities to threaten our space systems. They do not threaten every satellite and every orbit today, but in the not-too-distant future, that will be the case. We are structuring our current and future capabilities to make sure we can defend ourselves if threatened. This also includes fundamentally reorienting the culture of the space community and the broader defense establishment to be postured and prepared for a conflict that may extend to or begin in space.

ASSURED ACCESS TO SPACE

13. Senator INHOFE. General Hyten, it took over a year for the Air Force to issue a contract for development of a replacement rocket engine and it still has more than \$130 million of fiscal year 2016 funding unspent. What is the Air Force doing to expedite the development of the replacement engine as directed by Congress?

General HYTEN. The Air Force reprogrammed \$40 million in fiscal year 2014 to initiate a technology maturation program, focused on boost stage technology. In parallel, multiple sessions of the Defense Space Council reviewed options and the DEPSECDEF initiated a program that not only ends RD-180 use as fast as possible but improves the National Security Space launch affordability and assured access to space.

The Air Force also awarded four Other Transaction Agreements on expedited timelines, for Rocket Propulsion Systems. More than 80% of these efforts are for boost stage technology.

However, developing just a boost stage Propulsion system without addressing the rest of the launch vehicle is not the most expeditious way to transition off the RD-180. In addition, an engine-focused approach will increase National Security Launch costs and reduce assured access to space. Therefore, the Air Force strategy is to invest in industry's commercial launch systems to modify them to meet the stressing national security requirements. This will ensure launch solutions that don't use the RD-180 are available in the shortest time possible. The resulting launch infrastructure will be more affordable and improve assured access to space, including for our heaviest payloads.

14. Senator INHOFE. General Hyten, is the Air Force introducing more risk to our launch enterprise and Assured Access to Space by pushing the development of a new launch vehicle using an experimental methane fueled engine versus an existing platform with a LOX [liquid oxygen]-kerosene fueled engine? Why or why not?

General HYTEN. No. The Air Force is investigating a wide range of propulsion options. Some of these solutions contemplate using methane fueled first or upper stages. However, there are industry solutions using other approaches which provide a diversity of technical options. The Air Force awarded a portfolio of Other Transaction Agreements for Rocket Propulsion Systems to mitigate the risk of replacing the RD-180 capability and will choose the final systems to invest in after there is demonstrated technical performance.

However, developing just a boost stage Propulsion system without addressing the rest of the launch vehicle is not the most expeditious way to transition off the RD-180 and will increase National Security Launch costs and reduce assured access to space.

15. Senator INHOFE. General Hyten, has the Atlas V been re-engined on two previous occasions, including when the RD-180 was installed as its first stage engine?

General HYTEN. No. While different engines have been employed over the evolution of the Atlas family of launch systems, the Atlas V was designed for and has only employed the RD-180 engine. Developing an engine without developing a launch system tailored to it will result in a higher cost, lower performing launch system and higher launch risk.

16. Senator INHOFE. General Hyten, has the Antares rocket been recently been re-engined with a Russian RD-181 engine?

General HYTEN. The Air Force does not currently have any contracts to launch with Antares, but my understanding is that the Antares rocket was recently redesigned to accommodate a Russian RD-181 engine, which was an existing first stage engine. This change was motivated by Orbital-ATK's desire to replace the old AJ26

engines, which were refurbished Russian-built 40-year old NK-33 engines, with a newer technology. Additional re-designs were required to include new thrust frame and feedlines, prolonging the return to flight of the rocket. This process began more than 2 years ago and the Antares rocket has yet to conduct its return to flight launch. Therefore, performance hasn't been demonstrated, and the launch risk is unknown.

17. Senator INHOFE. General Hyten, what is the feasibility of a new LOX-kerosene fueled engine be installed on Atlas V? Do you have an estimated cost?

General HYTEN. Replacing a boost stage engine on an existing launch vehicle is feasible but complex, expensive and may introduce additional risk. Each launch vehicle is designed around a particular engine to optimize performance. The avionics and control systems are designed to account for the operation of that particular engine. The tanks are designed to carry the amount of fuel needed by that particular engine for the flight. All of these elements would require redesign to accommodate a new engine in the vehicle.

Cost in this area requires a little speculation since we don't have a specific engine. However, the Air Force assessed that the cost to develop and integrate a government-developed engine into an existing launch vehicle will likely be measured in the billions depending on the approach taken.

18. Senator INHOFE. General Hyten, what is the Air Force's position regarding Atlas vs new launch vehicle for Assured Access to Space?

General HYTEN. The Atlas doesn't have the capability to meet all EELV requirements, particularly those for our heavier payloads. The Air Force strategy also invests in other commercial launch service options to meet the full spectrum of national security lift requirements. This approach will result in assured access to space for all national security payloads.

19. Senator INHOFE. General Hyten, what are the risks and costs given recent 1 year delay in development of new methane engine?

General HYTEN. While there were some delays to the original AR1 and BE-4 engine development schedules, I am not aware of a 1-year delay. That said, both engines are entering significant test programs over the next few months. Historically, this is the part of an engine development program where establishing a stable combustion cycle take multiple tests and results in many test failures. Since the top risk is the development of the Oxygen Rich Staged Combustion cycle and the secondary risk is the use of a different fuel, I would expect both engines will experience some failures, which is expected in this type of development.

20. Senator INHOFE. General Hyten, has the Air Force changed providers of the Atlas V's solid rocket boosters? If yes, why?

General HYTEN. The Air Force procures launch services not launch systems. United Launch Alliance (ULA) made a business decision to change suppliers of its strap-on solid rocket boosters used on the Atlas V.

QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

GROWING CRUISE MISSILE THREAT TO OUR HOMELAND AND U.S. RESPONSE

21. Senator AYOTTE. General Hyten, in your advance policy question responses, you state that you agree with the Director of the Defense Intelligence Agency's (DIA) world-wide assessment that the "growing cruise missile threat is real and credible." In terms of the growing cruise missile threat to our Homeland, what do you believe the United States must specifically do to better protect our Homeland against this growing threat—in terms of seeing, tracking, and destroying cruise missile threats to our Homeland?

General HYTEN. As a mission partner with NORAD/NORTHCOM (N/NC) for cruise missile defense of the Homeland, STRATCOM's first concern is the need for an assured sensor network ability to provide comprehensive overhead surveillance, tracking, and discrimination including the ability to support threat engagement. Extending the battle space is dependent upon fielding capabilities to track the launch platforms as well as cruise missiles themselves.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

MAINTAINING STRATEGIC ADVANTAGE

22. Senator HIRONO. General Hyten, the United States must maintain a capabilities advantage over potential adversaries in the areas of space and cyberspace. I am proud that the Maui Space Surveillance Complex offers advanced capabilities in space tracking, imaging and object identification and plays an integral role in our awareness of the space environment—giving us an edge in the space domain. How important is resiliency and flexibility in the space and cyberspace arenas and what must be accomplished to improve in these areas?

General HYTEN. The U.S. and our allies are dependent upon assured delivery of space and cyber capabilities. Increasing resiliency and flexibility is critical to ensuring our ability to preserve access to these capabilities in the face of proliferating adversary threats. The Department is taking a layered approach which will improve resiliency and flexibility through enhanced protection measures, increase redundancy, and diversification of capabilities.

ASIA-PACIFIC REBALANCE

23. Senator HIRONO. General Hyten, the rebalance to the Asia-Pacific is a top priority of the Nation and our projected strength in the region aids in deterrence, protects our country, and reassures our allies. How important is space to the security of the Asia-Pacific region?

General HYTEN. Space capabilities, specifically space-based communications, global positioning services, and space-based meteorological systems, are foundational for the security of the Asia-Pacific region and enable the free flow of commerce and international trade. Unimpeded access to these capabilities and services is critical for sustaining this rapidly growing area. Similarly, the United States, its allies, and other partners require the entire range of space capabilities to project power support in support of our mutual security interests within this vast region.

SPACE ASSETS

24. Senator HIRONO. General Hyten, what is the current status of the Space Enterprise Vision that you announced earlier this year as well as of the Joint Interagency Combined Space Operations Center?

General HYTEN. The goal of an integrated and resilient space enterprise articulated in the vision is driving the decisions surrounding future space systems in the Department of Defense. Analysis done in support of the SEV is informing major strategic space system recapitalization decisions. We have continued to refine the SEV, incorporating joint and interagency components. We will continue to perform analyses across the spectrum of our space systems to inform future decisions.

STRATCOM, Air Force Space Command, the National Reconnaissance Office (NRO) and Intelligence Community (IC) continue to work the stand-up of the Joint Interagency Combined Space Operations Center (JICSpOC). We are currently in Phase 2a of the stand-up, which consists of a small cadre of space and intelligence experts conducting experiments, exercises and tool development. We are on track to begin Phase 2b in November 2016 with a focus on building capabilities in terms of facilities, systems, personnel, training, plans, and experimentation. Our combined efforts will enable the JICSpOC to assume a robust operational capability by 2018.

COLLABORATION

25. Senator HIRONO. General Hyten, as a member of both the Senate Armed Services and Intelligence Committees, I am attentive to common areas of interest between the two committees. In your opinion, how well does the Department of Defense (DOD) and the Intelligence Community (IC) work together when it comes to space?

General HYTEN. The Department of Defense (DOD) and the Intelligence Community (IC) have always worked together and cooperated on space. But the current and projected threats to the space domain are such that we need to dramatically improve DOD and IC collaboration and cooperation to improve effectiveness to counter the threats. STRATCOM and the IC are pursuing multiple lines of operation to improve the ability of the DOD and IC to work together in space. One example is the ongoing Joint Space Doctrine and Tactics Forum (JSDTF). The JSDTF is co-chaired by the STRATCOM Commander and the Director of the National Reconnaissance Office. Another critical line of operation is the Joint Interagency Combined Space Operations Center (JICSpOC). The JICSpOC became functional in October 2015 through the partnership and collaborative efforts of STRATCOM, the National Re-

connaissance Office, Air Force Space Command, and the Intelligence Community (IC) to enable a greater unity of effort between DOD and the IC as they confront the challenges of operating in space. The JICSpOC is a critical initiative that will help to ensure the U.S. outpaces emerging and advancing space threats to protect our Nation's critical space assets should an adversary ever seek to extend a conflict to space. If confirmed, I pledge to strongly support and continue these initiatives.

26. Senator HIRONO. General Hyten, what can they do to better synchronize their efforts?

General HYTEN. Fusing the operation of our space systems and intelligence capabilities in real-time is required to enhance our ability to track, monitor, analyze and predict irresponsible and dangerous activities in space, and ensure the U.S., its allies and partners remain free to use space for civil, commercial and national security purposes.

CHINA

27. Senator HIRONO. General Hyten, are we in an arms race in space with China? Would you describe it that way?

General HYTEN. I would not describe it as an arms race in space but it is certainly a competitive area. The challenges we face in space are similar to what we face in other domains, where competitors seek short and long term asymmetric advantages. I am concerned by Russia and China's activities in space over the past several years. China's demonstration of its anti-satellite weapon system is not conducive to free access to and use of space.

28. Senator HIRONO. General Hyten, if we are in an arms race, how are we faring and what do you foresee for the future?

General HYTEN. I do not believe that we are currently in an arms race with China or any other country in the world. While space is an increasingly contested, congested and competitive environment we continue to maintain our assured access to, through and from space. However, in order to preserve our operational effectiveness we must continue modernizing our space capabilities, develop and test new methods and build global partnerships as appropriate. We must also be ready for a conflict that extends into space in the future.

RECRUITMENT AND RETENTION

29. Senator HIRONO. General Hyten, the recruitment and retention of talented individuals, while competing with private companies, can be a challenge. Should you be confirmed, what are your plans for ensuring that we are attracting and keeping talented individuals?

General HYTEN. Throughout most of my military career, the issue of recruitment and retention of a talented military and civilian workforce has been a challenge. Our younger generations are willing to serve and we must utilize all the tools available to recruit, train and retain the most talented, qualified and capable personnel. I've kept up to speed on Secretary Carter's initiatives in this area and look forward to working with senior defense and Congressional leaders to ensure the best and most relevant incentives are provided and barriers are removed.

In critical areas where we are competing with the private sector for our most talented employees, we will take aggressive steps to entice and retain individuals through the use of such programs like Recruitment, Retention, and Relocation incentives. For our military personnel, if confirmed, I will work with the Services to assess the health of our force, especially in critical nuclear, space and cyber specialties, and support similar recruitment and retention incentives as needed.

NATIONAL GUARD

30. Senator HIRONO. General Hyten, we are in the early stages of employing the National Guard and Air National Guard units to accomplish various cyber related missions. There are also Guard members involved with other U.S. Strategic Command (STRATCOM) related missions such as missile defense. How important is the National Guard to STRATCOM related missions and what do you envision for the future?

General HYTEN. Reserve component forces, including the Air and Army National Guard, are involved in and critical to all of STRATCOM's Unified Command Plan missions and I do not see that changing. Some missions are more conducive to higher Reserve component participation than others. Cyber and missile defense are two specific mission areas where we rely upon the National Guard now to fill a signifi-

cant portion of our requirements and they have proven ready and reliable in getting the mission accomplished.

Air National Guard forces also play important roles in STRATCOM's strategic deterrence and space mission areas. This includes providing a substantial portion of our KC-135 air refueling capacity and making important contributions to the B-2 Spirit bomber mission at Whiteman Air Force Base, Missouri.

As leader of the Air Force Space Command I relied upon Air National Guard forces to support many unique and important missions. In some cases they were a force multiplier used to augment an Active component unit. In others, I relied upon Air National Guard units to accomplish a mission on their own, such as the Colorado Air National Guard's Mobile Ground System, which supports STRATCOM's missile warning mission. I was very comfortable with Reserve component Forces being assigned these missions and proud of how well they performed them on a daily basis.

As I look at STRATCOM's missions, if confirmed, I will rely upon the Service Chiefs to determine the best mix of Active and Reserve component forces to meet my requirements. The Service Chiefs have highlighted publicly that they must rely upon their Reserve component forces to get their missions done. I agree with their assessment and will support growth in Reserve component capacity and capability in our STRATCOM missions where it makes sense in terms of efficiency and effectiveness.

[The nomination reference of General John E. Hyten, USAF follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 8, 2016.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To Be General

General John E. Hyten, 3025

[The biographical sketch of General John E. Hyten, USAF, which was transmitted to the Committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GENERAL JOHN E. HYTEN

General John E. Hyten is Commander, Air Force Space Command, Peterson Air Force Base, Colorado. He is responsible for organizing, equipping, training and maintaining mission-ready space and cyberspace forces and capabilities for North American Aerospace Defense Command, U.S. Strategic Command and other Combatant Commands around the world. General Hyten oversees Air Force network operations; manages a global network of satellite command and control, communications, missile warning and space launch facilities; and is responsible for space system development and acquisition. The command comprises approximately 38,000 space and cyberspace professionals assigned to 134 locations worldwide. General Hyten also directs and coordinates the activities of the headquarters staff.

General Hyten attended Harvard University on an Air Force Reserve Officer Training Corps scholarship, graduated in 1981 with a bachelor's degree in engineering and applied sciences and was commissioned a second lieutenant. General Hyten's career includes assignments in a variety of space acquisition and operations positions. He served in senior engineering positions on both Air Force and Army anti-satellite weapon system programs.

The general's staff assignments include tours with the Air Force Secretariat, the Air Staff, the Joint Staff and the Commander's Action Group at Headquarters Air Force Space Command as Director. He served as mission director in Cheyenne Mountain and was the last active-duty commander of the 6th Space Operations Squadron at Offutt AFB, Nebraska. In 2006, he deployed to Southwest Asia as Di-

rector of Space Forces for operations Enduring Freedom and Iraqi Freedom. General Hyten commanded the 595th Space Group and the 50th Space Wing at Schriever AFB, Colorado. Prior to assuming command of Air Force Space Command, he served as the Vice Commander, Air Force Space Command.

Education

1981 Bachelor's degree in engineering and applied sciences, Harvard University, Cambridge, Massachusetts

1985 Master of Business Administration degree, Auburn University, Montgomery, Ala

1985 Distinguished graduate, Squadron Officer School, Maxwell AFB, Alabama

1994 Distinguished graduate, Air Command and Staff College, Maxwell AFB, Alabama

1999 National Defense Fellow, University of Illinois, Champaign, Illinois

2011 Senior Managers in Government Course, Harvard University, Cambridge, Massachusetts

Assignments

1. November 1981–December 1985, Configuration Management Officer and Chief, Configuration Management Division, Automated Systems Program Office, Gunter AFB, Alabama.
2. December 1985–July 1989, Chief, Software Development Branch; and Chief, Engineering and Acquisition Division, Space Defense Programs Office, Los Angeles AFB, California.
3. August 1989–July 1990, Special Adviser to the U.S. Army, Kinetic Energy Anti-Satellite Program Office, U.S. Army Strategic Defense Command, Huntsville, Alabama.
4. July 1990–August 1991, Deputy for Engineering, Strategic Defense Initiatives Program Office, Los Angeles AFB, California
5. August 1991–May 1992, Executive Speechwriter and Systems Analyst, Assistant Secretary of the Air Force (Acquisition), the Pentagon, Washington, DC.
6. May 1992–July 1993, Program Element Monitor, Advanced Technology Programs, Assistant Secretary of the Air Force (Acquisition), the Pentagon, Washington, DC.
7. July 1993–June 1994, Student, Air Command and Staff College, Maxwell AFB, Alabama.
8. July 1994–June 1996, Mission Director, Space Operations Officer, and Chief, Command Center Training, U.S. Space Command, Cheyenne Mountain Air Force Station, Colorado.
9. August 1996–August 1998, Commander, 6th Space Operations Squadron, Offutt AFB, Nebraska.
10. August 1998–June 1999, National Defense Fellow, University of Illinois, Champaign
11. June 1999–June 2001, Operations Officer, and Chief, Space Branch, Defense and Space Operations Division, Deputy Director for Operations (Current Readiness and Capabilities), J3, Joint Staff, the Pentagon, Washington, DC.
12. June 2001–June 2003, Chief, Space Control Division, Directorate for Space Operations and Integration, Deputy Chief of Staff for Air and Space Operations, Headquarters U.S. Air Force, Washington, DC.
13. June 2003–July 2004, Director, Commanders Action Group, Headquarters Air Force Space Command, Peterson AFB, Colorado.
14. July 2004–April 2005, Commander, 595th Space Group, Schriever AFB, Colorado.
15. April 2005–May 2007, Commander, 50th Space Wing, Schriever AFB, Colorado. (May 2006–October 2006, Director of Space Forces, U.S. Central Command Air Forces, Southwest Asia).
16. May 2007–September 2009, Director of Requirements, Headquarters Air Force Space Command, Peterson AFB, Colorado.
17. September 2009–February 2010, Director, Cyber and Space Operations, Directorate of Operations. Deputy Chief of Staff for Operations, Plans and Requirements, Headquarters U.S. Air Force, Washington, DC.
18. February 2010–August 2010, Director, Space Acquisition, Office of the Under Secretary of the Air Force, the Pentagon, Washington, DC.
19. September 2010–May 2012, Director, Space Programs, Office of the Assistant Secretary of the Air Force for Acquisition, Washington, DC.
20. May 2012–August 2014, Vice Commander, Air Force Space Command, Peterson AFB, Colorado.
21. August 2014–present, Commander, Air Force Space Command, Peterson AFB, Colorado.

Summary of joint assignments

1. July 1994–June 1996, Mission Director, Space Operations Officer, and Chief, Command Center Training, U.S. Space Command, Cheyenne Mountain Air Force Station, CO, as a major.
2. June 1999–June 2001, Operations Officer, and Chief, Space Branch, Defense and Space Operations Division, Deputy Director for Operations (Current Readiness and Capabilities), J3, Joint Staff, the Pentagon, Washington, DC, as a lieutenant colonel.

Badges

Master Space Operations Badge
Master Cyberspace Operator Badge

Major awards and decorations

Distinguished Service Medal
Legion of Merit with oak leaf cluster
Defense Meritorious Service Medal with two oak leaf clusters
Meritorious Service Medal with four oak leaf clusters
Air Force Commendation Medal
Army Commendation Medal
Joint Staff Achievement Medal
Air Force Achievement Medal

Other achievements

1991 Recipient of the William Jump Award for Excellence within the Federal Government
1998 Recipient of a Laurels Award, Aviation Week and Space Technology Magazine
2009 Gen. Jerome F. O'Malley Distinguished Space Leadership Award

Publications

"A Sea of Peace or a Theater of War: Dealing with the Inevitable Conflict in Space," The Program in Arms Control, Disarmament, and International Security Occasional Paper, University of Illinois, 2000
"A Sea of Peace or a Theater of War," Air and Space Power Journal, Air University Press, 2002
"Moral and Ethical Decisions Regarding Space Warfare," with Dr. Robert Uy, Air and Space Power Journal, Air University Press, 2004

Effective dates of promotion

Second Lieutenant, August 23, 1981.
First Lieutenant, August 23, 1983.
Captain, August 23, 1985.
Major, May 1, 1993.
Lieutenant Colonel, January 1, 1997.
Colonel, June 1, 2002.
Brigadier General, October 1, 2007.
Major General, November 10, 2010.
Lieutenant General, May 18, 2012.
General, August 15, 2014.

(Current as of March 2015)

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by General John E. Hyten, USAF in connection with his nomination follows:]

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES

ROOM SR-228

WASHINGTON, DC 20510-6050

(202) 224-3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed, use an additional sheet and cite the part of the form and the question number (i.e. A-9, B-4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in Committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

John E. Hyten.

2. **Position to which nominated:**

Commander, United States Strategic Command.

3. **Date of nomination:**

September 8, 2016.

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

[Nominee responded and the information is contained in the Committee's executive files.]

5. **Date and place of birth:**

July 18, 1959; Torrance, California.

6. **Marital status:** (Include maiden name of wife or husband's name.)

Married to Laura Lynn Hyten (Muir).

7. **Names and ages of children:**

[Nominee responded and the information is contained in the Committee's executive files.]

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

American Institute of Aeronautics and Astronautics, Associate Fellow.

Air Force Association, Member.

Army Navy Country Club, Member.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the Committee by the executive branch.

1991 William Jump Award for Excellence with the Federal Government.

1998 Laurels Award, Aviation Week and Space Technology Magazine.

2009 General Jerome F. O'Malley Distinguished Space Leadership Award.

2011 Bernard Schriever Fellowship, Air Force Association.

2014 Thomas D. White Space Award.

2014 General Bernard A. Schriever Award.

2014 Wernher von Braun Space Flight Trophy.

2014 Peter B. Teets Award.

2015 James V. Hartinger Award.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of the Congress, to give your personal views, even if those views differ from the Administration in power?

Yes.

[The nominee responded to Parts B–E of the Committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee’s answers to Parts B–E are contained in the Committee’s executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN E. HYTEN

This 24th day of March, 2016

[The nomination of General John E. Hyten, USAF was reported to the Senate by Chairman McCain on September 22, 2016, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 28, 2016.

